

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS REGULAR MEETING HELD MAY 19, 2025

PRESENT were PATRICIA CURRAN, E. JOHN SCHMIDT, JOHN MAINELLO and DARYL LOCKROW.

ABSENT was CHAIRPERSON ANN CLEMENTE.

ALSO PRESENT were WENDY KNEER and KEVIN MAINELLO, Brunswick Building Department.

Member Curran served as acting Chairperson for this meeting.

Member Curran reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The draft minutes of the April 21, 2025 regular meeting were reviewed. There were no edits or corrections to be made. Member Curran then made a motion to approve the minutes of the April 21, 2025 regular meeting without correction, which was seconded by Member Schmidt. The motion was unanimously approved and the minutes of the April 21, 2025 regular meeting were approved.

The first item of business on the agenda was an application for area variance submitted by Hal Smith for property located at 13 Heather Ridge Road. The applicant seeks an area variance in connection with the construction of an accessory apartment at that location. Fred Metzger, LS, was present for the applicant. Member Curran requested Mr. Metzger to generally review the application. Mr. Metzger stated that the applicant is seeking to construct an addition to the existing

residential structure for use as an in-law apartment being 20 feet by 35 feet in size; that the addition is proposed to be located 12.8 feet from the western side lot line, where the Brunswick Zoning Law requires 25 feet setback, and the applicant is requesting an area variance of 12.2 feet; that the eastern part of the lot is not buildable due to wetlands, and that the rear of the lot is predominately a septic field; and that the house location on the adjacent lot to the west leaves a significant separation between the proposed addition and the adjacent home, plus there is an existing vegetive buffer between the proposed addition and the adjacent home. The Zoning Board then opened a public hearing on the application. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the public hearing notice was published in the Troy Record, placed on the Town sign board, posted to the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Member Curran then opened the floor for the receipt of public comment. There were no public comments. Mr. Mainello then inquired whether than he could provide a comment in his capacity as a private owner of the adjacent lot, and not in his capacity as an Officer of the Brunswick Building Department. Attorney Gilchrist stated that Mr. Mainello could provide comment in his capacity as private lot owner. Mr. Mainello stated that he fully supports the area variance application. There were no further public comments. Member Curran asked Mr. Mainello if there had been any written comments on the application, and he stated that there had been none, either by written letter or email. There were no further questions or comments from the Zoning Board Members. Thereupon, Member Lockrow made a motion to close the public hearing, which was seconded by Member Mainello. The motion was unanimously approved, and the public hearing was closed. Member Curran stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review. The Zoning Board then reviewed the elements for consideration on the area variance requested in the application. As

to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Member Curran stated that the character of this neighborhood is single-family homes, and that the proposed addition would be consistent with that character; that the existing pine trees located between the proposed addition and the adjacent home will act as a vegetative buffer; and that 13 Heather Ridge Road is a 2.5 acre lot, which is large enough for this proposed addition. As to whether a feasible alternative was available, the Zoning Board Members concurred that given the location of wetlands and septic field on this lot, plus topographic considerations, there was no feasible or viable alternative for the proposed addition. As to whether the requested variance was substantial, the Zoning Board Members determined that it was not, taking into consideration the size of the lot at this location. As to whether the variance would create an adverse environmental impact, the Zoning Board Members noted that an adequate vegetative buffer existed between the proposed addition and the adjacent home, and that no drainage or runoff would be anticipated. As to whether the difficulty giving rise to the need for the variance was self-created, the Zoning Board Members noted that while the lot size was adequate for the proposed addition, wetlands and the location of the septic field made the buildability on this lot difficult, and the need for the variance should be considered not to be self-created in this case. Member Curran stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood, with consideration of the factors discussed. Thereupon, Member Schmidt made a motion to approve the requested area variance, which motion was seconded by Member Mainello. The motion was unanimously approved, and the area variance granted. Member Curran directed that the applicant continue to work with the Building Department, and also noted that this matter still required review

by the Brunswick Planning Board for a special use permit in connection with the accessory apartment use.

The second item of business on the agenda was the area variance submitted by David Irons for property located at 8 Clinton Avenue. The application requests one area variance for the expansion of an existing nonconforming structure that does not meet the current front yard setback requirements under the Brunswick Zoning Law. David Irons was present on the application. Member Curran requested that Mr. Irons generally review the application. Mr. Irons stated that he is proposing to add a small addition to the rear of his existing 1200 square foot house, which is located on a 4 acre lot; the house is considered a nonconforming use for front yard setback requirements, in that the Brunswick Zoning Law currently requires a 30 foot front yard setback and the house is located 20 feet from the front lot line; and that the proposed addition is in the rear of the house and will not further decrease the existing front yard setback distance. The Zoning Board then opened a public hearing on the application. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the public hearing notice was published in the Troy Record, placed on the Town sign board, posted to the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Member Curran then opened the floor for the receipt of public comment. There were no public comments. Member Curran then asked Mr. Mainello if there had been any written comments received by the Brunswick Building Department. Mr. Mainello stated that no written comments had been received, either by letter or email. The Zoning Board Members had no further questions or comments. Thereupon, Member Curran made a motion to close the public hearing, which was seconded by Member Mainello. The motion was unanimously approved, and the public hearing closed. Member Curran stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review.

Member Curran also noted that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project will not have a major impact on County plans and that local considerations shall prevail. The Zoning Board then reviewed the elements for consideration on the area variance requested in the application. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Member Curran noted that this was a small addition proposed for the back of the house, and that it would not be noticeable from the front or adjacent properties, and that no change would occur in the character of the neighborhood or create any detriment to nearby properties. As to whether a feasible alternative was available, the Zoning Board Members noted that the front yard setback is in noncompliance due to a change in the Zoning Law, and that there was no feasible alternative given the location of the existing residential structure on the lot. As to whether the requested variance was substantial, the Zoning Board Members concurred that this was not a substantial variance, and that the size of the proposed addition is very minor. As to whether the variance would create an adverse environmental impact, the Zoning Board Members concurred that the proposed addition is very small, and would not create any visual impact or drainage issues, and that the applicant was not proposing to remove any existing trees on the lot in connection with the addition. As to whether the difficulty giving rise to the need for the variance was self-created, the Zoning Board Members noted that the need for the variance was due to the amendment to the Brunswick Zoning Law, noting that the proposed addition to the house was very small, and that even if this was deemed self-created, it is not a determinative factor in this case. Member Curran stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood, and consider the factors discussed above. Thereupon, Member Lockrow made a motion to approve the requested area variance,

which motion was seconded by Member Schmitt. The motion was unanimously approved, and the area variance granted. Member Curran directed the Applicant to continue to work with the Brunswick Building Department.

The third item of business on the agenda was the application by Dan Levesque for a use variance and sign variance in connection with property located at 557, 559, and 561 Hoosick Road. Dan Levesque was present. Mr. Levesque stated that after the April Zoning Board meeting, Mr. Holbritter, who had appeared for Mr. Levesque at that meeting, was not able to continue to provide services to Mr. Levesque on this matter. Mr. Levesque stated that he understood some additional information was required, and asked whether he needed to fill out any further papers. Mr. Levesque stated that the required setbacks for these lots leave little options for development of the property. Attorney Gilchrist then generally reviewed the use variance standard and elements of proof that would need to be submitted for the Zoning Board to determine the application to be complete. Attorney Gilchrist also noted that the application seeks a sign variance, and that the applicant should review the sign law to determine any additional information that was required. Mr. Levesque stated that he would work on that additional submission, and requested to be placed on the June 16 agenda. This matter is placed on the June 16 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was an application by Ryan Rand for property located at 6 Bells Lane. Mr. Rand was present. Member Curran asked that Mr. Rand generally review the application. Mr. Rand stated that he was applying for an area variance in connection with the installation of a pre-fabricated shed on his property; that he understood an area variance was required because the proposed location of the shed is closer to the front lot line than the primary structure; that his lot is 4.3 acres in size, but that the house was located at the rear of the

lot; and that the proposed location for this shed is 100 feet from the front lot line and 30 feet from the side lot line, but would be located in front of the primary structure on the lot. Upon review of the application materials, the Zoning Board Members determined the application was complete for the purpose of scheduling the public hearing. This matter is scheduled for public hearing at the June 16 meeting, commencing at 6:00 p.m.

The second item of new business on the agenda was an area variance application submitted by Andrea Giles for property located at 373 North Lake Avenue. Andrea Giles was present. Member Curran asked the applicant to generally review the proposal. Ms. Giles stated that an area variance was being requested for the installation of an above-ground pool, which is proposed for location on the lot that would require a rear yard setback variance and side yard setback variance. Ms. Giles noted that there was a portable pool in the current location, and they are seeking to replace that with a permanent above-ground pool. Upon review of the application materials, the Zoning Board Members determined the application to be complete for purposes of scheduling the public hearing. This matter is scheduled for public hearing at the June 16 meeting, commencing at 6:15 p.m.

Member Curran than noted for the record that three pieces of correspondence had been received by the Zoning Board. The first correspondence was an email received regarding 557-561 Hoosick Road, which will be placed in the project file. The second correspondence received was a letter regarding the Maries Muse, LLC project, which will also be placed in the project file. The third item of correspondence received was a letter regarding the proposed commercial solar project submitted by CVE North America for property located on McChesney Avenue Ext., and that correspondence will also be placed in the project file.

The index for the May 19, 2025 regular meeting is as follows:

1. Smith – area variance – granted.
2. Irons – area variance – granted.
3. Levesque – use variance and sign variance (June 16, 2025).
4. Rand – area variance (June 16, 2025).
5. Giles – area variance (June 16, 2025).

The proposed agenda for the June 16, 2025 regular meeting is as follows:

1. Rand – area variance (public hearing to commence at 6:00pm).
2. Giles – area variance (public hearing to commence at 6:15pm).
3. Levesque – use variance and area variance.