

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 JUNE 16, 2025

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

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

The draft minutes of the May 19, 2025 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente then made a motion to approve the minutes of the May 19, 2025 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the May 19, 2025 regular meeting were approved.

Chairperson Clemente then reviewed the agenda for the meeting, as posted on the Town signboard and website. Chairperson Clemente noted that the use variance and sign variance applications submitted by Levesque have been adjourned to the July regular meeting at the request of the applicant.

The first item of business on the agenda was an application for area variance submitted by Ryan Rand for property located at 6 Bells Lane. The applicant seeks one area variance in connection with the installation of a shed closer to the fronting street than the principal building on the lot. Chairperson Clemente requested the applicant to indicate whether any changes were made to the application since the last meeting, and to present a brief overview of the proposal. Jennifer Rand was present, and stated that there were no changes to the application, and the

application requests permission to install a 10 ft. x 16 ft. shed closer to Bells Lane than their home located on the lot. The Zoning Board then opened the public hearing on the application. The Notice of Public Hearing was read into the record by Attorney Gilchrist, and it was noted that the Public Hearing Notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Prior to opening the floor for receipt of public comment, Chairperson Clemente inquired whether there was any feasible alternative location for the proposed shed. Ms. Rand stated that there was not a feasible alternative location to meet the applicant's needs, and that the proposed location was identified as it is 100 feet from Bells Lane but also within an area that has existing trees and vegetation which will help shield the shed from view, and is located away from the septic leach field on the property. Chairperson Clemente then opened the floor for the receipt of public comment. No members of the public wished to provide any comment on this application. Chairperson Clemente inquired whether any Zoning Board Members had questions on the application. No Zoning Board Members had any questions on this application. Thereupon, Chairperson Clemente made a motion to close the public hearing on this application, which motion was seconded by Member Mainello. The motion was unanimously approved, and the public hearing closed. Chairperson Clemente then noted that this application seeks an area variance in connection with a residential use, and constitutes a Type II Action under SEQRA, and no further environmental impact review is required. The Zoning Board Members then proceeded to review the elements for consideration on the area variance requested in the application. As to whether the required variance would result in an undesirable change in the character of the neighborhood or create a detriment to the nearby properties, Chairperson Clemente noted that the 10 ft. x 16 ft. shed was consistent with a residential use; the proposed location is screened well by existing trees; and

that the proposed location is approximately 100 feet from Bells Lane, and concluding that this variance would not result in an undesirable change in the character of the neighborhood or create a detriment to the nearby properties. As to whether a feasible alternative was available, Chairperson Clemente noted that the applicant had previously addressed this, and that on this record, there did not appear to be a feasible alternative meeting the applicant's needs for this shed. As to whether the requested variance was substantial, the Zoning Board Members noted that the proposed location was 100 feet off Bells Lane, that the house on this lot was approximately 500 feet off Bells Lane, that the lot was 4.32 acres in size in the R-40 Zoning District, and determined that this variance was not substantial due to the dimensional characteristics of this lot and the shed location. As to whether the variance would create an adverse environmental impact, it was noted that the shed is proposed to be located on crushed stone; there would not be any significant grading or increase in stormwater runoff; that there would be no noise produced; no general pollution concerns; and that the proposed use was consistent with this residential setting. As to whether the difficulty giving rise to the need for the variance was self-created, the Zoning Board noted that it was self-created but that this factor was not determinative in this case. Chairperson Clemente then 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 above. Thereupon, Member Mainello made a motion to approve the requested area variance, which motion was seconded by Member Lockrow. The motion was unanimously approved, and the area variance granted. Chairperson Clemente noted that the applicant was to continue to work with the Building Department in this matter.

The next item of business on the agenda was an application for area variances submitted by Andrea Giles for property located at 373 North Lake Avenue. The applicant is seeking two

area variances in connection with the installation of a pool at that location, with one area variance for side yard setback and one area variance for rear yard setback. Andrea Giles was present. Chairperson Clemente inquired whether there were any changes to the application since the last meeting. Ms. Giles stated that there were no changes to the application. The Zoning Board then opened the public hearing on this application. The Notice of Public Hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Towns signboard, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Chairperson Clemente then opened the floor for the receipt of public comment. No members of the public wished to comment on this application. Chairperson Clemente inquired whether any Zoning Board Members had any questions on this application. The Zoning Board Members did not have any questions. Chairperson Clemente noted that the review and recommendation of the Rensselaer County Department of Economic Development and Planning had been received, noting that this matter did not have a substantial impact on County plans, and that local consideration shall prevail. Chairperson Clemente then made a motion to close the public hearing on this application, which motion was seconded by Member Curran. The motion was unanimously approved, and the public hearing closed. Chairperson Clemente then noted that this application seeks an area variance in connection with a residential use, and constitutes a Type II Action under SEQRA, and that no further environmental impact review was required. The Zoning Board then reviewed the elements for consideration on the area variance requests. As to whether the requested variances would result in an undesirable change to the character of the neighborhood or create a detriment to the nearby properties, Member Curran noted that there would be no impact on the surrounding neighborhood in general or any of the nearby properties in particular, as this lot was wooded on both the side yard and rear yard area where the

pool was proposed to be installed and the requested variances were located. Chairperson Clemente also noted that the installation of a pool would be consistent with this residential neighborhood. As to whether a feasible alternative was available, Member Mainello noted that this lot was small in size, and that there was not a lot of room on the lot to put in a swimming pool; also, there had previously been a pool in this location and the property owners were simply looking to replace one pool with another pool. As to whether the requested variances were substantial, Chairperson Clemente noted that the proposed side yard setback is two feet, whereas 15 feet is required; and that the rear yard setback is proposed to be two feet, where 25 feet is required. However, Chairperson Clemente also noted that this was a 0.27-acre lot located in the R-25 Zoning District; that there was limited area on this lot for installation of a pool; that the rear yard line and side yard line most relevant on this application had existing trees to buffer neighboring properties, and stated that on this record, the requested variances should not be deemed substantial. As to whether the variances would create an adverse environmental impact, Member Lockrow noted that this was a proposed above-ground pool, and that there would not be much earth movement or runoff anticipated, and that given the existing trees was a secluded area providing an adequate visual buffer. As to whether the difficulty giving rise to the need for the variances was self-created, Member Lockrow noted that it was, but should not be deemed determinative on this application. Chairperson Clemente 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 above. Whereupon, Member Curran made a motion to approve both the side yard variance and rear yard variance as requested, which motion was seconded by Member Lockrow. The motion was unanimously approved, and the area variances granted. Chairperson Clemente noted that the applicant should continue to work with the Building Department in this matter.

There were no new business items.

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

1. Rand – area variance – granted.
2. Giles - area variances – granted.
3. Levesque – use variance and sign variance – adjourned at request of Applicant (July 21, 2025).

The proposed agenda for the July 21, 2025 regular meeting is as follows:

1. Levesque – use variance and sign variance.