

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 AUGUST 18, 2025

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

ABSENT was PATRICIA CURRAN

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

The draft minutes of the July 21, 2025 meeting were reviewed by the Zoning Board members. Upon motion of Chairperson Clemente, seconded by Member Lockrow, the minutes of the July 21, 2025 meeting were unanimously approved without amendment.

Chairperson Clemente then reviewed the agenda for the August 18 meeting, as posted on the Town signboard and Town website. Chairperson Clemente noted that at the request of the applicant, the application for use variance and for a sign variance submitted by Dan Levesque has been adjourned.

The first item of business on the agenda was the application for area variances submitted by John Debboli for property located at 34 Cranston Road. The applicant seeks two area variances in connection with the installation of a ground-mounted small scale solar collector system. John Debboli was present. Chairperson Clemente requested Mr. Debboli to give a brief overview of the project. Mr. Debboli stated that he is proposing to install a 30 foot x 20 foot solar array for his residential use; that the solar array is proposed for an area to the left of his backyard; that he had spoken with four (4) neighbors concerning the proposed project, and that these neighbors had no

problem with the proposal; and that he was seeking both a side yard setback and rear yard setback, with both the side yard and rear yard setback requirements in the Brunswick Zoning Law being 25 feet, and he is proposing setbacks for side yard and rear yard of 20 feet, and is requesting a 5 foot variance on both the side yard setback and rear yard setback for this solar array project. 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, posted on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the floor for receipt of public comment. Joseph Degiorgio, 4 Banbury Road, asked how far this solar array would be off Cranston Road; further asked where the solar array would be set up in relation to the Debboli house, whether it would be in the backyard or the side; and that there were a lot of deer in this area and was concerned about the project impact upon the deer. Mr. Debboli responded by showing Mr. Degiorgio the site plan locating the array in relation to the Debboli house, noting that the array would be behind the adjacent home owned by Meyer; that some trees would be removed for the solar installation, but that he was trying to keep the amount of tree removal to a minimum so as to preserve vegetative screening, stating that the solar array would not be visible from Cranston Road. Karen Pascucci, 2 Banbury Road, stated that we should be trying to keep Brunswick beautiful; solar panels should not be located on the ground, but should rather be on the roof; and that no one wants to see solar panels in their neighborhood. Chairperson Clemente summarized the issues raised as including aesthetic or visual impact, visibility from Cranston Road, and impact upon the deer population. Ms. Pascucci stated that this solar array will be an eyesore to the neighborhood. Mr. Debboli responded by stating that there were plenty of deer in and around his property, and that the deer would not be impacted by the solar array installation, and that many solar installations

are in the countryside and allow ample area for deer to roam; that he was trying to balance the solar array installation while minimizing visual impact; that the solar array was located behind the Meyer home and that Meyer has no problem with the project; that the solar array will be well screened with vegetation, setback off Cranston Road about 100 feet, and that while some trees will be removed, they are preserving as much as possible to maintain a vegetative barrier. Doug McClaren, the solar array installer attending with Mr. Debboli, stated that he did agree solar panels can look unattractive, but must be installed in proper locations; that he does not like to see solar panels on roofs, where they are visible and create potential issues for the house, including water leaks through the roof; that he preferred ground-mounted solar arrays, as they can be installed without affecting the view significantly; that there can be minimal impact aesthetically when the solar arrays are positioned correctly; and that the solar arrays were providing a source of renewable energy with a positive impact on the environment. It was confirmed that a total of 24 solar panels were being proposed, with a total solar array area of 30 feet by 20 feet. Ms. Pascucci again asked if trees would be cut for this project. Mr. Debboli stated that only a limited number of trees were proposed to be cut, and that he was trying to balance the number of trees to be removed to allow for solar energy production while maintaining existing vegetation to provide a vegetative barrier. Ms. Pascucci stated that it was doubtful if any home owner would recoup the investment needed for solar panel installation or that there would be a significant impact upon the existing electric bill, and that solar panels generally do not do what they are supposed to do in terms of economic investment; Ms. Pascucci repeated that she wanted to keep Brunswick beautiful, and not full of solar farms. Chairperson Clemente wanted to confirm the angle of the solar panel array when viewed from Cranston Road. Following discussion, it was confirmed that when looking directly from Cranston Road, the solar panel array would be viewed as a cross-section, and that the only

part visible would be the supporting posts; that while there were a total of six posts that would be installed, the posts would be in two rows with three posts in each row, so that the view directly from Cranston Road would show only the first post in each row, for a total of two posts being visible directly from Cranston Road. Member Mainello wanted to confirm the maximum height of the solar array, which was confirmed at 11 feet. Chairperson Clemente followed up with a question concerning the total number of existing trees and total number of trees proposed to be removed. Mr. Debboli stated that there were 4-5 trees that are 30 to 40 feet in height, and that two or three trees were proposed to be removed; that there were bushes and other brush at the site that would be maintained. Chairperson Clemente asked if the existing bushes and brush would serve as a visual barrier to the posts, which Mr. Debboli confirmed; Mr. Debboli did state that the height of the bushes and brush would not go all the way to the top of the array, as the existing bushes and brush were not 11 feet in height. Chairperson Clemente asked whether there was an alternative location on the Debboli lot for the solar array. Both Mr. Debboli and Mr. McClaren responded by stating that there was a topography issue directly behind the Debboli home; that directly behind the Debboli home would not be most beneficial from a solar energy production and efficiency standpoint; that the proposed location was targeted because it hides the array to the maximum extent possible, while balancing between visual impact and solar panel efficiency; that while a smaller solar array could work, it would require additional vegetation removal in order to eliminate shading, and that the larger array has been proposed because existing vegetation and trees would remain; and Mr. Debboli confirmed that there was also an economic benefit to maintaining trees, as the cost to remove trees can be substantial. Member Mainello asked about the elevation change between Cranston and the proposed solar array. Mr. Debboli and Mr. McClaren stated that the array would be approximately 5-7 feet above the road elevation. Member Mainello inquired as to

how much of the existing vegetative barrier would be left between the solar array and Cranston Road after installation. Mr. McClaren stated that it was hard to estimate, but that the majority of vegetation will remain; Mr. McClaren also repeated that there were topography and slope issues at other locations on the property, as well as consideration of the existing septic system on the lot; that there was a powerline traversing the parcel which also limits the solar array location; that the existing bushes and brush is very gnarly and about 5-7 feet tall; and that while there will be a 10 foot area around the array that will be cleared, there is at least another 10 feet of existing vegetation around the solar array that will be maintained. Ms. Pascucci asked if this project were allowed would everyone in her neighborhood be able to put in a solar farm. Chairperson Clemente stated this was a proposed solar array, not a solar farm, and that where solar arrays were allowed in the Town of Brunswick was the subject of the Brunswick Zoning Law, and requested Attorney Gilchrist to generally review the Brunswick Zoning Law provisions pertaining to solar installations. Attorney Gilchrist generally reviewed the Brunswick Zoning Law pertaining to solar installations. Ms. Pascucci stated this solar array will be 11 feet tall, that it will be unsightly, and that a privacy fence should be required. Chairperson Clemente stated that the concern raised by Ms. Pascucci about the solar array being unsightly and visible from Cranston Road was not consistent with what has been presented at this meeting, and asked the applicant to respond to this concern. Mr. Debboli stated that the panels would not face Cranston Road, but would only be seen as a cross-section with the posts being the only part that would be visible, but they were likewise covered by existing vegetation; Mr. McClaren wanted to clarify that as one was traveling on Cranston Road, you may be able to see the solar panels from the south, as well as the back of the array from the north, but would only see the cross-section when looking directly opposite the solar array directly from Cranston Road. Chairperson Clemente inquired whether the Brunswick

Building Department had received any other written comments on this application. Mr. Mainello confirmed that the Brunswick Building Department was not in receipt of any written comments on this application, either by letter or email. No members of the Zoning Board had any further questions on the application. Thereupon, Chairperson Clemente made a motion to close the public hearing on this action, which motion was seconded by Member Lockrow. The motion was unanimously approved, and the public hearing closed. The Zoning Board was then prepared to deliberate and act on the application. Chairperson Clemente stated that this action constituted a Type 2 action under SEQRA, and no further environmental impact determination was required. Chairperson Clemente then stated the elements for consideration on the area variance requests would be reviewed. As to whether the proposed variances would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente noted that the character of this area is residential, and that the solar array size is proposed to be 30 feet x 20 feet on six posts, and that the solar energy production would be used for residential use consistent with the neighborhood; that the solar array visibility is mitigated by maintaining existing vegetation, and that the neighbor closest to the array (Meyer) has not objected to the proposal; Member Schmidt also noted that the solar array may change the character of the neighborhood, but that the Brunswick Zoning Law allows for the solar array installation, and that the only issue in front of the Zoning Board of Appeals is the setback variances, which are minimal, and that the setback variances will not change the character of the area. As to whether there was a feasible alternative to the requested variances, Member Lockrow noted that Mr. Debboli was trying to hide the solar array and maintain a vegetative barrier, and this resulted in needing to get closer to the boundary line, and felt that in this case there was not a feasible alternative available. As to whether the requested variances are substantial, Chairperson Clemente noted that the lot size

is 1.4 acres, that the required rear yard setback and side yard setback are 25 feet, and that a variance of 5 feet resulting in setbacks of 20 feet for rear yard and side yard were not substantial. As to whether the requested variances would have an adverse effect on the physical or environmental conditions in the neighborhood, Chairperson Clemente noted that this factor primarily addressed environmental issues including noise, odor, water, sewer, stormwater runoff, and impact to public services, and that none of these issues would be impacted by this application. As to whether the need for the variances was self-created, Member Mainello stated that the need for the variances was self-created, but that Mr. Debboli had the right to put up the solar array as it is allowed under the Brunswick Zoning Law, and that he was trying to hide the solar array and create a vegetative visual barrier, resulting in the need for minimal variances, and while the need was self-created, this factor should not be determinative in this case. Chairperson Clemente noted that the Zoning Board must balance the benefit to the applicant in granting the variances as opposed to any detriment to the neighborhood in particular or the area in general; in doing so, Member Mainello made a motion to grant the requested rear yard variance and side yard variance in this case, which motion was seconded by Member Lockrow. The motion was unanimously approved, and the area variances granted. Chairperson Clemente requested that the applicant continue to work with the Brunswick Building Department in this matter. It is noted for the record that Mr. Debboli has a pending application for special use permit at the Brunswick Planning Board pertaining to the proposed solar installation.

The second item of business on the agenda was the area variance application submitted by Sarah Legnard for property located at 75 Oneida Avenue. The applicant seeks an area variance in connection with the alteration of an existing nonconforming structure, specifically requesting a variance allowing for the installation of new roof trusses and enlargement of a front porch. Sarah

Legnard was present. Chairperson Clemente requested Ms. Legnard to present a brief overview of the proposal. Ms. Legnard stated that they are looking to put in a new roof system, a gambrel roof which will allow some additional storage on the property, and also to replace the front porch, which would go the full width of the house but not closer to Oneida Avenue. 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, posted on the Town signboard, posted on the Town website, and mailed to all owners of properties located within 300 feet of the project site. Chairperson Clemente then opened the floor for the receipt of public comment. Christie Fronhofer, 72 Oneida Avenue, stated that she lived opposite the Legnards; the Legnards are great neighbors, and that they want the Legnards to stay in the neighborhood; that she fully supported this application for variance; and handed up a letter from an adjacent neighbor in support of the project. Sarah Legnard also stated that she had spoken with several neighbors, including Nick Esposito and Scott Walsh, and that they were supportive of the application. No other members of the public wished to provide any comment. Chairperson Clemente inquired whether there were any questions or comments from the Zoning Board members and there were none. Chairperson Clemente then asked Mr. Mainello whether the Brunswick Building Department was in receipt of any written comments on this application. Mr. Mainello stated that the Brunswick Building Department had not received any written comments on this application, either by letter or email. 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. The Zoning Board members then were prepared to deliberate on the application. Chairperson Clemente confirmed that this is a Type 2 action under SEQRA, and no further determination of environmental significance is required. The

Zoning Board members then reviewed the elements for consideration on the requested area variance. 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, Chairperson Clemente noted that the structure on this lot is considered nonconforming due to the current Brunswick Zoning Law area and bulk requirements, that the applicants were looking to increase the height of the roof line in order to provide additional storage without extending the footprint of the structure, and enlarging the front porch would be consistent with the neighborhood. As to whether a feasible alternative existed, Member Mainello noted that there was no area on the lot to increase the footprint of the structure, and that extending the height of the roof was the only viable option to increase storage on the property. As to whether the requested variance is substantial, it was noted that this property is located in the R-9 Zoning District, that this lot is small in size, that renovation to the existing primary structure is being proposed, and that the application for variance is not substantial in this case. As to whether the variance would result in an adverse effect on the environmental or physical conditions in the neighborhood, the Zoning Board members confirmed there would be no impact, and that the proposal was consistent with the character of the neighborhood. As to whether the need for the variance is self-created, it was noted that the Brunswick Zoning Law current area and bulk standards rendered the structure nonconforming, and that the need for the variance should not be viewed as self-created in this case. Chairperson Clemente confirmed that the Zoning Board must balance the benefit to the applicant in granting the requested variance as opposed to any detriment created to the neighborhood in particular or the area in general. When considering this, Member Mainello made a motion to grant the requested variance, which motion was seconded by Member Lockrow. The motion was unanimously

approved, and the variance granted. Chairperson Clemente requested that the applicant continue to work with the Brunswick Building Department on this matter.

It was again confirmed that the use variance and sign variance application submitted by Dan Levesque has been adjourned at the request of the applicant.

There were two items of new business discussed.

The first item of new business discussed was an application submitted by Donald Gregware, DMG Contracting Inc., on behalf of Robert Goldman, property owner, concerning property located at 1 Deerfield Drive. Don Gregware was present. Chairperson Clemente noted that the property owner, Robert Goldman, had submitted a letter requesting that Mr. Gregware be allowed to represent him at this Zoning Board of Appeals meeting, and Chairperson Clemente then requested Mr. Gregware to provide a brief overview of the project. Mr. Gregware stated that the property owner was proposing to install a storage shed and picnic area at the end of their existing pool, which requires a side yard setback variance, and that the Brunswick Zoning Law requires a side yard setback of 25 feet, and that a setback of 5 feet is being proposed. Chairperson Clemente asked about the size of this lot. Mr. Gregware stated that this was a corner lot, and just under one acre in size. Mr. Mainello confirmed that the lot size is 0.92 acre. Chairperson Clemente asked if there was anything existing separating the pool from the adjacent neighbor. Mr. Gregware stated that there was an existing 6-foot wooden stockade fence, and that the neighbor located at 3 Deerfield Drive is okay with the proposed project, since the shed structure would provide additional privacy. Chairperson Clemente confirmed that this was a right-side yard setback variance request, which was confirmed by Mr. Mainello. Chairperson Clemente asked if there was an alternative location for the proposed shed and picnic area in relation to the pool. Mr. Gregware stated that there were lot constraints including septic field location, the location of the existing

pool in relation to the house, topographic restrictions, and that there was an existing plastic storage shed in the area proposed for the new shed. Chairperson Clemente and Zoning Board members confirmed that the application was complete for public hearing. The public hearing is scheduled on this application for September 15, 2025 commencing at 6:00 p.m. Chairperson Clemente confirmed that the property owner granted permission to the Zoning Board members to visit the site.

The second item of new business discussed was an area variance application submitted by Andrew Polinsky for property located at 15 Berkshire Drive. Mr. Polinsky was in attendance. Chairperson Clemente requested Mr. Polinsky to present a brief overview of the project. Mr. Polinsky confirmed that he had obtained a rear setback variance from the Zoning Board approximately six months ago for the installation of a pool, but after the variance had been granted both he and his wife had concluded that they wanted to move the pool location closer to the side yard property line, which is adjacent to a vacant lot also owned by Polinsky, but given the side-yard boundary line, a setback of 15-feet is required, and that the new pool location is proposed to be 5-feet from the side lot line. Mr. Polinsky did confirm that he and his wife own the parcel adjacent to the side lot line, that the parcel is vacant and they have no intention of building on it, that the pool location would still be 5-feet off the rear lot line, which he is requesting to be renewed by the Zoning Board in connection with this proposal, and that he is seeking a side setback variance allowing him to put the pool in 5-feet from the side lot line. Chairperson Clemente and the Zoning Board members confirmed that the application was complete to schedule a public hearing. The public hearing on this application is scheduled for September 15, 2025 commencing at 6:15 p.m. Chairperson Clemente confirmed that the Zoning Board members were granted permission to visit the site.

The index for the August 18, 2025 meeting is as follows:

1. Debboli – area variance – granted.
2. Legnard – area variance – granted.
3. Levesque – use variance and sign variance – adjourned at request of applicant.

The proposed agenda for the September 15, 2025 meeting currently is as follows:

1. Goldman – area variance (public hearing to commence at 6:00 p.m.).
2. Polinsky – area variance (public hearing to commence at 6:15 p.m.).