

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 SEPTEMBER 15, 2025

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

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

The Zoning Board Members reviewed the draft minutes of the August 18, 2025 meeting. Upon motion of Chairperson Clemente, seconded by Member Mainello, the draft minutes of the August 18, 2025 meeting were unanimously approved without amendment.

Chairperson Clemente reviewed the agenda for the meeting, as posted on the Town signboard and Town website.

The first item of business on the agenda was the application for area variance submitted by Robert Goldman pertaining to property located at 1 Deerfield Drive. Robert Goldman was present. Chairperson Clemente requested that Mr. Goldman provide a brief overview of the project, and indicate whether any changes have been made to the application since the last meeting. Mr. Goldman stated that he was looking to install a pool shed in the northwest corner of his property that would be located approximately 5 feet from the side-yard lot line, and that there have been no changes to the application since the last meeting. 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 had been 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 the receipt of public comment. No members of the public wished to comment on this application. Chairperson Clemente then inquired whether any Zoning Board members had any questions or comments on the application, and there were none. Chairperson Clemente inquired with Mr. Mainello as to whether any written comments had been received on this application, and Mr. Mainello responded that no written comments had been received on this application, either by letter or email. Thereupon, Chairperson Clemente made a motion to close the public hearing on the Goldman area variance application, 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 request would be reviewed. As to whether the proposed variance would result in an undesirable change in the character of the neighborhood or a create a detriment to nearby properties, Chairperson Clemente noted that this property is located in the R-40 Zoning District, that in this particular neighborhood outbuildings and garages were common, that outbuildings and garages in this neighborhood allowed homeowners to store belongings and enjoy their properties, and that this proposed shed would not create any undesirable change in the character of this neighborhood or create a detriment to nearby properties. As to whether there was a feasible alternative to the requested side-yard area variance, Chairperson Clemente noted that there were certain constraints on this 0.92-acre lot that limited the areas for the shed to be placed, including the location of the existing septic field, the location of the existing pool, as well as certain topographical constraints; the Zoning Board determined that there was not a feasible alternative in this case. As to whether the requested area variance is

substantial, Chairperson Clemente confirmed that the applicant is seeking a right-side yard variance, that 25 foot is required and the proposal is for a 5 yard setback, but that this is a 0.92-acre lot in the R-40 Zoning District, and also noted that there is a 6 foot wooden stockade fence between this proposed shed and the abutting neighbor, and that the abutting neighbor had not provided any comment on this application, and the Zoning Board members concurred that the requested area variance should not be considered substantial in this case. As to whether the requested variance would have an adverse effect on the physical or environmental conditions in the neighborhood, Member Mainello stated that there would not be any negative physical or environmental impacts given the size of the structure in relation to the size of the lot, and did not anticipate any construction-related impacts. As to whether the need for the variance was self-created, the Zoning Board members concurred that it is self-created, but on this application, 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 variance as opposed to any detriment to the neighborhood in particular or the area in general; in doing so, Member Lockrow made a motion to approve the requested side-yard setback variance, which motion was seconded by Member Mainello. The motion was unanimously approved, and the area variance granted. Chairperson Clemente requested that the applicant continue to work with the Brunswick Building Department in this matter.

The next item of business on the agenda was the application for area variance submitted by Andrew Polinsky for property located at 15 Berkshire Drive. Andrew Polinsky was in present. Chairperson Clemente requested that Mr. Polinsky provide a brief overview of the proposal, and indicated whether any changes have been made to the application since the last meeting. Mr. Polinsky stated that there had been no changes to the application since the last meeting; that the

Zoning Board had granted an area variance for rear-yard setback in May, and was asking for that variance to be extended; that he is seeking a side-yard setback variance for the installation of his proposed pool, but that he owns both lots; that he is proposing a 5-yard setback variance, where 15 feet is required under the Brunswick Zoning Law; that while he obtained a variance in May for one pool location, he has determined that an alternate location is preferred by both he and his wife for the pool installation, which requires the side-yard setback variance; and that there should be no impact from this proposal, as he owns both of these lots. The Zoning Board then opened the public hearing on the application. The Notice of Public Hearing was read into the record, noting that the Public Hearing Notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of 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 provide comment. Chairperson Clemente inquired whether any of the Zoning Board Members had questions or comments on the application, and there were none. Chairperson Clemente did raise a question as to whether the applicant is seeking a rear-yard setback variance in this application, or seeking an extension of a prior rear-yard setback variance that had been granted. Mr. Polinsky stated that he was seeking an extension of his prior rear-yard area variance. Chairperson Clemente asked Attorney Gilchrist as to whether the rear-yard variance could be extended. Attorney Gilchrist stated that area variances should be viewed as being particular to the specific proposal, and that since a new pool location is being proposed currently, the Zoning Board should be considering both a side-yard setback variance as well as a new rear-yard setback variance. Mr. Polinsky responded by describing the new pool location; that he was looking to maintain a 5-foot rear-yard setback with the new pool location, and felt that the prior yard variance should still be in effect. Mr. Mainello stated that the applicant is requesting two

variances in this matter, both a new rear-yard setback variance and a side-yard setback variance. Given this determination of the Brunswick Building Department, the Zoning Board will consider both a rear-yard setback and a side-yard setback in this matter. Hearing no further public comment or questions from the Zoning Board members, Chairperson Clemente made motion to close the public hearing on the Polinsky area variance application, 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, Member Schmidt stated that this proposed pool location was not visible to neighbors or the public road, and would not change the character of the neighborhood or create a detriment to nearby properties, and the Zoning Board members concurred. As to whether there was a feasible alternative to the requested variances, Member Mainello noted that the applicant was seeking to maintain landscaping and stone work on his property, and that this new proposed pool location was the most feasible on the lot, and the Zoning Board members concurred. As to whether the required variances were substantial, the Zoning Board noted that this was a 1-acre lot in the R-25 Zoning District, that the pool was well hidden, that the pool location would maintain existing vegetation and the most conducive to the existing topography on the lot, and determined that the variances should not be deemed substantial in this case. As to whether the requested variances would have an adverse effect on the physical or environmental conditions in the neighborhood, the Zoning Board members did not identify any impact of concern. As to whether the need for the

variances was self-created, the Zoning Board members determined that it was self-created, but 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 Curran made a motion to grant the side-yard setback variance and rear-yard setback variance, which motion was seconded by Member Schmidt. The motion was unanimously approved, and both the side-yard setback variance and rear-yard setback variance were granted. Chairperson Clemente requested that the applicant continue to work with the Brunswick Building Department in this matter.

There were two items of new business discussed.

The first item of new business discussed was an application for two rear-yard setbacks submitted by Richard Ambuske for property located at 16 East Road. Richard Ambuske was present. Chairperson Clemente requested Mr. Ambuske give a brief overview of the proposal. Mr. Ambuske stated that he was looking to construct a pergola over a patio that would be approximately 10 feet by 10 feet, and also looking to construct a wooden deck off the house that would be approximately 10 feet by 16 feet, and neither structure would be attached to the home. Mr. Ambuske stated that he did need rear-yard setback variances for each structure, with the pergola being approximately 7 feet from the rear lot line, where a 25 feet setback is required under the Brunswick Zoning Law; and that the deck would be approximately 18 feet from the rear yard lot line, where 25 feet is required under the Brunswick Zoning Law. Mr. Ambuske did state that the reason his rear yard lot line is in its current location is that NYSDOT previously took part of this lot due to a slope failure. In response to a Zoning Board inquiry, Mr. Ambuske stated that the location for the pergola and deck was picked to provide some shade in an area of the lot which receives a lot of sun. The Zoning Board determined that the application was complete, and set a

public hearing on this application for the October 20 meeting to commence at 6 pm. Mr. Ambuske granted the Zoning Board members permission to visit the site.

The second item of new business discussed was an application submitted by Bohler Engineering seeking sign variances in connection with the QuickChek Convenience Store located at 727-737 Hoosick Road and 4 Mohawk Avenue. The applicant name is QuickChek Corporation, and the property owner is Marie's Muse LLC. A representative of Bohler Engineering was present. The requested sign variances were reviewed, which include variance requests for size of a proposed pylon sign; signs located on the fuel pump canopies; number and location of wall signs on the QuickChek building; total number of signs; and total area of all signage. The Zoning Board had questions concerning the proposed pylon sign, the fuel canopy signs, the signs noting the QuickChek brand logo, the height of the pylon sign, and the size of the letters on the front wall sign. Chairperson Clemente noted that it would be helpful to have data on signs at other gas stations located on Hoosick Road; data on the size of the Walmart Plaza pylon signs; and data on the Price Chopper Plaza pylon sign. Attorney Gilchrist stated that this data would be relevant in consideration of the QuickChek sign variance application. Member Mainello also stated that it would be good to have data on the Sunoco gas station located on Route 2. The Zoning Board inquired whether all of the proposed QuickChek signs would be lighted, given that the hours of operation for the QuickChek convenience store is 24/7. The Bohler representative did state that all signs would be lit, but none of them are facing residential neighbors. Chairperson Clemente noted that additional information was required on this application, as well as submitting clean and final application documents, and noted that this matter will be placed on the October 20 meeting agenda for further discussion but not for purpose of public hearing at this time. Attorney Gilchrist

also stated that the applicant will need to submit an Environmental Assessment Form pursuant to SEQRA. This matter is placed on the October 20 agenda for further discussion.

The index for the September 15, 2025 meeting is as follows:

1. Goldman – area variance – granted.
2. Polinski – area variances – granted.
3. Ambuske – area variance – October 20, 2025 (public hearing to commence at 6pm).
4. QuickCheck Corporation – sign variances – October 20, 2025.

The proposed agenda for the October 20, 2025 meeting currently is as follows:

1. Ambuske – area variances (public hearing to commence at 6:00 p.m.).
2. QuickChek Corporation – sign variances .