

## **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 OCTOBER 20, 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 September 15, 2025 meeting. Upon motion of Chairperson Clemente, seconded by Member Curran, the draft minutes of the September 15, 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 Richard Ambuske pertaining to property located at 16 East Road. Mr. Ambuske's construction contractor was present on behalf of the applicant, with the consent of the Zoning Board. Chairperson Clemente requested that Mr. Ambuske's contractor provide a brief overview of the project, and indicate whether any changes have been made to the application since the last meeting. Mr. Ambuske's contractor stated that there have been no changes to the application since the last meeting; that the property owners were seeking to install a deck and pergola at this location; that neither the deck nor pergola would be attached to the house; that rear yard setback variances were required for both the deck and pergola; that the deck is proposed to be 18 feet from the rear yard lot line where 25 feet is required; that the pergola is proposed to be 7 feet from the rear yard lot

line where 25 feet is required; and that the variances are required as NYS had taken a portion of this rear yard as part of a right-of-way 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 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 Ambuske area variance application, which motion was seconded by Member Mainello. 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 noted that comment had been received from the Rensselaer County Department of Planning stating that this action did not impact County plans and local consideration shall prevail. Chairperson Clemente also 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 a create a detriment to nearby properties, Chairperson Clemente noted that this proposed use is consistent with the character of the East Road neighborhood, that the proposed improvement would enhance the owners' outdoor use of their property without impact to their neighbors, that

the rear yard abuts the slope down to NY Route 2, and that the variances would not result in an 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 rear-yard area variances, Member Mainello stated that there were not any feasible alternatives, as the slope failure in the rear yard area and the taking by NYS limited the areas for these improvements, and the Zoning Board members concurred. As to whether the requested area variances are substantial, Chairperson Clemente confirmed that a 25-foot rear yard setback is required and the proposal is for a 18-foot setback for the deck and a 7-foot setback for the pergola, but that this is an existing 0.80-acre lot in the R-40 Zoning District, that these are rear yard variances that will not impact any neighbors as the rear lot line abuts the Route 2 corridor, that the lot is otherwise well screened, and that the variances are required in the most part due to the NYS taking after the slope failure and road improvement project; the Zoning Board members concurred that the requested area variances should not be considered substantial in this case. As to whether the requested variances 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 in this case given the limited construction proposed. As to whether the need for the variances was self-created, the Zoning Board members concurred that it is not self-created in this case given the NYS taking of a portion of this lot's rear yard. 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 approve the requested rear-yard setback variances, 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.

The next item of business on the agenda was the 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. Tim Freitag, PE of Bohler Engineering was present, together with Stuart Kimmel of QuickChek Corporation. Mr. Freitag reviewed the updated application materials dated October 20, in which the variance requests have been reduced. Mr. Freitag stated that the requested size of the free-standing sign has been reduced from 240 total square feet to 160 square feet/ 80 feet per side; that the reduced size of the free-standing sign is to be more consistent with the size of similar free-stranding signs that are located on the Hoosick Road corridor; and that this free-standing sign is proposed to be located at the signalized intersection so that it can be seen in advance of cars entering that intersection for safe maneuvering. Mr. Freitag then generally reviewed the free-standing sign cut sheet. Mr. Freitag then stated that two fuel canopy signs are requested on the east and west sides of the canopy located closest to Hoosick Road, and that the QuickChek gas branding is important so that customers know it is QuickChek gas and not another gas supplier different from the convenience store owner at this location. Mr. Freitag then stated that a variance for wall signage is requested for a "Q" logo on the south (front) and east side of the elevated roof line in the area of the front door; that the east side of the elevated roof line is important so that vehicles traveling in a westerly direction will see the QuickChek logo well in advance of the signalized entrance which will encourage use of the signalized entrance rather than Mohawk Avenue. Mr. Freitag also stated that a sign which had been proposed for the Mohawk Avenue entrance /exit has been removed. Mr. Freitag then

reviewed the total number of requested sign variances: (1) size of the free-standing sign (70 square feet is allowed and 160 square feet is proposed); (2) 2 signs on the fuel canopy (0 signs are allowed and 2 signs are proposed at a total of 45.2 square feet); (3) “Q”-logo signage located above the roof line (3-feet above roof line allowed and 2 signs at 3-feet 9-inches above roof line are proposed); (4) total number of signs (2 signs allowed and 6 signs are proposed); and (5) total square footage of signs (300 square feet allowed and 308 square feet is proposed). Mr. Freitag stated that the reduced sign requests are consistent with existing signage along the Hoosick Road corridor. Mr. Mainello reviewed information compiled by the Building Department on other commercial signage on the Hoosick Road corridor. Chairperson Clemente asked which signs are proposed to be lighted. Mr. Freitag stated that the “QuickChek” sign above the front door will be lit, the “Q” logos above the roof line will be lit, the “Q” on the canopy will be lit, and the free-standing sign will be lit. Member Mainello asked whether the store will be open 24 hours, and whether the signs will be lit 24 hours. Mr. Freitag stated that the store hours are 24 hours and the signs will be lit when the store is open. Mr. Mainello confirmed that the size of the letters on the wall signage is compliant, and that it just the height of the “Q” logos that requires the variances. The Zoning Board discussed directional signage on the site, and also confirmed that the current interpretation of the Building Department is that signage up to 2 square feet is allowed on fuel dispensers. In response to a question by Member Mainello, Mr. Freitag confirmed that no window signage in the nature of clings will be used at the QuickChek. The Zoning Board noted that the 911 address must be added to the proposed free-standing sign. Member Mainello noted that he appreciated the reduction in the proposed free-standing sign size to be more consistent with existing signage along the Hoosick Road corridor, as the size originally proposed by QuickChek was too large. The Zoning Board would like information as to the proposed location of the free-standing sign for the

remainder part of this project, which is the retail buildings located on a separate and adjacent parcel on the east side this project site. Chairperson Clemente asked whether there are any feasible alternatives to the proposed sign package. Mr. Freitag stated there is not any alternative for the free-standing sign, and that a significant size reduction was already made; that QuickChek's typical wall signage package includes 4 signs, and that has already been reduced as part of this application; that if the "Q" logo sign is removed from the east side of the roof line, it will be more likely that customers will use the Mohawk Avenue entrance since vehicles traveling in a westerly direction may not see the QuickChek store until after the signalized entrance, and that the majority of QuickChek customers are drive-by as opposed to destination-type customers; and that the canopy signage is requested so that customers understand the gas is from QuickChek, not another fuel supplier. The Zoning Board inquired whether just the "Q" logo would suffice on the canopy rather than both the "Q" logo and the name "QuickChek". Mr. Freitag stated that both must be used as it is part of the QuickChek branding. Chairperson Clemente asked whether the size of the gas prices on the free-standing sign could be reduced. Mr. Freitag stated the size had already been reduced in this updated application submittal, and that the size is now consistent with other signs along the Hoosick Road corridor. It was determined that SEQRA will be applied to this sign variance application, and the Short EAF was reviewed. The Zoning Board concluded that the application is complete for public hearing. A public hearing will be held on this sign variance application at 6pm at the November 17 meeting.

Three items of new business were discussed.

The first item of new business was an area variance application submitted by Robert and Jessica Gould for property located at 538 McChesney Avenue Extension. Bob Gould was present. Mr. Gould explained that he was seeking to install a 28-foot by 46-foot garage, but that it will be

located 10-feet from the side lot line where a 15-foot setback is required. Chairperson Clemente first noted that this lot is located in the R-15 Zoning District, and is not a corner lot. Chairperson Clemente then asked if there were any alternative locations available on the lot that would not require a variance. Mr. Gould stated that there was not, as his well is located in the rear yard, his septic field is located in the front yard, the other sides of the lot is wooded, and that this location is best suited in relation to his existing driveway. Mr. Mainello confirmed that the size of the garage is compliant, and that the only issue is the side yard setback. The Zoning Board found the application to be complete for holding a public hearing, which has been scheduled for 6:15pm at the November 17 meeting. Mr. Gould confirmed that he ZBA members had permission to visit the site.

The second item of new business was an application for area variances submitted by Alex Bevis for property located at 318 Plank Road. Alex Bevis was present. Mr. Bevis explained that he is seeking to install a 26-foot by 31-foot garage on his property, but that a front yard setback variance is required, and also another variance is needed because the garage would be located closer to the front road than the primary structure. Chairperson Clemente asked whether there were any feasible alternative locations that would not require variances. Mr. Bevis explained that his lot is already about 20 feet above the public road, that his back yard is very steep, that his septic field is also located in the front yard, and that there is not another viable location for the garage. The Zoning Board found the application to be complete for holding a public hearing, which has been scheduled for 6:30pm at the November 17 meeting. Mr. Bevis confirmed that he ZBA members had permission to visit the site.

The third item of new business discussed was an application for area variance submitted by Eugene Boomhower for property located at 103 Kreiger Lane. Mr. Boomhower was present.

Mr. Boomhower explained that he has built a new home at this location, and that the garage structure has also been built, but that there was an issue with his architect on the prior plans and that the garage is actually 1680 square feet but that the Brunswick Zoning Law does not allow an accessory structure over 1500 square feet. The lot is located in the R-40 Zoning District, and is 7.2 acres. Mr. Boomhower explained that the garage meets all setback requirements, but requires a variance for size. Mr. Boomhower and the ZBA members reviewed the site plan for the site, and Mr. Boomhower noted that he had worked with his neighbor on the building locations on the lot. The Zoning Board found the application to be complete for holding a public hearing, which has been scheduled for 6:45pm at the November 17 meeting. Mr. Boomhower confirmed that the ZBA members had permission to visit the site.

The index for the October 20, 2025 meeting is as follows:

1. Ambuske – area variances – granted.
2. QuickChek Corporation – sign variances – November 17, 2025 (public hearing to commence at 6:00pm).
3. Gould- area variance- November 17, 2025 (public hearing to commence at 6:15pm).
4. Bevis- area variances- November 17, 2025 (public hearing to commence at 6:30pm).
5. Boomhower- area variance- November 17, 2025 (public hearing to commence at 6:45pm).

The proposed agenda for the November 17, 2025 meeting currently is as follows:

1. QuickChek Corporation – sign variances (public hearing to commence at 6:00 p.m.).
2. Gould- area variance (public hearing to commence at 6:15pm).
3. Bevis- area variances (public hearing to commence at 6:30pm).
4. Boomhower- area variance (public hearing to commence at 6:45pm).