

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 NOVEMBER 17, 2025**

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

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, and ANDREW GILCHRIST, ESQ., Attorney to the Zoning Board of Appeals.

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

The draft minutes of the October 20, 2025 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the October 20, 2025 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the October 20, 2025 regular meeting were approved.

Chairperson Clemente stated that the public hearing on an application for sign variances submitted by QuickChek for property located at 727-737 Hoosick Road and 4 Mohawk Avenue had been tabled prior to the meeting due to an error in the Notice of Public Hearing. Chairperson Clemente stated that the public hearing would be re-noticed for the Zoning Board's December meeting.

The first item of business on the agenda was an area variance application submitted by Jessica Gould and Robert Gould for property located at 538 McChesney Avenue Extension. No

one was present for the applicants. This matter was tabled and the public hearing will be re-noticed for the Zoning Board's December meeting.

The second item of business on the agenda was an application for area variances submitted by Alex Bevis for property located at 318 Plank Road. Alex Bevis and Jacob Keasbey, LLS, of Keasbey Land Surveying, were present to review the application. Chairperson Clemente asked if there had been any changes made to the application since the last Zoning Board meeting. Mr. Keasbey stated that the project's Environmental Assessment Form (EAF) had been resubmitted, but that there had been no changes to the plans. Mr. Keasbey reviewed the project's plat and stated that the applicant was seeking two area variances: a front yard setback variance, as the applicant was proposing to construct a garage 25 feet from the front property line when 50 feet of front setback was required, and a variance for having an accessory structure closer to the fronting road than the principal structure on the lot. Chairperson Clemente asked what the distance would be from the house on the site to the proposed garage. Mr. Keasbey stated that it would be approximately 50 feet. Chairperson Clemente stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project would not have a major impact on County Plans and that local consideration shall prevail. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the Notice of Public Hearing was published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Chairperson Clemente asked Kevin Mainello if there had been any written comments on the application and stated that there had been none, either by written letter or email. There were no further questions or comments from the Zoning Board members.

Chairperson Clemente made a motion to close the public hearing, which was seconded by Member Curran. The motion was unanimously approved and the public hearing was closed. Chairperson Clemente 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 variances requested in the application. As to whether the requested variances would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that the lot was located on an incline on the side of a hill, but that the proposed area for the garage was level and well-screened. Chairperson Clemente also stated that there were other properties on Plank Road with garages and that the project would be consistent with the character of the neighborhood. As to whether a feasible alternative was available, Chairperson Clemente stated that there was not due to the topography of the parcel and the locations of a septic system and leachfield on the site. As to whether the requested variances were substantial, Chairperson Clemente stated that the parcel was an approximately 1.5-acre lot in an A-40 agricultural zoning district, and that the proposed garage would not be substantial. As to whether the variances would create an adverse environmental impact, Chairperson Clemente stated that the applicant was only proposing the construction of a garage, which would result in no significant environmental impacts. As to whether the difficulty giving rise to the need for the variance was self-created, Member Lockrow stated that it was not due to the topography of the site limiting where a garage could be built. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Member Curran made a motion to grant the two area variances, which was seconded by Member Lockrow. The motion was unanimously approved and the two area variances

were granted. Chairperson Clemente directed Mr. Bevis to continue working with the Town Building Department on this matter.

Chairperson Clemente stated that the next public hearing had been noticed to begin at 6:45pm and that since it was not yet 6:45, the Zoning Board would discuss the first item of new business.

The first item of new business was an application for area variances submitted by Kyle Smith for property located at 1691 NYS Route 7. Kyle Smith was present to review the application. Chairperson Clemente asked what variances were being sought. Mr. Smith stated that he was requesting four area variances: two front setback variances, due to the property being a corner lot that fronted NYS Route 7 and Deepkill Road; a variance for minimum lot size; and a variance for minimum floor area of the proposed building. Mr. Smith then reviewed the history of the site, stating that a house previously existing on the site had been hit by a car and needed to be torn down, that the previous owner of the site had received approval from the Town Planning Board to demolish that house and had been allowed to rebuild the structure within one year, and that the previous owner had completed the new foundation for a new structure, then stopped construction, leaving only the foundation completed. Mr. Smith stated that he had bought the property and was proposing to complete construction of a new building on the site. Mr. Smith passed out renderings of the proposed building, stating that he wanted the building to be used for office space and that he planned to rent it out to a local contractor. Member Schmidt asked what the previous house on the site had been used for. Mr. Smith stated that the previous house had also been used for office space. Member Lockrow asked if the concrete slab used for the foundation would increase in size. Mr. Smith stated that the concrete slab would stay the same size. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing, and that this application

would be first on the agenda. A public hearing on this application is scheduled for December 15, 2025 at 6:00pm.

The Zoning Board then stated that the public hearing for the area variance application submitted by Jessica Gould and Robert Gould for property located at 538 McChesney Avenue Extension would be rescheduled for December 15, 2025 at 6:15pm.

The Zoning Board then returned its scheduled agenda.

The third item of business on the agenda was an area variance application submitted by Eugene Boomhower for property located at 103 Kreiger Lane. Eugene Boomhower was present to review the application. Mr. Boomhower stated that there had been no changes to the application since the last Zoning Board meeting, and that he was requesting one area variance for the size of the garage as it was 180 square feet larger than what is allowed in the Brunswick Zoning Law for an accessory structure. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the Notice of Public Hearing was published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Chairperson Clemente asked Kevin Mainello if there had been any written comments on the application and stated that there had been none, either by written letter or email. There were no further questions or comments from the Zoning Board members. Chairperson Clemente made a motion to close the public hearing, which was seconded by Member Curran. The motion was unanimously approved and the public hearing was closed. Chairperson Clemente 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 variances requested in the application. As to whether the

requested variances would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Chairperson Clemente stated that the garage was located toward the back of the parcel, that it matched the aesthetics of the house on the site, and that there were other parcels on Kreiger Lane that had garages. As to whether a feasible alternative was available, Chairperson Clemente stated that the garage was already built, that a mistake had been made on the plans as to the location of the garage on the site, and that the property owner had worked with the adjacent neighbor on the location of the garage. As to whether the requested variance was substantial, Chairperson Clemente stated that the project site was in an R-40 residential zoning district, and that the finished garage was 1,680 square feet where 1,500 square feet is allowed for an accessory structure. Member Curran stated that the variance was not substantial. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that it would not. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that it was, but that it was not determinative in this case. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Member Lockrow made a motion to grant the two area variances, which was seconded by Member Mainello. The motion was unanimously approved and the two area variances were granted. Chairperson Clemente directed Mr. Boomhower to continue working with the Town Building Department on this matter.

The Zoning Board then returned to new business.

The second item of new business was an application for one sign variance submitted by AJ Sign Company. A representative from AJ Sign Company was present to review the application. The representative stated that the applicant was seeking the sign variance to allow two tenants, a

Chipotle restaurant and Mattress Firm store, to be listed on one 34-square-foot freestanding pylon sign. The representative stated that the two-tenant sign was being proposed instead of two separate signs, and that the proposed sign would be two-sided and perpendicular to Hoosick Road. Chairperson Clemente asked if the proposed pylon sign met all other sign size requirements. The representative confirmed that the sign met all size requirements under the Brunswick Zoning Law. Member Mainello asked if there was any significance to Chipotle being listed above Mattress Firm on the sign, and the representative stated that there was not. Member Curran asked if the sign would be lit, and the representative confirmed that it would be internally lit. Member Curran asked what the hours of operation for the sign would be. The representative stated that he did not know, but would find out. The Zoning Board discussed the proposed pylon and sign and separately proposed wall signs for both tenant spaces on one of the two buildings on the site. The Zoning Board then discussed whether the separately proposed wall signs for the building should be considered before the proposed pylon sign. Kevin Mainello stated that each tenant was permitted under the Brunswick Zoning Law to have a pylon sign, but that the applicant was requesting to put up one pylon sign listing both tenants instead. Chairperson Clemente stated that historically, the Zoning Board had looked at all signage on a project site at once, but that in this case, the Brunswick Building Department had separated out the requested sign variances into multiple applications. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing. A public hearing on this application is scheduled for December 15, 2025 at 6:30pm.

The third item of new business was an application for three sign variances submitted by AJ Sign Company. A representative from AJ Sign Company was present to review the application. The representative stated that the sign variances were in connection with the Chipotle fast food restaurant on the project site. Kevin Mainello reviewed the variances being requested in this

application: for having one wall sign on the side of the building; for having directional signs and a pickup sign to include a brand logo; and for having a tenant panel located on the earlier proposed pylon sign, if that pylon sign is approved by the Zoning Board. Kevin Mainello also stated that the total square footage of all proposed signs for the Chipotle restaurant on the site was in compliance with the Brunswick Zoning Law. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing. A public hearing on this application is scheduled for December 15, 2025 at 6:45pm.

The fourth item of new business was an application for one sign variance submitted by Anchor Sign for property located at 733 Hoosick Road. A representative from Anchor Sign was present to review the application. The representative stated that the sign variance was in connection with the Mattress Firm retail store on the site, and that the variance was for having a second wall sign on the side of the building. Member Curran asked if the sign would be lit. The representative confirmed that it would be. Member Curran asked what the hours of operation would be for the sign being lit. The representative stated that he did not know, but that similar signs at other Mattress Firm locations usually turned off 30-45 minutes after closing. Chairperson Clemente asked to confirm that the one sign variance being requested, for having an additional sign on the side of the building, was the only variance required for the Mattress Firm section of the site. Kevin Mainello confirmed that the one sign variance requested was the only sign variance required, as the application met all other criteria under the Brunswick Zoning Law. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing. A public hearing on this application is scheduled for December 15, 2025 at 7:00pm.

The Zoning Board then stated that the public hearing for the area variance application submitted by an application for sign variances submitted by QuickChek for property located at

727-737 Hoosick Road and 4 Mohawk Avenue would be rescheduled for December 15, 2025 at 7:15pm.

The index for the November 17, 2025 regular meeting is as follows:

1. Bevis – area variances (approved).
2. K. Smith – area variances (December 15, 2025).
3. Boomhower – area variance (approved).
4. AJ Sign Company – sign variance (December 15, 2025).
5. AJ Sign Company – sign variances (December 15, 2025).
6. Anchor Sign – sign variance (December 15, 2025).

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

1. K. Smith – area variances (public hearing to commence at 6:00pm).
2. Gould – area variance (public hearing to commence at 6:15pm).
3. AJ Sign Company – sign variance (public hearing to commence at 6:30pm).
4. AJ Sign Company – sign variances (public hearing to commence at 6:45pm).
5. Anchor Sign – sign variance (public hearing to commence at 7:00pm).
6. QuickChek – sign variances (public hearing to commence at 7:15pm).