

## **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 FEBRUARY 9, 2026**

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

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, and CHRISTOPHER LANGLOIS, 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.

Chairperson Clemente stated that since the last Zoning Board meeting on December 15, 2025, John Mainello III had left the Zoning Board to take a vacant seat on the Planning Board, and that Matthew Grab had taken his place on the Zoning Board. Chairperson Clemente also stated that Attorney Langlois had taken over as attorney to the Zoning Board as of January 1, 2026.

Chairperson Clemente stated that the minutes of the last Zoning Board meeting held on December 15, 2025 were not available, but would be completed by and reviewed at the next Zoning Board meeting.

The first item of business on the agenda was an application for sign variances submitted by QuickChek Corporation for property located at 731 Hoosick Road. Tim Freitag, from Bohler Engineering, was present to review the application. Chairperson Clemente briefly reviewed the history of the application, stating that it had been introduced at the Zoning Board's September 15, 2025 meeting. Chairperson Clemente reviewed the four sign variances the applicant was seeking:

for a two-sided freestanding pylon sign, each side being 50 square feet for a total of 100 square feet, where a freestanding pylon sign is allowed a total maximum of 70 square feet; for having two signs on the gas canopy, each sign being 22.6 square feet for a total of 45.2 square feet, where zero signs are allowed on a gas canopy; for one wall sign on the front of the building with the “Q” logo being more than three feet above the roofline, which is not allowed; and for proposing two wall signs on the front of the building, two signs on the gas canopy, and the freestanding pylon sign, which is a total of five signs, where either two wall signs or one wall sign and one freestanding sign are allowed on a commercial site. Chairperson Clemente stated that the total square footage of all proposed signs was less than 300 square feet, which was the maximum square footage allowed on a commercial site, so no variance for total square footage was required. Chairperson Clemente stated that a public hearing had been opened at the December 15, 2025 Zoning Board meeting, public comments on the application were heard, and the public hearing was closed. Chairperson Clemente stated that determinations on the four variances were not made at the December 15 meeting as it was unknown if the application had been sent to Rensselaer County, and if that referral had been sent, when it was sent and if a response had been received. Chairperson Clemente stated that it was confirmed that the application had been sent to Rensselaer County and that a response letter had been received. Chairperson Clemente also stated that the project was to have been discussed at the Zoning Board’s regular January meeting on January 26, 2026, but that that meeting had been cancelled due to a snowstorm and rescheduled for February 9. Attorney Langlois stated that the Zoning Board needed to make a determination on the application within 62 days of the close of the public hearing, that the current meeting was the last meeting that would fall within that 62-day period, and that the 62-day period could be extended with the consent of the applicant. Chairperson Clemente stated that a letter from the applicant dated February 6, 2026

responding to comments made at the public hearing and by written letter had been received by the Town and asked Mr. Freitag to review that letter. Mr. Freitag stated that public comments were made about the height and square footage of the pylon sign, and stated that the applicant had previously proposed a height of 20 feet for the freestanding sign, but that the height of that sign had been decreased to 16 feet, and noted that a variance was not required for the height of that sign. Mr. Freitag stated that public comments were made about having signs on the gas canopy, and stated that the applicant believed those signs were necessary to advertise the site itself and that the site sold QuickChek-brand gasoline. Mr. Freitag stated that public comments were made about the proposed signage setting a bad precedent, and stated that the applicant thought that the proposed signage actually set a good precedent for commercial sites in the area, and noted that less signage was proposed than other commercial sites on Hoosick Road, such as a Cumberland Farms, currently have. Mr. Freitag stated that public comments were made about the direction of the signage proposed for the building in relation to Hoosick Road, and clarified that both proposed wall signs were proposed to be facing toward Hoosick Road, and that no signs were proposed for the sides or back of the building. Mr. Freitag stated that public comments were made about the “Q” wall sign, and clarified that that particular sign was proposed to be on a tower on the building, not on a pole by itself, and that it would not be visible to neighbors living behind the site. Mr. Freitag stated that public comments were made about the signs being lit 24 hours a day, and stated that since the QuickChek convenience store was to be open 24 hours a day, the signs advertising it must be as well. Mr. Freitag stated that public comments were made about the total square footage of all signs proposed for the site, reiterating that the proposed total square footage originally proposed did exceed the maximum of 300 square feet, but the current proposal was less than 300 square feet; specifically, the signage originally proposed for the site was 390 total square

feet, and after reducing the signage, only 225 square feet of signage was currently proposed. Mr. Freitag stated that public comments were made about the height of the building comparative to Hoosick Road, and stated that the site had been raised during construction and that the building was six feet higher than Hoosick Road. Mr. Freitag noted that during the application review process, the proposal had been amended a number of times to reduce the extent of the variance requests in response to Zoning Board comments. Chairperson Clemente stated that the application was for a nonresidential action under SEQRA and that a short Environmental Assessment Form (EAF) had been submitted by the applicant. The Zoning Board members reviewed the short EAF, noted that both the Planning Board and Zoning Board had previously made negative declarations under SEQRA on the QuickChek convenience store itself, and concluded that there would be no adverse environmental impacts resulting from the action. Chairperson Clemente made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Schmidt. The Zoning Board voted unanimously to declare a negative declaration on the application under SEQRA. Chairperson Clemente asked the other Zoning Board members if they would like to discuss and make determinations on the four sign variances individually or altogether, noting that the Zoning Board had historically looked at each variance separately when multiple variances from one applicant were before the Board. The Zoning Board determined to deliberate on the four sign variances individually. The Zoning Board asked for clarification on the number of signs allowed on the site without a variance. Mr. Mainello stated that a commercial property was allowed to have two wall signs on the front of a building, or the applicant could substitute one of those wall signs for one freestanding sign. The Zoning Board then reviewed the elements for consideration on the sign variance for having one wall sign on the front of the building with the “Q” logo being more than three feet above the roofline. 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 stated that it would, as the overall height of the proposed sign would be out of character for the area. As to whether a feasible alternative was available, Chairperson Clemente stated that no other option was offered by the applicant. As to whether the requested variance was substantial, Chairperson Clemente stated that a wall sign was allowed to be three feet above a building's roofline, that the applicant was seeking to place a wall sign six feet nine inches above the roofline, that the applicant was therefore seeking three feet nine inches of relief, and that it was excessive, as the building was taller than others in the area, and the sign would be more than six feet above the building's roofline. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that it would not, and that there would not be any impacts resulting from drainage, dust, noise, or odor. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that it was, and that the applicant should have been aware of the Brunswick sign law when designing the site. 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 deny the sign variance for having one wall sign on the front of the building being more than three feet above the roofline, which was seconded by Member Schmidt. The Zoning Board voted unanimously to deny the sign variance for having one wall sign on the front of the building being more than three feet above the roofline. Attorney Langlois clarified that the applicant could still install a sign of the "Q" logo on the building, but it could not be more than three feet above the building's roofline. The Zoning Board then reviewed the elements for consideration on the sign variance for having two signs on the gas canopy, where zero signs are allowed on a gas canopy. Even though the requested variance was for having two signs on the gas canopy, the Zoning Board discussed the

size of the signs, each being 22.6 square feet. Mr. Mainello noted that the two proposed signs had already been installed on the gas canopy after the December 15 meeting and before the current meeting, but that the signs had been covered up. 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 stated that it would. Mr. Freitag interjected, stating that the size of the two signs on the gas canopy had not been brought up until this moment. Mr. Freitag noted that only the total square footage of all signs on the site had been previously discussed, not the size of the two signs proposed for the gas canopy, and that the total square footage of the signs on the site was currently under 300 square feet. Mr. Freitag further noted that for the previous variance, the fact that a possible alternative had not been provided was held against the applicant, and stated that an alternative was not provided for the variance for the signs on the gas canopy either, and that it would not be fair to hold that against the applicant when no alternative was requested at any of the three prior meetings the applicant had attended. Mr. Freitag then asked if the number of signs on the gas canopy could be addressed before discussion of the size of those signs, noting that the number of signs on the gas canopy had been discussed at previous meetings. Attorney Langlois asked why Mr. Freitag would prefer the Zoning Board to deliberate on the number of signs on the gas canopy first. Mr. Freitag stated that if the Zoning Board denied the number of signs on the gas canopy, then the size of those signs would be irrelevant and would not need to be discussed. The Zoning Board then continued its deliberation. As to whether a feasible alternative was available, Chairperson Clemente stated that the Zoning Board had previously discussed how the specific shades of green used by QuickChek at its sites was closely tied to its brand, and that if the two signs on the gas canopy were denied, then the gas canopy itself being those specific shades of green would be adequate to advertise that the gasoline sold at the site was QuickChek-branded

fuel. As to whether the requested variance was substantial, Chairperson Clemente stated that these signs were allowed to be a maximum of 12 square feet and the applicant was proposing two signs of 22.6 square feet each, meaning that 10.6 square feet of each of the two signs was being requested. Member Lockrow stated that it was excessive. As to whether the variance would create an adverse environmental impact, Member Lockrow stated that it would not. As to whether the difficulty giving rise to the need for the variance was self-created, Member Lockrow stated that it was. Member Lockrow asked if the size of the font for the signs on the gas canopy could be decreased, thereby decreasing the size of the signs. Mr. Freitag stated that it would be difficult, but it could be done. Member Lockrow reiterated that these proposed signs had already been installed on the gas canopy, but had been covered up, that he had not seen the signs in the brief period when they were visible before being covered up, and asked what the size of the covered signs currently on the gas canopy were. Mr. Freitag reiterated that those signs were 22.6 square feet each. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Member Schmidt stated that he did not have as much of an issue with the signs on the gas canopy as he did with the previous variance for the “Q” logo on the building, which the Zoning Board denied, and Member Lockrow agreed. Attorney Langlois stated that the review of the five elements for this variance suggested that the Zoning Board members were leaning towards denying this variance, but comments by Members Schmidt and Lockrow seemed to contradict that, and asked if more discussion was needed. Member Lockrow asked if the size of the signs on the gas canopy at the Cumberland Farms on Hoosick Road was known. Attorney Langlois noted that the Cumberland Farms on Hoosick Road had been mentioned in the applicant’s response letter to public comments, stating that the QuickChek had less signage overall than that Cumberland Farms location. Member Curran asked

what the height of the gas canopy was. Mr. Freitag stated that the gas canopy had a height of approximately 18 feet. Mr. Freitag showed the Zoning Board a picture of the existing gas canopy at the Cumberland Farms and a rendering of the gas canopy at the QuickChek site with the signs on the gas canopy installed. Member Lockrow stated that he thought the gas canopy was noticeably taller than suggested by the rendering. Mr. Freitag disagreed, stating that the rendering was accurate. Member Lockrow stated that in his opinion, the angle of the rendering was inaccurate, stating that the gas canopy would be higher for neighbors living behind the site. Mr. Freitag disagreed, stating that the exact opposite would be true, that the neighbors living behind the site were at a higher elevation, so the gas canopy would not look as tall to them as someone driving by the site on Hoosick Road. Mr. Freitag stated that the photos of the Cumberland Farms site had been submitted with the application documents as a comparison to the current project site, and that other commercial sites on Hoosick Road had been discussed at length at previous meetings. Mr. Freitag stated that the Brunswick Building Department had investigated signage at other commercial sites on Hoosick Road, and that variances for larger signs than those proposed for the current project site had previously been approved by the Zoning Board. Member Lockrow made a motion to approve the sign variance for having two signs on the gas canopy, which was seconded by Member Schmidt. The Zoning Board voted unanimously to approve the sign variance for having two signs on the gas canopy.

The Zoning Board then took a brief recess.

Upon returning from a brief recess, Chairperson Clemente explained that while she found the previous variance requesting two signs on the gas canopy, where zero were allowed, to be substantial, the subsequent discussion by the Zoning Board members brought up several good points, which allowed her to vote in favor of granting the variance.

The Zoning Board then reviewed the elements for consideration on the sign variance for the total square footage of the two-sided freestanding pylon sign. 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 stated that it would, as a freestanding sign of that size would be uncharacteristic of the area. As to whether a feasible alternative was available, Chairperson Clemente stated that while she appreciated the applicant working to decrease the size of the proposed freestanding sign, she believed that the size needed to be decreased further. Mr. Freitag stated that a gas station requires signage of a certain size to advertise gas prices and that the Zoning Board had discussed at previous meetings the number of gas stations along Hoosick Road, all of which have signs listing the price of its fuel. Mr. Freitag also stated that he had brought up at previous meetings how a monument sign would not be adequate at this site and that a freestanding pylon sign was necessary. Member Curran asked where specifically on the site the freestanding sign was proposed to be, and Mr. Freitag pointed it out on the site map. Mr. Freitag noted that based on where on the site the freestanding sign was proposed, decreasing the height of the sign would create a traffic safety hazard due to customers not being able to clearly see oncoming traffic when in the driveway trying to leave the site, and that this was a NYS Department of Transportation (DOT) regulation. As to whether the requested variance was substantial, Chairperson Clemente stated that freestanding signs were allowed to be a maximum of 70 square feet, that the applicant was proposing a two-sided sign that was 50 square feet on each side for a total of 100 square feet, and that the applicant was therefore requesting a variance of 30 square feet. Mr. Freitag noted that the freestanding sign was proposed to have the QuickChek logo and fuel pricing, and that if the fuel pricing section was excluded and the sign only had the QuickChek logo, then it would be 26 square feet for a total of 52 square feet. Attorney Langlois then noted

that in that case, a variance would not be required. Mr. Freitag agreed, stating that the fuel pricing section of the sign, which the applicant continued to argue was necessary for a gas station, was the reason a variance was required for the freestanding sign. Member Schmidt asked Mr. Freitag which was more important on the freestanding sign: the QuickChek logo or the gas pricing. Mr. Freitag stated that he thought both were equally important, and that he believed it was a NYS law that gas stations had to advertise their gas prices through signage. Mr. Freitag also stated that QuickChek, while already a known brand elsewhere in NYS, was new to the New York Capital District, and that signage of the QuickChek logo was necessary to, in a way, announce the chain's arrival to the Capital District. Attorney Langlois asked if both the "Q" logo and word "QuickChek" were equally important. Mr. Freitag confirmed that both were important, as the word "QuickChek" next to the "Q" logo would help to identify the "Q" logo as signifying QuickChek in customers' minds, comparing it to the golden arches logo representing McDonald's. Attorney Langlois noted that there was a lot of green space on the proposed freestanding sign surrounding the word QuickChek, and asked if removing some of that solid green area to decrease the total square footage was possible. Mr. Freitag stated that he was aware that removing some of that extra green space on the sign could be an alternative, but that the sign before the Zoning Board was what the applicant had chosen to propose. Chairperson Clemente noted that that shades of green would also cover the gas canopy as well. Member Curran asked if the height of the freestanding sign could be reduced. Mr. Freitag stated that the sign had originally been proposed to be 20 feet high, but that it had been reduced at the last meeting to 16 feet in height, and that while it could be made shorter, there needed to be at least 8 feet between the ground and bottom of the sign due to NYS DOT regulations for traffic safety. Attorney Langlois clarified that the height of the freestanding sign was in compliance with the Brunswick Zoning Law. Attorney Langlois asked Mr. Mainello if

Cumberland Farms had come before the Zoning Board for a variance for its freestanding sign, as opposed to the sign being a preexisting nonconforming sign, for example. Mr. Mainello confirmed that Cumberland Farms had gotten a sign variance from the Zoning Board for its freestanding sign. Attorney Langlois stated that while the element asking if the variance was substantial had been brought up, but the Zoning Board had not made a determination on that element. Chairperson Clemente stated that she believed a code compliant freestanding sign could achieve the same advertising goal as the proposed sign, and that the requested variance was substantial. Chairperson Clemente stated that if this variance was approved, a condition would be that the 9-1-1 address be added to the sign. Mr. Freitag stated that the 9-1-1 address was included on a previous rendering of the freestanding sign, not the most recent rendering, and that it would be included. Mr. Freitag also noted that a sign that was too small would cause a potential customer to take extra time to look at the sign and/or slow down to read it, causing a traffic safety issue. Mr. Freitag also reiterated that the fuel pricing section of the sign, which the applicant believed was necessary for a gas station, was what was making the sign noncompliant with the Brunswick Zoning Law and requiring the variance. 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 confirmed that it was. 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 stated that the freestanding had originally been proposed to be much larger and that he was in favor of the currently proposed sign. Attorney Langlois asked Member Lockrow to clarify that he did not think the size of the freestanding sign was excessive. Member Lockrow stated that the freestanding sign had originally been proposed to be much larger, that it was currently less than half the originally

proposed size, and that the significant decrease in size was acceptable. Member Schmidt agreed. Member Lockrow made a motion to approve the sign variance for the total square footage of the two-sided freestanding pylon sign, which was seconded by Member Schmidt. Members Lockrow, Schmidt, and Grab voted to approve the sign variance, while Chairperson Clemente and Member Curran voted to deny the variance. Therefore, the sign variance for the total square footage of the two-sided freestanding pylon sign was approved. The Zoning Board then reviewed the elements for consideration on the sign variance for the total number of signs on the site. Attorney Langlois asked for clarification on the number of wall signs allowed by the Town Zoning Code. Mr. Mainello stated that two wall signs or one wall sign and one freestanding sign were allowed on a commercial site. Mr. Mainello reviewed the five signs proposed for the site: two wall signs on the front of the building, two wall signs on the gas canopy, and the freestanding pylon sign. Chairperson Clemente asked if the applicant was also proposing signs on the fuel dispensers. Mr. Mainello stated that the applicant was not that far along in the design process. Mr. Freitag clarified that the applicant was proposing four wall signs and the freestanding sign, and was requesting a variance for three additional wall signs. 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 stated that it would not. Member Curran stated that she did not feel that the “Q” logo sign was necessary, but had no issue with the signs on the gas canopy. Attorney Langlois asked if, based on that comment, Member Curran was in favor of allowing three wall signs on the site if the “Q” logo sign was eliminated. Member Curran confirmed that was correct, and Chairperson Clemente agreed with her. Attorney Langlois asked Member Curran to expand upon her comment. Member Curran stated that the sign of the word “QuickChek” would already be on the building, twice on the gas canopy, and once on the freestanding sign, and that that would be

enough signage. Member Schmidt noted that the applicant had stated that QuickChek was new to the Capital District and that no one in the area knows what the “Q” logo means, and asked why it was necessary in that case. Mr. Freitag stated that QuickChek was hoping to expand its brand to the Capital District and that people in the area would soon know what the “Q” logo meant. Chairperson Clemente brought up the green color scheme for the site, suggesting that the specific shades of green would signify that the site was a QuickChek site, and making the “Q” logo sign unnecessary. Member Lockrow asked if the “Q” logo sign could be placed lower on the building rather than on the tower built onto the building. Stuart Kimmel, real estate manager for QuickChek, who was also present, stated that the “Q” logo was part of the QuickChek brand and was important to be included on the site. Mr. Kimmel also stated that while it was true that QuickChek was new to the area and that no one knew what the “Q” logo currently meant, QuickChek was hoping to change that and that the requested signage would help increase the brand of QuickChek in the area. Attorney Langlois noted that Member Lockrow’s comment concerned the location of the “Q” logo sign on the building. Mr. Kimmel stated that the tower on the building had been constructed specifically for the “Q” logo sign, and that the tower would serve no purpose if the “Q” logo was not attached to it. Member Curan stated that she understood that the “Q” logo was part of QuickChek’s branding, but that other signage proposed for the site would be adequate. Attorney Langlois clarified that the applicant was legally entitled to two wall signs, or one wall sign and one freestanding sign, and that the Zoning Board had no jurisdiction to decide which signs the applicant could install. Mr. Freitag asked if Zoning Board would make an “all or nothing” motion; specifically, if the Zoning Board would be approving all five requested signs, or if the Zoning Board would deny the variance and only allow the applicant two signs on the site. Attorney Langlois stated that the Zoning Board should be specific, and had the jurisdiction to allow five

signs, to only allow the two signs allowed by law, or to allow three or four signs on the site. Chairperson Clemente made a motion to approve three total wall signs for the site, which was seconded by Member Curran. The Zoning Board voted unanimously to approve three total wall signs on the site. Attorney Langlois suggested that a motion be made concerning the total number of signs on the site for the sake of clarity. Chairperson Clemente then made a motion to approve four total signs on the site, three wall signs and one freestanding sign, which was seconded by Member Curran. The Zoning Board voted unanimously to approve four total signs on the site, three wall signs and one freestanding sign.

Member Lockrow then left the meeting.

The Zoning Board discussed one item of new business.

The one item of new business was an area variance application submitted by Zafer Ak for property located at 585 Hoosick Road. Nick Costa, of Advance Engineering & Surveying, was present to review the application. Mr. Costa briefly reviewed the history of the site and project, stating that a dry-cleaning business had been there for many years, that the applicant had purchased the property several years earlier and was in the process of redeveloping the building into a Golden Grain Pizza restaurant. Mr. Costa stated that the outdoor patio on the site required an area variance due to being built the wrong size, resulting in there being only five feet between the edge of the patio and the property line, and that the overhang over the patio encroached a few inches into the right-of-way on Oneida Avenue. Chairperson Clemente asked what the purpose of the patio was. Mr. Costa stated that the patio was for outdoor dining. Chairperson Clemente asked if there were bollards on the site, as there were none shown on the drawing submitted with the application. Mr. Costa reviewed the layout of the site in relation to Oneida Avenue. Member Curran asked if Oneida Avenue was a Town road, and Mr. Costa confirmed that it was. Member Curran asked how wide

the right-of-way was. Mr. Costa stated that it was approximately 50-60 feet, and that the section of Oneida Avenue adjacent to the project site was approximately 22 feet wide. Mr. Mainello stated that the property line was on a steep slope, that the building was higher than the road, and that there was a significant upward slope from the road to the building. Mr. Costa stated that there was approximately 4.5 to 5 feet of elevation change from Oneida Avenue to the outdoor patio. Mr. Mainello stated that it would be nearly impossible for a car to accidentally turn while on Oneida Avenue and hit people sitting on the patio due to the very steep slope. Chairperson Clemente asked what the speed limit was on Oneida Avenue. Mr. Costa stated that it was 30 miles per hour, and that speed bumps had recently been installed on Oneida Avenue. Member Curran asked what the seating capacity was inside the restaurant and how many seats were added by the patio. Mr. Costa reviewed the application materials and noted that seating capacity was not stated, but that he would research that. Member Curran asked about the number of parking spots in front of the building and across the street. Mr. Costa reviewed parking on the site and across the street, stating that there were 19 total parking spots. Member Curran asked about parking for employees of the restaurant. Mr. Costa stated that some of the parking spots would be reserved for employees. Mr. Mainello clarified that the issue in front of the Zoning Board was that the outdoor patio was built the wrong size; specifically, the patio was approved to be 9 feet by 21 feet, but was built 13 feet by 30 feet, and that the patio was now beyond the building setbacks. Mr. Mainello also stated that the overhang over the patio was an issue, as it extended into the Town right-of-way. Attorney Langlois asked what the relationship was between the right-of-way on Oneida Avenue and the project site's property line. Mr. Mainello and Mr. Costa stated that the edge of the right-of-way and the property line were the same. Mr. Costa clarified that the building did not meet any setback requirements under the Town Zoning Law due to it being built in the 1960s and being a nonconforming existing

structure. Chairperson Clemente asked why the applicant did not come before the Zoning Board for a variance when the project was initially before the Planning Board if the applicant was proposing to alter a nonconforming existing structure. Mr. Mainello admitted that it was the fault of the Building Department, not the applicant, for not catching that issue. Mr. Costa clarified that while plans showing a 9-foot by 21-foot patio were approved by the Planning Board, plans showing a 13-foot by 30-foot patio were erroneously used by the builder during construction. Chairperson Clemente asked what the patio was made of. Mr. Costa stated that it was made of concrete and would be covered in tile. Chairperson Clemente asked what the alternative would be if a variance for the larger patio and overhang was not approved by the Zoning Board. Mr. Costa stated that the overhang was already installed and would have to be cut back so that it did not encroach the right-of-way. Chairperson Clemente asked if the overhang would be a permanent structure. Mr. Costa stated that the overhang was permanent and connected to the building itself, and noted that the previous dry-cleaning business also had a substantial overhang along the front of the building, which the applicant was maintaining. Chairperson Clemente asked if restaurant customers would be sitting beneath the overhang at the front of the building. Mr. Costa stated that customers would not be seated beneath the front overhang, just the outdoor patio beneath the new side overhang. Chairperson Clemente asked Mr. Costa to review the values chart, showing what was required and what was being proposed, which was included in the area variance application. Mr. Costa reviewed that chart for the Zoning Board. While discussing the front setback for the building, where 30 feet of setback was required and there was approximately 25 feet of setback, Mr. Costa noted that land had been taken by NYS DOT from the parcel many years prior when Hoosick Road was widened, and that the building would likely meet the front setback if that had not happened. Chairperson Clemente asked if the Zoning Board was able to look at all potential issues on the site or just the

excessive patio or overhang. Attorney Langlois stated that the Zoning Board should focus on what the applicant was proposing. Attorney Langlois asked for clarification on what was currently on the site. Mr. Costa stated that the 13-foot by 30-foot patio and the overhang were already built on the site. Attorney Langlois asked to confirm that the applicant was seeking approval for the too large patio and overhang that currently existed on the site, and was not seeking to expand the patio or overhang any further. Mr. Costa confirmed that the applicant was seeking approval for the patio and overhang as they currently existed. Chairperson Clemente asked if there were other restaurants in Brunswick with outdoor dining. Mr. Mainello confirmed that there were, including the Pancho's Mexican restaurant in the Walmart Plaza at 760 Hoosick Road. Chairperson Clemente noted that the traffic around that restaurant was much slower due to being surrounded by the Walmart parking lot, but that that restaurant still had bollards around the outdoor dining area for safety. Mr. Costa reiterated Mr. Mainello's point that the steep slope between Oneida Avenue and the outdoor patio addressed any safety concerns. Member Curran noted that there was a safety concern over cars parking directly in front of the building and outdoor patio. Mr. Costa stated that there would be bollards between the parking lot in front of the building and the patio. Chairperson Clemente asked if those bollards could be added to the plans, and Mr. Costa confirmed that they would be added. The Zoning Board then discussed the public hearing required for the application, determining that the public hearing would be held at its meeting in March, which would allow Mr. Costa to present the additional requested information at the next Zoning Board meeting on February 23. Mr. Mainello stated that the applicant also needed to go before the Planning Board due to modifying the site plan previously approved by the Planning Board, and asked if a joint public hearing on the applications before both Boards was possible. The Zoning Board determined to hold a public hearing on the area variance application at its meeting on March 16, and Chairperson Clemente

asked Attorney Langlois to reach out to Planning Board Chairman Oster to inquire if the Planning Board was interested in joining the Zoning Board for a joint public hearing at the Zoning Board's March 16 meeting. Chairperson Clemente asked if the Zoning Board members had permission to visit the site, and Mr. Costa confirmed that they did. A public hearing on this application was scheduled for March 16, 2026 at 6:00pm.

The index for the February 9, 2026 regular meeting is as follows:

1. QuickChek – sign variances (partially approved, partially denied).
2. Golden Grain Pizza – area variance (February 23, 2026).

The proposed agenda for the February 23, 2026 regular meeting is as follows:

1. Golden Grain Pizza – area variance.

The proposed agenda for the March 16, 2026 regular meeting is as follows:

1. Golden Grain Pizza – area variance (public hearing to commence at 6:00pm).