

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 23, 2026

PRESENT were ANN CLEMENTE, CHAIRPERSON, DARYL LOCKROW and MATTHEW GRAB.

ABSENT were PATRICIA CURRAN and E. JOHN SCHMIDT.

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 even though the minutes of the December 15, 2025 regular meeting had been submitted for review, the Zoning Board would like more time to review them. Chairperson Clemente stated that those minutes, as well as the minutes of the February 9, 2026 and current meetings, would be reviewed at the Zoning Board's regular March 2026 meeting.

The first item of business on the agenda 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 stated that the applicant was seeking an area variance in connection with the construction of an outdoor patio, and that the additional information requested at the last Zoning Board meeting on February 9 concerning the oversized outdoor patio and overhang had been submitted. Mr. Costa stated that there had been concerns expressed at the last meeting about some parking spots in front of the Golden Grain Pizza

restaurant being too close to the outdoor patio, potentially creating a safety issue for customers eating outside on the patio, that bollards would be placed between the parking lot and patio, and that those bollards had been added to the site plan. Mr. Costa stated that a summary of all available parking on the site, totaling 16 parking spots for customers, had been submitted. Mr. Costa also stated that outside seating on the patio would be seasonal, only being available in the summer during warmer weather, and that there would likely be 8-10 seats on the patio. Chairman Clemente asked to confirm that there would be three bollards between the parking in front of the restaurant and the outdoor patio, and Mr. Costa confirmed that there would be. Chairperson Clemente asked what material the overhang was made of, and Mr. Costa stated that he did not know. Chairperson Clemente asked if the overhang would be seasonal. Mr. Costa stated that the overhang would be permanent as it was attached to the building. Mr. Costa clarified that while seating on the patio was seasonal, the patio itself was permanent, and was made of concrete. Chairperson Clemente asked to confirm that the area variance being requested was for the size of the patio. Mr. Costa stated that the area variance was for the oversized outdoor patio creating a smaller setback from the property line, and the overhang encroaching a few inches into the right-of-way on Oneida Avenue. Chairperson Clemente asked to confirm that there was additional parking on the other side of Oneida Avenue. Mr. Costa confirmed that the parcel directly across Oneida Avenue from the restaurant had been purchased by the applicant and that a small parking lot was being built there for additional customer parking. Mr. Costa stated that the applicant owned two other Golden Grain Pizza locations, in East Greenbush and on Wolf Road in Colonie, and that the East Greenbush location was located in a very similar residential neighborhood to the current project site. Chairperson Clemente asked Mr. Costa to review pedestrian access from the overflow parking lot across Oneida Avenue to the restaurant. Mr. Costa reviewed existing sidewalk and crosswalk

locations and the main entrance to the restaurant. Chairperson Clemente asked to confirm that there was a gas station across the street, adjacent to the location of the overflow parking lot for the restaurant, and Mr. Costa confirmed that there was. Chairperson Clemente asked if there were two entrances to that gas station, from Hoosick Road and Oneida Avenue. Mr. Costa confirmed that there were two entrances to that gas station, and that the entrance to that gas station from Oneida Avenue was dangerous and, in his opinion, should be closed off, or at least reevaluated by NYS Department of Transportation (DOT). Chairperson Clemente asked if that entrance to the gas station could be reevaluated now. Mr. Costa stated that the next time NYS DOT did work on Oneida Avenue would be a better time. Chairperson Clemente asked if there was any way to dissuade customers from walking across Oneida Avenue, and Mr. Costa stated that he did not believe that there was. Mr. Mainello stated that the Planning Board discussed customers crossing Oneida Avenue extensively during the initial review process, and that it was determined that there was not enough space for another crosswalk. Mr. Costa added that there was a fire hydrant there that prohibited installing another crosswalk. Chairperson Clemente asked if the existing crosswalk across Oneida Avenue could be repainted. Mr. Mainello stated that the crosswalk was under the jurisdiction of NYS DOT and that he could reach out to DOT to inquire about repainting that crosswalk. Mr. Mainello also clarified that the Town maintained the sidewalks along Hoosick Road. Chairperson Clemente asked if the application had been sent to Rensselaer County. Mr. Costa stated that the application was sent to Rensselaer County during the initial review process, but he was not sure if had been sent since the current area variance application had been submitted. Mr. Mainello stated that the overhang needed to be cut back, and Mr. Costa confirmed that it would be to eliminate the encroachment. Chairperson Clemente asked when the Building Department reviewed the application. Mr. Mainello stated that the applicant had accidentally submitted plans

to the Building Department showing a larger outdoor patio when applying for a building permit and the Building Department had not caught the error. Mr. Mainello stated that there were a few other changes to the site, which were highlighted on the plans, that the Planning Board needed to review and approve. Mr. Costa briefly reviewed the other changes to the site. Mr. Mainello also stated that the Planning Board had agreed at its last meeting on February 19 to join the Zoning Board for a joint public hearing on March 16 concerning the applications before both Boards from the applicant. Chairperson Clemente noted that the application stated that the applicant was seeking “to install” the oversized patio, which was not correct. Attorney Langlois stated that the application could be amended to state that the applicant was seeking “to allow” the oversized patio. Attorney Langlois asked for clarification on the side yard setbacks that were allowed for the site and what setback the patio currently had. Mr. Costa stated that since the site was a corner lot, it technically had two front setbacks, and that 30 feet of setback was required from both Hoosick Road and Oneida Avenue. Mr. Costa also noted that the building was an existing nonconforming structure which did not meet the current Brunswick zoning requirements. Attorney Langlois clarified that the required setback was 30 feet and that applicant was requesting a setback of five feet. Attorney Langlois asked what the setback for the patio would have been if it had been built to the approved size. Mr. Costa stated that the setback would have been nine feet if built to the size that had been approved, as opposed to the five-foot setback that currently existed. Attorney Langlois asked what would need to be done if the Zoning Board denied the area variance. Mr. Costa stated that the outdoor patio would need to be entirely demolished and rebuilt at the previously-approved size. Mr. Mainello stated that the patio would need to be demolished as opposed to just cutting off part of it because the existing foundation was larger than what the Planning Board previously approved. Attorney Langlois asked to confirm that no other variances

were being sought from the Zoning Board, and Mr. Costa confirmed that was correct. Member Lockrow asked if the overhang extended past the edge of the patio. Mr. Mainello confirmed that it did, that it was a violation of the NYS Building Code, and that he had discussed cutting back the overhang with Mr. Costa to mitigate the issue. Member Lockrow asked if the only options for the Zoning Board were to approve the oversized patio or for the patio to be completely demolished and rebuilt. Mr. Mainello confirmed that those were the only two options, reiterating that the foundation of the patio did not allow for part of it to be cut back like the overhang. Member Lockrow noted that completely demolishing and rebuilding the patio would cost a lot of time and money. Member Grab asked if it was possible to move any of the exterior walls of the building to deal with the setback issue. Mr. Mainello stated that that was not possible as it would cause serious structural issues with the building. Member Lockrow asked if there was grass between the patio and Oneida Avenue. Mr. Costa confirmed that there was grass between the patio and Oneida Avenue, and that that greenspace was heavily sloped. Member Lockrow asked if there were any obstacles for emergency vehicles along Oneida Avenue, and Mr. Costa stated that there were not. There were no further questions or comments from the Zoning Board. A joint public hearing with the Planning Board on this application and the application before the Planning Board was scheduled for March 16, 2026 at 6:00pm.

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

1. Golden Grain Pizza – area variance (March 16, 2026).

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).