

## **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 MAY 18, 2026**

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

ALSO PRESENT were WENDY KNEER, 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.

The draft minutes of the February 9, 2026 regular meeting were reviewed. Chairperson Clemente noted one clarification: on page 2, line 14, “Rensselaer County” should be “the Rensselaer County Bureau of Economic Development and Planning”. Chairperson Clemente made a motion to approve the minutes of the February 9, 2026 regular meeting subject to the noted clarification, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the February 9, 2026 regular meeting were approved subject to the noted clarification.

The draft minutes of the March 16, 2026 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the March 16, 2026 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the March 16, 2026 regular meeting were approved.

The draft minutes of the April 20, 2026 regular meeting were reviewed. Chairperson Clemente noted one clarification: on the last line of page 2, Member Schmidt had asked if there was an existing house on the property at 188 Deepkill Road, and Chairperson Clemente wanted to clarify that there was not. Chairperson Clemente made a motion to approve the minutes of the April 20, 2026 regular meeting subject to the noted clarification, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the April 20, 2026 regular meeting were approved subject to the noted clarification.

The first item of business on the agenda was a public hearing concerning an area variance application submitted by BMG Land Development, LLC for property located at 188 Deepkill Road. Brendan Gallivan was present to review the application. The Notice of Public Hearing was read into the record by Attorney Langlois, 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 asked Mr. Gallivan to briefly review the project and if there had been any changes to the application since the last meeting. Mr. Gallivan stated that he was currently building a house on the property, that he was proposing a three-car detached garage, and that he required one area variance for that garage being more than the allowed maximum square footage of an accessory structure. Mr. Gallivan also stated that there had been no changes to the application since the last meeting. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Chairperson Clemente asked if there had been any written comments, either by letter or email, received concerning the application, and Ms. Kneer stated that there had not been. There were no 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 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. 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 variance requested in the application. 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 there were other houses in the neighborhood with detached garages, and that the garage would be minimally visible to surrounding properties. As to whether a feasible alternative was available, Member Curran stated that there was not unless the applicant decreased the size of the garage. As to whether the requested variance was substantial, Chairperson Clemente stated that the project site was a 14.12-acre parcel in an A-40 agricultural zoning district, and that the applicant was proposing a 2,640 square foot garage where a maximum of 1,500 square feet was allowed for an accessory structure. Member Grab arrived at the meeting at this time, and Attorney Langlois advised that Member Grab should abstain from voting on this application due to being absent for the public hearing and the beginning of the Zoning Board's deliberations. Member Grab agreed to abstain from voting on this application. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that there would be no impacts to traffic, drainage or noise due to the garage. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated 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 Curran made a motion to grant the area

variance, which was seconded by Member Lockrow. The motion was unanimously approved, with Member Grab abstaining, and the area variance was granted. Chairperson Clemente directed Mr. Gallivan to continue working with the Town Building Department on this matter.

The second item of business on the agenda was a public hearing concerning an application for two area variances submitted by Michael Covey for property located at 25 Old State Route 142. Michael Covey was present to review the application. The Notice of Public Hearing was read into the record by Attorney Langlois, 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 asked Mr. Covey to briefly review the project and if there had been any changes to the application since the last meeting. Mr. Covey stated that he was proposing a 28-foot by 40-foot detached garage, and that he required two area variances for the garage being more than the allowed maximum square footage of an accessory structure and for being too close to his rear property line. Mr. Covey also stated that there had been no changes to the application since the last meeting. Chairperson Clemente opened the public hearing on the application. Paul Culligan, of 243 Grange Road, stated that he lived directly across the street from the applicant's property, and asked if the garage would be in front of or behind the house on the property. Chairperson Clemente stated that the garage was proposed to be behind the house. Mr. Culligan asked specifically where on the property the garage would be located, and Mr. Covey pointed out where it would be on the site drawing. Mr. Culligan asked what type of siding the garage would have. Mr. Covey stated that the garage would have hemlock siding, which he would stain. Member Curran asked if a picture of the garage submitted with the application was not what the proposed garage would actually look like. Mr. Covey stated that that picture had been submitted to show the Zoning Board members the size and

design of the garage, and reiterated that the garage would have hemlock siding that he would stain. Member Curran stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning, which raised an issue with the distance from the edge of the garage to the rear property line, noting that the applicant had identified the edge of the road as his property line when that may not be true. Attorney Langlois clarified that the issue was that the edge of the applicant's property may not be the edge of the road's pavement, but slightly beyond that, and that the true edge of the applicant's property line was currently unknown. Member Schmidt asked if Old State Route 142 was a public or private road. Chairperson Clemente asked who plowed the road during the winter. Mr. Covey stated that the Town plowed the road during the winter. Mr. Covey also stated that there is a sightline issue along the north end of Old State Route 142, resulting in several car accidents over the years, including cars losing control and skidding onto his property. Mr. Covey stated that he had spoken to the Town about doing a sightline assessment, that the Town had referred him to officials with New York State, and that while he had had some conversations with those NYS officials, they had ultimately not resolved the issue. Mr. Covey concluded that the Town plowed the road, but NYS had jurisdiction over the sightlines along the road, and that he would prefer that the road ultimately became a private road, or that the road be blocked off at the north end for safety reasons. Member Schmidt stated that the right-of-way for a public road extends past the edge of the pavement and into the road itself, so Mr. Covey may need less relief from the rear setback than he was requesting. Member Curran asked if there was a set distance past the edge of the pavement that the right-of-way extended to for a public road, and Member Schmidt stated that he did not know. Attorney Langlois clarified that the variance was measured from the property line, not the edge of the pavement or the right-of-way, and asked Mr. Covey if he had a survey of his property. Mr. Covey stated that he did not

have a survey of his property. Attorney Langlois stated that the issue was specifically how much relief from the rear setback the variance was for. Attorney Langlois suggested that if the Zoning Board decided to approve the rear setback variance, that the Board could specify that it was granting an area variance authorizing the distance between the completed garage, as shown on the plans, and the property line. Chairperson Clemente asked if that would be necessary, as the Zoning Board was going off the distance between the garage and the property line as shown on the plans, which was calculated by the Town Building Department, and that the Zoning Board needed to rely on the information given by the Building Department. Attorney Langlois stated that the Zoning Board could rely on the information given by the Building Department, but that he was unsure where the Building Department got that information, other than from the documents submitted by the applicant. Attorney Langlois reiterated that if the Zoning Board were to grant the variance, the previously-discussed language should be used, specifically to protect the applicant. There were no further questions or comments from the Zoning Board. 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 reiterated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning and that, other than the issue with the rear setback, the letter stated that the project would not have a major impact on County plans and that local consideration shall prevail. Chairperson Clemente stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review. Chairperson Clemente asked the other Zoning Board members if they would like to review the elements for consideration on the two area variances separately or together. The Zoning Board members determined to review the elements for both area variances together. 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 there were other properties in the area with accessory structures used for storage, and that the garage would allow the applicant to store outdoor equipment indoors. Chairperson Clemente noted that there had been a comment made at the public hearing concerning the look of the garage, and that that comment was addressed directly by the applicant. As to whether a feasible alternative was available, Member Curran stated that there was not due to the location of the well, septic system and house on the property, as well as the shape of the lot. As to whether the requested variances were substantial, Chairperson Clemente stated that the project site was a 1.25-acre parcel in an R-25 residential zoning district, that the applicant was proposing a 2,240 square foot garage where a maximum of 1,500 square feet was allowed for an accessory structure, and that the applicant was proposing a rear setback of approximately 17 feet where 25 feet was required. Chairperson Clemente stated that neither variance was substantial. As to whether the variances would create an adverse environmental impact, Chairperson Clemente stated that there would be no impacts to traffic, drainage or noise due to the garage. As to whether the difficulty giving rise to the need for the variances was self-created, Chairperson Clemente stated that it was due to the applicant wanting to build the garage. 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 one area variance for an accessory structure of up to 2,240 square feet, and one area variance so as to allow a setback equal to the distance between the edge of the accessory structure and the rear property line. The motion was seconded by Member Schmidt. The motion was unanimously approved and the two area variances were granted. Chairperson Clemente directed Mr. Covey to continue working with the Town Building Department on this matter.

The third item of business on the agenda was a public hearing concerning an application for two area variances submitted by Katie Talham for property located at 18 Miller Lane. Katie Talham was present to review the application. The Notice of Public Hearing was read into the record by Attorney Langlois, 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 asked Ms. Talham to briefly review the project and if there had been any changes to the application since the last meeting. Ms. Talham stated that there had been no changes to the application since the last meeting. Ms. Talham stated that she was proposing a 40-foot by 50-foot dry storage barn behind her house near several acres of woodlands. Ms. Talham also stated that she had found another barn already in production at a smaller size that would cost significantly less to purchase, but since the purchase of that smaller barn was not finalized, she would keep the submitted application as it was. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Member Curran asked to confirm that one of the area variances being requested was for the height of the pole barn, and Ms. Talham confirmed that it was. Ms. Talham brought up the other barn again, stating that it had been ordered, but not delivered or purchased by its buyer, and that it was now available at a good price. Ms. Talham stated that the other barn was 40 feet by 45 feet, with a height of 23 feet. Attorney Langlois stated that if Ms. Talham chose to purchase the other barn, it could be shorter in height than the height the Zoning Board approved, but not taller. Attorney Langlois also stated that if Ms. Talham believed the new barn would have a height of 23 feet, the application could be amended at the current meeting to request an area variance for a height of up to 23 feet, as the application currently asked for an area variance for a height of 21 feet. Member Schmidt asked to confirm that the height of a building was calculated

by taking the mean of the eaves and the peak, rather than the peak itself. Ms. Kneer confirmed that the mean height of the eaves and the peak was the height considered by the Town Building Department. The Zoning Board further discussed the height of the other barn and the area variance being requested for the height of the structure. Chairperson Clemente asked if there had been any written comments, either by letter or email, received concerning the application, and Ms. Kneer stated that there had not been. 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. Attorney Langlois asked Ms. Talham if she would like her application amended at the current meeting so that one of the area variances was to allow a proposed accessory structure height of up to 23 feet. Ms. Talham stated that she would like that amendment made to her application. 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. 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 there were other properties in the neighborhood with accessory structures, that the barn would not be visible to neighbors or from the road, and that the barn's aesthetics would match those of the house. As to whether a feasible alternative was available, Chairperson Clemente stated that there was no other feasible location for the barn due to the topography of the lot. As to whether the requested variances were substantial, Chairperson Clemente stated that the project site was a 9.54-acre parcel in an R-40 residential zoning district,

that the applicant was proposing a 2,000 square foot pole barn where a maximum of 1,500 square feet was allowed for an accessory structure, and that the applicant was proposing a pole barn with a height of up to 23 feet where a maximum of 20 feet in height was allowed. Chairperson Clemente stated that neither variance was substantial. As to whether the variances would create an adverse environmental impact, Chairperson Clemente stated that there would be no impacts to traffic, drainage or noise due to the barn. As to whether the difficulty giving rise to the need for the variances was self-created, Chairperson Clemente stated that it was due to the applicant wanting the barn. 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 Grab. The motion was unanimously approved, and the two area variances were granted. Chairperson Clemente directed Ms. Talham to continue working with the Town Building Department on this matter.

There was no new business to discuss.

There was no old business to discuss.

The index for the May 18, 2026 regular meeting is as follows:

1. Gallivan – area variance (approved).
2. Covey – area variances (approved).
3. Talham – area variances (approved).

There are currently no agenda items for the June 15, 2026 regular meeting.