

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 JULY 20, 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 VICTORIA MOSLEY, ESQ., representing the Zoning Board of Appeals.

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

The first item of business on the agenda was a public hearing concerning an area variance application submitted by Edward Holland for property located at 4 Easy Street. Edward Holland was present to review the application. Chairperson Clemente asked Mr. Holland to briefly review the project and if there had been any changes to the application since the last meeting. Mr. Holland stated that he was proposing to build a shed on his property, that the proposed location of the shed was the only flat area available on his property, and that there had been no changes to the application since the last meeting. The Notice of Public Hearing was read into the record by Attorney Mosley, 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 if there had been any written comments, either by letter or email, received

concerning the application, and Mr. Mainello stated that there had not been. Chairperson Clemente asked to confirm that the applicant was requesting one foot of side setback. Mr. Holland stated that he was requesting slightly more than one foot of setback, likely 1.5 feet of setback, from his side property line, that he must avoid existing flowers at the side of his property, and that there needed to be enough space for the crushed stone that the shed would sit on. Chairperson Clemente asked how the space between the edge of the shed and the side property line would be maintained, and Mr. Holland reviewed how that space would be maintained. 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 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 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, Member Curran stated that trees on the property would screen the shed. Chairperson Clemente agreed, and noted that accessory structures, such as sheds, were common in that neighborhood. As to whether a feasible alternative was available, Member Schmidt stated that there was not, as the proposed location of the shed was the only flat area of the property where the shed could be placed. As to whether the requested variance was substantial, Chairperson Clemente stated that the site was a 0.99-acre parcel in an R-15 residential zoning district, that 15 feet of side setback was required, that 1.5 feet of side setback was being proposed, and that 13.5 feet of relief was being requested. Chairperson Clemente stated that the variance was not substantial due to the size of the lot, as well as being

approximately 300 feet off the main road. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that there would be no impacts to traffic, drainage, dust or noise due to the shed, and that there would be no excavation or electrical connections required. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that it was not due to the topography of 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 grant the area variance, which was seconded by Member Lockrow. The motion was unanimously approved and the area variance was granted. Chairperson Clemente directed Mr. Holland 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 area variance application submitted by Alison Wimmer for property located at 1 Chester Court. Sandra Wimmer, Mark Wimmer, and Alison Wimmer were present to review the application. The Notice of Public Hearing was read into the record by Attorney Mosley, 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 the applicant to briefly review the project and if there had been any changes to the application since the last meeting. Sandra Wimmer stated that the applicant was her daughter, that she was proposing building an addition onto her house, and that there had been no changes to the application since the last meeting. Member Curran asked what the hours of construction for the addition to the house would be. Sandra Wimmer stated that they were hiring a local builder who usually worked regular business hours. Chairperson Clemente opened the public hearing on the application. Emily Scimeca, of 5 Chester Court, asked if the house's

foundation would be going under the detached garage on the property. Sandra Wimmer stated that it would not, and that the proposed addition would be at the back of the house. Chairperson Clemente asked if there had been any written comments, either by letter or email, received concerning the application, and Mr. Mainello stated that there had not been. Chairperson Clemente asked if there was a feasible alternative location for the addition, and Sandra Wimmer stated that there was not. 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 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, Member Lockrow stated that adding the addition to the house was beneficial to the property and neighborhood. As to whether a feasible alternative was available, Chairperson Clemente stated that there was no other place on the property for the addition, so the only possible alternative was to not build the addition at all. As to whether the requested variance was substantial, Chairperson Clemente stated that the project site was a 0.46-acre parcel in an R-15 residential zoning district, that 35 feet of front setback was required, that 17.25 feet of front setback was being proposed, and that 17.75 feet of relief was being requested. Member Curran stated that the house was a preexisting nonconforming structure, and that the variance would not be substantial due to not increasing the footprint of the house

substantially. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that there would be no impacts to drainage, or increases in noise or odor due to the addition to the house. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that it was not due to the house being a preexisting nonconforming structure. 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 Grab. The motion was unanimously approved and the area variance was granted. Chairperson Clemente directed the applicant to continue working with the Town Building Department on this matter.

Chairperson Clemente noted that the Zoning Board had not made a SEQRA determination for the first application, for an area variance on property located at 4 Easy Street, and stated that the project was a Type II action under SEQRA, which does not require any further SEQRA review.

The third item of business on the agenda was a public hearing concerning an area variance application submitted by Elizabeth Epstein for property located at 1253 Spring Avenue. Elizabeth Epstein was present to review the application. The Notice of Public Hearing was read into the record by Attorney Mosley, 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 the applicant to briefly review the project and if there had been any changes to the application since the last meeting. Ms. Epstein stated that the house previously on the site had been demolished and a new house had been built behind the previous house's location. Ms. Epstein stated that an existing shed had been behind the previous house, but was now in front of the new house. Ms. Epstein also stated

that there had been no changes to the application since the last meeting. Chairperson Clemente asked what the shed was currently being used for, and Ms. Epstein stated that it was being used to store farming equipment. 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 Mr. Mainello stated that there had not been. 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 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, Member Lockrow stated that the shed was already on the property, so there would be no change. As to whether a feasible alternative was available, Member Lockrow stated that there was not as the only other option was to take down the shed. As to whether the requested variance was substantial, Chairperson Clemente stated that it was not. As to whether the variance would create an adverse environmental impact, Member Curran 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 due to the applicant wanting to keep the shed on the property. 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 Grab. The motion was unanimously

approved and the area variance was granted. Chairperson Clemente directed Ms. Epstein to continue working with the Town Building Department on this matter.

The Zoning Board discussed one item of old business.

The one item of old business was an application for area variances submitted by Kevin Hixson, of BL Companies, for property located at 721 Hoosick Road. Kevin Hixson, of BL Companies, was present to review the application. Mr. Hixson stated that the project was on a 0.647-acre parcel at the corner of Hoosick Road and Mohawk Avenue, and that the property owner was proposing to demolish the existing structure and build a new structure that would operate as a Mavis Tire vehicle repair shop. Mr. Hixson stated that 20 parking spots were proposed for the site and that he was requesting two area variances: for the rear setback of the building and for the rear dumpster enclosure. Mr. Hixson stated that the variances were required due to an existing water pit on the site which was discovered during site analysis. Mr. Hixson then pointed out the location of the water pit on the site map and reviewed details of it. Mr. Hixson stated that a test pit had been dug to determine the physical dimensions of the water pit, and that the entire site had needed to be moved back five feet due to that pit. Chairperson Clemente asked what size the water pit was, and Mr. Hixson stated that it was 14 feet by 10 feet. Chairperson Clemente asked how many neighbors were adjacent to the site. Mr. Hixson stated that there was one residential property to the rear of the site, one commercial property to the west, and the QuickChek convenience store to the east across from Mohawk Avenue. Chairperson Clemente asked if there was any kind of barrier at the rear of the site. Mr. Hixson stated that there was a slight natural barrier, and that the property owner was proposing trees, which would grow over time, and a fence at the rear of the property as screening from the adjacent property. Chairperson Clemente asked what species of tree was proposed to be planted. Mr. Hixson stated that firs would be planted and that they would start at

6-7 feet high. Chairperson Clemente asked about the design of the dumpster enclosure. Mr. Hixson reviewed the design of the dumpster enclosure. Chairperson Clemente asked what would be contained in the dumpster. Mr. Hixson stated that no tires or oil would be disposed of in the dumpster, just regular garbage and recycling. Chairperson Clemente asked when and how often the dumpster would be emptied. Mr. Hixson stated that the dumpster would be emptied by a garbage truck, that it would be emptied weekly, and that it would be emptied during off-hours. Chairperson Clemente stated that she was concerned over the level of noise produced by opening and closing the dumpster, as well as emptying the dumpster. Mr. Hixson stated that minimal noise would be produced by the dumpster, and noted that the dumpster would be pointed toward Hoosick Road, not the neighboring residences. Member Lockrow asked how the applicant was going to stop traffic exiting the site from turning left and driving up Mohawk Avenue. Mr. Hixson reviewed the traffic flow for the site and stated that the applicant was willing to work with the Town to install signage to better direct traffic toward Hoosick Road when exiting the site. Member Curran asked what the Planning Board thought of the traffic to and from the site. Mr. Hixson stated that the Planning Board was very concerned about any increase in traffic at that section of Hoosick Road and driving up Mohawk Avenue. Member Grab asked how many customers were expected at the Mavis Tire shop per day. Mr. Hixson stated that 20 customers were expected on a busy day, and that customers would be spread throughout the day and not arriving all at once. Chairperson Clemente asked if anything else was proposed for behind the building. Mr. Hixson stated that there would be no business operations behind the building, but that there would be some stormwater management in that area. Chairperson Clemente stated that the Planning Board had proposed a joint public hearing on the applications submitted to both Boards from this applicant; specifically, the Planning Board had scheduled a public hearing on the site plan application before it from this

applicant for its August 6, 2026 regular meeting, and had asked if the Zoning Board was interested in holding a special meeting on that date and joining the Planning Board for a joint public hearing on the applications before both Boards. The Zoning Board members discussed this matter and agreed to hold a special meeting and join the Planning Board for a joint public hearing. A special meeting of the Zoning Board and joint public hearing with the Planning Board on this application and the application before the Planning Board was scheduled for August 6, 2026 at 7:15pm.

The Zoning Board discussed one item of new business.

The one item of new business was a sign variance application submitted by Zafer Ak for property located at 585 Hoosick Road. Zafer Ak was present to review the application. Mr. Mainello stated that the application was concerning the existing Golden Grain Pizza restaurant on the site, that there were two signs advertising the restaurant on the front of the building, and that the application was requesting two signs on the side of the building as well. Mr. Mainello noted that although the application also requested alterations to the existing pylon sign on the site, that was not to be considered by the Zoning Board at this time due to jurisdictional issues discovered concerning that pylon sign; specifically, when NYS Department of Transportation (DOT) widened Hoosick Road many years ago, they took ownership of land along Hoosick Road, including the land the pylon sign is on. Chairperson Clemente asked to clarify that the only signs that were to be currently considered by the Zoning Board were the two signs proposed for the side of the building, and Mr. Mainello confirmed that. Member Curran asked if the two signs proposed for the side of the building would be the same as the two signs that were currently on the front of the building, and Mr. Ak stated that they would be the same design, but slightly smaller. Chairperson Clemente asked if the total square footage of the four signs would exceed the maximum square footage allowed for signage on a commercial site, and Mr. Mainello stated that it would not. Chairperson

Clemente asked if the two signs proposed for the side of the building had already been installed. Mr. Mainello confirmed that those signs had already been installed, but had been covered up once it was clear that a variance was needed for them. Chairperson Clemente asked if the two signs could be removed from the side of the building if the sign variance was not granted. Mr. Mainello confirmed that the signs could be removed as they were bolted to the exterior wall, not part of the wall itself. Chairperson Clemente asked why the applicant wanted the signs on the side of the building. Mr. Ak stated that the signs would help advertise the restaurant to cars driving up Hoosick Road. Chairperson Clemente reiterated that changes to the existing pylon sign were not being considered at this time, but asked what the applicant wanted to do with that sign in the future. Mr. Ak stated that he wanted to keep the pylon sign in place, but cover it with a sign advertising the restaurant. Mr. Ak stated that the restaurant's grand opening was the following day and asked the Zoning Board if he could have the signs already installed on the side of the building uncovered for the opening. The Zoning Board discussed that issue, and agreed to allow the signs on the side of the building to be uncovered for the restaurant's opening. A public hearing on this application was scheduled for August 17, 2026 at 6:00pm.

The index for the July 20, 2026 regular meeting is as follows:

1. Holland – area variance (approved).
2. Wimmer – area variance (approved).
3. Epstein – area variance (approved).
4. Mavis Tire – area variances (August 6, 2026).
5. Golden Grain Pizza – sign variance (August 17, 2026).

The proposed agenda for the August 6, 2026 special meeting is as follows:

1. Mavis Tire – area variances (public hearing to commence at 7:15pm).

The proposed agenda for the August 17, 2026 regular meeting is as follows:

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