

Zoning Board of Appeals

TOWN OF BRUNSWICK
336 Town Office Road
Troy, New York 12180

Planning Board

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MINUTES OF THE ZONING BOARD OF APPEALS REGULAR MEETING AND PLANNING BOARD SPECIAL MEETING HELD MARCH 17, 2025

PRESENT for the Zoning Board of Appeals were ANN CLEMENTE, CHAIRPERSON, PATRICIA CURRAN, E. JOHN SCHMIDT, JOHN MAINELLO III and DARYL LOCKROW.

PRESENT for the Planning Board were LINDA STANCLIFFE, ACTING CHAIRPERSON, J. EMIL KREIGER, DAVID TARBOX and ANDREW PETERSEN.

ABSENT were RUSSELL OSTER, DONALD HENDERSON and MICHAEL CZORNYJ.

ALSO PRESENT was KEVIN MAINELLO, Brunswick Building Department.

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

The draft minutes of the February 24, 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 February 24, 2025 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the February 24, 2025 regular meeting were approved.

The first item of business on the agenda was an application for two area variances submitted by Bradford Silver for property located at 1271 Spring Avenue. Bradford Silver was present to review the application. The Notice of Public Hearing was read into the record by

Attorney Gilchrist, noting that the Public Hearing Notice was published in the Eastwick Press, 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. Silver to briefly review the application, and if there had been any changes made to the application since the last Zoning Board meeting. Mr. Silver stated that no changes had been made to the application since the last meeting, and that he was seeking two area variances in connection with the construction of a 38-foot by 60-foot two-story barn/garage he was proposing to build on his property. The variances were needed for the overall size of the structure and the maximum height, both of which exceeded what is allowable in the Brunswick Zoning Law. Chairperson Clemente asked what the maximum height of the structure would be. Mr. Silver stated that it would be 32 feet. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Chairperson Clemente asked Mr. Mainello if there had been any written comments on the application and he 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 Mainello. 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 property was in a rural residential area, that accessory structures were common in the surrounding area, that the property was well screened by a row of pine trees, and that there would be no impact to neighbors due to being in the rear of a

large lot. As to whether a feasible alternative was available, Chairperson Clemente stated that one larger barn/garage would be more economically feasible than multiple smaller structures that met all requirements of the Brunswick Zoning Law. As to whether the requested variances were substantial, Chairperson Clemente stated that the first variance being requested was for a gross floor area of 4,560 square feet where 1,500 square feet is allowed, meaning a variance of 3,060 square feet was being requested. Chairperson Clemente stated that the structure would meet all required setbacks and would be approximately 200 feet from the nearest property line. Chairperson Clemente stated that the second variance being requested was for a maximum height of 32 feet where a maximum height of 20 feet is allowed, meaning a variance of 12 feet was being requested. Member Schmidt stated that the variances requested were not substantial due to the lot size and location. Mr. Mainello stated that the height used by the Building Department was the mean height of the accessory structure, not the maximum height, which was 28 feet, meaning a variance of 8 feet was being requested. As to whether the variances would create an adverse environmental impact, Member Mainello stated that it would not due to the remote location of the lot. As to whether the difficulty giving rise to the need for the variances was self-created, Chairperson Clemente stated that it was self-created due to the applicant wanting to build the barn/garage, but that it was not determinative in this case. Attorney Gilchrist stated for the record that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project will not have a major impact on County plans and that local consideration shall prevail. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Member Mainello made a motion to grant the area variances, which was seconded by Member Lockrow. The motion

was unanimously approved and the area variances were granted. Chairperson Clemente directed Mr. Silver to continue working with the Town Building Department on this matter.

The second item of business on the agenda was an area variance application submitted by Andrew Polinsky for property located at 15 Berkshire Drive. Andrew Polinsky was present to review the application. Chairperson Clemente asked Mr. Polinsky to briefly review the application, and if there had been any changes made to the application since the last Zoning Board meeting. Mr. Polinsky stated that no changes had been made to the application since the last meeting, and that he was seeking one area variance in connection with the construction of a 16-foot by 38-foot inground pool he was proposing to build on his property. Mr. Polinsky noted that the pool may actually be 16 feet by 36 feet, but not larger than 16 feet by 38 feet. Chairperson Clemente noted that the property was in a R-25 residential zoning district. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the Public Hearing Notice was published in the Eastwick Press, 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 Mr. Mainello if there had been any written comments on the application and he 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 property was not within 500 feet of a County road, so the application was not referred to the Rensselaer County Bureau of Economic Development and Planning. Chairperson Clemente also 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 Curran stated that there were several other houses in the neighborhood with pools, and that the lot was surrounded by trees, which provide screening and negate any potential visual impacts. As to whether a feasible alternative was available, Member Mainello stated that the applicant was limited as to where he could put the pool due to underground utility lines, and that the proposed location was the best location. As to whether the requested variance was substantial, Chairperson Clemente stated that the applicant was requesting 5 feet of rear setback where 25 feet of setback is required, resulting in a variance of 20 feet. Chairperson Clemente stated that the lot was approximately 1 acre, that there was vacant land to the rear and either side of the lot, and that the variance would not be considered substantial in this case. As to whether the variance would create an adverse environmental impact, Member Mainello stated that the lot was surrounded by vacant land, that the inground pool would be built in the same location where an above-ground pool had previously been, and that there would be no environmental impacts from the project. As to whether the difficulty giving rise to the need for the variance was self-created, Member Lockrow stated that it was self-created due to the applicant wanting to build the inground pool, 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 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. Polinsky to continue working with the Town Building Department on this matter.

Chairperson Clemente stated that the third item of business on the agenda, an area variance application submitted Thomas Brizzell for property located at 1 Angelo Drive, had been withdrawn by the applicant and that the public hearing on the application would not be held.

The Zoning Board then paused its meeting, as the fourth item of business, the continuation of a public hearing, had been noticed for 6:45pm.

Chairperson Clemente reconvened the meeting at 6:45pm. The fourth item of business on the agenda was an application for area variances submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. The Town of Brunswick Planning Board, pursuant to a Notice of Special Meeting, joined the Zoning Board of Appeals meeting for the purpose of continuing a joint public hearing that had opened on March 6, 2025 on the application for area variances submitted to the Zoning Board of Appeals and site plan, minor subdivision, and special use permit applications submitted to the Planning Board by Maries Muse, LLC for the construction of a retail store with gasoline sales on the western portion of the site and a drive-thru restaurant and second retail store on the eastern portion of the site on property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Chairperson Clemente stated that this was a continuation of the joint public hearing opened on March 6, that the joint public hearing had remained open at that meeting, and that the applicant had subsequently responded in writing to all comments made at the joint public hearing on March 6 and all written comments received prior to March 6. Chairperson Clemente stated that additional written comments had been received since March 6, which the applicant would also be required to respond to in writing. Acting Chairperson Stancliffe opened the special meeting of the Planning Board on the site plan, minor subdivision, and special use permit applications submitted by Maries Muse, LLC. Chairperson Clemente opened the floor for the receipt of public comment. Mary Ellen Adams, of 18 Cooper Avenue,

stated that she was thankful that the public hearing was kept open so she could speak. Ms. Adams asked if the entrance/exit to the site from Mohawk Avenue was required. Ms. Adams stated that if it was not required, then it should be eliminated as it was only making traffic and safety worse along Mohawk Avenue and did not add anything to the project. Ms. Adams stated that if it was required, then the curb design should steer people toward Hoosick Road rather than further up Mohawk Avenue. Ms. Adams also suggested signage that prohibited left turns onto Hoosick Road from Mohawk Avenue due to safety issues. Ms. Adams noted that the QuickChek convenience store on the site was proposed to be open 24 hours, and stated that fencing, greenspace, and dimmed lighting should be implemented to mitigate the impacts from being open 24 hours, especially in the overnight hours. Ms. Adams stated that the Planning and Zoning Boards should encourage “tasteful” signage for the site, preferably country-like signage. Ms. Adams stated that there many different types of signs along Hoosick Road, that the Town Comprehensive Plan suggests consistent signage along Hoosick Road to maintain the character of the area, and that if consistent signage is not something the Town cares about, then that section of the Comprehensive Plan should be updated or eliminated. Victoria Galvin, of 5 Mohawk Avenue, stated that she had spoken on March 6 and wanted to reiterate and expand upon the comments she made at that meeting. Ms. Galvin stated that there are already a number of fast-food restaurants and gas stations along Hoosick Road, including 7 gas stations within a 3-mile radius, that Hoosick Road was starting to resemble Wolf Road in Colonie, that the businesses along Hoosick Road serve travelers instead of local residents, that the proposed businesses would not benefit the local community, and that Hoosick Road did not need another 24-hour business. Ms. Galvin stated that another mattress store directly across the street from the project site had recently closed, that another previous mattress store in the Walmart Plaza near the project site had also closed, and asked why another

mattress store was necessary and what would happen to the building constructed on the site for the new mattress store if that failed too. Ms. Galvin stated that there were 11 empty storefronts between the Walmart and Price Chopper Plazas near the project site and that the Town should not approve any new construction on Hoosick Road until those storefronts are filled. Ms. Galvin stated that traffic along Hoosick Road was already terrible going both ways and that this project would make it even worse. Ms. Galvin stated that the turn lane on Hoosick Road is often used as a driving lane, not a turn lane, and that there were backups onto McChesney Avenue due to the excessive traffic on Hoosick Road, which would get worse if the project were approved. Ms. Galvin stated that Mr. Freitag had stated that most traffic would not exit the site onto Mohawk Avenue, instead driving to the traffic light and exiting onto Hoosick Road, and she noted that even if most traffic drove to the Hoosick Road exit, not all would, and even some cars exiting onto Mohawk Avenue would increase traffic on Mohawk Avenue. Ms. Galvin stated that her children's school bus is affected by the existing traffic on Hoosick Road, with cars regularly illegally passing the bus while it's stopped, and that the project would make the effects on that school bus even worse. Ms. Galvin stated that the quality of life for people living near the project site will decrease if the project is approved due to light, noise, odors and other health issues. Ms. Galvin stated that strangers walk along Mohawk Avenue, including in her front yard, at all hours of the day and night, and that this would get worse if the project was approved. Ms. Galvin stated that the houses that had been purchased by the applicant to be demolished had remained vacant for several years, which had resulted in transients breaking into the houses and walking through the surrounding neighborhood, that it was no longer safe for her children to play in their front yard, that she and her neighbors had called the police numerous times to deal with these people, and that the applicant was not being held accountable for the effects of the houses being vacant for so long. Ms. Galvin concluded by

asking the Zoning and Planning Board members to imagine how they would react if such a project were being proposed next to their neighborhood, and asked that the Boards consider the safety and happiness of nearby residents above all else. Jeannette Gates, of 11 Roosevelt Avenue, stated that the traffic light at the intersection of Hoosick Road and Roosevelt Avenue is already very dangerous, that there are numerous accidents and near-accidents there every day, and that the project would make it much worse. Ms. Gates stated that she worked in the Price Chopper Plaza and could not drive through the light from Roosevelt Avenue into the Plaza due to the heavy traffic along Hoosick Road. Ms. Gates stated that it was very difficult to turn left onto Roosevelt Avenue from Hoosick Road due to the heavy traffic and no oncoming cars letting a person turn left onto Roosevelt Avenue. Ms. Gates reiterated that Ms. Galvin's point that there were several empty storefronts in the Walmart and Price Chopper Plazas and asked why more buildings needed to be constructed when there were existing vacancies. Ms. Gates stated that there have been numerous robberies, including breaking into and stealing cars, on properties along Roosevelt Avenue and that residents of Roosevelt Avenue have had to set up security cameras and systems due to the great increase in crime on the street, leading residents to not feel safe in their neighborhood and consider getting pistol permits for safety and protection. Ms. Gates reiterated another point raised by Ms. Galvin that kids in the Roosevelt Avenue neighborhood are affected by the heavy traffic and that a school bus stop at the start of Roosevelt Avenue is especially dangerous due to cars refusing to stop and illegally passing the bus when it is stopped. Ms. Gates stated that police do not respond timely, if at all, to calls from residents on Roosevelt Avenue, causing residents to feel even less safe. Ms. Gates stated that if the applicant was insistent on building a new location rather than using existing vacant storefronts, then a more open location less affected by traffic should be proposed instead. Ms. Gates also agreed with Ms. Galvin that Hoosick Road is a two-lane road

with a turning lane in the middle, but that drivers regularly use the turning lane as a driving lane. Robin Jones, of 105 Hillside Avenue, agreed with the points brought up by all previous speakers. Ms. Jones asked if the second entrance/exit to the site from Mohawk Avenue was necessary and if a secondary entrance/exit was necessary, suggested that it be repositioned to the other side of the site closer to the existing Burger King. Ms. Jones asked stated that even if a no right turn sign was placed at the entrance/exit to Mohawk Avenue, it was unlikely to be well enforced. Ms. Jones agreed with previous speakers that another fast-food restaurant was not needed on Hoosick Road, and that if a restaurant was to be built, then it should be something more family-friendly and community-focused. Ms. Jones stated that Roosevelt Avenue could not become a one-way street due to being a residential street. Ms. Jones asked who would be maintaining the greenspace on the site and what would happen if trees or shrubbery on the site died. Ms. Jones asked if a high wall to block sound and provide visual screening, like walls seen on highways, could be proposed here for the benefit of the surrounding neighborhood. Ms. Jones concluded by saying that she was very disappointed by what Brunswick was becoming, comparing it to Wolf Road, Albany and Clifton Park, and stating that Brunswick was becoming less residential and rural every year. George Jones, also of 105 Hillside Avenue, agreed that Roosevelt Avenue could not be made a one-way street and that perhaps making Hoosick Road a one-way street was a better solution. Mr. Jones noted that there were 6 traffic lights between North Lake Avenue and NYS Route 142, and asked why another traffic light could not be installed at the intersection of Mohawk Avenue and Hoosick Road. Rosemary Mainville, of 753 Hoosick Road, stated that she lived directly across from the Walmart and next to the Dunkin' Donuts on Hoosick Road, that she knows from experience that businesses on Hoosick Road do not maintain or fix their properties, such as keeping a fence up. Ms. Mainville stated that among the negative effects she has to deal with due to the businesses

surrounding her home are dumpsters being emptied at 4:00am, employees making noise and playing car radios loudly early in the morning, and having lights on late at night and early in the morning. Ms. Mainville stated that she has been dealing with this for 35 years and that while many have advised her to sell her property and move somewhere quieter, she cannot sell the property due to being surrounded by businesses and having her property value decrease so much over the years. Ms. Mainville also noted that she cannot make a lefthand turn into her driveway from Hoosick Road due to the traffic backups and no one stopping to let her turn in. Charlotte Gates, also of 11 Roosevelt Avenue, stated that as a person in her early 20s, she had a different perspective than previous speakers. Miss Gates stated that all the businesses along Hoosick Road were not helping the local community, and that while younger people like fast-food, fast-food restaurants are not good for the community. Miss Gates agreed with previous speakers that the traffic is already a major issue and that Roosevelt Avenue could not be a one-way street, but that signage was needed to prohibit through traffic on Roosevelt Avenue. Miss Gates stated that cut-through traffic would absolutely drive up Mohawk Avenue onto Roosevelt Avenue to avoid turning onto Hoosick Road from Mohawk Avenue. Miss Gates stated that the effects of all the businesses had made Roosevelt Avenue very dangerous and that the current project would make it much worse, that the project would cause incredible stress to the community, and that Brunswick needed to focus on smart development going forward. Susan Vitolins, of 10 Miller Road, stated that she had previously submitted a written letter on the project which was entered into the record on March 6. Ms. Vitolins stated that NYS Department of Transportation (DOT) had previously made recommendations on the Hoosick Road corridor, that those recommendations had not been enacted by the Town, and that the Town should follow those DOT recommendations before approving any further development on Hoosick Road. Chairperson Clemente reiterated that four written letters

had been received by the Town since the public hearing opened on March 6, then entered those letters into the record: a letter dated March 13, 2025 from Victoria Galvin; a letter dated March 7, 2025 from Martin Toomajian; a letter dated March 12, 2025 from George and Robin Jones; and a letter dated March 10, 2025 from Vincent Poletto. There were no further comments from the public. Chairperson Clemente stated that the applicant had responded in writing to all comments made at the March 6 joint public hearing and by written letter submitted before that date, and that the applicant needed to respond in writing to all comments made at the March 20 joint public hearing and by written letter since the March 6 meeting. Chairperson Clemente stated that she was prepared to close the public hearing of the Zoning Board. Member Schmidt made a motion to close the public hearing of the Zoning Board, which was seconded by Member Curran. The motion was unanimously approved, and the public hearing of the Zoning Board was closed. Member Kreiger made a motion to close the public hearing of the Planning Board, which was seconded by Member Tarbox. The motion was unanimously approved, and the public hearing of the Planning Board was closed. Member Petersen made a motion to close the special meeting of the Planning Board, which was seconded by Member Tarbox. The Planning Board voted unanimously to close its special meeting. This matter is placed on the April 21, 2025 agenda for further deliberation.

There was no old business to discuss.

The Zoning Board discussed one item of new business.

The one item of new business was a use variance application submitted by Dan Levesque for property located at 557, 559 and 561 Hoosick Road. Dan Levesque was present to review the application. Mr. Levesque stated that he was the owner of 4th Generation Awning Company and that based on comments made at the prior public hearing, he confirmed that his proposal would not affect traffic or odors on Hoosick Road, and would not result in any increases in crime or

people. Mr. Levesque stated that he was proposing to combine three parcels into one lot, cut down trees on the site, take down an existing garage, level the site, provide vegetative screening at the rear of the site, and place an illuminated sign along Hoosick Road. Mr. Levesque stated that the benefits of his proposal would be no additional traffic, the property would be cleaned up, vegetative screening would be provided for the surrounding neighborhood, no additional vehicles would be entering or exiting the site other than for occasional landscaping, there would be no adverse impacts to the surrounding neighborhood, there would be no water connection, no dumpsters, no sewer connection, no noise, no odors, no buildings constructed on the site, it would enhance the Town's appearance, reduce clutter and ugliness, the sign could be used for emergency situations, it would increase business visibility if the sign advertised local businesses, and it would increase the value of that property, leading to an increase in property taxes for the land. Chairperson Clemente asked if this project should be considered one or two signs since the proposed sign would be two-sided. Mr. Mainello stated that it would be considered two signs. Mr. Levesque stated that he owned and operated two other signs like the one he was proposing, one at the bottom of Hoosick Road in Troy and the other in Pittstown, and passed out photos of those signs for reference. Mr. Levesque stated that the Troy sign was 20 feet by 20 feet and the Pittstown sign was 11 feet by 22 feet, and that both signs were billboard-type signs that advertised other businesses. Chairperson Clemente asked for clarification on any abutting neighbors to the site. Mr. Levesque stated that Walgreens was across from Wayne Street, that there was an existing house located on the lot to the rear along Cortland Street, and reiterated that he would be adding vegetation to serve as a buffer for the lot to the rear of the site. Chairperson Clemente asked if the application would require a use variance or a sign variance. Mr. Mainello stated that both a use variance and sign variance would be required. Chairperson Clemente noted that the application was not complete in that case,

and asked Attorney Gilchrist to review use variances. Attorney Gilchrist discussed the elements and required proof for the granting of a use variance and sign variance, including the Brunswick Zoning Law provision that a sign not be located off the business premises. Chairperson Clemente asked the applicant to continue working with the Town Building Department on the application requirements. Member Mainello asked what the size of the proposed sign would be. Mr. Levesque stated that he was not sure what the size of the proposed sign would be, but that it would be like one of the two other billboard-type signs he owned in Troy and Pittstown and had passed out pictures of. This matter is placed on the April 21, 2025 agenda for further deliberation.

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

1. Silver – area variances (approved).
2. Polinsky – area variance (approved).
3. Brizzell – area variance (withdrawn by Applicant).
4. Maries Muse, LLC – area variances (April 21, 2025).
5. Levesque – use variance and sign variance (April 21, 2025).

The proposed agenda for the April 21, 2025 regular meeting is as follows:

1. Maries Muse, LLC – area variances.
2. Levesque – use variance and sign variance.