

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 24, 2025

PRESENT were ANN CLEMENTE, CHAIRPERSON, PATRICIA CURRAN, E. JOHN SCHMIDT, JOHN MAINELLO III and DARYL LOCKROW.

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. Chairperson Clemente noted that the second item of business on the agenda, two use variances submitted by Brunswick Solar, LLC and Sycaway Solar, LLC, subsidiaries of Atlas Renewables, LLC for property located on Shippey Lane and Brunswick Road, had been removed from the agenda prior to the meeting.

The draft minutes of the January 27, 2025 regular meeting were reviewed. Chairperson Clemente noted one correction: on page 7, line 12, “before it” should be deleted. Chairperson Clemente made a motion to approve the minutes of the January 27, 2025 regular meeting subject to the noted correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the January 27, 2025 regular meeting were approved subject to the noted correction.

The first item of business on the agenda was an area variance application submitted by William Keefer for property located at 22 Grange Road. William Keefer and his son, Andrew Keefer, were 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. Keefer to briefly review the application, and if there had been any changes made to the application since the last Zoning Board meeting. Mr. Keefer stated that no changes had been made to the application, and that he was seeking an area variance in connection with removing the back of an existing house on the property due to dilapidation and rebuilding and expanding the back of the house, including adding a second floor. The variance is needed as the structure is currently nonconforming. 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 project was a Type II action under SEQRA, which does not require any further SEQRA review. Chairperson Clemente stated 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. 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 the restoration of the house would be in keeping with the character of the neighborhood, and that the project was an excellent example of renovation to keep Brunswick's historic character. As to whether a feasible alternative was available, Chairperson Clemente stated that there was no

alternative available due to changes in the Town Zoning Law made in 2017, which rendered the structure nonconforming. As to whether the requested variance was substantial, Chairperson Clemente stated that the restored house would meet all required setbacks, height restrictions and lot coverage requirements, meaning that it would not be substantial in this case. As to whether the variance would create an adverse environmental impact, Member Curran stated that the restoration of the house would enhance the neighborhood and not result in any adverse environmental impacts. 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 owner wanting to renovate the house, 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. Keefer to continue working with the Town Building Department on this matter.

The second item of business on the agenda was an appeal submitted by Zachary Froio for property located at 502 Pinewoods Avenue. Zachary Froio was present. Chairperson Clemente stated that the Zoning Board held extensive deliberations on the appeal at its January 27 meeting, and that the Zoning Board had reviewed the history of the 2021 and 2024 applications by the appellant, allowable uses in its zoning district under the Town Zoning Law, the definition of “retail” and “home occupation” under the Town Zoning Law, and the 2021 and 2024 Town Building Department determinations as part of its deliberations. Chairperson Clemente asked the Zoning Board members if there was a need for any further deliberations, and there was not. Chairperson Clemente stated that Attorney Gilchrist had drafted a written decision based on the

Zoning Board's deliberations on January 27, that the Zoning Board members had received the draft decision the previous week, and asked him to review that draft decision. Attorney Gilchrist briefly reviewed the procedure undertaken on the appeal and the draft decision. Attorney Gilchrist reiterated for the record that the draft decision was prepared based on the Zoning Board deliberations at the January 27 meeting, that the decision was in draft form and any changes, corrections, deletions or additions could be made by the Zoning Board members prior to action, and that the Zoning Board members will make the decision on this appeal. The Zoning Board members had no comments or edits on the draft decision. Member Schmidt made a motion to approve the draft decision as written and grant the appeal, which was seconded by Member Lockrow. The motion was unanimously approved and the draft decision as written granting the appeal was adopted.

The Zoning Board discussed three items of new business.

The first item of new business 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. Mr. Silver stated that he was proposing to build a garage on his 14-acre lot, that he had initially submitted plans for the project in 2017 and they were approved, that he initially planned to begin construction in 2018, that he was delayed in beginning construction and never constructed the garage, and that now that he seeks re-approval for the garage, he must comply with the 2017 Zoning Law. Mr. Silver stated that he required two area variances: one variance for gross floor area of the garage, as he was requesting 4,560 square feet of gross floor area where 1,500 square feet of floor area is allowed, and one variance for maximum height of the structure, as he was requesting a maximum height of 32 feet for the two-story structure where a maximum height of 20 feet is allowed. Mr. Silver stated that other properties in his neighborhood had accessory

structures, so the garage would not be out of character with the neighborhood, and that 40-foot-tall trees would provide visual screening for the garage. Mr. Silver also stated that he was seeking to build the garage to store two cars, a truck, and a boat. Chairperson Clemente asked for one clarification on the application, specifically what the maximum height of the structure would be, as the application listed the maximum height as 26 feet. Mr. Silver stated that the maximum height would be 32 feet, and the application was amended to reflect that. Chairperson Clemente noted that part of the application that had been submitted included answers regarding a use variance, and that those sections would be removed from the application. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing. Chairperson Clemente asked if the Zoning Board members had permission to visit the property. Mr. Silver stated that the Zoning Board members had permission to visit his property, and noted that the area where he was proposing to build the garage had already been graded, but that no construction had been done. A public hearing on this application is scheduled for March 17, 2025 at 6:00pm.

The second item of new business was an area variance application submitted by Andrew Polinsky for property located at 15 Berkshire Drive. Andrew Polinsky was present to review the application. Mr. Polinsky stated that he was proposing to install an inground pool on his property, and that the proposed location was the only location on his property for the pool due to existing underground water and electric lines. Mr. Polinsky stated that he was seeking a rear setback variance of 20 feet, as 25 feet of rear setback is required and he was requesting 5 feet of setback. Mr. Polinsky also stated that there had previously been an above-ground pool on the property. Chairperson Clemente asked what the size of the lot was. Mr. Polinsky stated that the lot was approximately 1 acre. Mr. Polinsky also stated that he owned an adjacent lot, which was just under 1 acre, and that the pool was proposed for the lot on which his house is located at 15 Berkshire

Drive. Chairperson Clemente noted that part of the application that had been submitted included answers regarding a use variance, and that those sections would be removed from the application. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing. Chairperson Clemente asked if the Zoning Board members had permission to visit the property. Mr. Polinsky stated that the Zoning Board members had permission to visit his property. A public hearing on this application is scheduled for March 17, 2025 at 6:15pm.

The third item of new business was an area variance application submitted by Thomas Brizzell for property located at 1 Angelo Drive. Thomas Brizzell was present to review the application. Mr. Brizzell stated that he was proposing to construct a two-car garage on his property, that he would be removing a shed that it currently falling apart to make space for the garage, and that he needs the garage for storage. Mr. Brizzell stated that he was seeking a side setback variance of 18.7 feet as he was proposing 6.3 feet of side setback where 25 feet of setback was required. Mr. Brizzell also stated that due to topography issues on his lot, the proposed location was the only viable location for the garage. Chairperson Clemente stated that the application was complete for the purpose of holding a public hearing. Chairperson Clemente asked if the Zoning Board members had permission to visit the property. Mr. Brizzell stated that the Zoning Board members had permission to visit his property. A public hearing on this application is scheduled for March 17, 2025 at 6:30pm.

The index for the February 24, 2025 regular meeting is as follows:

1. Keefer – area variance (approved).
2. Froio – appeal (granted).
3. Silver – area variances (March 17, 2025).
4. Polinsky – area variance (March 17, 2025).
5. Brizzell – area variance (March 17, 2025).

The proposed agenda for the March 6, 2025 special meeting is currently as follows:

1. Maries Muse, LLC – area variances (joint public hearing with the Planning Board
to commence at 7:00pm).

The proposed agenda for the March 17, 2025 regular meeting is currently as follows:

1. Silver – area variances (public hearing to commence at 6:00pm).
2. Polinsky – area variance (public hearing to commence at 6:15pm).
3. Brizzell – area variance (public hearing to commence at 6:30pm).