

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 AUGUST 17, 2026

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

ABSENT was DARYL LOCKROW.

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.

The draft minutes of the June 15, 2026 regular meeting were reviewed. Chairperson Clemente noted one correction: at the top of page 1, "ACTING CHAIRMAN" was missing the letter "R". Chairperson Clemente made a motion to approve the minutes of the June 15, 2026 regular meeting subject to the noted correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the June 15, 2026 regular meeting were approved subject to the noted correction.

The draft minutes of the July 20, 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 July 20, 2026 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the July 20, 2026 regular meeting were approved.

The first item of business on the agenda was a public hearing concerning a sign variance application submitted by Zafer Ak for property located at 585 Hoosick Road. Ahmad Almoussa, Operations Manager for Golden Grain Pizza, 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 the applicant's representative to briefly review the project and if there had been any changes to the application since the last meeting. Mr. Almoussa stated that the applicant was requesting two signs on the side of the building to help advertise the restaurant to cars driving up and down Hoosick Road. 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. Member Curran asked if the two signs proposed for the side of the building would be backlit, and Mr. Almoussa confirmed they would be. Member Curran asked what hours the signs would be lit. Mr. Almoussa stated that the signs would be turned on at sundown every day, and would be turned off at 11:00pm on weekdays and at 1:00am on weekends. Chairperson Clemente asked what the size of the site was. Mr. Almoussa stated that he was not sure. Mr. Mainello stated that the site was approximately 0.4 acres. 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 application was for a nonresidential action under SEQRA and that a short Environmental Assessment Form (EAF) had been submitted by the applicant. The Zoning Board members reviewed the short EAF and

concluded that there would be no adverse environmental impacts resulting from the action. Chairperson Clemente made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Schmidt. The Zoning Board voted unanimously to declare a negative declaration on the application under SEQRA. The Zoning Board then reviewed the elements for consideration on the sign 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 proposed signs would match the design of two signs already installed to the front of the building, and that the four signs together would not exceed the maximum square footage allowed for signage on a commercial site. As to whether a feasible alternative was available, Chairperson Clemente stated that there was no alternative other than taking down the signs, which had already been installed and covered up. As to whether the requested variance was substantial, Chairperson Clemente stated that the site was an approximately 0.4-acre parcel in a B-15 business zoning district, and that the two additional signs were not substantial. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that there would be no environmental impacts due to the two additional signs. 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 sign variance, which was seconded by Member Schmidt. The motion was unanimously approved and the sign variance was granted. Chairperson Clemente directed Mr. Almoussa to have the applicant continue working with the Town Building Department on this matter.

The second item of business on the agenda was an application for two area variances submitted by Kevin Hixson, of BL Companies, for property located at 721 Hoosick Road. No one was present to review the application.

The Zoning Board discussed two items of new business.

The first item of new business was an area variance application submitted by Andrew Shedden for property located at 105 Old Siek Road. Andrew Shedden was present to review the application. Mr. Shedden stated that he had an existing garden on his property and wanted to add a greenhouse, but that there was a setback issue. Mr. Shedden stated that his property was heavily wooded and that the greenhouse would be well-screened, and that he wanted to place the greenhouse in the proposed location due to being close to the existing garden. Chairperson Clemente asked if the greenhouse would be a permanent structure. Mr. Mainello confirmed that the greenhouse would be considered a permanent structure. Chairperson Clemente asked what materials the greenhouse would be made of. Mr. Shedden stated that the greenhouse would be made of wood and glass, and that the greenhouse would be built elsewhere and brought to and placed on his property. Chairperson Clemente asked if there was a possible alternative location for the greenhouse. Mr. Shedden stated that there was not due to the proposed location being very close to his garden, and that the only reason he wanted to build the greenhouse was to use it in connection with his garden. Chairperson Clemente asked if the Zoning Board members had permission to visit the site, and Mr. Shedden confirmed that they did. A public hearing on this application was scheduled for September 21, 2026 at 6:00pm.

The second item of new business was an area variance application submitted by Margueritte Jordan for property located at 1 Marthon Drive. Margueritte Jordan was present to review the application. Mrs. Jordan stated that she was proposing to place a one-car carport in her

existing driveway. Chairperson Clemente asked to confirm that the proposed carport had a top held up by poles and no sides, and Mrs. Jordan confirmed that was correct. Chairperson Clemente asked what materials the carport would be made of. Mrs. Jordan stated that the posts would be made of aluminum, with a polycarbonate roof. Chairperson Clemente asked to confirm that a front setback variance was being sought. Mrs. Jordan confirmed that she was seeking a front setback variance and clarified that her lot was a corner lot, sitting at the corner of Marthon Drive and Ledgestone Road, meaning it had two fronts and that a variance was required for one of the front setbacks. Chairperson Clemente asked what the size of the lot was, and Mrs. Jordan stated that the lot was 0.8 acres. Chairperson Clemente asked if there was any other place on the lot for the carport. Mrs. Jordan stated that there was no other place for the carport due to the lot being very hilly and that the proposed location was the only flat area. Chairperson Clemente asked if the Zoning Board members had permission to visit the site, and Mrs. Jordan confirmed that they did. A public hearing on this application was scheduled for September 21, 2026 at 6:15pm.

The Zoning Board then determined to call a recess until the representative for Mavis Tire arrived. Chairperson Clememte made a motion to declare a recess, which was seconded by Member Curran. The Zoning Board voted unanimously to declare a recess.

After the representative for Mavis Tire arrived, Chairperson Clemente made a motion to exit the recess, which was seconded by Member Curran. The Zoning Board voted unanimously to exit the recess.

The Zoning Board then returned to the second item of business on the agenda, which was an application for two 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 apologized for his delay, then stated that written responses to comments

made at the joint public hearing with the Planning Board held August 6 had been sent via letter dated August 14. Mr. Hixson briefly reviewed that letter, stating that construction hours would be 8:00 AM to 5:00 PM Monday through Saturday, that no construction vehicles would be parked along Mohawk Avenue, that sound produced inside the building would be mitigated by the building being oriented toward Hoosick Road and away from neighboring residential properties, that the store being open seven days a week was standard for Mavis Tire stores, and that no through-traffic would be allowed. Mr. Hixson also reviewed the proposed signage for the site and stated that any damage caused by construction vehicles would be repaired within five days. Chairperson Clemente asked if “any damage” included damage to the road, and Mr. Hixson confirmed that it did. Mr. Hixson continued reviewing the response letter, including how potential environmental damage by removing vegetation on the site would be mitigated, how stormwater concerns would be mitigated, that renderings of the retaining wall and signage on the site had been subsequently submitted, and that bay doors would be closed almost all the time during the winter months and open during the summer. Mr. Hixson also stated that there was already a sidewalk on the other side of Mohawk Avenue, and that the applicant was proposing to widen Mohawk Avenue as part of the project. Mr. Hixson clarified that the applicant was seeking two rear setback variances, not side setback variances. Mr. Hixson also reviewed the details of the proposed dumpster enclosure, and the trees and fencing proposed for the back of the project site to provide screening to neighboring properties. Member Curran asked if the applicant was proposing to remove certain trees near the rear of the site. Mr. Hixson stated that the trees identified by Member Curran were on the adjacent neighbor’s property, and would not be touched. Member Curran asked if the applicant was proposing to remove any trees. Mr. Hixson confirmed that a few trees would be removed to make space for the proposed fence at the rear of the site. Chairperson Clemente

asked when the dumpster would be emptied, and Mr. Hixson stated that it would be emptied during business hours. Attorney Langlois asked if the dumpster would be emptied on an as-needed basis or at a set time, and Mr. Hixson stated that it would be emptied on an as-needed basis. Member Curran asked what the store's business hours would be. Mr. Hixson stated that the store would open at 8:00am every day, that closing times would vary, and reiterated that the store would be open seven days a week. Member Curran asked about lighting on the site. Mr. Hixson stated that LED wall packs pointing downward would be installed on the building; specifically, three wall packs on the back of the building, with one being near the dumpster, and three wall packs on the front of the building. Mr. Hixson also stated that the lights would be turned off one hour after the store closed. Member Schmidt stated that he was concerned about hours of construction and asked how set hours for construction would be enforced. Mr. Mainello stated that enforcing the hours of operation was under the jurisdiction of the Building Department, and that the Building Department would be able to pull the project's building permit and/or assess fines for violations. Chairperson Clemente wanted to note that the applicant had been working directly with the adjacent neighbors on the project and commended the applicant for that. Attorney Langlois reviewed the history of the project and stated that the Zoning Board needed to act on the two area variances before it before the Planning Board could act on the site plan application before it. 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 asked the other Zoning Board members if they would prefer to deliberate on the two area variances together or separately. The Zoning Board determined to deliberate on the two area variances together. Chairperson Clemente stated that the application was for a nonresidential action under SEQRA and that a short EAF had been submitted

by the applicant. The Zoning Board members reviewed the short EAF and concluded that there would be no adverse environmental impacts resulting from the action. Chairperson Clemente made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Curran. The Zoning Board voted unanimously to declare a negative declaration on the application under SEQRA. 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 site currently had a vacant building with overgrown vegetation on it, which would be replaced with a new building. Chairperson Clemente also stated that the area had many retail and commercial buildings and that the variances would not result in any undesirable changes. As to whether a feasible alternative was available, Member Curran stated that the variances were being sought due to the existing underground water regulator discovered on the site, which the Town and applicant were not previously aware of, and that there were no alternatives. As to whether the requested variances were substantial, Chairperson Clemente stated that 30 feet of rear setback was required, that the applicant was requesting 25 feet of setback for the building and 20 feet of setback for the dumpster enclosure, and that the variances would not be substantial. As to whether the variances would create an adverse environmental impact, Chairperson Clemente stated that the Zoning Board had just made a negative declaration on the project under SEQRA and that any potential negative environmental impacts would be mitigated. As to whether the difficulty giving rise to the need for the variances was self-created, Chairperson Clemente stated that it was not due to the recently discovered underground water regulator. Chairperson Clemente stated that the Zoning Board needed to balance the benefit to the applicant with any potential detriments to the surrounding neighborhood. Chairperson Clemente stated that

the Zoning Board had the ability to place conditions on the potential approval of the two area variances, and suggested possible conditions for the Zoning Board to consider. Mr. Mainello stated that the vegetation and trees were shown on the site plan, meaning that the replacement of dead and/or damaged vegetation and trees was already enforceable by the Building Department, as well as fencing and anything else shown on the site plan. Attorney Langlois confirmed that anything shown on the site plan, plus all notes on the site plan, were enforceable by the Building Department. The Zoning Board determined not to place any conditions on the area variances. 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 Mr. Hixson to continue working with the Town Building Department on this matter.

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

1. Golden Grain Pizza – sign variance (approved).
2. Sheddon – area variance (September 21, 2026).
3. Jordan – area variance (September 21, 2026).
4. Mavis Tire – area variances (approved).

The proposed agenda for the September 21, 2026 regular meeting is as follows:

1. Sheddon – area variance (public hearing to commence at 6:00pm).
2. Jordan – area variance (public hearing to commence at 6:15pm).