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 OCTOBER 19, 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 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 September 21, 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 September 21, 2026 regular meeting without correction, which was seconded by Member Curran. The motion was unanimously approved and the minutes of the September 21, 2026 regular meeting were approved.

The first item of business on the agenda was a public hearing concerning an area variance application submitted by Gayle Hinsdill for property located at 24 Prout Avenue. Gayle Hinsdill 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. Hinsdill to briefly review the project and if there had been any changes to the application since the last

meeting. Ms. Hinsdill stated that there had been no changes to the application since the last meeting. Ms. Hinsdill stated that there was a retaining wall between her and her adjacent neighbor's properties, and that the wall was partially on her property and partially on her neighbor's property. Ms. Hinsdill stated that she was seeking to deed 112 square feet of her property to her adjacent neighbor so that the entirety of the retaining wall would be on his property. 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 questions or comments from the Zoning Board members. Chairperson Clemente made a motion to close the public hearing, which was seconded by Member Lockrow. 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, Chairperson Clemente stated that the applicant had maintained the retaining wall for several years, that the wall and its maintenance had no effect on the character of the neighborhood, and that transferring 112 square feet of the applicant's land to her adjacent neighbor and having him maintain the wall would increase safety for both the applicant and her neighbor. As to whether a feasible alternative was available, Chairperson Clemente stated that the applicant was proposing a creative solution to a persistent problem, and that there was no other feasible alternative. As to whether the requested variance was substantial, Chairperson Clemente stated that the project site was a 0.17-acre preexisting nonconforming parcel in an R-9 residential zoning district, that the

applicant was seeking to transfer only 112 square feet of her property to her adjacent neighbor, and that it would not be substantial. As to whether the variance would create an adverse environmental impact, Chairperson Clemente stated that there would no effects to noise, odor, dust or drainage resulting from the action. As to whether the difficulty giving rise to the need for the variance was self-created, Chairperson Clemente stated that it was not, as the applicant's lot was a preexisting nonconforming lot. 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 asked if the Zoning Board should make it a condition that a maintenance agreement between the applicant and her adjacent neighbor be submitted establishing that the neighbor would maintain the wall after the transfer of the 112 square feet of land. Attorney Langlois stated that the responsibility for the wall would go with the ownership of the land the wall sat on, meaning that the neighbor would automatically take responsibility for the wall when the 112 square feet of land was transferred to him, so the Zoning Board making that a condition was unnecessary. Member Curran made a motion to grant the applicant a variance from all applicable Zoning Code requirements so as to allow the applicant to proceed with a lot line adjustment application to the Planning Board which, if granted, would reduce the lot size of the subject nonconforming lot from 7,200 square feet to 7,088 square feet. Member Schmidt seconded the motion. The motion was unanimously approved and the area variance was granted. Chairperson Clemente directed Ms. Hinsdill to continue working with the Town Building Department on this matter.

There was no new business to discuss.

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The index for the October 19, 2026 regular meeting is as follows:

1. Hinsdill – area variance (approved).

There are currently no agenda items for the November 16, 2026 regular meeting.