

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 6, 2018**

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DONALD HENDERSON, DAVID TARBOX, MICHAEL CZORNYJ and LINDA STANCLIFFE.

ABSENT was TIMOTHY CASEY.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Prior to the opening of the meeting, the Planning Board requested advice of legal counsel. Attorney Gilchrist explained that the Planning Board was authorized to enter into a private session to seek the legal advice of counsel, as this is exempt from the Open Meetings Law as the discussions are made confidential by law. The Planning Board members entered into private session with counsel.

The Planning Board members then reconvened in public session for its meeting.

Chairman Oster reviewed the agenda for the meeting.

The first item of business on the agenda was the special use permit application submitted by William and Deborah Lyons for property located at 149 Moonlawn Avenue. The applicants seek a special use permit for an accessory apartment. The Planning Board is continuing a public hearing on this application, which had previously been opened at the August 16 meeting. Chairman Oster explained that the public hearing had been continued to allow an opportunity for people that had been out of town on August 16 to appear and provide comment. William Lyons

was present on the application. Chairman Oster requested Mr. Lyons to present an overview of the proposal. Initially, Mr. Lyons stated he would like to clarify a few points that were included in the August 16 meeting minutes. First, Mr. Lyons wanted clarification concerning the reference to “work release” persons being hired to conduct work on his property. Mr. Lyons stated that he does hire day laborers, which are generally his tenants from properties he owns in Albany and also friends of his son who all went to Tamarac school, and that he does not know what “work release” persons means. Second, the minutes state that people were brought in from out of state or out of country to hunt on his property. Mr. Lyons stated that this statement is not correct. Chairman Oster stated that the minutes merely reflect comments that had been made during the public hearing. Mr. Lyons stated that he had nothing new to add to the application, and that no changes to the application materials had been made. Chairman Oster opened the floor for receipt of public comments on this application. No members of the public wished to present any further comments on this application. Thereupon, Member Stancliffe made a motion to close the public hearing on the Lyons special use permit application, which motion was seconded by Member Czornyj. The motion was unanimously approved, and the public hearing closed. The Planning Board members proceeded to deliberate on the application. Chairman Oster confirmed that the accessory apartment at this location has a separate access for the apartment, as well as adequate off-street parking. Member Stancliffe confirmed that the application was for approval of an accessory apartment, and that this property would not be considered a two-family structure under the Zoning Law. Member Czornyj had a question concerning the size of the septic system. Mr. Lyons stated that the septic system was sized for a four-bedroom house with a 25% overcapacity already built, with an additional 25% expansion area. Mr. Lyons stated that the main residence is a four-bedroom home, and the accessory apartment has one bedroom, and that the septic system is sized for those

five bedrooms. Mr. Bonesteel stated that while he is not the approving authority, a septic system designed for a four-bedroom house with 25% overcapacity would provide adequate capacity for the accessory apartment. Chairman Oster asked whether the Planning Board members had any further questions or comments. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Attorney Gilchrist reviewed the special use permit standards set forth in the Brunswick Zoning Law. Following deliberation, Member Stancliffe made a motion to approve the special use permit subject to the condition that the accessory apartment is limited to a maximum of one bedroom. Member Mainello seconded the motion subject to the stated condition. The motion was unanimously approved, and the special use permit granted subject to the stated condition.

The Planning Board members at this time reviewed the draft minutes of the August 16, 2018 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes of the August 16, 2018 meeting were unanimously approved without amendment.

The next item of business on the agenda was the special use permit application submitted by Frederick Ring for property located at 31 Woodward Avenue. The applicant seeks approval of a special use permit for an accessory apartment. The Planning Board was scheduled to open a public hearing on this application. Frederick Ring was in attendance. Chairman Oster requested the public hearing notice be read into the record. Upon review of the public hearing notice, it was discovered that an error had been made in the notice of public hearing, which Attorney Gilchrist stated will require re-noticing and rescheduling of the public hearing. Attorney Gilchrist apologized for the error in the notice and the delay in the opening of the public hearing, and Mr.

Ring was understanding. The Planning Board has rescheduled the public hearing on this special use permit application for September 20, 2018 to commence at 7:00pm.

The next item of business on the agenda was the site plan amendment application submitted by Simply Better Auto Center for property located at 815 Hoosick Road. The applicant seeks to allow for the use of the property for the sale of small mobile home-type units to be displayed at the site. This matter has been before the Planning Board for several meetings, with the remaining issue being a site plan which meets the site plan regulations of the Town Zoning Law. Chairman Oster asked Mr. Bonesteel whether he had a chance to review the revised amended site plan. Mr. Bonesteel stated that he had reviewed the site plan, and it is now stamped by a professional engineer licensed in New York; that the prior-approved site plan had been amended to include an overlay showing where the mobile home-type units will be located for display, while still showing the underlying parking areas as shown on the previously-approved site plan; that all utilities are now shown on the site plan; that the site plan shows water, sewer, and catch-basins for stormwater; that the application indicates there will be no skirting around the base of the homes, and therefore no drainage or stormwater impairment is anticipated; and while the amended site plan does not show the location of any valves or shutoffs for utilities, it should be noted that none of the mobile home-type units should be parked over any valves or shutoff areas. It is also noted for the record that the fire department reviewed the plans, and has provided comments which have been reviewed by the applicant, and to which the applicant agrees. Chairman Oster noted that all the requirements of the Planning Board and the Brunswick site plan regulations have been met, that the Board is in receipt of the comments from the fire department, that the County recommendation had been completed, and that Mr. Bonesteel has had a chance to review and determine that the site plan is in proper form. Member Czornyj asked whether there could be something added to the tongues of

each mobile home-type unit, and the applicant stated they could fashion a cover for each of these tongues. Chairman Oster asked whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the amendment to the site plan, subject to the following conditions:

1. Fire department comments.
2. No parking of vehicles or mobile home-type units over any valves for shutoffs for utilities.
3. Handicap accessibility to be provided.

The motion was seconded by Member Stancliffe. The motion was unanimously approved, and the amendment to the Simply Better Auto Center site plan approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision submitted by Todd Duncan for property located at 462 McChesney Avenue. The Planning Board had previously reviewed this application, and found the application to be in approvable form subject to the submission and service of the agricultural data statement. It is confirmed that the agricultural data statement has been completed and served. Chairman Oster confirmed there were no changes to the subdivision plan, which was confirmed by Brian Holbriiter, Licensed Land Surveyor, appearing on behalf of the applicant. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision, which motion was seconded by Member Tarbox. The motion was unanimously approved, and the waiver of subdivision approved.

The next item of business on the agenda was the waiver of subdivision application submitted by Bonnie Hillje for property located at 82 and 86 Creek Road. Stephen Cornell was present for the applicant. Mr. Cornell confirmed that the application seeks to divide 1.81 acres from 82 Creek Road, which is an existing 59.63-acre parcel, for transfer and merger into the parcel at 86 Creek Road. Mr. Cornell stated that this was in the nature of a lot line adjustment. Attorney Gilchrist confirmed that the agricultural data statement required on this application had been received and served. Chairman Oster confirmed that this application had been reviewed at the August 16 meeting, and inquired whether there were any further questions or comments by the Planning Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision subject to the condition that the 1.81-acre area divided from 82 Creek Road be transferred and merged into the deed for 86 Creek Road, with proof of that merger being filed with the Brunswick Building Department. Member Stancliffe seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision approved subject to the stated condition.

The next item of business on the agenda was the special use permit application submitted by Dave Leon for property located at 1 Valley Avenue. The applicant seeks a special use permit to allow the construction of six 2–3-story apartment buildings with parking and related facilities on the property. Prior to addressing the application, Attorney Gilchrist stated for the record that he had been contacted by the applicant, through two representatives, and told that the applicant understands that there are rumors and innuendo in the Town concerning the conduct of Chairman Russell Oster on the application; specifically, that Chairman Oster lives in the neighborhood near

the project site and that he is personally opposed to the project; that Chairman Oster has spoken with neighbors about opposition to the project; that Chairman Oster has held a meeting or meetings with neighbors concerning the project; that Chairman Oster has coached neighbors on how to oppose the project; and that Chairman Oster may have circulated a flyer or flyers in opposition to the project. Attorney Gilchrist made it clear on the record that the applicant's representatives indicated this was rumor that they had heard, and had not supplied any evidence of these accusations to Attorney Gilchrist. Attorney Gilchrist stated that the representatives of the applicant made it clear that they were only relaying things that the applicant had heard were rumors and innuendo. Attorney Gilchrist noted for the record that he had relayed this information to Chairman Oster. Chairman Oster then stated for the record that he has been a member of the Brunswick Planning Board since January 2001; that he has served as Chairman of the Planning Board since 2006; that at all times, he has acted independently and objectively on applications before the Planning Board, and renders any decision he makes on applications based on the record before him; that he feels he has and would be able to continue to review the Leon special use permit application fairly, independently, and objectively; that he does not have any bias against the applicant or this project, and would review the project based on its merits; but that, however, the applicant has raised these issues, and there is the risk on this record that the applicant feels Chairman Oster's continued participation in the review and action on the special use permit would not be a fair and impartial review; that Chairman Oster does not want to create any cloud on this record or the Planning Board's review process, and therefore he elects to recuse himself from any further participation in either the public hearing or the further review and action upon the special use permit. Chairman Oster stated that Member Czornyj would act as Chairman during the continuing review of the Leon special use permit application. Chairman Oster then left the meeting

room. Attorney Gilchrist stated for the record that he has had the privilege of being attorney to the Brunswick Planning Board since 2001; that Chairman Oster has been a member of the Brunswick Planning Board for the entire time Attorney Gilchrist has served as the Board's attorney; that Attorney Gilchrist has at all times found Chairman Oster to be professional, fair, impartial, and upholds his duties as both a member and Chairman of the Planning Board; that he finds these accusations against Chairman Oster to be repugnant; and that Chairman Oster's recusal should not be interpreted in any way as lending any credence to these accusations, that no proof of any of these accusations has been submitted to the Town, but that he respects Chairman Oster's decision to recuse himself in order to avoid any cloud or question being created on this record. Member Czornyj then reopened and continued the public hearing on the application. The notice of continuation of public hearing was read into the record, with that notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Member Czornyj requested the applicant to make a brief presentation of the proposal. Jamie Easton, P.E., of MJ Engineering, was present for the applicant. Mr. Easton stated that he has represented clients previously on projects before the Brunswick Planning Board, and agrees that Chairman Oster has acted in a fair and professional manner. Mr. Easton stated that the applicant had submitted an updated traffic signal warrant assessment, the prior 2000 NYSDOT corridor study, and a written response to public comments raised at the August 2, 2018 public hearing. Mr. Easton stated that Alanna Moran of VHB Engineers was present for the applicant on traffic engineering issues; Robert Panasci, Esq., project attorney, was present for the applicant; David Leon, applicant, was present; and Dean DeVito of Prime Companies, the proposed builder of the apartments, was present. Mr. Easton then reviewed the site location and surrounding lands. Mr. Easton reviewed the Town of Brunswick



Comprehensive Plan and 2017 Zoning Law, stating that both the Comprehensive Plan and the Zoning Law promote high density multi-family dwellings at this location in the Town; that the Comprehensive Plan promoted high density development in areas where public water and public sewer are available, as well as existing commercial and transportation corridors; that the Comprehensive Plan promoted affordable housing units in the Town; that the Comprehensive Plan promoted transportation improvements for access as well as new service roads in the vicinity of NYS Route 7/Hoosick Road; and that the Comprehensive Plan defined high density residential use and promoted that use at this location in the Town. Mr. Easton stated while there was the perception that there are a lot of apartments in Brunswick, this is a myth, and that the residential stock in the Town of Brunswick is only 11.5% apartments, whereas the percentage of apartments for Rensselaer County is 14.3% and the percentage of apartments in New York State is 32%. Mr. Easton then generally reviewed the 6-building proposed layout, 200 units, with access from Hoosick Road and also a proposed one-way access from Hillcrest Avenue and a two-way access to Woodward Avenue. Mr. Easton stated that the proposed road interconnectivity would ease congestion on Hoosick Road. Mr. Easton reviewed the proposed building elevations, which include underground parking and limited surface parking; provided elevations of other apartment projects built by Prime Companies, and also generally discussed the proposed amenities for this project. Mr. Easton then reviewed what he characterized as myths of apartment or multi-family dwellings, including traffic, stormwater, crime, property value, taxes, and schools. First, Mr. Easton stated that apartments do not generate as much traffic as single-family residences, with a single-family residence generating on average two cars and an apartment on average generating one car. Second, Mr. Easton stated that statistics show that property values surrounding apartment projects do not experience any significant reduction. Third, any assertion that crime will increase

when an apartment project is constructed is not supported by statistics. Fourth, Mr. Easton stated that apartments do not generate the same volume of school-aged children as single-family residences, and stated that on average 100 single-family homes will generate 64 school-aged children, while 100 apartment units will generate on average 20 school-aged children. As an example, Mr. Easton stated that Prime Properties has constructed a 122-apartment unit project, which has generated only 5 school-aged children. Fifth, Mr. Easton stated that apartment project owners do pay real property taxes, and provide a significant increase in the tax base for the municipality. Mr. Easton then introduced Alanna Moran of VHB Engineers who reviewed the signal warrant evaluation report. Ms. Moran stated that in order to prepare the signal warrant evaluation report, the traffic volumes need to be looked at per Federal standards, and that the signal warrant evaluation took into account future conditions with the apartments built, indicating that the report concludes the project does meet traffic warrant requirements for the installation of a traffic signal. Ms. Moran stated that NYSDOT must approve the traffic signal, but that NYSDOT does look for the public benefit of a project which must be met due to the stopping of main line traffic on Hoosick Road, and that in this case, the public benefits provided include a controlled pedestrian crossing at the existing Hoosick Road/Lord Avenue intersection, and providing a signalized intersection for interior Town road residents to access Hoosick Road. Mr. Easton continued, stating that there were several public benefits associated with the project, including improving traffic conditions, increasing tax revenues, providing high-quality housing opportunities, providing water system improvements, providing the opportunity for sewer extensions to both Hillcrest and Woodward residents, providing high density residential opportunities consistent with the Town Comprehensive Plan and Zoning Law, and also that an area of contamination on the commercial parcel which Mr. Leon owns adjacent to Hoosick Road

will be cleaned up as a result of this project. David Leon spoke, stating that he was not the enemy; that he had successfully renovated a vacant Rite Aid store into a successful Planet Fitness location; that he has approval for the construction of an Aldi grocery store as well as a fast-food tenant on the property immediately to the east of Planet Fitness; Mr. Leon reviewed a letter which he had obtained from Aldi grocery stores, which stated that while this store location had been approved in February 2016, the installation of a traffic signal had been denied by NYSDOT in 2017, and that impacted the viability of the Aldi grocery store at that location, and that Aldi grocery stores did support the current application for the apartments, as it is viewed as an asset to the community; that both he and Mr. Easton had sat down and worked very hard on coming up with a plan for the use of the property to the rear of the commercial areas in a manner that was consistent and fully compliant with the Town Comprehensive Plan and Zoning Law; and that he had already invested two million dollars into this project and it is anticipated to be a forty million dollar project that would benefit the Town. Member Czornyj then opened the floor and continued the public hearing to receive public comment. Bob Hatman, 11 Film Avenue, took issue with the applicant's review of the Town Comprehensive Plan, and stated that he read the Comprehensive Plan to include concern regarding sewer extensions and existing CSO problems to the Hudson River; that the Comprehensive Plan identifies the Route 7 corridor as a challenge; that the Comprehensive Plan identified limitations for wastewater treatment expansion; that people cannot drive Route 7 and that it is always a bottleneck with traffic accidents and the addition of another traffic light will only make conditions worse; that a 2001 NYSDOT Route 7 corridor study is of no value since it is 17 years old and that a current 2018 study needs to be completed; that the applicant clearly does not live here or drive Route 7, because people that do live here understand that they cannot use Route 7 and that they must use back roads; another traffic light will only make the existing problems

worse; and that traffic is a major problem. Christie Fronhofer, 72 Oneida Avenue, stated that she was very concerned about safety with the traffic on Route 7; that frustrated drivers from Route 7 cut through the neighborhood side streets, which presents a danger to children and pets; that she has lived 20 years in Brunswick but that she cannot go to any of the businesses in Brunswick because of the traffic on Hoosick Road; that no one who lives in Brunswick uses Hoosick Road; that she is concerned about emergency access, and how any emergency vehicles can ever get out onto Hoosick Road, and that there is nowhere to put any more people at this location; that she has three children in the Troy School District, and that School 18 is already overcrowded; that the students in School 18 do not have any music or art classes since those classrooms were needed for general classroom use; and that there is no more room to put any more school children at School 18. Colleen Bonesteel, 2 Marthon Drive, stated that she lives across the street from Chairman Oster; that the rumors that were presented at this meeting concerning Russ Oster are revolting and disgusting; that she has had several conversations with Russell Oster this summer and not once did he raise or discuss this project, and that Russ Oster always acts professionally. Debbie Nichols, 249 Hillcrest Avenue, asked whether sewer would be provided to residents on Hillcrest Avenue as a result of this project; that one of the benefits touted by the applicant was the cleanup of contamination on property along Hoosick Road, but that contamination had previously spread to her property and contaminated her well; that the Town had to connect her property to public water as a result, and asked whether the contamination on her property would be cleaned up by the applicant as well; and that the Town Board and Supervisor Herrington need to look at what they're doing to the Town of Brunswick. Sarah Coonrad, 30 Killock Avenue, stated that she lives in her home with her husband and two children; that these additional Town roads would go through her neighborhood and affect the character of her neighborhood; asked whether the existing public

water and public sewer services were capable of handling the additional impact from this project; stated that traffic from Route 7 cutting through adjacent neighborhoods and Town roads is already a problem; requests a copy of the written response prepared by the applicant to prior public comments; asked how she could petition NYSDOT to stop this traffic light; thanked Mr. Leon for showing up to the meeting, but stated that he does not care for this community and only cares for his business; stated that research needs to be done regarding putting a traffic light on Hoosick Street, not based on general or Federal statistics but based on actual road conditions; asked whether this project would affect the environment; stated that this project will decrease the curb appeal of her house; that connecting Town Roads would not be a benefit to the residents of those neighborhoods; that she lives in a rural environment, and that this project would change that character; that this project will have a negative impact on Brunswick; and that she will work to stop this project step by step. Mary Ellen Adams, 18 Cooper Avenue, states she also owns property at 19 Horton Avenue, and that her kids live on Oneida Avenue; that it is time to use common sense, and that the traffic on Hoosick Street is a problem; that traffic on Hoosick Street cannot move; that the current traffic situation is terrible and that the road system cannot handle any more cars; that traffic reports are not necessary and we should just be using common sense; that this issue is important for the Town of Brunswick since this road is the entry into the Town; and that this project will affect a lot of people. Pamela Wiersma, 6 Marthon Drive, stated that this project does not serve our community; asked why another traffic light is needed; asked where Mr. Leon lives, because he clearly does not drive on Hoosick Street; asked how much taxes would be paid by Mr. Leon, and stated that on a per unit basis a renter in this apartment would not be paying the same property taxes as she does; stated that Brunswick is no longer a place to live because of the traffic on Hoosick Road; that impact to the water table is a concern as well as any potential impact to

Cooper's Pond; that she is a neighbor of Russel Oster and that he has never made a comment regarding the Planning Board or any pending project to her. Michelle Heaton, 11 Lisa Lane, stated that questions she had raised at the August 2 public hearing had not been answered, and asked where she could get a copy of the written responses that had been submitted by the applicant. Ms. Heaton also stated that she was looking forward to answers concerning this project's impact on Cooper's Pond; and that while the applicant states the apartment project will not result in any significant decrease in her property values, she wants to know what her property value will be worth when Cooper's Pond is impacted. Amber Becker, 2 Watson Avenue, stated she grew up in Brunswick, and that Hoosick Road has changed over the years; that the traffic has become horrendous in the past ten years, including incidents of road rage which should not be happening in Brunswick; that this terrible traffic condition must be addressed; that cars cutting through neighborhoods and Town roads is happening now; and that Hoosick Road does not need another traffic light as it will only back up traffic more. Jamie Lamora, 7 Derrick Avenue, stated she has three girls in the Troy School District, the oldest of whom is 18 years old and is driving, and that she was always concerned with her child driving because of the traffic and safety issues on Hoosick Road; that the applicant is concerned only about money; that 200 more apartments in the Town of Brunswick is not the answer; that an Aldi grocery store in Brunswick would be great, but that 200 more apartment units is not great; that the Troy School District, including School 14, School 16, and School 18, is already busting at the seams, and cannot handle any more children; questions how this project will impact the fire company, and whether there would be any money available for a new truck; stated that crime was a concern, and that she used to work for TRIP, and the crime rate is coming out of Troy into Brunswick, including a laptop having been stolen out of a car on her street only last week; asked about what the rate for the apartments would be, and that the

apartment rent would dictate the type of person that came to her neighborhood; asked whether any species testing has been completed; questioned the applicant's characterization of the Comprehensive Plan and maps in the Comprehensive Plan; states that there should be single-family homes constructed instead of apartments; that there are no sidewalks on Lord Avenue, and this traffic light will only result in safety issues for people walking and biking on Lord Avenue; and that she tried to sell her house previously, but no one would look at it due to the traffic on Hoosick Road. Bonnie Fucci, Killock Avenue, stated she does not want a road into the Killock Avenue community; that the problem here is with the Town Board in allowing this kind of project; that you can't get out onto Hoosick Street right now, and that she has had a car accident due to road rage from cars on Hoosick Road; that Hoosick Road is terrible for the neighborhoods located off of Hoosick Road, and that these residents need a break; that these projects being approved by the Town looks like the Town is trying to drive us out; that people need to have compassion for the existing residents; that it looks like the Town has sacrificed the Hoosick Road neighborhoods for its commercial corridor; and that people need to have a conscience. Fred Ring, 764 Pawling Avenue, but recently purchaser of 31 Woodward Avenue, asked what the speed limit would be if Ferdinand Avenue was developed as the connector road to Woodward Avenue; stated that the existing streets on Woodward and Killock are only 18–19 feet wide, and that there is not enough room for two cars to pass; that the access road from Price Chopper to these neighborhoods is currently one way and that the residents are generally courteous on that road, but if the project is developed it will result in more traffic and likely people not being as courteous and the potential for more accidents; that if this project moves forward, these existing Town roads would need to be widened; that connecting this project site to the Woodward/Killock area would create an undue burden on the Woodward/Killock neighborhood; and that the heart of zoning should be to preserve

the existing neighborhood character. Theodorian Borca-Tasciuc, 274 Hillcrest Avenue, stated that the comments from the public have all been negative; that there are infrastructure problems and there is not existing infrastructure available to support this project; that adding a traffic light will only cause more backups on Hoosick Road; and that this project will have a negative impact on fire, police, and ambulance service. John Rafter, 24 Woodward Avenue, stated that the width of roads in his neighborhood is a concern; that the applicants have underestimated traffic volumes; that traffic safety is a concern; that this project will only make traffic and safety issues worse; and that this community cannot be allowed to grow with these significant issues going by the wayside. Diana Borca-Tasciuc, 274 Hillcrest Avenue, asked what the occupancy rates for the existing apartments in the Town of Brunswick were, and why we need more apartments if the existing apartment projects are not filled. Kate Constantine, 4 Woodward Avenue, wanted clarification as to where the sewer line would be located for this project; and that she was told by Bill Bradley at the Town of Brunswick that no sewer line would be extended to her property, and therefore she had to pay \$20,000 to hook up the sewer to her property; and that she wants to know why sewer may be extended now when she was told she had to pay \$20,000 to connect to sewer. Scott Brock, 275 Hillcrest Avenue, stated that he has been a 25-year resident of the Town of Brunswick; that he drives Hoosick Road every day; that Hillcrest is a peaceful neighborhood; that he already has to deal with the impacts from Cumberland Farms; that you already have to wait 9–10 clicks of a traffic light just to travel on Hoosick Road; that while NYS law prohibits the blocking of side roads, this happens all the time on Hoosick Road; that there is a big difference between statistics and reality on Hoosick Road; that a new traffic light at Lord Avenue would be a terrible addition to the traffic problem on Hoosick Road; that he is concerned about noise and other environmental impacts from this project; asked how the rural integrity of his neighborhood will be maintained as



a result of this project; stated that the ends do not justify the means, and that this project is all about getting a traffic light so an Aldi grocery store could be built; and that this project, including the proposed traffic light, do not fit into the area. Nancy Beatty, 41 Genessee Street, stated she had built her house in 2000; and that recently an ambulance could not get up Hoosick Street to get to her house due to the traffic, and that this occurred as recently as May 2018. Jim Tkacik, 387 Brunswick Road, stated that he was on the Comprehensive Plan Committee, and that what the applicant is doing is cherry-picking single points out of a Comprehensive Plan to try to promote his project, and that is not what the Comprehensive Plan says as a whole; that while he likes to attend Planet Fitness, the traffic on Hoosick Street is terrible; that he has been to probably in excess of 200 meetings over the past several years of both the Planning Board and the Town Board, and that he is offended and insulted as to the bad treatment of Russell Oster, and that Mr. Oster gives his time and patience to him when he has any questions and provides nothing but courtesy to Mr. Tkacik whenever he has any questions, and he finds the whole attack on Mr. Oster to be bull; that he would like to see the existing total number of apartments in the Town of Brunswick enumerated; and that he would like a copy of a letter sent by the Planning Board to the Town Board concerning apartments in the Town of Brunswick. Jamie Easton, P.E., stated that he would respond to these public comments in writing, but that he would like the opportunity to generally respond. As to impacts to Cooper's Pond, he can state with certainty that Cooper's Pond will not be impacted by this project; that State stormwater regulations require that he not impact Cooper's Pond; and that he can promise there will be no change to Cooper's Pond. Mr. Easton stated that there was available public water capacity for this project, and that the proposed public water extension for this project would improve both quantity and quality via a proposed water loop. On the issue of public sewer extension, Mr. Easton stated that the detailed plans will need to be reviewed by the

Town designated engineer, the New York State Department of Environmental Conservation, the Rensselaer County Department of Health, and also the City of Troy; that the applicant was not proposing to extend sewer anywhere near Woodward Avenue, but merely states that future extension could be achieved as a result of a pump station the project was proposing. Mr. Easton stated the applicant was not cherry-picking from the Comprehensive Plan, and that the project was fully compliant with both the Comprehensive Plan and the Zoning Law. Mr. Easton stated that the largest concern is traffic on Hoosick Road, and that an updated traffic report had been provided and will need to be reviewed. Bob Hatman, 11 Film Avenue, again stated that the application should not be based on a 2001 NYSDOT study, because things have changed. Bonnie Fucci, Killock Avenue, stated that the value of homes would be impacted from this project. Fred Ring, Woodward Avenue, stated that if a traffic signal was installed at Lord Avenue, it should be part of a larger plan and should coordinate other traffic signals on Hoosick Road. Amber Becker, 2 Watson Avenue, was concerned about potential blasting. Diana Borca-Tasciuc, 274 Hillcrest Avenue, stated that 400 residents are likely as a result of 200 apartment units, and that this will be quite an increase in the overall population of the Town of Brunswick, and that we will likely end up needing our own police and fire firefighters. Sarah Coonrad, 30 Killock Avenue, asked a question concerning procedure between the special use permit and site plan review, and reiterated that this project would result in more traffic going through quiet residential neighborhoods. Attorney Gilchrist then reviewed procedure with the Planning Board, including procedure under the State Environmental Quality Review Act on this application. Attorney Gilchrist confirmed that SEQRA lead agency coordination notice had been sent out to all involved agencies, indicating that the Brunswick Planning Board desired to serve as lead agency for the environmental review of this action, and that no other involved agency had objected. Attorney Gilchrist stated that it

was appropriate for the Planning Board at this point to consider a motion to declare itself SEQRA lead agency. Member Mainello then offered a motion to declare the Town of Brunswick Planning Board as lead agency for this action under the State Environmental Quality Review Act, which motion was seconded by Member Henderson. The motion was unanimously approved, and the Brunswick Planning Board designated as lead agency for the SEQRA review of this action. Attorney Gilchrist then reviewed the procedure for the Planning Board to make its initial determination of environmental significance, resulting in either a negative declaration or a positive declaration. Attorney Gilchrist reviewed the standards for issuance of a SEQRA negative declaration and SEQRA positive declaration, and indicated that the Planning Board must consider the information included in Part 1 of the Full Environmental Assessment Form, and review the questions listed in Part 2 of the Full Environmental Assessment Form to assist in making its determination of environmental significance. Attorney Gilchrist stated that Mr. Bonesteel, as review engineer, had reviewed the application materials as well as the information contained in Part 1 of the Full Environmental Assessment Form and also the updated traffic signal warrant evaluation, and had prepared proposed responses to the questions in Part 2 of the Full Environmental Assessment Form to review with the Planning Board members. Thereupon, Mr. Bonesteel reviewed responses to each section and question contained in Part 2 of the Full Environmental Assessment Form on this action. The Planning Board members discussed these responses, and made certain changes to the responses in Part 2 and finalized Part 2 of the Full Environmental Assessment Form. Attorney Gilchrist then explained Part 3 of the Full Environmental Assessment Form, which would provide for the adoption of a SEQRA negative declaration or SEQRA positive declaration on this action. At this point, Robert Panasci, Esq., the applicant's attorney, requested the opportunity to address the Board. The Planning Board allowed

Mr. Panasci to present his comment. Mr. Panasci stated that the applicant had not had a chance to review this information, and had not been provided a copy of the proposed Part 2 of the Full Environmental Assessment Form; that he felt the Planning Board was acting prematurely in making an initial determination of environmental significance; that the applicant should be allowed to provide additional information to the Board for consideration prior to making the initial determination of environmental significance; and asked that the matter be adjourned for a month. Attorney Gilchrist stated to the Board that it was within the Board's discretion to allow additional information for consideration, but that there was no legal impediment to the Board making its initial determination of environmental significance at this meeting. Member Stancliffe stated that she felt additional information would not change the deliberation of the Planning Board concerning the Full Environmental Assessment Form information or responses noted in Part 2 of the Full Environmental Assessment Form, and Member Mainello concurred. Attorney Panasci then stated that he withdrew his request for the Planning Board to adjourn the matter, and stated the Board could act if it wished. Thereupon, a proposed resolution was reviewed by the Planning Board members, which adopted a positive declaration under SEQRA for this action requiring the preparation of an Environmental Impact Statement, and that the Planning Board would conduct scoping pursuant to the SEQRA regulations; further, the resolution also provided that the public hearing on the special use permit application would remain open and be adjourned subject to receipt and acceptance of a draft Environmental Impact Statement on this action, and that the public hearing would then be reconvened and continued to be run concurrently with the public hearing to be held on the draft Environmental Impact Statement. The Planning Board members reviewed the proposed resolution. The resolution was offered by Member Tarbox and seconded by Member Mainello, and unanimously approved. The resolution is attached to these minutes.

Chairman Oster returned to the meeting room.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by John Knauer for property located on Sharpe Road. The applicant identified the location of the property, which is in proximity to Moxie's, and stated that the application seeks to divide 17.95 acres from an existing 49.43-acre parcel. The resulting lot would have frontage on Sharpe Road. Upon review of the application, the Planning Board members determined that the application does need to be referred to the Rensselaer County Department of Economic Development and Planning for recommendation, and that an Agricultural Data Statement will be required. It is noted that the proposed lot lies both within the Town of Brunswick and the Town of North Greenbush, with the municipal boundary line bisecting the parcel. The Planning Board will notify North Greenbush concerning the application. This matter is placed on the September 20 agenda for further discussion.

The second item of new business discussed was an application submitted by Dana Fowler for property located at 1011 Hoosick Road, owned by 1011 Hoosick Road Properties LLC. Dana Fowler and Fred Fowler were present for the application. Fred Fowler explained the proposal, stating that the Planning Board had previously approved a site plan for a commercial bakery at this location, but that on-premises retail sale and consumption was not permitted, and that this amendment seeks to allow on-premises retail sale and consumption by adding a few tables to the existing interior area; that no changes to the site plan or any structural changes are being proposed, simply adding the additional on-premises retail sales and consumption. Member Czornyj wanted to confirm that the lots at this location had been merged. Fred Fowler confirmed that the lots are merged, and that it is one lot now owned by 1011 Hoosick Road Properties LLC. Member

Stancliffe asked about the hours of operation for the new retail and on-site consumption. Dana Fowler stated that it would be 7:00am to 2:00pm about 4–5 days a week, serving breakfast and a light lunch. Member Czornyj asked about including any dumpster. Dana Fowler stated there would be no dumpster, and that she would have a regular trash service. Chairman Oster asked whether this additional use resulted in any additional parking space requirements. Ms. Guastella stated that there would be no change to the parking requirements, but that a change in the future to expand the physical area of the business could result in additional parking being required. Member Tarbox asked about the existing ventilation at this location, and where the equipment was located. Mr. Fowler reviewed that with the Board members. Chairman Oster inquired whether a public hearing was necessary. Attorney Gilchrist stated that the Planning Board needed to determine whether they felt the proposed amendment was significant, and if yes, could then determine if a public hearing should be held; alternatively, Attorney Gilchrist stated that if the Planning Board felt that the proposed amendment was not significant, a public hearing is not required. The Planning Board members generally concurred that the proposed amendment was not significant, and that a public hearing will not be required on this application. Due to the site location adjacent to Hoosick Road, a referral to the Rensselaer County Department of Economic Development and Planning is required. This matter is placed on the September 20 agenda for further discussion.

The index for the September 6, 2018 meeting is as follows:

1. Lyons - Special use permit - Approved with condition;
2. Ring - Special use permit - 9/20/2018 (public hearing to commence at 7:00pm);
3. Simply Better Auto Center/Rensselaer Honda - Amendment to site plan - Approved subject to conditions;
4. Duncan - Waiver of subdivision - Approved;
5. Hillje - Waiver of subdivision - Approved with condition;

6. Leon - Special use permit - Adjourned without date (public hearing kept open and adjourned; SEQRA positive declaration adopted);
7. Knauer - Waiver of subdivision - 9/20/2018;
8. Fowler - Amendment to site plan - 9/20/2018.

The proposed agenda for the September 20, 2018 meeting currently is as follows:

1. Ring - Special use permit (public hearing to commence at 7:00pm);
2. Knauer - Waiver of subdivision;
3. Fowler - Amendment to site plan;
4. Stewart's Shops - Site plan.

**TOWN OF BRUNSWICK PLANNING BOARD  
REGULAR MEETING**

**September 6, 2018**

**RESOLUTION ADOPTING POSITIVE DECLARATION PURSUANT TO STATE  
ENVIRONMENTAL QUALITY REVIEW ACT AND DIRECTING SCOPING**

**WHEREAS**, on or about November 9, 2017, a special use permit application was submitted to the Town of Brunswick Planning Board by MJ Engineering on behalf of Dave Leon, property owner, for property located at 1 Valley Avenue; and

**WHEREAS**, such application proposes the construction of five (5) 2–3 story apartment buildings, totaling approximately 200 units, with associated parking, clubhouse and pool amenities; and

**WHEREAS**, such application included a Short Environmental Assessment Form pursuant to the State Environmental Quality Review Act (“SEQRA”) dated November 8, 2017; and

**WHEREAS**, the applicant thereafter submitted a Full Environmental Assessment Form pursuant to SEQRA for this action, dated November 29, 2017; and

**WHEREAS**, the Brunswick Planning Board reviewed such application materials and requested additional information on or about March 22, 2018; and

**WHEREAS**, the applicant submitted to the Brunswick Planning Board additional information in support of its special use permit application on or about June 8, 2018; and

**WHEREAS**, the applicant amended its Full Environmental Assessment Form through submittals dated June 7, 2018 and July 30, 2018; and

**WHEREAS**, the Brunswick Planning Board thereafter opened a public hearing on the special use permit application on August 2, 2018 in order to receive public comment on the application; and

**WHEREAS**, such public hearing was kept open by the Brunswick Planning Board and continued on September 6, 2018; and

**WHEREAS**, the Brunswick Planning Board circulated a notice of intent to establish SEQRA lead agency to all involved agencies identified on the Full Environmental Assessment Form, indicating that the Brunswick Planning Board sought to be established as SEQRA lead agency for the environmental impact review of this action; and

**WHEREAS**, no involved agency objected to the Brunswick Planning Board serving as SEQRA lead agency or otherwise the 30-day response period elapsed with no reply received; and



**WHEREAS**, the Brunswick Planning Board declared itself SEQRA lead agency for this action at its meeting held September 6, 2018; and

**WHEREAS**, also at its meeting held September 6, 2018, the Brunswick Planning Board completed parts 2 and 3 of the Full Environmental Assessment Form for this action in consultation with its review engineer; and

**WHEREAS**, the Brunswick Planning Board has duly considered the information contained in the Full Environmental Assessment Form and the special use application submittals;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town of Brunswick Planning Board, serving as SEQRA lead agency regarding the special use permit application submitted by Dave Leon as described herein, hereby adopts a SEQRA positive declaration for this action based on the potential significant adverse environmental impacts identified in the Full Environmental Assessment Form requiring the preparation of an Environmental Impact Statement. Further, the Brunswick Planning Board shall conduct scoping pursuant to 6 NYCRR §617.8, and hereby directs the applicant to submit to the Brunswick Planning Board a draft scope in compliance with 6 NYCRR §617.8.
2. The Town of Brunswick Planning Board hereby keeps the public hearing on the subject special use permit application open and adjourns the same pending acceptance of the Draft Environmental Impact Statement for this action, and shall continue the public hearing for the special use permit application concurrently with a public hearing to be held on the Draft Environmental Impact Statement pursuant to 6 NYCRR §617.9(a)(4).

The foregoing Resolution, offered by Member Tarbox and seconded by Member Mainello was duly put to a roll call vote as follows:

<b>PLANNING BOARD CHAIRMAN OSTER</b>	<b>VOTING <u>recused</u></b>
<b>MEMBER CZORNYJ</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER HENDERSON</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER CASEY</b>	<b>VOTING <u>absent</u></b>
<b>MEMBER TARBOX</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER STANCLIFFE</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER MAINELLO</b>	<b>VOTING <u>aye</u></b>

The foregoing Resolution was thereupon declared duly adopted.

September 6, 2018