

Planning Board

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

Zoning Board of Appeals

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MINUTES OF THE PLANNING BOARD REGULAR MEETING AND ZONING BOARD OF APPEALS SPECIAL MEETING HELD AUGUST 6, 2026

PRESENT for the Planning Board were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, J. EMIL KREIGER, LINDA STANCLIFFE, DAVID TARBOX and MICHAEL CZORNYJ.

ABSENT for the Planning Board was JOHN MAINELLO III.

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

ABSENT for the Zoning Board of Appeals were DARYL LOCKROW and MATTHEW GRAB.

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, CHRISTOPHER LANGLOIS, ESQ., Attorney to both the Planning Board and Zoning Board of Appeals, and WAYNE BONESTEEL, Review Engineer to the Planning Board.

The Town of Brunswick Zoning Board of Appeals joined the Town of Brunswick Planning Board's regular meeting for the purpose of conducting a joint public hearing on the site plan application submitted to the Planning Board and the application for two area variances submitted to the Zoning Board of Appeals by Richard Valverde concerning the demolition of an existing structure and construction of a new building to serve as a Mavis Tire motor vehicle repair shop on property located at 721 Hoosick Road.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. Chairman Oster stated that the second item of business on the agenda, the joint public hearing concerning the site plan application submitted to the Planning Board and application for two area variances submitted to the Zoning Board of Appeals by Richard Valverde for property located at 721 Hoosick Road, would be addressed first, but since that public hearing had been noticed for 7:15pm, the Planning Board would take a short recess before opening that public hearing.

Chairman Oster also stated that the third item of business on the agenda, the major subdivision application submitted by Jim Cillis for property located on Cole Lane, had been tabled prior to the meeting at the request of the applicant's representative, and that the applicant's representative had also requested that the application be placed on the agenda for the first Planning Board meeting in September. This matter was placed on the September 3, 2026 agenda for further deliberation.

The draft minutes of the May 21, 2026 regular meeting were reviewed. Upon motion of Member Henderson, seconded by Member Czornyj, the draft minutes of the May 21, 2026 regular meeting were unanimously approved without amendment, with Members Czornyj and Kreiger abstaining, as they were not present at the May 21, 2026 meeting.

Brunswick Town Board Member Mark Cipperly passed out copies of the Brunswick Comprehensive Plan and stated that the Town Board was seeking input from the Planning Board and Zoning Board on possible changes/edits/updates to the Comprehensive Plan in the near future.

The Planning Board then determined to call a recess until 7:15pm. Chairman Oster made a motion to declare a recess, which was seconded by Member Stancliffe. The Planning Board voted unanimously to declare a recess.

At 7:15pm, Member Czornyj made a motion to exit the recess, which was seconded by Member Henderson. The Planning Board voted unanimously to exit the recess.

The second item of business on the agenda was a joint public hearing concerning the site plan application submitted to the Planning Board and application for two area variances submitted to the Zoning Board of Appeals by Richard Valverde for property located at 721 Hoosick Road. Kevin Hixson, of BL Companies, was present to review the application. Chairperson Clemente called the Zoning Board of Appeals special meeting to order. Chairman Oster read the procedure for a public hearing held by the Planning Board, then opened the public hearing on the site plan application. Chairperson Clemente then opened the public hearing on the application for two area variances. Attorney Langlois read the Notice of Public Hearing into the record, with the Notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties within 300 feet of the project site. Mr. Hixson briefly reviewed the project, stating that the two area variances before the Zoning Board were rear setback variances, specifically for the building and the dumpster enclosure. Mr. Hixson stated that 30 feet of rear setback was required for the building and the applicant was proposing a rear setback of 25.2 feet. Mr. Hixson stated that 20 feet of rear setback was required for the dumpster enclosure and the applicant was proposing a rear setback of 14.77 feet. Mr. Hixson stated that the parcel was 0.647 acres in a B-15 business zoning district, that the entire site had been moved back several feet due to the discovery of an underground water regulator at the front of the site, and that the applicant had worked with Kevin Mainello, of the Brunswick Building Department, and Bill Bradley, of the Brunswick Water Department, in moving the building back on the site. Mr. Hixson stated that the number of parking spaces had decreased due to the building moving back on the site, and that the applicant was also requesting a waiver from the Planning Board for the number of parking spaces on the site due to now proposing 20 spaces where 23 spaces were required. Mr.

Hixson reviewed lighting, traffic and drainage for the site. Mr. Hixson clarified that no tires would be stored in the dumpster or dumpster enclosure area. Mr. Hixson stated that NYS Department of Transportation (DOT) was reviewing the project, but had not provided comments yet. Mr. Hixson also reviewed the project's erosion control plan, and the landscaping plan for the site. Chairman Oster 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. Victoria Galvin and Tim Galvin, of 5 Mohawk Avenue, stated that they lived directly behind the project site, that they had spoken directly with Mr. Hixson concerning the project, and that their concerns had been considered when the project was being designed. Mrs. Galvin asked what the construction hours would be, noting that there had been many issues concerning the construction of the QuickChek across Mohawk Avenue, including working outside the construction hours approved by the Planning Board and working on holidays, and asked what repercussions there would be if this applicant worked outside the approved construction hours. Mrs. Galvin stated that she was concerned about construction vehicles parking along Mohawk Avenue, which had happened frequently during the construction of the QuickChek, and noted that a school bus does not have enough room get up Mohawk Avenue if vehicles are parked along the road. Mrs. Galvin stated that she had a serious issue with the proposed store being open seven days a week, noted that it would not be open 24 hours a day like the QuickChek, but also stated her concern that allowing QuickChek to be open 24/7 had set a very bad precedent. Mrs. Galvin stated that she was concerned about noise, noting that the expected noise levels were extreme, and that it would not matter that the building was oriented toward Hoosick Road. Mrs. Galvin stated that while a small increase in traffic was expected, there had been a very large increase in traffic recently due to the QuickChek and that this project would make that recent increase even greater. Chairman Oster asked if the amount of traffic along Mohawk Avenue was

significantly greater now than before the construction of the QuickChek. Mrs. Galvin stated that the traffic going up Mohawk Avenue to the QuickChek, and going down Mohawk Avenue after exiting the QuickChek, had significantly increased, and that the traffic going further up Mohawk Avenue, turning onto Fiet Avenue, then turning onto Roosevelt Avenue to get to the traffic light at the end of that street had also increased. Mrs. Galvin stated that her and her husband's property had been damaged during the construction of the QuickChek, that that damage had not yet been fixed, and asked when that damage would be fixed now that another project could be about to begin. Mrs. Galvin concluded by stating that she was not against the project, and was looking forward to the lot being cleaned up and maintained, but wanted to express concerns. Jim Tkachik, of 387 Brunswick Road, stated that he was protesting the continuing deterioration of the Hoosick Road corridor, citing the previously-mentioned QuickChek convenience store, which demolished houses, cut down trees, and eliminated greenspace in order to be built. Mr. Tkachik stated that the QuickChek had a 10-foot-high and approximately 250-foot-long retaining wall with a 4-foot-high iron fence along the top, which he thought looked awful. Mr. Tkachik pointed out that no rendering of the retaining wall had been submitted and asked how the Planning Board could have approved the retaining wall without knowing what it would look like. Mr. Tkachik stated that the Mavis Tire store would extend urban blight, noting that another retaining wall was being proposed, that a rendering of that retaining wall had also not been submitted, nor had any renderings of proposed signage for the site. Mr. Tkachik noted that the Town of Brunswick has no noise ordinance and asked if there would ever be quiet in the area surrounding the Hoosick Road corridor. Mr. Tkachik stated that he had serious concerns with pedestrian safety and asked if a sidewalk would be installed along Mohawk Avenue. Mr. Tkachik stated that the Planning Board should require all major projects to submit renderings of all parts of the site at the start of the review process. Mr. Tkachik also stated that the Town's sign standards should be significantly

reviewed and updated, that architectural standards in the Town should be established, and that the Town's Comprehensive Plan should be updated. Mr. Tkachik also asked what the greenspace requirement for the site was, noting that the only greenspace proposed for the site was at the back of the site behind the building. There were no further public comments on the applications. There were no questions or comments from the Planning Board or Zoning Board members. The Planning Board determined not to establish a written comment period for the site plan application. The Zoning Board determined not to establish a written comment period for the application for two area variances. Chairman Oster made a motion to close the public hearing on the site plan application, which was seconded by Member Tarbox. The motion was unanimously approved and the public hearing on the site plan application was closed. Chairperson Clemente made a motion to close the public hearing on the application for two area variances, which was seconded by Member Curran. The motion was unanimously approved and the public hearing on the application for two area variances was closed.

Chairperson Clemente then made a motion to close the special meeting of the Zoning Board of Appeals, which was seconded by Member Schmidt. The motion was unanimously approved and the special meeting was closed.

Chairman Oster then stated that the Planning Board would briefly discuss the site plan application for Mavis Tire rather than make the applicant wait through the second public hearing. Chairman Oster stated that written responses to all comments made during the public hearing would be required. Mr. Hixson stated that he would submit written responses, and that one document containing written responses to all comments would be submitted to both Boards. Mr. Bonesteel stated that he no questions at the present time. Member Henderson asked what the hours of construction would be. Mr. Hixson stated that he believed that construction would start at 8:00am, and that he would confirm that. Member Henderson asked how the Planning Board could

ensure that any damage resulting from construction would be fixed. Member Czornyj asked if the Planning Board could require that any damage resulting from construction had to be fixed within a set period of time. Attorney Langlois confirmed that the Planning Board could do so. Member Czornyj also asked if “No Parking” signs could be installed to ensure construction vehicles did not park along Mohawk Avenue. Mr. Hixson stated that he had no problem with “No Parking” signs being temporarily installed along Mohawk Avenue during construction. Member Stancliffe noted that the lot had been abandoned for many months and asked if the applicant could clean up the lot now before construction potentially began. Mr. Hixson stated that he could check with the applicant about cleaning up the lot before construction began. Member Henderson stated that all trash generated during construction needed to be cleaned up, and Mr. Hixson agreed. This matter was placed on the August 20, 2026 Planning Board agenda for further deliberation. Chairman Oster also noted that this matter was on the August 17, 2026 Zoning Board agenda for further deliberation.

The Planning Board then returned to the first item on the agenda, a public hearing concerning a minor subdivision application submitted by Rebecca Fischer for property located at 842 Tamarac Road. Paul Engster, Esq. and Mark Danskin were present to review the application. Attorney Langlois read the Notice of Public Hearing into the record, with the Notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties within 300 feet of the project site. Mr. Danskin briefly reviewed the project, stating that the site was on the east side of Tamarac Road, that the applicant was proposing to subdivide an approximately 82-acre parcel into two lots of approximately 5 acres and one remainder lot of approximately 70 acres. Mr. Danskin also stated that a Private Road Agreement for the driveway proposed to be built on the parcel had been drafted and submitted to the Town for review, and that it had been deemed acceptable. Chairman Oster opened the public

hearing on the application. Martin Miranda, Esq., attorney for Charles Bulson, stated that he had submitted a subsequent letter to the Planning Board earlier that day outlining four reasons why the Planning Board needed to deny the application. Mr. Miranda stated that his first point was that the driveway being proposed to be built on the site was actually a roadway, not a private driveway, and that the application needed to be resubmitted as a major subdivision for that reason. Mr. Miranda stated that the project's Environmental Assessment Form (EAF) called the roadway a road, not a driveway, and that no supporting documents had been submitted defining the road as a driveway and not a roadway. Mr. Miranda also noted that no information had been submitted as to what would be done with the approximately 70-acre remainder lot and that it could be used for business purposes, such as a short-term rental business. Mr. Miranda stated that the recent update of the project's plans to move the driveway was only being done to avoid needing to reclassify the project as a major subdivision. Mr. Miranda stated that his second point was that the 100-foot buffer from agricultural land was a NYS requirement and that maps for such projects show buffers from houses, not roads. Mr. Miranda stated that his third point was that Mr. Engster had previously represented Mr. Bulson before the Brunswick Planning Board on a separate matter several years earlier, that this created a conflict of interest, that Mr. Engster needed to recuse himself from representing the applicant before the Planning Board, and that the Planning Board could not accept any further documents from Mr. Engster concerning this project. Mr. Miranda stated that his fourth point was that the project's stormwater documents were not complete and further stormwater analysis of the site was required. George Hildebrandt, of 880 Tamarac Road, stated that he was concerned if there was a fire or other emergency on the parcel, noting that fire trucks must be able to drive through the property in the event of an emergency, but that the local fire department had previously stated that it could not do so as the parcel currently existed. There were no further public comments on the applications. Member Tarbox asked what the nature of the agricultural

operations on Mr. Bulson's property was. Mr. Miranda stated that Mr. Bulson was involved in a Land Conservation Program with the U.S. Department of Agriculture (USDA). Member Tarbox asked several further questions about the nature of the agricultural operations on Mr. Bulson's land, including questions about how much revenue these agricultural operations generated and what tax documents were subsequently filed. Mr. Miranda declined to discuss the financial nature of the agricultural operations on Mr. Bulson's land. The Planning Board discussed whether to establish a written comment period. Mr. Engster stated that he was opposed to establishing a written comment period, noting that Mr. Bulson and his attorney were making the same points over and over, that a written comment period would allow them to repeat the same points again, and that Mr. Engster had already addressed these points previously. Chairman Oster made a motion to close the public hearing and establish a two-week written comment period ending August 20, which was seconded by Member Henderson. The motion was unanimously approved and the public hearing was closed and a two-week written comment period ending August 20 was established.

The first item of business on the agenda was a minor subdivision application submitted by Rebecca Fischer for property located at 842 Tamarac Road. Paul Engster, Esq. and Mark Danskin were present to review the application. Mr. Danskin stated that written responses to all comments made at the public hearing would be submitted. Chairman Oster asked if Mr. Engster needed to recuse himself as Mr. Miranda stated during the public hearing. Attorney Langlois stated that he was not sure if the Planning Board had the authority to require an attorney to recuse himself from representing an applicant and would research that issue. Mr. Engster stated that the Planning Board did not have that authority, but that a Court did, and that if the Planning Board's determination on this application resulted in litigation, the issue could be raised at that time. Mr. Danskin addressed the point about the driveway actually being a roadway, stating that the differences between a

private driveway and public roadway were obvious, including: a public road being 30 feet wide, while the driveway in this case was proposed to be 16 feet wide; a public road was paved, while a driveway, such as the one in this case, was made of gravel; the driveway in this case was proposed to be over 1,000 feet in length with a cul-de-sac at the end of it, and that the Town would never approve a dead-end public roadway that long; and that a roadway was often dedicated to the municipality upon completion, which the applicant did not intend to do in this case. Mr. Engster stated that the applicant would prefer to be on the agenda for the first meeting in September due to needing adequate time to address any written submissions from the public that could be accepted up to and on August 20. This matter was placed on the September 3, 2026 agenda for further deliberation.

The Planning Board discussed one item of new business.

The one item of new business was an application for an amendment to a previously-approved site plan amendment submitted by Carrol's, LLC and Joshua Bazis for property located at 747 Hoosick Road. Craig Tripp, RLA, of Greenman-Pedersen, Inc., was present to review the application. Chairman Oster asked if this was a further amendment to the site plan amendment the Planning Board had approved at its July 2 meeting, and Mr. Tripp confirmed that it was. Mr. Tripp reviewed the further proposed amendments, stating that most were reversions of the previously approved amendments including: renovating the existing dumpster enclosure, not replacing it; changing the location of the second drive-through; and losing some parking spots. The Planning Board had no immediate questions. This matter was placed on the August 20, 2026 agenda for further deliberation.

There was no old business to discuss.

The index for the August 6, 2026 regular meeting is as follows:

1. Mavis Tire – site plan (August 20, 2026).
2. Fischer – minor subdivision (September 3, 2026).
3. Burger King – amendment to site plan amendment (August 20, 2026).

The proposed agenda for the August 20, 2026 regular meeting is currently as follows:

1. Brunswick Acres – major subdivision (public hearing to commence at 7:00pm).
2. Mavis Tire – site plan.
3. Burger King – amendment to site plan amendment.

The proposed agenda for the September 3, 2026 regular meeting is currently as follows:

1. Fischer – minor subdivision.
2. Cillis – major subdivision.