

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

**Zoning Board of Appeals**  
TOWN OF BRUNSWICK  
336 Town Office Road  
Troy, New York 12180

**MINUTES OF THE PLANNING BOARD AND ZONING BOARD  
OF APPEALS JOINT SPECIAL MEETING HELD SEPTEMBER 23, 2021**

PRESENT for the Planning Board were RUSSELL OSTER, CHAIRMAN, LINDA STANCLIFFE, J. EMIL KREIGER, DAVID TARBOX, KEVIN MAINELLO, and ANDREW PETERSEN.

ABSENT was DONALD HENDERSON.

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

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

The Town of Brunswick Planning Board and Zoning Board of Appeals, pursuant to Notice of Joint Special Meeting, conducted a joint special meeting on the applications for site plan and minor subdivision submitted to the Planning Board and area variance submitted to the Zoning Board of Appeals by Lord Avenue Property, LLC to develop an approximately 50,000 square foot supermarket building, loading dock area, parking, and stormwater facilities on 11.9 acres of property located northwest of the Lord Avenue and Hoosick Road intersection. Chairman Oster read the Notice of Joint Special Meeting of the Planning Board and Zoning Board of Appeals into the record.

Chairman Oster opened the special meeting of the Planning Board. Chairperson Clemente opened the special meeting of the Zoning Board of Appeals, stating that the special meeting arose

out of the Zoning Board's September 13 regular meeting, where it was determined that additional information was needed to make a determination on the area variance and that the Zoning Board sought a joint meeting with the Planning Board. Chairperson Clemente also clarified that the joint special meeting was open to the public. Walter Lippmann, Project Manager with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Alanna Moran, Transportation Engineer with Vanasse Hangen Brustlin, Inc., and Tyler Sterling, representing Hannaford, were also present. Chairman Oster asked if the SEQRA determination made by the Planning Board at its September 2 meeting needed to be amended due to the discussions over whether or not to allow left hand turns from the site at the September 16 Planning Board meeting. Attorney Gilchrist stated that the SEQRA determination addressed "cut through" traffic and that a left turn restriction for trucks and "local traffic only" is consistent with the SEQRA determination, as these measures are designed to address potential "cut through" traffic, so no amendment is needed. Mr. Bonesteel concurred that no SEQRA amendment was needed as the SEQRA determination addressed "cut through" traffic. Attorney Gilchrist added that the Planning Board had the option of adding specific signage to the entrance and exit to the site as conditions on the project. Chairperson Clemente reviewed the status of the area variance for light pole height in front of the Zoning Board, stating that three proposals were before the Zoning Board, the first proposing only 21-foot light poles and the other two proposing mixes of 21-foot and 15-foot poles, and that all three proposals would use 21-foot poles. Mr. Lippmann reviewed the additional visual rendering submitted to the Zoning Board on September 17, stating that latest proposal was a "hybrid alternative" plan consisting of six 21-foot interior light poles closest to the supermarket and thirteen 15-foot light poles along the perimeter of the site and wall packs on the building, which would still meet Hannaford's light requirements. Mr. Lippmann stated that this latest hybrid plan decreased the number of total light poles on the

site from 27 to 19. Mr. Lippmann stated that all lights and wall packs were to be dark sky friendly and directed at the ground to avoid light spillage. Mr. Lippmann also stated that the store's hours will be 6:00am to 11:00pm and that most of the lights will be turned off at closing, with a few lights remaining on for safety and security reasons. Attorney Gilchrist clarified that the Planning Board had previously declared itself lead agency under SEQRA and that environmental assessment had already been done. The Zoning Board of Appeals then reviewed the elements for consideration on the area variance 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 latest layout proposed has the lowest number of 21-foot poles, just 6 of the 19 total light poles, of all proposed layouts. Chairperson Clemente also stated that photometric analysis at the project's final elevation had been done, which showed that there would be no light spillage. As to whether a feasible alternative is available, Member Schmidt stated that the project would not be able to get the required amount of light in front of the building without 21-foot light poles. Chairperson Clemente stated that the applicant did review other options and that this is the best alternative to using exclusively 21-foot light poles. As to whether the requested variance is substantial, Chairperson Clemente stated that there are only six light poles proposed to be 6 feet higher than the maximum height allowed under the Town Code. Member Curran stated that 6 of the 19 total light poles being 21-feet is not substantial. Chairperson Clemente also noted that this is not a case of whether light poles will be allowed, as having light poles is necessary for the project, but the difference between 15-foot and 21-foot light poles. As to whether the variance would create an adverse environmental or physical impact, Member Mainello stated that if the site were to have only 15-foot poles, then there would be more total poles, so having six 21-foot poles decreases the number of total poles, which creates less of an impact. Chairperson Clemente stated

that all lights, both light poles and wall packs, will have downlighting, be parallel to the ground, and be dark sky friendly, meaning that no light will be projected outward or upward toward neighboring properties. As to whether the difficulty giving rise to the need for the variance was self-created, Member Mainello stated that it was, but the latest layout decreases the total number of light poles initially proposed. Member Mainello asked if the Zoning Board could impose conditions on the variance. Attorney Gilchrist stated that the Zoning Board had that option, but that any conditions needed to be directed related to the variance for light poles, not the overall project. Member Mainello stated that the applicant had discussed at the Zoning Board's September 13 meeting the option of vegetation and fencing and that he wanted to make requiring vegetation and/or fencing around the project site a condition. Member Morin agreed, stating that there should be fencing installed to block the building from the backyards of surrounding properties, and that existing vegetation does not provide a buffer in the winter months. Chairperson Clemente added that vegetation could be required as well. The Zoning Board deliberated and agreed that 3 conditions be placed on the application:

1. That the applicant contact and offer the installation of vegetation and/or fencing along the neighbor/Hannaford lot line to all property owners adjacent to Otsego Avenue, a list of properties that is to be reviewed and confirmed by the Brunswick Building Department.
2. That the applicant maintain existing vegetation on the west side of the project site near the stormwater pond, as well as add in-fill plantings if necessary, which will be reviewed by the Brunswick Building Department and Planning Board engineer.
3. That the applicant complete testing post-construction on the project site to confirm compliance with all lighting specifications for light poles and wall packs.

Member Morin made a motion to grant the area variance subject to the stated conditions, which was seconded by Member Schmidt. The motion was unanimously approved and the area variance was granted subject to the stated conditions. Member Curran made a motion to close the Zoning Board's special meeting, which was seconded by Chairperson Clemente. The Zoning Board voted unanimously to close the Zoning Board's special meeting.

The Planning Board then reviewed the draft conditions for the site plan and minor subdivision applications, which had previously been discussed at the September 16 meeting. Following deliberation, the Planning Board identified the following conditions that will be attached to action on the site plan:

1. Compliance with plan for truck routing during project site fill operation:
  - a. Right-Turn Only off of Hoosick Road when entering project site.
  - b. Right-Turn Only when leaving project site and entering Hoosick Road recommended.
  - c. The applicant and trucking contractor must coordinate with the Brunswick Building Department, Brunswick Planning Board Engineer, and NYSDOT prior to the start of fill operations regarding the preferred truck route onto Hoosick Road when leaving the project site, and the applicant and trucking contractor shall comply with all requirements of NYSDOT for truck access and exit onto Hoosick Road.
  - d. No Town roadway (except the limited portion of Lord Avenue from Hoosick Road to the project site entrance) shall be utilized for truck routing in connection with fill operations.
2. Hours for fill operations are limited to Monday – Friday, 7:00 AM to 5:00 PM; Saturday 7:00 AM to 3:00 PM. Fill operations shall be prohibited on Sundays and legal holidays.
3. Compliance with the approved SWPPP and NYSDEC general stormwater permit for construction activities.
  - a. SWPPP inspection reports shall be filed with the Town of Brunswick MS4 Stormwater Coordinator at intervals required by law and as set forth in the NYSDEC general stormwater permit for construction activities.

4. The applicant/owner shall fund an escrow account with the Town of Brunswick in the amount of \$10,000.00 to be utilized by the Town of Brunswick to complete post-construction traffic counts on Genesee Street, Otsego Avenue, Oneida Avenue, Duncan Lane, and Tucker Avenue to confirm traffic data submitted by the applicant, and to assess the appropriate content and location of signage and striping on such Town roadways if post-construction traffic counts so warrant.
5. The project driveway connecting to Lord Avenue must include signage to prohibit left turns by trucks onto Lord Avenue and restricting passenger vehicle left turns onto Lord Avenue to local traffic only.
6. All parking lot light poles shall be turned off between the hours of 12 midnight and 5am, except for limited lighting in the front of the store for safe access for overnight stock workers and cleaners.
7. A Stormwater Management Facilities Maintenance and Easement Agreement must be executed by and between the site operator, site owner, and the Town of Brunswick.
8. Extension of the Town Sewer District to cover the project site must be completed with the Town of Brunswick Town Board.
9. Rensselaer County Department of Health and Town of Brunswick Water Department approvals for water and sewer connections.
10. Hours for construction activities are limited to Monday – Friday, 7:00 AM to 7:00 PM; Saturday 7:00 AM to 5:00 PM. No construction activities on Sundays or legal holidays. Light plants are prohibited for exterior construction activities. These restrictions do not apply to interior work within the building following completion of the building enclosure.
11. Dedication of new and/or relocated water/sewer infrastructure and/or utility easements as required by the Town of Brunswick. Coordination with the Town Water Department on all water/sewer infrastructure construction.
12. Bonding Security Agreement for Water and Sewer Infrastructure required, including posting of required security.
13. Compliance with all Town of Brunswick requirements in connection with proposed realignment of Lord Avenue.
14. The applicant/owner shall fund an escrow account in the amount of \$5,000.00 for engineering inspections to be conducted by the Town of Brunswick during the Lord Avenue reconstruction. In the event such inspection escrow amount falls below \$1500.00, the applicant/owner shall replenish such inspection escrow account to the total sum of \$5,000.00.

15. Installation of the traffic light at the intersection of Lord Avenue and Hoosick Road must be completed and operational prior to the issuance of a Certificate of Occupancy.
16. No blasting allowed.
17. NYSDOT Permit for work in the State highway Right-of-Way.
18. All fill compaction reports prepared by the applicant/owner's geotechnical consultant shall be filed with the Town Building Department.
19. Compliance with the project lighting plan identified as Hannaford Brothers, dated September 20, 2021, prepared by Holophane, and downlighting of all fixtures and compliance with dark sky lighting criteria.
20. Incorporation of conditions imposed by the Brunswick Zoning Board of Appeals on the area variance.
21. All fencing and/or vegetation plans as required by the Brunswick Zoning Board of Appeals' condition on the approved area variance must be submitted to the Brunswick Building Department for review by the Building Department and the Planning Board engineer on a lot-by-lot basis. All fences must be in compliance with the Brunswick Town Code.

Attorney Gilchrist then reviewed the history of the applications for site plan and minor subdivision, stating that a public hearing was held on June 17, 2021, the applicant responded to all public comments, Rensselaer County completed its review and recommendation on the application, SEQRA review was completed, the Zoning Board of Appeals granted the area variance on light poles on the project site, and the Planning Board has deliberated thoroughly on the application. Chairman Oster asked if there should be any more conditions after deliberation in addition to the 21 conditions listed above, and the Planning Board agreed there should not be. Chairman Oster asked the Planning Board if there were any final questions or comments, and there were none. Chairman Oster made a motion to approve the site plan application subject to the 21 conditions set forth above, which was seconded by Member Petersen. The motion was unanimously approved and the site plan was approved subject to the stated 21 conditions. Member Stancliffe made a

motion to approve the minor subdivision application, which was seconded by Member Tarbox. The motion was unanimously approved and the minor subdivision was approved.

The index for the September 23, 2021 special meeting of the Zoning Board is as follows:

1. Lord Avenue Property, LLC – area variance (approved subject to conditions).

The index for the September 23, 2021 special meeting of the Planning Board is as follows:

1. Lord Avenue Property, LLC – site plan and minor subdivision (approved subject to conditions).