

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 18, 2021

PRESENT were RUSSELL OSTER, CHAIRMAN, J. EMIL KRIEGER, DONALD HENDERSON, LINDA STANCLIFFE, DAVID TARBOX, ANDREW PETERSEN, and KEVIN MAINELLO.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department and WAYNE BONESTEEL, P.E.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the March 4, 2021 meeting were reviewed. Member Stancliffe noted that the second date listed in the first paragraph of page one should be February 18, 2021. Upon motion of Chairman Oster to approve the minutes subject to the stated correction, which motion was seconded by Member Stancliffe, the draft minutes of the March 4, 2021 meeting were approved subject to the stated correction, with Member Tarbox abstaining.

Chairman Oster stated that at the last Town Board meeting, held March 11, 2021, a local law was passed placing a moratorium on all applications for multi-family dwellings in the Town for the next six months.

The first item of business on the agenda was a special use permit and site plan application submitted by Blue Sky Towers III/Cellco Verizon Partnership d/b/a Verizon Wireless for property located on Creek Road. Dave Brennan, Esq. was present for the applicant. Ronald Laberge, P.E., the Town-designated review engineer, was also present. Attorney Gilchrist reviewed updated draft

conditions for the approval of the variances, which had been edited from the draft conditions presented to the Planning Board at the Board's previous meeting after comments from Board members. Attorney Gilchrist read the updated draft conditions, highlighting the edits made due to Planning Board comments. Chairman Oster stated that the application and conditions were complete and could be acted upon. Chairman Oster asked if the Planning Board had any further questions or comments on the project and they did not. Chairman Oster also stated that the Planning Board had already made a SEQRA determination on the project, so the Board could vote on the application. Member Tarbox made a motion to approve the resolution, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the resolution, and the special use permit and site plan were approved, subject to conditions.

The second item of business on the agenda was a site plan application submitted by David Leon for property located at 660 Hoosick Road. The proposed project is building two fast food restaurants with drive-thrus and a grocery store. Jamie Easton, P.E., was present to review the project and stated that the applicant was requesting a SEQRA determination on the project. Mr. Bonesteel reviewed Parts 2 and 3 the Full Environmental Assessment Form in their entirety, with proposed responses based on review of the record and Planning Board deliberation. Section 1 addresses whether the project would have an impact on the land and Mr. Bonesteel stated that it would, noting that there is not a shallow groundwater table on the site, the project is not being built on slopes greater than 15%, bedrock is exposed on the site, but only takes up about 4% of the site, the project will remove 5,000 yards of material, but will only have a small impact, the project will not be phased, and an erosion and sediment control plan has been submitted. Section 2 addresses whether the project would have an impact on geological features and Mr. Bonesteel stated it would not. Section 3 addresses whether the project would have an impact on surface water and Mr.

Bonesteel stated it would, noting that a stormwater pond would be created, a wetland permit will be required for the road, the project may cause soil erosion, but an erosion and sediment control plan has been submitted to mitigate, and the stormwater plan will mitigate any impacts. Section 4 addresses whether the project would have an impact on groundwater and Mr. Bonesteel stated it would not. Section 5 addresses whether the project would have an impact on flood conditions and Mr. Bonesteel stated it would not. Section 6 addresses whether the project would have an impact on air resources and Mr. Bonesteel stated it would not as there are no regulated emission sources on the site. Section 7 addresses whether the project would have an impact on plants and animals and Mr. Bonesteel it would, noting that it would not be a significant impact, there would be no loss of threatened, rare, or endangered species or habitats, there would be no impact to any National Landmarks, there would be no impact on nesting or breeding habitats, and the project would not touch 10 acres of forest and grassland. Section 8 addresses whether the project would have an impact on agricultural resources and Mr. Bonesteel stated it would, but not in agricultural production and there would be no impact on important soil classifications. Section 9 addresses whether the project would have an impact on aesthetic resources and Mr. Bonesteel stated it would not. Section 10 addresses whether the project would have an impact on historic or archeological resources and Mr. Bonesteel stated that it would not impact historical sites located on the project site or near it. Section 11 addresses whether the project would lead to a loss of recreation or open space resources and Mr. Bonesteel stated it would not. Section 12 addresses whether the project would have an impact on critical environmental areas and Mr. Bonesteel stated it would not. Section 13 addresses whether the project would have an impact on transportation and Mr. Bonesteel stated it would, noting that the project will add traffic turning in and out of the site, but that an extensive traffic engineering report has been submitted that proposes the installation of a

traffic signal as mitigation, there is a proposed one-way access road connecting to Ridgewood Avenue, allowing residents access to the signalized intersection for safe turning, and access to Hillcrest Avenue is also provided, the project is consistent with NYS DOT interconnectivity warrant, NYS DOT concurs that a traffic signal is an appropriate mitigation, and it may improve circulation and connectivity. Section 14 addresses whether the project would have an impact on energy and Mr. Bonesteel stated it would, but not a significant amount. Section 15 addresses whether the project would have an impact on light and Mr. Bonesteel stated it would, but not a significant amount. Section 16 addresses whether the project would have an impact on human health and Mr. Bonesteel stated it would not. Section 17 addresses whether the project is consistent with the community plan and Mr. Bonesteel stated that it was. Section 18 addresses whether the project is consistent with the community character and Mr. Bonesteel stated that it was. Mr. Bonesteel also reviewed the Hoosick Road commercial corridor, noting that the project site is limited to the B-15 zoning district, that the project utilities will be limited to the project site with the exception of the access road over the Ferdinand Avenue paper street to Ridgewood Avenue, and that the Town Board adopted a moratorium on multi-family and two-family land use applications for the next six months. Mr. Bonesteel then reviewed the extended EAF Part 2 narrative, which further discusses the Part 2 responses, and also Part 3 of the EAF. Chairman Oster asked if the Planning Board had any further questions or comments on the EAF Part 2 and Part 3 as reviewed by Mr. Bonesteel, and they did not. Member Stancliffe made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare the negative declaration under SEQRA concerning the Leon project.

The third item of business on the agenda was a site plan application submitted by Lord Avenue Property, LLC for property located on Lord Avenue. Walter Lippmann, a Project Manager

with MJ Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann stated that the applicant had responded to Mr. Bonesteel's comments and made alterations to the plans accordingly. Mr. Lippmann stated that the applicant had added pedestrian access from Hoosick Road to Hannaford on the west side of Lord Avenue into the project site, which was based on both Town and CDTA comments. Mr. Lippmann stated that the applicant had met with Bill Bradley from the Town Water Department to discuss the project's water, sewer, and stormwater infrastructure, and that the applicant will incorporate Mr. Bradley's comments into the plans. Mr. Lippmann stated that the applicant went in front of the Town Zoning Board at their last meeting with an application for an area variance for the height of the light poles on the project site, which will be 21 feet tall. Chairman Oster asked if 21-foot light poles are common. Mr. Lippmann stated that light poles are usually closer to 30 feet high, then briefly discussed the project's lighting plan. Mr. Lippmann stated that the project's 30-day lead agency period is set to expire soon. Attorney Gilchrist clarified that the period will end March 21 and that an additional notice to the Zoning Board concerning the lead agency period may need to be sent out. Chairman Oster stated that a joint public hearing with the Zoning Board on the Lord Avenue, LLC applications is likely. Attorney Gilchrist stated that the Zoning Board discussed a potential joint public hearing at their last meeting and were in favor of it. Mr. Lippmann stated that a subdivision application for the project had also been submitted. Chairman Oster stated that the subdivision application will be included in the documents made available for the joint public hearing. Chairman Oster asked if the Brunswick No. 1 Fire Company had been provided the project plans. Mr. Lippmann stated that they had, that the applicant had received comments from the Brunswick No. 1 FD via email, and that the applicant would provide a copy of those comments to the Town Building Department for Planning Board review. Chairman Oster asked if the applicant had calculated how much fill would

be brought onto the site in order to raise the project site's elevation. Mr. Lippmann stated that 50,000 cubic yards of fill would be needed and that it would take 4-5 weeks to bring that much fill onto the site. Member Henderson asked what the applicant would be doing to keep the roads clean during construction. Mr. Lippmann confirmed that the applicant would be keeping the roads clean and that the roads would be swept daily. Mr. Bonesteel pointed out that the project's stormwater pollution prevention plan and erosion and sediment control plan require inspections of the project site on a regular basis and that cleaning the road will need to be discussed and outlined in the project plans. Chairman Oster asked how the applicant will control traffic. Rich Rosen, representing the applicant, was in attendance and stated that trucks will arrive from the north, travelling from NYS Route 142 to Hoosick Street and from Hoosick Street to Lord Avenue. The trucks will be triaxle dump trucks which will be used for 4-5 weeks. The applicant will spray down the road using a water truck and will sweep the roads as necessary. Member Henderson stated that the applicant needed to make sure traffic disruption is kept to a minimum. Mr. Rosen stated that he will and that there will not be a need for flagmen directing traffic. Mr. Golden disagreed, stating that the applicant will absolutely need flagmen directing traffic due to the volume of traffic along Hoosick Road and that the trucks will not be able to take a left out of Lord Avenue onto Hoosick Road without flagmen. Mr. Rosen stated that he would look into the issue further, reiterating that fill is needed on the site and that he will work with the Town and NYS DOT on traffic issues. Mr. Rosen also stated that any impact to Lord Avenue will be addressed by a re-route of traffic and the work being done on Lord Avenue itself. Member Stancliffe asked if bringing fill onto the project site would be the first part of construction. Mr. Lippmann confirmed that it would be. Mr. Rosen stated that he had met with CDTA and that they would send comments on the project directly to the Planning Board. Mr. Rosen also stated that he had spoken to neighbors about the project and

discussed issues such as noise, light, stormwater, and traffic and made it clear that he takes their concerns very seriously. This matter is adjourned without date.

The fourth item of business on the agenda was a major subdivision application submitted by Jim Cillis for property located off Cole Lane. The owner of the property is Jim Cillis. No one was present for this project. Mr. Golden stated that Russ Reeves, who had presented the project to the Planning Board at their January 21, 2021 meeting, had told him that he'd like to meet with Mr. Golden, Mr. Bonesteel, Bill Bradley, and the Town Highway Superintendent before coming back before the Planning Board. Chairman Oster reviewed the history of the project, including that the project had previously been before the Planning Board, but that so much time has passed since then that a new public hearing would be necessary. Chairman Oster also stated that he had recently visited the site and that there are issues with the road on the site where the road intersects with Cole Lane, as well as issues with drainage and the drop-off on the opposite side of Cole Lane. Mr. Golden stated that the Town Highway Superintendent will be involved in discussions regarding the project. Chairman Oster asked how many lots would be on a dead-end road as a result of the project. Mr. Golden stated that he did not know and would need to look at the record to determine what had been previously approved. Attorney Gilchrist stated that he wanted to review the record with Mr. Golden on that issue. This matter is tentatively placed on the April 1 agenda.

There was no new business to discuss.

The Planning Board then returned to one item of old business, which was a minor subdivision application submitted by Sean Gallivan for property located on Deepkill Road. The owner of the property is Sean Gallivan. Brian Holbriiter was present to review the application. Mr. Holbriiter stated that he was waiting for NYS DEC to issue a wetlands permit to allow the driveways on lots 4 and 5, and that NYS DEC has now issued a wetlands permit for the project.

Mr. Holbriiter stated that the Rensselaer County Department of Health had also issued a septic approval for the project. Attorney Gilchrist reviewed the history of the application, stating that a public hearing was held and that the applicant had responded to comments. Mr. Bonesteel stated that all technical issues on the project have been addressed. There were no further questions or comments from the Planning Board. Member Henderson made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare the negative declaration under SEQRA. Member Tarbox made a motion to approve the minor subdivision application, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the minor subdivision.

The index for the March 18, 2021 meeting is as follows:

1. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan (approved resolution).
2. Leon – site plan (approved SEQRA Negative Declaration).
3. Lord Avenue Property, LLC – site plan (adjourned without date).
4. Cillis – major subdivision (April 1, 2021, tentative).

The proposed agenda for the April 1, 2021 regular meeting is currently as follows:

1. Tamarac Solar, LLC – special use permit and site plan (joint public hearing with Zoning Board of Appeals).
2. Cillis – major subdivision (tentative).