

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 16, 2021**

PRESENT were RUSSELL OSTER, CHAIRMAN, LINDA STANCLIFFE, DAVID TARBOX, KEVIN MAINELLO, and ANDREW PETERSEN.

ABSENT were DONALD HENDERSON and J. EMIL KREIGER.

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 September 2, 2021 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Tarbox, the draft minutes of the September 2, 2021 meeting were unanimously approved without amendment.

The first item of business on the agenda was a site plan and minor subdivision application submitted by Lord Avenue Property, LLC for property located on Lord Avenue. 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., Rich Rosen, representing the site development company, and Tyler Sterling, representing Hannaford, were also present. Mr. Lippmann stated that the Planning Board made a Negative Declaration under SEQRA at the previous Planning Board meeting on September 2, allowing the Zoning Board of Appeals to make a determination on the area variance application before it; however, the Zoning Board did not act on the application before it and requested further visual renderings of the site before acting.

Mr. Lippmann stated that the Zoning Board expressed interest in scheduling a joint special meeting with the Planning Board for Thursday September 23 to discuss the applications before both boards simultaneously. Mr. Lippmann also stated that he hopes to submit the additional requested information to the Zoning Board by the end of the week and that the applicant sought to begin the process of discussing conditions on the application before the Planning Board. Chairman Oster asked how many light poles were being proposed for the site. Mr. Lippmann stated that if the site were to contain only 15-foot poles, then 27 total poles would be necessary, and if the site were to contain only 21-foot poles, then 15 total poles would be necessary, and the site would require between 15-27 poles if it were to have a mix of 15-foot and 21-foot poles. Mr. Lippmann addressed the construction truck routing issue which had been brought up at a prior meeting, saying that the requirement of entering and exiting the site via right turn will remain, but that trucks will now be coming from the south. Mr. Lippmann also stated that he would still meet with Mr. Bonesteel, the Town, and NYS DOT prior to commencement of filling activities to ensure all issues had been addressed. Mr. Lippmann stated that during SEQRA reviewed, it was established that no left turns would be allowed out of the driveway onto Lord Avenue for all vehicles, and that while the applicant had initially offered to prohibit left turns only for trucks leaving the site, the Planning Board had extended the prohibition to left turns for all vehicles during the SEQRA review process, as a mitigation measure to address potential cut-through traffic in adjacent neighborhoods. Ms. Moran then reviewed an additional traffic proposal, and reviewed a map of the road system for the site that addressed the cut-through traffic concern. Ms. Moran stated that the applicant would again like to propose allowing passenger vehicles to turn left out of the site as a restriction on all left turns would not limit cut-through traffic and would only negatively impact neighboring residents trying to get home. Ms. Moran stated that the latest proposal was for signage of no left-turns for

trucks and left turns limited to local traffic only. The Planning Board discussed traffic access on Lord Avenue into the project site and potential signage to mitigate traffic impacts. Member Tarbox suggested signage prohibiting trucks on Duncan Lane in order to further mitigate traffic. Attorney Gilchrist stated that restrictions on Duncan Lane, an existing Town road, would be an issue within the jurisdiction of the Town Board, not the Planning Board. Member Stancliffe suggested that adding such signage on Duncan Lane after the traffic light is installed and operational at the intersection of Hoosick Road and Lord Avenue would be advisable. Mr. Bonesteel stated that what the applicant is currently proposing is acceptable, and that the traffic expert at Colliers Engineering & Design, the Planning Board's independent traffic consultant, concurs. Attorney Gilchrist then discussed the SEQRA determination, saying that it may need to be modified based on the updated traffic proposal. Attorney Gilchrist stated that he would review the SEQRA record with Mr. Bonesteel. Attorney Gilchrist then reviewed draft conditions for site plan approval for the Planning Board, which had been prepared with Mr. Bonesteel for Planning Board consideration. Following deliberation, Attorney Gilchrist stated that he and Mr. Bonesteel would continue to work on proposed site conditions based on Planning Board comments. This matter is placed on the agenda for the September 23 special meeting for further deliberation.

The second item of business on the agenda was a minor subdivision application submitted by Sean Gallivan for property located at 159 Deepkill Road. Brian Holbriiter was present for the applicant. Member Stancliffe recused herself. Mr. Holbriiter stated that there was a question at the August 19 Planning Board meeting as to whether this was to be classified as a minor or major subdivision due to all the prior minor subdivisions on land owned by Sean Gallivan next to and adjacent to the current project site. Mr. Holbriiter generally discussed prior subdivision projects on the Gallivan property. Mr. Holbriiter confirmed that the applicant had done work on the other

side of Deepkill Road, but that the land across the street is part of a different deed and different watershed. Mr. Holbriiter further stated that there have been multiple lot line adjustments over the years since the applicant purchased the land. Chairman Oster asked about the separate parcels and the number of years between the subdivision applications. Attorney Gilchrist stated that the parcels being separate lots and being bisected by a road is not legally relevant here, but that it is relevant that the subdivision applications have all been made by the same owner. Attorney Gilchrist also stated that the number of years between subdivision applications is relevant and that the key will be whether the project is viewed by the Planning Board as one common plan or scheme of development. Mr. Bonesteel stated that stormwater will also be a key issue and discussed stormwater impacts and the overall watershed on the site. Mr. Bonesteel stated that the applicant should submit an overall plan showing the current number of lots on all the land owned by the applicant. The Planning Board then discussed the stormwater requirements for the site. The Planning Board determined that it would accept the application as a minor subdivision. This matter is adjourned without date pending the submission of further stormwater data.

Member Stancliffe returned to the meeting.

The third item of business on the agenda was a referral from the Brunswick Town Board concerning a zoning amendment filed by CVE North America, Inc. for property located at 4 Belair Lane. The Town Board referred the zone change request to the Planning Board for review and a recommendation. Jared Lusk, an attorney from Nixon Peabody LLP, was present for the applicant. Chairman Oster stated that since the Planning Board's last meeting, the Town Board amended the request from the applicant to add the parcel on which the access road is located to the land being requested for rezoning. Attorney Gilchrist then reviewed a draft recommendation letter to the Town Board. Chairman Oster stated that he was opposed to the rezoning of the entire parcel on

which panels are proposed, but that he agrees with the current draft of the recommendation letter. Member Stancliffe made a motion to approve the recommendation letter, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the recommendation letter, which will be sent to the Town Board.

The fourth item of business on the agenda was a minor subdivision application submitted by James Barry for property located at 449 Garfield Road. Brian Holbriiter was present for the applicant. Mr. Holbriiter reviewed the application, stating that the applicant was seeking to subdivide 21.94 acres located on Garfield Road into three lots consisting of 2.34 acres, 2.38 acres, and 17.22 acres. Mr. Holbriiter stated that the topography of the land is relatively flat. Member Tarbox asked what the width of the frontage on the third lot would be and Mr. Holbriiter stated that it would be 50 feet from Fitting Lane and 30 feet going into the parcel. The Planning Board discussed the length of the driveway on Lot 3, stating that a 26-foot-wide roadway would be needed, and that the driveway is not anticipated to be longer than 250-300 feet. Chairman Oster stated that a public hearing would be required and asked Mr. Bonesteel if the application was complete for purpose of scheduling a public hearing. Mr. Bonesteel stated that the application was complete for a public hearing. A public hearing on this application is scheduled for October 21, 2021 at 7:00pm.

The fifth item of business on the agenda was a site plan and minor subdivision application submitted by Matopato, LLC for property located at 291 Oakwood Avenue. Thomas Murley was present to review the application. Chairman Oster stated that at the previous Planning Board meeting on September 2, Mr. Golden confirmed that the Brunswick Building Department had determined that the project site was one lot, meaning that the applicant was proposing a second primary use on a single lot, which is prohibited under the Brunswick Zoning Law. Chairman Oster

stated that the applicant subsequently submitted a subdivision application to divide the parcel between the existing plaza building and the area proposed for parking school buses. Chairman Oster then reviewed the subdivision application, stating that parking will be adjacent to the lot line. Chairman Oster asked if a setback would be needed and Mr. Golden stated that no setback will be required because the parking lot would be between two commercial lots. Member Stancliffe asked if a joint driveway agreement would be needed since the two lots would have the same owner and Attorney Gilchrist stated that it would. The Planning Board discussed the greenspace on the property. Chairman Oster asked how the subdivision application would affect the site plan amendment application. Attorney Gilchrist stated that both applications should be considered concurrently. Member Petersen asked if parking lots are an allowable use in that zone and Mr. Golden confirmed that it was. Chairman Oster asked if the application was complete to schedule a public hearing. Mr. Bonesteel stated that he would like to see some additional information, including contours on a full-size map of the site, as well as completed features on the site such as stormwater facilities. Mr. Murley stated that he would submit that additional information for technical review to Mr. Bonesteel as soon as possible. Mr. Bonesteel and Attorney Gilchrist stated that there is enough information currently for a public hearing. A public hearing on this application is scheduled for October 7, 2021 at 7:00pm.

Two items of new business were discussed.

The first item of new business was a waiver of subdivision application submitted by Jeffrey Geene for property located at 19 South Road. Mr. Geene was present to review the application, stating that he is seeking to correct the property line between his property and the property owned by his adjacent neighbor. Mr. Geene stated that he will submit a letter from his adjacent neighbor consenting to the lot line adjustment. Mr. Geene stated that the lot line adjustment would not affect

septic systems on either property and that both properties use public water. Mr. Bonesteel stated that he had no issues with the application. The Planning Board had no questions for the applicant. This matter is placed on the October 7, 2021 agenda for further deliberation.

The second item of new business was a special use permit application submitted by Zach Froio for property located at 502 Pinewoods Avenue. Mr. Golden reviewed the application for the Planning Board, stating that the applicant is seeking to sell firearms online from his home; specifically, the applicant is seeking to start an internet-based retail business selling firearms and related equipment. Mr. Golden stated that the applicant would be the only employee of the business and that there would be no customers or firearms on-site, and that the applicant would serve as a middleman between customers and brick/mortar stores that sell firearms. This matter is placed on the October 7, 2021 agenda for further deliberation.

The index for the September 16, 2021 meeting is as follows:

1. Lord Avenue Property, LLC – site plan and minor subdivision (September 23, 2021).
2. Gallivan – minor subdivision (adjourned without date).
3. Changing Visions of Energy – zoning amendment recommendation.
4. Barry – minor subdivision (October 21, 2021).
5. Matopato, LLC – site plan and minor subdivision (October 7, 2021).
6. Geene – waiver of subdivision (October 7, 2021).
7. Froio – special use permit (October 7, 2021).

The proposed agenda for the September 23, 2021 special meeting is currently as follows:

1. Lord Avenue Property, LLC – site plan and minor subdivision.

The proposed agenda for the October 7, 2021 regular meeting is currently as follows:

1. Matopato, LLC – site plan and minor subdivision (public hearing to commence at 7:00pm).
2. Geene – waiver of subdivision.
3. Froio – special use permit.

The proposed agenda for the October 21, 2021 regular meeting is currently as follows:

1. Barry – minor subdivision (public hearing to commence at 7:00pm).