

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 5, 2022

PRESENT were RUSSELL OSTER, CHAIRMAN, J. EMIL KREIGER, LINDA STANCLIFFE, KEVIN MAINELLO, and ANDREW PETERSEN.

ABSENT were DONALD HENDERSON and DAVID TARBOX.

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

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the April 21, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Kreiger, the draft minutes of the April 21, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a minor subdivision application submitted by Richard Witbeck and Jacquelyn Witbeck for property located at 131 Kreiger Lane. Chairman Oster noted that at the previous Planning Board meeting on April 21, Attorney Gilchrist stated that he would draft a letter of recommendation to the Town Board concerning the number of lots on Kreiger Lane, which is a dead-end road. Attorney Gilchrist stated that he had drafted the letter and reviewed it for the Planning Board members, confirming that the action proposed by the applicants would result in 17 total lots. The Planning Board discussed the letter of recommendation and agreed that Kreiger Lane is adequate for 17 lots, that its condition and width are adequate for anticipated traffic and emergency vehicle access, and that the additional lots will not alter the

character of the area. Chairman Oster made a motion to approve the letter of recommendation without change, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the letter of recommendation. This matter is tentatively placed on the May 19, 2022 agenda for further deliberation, pending action from the Town Board.

The second item of business on the agenda was an amendment to a site plan submitted by David Leon for property located on Hoosick Road. A representative from M.J. Engineering and Land Surveying, P.C. was present to review the application. Chairman Oster stated that a rendering of the proposed Aroma Joe's coffee shop on the site was submitted at the previous meeting and that the Planning Board had expressed concern due to the rendering showing outdoor seating and an exterior door into the building, and that the Planning Board wanted both items amended and requested traffic information for the site as well. The representative stated that a new rendering had been submitted since the last meeting which eliminated the outdoor seating, and had added a second window on the building for ordering, and included a pedestrian walk-up area. The representative also stated that a floor plan had been submitted. Chairman Oster stated that the Planning Board had discussed at a previous meeting not wanting walk-up pedestrian traffic due to safety concerns. The representative stated that the applicant would speak to representatives for Aroma Joe's and that the second window on the building could be removed if it was a concern for the Planning Board. The Planning Board then discussed the layout of the site, as well as the two windows on the building and potential pedestrian access. Member Mainello asked the representative if the requested traffic information was available, as it would help assess pedestrian safety issues. The representative confirmed that the requested traffic analysis had been submitted, then reviewed it, stating that there would be 40 cars added during peak AM hours and 15 cars added during peak PM hours, and stated that traffic during these peak traffic hours would not be

significant. The representative also stated that other Aroma Joe's buildings are consistent with industry manual numbers. Member Stancliffe noted that the Planning Board had asked for the traffic data for the Aroma Joe's coffee shop to be combined with traffic data for the other buildings on the site to create a cumulative traffic analysis. Chairman Oster stated that a comment letter had been submitted to the Town from the Brunswick No. 1 Fire Department, which stated that traffic around the coffee shop could be a traffic concern due to cut-through traffic from Hillcrest Avenue. The representative stated that further traffic analysis could be done to address this. Member Mainello asked what traffic data the representative was citing, as he never received it. Mr. Golden stated that had not received the traffic data either, and the other Planning Board members stated that they had not either. The representative stated that he could resend the data since the Planning Board had not received it. Mr. Bonesteel stated that he received the data via email on May 3, that the email was sent to Wendy Kneer in the Brunswick Building Department, not Mr. Golden, and that Mr. Bonesteel had been copied on the email. Mr. Golden stated that he would get the data from that email and distribute it to the Planning Board members. Member Stancliffe stated that there were other issues the Planning Board had at previous meetings in addition to traffic issues on the site, including the angle of the access drive around the coffee shop building and the location of the order board. The representative stated that the order board had been eliminated and that the space where the order board had been is where the second window had been added to the building. The representative then handed out copies of the floor plan and newest rendering of the building to the Planning Board members due to the Board members not having received them. The Planning Board then discussed the location of the two windows on the building and the newest layout shown by the floor plan. Member Stancliffe asked what the turning radius around the coffee shop building would be. The representative stated that he did not know offhand and would find out. Mr. Golden

asked about the location of the pedestrian walk-up window and the representative pointed it out on the site plan. Mr. Bonesteel asked how many cars will be able to safely queue at the pick-up window. The representative stated that six cars can queue at the pick-up window, which has not been changed due to the latest plans. Chairman Oster asked how many employees would be inside the building at a given time, and the representative said 2-3 employees. Chairman Oster stated that he was a bit frustrated because the concern over pedestrians walking to the coffee shop, specifically from the Planet Fitness gym, had been raised by the Planning Board previously, that the Planning Board had been assured that the coffee shop would be drive-thru only, and that a pedestrian window had been added to the proposal, which also renewed his concerns about outdoor seating, which the Planning Board had also previously stated it did not want. The representative reiterated that the pedestrian window could be eliminated from the building if the Planning Board did not want it. Chairman Oster stated that a pedestrian window for the building makes sense in concept due to the nearby Planet Fitness, that the Planning Board's concern is safety, that the applicant should have proposed a pedestrian pick-up window initially instead of adding it at a later date, and that it again raises the concern about pedestrian use and outdoor seating. Chairman Oster then asked the other Planning Board members for their thoughts on the pedestrian window. Member Petersen stated that it would decrease the number of cars waiting in line. Member Kreiger agreed that a pedestrian window would make sense for people leaving Planet Fitness, but that it must be safe. Member Mainello stated that he had no problem with a pedestrian window, but that the traffic flow for the entire site must be reviewed for safety. Member Mainello also stated that he had concerns regarding the turning radius for vehicles, especially trucks, the pedestrian walkway, and the turning radius around the building in general. The representative stated that he would provide the vehicle movement information to the Planning Board. Member Stancliffe asked where garbage

would be disposed of on the site. The representative showed where on a map of the site and stated that he would have it identified on the site plan itself. Mr. Bonesteel stated that the Planning Board must assess the cumulative traffic impact of adding 40 cars during peak AM hours to the site, not just to the area where the coffee shop is proposed. Mr. Bonesteel also stated that the Planning Board must see traffic circulation and safety plans, which would include all traffic signage on the site. The representative stated that he would supply all signage and traffic circulation information, as well as updated traffic impact information. Member Mainello asked what the hours of operation would be for the coffee shop. The representative stated that he did not know, but would look it up. Mr. Bonesteel stated that the updated application needed to be sent to the Rensselaer County Health Department. Member Mainello stated that the updated plans also needed to be sent to the Brunswick No. 1 Fire Department, and Mr. Golden stated that he would do so. Chairman Oster then detailed a series of emails he was sent involving David Leon, Bill Bradley from the Brunswick Water and Sewer Department, National Grid, and the construction contractor concerning the status of site construction, and that the site plan review could be impacted if a Stop Work Order is issued. Mr. Golden stated that he reviewed the status of the project with all the listed parties and that it concerned an internal communication issue within National Grid. Member Stancliffe then stated that the site plan should show the existing utilities that have been identified, and the representative stated that he would do so. Chairman Oster asked if the applicant would have all the requested information before the next Planning Board meeting, and the representative stated that he would prefer the applicant to be put on the agenda for the Planning Board's first June meeting. This matter is placed on the June 2, 2022 agenda for further deliberation.

The third item of business on the agenda was a major subdivision application submitted by Jim Cillis of JJ Cillis Builders, Inc. for property located at the east end of Cole Lane. Jim Cillis

was present to review the application. Mr. Cillis stated that Russ Reeves, P.E., the project engineer, could not attend the meeting due to a scheduling conflict. Chairman Oster noted that the Planning Board had been given a preliminary introduction to the project some time ago and that the next step is a formal presentation. Mr. Cillis stated that in 1988, he purchased two parcels on each side of Cole Lane, that site work was completed on both parcels, that Phase I of the subdivision was completed, but that Phase II was not pursued at that time. Mr. Cillis discussed stormwater management for the site and that gravel mining had been done on one of the parcels, specifically that gravel had been moved from one parcel to fill in sections of the other. Mr. Cillis stated that he came before the Planning Board to continue the subdivision process in 2007, but ultimately did not complete that process, partially due to the 2008 recession. Mr. Cillis stated that he is now again pursuing Phase II of the subdivision, having submitted the application in 2020, and that it is the same proposed lot layout that was proposed to the Planning Board back in 2007. Chairman Oster asked if the site used public water and septic, and Mr. Cillis confirmed that it did. Chairman Oster also noted that a full Environmental Assessment Form (EAF) had been submitted with the application. Mr. Bonesteel stated that when the applicant initially submitted the application in 2020, he met with Mr. Reeves, Bill Bradley from the Brunswick Water and Sewer Department, and Mr. Golden to discuss stormwater management on the site, where he confirmed that the project layout had not changed since 2007, and told Mr. Reeves that he needed additional stormwater management information, but has not yet received it. Mr. Cillis stated that the stormwater information would be submitted, and asked if it should also be sent to Mr. Bradley. Mr. Bonesteel stated that the information should be sent to him, then he would forward it to Mr. Bradley. Chairman Oster asked what the size of the proposed lots on the subdivision would be. Mr. Cillis stated that they would be around 0.75 acres each. Chairman Oster stated that procedurally, once

all necessary information has been submitted, including the stormwater information to Mr. Bonesteel, and the application is deemed complete, there will need to be a public hearing. Mr. Cillis stated that he was aware. This matter is tentatively placed on the May 19, 2022 agenda for further deliberation.

The fourth item of business on the agenda was a site plan and special use permit application submitted by CVE North America, Inc. for property located off Belair Lane. Carson Weinand, Senior Project Developer for Changing Visions of Energy, and Lou Greco, P.E., engineer for Changing Visions of Energy, were present to review the application. Chairman Oster stated that an issue that had been raised at previous meetings was the proposal to use herbicides on the site, and that using livestock or mowing the grass had been suggested by the Planning Board as alternatives. Chairman Oster also stated that he was inclined not to allow the use of herbicides on the site due to the location of the project and the proximity to residential properties. Mr. Weinand stated that herbicide use was not proposed for the entire site, only a few problem areas, but that the applicant was open to using grazing sheep on the site instead as the applicant was using sheep at other sites in Massachusetts. Chairman Oster asked about the current procedural status of the application. Attorney Gilchrist stated that the applicant had submitted a revised site plan, updated stormwater pollution prevention plan (SWPPP), and a decommissioning plan, all of which must be reviewed by Mr. Bonesteel. Mr. Bonesteel stated that he had reviewed the decommissioning plan and that while the cost estimate was adequate, it must also include a Consumer Price Index (CPI) increase. Mr. Bonesteel stated that he reviewed the revised site plan and that it did address prior engineering review comments and included details on the wetland crossing and the location of the staging area. Mr. Bonesteel also stated that he had reviewed the updated SWPPP, which addressed all of his prior comments. Attorney Gilchrist stated that he and Mr. Bonesteel would

draft a resolution with conditions for review at the next Planning Board meeting. This matter is placed on the May 19, 2022 agenda for further deliberation.

The fifth item of business on the agenda was a waiver of subdivision application submitted by Jason Peterson for property owned by Ralph Liporace and located at 12 Riccardi Lane. Mr. Liporace was present to review the application. Mr. Liporace reviewed the site map, then reviewed the history of the site, stating that he learned of prior errors in the deed descriptions and that there was an issue with the homestead parcel access directly onto Riccardi Lane, and that he wants to rectify those errors. Chairman Oster asked Mr. Liporace if he had access to the remaining land on Riccardi Lane that includes land located on the other side of the corridor owned by National Grid. Mr. Liporace stated that there is a way to cross the National Grid parcel, or he could get access from the land being used for the Brunswick Acres PDD. Chairman Oster stated that the accessway was used in the proposed subdivision road for the Brunswick Acres PDD project, so the Liporace parcel was not landlocked, and this was anticipated. Chairman Oster asked Mr. Bonesteel if he had any comments or questions on the application. Mr. Bonesteel stated that he did not, and that there is adequate access of the remainder lot to Riccardi Lane. Member Stancliffe asked if a dashed line on the site map was a water main, and Mr. Liporace stated that he believed it was. Chairman Oster noted that the application is in the nature of a lot line adjustment. Member Stancliffe made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked Attorney Gilchrist if there should be any conditions on the application. Attorney Gilchrist stated that when the 3.26-acre area is merged into the homestead lot, the applicant must file the merger deed with the Brunswick Building Department. Member Petersen made a motion to approve the waiver of subdivision subject to the stated condition, which

was seconded by Member Mainello. The Planning Board voted unanimously to approve the waiver of subdivision subject to the stated condition.

The sixth item of business on the agenda was a waiver of subdivision submitted by Michael Scesny for property located at 16 Valley View Drive. Michael Scesny was present. Chairman Oster noted that the property is located in an R-9 residential zoning district, is compliant with the lot size requirement, and is in the nature of a lot line adjustment. Member Stancliffe asked if the proposal met all setback requirements, and Mr. Golden stated that it did. Mr. Bonesteel stated that the parcel used public water and sewer, and that there was no issue on separation distances. There were no further questions or comments from the Planning Board. Member Mainello made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Stancliffe. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked Attorney Gilchrist if there should be any conditions on the application. Attorney Gilchrist stated that when the 0.17-acre area is merged into the parcel at 14 Valley View Drive, the applicant must file the merger deed with the Brunswick Building Department. Member Mainello made a motion to approve the waiver of subdivision subject to the stated condition, which was seconded by Member Stancliffe. The Planning Board voted unanimously to approve the waiver of subdivision subject to the stated condition.

The seventh item of business on the agenda was a special use permit and site plan application submitted by Atlas Renewables, LLC for property located off Oakwood Avenue and Farrell Road. Lluís Torrent of Atlas Renewables was present to review the application. Mr. Torrent reviewed the status of the application, stating that it is not proposed to be on the former incinerator site and is proposed for a different area on the same parcel owned by Thomas Murley. Mr. Torrent stated that NYS DEC has already given approval for crossing the former incinerator site with a

transmission line and that National Grid has given approval for the new location with the existing interconnection approval. Mr. Torrent reviewed the project's visual assessment through a series of photo and video simulations, which included both summer and winter conditions. Mr. Torrent stated that a SWPPP for the project had been submitted and that he had received wetlands delineation information earlier that day, which he would submit to the Planning Board for review, which stated that there were federal wetlands on the site, which will be avoided by eliminating a small number of solar panels from the project. Chairman Oster asked how far the project site is from the nearest road, and Mr. Torrent stated that the site is about 1,000 feet away from the nearest road. Chairman Oster discussed the land on the parcel owned by Mr. Murley that is to the east of the project site, stating that if houses are built in that area, then they would be impacted visually by the solar project. Mr. Torrent stated that Mr. Murley does not currently have plans to build homes near the project site, but that Mr. Murley is aware of the potential visual impact if he changes his mind and decides to build homes near the site. Chairman Oster noted that this is not a current issue for the Planning Board, just an observation that this issue could come up in the future and that it should be noted for the record. Member Stancliffe asked if the applicant could provide a visual assessment simulation from Bell Lane, across from Liberty Road, and Mr. Torrent stated that he would do so. Mr. Bonesteel asked if the applicant had received a letter from the New York State Historic Preservation Office (SHPO) reviewing the site. Mr. Torrent stated that he believed a letter from SHPO had been received and would provide it to the Planning Board. Mr. Bonesteel stated that the SHPO letter should be submitted with the SWPPP. Chairman Oster asked if the applicant would need to go before the Zoning Board of Appeals for anything on this project. Attorney Gilchrist stated that he would review the application to see if a variance would be needed for a lot line setback, and that an area variance would likely be needed for the utility poles on the

site. Chairman Oster asked if the project area would be fenced in, and Mr. Torrent confirmed that it would be. Chairman Oster asked how vegetation would be controlled on the project site. Mr. Torrent stated that grass on the site would be mowed a few times a year and that no herbicides would be used. This matter is placed on the May 19, 2022 agenda for further deliberation.

One new item of business was discussed. The one new item of business was a waiver of subdivision application submitted by Thomas Wendell for property owned by Paramount Building Group of NY, Inc. at Spring Avenue Extension and Creek Road. Mr. Golden reviewed the application, stating that the project site is one tax map parcel, with two land hooks, on separate sides of Spring Avenue Extension and Creek Road. Attorney Gilchrist discussed the issue of segmentation in light of a major subdivision proposal on the same parcel that is currently before the Planning Board. Attorney Gilchrist stated that he would contact the surveyor for the project to discuss the site, application, and the segmentation issue. This matter is adjourned without date.

The index for the May 5, 2022 regular meeting is as follows:

1. Witbeck – minor subdivision (May 19, 2022).
2. Leon – site plan amendment (June 2, 2022).
3. Cillis – major subdivision (May 19, 2022).
4. Changing Visions of Energy – special use permit and site plan (May 19, 2022).
5. Liporace/Petersen – waiver of subdivision (approved subject to condition).
6. Scesny – waiver of subdivision (approved subject to condition).
7. Atlas Renewables – special use permit and site plan (May 19, 2022).
8. Paramount Building Group – waiver of subdivision (adjourned without date).

The proposed agenda for the May 19, 2022 regular meeting is currently as follows:

1. Wagner – special use permit (public hearing to commence at 7:00pm).
2. Witbeck – minor subdivision (tentative).
3. Cillis – major subdivision (tentative).
4. Changing Visions of Energy – special use permit and site plan.
5. Atlas Renewables – special use permit and site plan.
6. Brunswick Acres – major subdivision.

The proposed agenda for the June 2, 2022 regular meeting is currently as follows:

1. Leon – site plan amendment.