

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 16, 2022

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, LINDA STANCLIFFE, DAVID TARBOX, and ANDREW PETERSEN.

ABSENT were J. EMIL KRIEGER and KEVIN MAINELLO.

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 Planning Board opened a public hearing on the application to amend a site plan submitted by David Leon concerning property located at 660 Hoosick Road. Walter Lippmann, Project Engineer with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Attorney Gilchrist read the Notice of Public Hearing into the record, with the Notice having been published in the Eastwick Press, placed on the Town sign board, placed on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Mr. Lippmann reviewed all the changes to the approved site plan: the reconfiguration of the Wendy's building and elimination of a by-pass lane as part of the drive-thru; the elimination of one of the two approved shopping cart corrals and addition of four parking spots where the eliminated cart corral was to be in front of the Aldi's grocery store; no longer removing a National Grid utility pole, and the resulting reconfiguring of the parking behind the Planet Fitness gym; additional parking behind

the KFC building on 0.1 acres recently purchased by the applicant, which is anticipated to be mostly used by people going to the Planet Fitness gym; and a drive-thru coffee shop proposed to be located between the Aldi's grocery store and Planet Fitness gym. Mr. Lippmann then discussed the proposed layout of the coffee shop, including the drive-thru lane and pick-up window, and the pedestrian walkup. Chairman Oster then opened the floor for the receipt of public comment. Jessica Leis, in-house counsel for National Grid working out of their Brooklyn office at 2 Hanson Place, stated that she had some comments for the Planning Board to consider, as well as provide an update on the project from National Grid's perspective. Ms. Leis described the land owned by National Grid near the site, stated that National Grid is working with the applicant and applicant's engineer on the project, and stated that National Grid has no issues with the proposed amendments to the site plan. Ms. Leis stated that National Grid has concerns with the project's erosion control measures as a retaining wall was initially included on the plans, then eliminated, and that this could impact National Grid's property through erosion and sediment, and that a drainage swale on the property could also be impacted. Ms. Leis stated that while National Grid received legal notice of the amendment to the site plan, it did not have actual notice due to internal communications issues. Ms. Leis stated that National Grid has submitted a letter to the Planning Board outlining their concerns, that National Grid is working with the applicant on a revised erosion and sediment control and stormwater plan, and that National Grid is requesting that a condition on the application be that the final grading plan be reviewed and approved by National Grid. Jim Tkacik, of 387 Brunswick Road, stated that after reading and studying the plans submitted by the applicant, that there are inconsistencies between the floor plan and the exterior elevation outside of the building, and that the floor plan he looked at did not include a walk-up window. Mr. Tkacik stated that adding a coffee shop to the site would result in too many businesses and that the applicant just

wants to add more revenue by jamming an additional building onto the site. Mr. Tkacik expressed concerns with the vehicle traffic on the site and the sharp turns around the buildings on the site. Mr. Tkacik stated that a snow plow would not be able to navigate around the coffee shop. Mr. Tkacik stated that in terms of the building's floor plan, the side of the building with the walk-up window shows a large window on the side, but the floor plan shows a bathroom where that window should be located. Mr. Tkacik expressed great concern with pedestrian safety in the additional parking area behind the KFC, stating that people might walk from Hillcrest Avenue, increasing the amount of pedestrian traffic on the site and making it more dangerous. Mr. Tkacik asked about the traffic study submitted by the applicant, asking if 20 or 40 additional cars were expected during peak AM hours due to the coffee shop. Mr. Tkacik asked about the total amount of traffic expected on the site, especially during peak AM and PM hours, and whether or not the new traffic light would be able to handle all that traffic. Mr. Tkacik stated that a cumulative traffic study of the site, including the coffee shop, should be done. Mr. Tkacik asked if there would be any changes to the greenspace due to the site plan amendments, and Mr. Lippmann stated that there would not be. Mr. Tkacik asked if electric charging stations, which had been mentioned at a previous meeting, were still planned to be added to the site. Mr. Lippmann confirmed that the applicant was still considering charging stations, that they were not part of the current proposed site plan amendments, and that if they were to be added, they would likely go along Hoosick Road. Mr. Tkacik stated that it would make more sense to have the charging stations closer to the Planet Fitness gym. Mr. Tkacik also stated that the KFC restaurant is very close to the Planet Fitness gym, only 60 feet away, and that the coffee shop if proposed to be even closer to the gym, only 50 feet away, that the coffee shop will also be very close to the Aldi's grocery store, and that if the coffee shop is approved, the site will be mostly asphalt and block-style buildings. Chairman Oster asked

if there were any further public comments and there were not. Mr. Golden stated that there had not been any written comments made on the application, either by written letter or email, other than the letter submitted by National Grid, which was dated May 23, 2022. Chairman Oster made a motion to close the public hearing, which was seconded by Member Tarbox. The motion was unanimously approved, and the public hearing was closed.

The draft minutes of the June 2, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the June 2, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was an amendment to a site plan submitted by David Leon for property located at 660 Hoosick Road. Walter Lippmann, Project Engineer with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Chairman Oster stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning, stating that the project will not have a major impact on County plans and that local consideration shall prevail. Mr. Lippmann reviewed the exterior elevation of the coffee shop site and proposed truck maneuvers around the building. Mr. Lippmann stated that the applicant is not proposing to modify the sidewalk connections around the site. Mr. Lippmann discussed increased traffic due to the coffee shop, stating that the latest traffic counts include cumulative analysis of the site including the coffee shop, and that the new traffic light into the site will be adequate for the increased amount of traffic. Mr. Lippmann confirmed that the applicant is working National Grid on the erosion and sediment plan, that National Grid's comments concerning stormwater will not be directly affected by the site plan amendments, and that the applicant plans to continue working with National Grid going forward. Chairman Oster stated that the applicant is required to respond to public comments in writing, and that the response should include a statement

concerning National Grid's comments on erosion and sediment control and that the applicant would continue to work with National Grid. Mr. Lippmann stated that he would provide such a response. Chairman Oster inquired about a large dirt pile at the rear of the project site. Mr. Golden stated that the area with the dirt pile is a soil processing area. Member Stancliffe noted that National Grid's utilities are adjacent to the site of the Aldi's grocery store and near the site of the coffee shop. The Planning Board discussed National Grid's concerns and asked specifically when National Grid was notified of the proposed site plan amendments. Mr. Lippmann stated that the applicant's contractor has been working with representatives from National Grid on the project site. Member Stancliffe stated that the applicant working directly with National Grid on the project site should be documented for the record. Member Stancliffe also stated that National Grid should submit documentation to the Planning Board confirming that they have no objection to the location of the proposed coffee shop. Member Tarbox asked if the aforementioned dirt pile would be removed by the end of construction, and Mr. Lippmann confirmed that it would be. Member Stancliffe noted that the latest traffic counts do not include traffic for the Planet Fitness gym, meaning that the overall traffic numbers are not cumulative. Mr. Lippmann stated that the traffic from the Planet Fitness could be added to the cumulative traffic analysis. Mr. Bonesteel discussed the traffic analysis, and that the time of anticipated peak traffic for each use in the plaza should be discussed in the cumulative traffic analysis. Mr. Bonesteel also asked for clarification of the revised plan for the retaining wall, which had been brought up during the public hearing. Mr. Lippmann stated that the revised retaining wall would have a reinforced slope, be geo-synthetic, and have geogrid layers, and that this information would be submitted to the Town for approval. Chairman Oster noted that a question had been raised at the public hearing concerning bus stops on the site. Mr. Bonesteel discussed sidewalk, transportation stop, and crosswalk locations on the

site. The Planning Board then discussed the proposed pedestrian walkway areas on the site. Chairman Oster reiterated that the applicant would need to submit written responses to public comments and that updated traffic report. Mr. Lippmann agreed, then discussed procedure for moving forward on the application. Attorney Gilchrist stated that the additional traffic information would be needed before a SEQRA determination could be made. The Planning Board discussed coordination between the applicant, Mr. Bonesteel, the Brunswick Building Department, and Bill Bradley of the Brunswick Water and Sewer Department on stormwater issues. This matter is placed on the July 7, 2022 agenda for further deliberation.

The second 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. Brian Holbitter was present for the applicants. Chairman Oster noted that the Town Board approved a waiver on the number of lots on a dead-end street at its June 9, 2022 regular meeting. Chairman Oster noted that the applicants had not been before the Planning Board for several meetings, as the Planning Board could not act until the Town Board had acted on the waiver, and asked if there had been any changes to the application. Mr. Holbitter stated that there had been no changes to the application. Member Tarbox asked if an Agricultural Data Statement had been submitted. Mr. Holbitter confirmed that one had been submitted. Chairman Oster stated that a public hearing was required, which could be held at the next Planning Board meeting, though there was already another public hearing scheduled, so this public hearing would be second. Mr. Holbitter requested that the public hearing be scheduled for July 7. A public hearing on this application is scheduled for July 7, 2022 at 7:15pm.

The third 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.

Lluis Torrent of Atlas Renewables was present to review the application. Chairman Oster noted that a public hearing on the application had been scheduled for the July 7 meeting and asked if there had been any updates on the application since the last Planning Board meeting. Mr. Torrent stated that there had been no updates, and asked Mr. Bonesteel if his comments on the application were ready. Mr. Bonesteel stated that his review was underway and that he would provide his comments to both the applicant and Planning Board when they were completed. Mr. Bonesteel stated that the scale on the full-size plans was difficult to read and requested that the applicant provide the Planning Board with a larger set of plans, including the actual site of the array location and road network, with overall greater detail. Mr. Bonesteel also noted that the temporary staging area was not shown on the plans. Mr. Torrent stated that the temporary staging area would be shown on the stormwater pollution prevention plan (SWPPP), and Mr. Bonesteel requested that it also be shown on the plans. Mr. Bonesteel asked if the applicant had received a response from the New York State Historic Preservation Office (SHPO) yet, and Mr. Torrent stated that no response had been received yet. Mr. Bonesteel stated that most of his comments would be on the SWPPP, that the gravel road on the site was not counted as an impervious area, which must be updated, and that he would itemize stormwater comments for both the applicant and Planning Board. Chairman Oster asked if the comments/issues involving stormwater on the site could delay the public hearing. Mr. Bonesteel stated that the public hearing would not be affected, as the general layout of the site will not change based on any comments, but that the requested larger set of overall plans should be on file with the Brunswick Building Department for the public to review before the public hearing. Attorney Gilchrist noted that a joint public hearing with the Zoning Board of Appeals concerning the applications submitted by Atlas Renewables to both Boards had been discussed at the last Planning Board meeting, and that the Zoning Board would discuss the option of a joint

public hearing at its next meeting on June 20. A public hearing on this application is scheduled for July 7, 2022 at 7:00pm.

The fourth item of business on the agenda was a referral from the Town Board concerning amendments to the Town Zoning Law. This item was moved to the end of the meeting.

Three items of new business were discussed. The first item of new business was a site plan application submitted by Paulsen Development for property located at 112 McChesney Avenue. Greg Beswick, P.E., of Creighton Manning Engineering, LLP, and Eric Green, of BBL Construction Services, were present for the applicant. Mr. Beswick stated that that project was for a two-story medical building, with both municipal water and public sewer available, and that the applicant would coordinate with the Brunswick Water Department on water and sewer. Mr. Beswick briefly reviewed the project's SWPPP, lighting plan, and landscaping plan. Mr. Green presented and reviewed an exterior rendering of the building. Mr. Golden asked what the height of the building's center tower was going to be. Mr. Green stated that it would 36 feet high. Mr. Golden stated that the maximum allowed height was 30 feet, so the applicant would need to apply for a height variance as well. Mr. Green stated that there would be three tenants in the building, with two of them having already signed on. Chairman Oster inquired about the location of the road near the site that connects to the nearby apartments, and Mr. Beswick noted that it was shown on the site map. Member Henderson discussed the stop signs at the intersection with the road to the nearby apartments and the potential for pedestrian access to the medical building, suggesting that the applicant reach out to the owner of the nearby apartments to discuss the issue. Member Henderson also asked if there would be a pharmacy in the building. Mr. Green stated that there would be on-site medication in relation to the tenants, but that there would not be a retail pharmacy for members of the public to fill prescriptions. Chairman Oster noted that the sketch plan that had

previously been submitted to the Planning Board had been review by the Brunswick Fire Department, which had provided comments. Mr. Beswick stated that the building had been rotated since the sketch plan had been submitted. Chairman Oster stated that one copy of the application and full set of plans needed to be sent to the Brunswick Fire Department for additional review. Member Stancliffe asked about the location of a utility pole on the site. Mr. Beswick stated that the entrance of the building had been moved to accommodate the existing utility pole location. Chairman Oster asked about the proposed number of parking spots in the parking lot in front of the building. Mr. Green stated that Brunswick requires 135 parking spots for this type of building, and that 115 will be built with 27 additional spots being banked. Rich Paulsen, the applicant, was also present and stated that the banked parking spots are due to past experience with medical buildings, that the building will likely only see 40-45 patients a day and that he wants to avoid the possibility of having dozens of unused parking spots every day, that the banked spots are included in the plans to show where they would go if needed, and that he is planning to post a bond for one year for the banked spots if they are needed. Member Stancliffe asked if the 27 banked parking spots were included in the stormwater runoff calculations, and Mr. Beswick confirmed that they were. Attorney Gilchrist stated that he, Mr. Bonesteel, and Mr. Golden would consult the Brunswick Zoning Law concerning the procedure for banked parking spots. Mr. Bonesteel asked the applicant to check the sight distance for the access road off McChesney Avenue. This matter is placed on the July 21, 2022 agenda for further deliberation.

The second item of new business concerned property at 182 Bald Mountain Road owned by Vincent Santoro. Chairman Oster noted that at Planning Board's May 19 meeting, an application for a waiver of subdivision had been presented to the Planning Board, but that further research on prior subdivisions of this property was required. Chairman Oster stated that at the

Planning Board's June 2 meeting, the Planning Board determined that the application could not be accepted as a waiver of subdivision due to previous subdivisions having been approved by the Planning Board within the last 7 years, and that a minor subdivision application would be required for the property. Chairman Oster asked if a minor subdivision application had been submitted by the applicant and Mr. Golden stated that one had not been. The Planning Board discussed the parcel and determined that any further subdivision of any size of any part of the current property would be considered a major subdivision by the Planning Board, and that the applicant should be advised of this.

The third item of new business was a waiver of subdivision application submitted by Richard Patton and Lynne Patton for property located at 250 Pinewoods Avenue. Mr. Golden reviewed the application, stating that the applicants were looking to transfer a small amount of property containing a line of trees to the adjacent parcel. Chairman Oster noted that due to only 0.07 acres proposed to be transferred, the application was more in line with a lot line adjustment. This matter is placed on the July 7, 2022 agenda for further deliberation.

The Planning Board then reviewed the proposed amendments to the Brunswick Zoning Law. Attorney Gilchrist generally reviewed the proposed amendments, including the proposed amendments to multi-family and two-family housing, considering the density factor on constrained land, and the elimination of overlay districts. This matter is placed on the July 7, 2022 agenda for further deliberation.

The index for the June 16, 2022 regular meeting is as follows:

1. Leon – site plan amendment (July 7, 2022).
2. Witbeck – minor subdivision (July 7, 2022).
3. Atlas Renewables – special use permit and site plan (July 7, 2022).
4. Paulsen Development – site plan (July 21, 2022).
5. Santoro – application to be submitted.
6. Patton – waiver of subdivision (July 7, 2022).
7. Zoning Law Referral from Town Board.

The proposed agenda for the July 7, 2022 regular meeting is currently as follows:

1. Atlas Renewables – special use permit and site plan (public hearing to commence at 7:00pm).
2. Witbeck – minor subdivision (public hearing to commence at 7:15pm).
3. Leon – site plan amendment.
4. Cillis – major subdivision.
5. Patton – waiver of subdivision.
6. Brunswick Acres – major subdivision.
7. Discussion of proposed Brunswick Zoning Law amendments.

The proposed agenda for the July 21, 2022 regular meeting is currently as follows:

1. Paulsen Development – site plan.