

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD JULY 21, 2022**

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

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 July 7, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the July 7, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda 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, was present for the applicant. Mr. Beswick briefly reviewed the project and stated that the applicant would be submitting an application for an area variance for the height of the building to the Zoning Board of Appeals for that Board's next meeting, per Mr. Golden request at the June 16 Planning Board meeting. Mr. Beswick reviewed the slopes and topography of the site. Mr. Beswick discussed how there would be no sidewalk to the building as the area where a sidewalk could be is private property, and that the applicant was not pursuing putting in a crosswalk across McChesney Avenue. Mr. Bonesteel stated that there are not typically

crosswalks on a road at a place where there are no sidewalks. Chairman Oster asked if there were no sidewalks on McChesney Avenue, and Mr. Bonesteel confirmed that there were not. Mr. Beswick stated that the applicant had received comments from the Brunswick Fire Department, had no problem with any of the comments, and would be addressing those comments in their next submission. Chairman Oster asked if the Brunswick Fire Department had requested drawings of the site. Mr. Beswick stated that Mr. Golden had provided drawings of the site to the Fire Department. Mr. Beswick stated that site distance measurements, which had been requested by Mr. Bonesteel, were to be done the following week. Mr. Beswick discussed water and sewer options for the site. Mr. Beswick also stated that the applicant is requesting that the Planning Board make a lead agency determination under SEQRA and hold a joint public hearing with the Zoning Board. Mr. Golden stated that he and Attorney Gilchrist needed to review the Brunswick Zoning Law to see if a variance would be required from the Zoning Board for the banked parking spots. Mr. Bonesteel reviewed SEQRA for the project, reading from the Full Environmental Assessment Form (EAF) submitted by the applicant. Mr. Bonesteel stated that the applicant had noted that the parcel where the medical building is proposed is “highly productive” agricultural land, but that the land had not been used for agricultural purposes in a long time. Mr. Bonesteel stated that the parcel is not close to any scenic routes, so that should not have been checked off in the EAF. Mr. Bonesteel stated that he had some questions about the project’s grading plan, noting that some places on the site would have up to 8 feet of fill, and asked how much total fill was proposed to be brought onto the site. Mr. Beswick stated that he did not know, but that he would find out. Mr. Bonesteel stated that he needed more information on the south area of the site. Mr. Bonesteel also asked how tall the utility poles on the site would be. Mr. Beswick stated that the poles would be 15 feet high, and Mr. Golden stated that 15 feet was lower than the maximum height allowed for

utility poles, meaning that a variance would not be required. This matter is placed on the August 4, 2022 agenda for further deliberation.

Attorney Gilchrist arrived and joined the meeting.

The second item of business on the agenda was a waiver of subdivision submitted by Paul Brunina for property located at 137 Tamarac Road. No one was present for the applicant. Mr. Golden reviewed the application, stating that the applicant was proposing to build an addition onto the existing home on the property. Mr. Golden also noted that no new lot would be created, making it more like a lot line adjustment, and that the applicant is proposing the lot line adjustment so that he would have enough setback from Tamarac Road to not require a setback variance from the Zoning Board. Chairman Oster noted that a hand-written note from the applicant's adjacent neighbor had been received by the Planning Board, stating that the applicant had permission to handle all paperwork for the project. This matter is placed on the August 4, 2022 agenda for further deliberation.

The third item of business on the agenda was a waiver of subdivision application submitted by Tim D'Allaird and Christine D'Allaird for property located at 103 Hickory Court. No one was present for the applicant. This matter is placed on the August 4, 2022 agenda for further deliberation.

The fourth item of business on the agenda was a minor subdivision application submitted by Vincent Santoro for property located at 182 Bald Mountain Road. Peter Cucchi, father-in-law of Mr. Santoro, was present to review the application. Mr. Cucchi stated that the applicant is seeking to subdivide approximately 5 acres off an approximately 99-acre parcel, after which the applicant plans to apply for a building permit to construct a house on the newly-created parcel. Chairman Oster and Mr. Bonesteel noted that they had the application, but not the correct site map.

The Planning Board discussed the map included with the minor subdivision application, and concluded that it was the same map submitted with the earlier waiver of subdivision application that the Planning Board did not accept, and that the applicant needed to submit a subdivision map that met all minor subdivision requirements. Mr. Bonesteel stated that the subdivision map needed to include topography, the proposed house location, the proposed driveway location, and the approximate location of water and septic. Member Tarbox asked how the approximately 99-acre lot is currently accessed. Mr. Cucchi stated that the parcel is currently accessed by a driveway that goes across the 5 acres proposed to be subdivided. Member Tarbox stated that access to the remaining acreage would need to be shown on the site map, that the proposed driveway to the new lot would need to be identified, and also that sight distances would need to be included on the updated site map. Chairman Oster noted that the application needed to be supplemented, and that a public hearing would ultimately be required. This matter is placed on the August 4, 2022 agenda for further deliberation.

The Planning Board briefly returned to the first item of business on the agenda, a site plan application submitted by Paulsen Development for property located at 112 McChesney Avenue, and reviewed what needed to be discussed with Attorney Gilchrist. Chairman Oster stated that the applicant would be submitting an area variance application to the Zoning Board for the height of the building to be introduced at the Zoning Board's next meeting. Chairman Oster stated that the applicant had requested that the Planning Board make a lead agency determination for SEQRA. Attorney Gilchrist stated that a lead agency coordination notice would be sent to all involved agencies. Chairman Oster stated that the applicant had also requested a joint public hearing with the Zoning Board, as the applicant will have applications on the project before both Boards once the area variance application is submitted to the Zoning Board. Attorney Gilchrist noted that joint

public hearings are not done regularly, that joint public hearings are usually only done for larger projects like solar projects, and that in this case, the Planning and Zoning Boards would likely review the applications concurrently and hold separate public hearings, but that was a determination to be made by each Board.

The fifth 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 to review the application. Mr. Lippmann stated that there had been a public hearing on the application at the Planning Board's June 16 meeting, that the applicant had responded to public comments in a letter dated June 28, that the applicant had been before the Planning Board again at its July 7 meeting, at which the responses to comments were reviewed and a negative declaration was made on the project under SEQRA, and that the Zoning Board granted a use variance for additional parking spots on the project site at its July 18 meeting. Mr. Lippmann also stated that the applicant was requesting action on the site plan amendment. Chairman Oster noted that he had received comments from members of the public regarding the KFC restaurant recently constructed on the project site concerning the look of the building, and asked if renderings of what the KFC building was to look like had been submitted during the earlier site plan application process. Mr. Lippmann confirmed that renderings of the KFC restaurant building had been submitted, and Mr. Golden also confirmed that the renderings had been submitted. Attorney Gilchrist stated that there had been extensive meetings with the Zoning Board over the number of signs on the KFC building when the applicant had applied for a sign variance, and that the number of signs ultimately approved was significantly less than the original number of signs requested. Member Henderson asked if the applicant had submitted renderings of what the Wendy's restaurant and Aldi's grocery store were to look like.

Mr. Lippmann confirmed that renderings of the Wendy's and Aldi's buildings had been submitted during the earlier site plan application process, and that those renderings had been resubmitted as part of the current site plan amendment application. Member Henderson asked if the applicant had submitted the most recent rendering the applicant had of the proposed coffee shop on the site, and Mr. Lippmann confirmed that the most recent rendering had been submitted. Chairman Oster asked Mr. Bonesteel if all engineering comments had been addressed by the applicant, and Mr. Bonesteel confirmed that they had been. Mr. Golden stated that National Grid had approved the current site plan amendment, including amendments to the Stormwater Pollution Prevention Plan (SWPPP). Mr. Lippmann stated that a representative from National Grid had been at the June 16 public hearing and that all concerns from National Grid had been addressed. Attorney Gilchrist briefly reviewed the procedural history of the site plan amendment application, including the public hearing, the applicant's response to public comments, and the completion of SEQRA. Attorney Gilchrist stated that the Rensselaer County Bureau of Economic Development and Planning had submitted a letter to the Planning Board stating that the project will not have a major impact on County plans and that local consideration shall prevail. Attorney Gilchrist also reiterated that the Zoning Board had granted a use variance for the parking area at its July 18 meeting, and that all technical and engineering issues had been addressed. Member Stancliffe asked what the height of the overhang at the coffee shop windows would be. Mr. Lippmann stated that he did not know, but would look it up. Member Stancliffe stated that the height of the overhang at the coffee shop window should be printed on the overhang itself. Mr. Lippmann stated that this would be completed. Attorney Gilchrist read through all the existing conditions on the initial site plan application, noting that condition 2(g) needed to be amended to identify an engineered reinforced slope in place of the retaining wall. Chairman Oster made a motion to approve the site plan

amendment subject to all existing conditions of prior approval, subject to the amendment to condition 2(g), which was seconded by Member Petersen. The Planning Board voted unanimously to approve the site plan amendment subject to all existing conditions of prior approval, subject to the amendment to condition 2(g).

Chairman Oster then discussed the special use permit and site plan application submitted by Atlas Renewables, LLC for property located off Oakwood Avenue and Farrell Road. Chairman Oster noted that one written comment from two members of the public had been received by the Town via email.

The Planning Board then briefly discussed a project that is proposed for property located at 6 Elmview Drive. Mr. Golden reviewed the proposal, stating that an application had not yet been filed as the applicant did not know whether the action would qualify as a waiver of subdivision or a minor subdivision. The Planning Board briefly discussed the project.

The Planning Board then reviewed the proposed amendments to the Brunswick Zoning Law. Attorney Gilchrist discussed comments made at the Town Board public hearing about the proposed Zoning Law amendments. Member Stancliffe asked about changes made to the definitions of base density and constrained land, noting that the constrained land definition included slopes of 15%, but that the Zoning Law also defined “steep slope” as slopes of 20%, and that this should be made consistent. This matter is placed on the August 4, 2022 agenda for further deliberation.

The index for the July 21, 2022 regular meeting is as follows:

1. Paulsen Development – site plan (August 4, 2022).
2. Brunina – waiver of subdivision (August 4, 2022).
3. D’Allaird – waiver of subdivision (August 4, 2022).
4. Santoro – minor subdivision (August 4, 2022).
5. Leon – site plan amendment (approved with conditions).
6. Discussion of Brunswick Zoning Law amendments (August 4, 2022).

The proposed agenda for the August 4, 2022 regular meeting is currently as follows:

1. Atlas Renewables (North Troy Solar) – special use permit and site plan.
2. Witbeck – minor subdivision.
3. Paulsen Development – site plan.
4. Brunina – waiver of subdivision.
5. D’Allaird – waiver of subdivision.
6. Santoro – minor subdivision.
7. Brunswick Acres – major subdivision.
8. Discussion of Brunswick Zoning Law amendments.