

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 15, 2022

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

ABSENT was J. EMIL KREIGER.

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 site plan application submitted by Paulsen Development of Albany, LLC concerning property located at 112 McChesney Avenue. Greg Beswick, P.E., of Creighton Manning Engineering, LLP, 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. Chairman Oster asked Mr. Beswick to briefly review the project. Mr. Beswick stated that the project is a two-story medical building that will be 24,368 square feet and have 115 parking spaces and 23 banked parking spaces. Mr. Beswick reviewed the project's lighting and landscaping plans, stated that no trees on the east side of the lot would be removed, and gave an overview of the general area and location. Chairman Oster then opened the floor for the receipt of public comment. Jim Murray, of

126 McChesney Avenue, asked if a sidewalk could be incorporated into the building's plans, as it would allow people to walk safely along McChesney Avenue, and allow people to walk safely from the Walmart Plaza to the medical building. Jim Tkacik, of 387 Brunswick Road, stated that he was concerned about parking and traffic on the site, and asked how big the proposed operation would be. Mr. Beswick stated that there would be an endoscopy center for surgeries on the first floor and that the second floor would be entirely medical offices. Mr. Tkacik asked how many personnel would be on-site, how many patients were expected to be seen per day, and what the scope of services were to be in the building. Mr. Tkacik compared the proposed building to several local OrthoNY locations, stating that none of them have enough handicapped parking spots and that the proposed building will only have 5 handicapped spots, which will not be enough. Mr. Tkacik stated that the traffic pattern proposed for the site may not meet the needs of the patients at the site, as cars stopping at the front door will create a backup at the front of the building, patients may move slowly due to getting treatment done on their legs, and medical transport vehicles arriving on the site could slow the flow of traffic. Mr. Tkacik agreed with Mr. Murray's comment about the need for a sidewalk along McChesney Avenue. Mr. Tkacik stated that the proposed medical building could be the first step in commercial development of McChesney Avenue, which is zoned commercial, and that there is likely to ultimately be commercial development all along McChesney Avenue in the future. Mr. Tkacik noted that the Planning Board has been conscientious of possibly putting sidewalks along McChesney Avenue before, which led to the widening of the road from McChesney Avenue Extension to the back entrance of the Walmart Plaza, and should be conscientious again concerning future commercial use of McChesney Avenue. Mr. Tkacik also stated that there should be a connection from Hoosick Road to the medical building via sidewalk, and that the Planning Board should coordinate with the Town Board

and Zoning Board on a plan for sidewalks along McChesney Avenue. Rich Paulsen, the applicant, then spoke, comparing the proposed medical building to the local OrthoNY sites, stating that the proposed medical building will not be a high use site like the other OrthoNY locations, and that he is expecting 4-5 patients per hour, and 40-50 per day, for treatment at the first floor endoscopy center. Mr. Paulsen then discussed traffic circulation on the site, stating that it was based on another project he had developed in New York State. Mr. Paulsen also stated that there would be sidewalks around the building which would be heated for the convenience of patients. Chairman Oster noted that there had been comments made about sidewalks, handicapped parking, and traffic circulation, and asked if there were any comments from the public on any other issues. There were no additional public comments. Chairman Oster made a motion to close the public hearing, which was seconded by Member Henderson. The motion was unanimously approved, and the public hearing was closed.

The draft minutes of the September 1, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the September 1, 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 of Albany, LLC for property located at 112 McChesney Avenue. Greg Beswick, P.E., of Creighton Manning Engineering, LLP, was present for the applicant. Chairman Oster stated that sidewalks were brought up during the public hearing and that the Planning Board had previously expressed concerns about putting a medical building on a road where there are no sidewalks, especially when there are two shopping plazas in the vicinity. Chairman Oster noted that there are sidewalks along Hoosick Road, but that the sidewalk does not extend onto McChesney Avenue. Chairman Oster asked who owns McChesney Avenue itself. Mr. Bonesteel

stated that McChesney Avenue from Hoosick Road to the end of McChesney Avenue Extension is owned by Rensselaer County. Chairman Oster asked if the right-of-way on McChesney Avenue was also owned by Rensselaer County. Mr. Bonesteel stated that he was not sure and would need to research that. Mr. Beswick stated that Nigro Companies owns the land between the project site and Hoosick Road, and that while the applicant is willing to work with the Town in putting in a sidewalk, putting a sidewalk over land the applicant does not own is not possible, and also that putting a sidewalk that will be located on the Paulsen private property raises a liability concern. Chairman Oster discussed the intersection of Hoosick Road and the end of McChesney Avenue, stating that it is a 90 degree turn that is difficult for CDTA buses to make. Mr. Bonesteel stated that the Town had previously attempted to have the intersection modified and contacted NYS DOT about doing so, but that NYS DOT investigated the matter and declined to approve such a modification. Chairman Oster asked if Nigro Companies had donated land to the Town within the past few years for Hoosick Road improvements. Attorney Gilchrist stated that Nigro Companies had donated a strip of land in front of the Taco Bell and Sunmark Federal Credit Union buildings to potentially widen Hoosick Road at that area, but that it did not include any land at the corner of Hoosick Road and McChesney Avenue. Chairman Oster discussed how CDTA used to drive buses into the Price Chopper Plaza, but that CDTA no longer did so due to the very sharp turns into the plaza, that CDTA now stops at the traffic light in front of the Taco Bell building on Hoosick Road, which causes shopping carts to be left on the sidewalk along Hoosick Road, and that the Town should coordinate with Nigro Companies and CDTA about a new bus route into the Price Chopper Plaza. Chairman Oster stated that a decision about the sidewalk options must be made and that the issue must be reviewed further. Chairman Oster also told Mr. Beswick and Mr. Paulsen that even though some comments had been addressed verbally during the public hearing, the applicant must

address all public comments in writing for the record. Member Tarbox asked if the applicant was hesitant to install sidewalks at all. Mr. Beswick stated that the applicant is willing to install a sidewalk along McChesney Avenue, but that it was an issue of liability if the sidewalk is located on private property, as well as an issue of installing a sidewalk to nowhere. Mr. Paulsen agreed with the liability concern, stating that he was not opposed at all to installing a sidewalk, but that he was concerned with installing a sidewalk on private property that could lead to liability issues. Member Tarbox stated that the Planning Board has discussed the sidewalk issue concerning this project before at multiple meetings, but has never made any decisions, and that a decision on the issue must be made. Mr. Bonesteel agreed with Mr. Beswick that a sidewalk to nowhere was not a good idea, that a sidewalk in front of the building should connect to a network of sidewalks and have a destination, and that the Planning Board should evaluate the need for a sidewalk as part of a larger overall sidewalk plan. The Planning Board discussed the sidewalks along Hoosick Road, as well as the widened shoulder along McChesney Avenue, specifically from the back entrance to the Walmart Plaza to McChesney Avenue Extension, and along McChesney Avenue Extension to the Rouse Senior Housing apartments. Chairman Oster identified two main issues facing the Planning Board: the site plan to construct a new medical building, and the overall pedestrian circulation and sidewalk issue on and along McChesney Avenue. Chairman Oster asked if it was fair to hold up this application until an overall sidewalk plan was in place. Chairman Oster also stated that Rensselaer County needed to be consulted on the sidewalk issue. Member Tarbox stated that he did not want to hold up the applicant, but reiterated that the sidewalk issue must be addressed. Mr. Beswick stated that a traffic study had been completed and submitted to Rensselaer County. Member Tarbox requested that the traffic study be submitted to the Town as well, and Mr. Beswick stated that he would do so. Member Stancliffe asked if the sewer study on the site had

been completed. Mr. Beswick stated that the sewer study had been done on August 29 and that the report had been submitted to the Town. Chairman Oster asked if there were any outstanding stormwater issues on the application. Mr. Bonesteel stated that all of his stormwater comments have been addressed. 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, and that a copy of that letter would be sent to the applicant. Mr. Beswick stated that a new planting plan had been submitted, and asked if the Planning Board was able to make a SEQRA determination. Mr. Bonesteel stated that he and the Planning Board would need to review the traffic study before making a SEQRA determination. This matter is placed in the October 6, 2022 agenda for further deliberation.

The second 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 for the applicant. Chairman Oster noted that since the last Planning Board meeting on September 1, SEQRA issues with the project had been identified. Attorney Gilchrist explained that the project is actually the second solar project proposed by Atlas Renewables along Oakwood Avenue near the former incinerator site, with the first proposing solar panels on the former incinerator site itself, while the current project is adjacent to the incinerator site and also proposes to partially cross the incinerator site. Attorney Gilchrist stated that SEQRA lead agency coordination process had been completed for the first project, but not the second. Attorney Gilchrist stated that even though the two projects are at substantially the same site, the second project is a separate application and that a new SEQRA lead agency coordination notice needed to be sent to all involved agencies, which would be done the

next day. Chairman Oster stated that neither the Planning Board or Zoning Board could act on the application until the SEQRA lead agency process was completed and a SEQRA determination was made. Chairman Oster asked if all comments on stormwater had been addressed. Mr. Bonesteel confirmed all comments on stormwater had been addressed. Mr. Torrent concurred with the SEQRA procedure issues and that no action could be taken until the SEQRA process was complete. Attorney Gilchrist asked if the first application on the site was being formally withdrawn. Mr. Torrent confirmed that the first application on the former incinerator site was formally withdrawn. This matter is tentatively placed on the October 6, 2022 agenda for further deliberation, subject to the receipt of responses to the SEQRA lead agency coordination.

The third item of business on the agenda was a waiver of subdivision application submitted by David Bonesteel and Joanne Bonesteel for property located on 6 Elmview Drive. David Bonesteel and Joanne Bonesteel were present to review the application. David Bonesteel reviewed the application, stating that it was more in line with a lot line adjustment. Chairman Oster noted that a new map showing the location of any well and septic systems on the property had been requested by the Planning Board at its August 18 meeting, and that such a map had been provided. Chairman Oster agreed with the applicants that the application was more in line with a lot line adjustment. Wayne Bonesteel had no comments on the application. There were no further questions from the Planning Board. Member Mainello made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Tarbox. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked if there should be any conditions on the application. Attorney Gilchrist stated that the only condition for the Planning Board to consider would be that the subdivided area be merged into the adjacent parcel and that the merger deed be filed with the Brunswick Building Department.

Member Petersen made a motion to approve the waiver of subdivision application subject to the stated condition, which was seconded by Member Stancliffe. The Planning Board voted unanimously to approve the waiver of subdivision application subject to the stated condition.

The fourth item of business on the agenda was a minor subdivision application submitted by Sagebrook Associates, Inc. for property located at 48 Spring Landing Boulevard. Matt Bond, of Barber Engineering, PLLC, and Kevin Kronau, of Sagebrook Associates, were present to review the application. Chairman Oster stated that he had visited the project site earlier that day, noted that there were three driveways proposed for the new subdivided lots, but that an existing paved driveway on an adjacent lot is actually located in the area of one of the new proposed driveways. Mr. Bond confirmed that the existing adjacent paved driveway partially encroaches on the project site. Chairman Oster asked if the owner of the adjacent parcel was aware that his driveway is actually located on the proposed subdivision. Mr. Bond stated that he did not know. Attorney Gilchrist asked how long the adjacent driveway had existed and been used. Mr. Kronau stated that the existing house already built on the adjacent lot was approved by a previous application, but that an addition to the house had been added later, and the paved driveway now is located on his land. Attorney Gilchrist expressed concern over the encroaching driveway and the adjacent parcel owner's potential claim of right to use the driveway, and stated that it was likely to be an issue at a public hearing. The Planning Board discussed the three proposed driveways, the existing driveway and house on the adjacent lot, and the issue of one of the driveways encroaching on the project site. Attorney Gilchrist expressed concern over the Planning Board potentially deeming a subdivision plat complete for the purpose of holding a public hearing when the plat shows an encroachment onto the project site. Attorney Gilchrist also expressed concern with the width of the driveways and compliance with the Town private road specifications. The Planning Board

discussed compliance with Town private road specifications. Member Stancliffe asked if the lot was accessible from Menemsha Lane. Mr. Bond stated that it was not and that there was only one entrance to the lot. Chairman Oster stated that the driveway location and driveway width issues must be resolved before a public hearing could be held, and that the applicant must submit a proper subdivision plat that does not show an encroachment. Attorney Gilchrist stated that he would review the plat requirements with Mr. Bonesteel to address the encroachment and driveway width issues. Member Tarbox asked if a stormwater pollution prevention plan (SWPPP) had been submitted. Mr. Bonesteel confirmed that one was submitted and that he was still reviewing it. This matter is tentatively placed on the October 6, 2022 agenda for further deliberation.

The fifth item of business on the agenda was a waiver of subdivision application submitted by the Brunswick Church for property located at 54 White Church Road. Richard Scott was present for the applicant. Mr. Scott stated that the matter is more in line with a lot line adjustment, that Brunswick Church is looking to sell the adjacent parcel, but wants the lot line adjustment to allow for vegetative screening, a light pole, and drainage between the parcel being sold and the land being retained by the Church. Mr. Scott also stated that no well or septic systems would be affected by the action. The Planning Board and Mr. Bonesteel had no outstanding questions or issues with the application. Member Tarbox 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 if there should be any conditions on the application. Attorney Gilchrist stated that the only condition for the Planning Board to consider would be that the subdivided area be merged into the adjacent parcel and that the merger deed be filed with the Brunswick Building Department. Member Mainello made a motion to approve the waiver of subdivision application subject to the stated condition,

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

There was no new business to discuss.

One general item of old business was discussed. Member Tarbox noted that the Planning Board had approved several large-scale solar projects over the past year or so, but that none of them had begun construction, and asked if the projects not being built in a timely manner should factor in to whether the Planning Board continues to approve large-scale solar projects. The Planning Board then generally discussed the issue.

The index for the September 15, 2022 regular meeting is as follows:

1. Paulsen Development – site plan (October 6, 2022).
2. Atlas Renewables (North Troy Solar) – special use permit and site plan (October 6, 2022).
3. Bonesteel – waiver of subdivision (approved with condition).
4. Sagebrook Associates – minor subdivision (October 6, 2022).
5. Brunswick Church – waiver of subdivision (approved with condition).

The proposed agenda for the October 6, 2022 regular meeting is currently as follows:

1. Bailey – special use permit (public hearing to commence at 7:00pm).
2. Paulsen Development – site plan.
3. Atlas Renewables (North Troy Solar) – special use permit and site plan.
4. Sagebrook Associates – minor subdivision.