

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 6, 2023

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

ABSENT was 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 draft minutes of the June 15, 2023 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the June 15, 2023 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a site plan application submitted by Humble Country, LLC for property located at 740 Hoosick Road. Al Burgazoli, from AOW Associates, Inc., and Paul Engster, the property owner, were present to review the application. Chairman Oster stated that a public hearing on the application had been held at the previous Planning Board meeting on June 15, that the applicant had been required to respond to all comments in writing, and that the Planning Board had received written responses to comments from the applicant, which were received via letter dated June 22. Chairman Oster asked Mr. Burgazoli to briefly review the written responses to comments. Mr. Burgazoli stated that the applicant agreed to change the hours

of operation to 9:00 AM to 9:00 PM, seven days a week, as was requested by the Planning Board members at the June 15 meeting. Mr. Burgazoli reviewed the dispensary's procedure for queuing inside and outside the store, where trash receptacles would be located, the awning located outside the store that would hang over the sidewalk, the on-site security guards and required qualifications, that no firearms would be allowed on-site for patrons and that there would be signage to that effect, that no sales would be made to anyone impaired, and that Humble Country was the license holder. Member Stancliffe asked how cash deposits would be handled. Mr. Burgazoli stated that it would be handled by the licensee and on-site security personnel. Member Henderson asked what the applicant would do if the licensing process was delayed by New York State, noting that he had seen several news articles of dispensaries not opening due to such delays. Mr. Burgazoli stated that it was not his experience that NYS would delay the licensing process, and that if the application were approved at the present meeting, and a building permit were issued shortly thereafter, then the applicant could begin construction by July 17. Chairman Oster noted that a letter had been received from Brunswick Fire Co. No. 1, requesting that a Knox Box be installed and coordinated with the fire department. Mr. Burgazoli stated that a Knox Box had already been incorporated into the plans. Chairman Oster stated that the fire department was also requesting a walkthrough of the site when construction was completed. Mr. Burgazoli confirmed that a walkthrough would be done. Chairman Oster asked Mr. Bonesteel if he had any questions from an engineering perspective. Mr. Bonesteel stated that he had no further questions or comments. Chairman Oster noted that a list of all involved agencies had not been provided by the applicant as requested and asked Attorney Gilchrist to review the status of the application without the list of involved agencies. Attorney Gilchrist stated that the application was classified as an unlisted action under the New York State Environmental Quality Review Act (SEQRA), and that the Planning

Board would undergo an uncoordinated review under SEQRA. There were no further comments from the Planning Board. Member Stancliffe made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA while undertaking an uncoordinated SEQRA review of an unlisted action. Chairman Oster asked if there should be any conditions to be considered by the Planning Board. Attorney Gilchrist stated that two conditions for the Planning Board to consider were: that the hours of operation for the dispensary be 9:00 AM to 9:00 PM, seven days a week; and that queuing remain orderly and in compliance with the applicant's representations in its June 22, 2023 submission. Member Petersen made a motion to approve the site plan application subject to the stated conditions, which was seconded by Chairman Oster. The Planning Board voted 5-1 to approve the site plan application subject to the stated conditions.

The second item of business on the agenda was a site plan application submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Tim Freitag, from Bohler Engineering; Gordon Stansbury, a traffic consultant; Clinton Matzen, representing one of the tenants; and Colton Hill and Jarred George, the project developers, were present to review the application. Mr. Freitag reviewed the project, including the full Environmental Assessment Form (EAF), site plan, preliminary elevations for the buildings, and photos of the proposed canopy on the western part of the site. Mr. Freitag stated that the application was for two lots on the property: a 2,350 square foot fast-food restaurant and a 3,500 square foot building, likely for retail, on the eastern lot; and a 5,000 square foot "quick serve" restaurant with a drive-thru on the western lot. Mr. Freitag reviewed proposed NYS Route 7 traffic improvements at McChesney Avenue that are part of the application. Mr. Freitag stated that approximately 20% of

the project site would be greenspace. Mr. Freitag stated that an area variance would be required for the canopy in front of the building on the western lot, that that area variances would be required for the internal lot lines, and that sign variances would also be required. Mr. Freitag stated that the applicant was continuing preliminary review on the concept plan, was seeking comments from the Planning Board, and would submit a full application in the near future. Mr. Freitag stated that he also wanted to discuss the SEQRA procedure for the application. Chairman Oster stated that the applicant would need to submit a subdivision application for the lot line adjustment. Mr. Freitag stated that the applicant was working the Town Building Department on the lot line adjustment and that a subdivision application would be submitted to the Planning Board. Chairman Oster stated that the project would require coordination with the Zoning Board, and that the Planning Board would be undertaking SEQRA lead agency coordination with all involved agencies. Chairman Oster also stated that a public hearing would be required for this application, that the Planning Board would likely request a joint public hearing with the Zoning Board on the applications before both Boards, and that the Planning Board would coordinate with the Zoning Board concerning a joint public hearing. Mr. Golden requested information concerning the internal traffic circulation of the site. Mr. Freitag reviewed the site plan for western lot and the traffic circulation proposal for that lot, discussing the multi-lane meal delivery system. Mr. Golden asked about peak hour meal delivery times (ticket times) and how they compared to traffic circulation and site layout of the western lot. Mr. Freitag stated that meal delivery time and traffic circulation had been studied and that the data was included in the traffic study submitted to the Planning Board. Mr. Golden asked if the fast-food restaurant on the western lot would have a similar layout as another recently-opened location in Clifton Park. Mr. Freitag stated that it would not as the Clifton Park location has three lanes for traffic, while the proposed Brunswick location would

ultimately narrow to only two lanes. Chairman Oster asked when the applicant expected to open the restaurants. Mr. Freitag stated that the tenant for the fast-food restaurant on the western lot is currently opening a number of locations in the Capital Region later in July, which he described as Phase I of the tenant's Capital Region plan, and that the Brunswick location was part of Phase II of that plan. Chairman Oster stated that the fast-food restaurant would be a destination site, potentially impacting traffic counts, but which could be reduced if there were other restaurants from the same tenant already open in the area. Mr. Freitag stated that the traffic study submitted with the application included data for the site as a destination, not simply pass-by traffic. Chairman Oster stated that traffic along Hoosick Road was already very bad and that two more restaurants will need to be carefully reviewed. Mr. Bonesteel stated that the Planning Board should consider an independent traffic engineering review for the application. Mr. Freitag stated that the applicant was not opposed to an independent traffic review. Mr. Bonesteel asked if NYS Department of Transportation (DOT) had been sent the application. Mr. Freitag confirmed that the application had been sent to NYS DOT, but that the applicant had not yet received a response. Member Stancliffe asked where snow would be stored in the winter. Mr. Freitag stated that snow would be moved to the perimeters of both lots. Member Stancliffe asked if there would be a retaining wall on the site. Mr. Freitag stated that a retaining wall was proposed, but that the applicant was in discussions with a neighbor for additional area for grading in order to eliminate or reduce the height of the retaining wall. Member Stancliffe asked what an alternate location would be for snow storage in case of a big snowstorm. Mr. Freitag stated that snow would need to be moved off-site in such a case. Member Stancliffe asked if there would be pedestrian access from Hoosick Road. Mr. Freitag stated that there would be pedestrian access to both lots from Hoosick Road, and reviewed the proposed crosswalks across Hoosick Road and the on-site sidewalks. Member

Stancliffe asked if the applicant could eliminate the third lane in front of the fast-food restaurant on the western lot to create more greenspace. Mr. Freitag stated that the third lane allows for additional stacking of cars if needed, and also that mobile ordering will be used at the fast-food restaurant and the third lane could be used solely for mobile ordering. Member Stancliffe asked if the parking design could be amended to increase greenspace. Mr. Freitag stated that the parking design was due to delivery truck circulation requirements. Member Stancliffe asked if the location of the dumpsters on the site was finalized. Mr. Freitag stated that the applicant did not expect to change the dumpster locations, and stated that they were located on an area of the site where there was proposed to be one-way traffic. Chairman Oster asked if there was a tenant of the restaurant on the eastern lot. Mr. Freitag stated that the applicant was discussions with a tenant for that restaurant, but that a deal had not been finalized. Chairman Oster stated that if there was no tenant for the restaurant on the eastern lot, the traffic circulation of the site could change. Mr. Freitag stated that a change to the traffic circulation was possible, but that discussions with the tenant for the restaurant on the eastern lot were advancing and expected to go through, and that this tenant was pick-up only through mobile ordering, with no sit-down eating. Chairman Oster asked if the medical building that had been previously discussed was no longer proposed. Mr. Freitag confirmed that the plan for the medical building had been dropped and had been replaced with a proposed retail building. Chairman Oster asked if the applicant intended to build all three buildings at once. Mr. Freitag confirmed that as long as the leases were in place, the applicant planned to build all three buildings in one phase, but did note that the applicant may consider staggering construction of the three buildings. Member Stancliffe asked about lighting on the site. Mr. Freitag stated that the lighting plan was still being designed, alongside the landscaping and architecture plans, and that the applicant would review the Town lighting requirements closely. The Planning

Board then discussed the SEQRA lead agency coordination process. Attorney Gilchrist stated that he and Mr. Bonesteel would review the application materials, then further discuss the SEQRA lead agency coordination process at the Planning Board's next meeting. Mr. Bonesteel asked if the Planning Board wanted to retain an independent traffic consultant. The Planning Board members stated that they did. Attorney Gilchrist stated that a motion should be made to that effect. Chairman Oster made a motion for the Planning Board to retain an independent traffic consultant, which was seconded by Member Tarbox. The Planning Board unanimously to retain an independent traffic consultant. Mr. Bonesteel stated that the applicant should submit an engineering report on water and sewer, and that while a full stormwater pollution prevention plan (SWPPP) was not necessary at this stage of the review, a drainage study should be submitted. This matter is placed on the July 20, 2023 agenda for further deliberation.

The third item of business on the agenda was a site plan application and special use permit application submitted by Lynn Currier for property located at 215 Oakwood Avenue. Lynn Currier and Walt VanDeLoo, P.E., were present to review the application. Ms. Currier stated that she had submitted responses to Mr. Bonesteel's review comments, and had also submitted updated information on the application. Chairman Oster stated that the Planning Board members had only received the responses to Mr. Bonesteel's comments before the present meeting, that the Planning Board members would review the responses and discuss them at the next meeting, and that the Planning Board would also review the updated site plan. Mr. VanDeLoo stated that the application had been sent to the fire department for review. Ms. Currier reviewed the updated site plan, specifically the revised traffic circulation on the site. Mr. Bonesteel stated that dimensions should be added to the site plan, particularly in the parking lot area. Mr. VanDeLoo stated that he would add dimensions to the site plan. Ms. Currier stated that employee parking spots would be noted on

the site plan. Mr. Bonesteel noted that the dimensions for the parking area were actually provided within the plan set. Mr. VanDeLoo stated that he would add the designated drop-off and pick-up areas to the site plan along with the employee parking area. Mr. Bonesteel asked how many employees the daycare would have. Ms. Currier stated that there would be 6-8 employees. Chairman Oster asked if the site was already paved. Ms. Currier confirmed that the site was paved. Chairman Oster asked if there would be any additional paving. Ms. Currier stated that there would be no more paving. Mr. Bonesteel asked what area of the site was being leased. Mr. VanDeLoo stated that he would identify the leased area on the site plan. Ms. Currier stated that she was not leasing the entire parcel, only a part of it. Mr. VanDeLoo stated that a septic report was being put together, that comments from the fire department would be addressed when received, and that the site plan would be updated with the requested additions for the next Planning Board meeting. Chairman Oster asked if the site had public water. Mr. Golden stated that the parcel would not have public water until the nearby apartments are built. Chairman Oster asked if the site currently uses well water. Ms. Currier confirmed that the site uses well water. Mr. VanDeLoo stated that he would add the location of the on-site well to the site plan. Member Tarbox asked if the application needed to be sent to Rensselaer County. Attorney Gilchrist confirmed that it did. The Planning Board discussed the procedure for a public hearing on the application. Mr. Bonesteel stated that he would review the responses to his initial comments. This matter is placed on the July 20, 2023 agenda for further deliberation.

The Planning Board discussed one item of old business.

The one item of old business was a waiver of subdivision application submitted by Kevin Maxwell and Jodi Maxwell for property located at 4 Johnson Street. No one was present for the applicant. Chairman Oster inquired about the procedural status of this matter. Attorney Gilchrist

stated that the applicants were currently before the Zoning Board for an area variance and that a public hearing on that application was scheduled for the Zoning Board's July 17 meeting. Chairman Oster noted that if action was taken at the Zoning Board at the July 17 meeting, then the Planning Board would be able to take action on the waiver of subdivision application. This matter is tentatively placed on the July 20, 2023 agenda for further deliberation.

The Planning Board discussed one item of new business.

The one item of new business was a proposed use for the Diamond Rock Plaza submitted by Thomas Murley for property located at 289 Oakwood Avenue. Thomas Murley, the property owner, and Eli Grey, the proposed tenant, were present to review the project. Mr. Murley stated that Mr. Grey was proposing a cannabis retail dispensary for one of the spaces at the Diamond Rock Plaza. Mr. Grey stated that he had already received his New York State license to sell retail cannabis. Chairman Oster noted that the parcel was re-zoned Light Industrial when the Brunswick Zoning Law was passed in 2017, but that retail had been an allowable use on the parcel when the Diamond Rock Plaza was approved in 2016, and that retail uses were therefore allowed on the site. Attorney Gilchrist stated that the Building Department needed to review the Zoning Law and proposed use to determine if Planning Board review if required. This matter is tabled.

The index for the July 6, 2023 regular meeting is as follows:

1. Humble Country, LLC – site plan (approved subject to conditions).
2. Maries Muse, LLC – site plan (July 20, 2023).
3. Currier – site plan and special use permit (July 20, 2023).
4. Maxwell – waiver of subdivision (July 20, 2023).
5. Murley – proposed use (tabled).

The proposed agenda for the July 20, 2023 regular meeting is currently as follows:

1. Maries Muse, LLC – site plan.
2. Currier – site plan and special use permit.
3. Maxwell – waiver of subdivision (tentative).