

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 20, 2023

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 6, 2023 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the July 6, 2023 regular meeting were unanimously approved without amendment.

The first 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, and Colton Hill, the project developer, were present to review the application. Chairman Oster stated that the Planning Board had voted to retain an independent traffic consultant to review the applicant's traffic study at the previous meeting on July 6 and asked Mr. Bonesteel as to the status of the independent traffic review. Mr. Bonesteel stated that Creighton Manning, LLP was willing to act as the independent traffic consultant to the Planning Board on this matter, that Creighton Manning was estimating \$2,500.00 for the review. The Planning Board

confirmed that the amount of the estimate should be placed into escrow with the Town by the applicant, and Mr. Bonesteel confirmed that Creighton Manning could begin the work the following week. Mr. Freitag confirmed that the applicant would set up the escrow for the independent traffic consultant. Member Mainello made a motion to retain Creighton Manning to serve as traffic engineering review consultant, which was seconded by Member Kreiger. The Planning Board voted unanimously to retain Creighton Manning to serve as traffic engineering review consultant. The Planning Board then discussed the SEQRA process. Mr. Bonesteel stated that he had reviewed the Full Environmental Assessment Form (EAF) and deemed it complete and accurate. Attorney Gilchrist stated that the application would be an unlisted action under SEQRA, and Mr. Bonesteel and Mr. Freitag concurred. Attorney Gilchrist then handed out a draft Notice of Intent to Establish Lead Agency to the Planning Board members, Mr. Bonesteel, and the applicant, and reviewed it. Attorney Gilchrist noted that all involved and interested agencies were listed, not just the involved agencies. Mr. Bonesteel asked if the Rensselaer County Sewer District should be added as an interested agency. Attorney Gilchrist stated that they would be added. Member Stancliffe asked if any federal agencies should be included, such as the U.S. Fish and Wildlife Service. Attorney Gilchrist stated that federal agencies usually are not listed. Mr. Bonesteel stated that no water bodies or endangered species were identified in the Full EAF, so the U.S. Fish and Wildlife Service did not need to be included. Chairman Oster asked if there were any further questions on the Notice of Intent to Establish Lead Agency and there were not. Member Henderson made a motion to serve the Notice of Intent to Establish Lead Agency, which was seconded by Member Petersen. The Planning Board voted unanimously to serve the Notice of Intent to Establish Lead Agency. Chairman Oster stated that the applicant had filed an application with the Zoning Board for an area variance, and had presented that application at the Zoning Board's last meeting

on July 17. Chairman Oster stated that the possibility of a joint public hearing with the Zoning Board concerning the applications before both boards had been suggested at the July 17 Zoning Board meeting, that he had no objection to a joint public hearing, and that it would be coordinated when the public hearing was discussed and set. Mr. Freitag confirmed that the applicant had been before the Zoning Board on July 17 to present the area variance application, and while there were currently no changes to the site plan, additional detail design was being done based on comments received from the Zoning Board. Mr. Freitag also stated that the applicant would be at the Zoning Board's next meeting on August 21. Mr. Bonesteel stated that he was still waiting for stormwater information, after which he would complete his review. There were no current questions from the Planning Board on the site plan. This matter is placed on the August 17, 2023 agenda for further deliberation.

The second item of business on the agenda was a waiver of subdivision application submitted by Kevin Maxwell and Jodi Maxwell for property located at 4 Johnson Street. Jodi Maxwell was present to review the application. Mr. Golden stated that the Zoning Board had granted three area variances, two setback variances and one variance for having an accessory structure in front of a primary structure, at the last Zoning Board meeting on July 17 concerning the property. Mrs. Maxwell reviewed the application, stating that the application was more in the nature of a lot line adjustment, which was being applied for so that a garage sitting partially on the property line will be entirely on the property of her adjacent neighbor at 6 Johnson Street. Chairman Oster asked the Planning Board members if there were any questions or comments on the application, and there were none. Member Stancliffe made a motion for a negative declaration on the project under SEQRA, 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 to be considered by the Planning Board. Attorney Gilchrist stated that two conditions for the Planning Board to consider were: that the area being divided must be merged into the lot at 6 Johnson Street and not become its own lot, and that the merger deed must be filed with the Town Building Department. Member Mainello made a motion to approve the waiver of subdivision application subject to the stated conditions, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the waiver of subdivision application subject to the stated conditions.

The Planning Board discussed one item of new business.

The one item of new business was a site plan application submitted by Zafer Ak for property located at 585 Hoosick Road. Nick Costa, of Advance Engineering & Surveying, and Zafer Ak were present to review the application. Mr. Costa stated that applicant was the owner of Golden Grain Pizza and was seeking to redevelop the building on the site that had previously been a Roxy Cleaner's dry-cleaning business. Mr. Costa stated that the applicant owned two other Golden Grain Pizza locations in the area, one in East Greenbush and the other on Wolf Road in Colonie, and that both had been redevelopments of existing buildings at those locations. Mr. Costa reviewed an aerial map of the site, reviewing site modifications to delineate parking, modifications to the building, a proposed outdoor patio, and elevations of the site. Chairman Oster asked if there would be indoor seating. Mr. Costa confirmed that there would be indoor seating, and reviewed plans for the interior of the building. Chairman Oster asked if there would be adequate parking at the site. Mr. Golden stated that under the Town parking regulations, the proposed parking would comply with a maximum of 26 seats for customers, but that the question of how much outdoor seating is proposed must be addressed. Member Mainello asked if there was a drop in the grade of the site. Mr. Costa stated that there was, but it did not interfere with the use of the site and was

limited to the grass at the edge of the site. Chairman Oster asked if there would be a drive-thru. Mr. Costa stated that there would not be a drive-thru. Chairman Oster stated that the building had previously been used for a dry-cleaning business and asked if there could be any environmental issues going forward. Mr. Costa stated that he worked at the Roxy Cleaner's dry-cleaning business as a teenager and that the dry-cleaning materials were removed by a contractor on a regular basis while the dry-cleaning business was in operation. Member Stancliffe asked where dumpsters would be located, and where grease would be disposed of. Mr. Costa stated that solid waste would be handled internally and hauled out to the curb for regular pick-up. Member Henderson asked what the restaurant's hours of operation would be. Mr. Ak stated that the restaurant would close at 9:00 PM or 10:00 PM. Member Stancliffe asked if the restaurant would have a delivery service. Mr. Costa confirmed that it would. Member Stancliffe asked if delivery drivers would have a dedicated parking area. Mr. Costa confirmed that there would be specific parking spots for delivery drivers. Mr. Bonesteel asked how many employees there would be and if they would have specific parking spots. Mr. Ak stated that there would be four or five employees and stated that employees would be driven to this location by the company or that there would specific parking spots identified for employees. Mr. Bonesteel asked about traffic circulation on the site. Mr. Costa reviewed the traffic circulation plan for the site, noting that traffic would not back out onto Hoosick Road. Member Tarbox asked what the size of the parking spots would be. Mr. Costa stated that parking spots would be 9 feet by 18 feet. Member Stancliffe asked if a garage located across the street was included as part of the project site. Mr. Costa stated that the garage was not part of the current project site. This matter is placed on the August 3, 2023 agenda for further deliberation.

The Planning Board discussed one item of old business.

The one item of old business was a proposed use for the Diamond Rock Plaza submitted by Thomas Murley for property located at 289 Oakwood Avenue. Chairman Oster asked if there was any update on that matter. Mr. Golden stated that he had determined that site plan review by the Planning Board was not required for proposed retail cannabis sale on the site, as there was no change in use that would trigger the site plan review requirement. This matter is no longer before the Planning Board.

The index for the July 20, 2023 regular meeting is as follows:

1. Maries Muse, LLC – site plan (August 17, 2023).
2. Maxwell – waiver of subdivision (approved subject to conditions).
3. Golden Grain Pizza – site plan (August 3, 2023).
4. Murley – proposed use (no further Planning Board action required).

The proposed agenda for the August 3, 2023 regular meeting is currently as follows:

1. Golden Grain Pizza – site plan.

The proposed agenda for the August 17, 2023 regular meeting is currently as follows:

1. Maries Muse, LLC – site plan.