

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 5, 2023

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

ABSENT were J. EMIL KREIGER and ANDREW PETERSEN.

ALSO PRESENT were MICHAEL McDONALD, 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 a special use permit application submitted by Charles Golden and Donna Golden for property located at 318 Pinewoods Avenue. Donna Golden was present to review the application. Chairman Oster read the procedure for a public hearing held by the Planning Board. 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, posted on the Town website, and mailed to the owners of all properties within 300 feet of the project site. 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. Chairman Oster also stated that an Agricultural Data Statement had been submitted by the applicants. Chairman Oster asked the applicant to briefly review the project for the public. Mrs. Golden stated that she and her

husband were proposing to construct a kitchen for their daughter's side of the house; that their daughter is a special needs child and the kitchen would help prepare her for living on her own in the future; and that there is already a bedroom, living room, bathroom, and closet on their daughter's side of the house. Chairman Oster then opened the public hearing on the application. There were no public comments on the application. Chairman Oster asked the Planning Board members if there was any need to extend the public hearing and/or establish a written comment period, and it was determined that there was no need for either. 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 21, 2023 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Tarbox, the draft minutes of the September 21, 2023 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a special use permit application submitted by Charles Golden and Donna Golden for property located at 318 Pinewoods Avenue. Donna Golden was present to review the application. Chairman Oster stated that since no comments were made at the public hearing, no written responses from the applicant were necessary. Chairman Oster asked if there were any comments or questions from the Planning Board and there were none. Chairman Oster asked Mr. Bonesteel if he had any questions or comments from an engineering perspective, and he did not. Member Stancliffe made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Mainello. 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. Mr. Bonesteel stated that no conditions were needed from an engineering perspective. Attorney Gilchrist stated that no

conditions were required from a legal perspective, and that both the septic and parking at the project site had been determined to be adequate. Member Henderson made a motion to approve the special use permit application, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the special use permit application.

The second item of business on the agenda 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 the applicant had purchased the lot across Oneida Avenue from the site since the last Planning Board meeting and that an engineering plan had completed for the parking area on the newly-purchased lot. Mr. Costa reviewed the updated site plan, including the pizza restaurant with parking and the additional parking on the new lot. Chairman Oster asked if the parking on the lot at 585 Hoosick Road had changed due to the purchase of the adjacent lot across from Oneida Avenue. Mr. Costa confirmed that the parking on the original lot had slightly changed, stating that a few parking spots had been eliminated around the pizza restaurant on the original lot. Mr. Costa then reviewed the internal layout of the two parcels and stated that he met with Mr. Bonesteel on September 29 to discuss the revisions to the site plan. Chairman Oster asked if pedestrian crosswalks had been added to the site plan. Mr. Costa confirmed that pedestrian sidewalks had been added, as well as signage along Oneida Avenue and a sidewalk along Oneida Avenue to bring customers to the front of the restaurant. Mr. Bonesteel stated that he approved of the general layout of the site, but had some comments on the revised parking. Mr. Bonesteel asked what the drainage plan was for the new parking area. Mr. Costa stated that water would generally drain off the new lot toward Oneida Avenue. Mr. Bonesteel noted that the entrance off Oneida Avenue to the new parking area needed to have a negative pitch. Mr. Bonesteel then asked what was currently on the new lot. Mr. Costa

discussed the history of the lot, stating that there used to be a house on the lot, but that the house had been torn down and that the lot was now empty. Mr. Bonesteel stated that the applicant needed to review the drainage off the new parking area and through Oneida Avenue, particularly the negative pitch off Oneida Avenue. Mr. Costa stated that he would review the issue, and that he would like to meet with Mr. Bonesteel to review it in detail. Mr. Bonesteel stated that he needed to see information on the soils on the new lot as a significant amount of soil was proposed to be disturbed, specifically cutting into a hillside. Mr. Costa stated that the applicant would provide information on site grading and slope stability. Chairman Oster asked if a retaining wall would be needed on the new lot. Mr. Bonesteel stated that a retaining wall would likely not be necessary, but that it would be dependent on the soil types present. Mr. Bonesteel noted that the two lots were in a B-15 business zoning district, that the first lot was approximately 9,000 square feet, that the new lot was approximately 8,000 square feet, and that the two lots must be merged to meet the 15,000 square foot requirement of a conforming lot in a B-15 zoning district. Chairman Oster asked if the application was complete for the purpose of holding a public hearing. Mr. Bonesteel stated that overall, the application was complete for a public hearing as the site plan, lighting plan, landscaping plan, and site details had all been submitted by the applicant. Mr. Bonesteel also stated that he would like to see erosion and sediment control details, but that that a full Stormwater Pollution Prevention Plan (SWPPP) was not necessary. Mr. Costa stated that erosion and sediment control details would be submitted. Member Tarbox asked if the entirety of the new lot would be paved for parking. Mr. Costa stated that the new lot was approximately 8,100 square feet and that only 2,100 square feet would be paved for parking. Attorney Gilchrist stated that he currently had no questions on the application, but that the application needed to be sent to Rensselaer County Bureau of Economic Development and Planning for a recommendation. Mr. McDonald confirmed

that the Town Building Department would send the application to the County. Chairman Oster again asked if the application was complete for the purpose of holding a public hearing. Mr. Bonesteel confirmed that the application was complete for a public hearing, and also noted that the project's Environmental Assessment Form (EAF) had been updated since the last meeting. A public hearing on this application is scheduled for November 2, 2023 at 7:00pm. This matter is also placed on the October 19, 2023 agenda for further deliberation.

The third item of business on the agenda was an application for an amendment to an approved site plan submitted by Nicole LaMora for property located at 1632 Hoosick Road. Attorney Gilchrist stated that the applicant was not present and was still putting together additional documents requested by the Planning Board at the last meeting. This matter is placed on the October 19, 2023 agenda for further deliberation.

The fourth item of business on the agenda was a referral from the Town Board concerning a zoning change proposed by Matopato, LLC for property located at 291 Oakwood Avenue. Thomas Murley, the applicant, and Ronald Laberge, P.E., the consultant to the Town Board on this matter, were present. Mr. Murley stated that he had made a request to the Town Board to modify the zoning district for 291 Oakwood Avenue. Mr. Murley stated that he had been contacted by a potential tenant who was interested in opening a grocery store on the lot, but that grocery stores are only allowable uses in a B-15 zoning district and 291 Oakwood Avenue is located in a Light Industrial zoning district. Mr. Murley stated that he had submitted the zoning change application to the Town Board, that the application had been referred to Rensselaer County, and that the Town Board was referring the application to the Planning Board for a recommendation. Chairman Oster asked if the grocery store was proposed for the location where a car wash had previously been planned. Mr. Murley confirmed that the grocery store was being proposed for the

location previously approved for a car wash, and that the site had all required utilities already installed. Mr. Murley also stated that if the zoning amendment was approved, the project would require site plan review by the Planning Board. Chairman Oster inquired as to what grocery store tenant Mr. Murley had been approached by. Mr. Murley stated that he did not want to say since no contracts had been signed yet, but that it was a national firm. Mr. Murley stated that the tenant was proposing an 11,000 square foot building, but that the final building may be smaller. Mr. Murley also stated that he told the prospective tenant that any building must match the look of the existing Diamond Rock Plaza on the site. Member Stancliffe asked what parking had been previously approved for the site. Mr. Murley reviewed the parking approved for the car wash. Member Stancliffe asked if the grocery store was anticipated to impact the parking for the retail stores in the Diamond Rock Plaza. Mr. Murley stated that the retail parking would not be affected by the grocery store. Attorney Gilchrist reviewed the procedure for the Planning Board, stating that the Town Board has accepted the application seeking the rezoning, that the Town Board is seeking a recommendation from the Planning Board on the application, and that the Town Board will need to hold a public hearing before any determination is made. Attorney Gilchrist also stated that the Town Board had retained Mr. Laberge for the review of this application, and that Mr. Laberge was present to answer any questions. Member Tarbox asked if all allowable uses in a B-15 zoning district would be allowed if the Town Board approved the zoning change, not just a grocery store. Attorney Gilchrist confirmed that all allowable uses in a B-15 district would be allowed, and that the Planning Board should review all allowable uses in a B-15 district before making a recommendation to the Town Board. Chairman Oster asked if gas pumps had been built anywhere on the site. Mr. Murley stated that there were no gas pumps on the site. Member Stancliffe asked if the zoning change was proposed for both lots at this Oakwood Avenue location, including the

lot on which the Diamond Rock Plaza has been constructed. Mr. Murley stated that the zoning change was only proposed for the north lot on the property, as the south lot already had grandfathered approvals. Member Henderson asked how much of the Diamond Rock Plaza was currently occupied. Mr. Murley stated that approximately 4,000 square feet of the building was currently occupied. Member Henderson asked Mr. Murley if he had signed a contract with the grocery store tenant. Mr. Murley stated that he had not signed a contract, but had signed a letter of intent, which was contingent on the zoning change. Member Stancliffe asked Mr. Laberge if he had any questions or comments at this point. Mr. Laberge agreed that approving the zone change would allow all allowable uses in a B-15 district at the site, and agreed with Attorney Gilchrist that the Planning Board should review all allowable uses in a B-15 district and discuss whether the Board would be comfortable with all those uses being allowed at the site. Mr. Laberge also stated that while only a grocery store is being proposed, he was not sure if one particular use could be tied to a zoning change. Attorney Gilchrist stated that he did not believe a particular use could be tied to a zoning change, but further research on the issue could be completed. Member Stancliffe asked if the north lot on the site was the area of a former Troy landfill. Mr. Murley reviewed the history of the site and the NYS Department of Environmental Conservation (DEC) oversight of the site, stating that the site was tested and had no environmental issues. Chairman Oster asked if the property bordered the City of Troy. Mr. Murley stated that there was a 75-foot strip of land between his property and the border with the City of Troy, and that the 75-foot strip of land is owned by National Grid. Chairman Oster stated that 291 Oakwood Avenue was the last lot on Oakwood Avenue adjacent to the City of Troy, except for the 75-foot strip of land discussed by Mr. Murley, which was owned by National Grid for transmission lines. Chairman Oster stated that he currently had no significant objection to the proposed use. Mr. Laberge suggested that the

applicant submit a sketch plan to the Planning Board to show that the proposed use would work on the site, rather than approve a zoning change and hope that the proposed grocery store would work on the site. Mr. Bonesteel agreed that a sketch plan should be submitted. Chairman Oster also agreed that a sketch plan should be submitted, stating that he would be concerned if the proposed grocery store did not work on the site and every allowable B-15 district use was available for the site. Chairman Oster also asked if updated topography could be added to the site plan. Mr. Murley stated that he would provide updated topography to show that the proposed grocery store and parking would work on the site. Mr. Bonesteel stated that stormwater and soils must be considered at the site. Chairman Oster reiterated that the Planning Board members should review all allowable uses in a B-15 zoning district for this matter. Attorney Gilchrist stated that all allowable uses for all zoning districts could be found in the use tables at the back of the Brunswick Zoning Law. Member Stancliffe asked if the site had previously been zoned B-15 before the new Zoning Law was passed in 2017. Attorney Gilchrist stated that he did not know, but that the Brunswick Building Department had previously determined that retail was an allowable use on the site. This matter is placed on the October 19, 2023 agenda for further deliberation.

There was no new business to discuss.

The index for the October 5, 2023 regular meeting is as follows:

1. Golden – special use permit (approved).
2. Golden Grain Pizza – site plan (October 19, 2023).
3. LaMora – amendment to site plan (October 19, 2023).
4. Matopato, LLC – zoning change recommendation (October 19, 2023).

The proposed agenda for the October 19, 2023 regular meeting is as follows:

1. Golden Grain Pizza – site plan.
2. LaMora – amendment to site plan.
3. Matopato, LLC – zoning change recommendation.

The proposed agenda for the November 2, 2023 regular meeting is currently as follows:

1. Golden Grain Pizza – site plan (public hearing to commence at 7:00pm).