

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 2, 2023**

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

ABSENT were DONALD HENDERSON 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 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. 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 asked the applicant to briefly review the project for the public. Mr. Costa reviewed the site plan proposal, stating that applicant was seeking to rehabilitate the existing building on the site into a pizza restaurant, and that there would be additional parking on a parcel across Oneida Avenue. Mr. Costa also reviewed an aerial photograph of the site, renderings of the outside of the building and outdoor seating, and the interior floor plan. Chairman

Oster then opened the public hearing on the application. Marsha Dupigny, of 14 Cortland Street, asked what the hours of operation for the restaurant would be. Mr. Ak stated that the hours for the restaurant would be 10:00 AM to 10:00 PM. Ms. Dupigny stated that she was concerned that customers may be walking over her property and asked where the additional parking was and if there would be any barriers between the parking area and the surrounding properties. Mr. Costa identified the location of the additional parking area across Oneida Avenue; stated that a stockade fence, a slope at the back of the parcel, and a ridge would prohibit access to neighboring properties; and that the parking area would be closer to the gas station directly across Oneida Avenue from the restaurant than any neighboring residences. Christie Fronhofer, of 72 Oneida Avenue, noted that the building being rehabilitated used to be a Roxy Cleaners and asked if there were any dry-cleaning chemicals still in the building and if remediation of the site was needed. Mr. Costa stated that there were no cleaning chemicals in the building. Ms. Fronhofer asked if there were wells at the site where chemicals had been kept. Mr. Costa stated that there were no wells on the site, and that there were also no chemical spills at the site when the dry-cleaning business was in operation. Ms. Fronhofer expressed concern over pedestrians walking along Oneida Avenue, especially from the additional parking area to the restaurant. Mr. Costa reviewed the project's traffic plan and safety measures. Ms. Fronhofer asked if Oneida Avenue could be closed off at its intersection with Hoosick Road due to the already extensive pass-through traffic, which would only increase if the pizza restaurant were approved. Ms. Fronhofer also asked how delivery trucks would access the site, stating that delivery trucks should not drive through the surrounding neighborhood. Mr. Costa stated that signage for pedestrians would be added along Oneida Avenue and that the applicant would be building a sidewalk along Oneida Avenue as well. Mr. Costa stated that he was not sure as to what agency should address the comment about potentially closing Oneida Avenue. Mr.

Costa also stated that deliveries to the restaurant would be made at night and not during peak hours. Ms. Fronhofer asked about light pollution and was concerned about the effects light would have on wildlife, especially later at night. Mr. Costa stated that the lighting that would be installed would be downlighting, meaning that all light would point downwards and not outwards or up into the sky, and that the lighting plan would be analyzed by the Town Engineer. Ms. Fronhofer again expressed concerns over traffic, stating that she did not want more pass-through traffic in the neighborhood. Mr. Costa stated that the restaurant would only be accessible from Hoosick Road, while the parcel for additional parking would access off Oneida Avenue. Mr. Ak stated that he owned two other Golden Grain Pizza restaurants, in East Greenbush and on Wolf Road in Colonie, and that at the other two locations, most customers park in front of the restaurant. Mr. Ak also stated that restaurant employees would park in the additional parking lot, allowing as many customers as possible to park in front of the restaurant. Ms. Dupigny spoke again, asking how many parking spots there would be in the additional parking area across from Oneida Avenue. Mr. Costa reviewed the parking plan. Ms. Dupigny asked when construction would begin if the project were approved. Mr. Ak stated that if approved, construction was anticipated to begin in the spring. There were no further public comments. Chairman Oster made a motion to close the public hearing, which was seconded by Member Mainello. The motion was unanimously approved and the public hearing was closed.

The draft minutes of the October 19, 2023 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the October 19, 2023 regular meeting were unanimously approved without amendment.

The first 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. Chairman Oster stated that the applicant was required to respond to all public comments in writing. Chairman Oster stated that closing Oneida Avenue was not likely to happen. Mr. Bonesteel stated that it is extremely difficult to close an existing public through road. Member Stancliffe asked if there was adequate signage on Oneida Avenue to limit pass-through traffic. Mr. Bonesteel stated that he would review signage on Oneida Avenue and that if the signage was not adequate, then there were ways to install additional signage to limit pass-through traffic. Chairman Oster noted that the existing building was vacant, and that the restoration of the building would make it more aesthetically pleasing to the surrounding area. Chairman Oster asked if an environmental review had been done of the site. Mr. Costa stated that an environmental review had not been done due to Mr. Ak purchasing the property without financing from a bank, which would have required such a review. Mr. Bonesteel stated that an Environmental Assessment Form (EAF) was completed for the application and nothing was flagged through the NYS DEC Mapper, meaning that no chemical spills at or near the site were identified. Mr. Costa stated that all dry-cleaning chemicals were removed by Safety-Kleen when Roxy Cleaners was in operation. Mr. Costa also stated that for the last 7-8 years Roxy Cleaners was in business, it was a drop-off location with no on-site dry-cleaning operation, and that the interior of the building is currently empty. Chairman Oster noted that there were comments at the public hearing concerning parking, that the Planning Board had already reviewed the grading and drainage on the additional parking lot across Oneida Avenue, and stated that further information was needed on the elevation change across that additional parking lot. Mr. Costa again reviewed the site plan, stating that the elevation was 92 feet at the front of the additional parking lot, and 112 feet at the highest point on the lot, which was at the rear of the lot. Mr. Costa also noted that there was a stockade fence on the adjacent lot and that all existing vegetation at the edge of the lot

with the additional parking would remain. Chairman Oster asked if the applicant would be willing to supplement the vegetation at the end of that lot to provide additional screening for surrounding properties. Mr. Ak stated that he was willing to add additional trees at the edge of the lot with the additional parking. Mr. Bonesteel stated that information on the drainage along Oneida Avenue and the dry well had been sent to Bill Bradley in the Brunswick Water Department, that Mr. Bradley had concerns about water potentially “ponding” on Oneida Avenue and made suggestions to mitigate the issue, including possibly widening the parking area with a trench drain. Mr. Costa stated that he had reviewed Mr. Bradley’s comments, and that he had submitted a revised plan that Mr. Bradley was currently reviewing. Mr. Bonesteel stated that he had no further comments as his main concern was drainage. Mr. Costa stated that he hoped to have all drainage issues addressed by the next Planning Board meeting. Member Tarbox asked where the power for lighting in the additional parking area would come from. Mr. Costa stated that the power for the additional lighting would be installed by National Grid and be metered. 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. Member Mainello stated that the application should be sent to the Brunswick No. 1 Fire Department for review. Mr. Costa stated that he would do so. This matter is placed on the November 16, 2023 agenda for further deliberation.

The second 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 petitioner, was present to review the application. Attorney Gilchrist handed out copies of a draft recommendation to the Town Board based on comments made by the Planning Board at previous meetings. Attorney Gilchrist noted that Ronald Laberge, P.E., the consultant to

the Town Board on this matter, had reviewed the draft recommendation and had no comments. There were no comments on the draft recommendation from the Planning Board. Attorney Gilchrist 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 made a motion to approve the draft recommendation to the Town Board, which was seconded by Member Tarbox. The Planning Board voted unanimously to approve the draft recommendation to the Town Board.

The Planning Board discussed one item of new business.

The one item of new business was a site plan amendment application submitted by Carolyn A. Howard, P.E., representing Wal-Mart Stores, Inc., for property located at 760 Hoosick Road. Mark Talbert, P.E., from Dewberry Engineers, Inc., was present to review the application. Mr. Talbert stated that Wal-Mart currently has pick-up stalls at the front of the building and was seeking to relocate the pick-up area to the side of the building, with a few more spaces for pick-up being added. Chairman Oster asked if the application was separate from the Planned Development District (PDD) amendment process for sale of merchandise and storage in front of the parking lot that was currently before the Town Board. Mr. Talbert confirmed that the current application before the Planning Board was separate from the PDD amendment application before the Town Board, and pertained only to grocery pick-up. Member Tarbox asked what was planned for the current pick-up area in front of the store. Mr. Talbert stated that the current pick-up area was originally parking spaces, that the current pick-up area would be converted back into standard parking, and that the canopy for pick-up had already been removed from the area. Member Stancliffe asked how many parking spaces for the new grocery pick-up area were proposed to be added. Mr. Talbert stated that 26 parking spaces were proposed to be added. Member Stancliffe

asked if that many parking spaces were necessary. Mr. Talbert stated that they were as grocery pick-up increased greatly during and following the Covid-19 pandemic. Mr. Talbert also stated that 8-10 spots used to be required, but now some Wal-Mart locations have 45 spots for pick-up, so 26 spots is roughly the median. Member Stancliffe discussed the tractor-trailer delivery route and asked if bollards should be required. Mr. Talbert stated that no bollards were currently proposed due to an elevated concrete ramp in the pick-up area, but that the applicant could review potentially adding bollards to the site. Member Mainello asked what the hours of operation for grocery pick-up would be. Mr. Talbert stated that the pick-up hours would be 6:00 AM to 10:00 PM. Member Mainello asked where pedestrians would be walking through the pick-up area. Mr. Talbert reviewed the expected flow of pedestrian traffic through the pick-up area. Member Mainello asked if there would be adequate lighting in the pick-up area. Mr. Talbert confirmed that there would be adequate lighting and that a lighting study of the pick-up area had already been completed. Chairman Oster asked if there would be specific parking spots for pick-up customers. Mr. Talbert stated that there were not, and that the customer would tell the store where they were parking through an app. Member Mainello asked how many pick-up customers there were per day on average. The Wal-Mart Asset Protection Coach was also present, and stated that Wal-Mart can handle about 250 pick-up customers per day, and that if the pick-up area were moved to the side of the building, then 300 pick-up customers per day could be handled. Mr. Bonesteel asked when deliveries would be made by tractor trailer. The Asset Protection Coach stated that most tractor trailer deliveries were made in the early morning, but some were made at night as well. Mr. Bonesteel asked if there could be a potential conflict between the traffic flows of tractor trailers and cars at the site. The Asset Protection Coach stated that tractor trailers drive very slowly when making deliveries. Mr. Bonesteel asked if there was signage that kept trucks slow. The Asset

Protection Coach confirmed that there was signage to keep trucks slow. Member Mainello asked if employees were required to wear high-visibility clothing in the pick-up area. The Asset Protection Coach confirmed that high-visibility clothing was required. Chairman Oster asked if customers would be getting out of their car for pick-up deliveries. The Asset Protection Coach stated that customers would not get out of their car, and that Wal-Mart employees would deliver the ordered products to a customer's car. Member Tarbox asked how pick-up customer would pay. Mr. Talbert stated that all ordering and payment would be done through an app and that no payment was done at the store for pick-up orders. Member Tarbox asked if there would also be pharmacy pick-up. The Asset Protection Coach stated that pharmacy pick-up had only been done during the Covid-19 pandemic. Attorney Gilchrist stated that the application must be sent to Rensselaer County as it was within 500 feet of a NYS highway. Chairman Oster stated that it was at the discretion of the Planning Board whether to hold a public hearing on a site plan amendment application. The Planning Board discussed the issue and determined that a public hearing on the application would not be necessary. This matter is placed on the November 16, 2023 agenda for further deliberation.

The index for the November 2, 2023 regular meeting is as follows:

1. Golden Grain Pizza – site plan (November 16, 2023).
2. Matopato, LLC – zoning change recommendation (approved).
3. Wal-Mart – site plan amendment (November 16, 2023).

The proposed agenda for the November 16, 2023 regular meeting is as follows:

1. Golden Grain Pizza – site plan.
2. Wal-Mart – site plan amendment.