

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 6, 2024**

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

ABSENT was 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 first item of business on the agenda was a public hearing concerning an application for a site plan amendment submitted by Park East Ventures, Inc. for property located at 1173 Hoosick Road, at the intersection with Brick Church Road. Travis Rosencranz, P.E., from Creighton Manning Engineering, was present to review the project. Ron Laberge, of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Bonesteel recused himself. 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. Rosencranz stated that the project site previously had a number of businesses, that some of those businesses have relocated, and that

Rifenberg Construction was consolidating its operations at the project site. Mr. Rosencranz stated that there would be additional storage space added to the site, that one of the buildings on the site would be expanded for maintenance of vehicles, that a gravel staging area would be built, that there would be some tree clearing as part of the project, and that all soil disturbed during construction would be staying on the site. Mr. Rosencranz reviewed the project's grading plan and stormwater plan, stating that both plans were in compliance with all NYS Department of Environmental Conservation (DEC) and Town requirements. Mr. Rosencranz stated that two new lights were proposed for the site, to be in the storage area and parking area, and that there would be no off-site light spillage from these two new lights. Mr. Rosencranz stated that a covered concrete wash pad was also proposed to be built. Mr. Rosencranz stated that there would be no changes at the front of the site adjacent to Hoosick Road. Mr. Rosencranz also stated that the project had been undergoing site plan review since it was first brought before the Planning Board in February, and that the applicant had worked with Mr. Laberge and made changes to the site plan based on his comments. Chairman Oster opened the public hearing on the application. Jonathan Mann, of 91 Hill Road, stated that the project site was already encroaching onto his property, asked the Planning Board what could be done about the encroachment, and asked if the project would increase that encroachment. Mr. Rosencranz stated that the area raised by Mr. Mann was not a part of this project site and would not be affected by the project. Attorney Gilchrist stated that Mr. Mann's comment was relevant between private property owners, but that a potential private dispute concerning an alleged encroachment was not a Town issue and was not relevant to the site plan amendment. Mr. Mann also stated that the new proposed lighting should not point skyward. Mr. Rosencranz stated that the new lights would be downlit and feature no light spillage off the project site. Timothy Bower, of 1135 Hoosick Road and 1137 Hoosick Road, stated that he lived

closest to the project site and that he would be most potentially affected by it, but that he conceptually had no problem with the proposal, but did have some concerns. Mr. Bower stated that the project could cause some noise, but that noise was already generated by cars driving up and down Hoosick Road, so noise would not be a major impact. Mr. Bower stated that his main concern was the potential impact to groundwater, specifically the well on his property, asking if the project could result in his well drying up or getting contaminated by releases from construction equipment. Mr. Bower stated that there was a terrible groundwater contamination issue in Hoosick Falls a few years ago and wants to avoid something similar. Mr. Bower also stated that he would like to connect his property to public water, and that the applicant had brought up helping him connect to public water when the site plan was initially approved. Mr. Rosencranz stated that surface water was analyzed for potential runoff and contamination issues, and that the stormwater plan prepared for the site used the “hot spot” standard under NYS DEC regulations for stormwater analysis. Chairman Oster asked Mr. Golden if there had been any written comments on the application and he stated that there had been none, either by written letter or email. There were no questions or comments from the Planning Board members. Following a request for any further public comments, and hearing none, Chairman Oster made a motion to close the public hearing, which was seconded by Member Tarbox. The motion was unanimously approved, and the public hearing was closed.

Mr. Bonesteel returned to the meeting.

The second item of business on the agenda was a public hearing concerning two applications, for an amendment to a previously-approved site plan and a special use permit, submitted by Tom Chenaille for property located at 20 Tybush Lane. Tom Chenaille was present to review the applications. Member Tarbox recused himself. 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. Chenaille stated that there was an existing storage facility on the site, that he was looking to add two buildings to the site, which would add 23 storage units to the site, and that there had been no changes made to the application since the last meeting. Chairman Oster opened the public hearing on the application. Paul Buehler, of 125 Brunswick Road, asked how large the new buildings would be. Mr. Chenaille stated that the buildings would be similar in size to the existing buildings on the site, but that they would be only one unit deep, then reviewed the square footage of the new buildings. Chairman Oster asked Mr. Golden if there had been any written comments on the application and he stated that there had been none, either by written letter or email. There were no questions or comments from the Planning Board members. Chairman Oster asked if there were any further public comments, and hearing none, Member Henderson made a motion to close the public hearing, which was seconded by Member Stancliffe. The motion was unanimously approved, and the public hearing was closed.

Member Tarbox returned to the meeting.

The draft minutes of the May 16, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Kreiger, the draft minutes of the May 16, 2024 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was an application for a site plan amendment submitted by Park East Ventures, Inc. for property located at 1173 Hoosick Road, at the intersection with Brick Church Road. Travis Rosencranz, P.E., from Creighton Manning Engineering, was present to review the project. Ron Laberge, of Laberge Group, the Town-

designated review engineer for this project, was also present. Mr. Bonesteel recused himself. 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 stated that several comments had been made at the public hearing, including a comment related to encroachment on a neighboring property, which was not related to the site plan application, but should be addressed accordingly in a written response from the applicant. Chairman Oster stated that an adjacent neighbor had raised a concern about his well and asked if connecting these neighboring properties to public water was part of the site plan. Mr. Rosencranz stated that providing public water to neighboring properties was not a part of the current project. A representative from Rifenberg Construction stated that Park East Ventures is served by public water through a feed from the Springbrook neighborhood, and that the former Spiak garage is now connected to public water from the opposite side of Hoosick Road. The Planning Board discussed the location of the existing public water main on the opposite side of Hoosick Road, and that in order to connect the Bower properties to that water main, the water line would have to travel under Hoosick Road. Chairman Oster stated that written responses from the applicant to public comments raised at the public hearing would be required. Chairman Oster stated that a comment letter had been received from Mr. Laberge dated June 6, and asked Mr. Laberge to review that letter. Mr. Laberge stated that all prior engineering comments had been addressed, except a comment regarding the amount of fill on the site, noting that the amount of material on the site post-construction was greater than the amount pre-construction by about 4,000 cubic yards. Mr. Rosencranz stated that the material would be graded on the site and that the “loss” of material would be partially due to the compacting of the material. Mr. Laberge suggested that the grading of this 4,000 cubic yards of material on the

site should also be discussed by the applicant in its written responses to public comments. Mr. Laberge also stated that a Full Environmental Assessment Form (EAF) is on file for the project. Chairman Oster asked if it would be appropriate for the Planning Board to make a SEQRA determination at this time. Attorney Gilchrist stated that the applicant should be allowed to respond to public comments on the impact to groundwater before a SEQRA determination was made. Mr. Rosencranz asked when the responses to written comments should be submitted in order to appear on the agenda for the next Planning Board meeting. Chairman Oster stated that as the next Planning Board meeting was June 20, the responses should be submitted to the Planning Board no later than June 18. This matter is placed on the June 20, 2024 agenda for further deliberation.

Mr. Bonesteel returned to the meeting.

The second item of business on the agenda was two applications, for an amendment to a previously-approved site plan and a special use permit, submitted by Tom Chenaille for property located at 20 Tybush Lane. Tom Chenaille was present to review the applications. Member Tarbox recused himself. Chairman Oster stated that one public comment had been made at the public hearing, which had been addressed by the applicant, and that there was no need for a written response to public comment. 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 noted that the Rensselaer County letter asked if a special use permit was necessary in this case. Attorney Gilchrist stated that a special use permit was not needed under the prior Brunswick Zoning Ordinance when the initial site plan was approved, but that a special use permit is required under the current Zoning Law passed in 2017 for that location. There were no further questions or comments from the Planning Board. Mr. Bonesteel stated that he had no further engineering

comments or questions and that all of his previous comments had been addressed. Member Mainello made a motion for a negative declaration on the project under SEQRA, 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 to consider for action on the applications. Mr. Bonesteel and Attorney Gilchrist stated that no conditions were necessary based on this application. Member Kreiger made a motion to approve the site plan amendment and special use permit applications, which was seconded by Member Henderson. The Planning Board voted unanimously to approve the site plan amendment and special use permit applications.

Member Tarbox returned to the meeting.

The Planning Board discussed three items of new business.

The first item of new business was the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC for property located along NYS Route 2. No one was present for the applicant. Chairman Oster noted that the applicant had previously been before the Planning Board, that conditional final subdivision approval for the project had been granted in 2022, and that the application and supporting documents currently before the Planning Board appeared to be the same documents submitted for the first application. Chairman Oster noted that Ron Laberge had been the Town-designated review engineer for the first application and recommended retaining Mr. Laberge as review engineer for this matter, noting that he had prior knowledge of this matter which would assist the Planning Board in its review of the current application. Attorney Gilchrist stated that Mr. Laberge should prepare an estimate for the amount needed for engineering services, which would be placed in escrow. Mr. Laberge stated that he would prepare the estimate for escrow. Mr. Golden stated that

the full application fee had been paid by the applicant. Chairman Oster stated that new wetlands regulations should be considered in this application review. Attorney Gilchrist reviewed the new federal and state wetlands regulations and agreed that the new rules should be considered. Attorney Gilchrist also briefly reviewed the history of the project, including the prior Planned Development District (PDD) approval and conditional final subdivision approval. Member Mainello asked if the PDD would expire soon. Attorney Gilchrist stated that he would review that subject. This matter is placed on the June 20, 2024 agenda for further deliberation.

The second 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 there was a minor change to the site plan since it was approved at the November 16, 2023 meeting. Mr. Costa stated that the sidewalk that was proposed to be built on the east side of Oneida Avenue was now being proposed to be built on the west side of the road in order to connect to an existing NYS Department of Transportation (DOT) cross-walk along Hoosick Road. Chairman Oster stated that the sidewalk being on the west side of the road would be safer. Mr. Bonesteel agreed that the change made the site safer, but that he had some concerns over people driving onto Oneida Avenue from Hoosick Road to use a side entrance to a gas station adjacent to the project site. Chairman Oster asked if the proposed sidewalk would cross the entrance to the gas station. Mr. Costa stated that the sidewalk would cross the entrance, but that the applicant would paint the crosswalk within the right-of-way of Oneida Avenue in the area of the entrance to the gas station. Mr. Bonesteel asked how wide the sidewalk would be. Mr. Costa stated that the sidewalk would be 5 feet wide. Chairman Oster asked if the applicant would maintain the sidewalk built along Oneida Avenue. Mr. Costa confirmed that the applicant would maintain that sidewalk, which was a condition for



approval of the initial application. Chairman Oster stated that holding a public hearing on a site plan amendment was at the discretion of the Planning Board. The Planning Board members agreed that a public hearing on the site plan amendment application was not necessary in this case. Chairman Oster asked if the Planning Board could take action at the current meeting. Mr. Bonesteel stated that he would like the opportunity to further review the application and supporting documents. Member Stancliffe stated that the location of signage along Hoosick Road in front of the project site cannot impair pedestrian access. Member Stancliffe also asked if the applicant needed a DOT work permit for sign installation. Mr. Bonesteel stated that a DOT approval would be needed as the project site is within a DOT right-of-way. This matter is placed on the June 20, 2024 agenda for further deliberation.

The third item of new business was a sketch plan submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue and Creek Road. Matt Bond, P.E., of Hart Engineering, was present to review the application. Chairman Oster asked if a full application had been submitted. Mr. Bond confirmed that a full application had been submitted. Mr. Golden stated that no application fee had been paid. Mr. Bond stated that he was presenting a sketch plan and sought initial feedback from the Planning Board. Attorney Gilchrist stated that the Town subdivision regulations did not have any procedure for a sketch plan and that the applicant needed to submit a preliminary plat per the Town regulations. The Planning Board agreed to allow Mr. Bond to present the project's general layout and proposal at this meeting. Mr. Bond stated that the applicant was proposing 18 lots on a 33-acre parcel, reviewed the general layout of the site, discussed the public water and private septic proposed for the site, stated that a cul-de-sac would be constructed, that a site survey and topography were currently being done, and that the site was partially in a residential zoning district and partially in an agricultural district. Chairman Oster

stated that the applicant would need to petition to the Town Board to allow the project as the applicant was proposing more than 12 homes on a dead-end street or cul-de-sac. Mr. Bond stated that he would do so. Mr. Golden asked if the edge of the property line was the same as the North Greenbush town line. Mr. Bond confirmed that it was. Attorney Gilchrist stated that a full major subdivision application was now needed. Chairman Oster asked if an Agricultural Data Statement would be needed, and Attorney Gilchrist confirmed that it would be. This matter is placed on the June 20, 2024 agenda for further deliberation.

The Planning Board discussed one item of old business.

Chairman Oster noted for the record that the Town had received a letter dated May 21, 2024 from NYS DOT concerning the site plan application submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue concerning its review of the SEQRA documentation.

The index for the June 6, 2024 regular meeting is as follows:

1. Park East Ventures – site plan amendment (June 20, 2024).
2. Chenaille – site plan amendment and special use permit (approved).
3. Brunswick Acres – major subdivision (June 20, 2024).
4. Golden Grain Pizza – site plan amendment (June 20, 2024).
5. Paramount Building Group – major subdivision (June 20, 2024).

The proposed agenda for the June 20, 2024 regular meeting is as follows:

1. Park East Ventures – site plan amendment.
2. Brunswick Acres – major subdivision.
3. Golden Grain Pizza – site plan amendment.
4. Paramount Building Group – major subdivision.
5. Froio – special use permit amendment.