

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 20, 2024**

PRESENT were RUSSELL OSTER, CHAIRMAN, LINDA STANCLIFFE, DAVID TARBOX, KEVIN MAINELLO and ANDREW PETERSEN.

ABSENT were DONALD HENDERSON and J. EMIL KREIGER.

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 draft minutes of the June 6, 2024 regular meeting were reviewed. Chairman Oster noted one correction: “Rosencranz” should be spelled “Rosencranse” throughout the first six pages of the minutes. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the June 6, 2024 regular meeting were unanimously approved subject to the noted correction.

The Planning Board began by addressing the fifth item of business on the agenda, an application for a special use permit amendment submitted by Zachary Froio for property located at 502 Pinewoods Avenue. Zachary Froio was present to review the application. Chairman Oster stated that the Planning Board requested a zoning determination from the Town Building Department concerning whether the use proposed in the amendment is consistent with the uses allowed in the zoning district under the Brunswick Zoning Law. Chairman Oster stated that the final determination had not been received from the Building Department yet, and that the matter

would need to be adjourned until the following meeting. Attorney Gilchrist stated that the Planning Board needed the determination from the Building Department, as the issue was raised during the public hearing. This matter is placed on the July 18, 2024 agenda for further deliberation.

The Planning Board then returned to its scheduled agenda.

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 Rosencranse, P.E., from Creighton Manning Engineering, was present to review the project. Ronald Laberge, of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Bonesteel recused himself. Chairman Oster stated that written responses to public comments made at the public hearing on the application held June 6 had been received by the Planning Board in a letter dated June 14, and asked Mr. Rosencranse to review those responses. Mr. Rosencranse reviewed the submitted written responses, stating that a comment was made by adjacent property owner Jonathan Mann concerning fill from the site and that while the comment was not relevant to the application, the property owner met with Mr. Mann that following day and addressed the issue directly. Mr. Rosencranse stated that a comment was made on lighting on the site, and that lighting was confirmed to be downward facing with minimal footcandles of light produced. Mr. Rosencranse stated that no vehicles would be stored at the gravel staging area, and that only materials and equipment would be stored there. Mr. Rosencranse also stated that the site was no longer classified as a “hot spot” under NYS Department of Conservation (DEC) regulations for stormwater analysis, but that the project’s stormwater pollution prevention plan (SWPPP) was still being designed as if it were a “hot spot” site. Mr. Rosencranse stated that stormwater would be reduced off-site, which would improve conditions for off-site properties. Mr. Rosencranse also stated that there would be

no impact to groundwater or the supply well on another adjacent property, reviewing geotechnical data for the site. Chairman Oster asked Mr. Laberge if he thought that the all public comments had been sufficiently addressed. Mr. Laberge stated that he had received the responses earlier that day, and that he agreed in general with the responses submitted by the applicant. Mr. Laberge agreed that there would not be any significant impact to the adjacent well based on the geotechnical data submitted by the applicant, even if it was a shallow supply well. Mr. Laberge also stated that there being no vehicle storage in the gravel staging area should be noted on the site plan. Chairman Oster asked if any equipment would be stored on the site that could lead to contamination, such as equipment that handled or stored hazardous materials. A representative from Rifenberg Construction stated that nothing being stored on-site would cause contamination, and that no oils or lubricants would be stored in any areas where they could cause contamination. The Planning Board agreed that the written responses submitted by the applicant adequately addressed all public comments. Mr. Laberge then reviewed Part 2 of the project's Environmental Assessment Form (EAF), stating that all environmental impacts that were noted were small and that there were no large or moderate impacts. Mr. Laberge then reviewed Part 3 of the EAF and recommended a negative declaration under SEQRA on the project. There were no further questions or comments from the Planning Board. There were no further questions from the applicant. Member Tarbox 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 consider for action on the application. Mr. Laberge cited his letter to the Planning Board dated June 6, which suggested the following conditions be included for approval of the project:

- (1) Prior to final approval, the applicant should submit signed and sealed plans, and include a copy of those plans in the SWPPP document;
- (2) Prior to soil disturbance and issuance of a building permit, the applicant must provide proof of coverage under DEC GP-0-20-001;
- (3) The applicant must verify that the excess cut material can be distributed throughout the areas to be disturbed without significantly modifying the grading plan. If significant modification is required, a revised plan should be submitted for approval to the Planning Board. Significant modification includes items such as modification to the drainage plans, increase in slopes to greater than 2:1 or an increase in the elevation of the proposed gravel yard area.

Attorney Gilchrist added that Mr. Laberge's comment that no equipment, including equipment containing petroleum and hydraulic fluids, being stored on the new proposed gravel staging area should be added as a note on the plat, should be a fourth condition on the action. Member Petersen made a motion to approve the site plan amendment subject to the four (4) stated conditions, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the site plan amendment subject to the stated conditions.

Mr. Bonesteel returned to the meeting.

The second item of business on the agenda was the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC for property located along NYS Route 2. Anthony Casale was present to review the application. Ronald Laberge, of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Casale stated that the project had previously been before the Planning Board, that it had been given conditional final subdivision approval in August 2022, that the project had not

been started since that approval and that the approval had expired, and that the applicant was back before the Planning Board for a new approval of the project. Mr. Casale stated that 24 lots were proposed on a 44-acre parcel, and that the project was exactly the same as the previous subdivision application before the Planning Board except for that the area requiring grading will now utilize fill septic systems rather than conventional systems, which are being proposed at the recommendation of the Rensselaer County Health Department. Mr. Laberge stated that he would review the prior record and new NYS wetlands regulations by NYS DEC since the prior approval. Mr. Laberge stated that the prior approval had several conditions, including obtaining easements, and asked if the applicant had obtained those easements yet. Mr. Casale stated that the easements had not been obtained, but would be once conditional approval was granted. Mr. Laberge stated that a water district and drainage district would need to be created in connection with the subdivision. Mr. Laberge stated that if Rensselaer County would sign off on the entire project with the fill septic systems, then there should be a simpler review and approval process. Chairman Oster stated that he had reviewed the prior subdivision application and supporting documents with the Building Department and that it appeared to be the exact same project except for the change from conventional septic systems to fill septic systems. Chairman Oster asked if a public hearing would be required. Attorney Gilchrist confirmed that a public hearing would be required under the Town subdivision regulations. Mr. Laberge stated that the Planning Board could schedule the public hearing at this point, and that the plans included adequate information to hold the public hearing since only small changes were proposed for some of the septic systems. Chairman Oster asked if the PDD had expired or would be expiring soon. Attorney Gilchrist stated that he would review that issue with the Town Attorney. The Planning Board discussed the information needed to schedule the public hearing. Mr. Casale stated that the only change required was adding a note to

the plans. Mr. Laberge stated that the type of septic system for the subdivision was not necessary for the public hearing, and that the public hearing could be scheduled. The Planning Board members deliberated and agreed to schedule the public hearing. A public hearing on this application is scheduled for July 18, 2024 at 7:00pm.

The third item of business on the agenda was an application for a site plan amendment submitted by Zafer Ak for property located at 585 Hoosick Road. Nick Costa, of Advance Engineering & Surveying, was present to review the application. Mr. Costa stated that he had worked with Mr. Bonesteel since the last meeting on June 6 to address any comments he had. Mr. Costa then reviewed the change to the site plan, stating that the sidewalk that was previously planned to be built on the east side of Oneida Avenue would now be built on the west side of the road. Chairman Oster asked if there would be a smooth transition between the sidewalk and the edge of the asphalt. Mr. Costa confirmed that there would be and that he had reviewed that issue with Mr. Bonesteel. Chairman Oster asked if the entrance to a gas station on Oneida Avenue would require any striping or signage. Mr. Bonesteel stated that the entrance to the gas station off Oneida Avenue is within the road's right-of-way, which could allow striping across the entranceway, but was not sure where a sign could be placed. Member Mainello asked if the applicant would be responsible for maintaining that area. Mr. Costa stated that the Town would be responsible for that area as it is in a Town right-of-way. Mr. Costa also stated that the applicant would be responsible for maintaining the sidewalk itself, which was a condition for the approval of the initial application. Mr. Bonesteel stated that he had no further comments and that the drainage plan would work. Member Tarbox asked why the sidewalk was being proposed for the other side of Oneida Avenue. Mr. Costa stated that the primary reason was pedestrian safety. There were no further questions or comments from the Planning Board. There were no further questions from the applicant. Member

Tarbox made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Petersen. 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 application. Attorney Gilchrist stated that one condition to consider was that a written sidewalk maintenance agreement be signed by the applicant. Member Mainello made a motion to approve the site plan amendment subject to the condition that a sidewalk maintenance agreement be signed by the applicant, which was seconded by Member Stancliffe. The Planning Board voted unanimously to approve the site plan amendment subject to the stated condition.

The fourth item of business on the agenda was a major subdivision application submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue and Creek Road. No one was present for the applicant. Mr. Bonesteel stated that he had spoken with the project's engineer and that he was still working on the topography and survey of the site. This matter is adjourned without date.

The Planning Board discussed one item of old business.

The one item of old business was a site plan application submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Attorney Gilchrist noted that the Planning Board had received a letter from NYS Department of Transportation (DOT) dated May 21, and that the Town had received a submission of new documents from the applicant dated June 12. Attorney Gilchrist offered that the Planning Board could place the application on the agenda for its next meeting to continue its review, including the status of action under SEQRA. Chairman Oster briefly reviewed the DOT letter and generally identified certain comments within that letter. Chairman Oster stated that the Town must confirm that the applicant received a copy

of the DOT letter. Mr. McDonald stated that he would confirm the applicant had received the letter. This matter is placed on the July 18, 2024 agenda for further deliberation.

The Planning Board discussed one item of new business.

The one item of new business was a recommendation to the Town Board concerning an amendment to the Brunswick Square Planned Development District (Walmart). Attorney Gilchrist distributed the project's site plan, project narrative and Part 1 of the EAF. Attorney Gilchrist stated that the project was currently before the Town Board and that the Town Board was seeking a recommendation from the Planning Board. Attorney Gilchrist asked the Planning Board members to review the distributed materials and be ready to discuss the project at its next meeting. This matter is placed on the July 18, 2024 agenda for further deliberation.

Chairman Oster stated that no Planning Board meeting will be held on July 4, 2024 due to the holiday.

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

1. Froio – special use permit amendment (July 18, 2024).
2. Park East Ventures – site plan amendment (approved with conditions).
3. Brunswick Acres – major subdivision (July 18, 2024).
4. Golden Grain Pizza – site plan amendment (approved with condition).
5. Paramount Building Group – major subdivision (adjourned without date).
6. Maries Muse, LLC – site plan (July 18, 2024).
7. Walmart – recommendation to Town Board (July 18, 2024).



The proposed agenda for the July 18, 2024 regular meeting is as follows:

1. Brunswick Acres – major subdivision (public hearing to commence at 7:00pm).
2. Froio – special use permit amendment.
3. Maries Muse, LLC – site plan.
4. Walmart – recommendation to Town Board.