

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 18, 2024

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, J. EMIL KREIGER, LINDA STANCLIFFE, DAVID TARBOX, KEVIN MAINELLO 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 first item of business on the agenda was a public hearing concerning 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, P.E., of Laberge Group, the Town-designated review engineer for this project, was also present. 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 Troy Record, 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, and if there had been any changes to the application since the last meeting. Mr. Casale reviewed the project, stating that he was proposing 24 lots on an approximately 44-acre parcel, with each lot being 1-4 acres.

Mr. Casale stated that there would be a 2,000-foot road through the development with a cul-de-sac. Mr. Casale stated that the development would have public water, with a septic system on each lot. Mr. Casale stated that the subdivision application had been approved in 2022, and that he was seeking reapproval of the conditional approval. Mr. Casale also stated that the Rensselaer County Department of Health had sent him a letter stating that it would approve the plans as they currently were, without the need for fill septic systems. Mr. Laberge stated that he had reviewed the documents submitted with the current application and confirmed that the application was the same as the first application submitted in 2021 and given conditional approval in August 2022. Chairman Oster opened the public hearing on the application. Jim Tkacik, of 387 Brunswick Road, stated that significant retention walls were proposed with the project, with the retention wall on the proposed Lot 7 being 15 feet tall and the retention wall on proposed Lot 8 being 8 feet tall, and asked if those retention walls would be on the property of the individual lots and who would be responsible for maintenance of the retention walls. Mr. Tkacik also stated that a drainage pipe was proposed for the bottom of the proposed walls and asked if the pipe would distribute water into the project's stormwater system or onto the individual lot. Mr. Tkacik stated that children would walk at the top of the slope and asked what would prevent anyone from falling off one of the retention walls. Mr. Tkacik asked if fencing would be required for the retaining walls or if it would be at the discretion of individual property owners. Mr. Tkacik stated that the project would include a new road connecting to NYS Route 2, which has a 55 mile-per-hour speed limit and a passing zone, which he found very unsafe and concerning. Mr. Tkacik asked if the Town could decrease the speed limit along that section of NYS Route 2 or eliminate the passing zone for safety purposes. Ken Lovett, of 1 Heather Ridge Road, stated that he and his wife have lived at their home, which is adjacent to the project site, for 23 years, and that he is very opposed to such a large development

near his home and likes the woods that currently surround his property. Mr. Lovett stated that the project would create significantly more traffic in the area, both during and after construction, and that local wildlife would be significantly negatively affected. Mr. Lovett stated that the size and location of the project were not appropriate as it would significantly change the nature of the surrounding area and neighborhood, and asked that the Planning Board deny the project. The property owner of 264 Brunswick Road stated that his property is located across the street from the project site, and asked how much sediment from the project and construction would enter the nearby creek and how that sediment would affect his property. The property owner also stated that he was very concerned that the project could have a significant impact to the Poesten Kill creek near the site. Michael O'Connor, of 27 Riccardi Lane, asked who would have the rights to the new right-of-way that was proposed as part of the project. Mr. Casale stated that he needed to purchase that property from National Grid. Mr. O'Connor asked if the lots on the project site would have individual septic systems. Mr. Casale confirmed that there would be individual septic systems, as opposed to a community sewer system. Mr. O'Connor asked if there was anywhere on the project site where a road could be connected to Riccardi Lane. Mr. Casale stated that no road connecting to Riccardi Lane was proposed, and that all green areas on the site would be restricted and would remain green. Mr. O'Connor asked if any additional trees would be removed. Mr. Casale stated that he could not say without the final survey, which he did not have, but that trees would be maintained for screening purposes. Mr. O'Connor stated that he would prefer individual homes on the site rather than apartments. Jenny O'Connor, also of 27 Riccardi Lane, stated that she was concerned about the project's affects on local wildlife, stating that wildlife had already been affected in surrounding areas by development, pushing wild animals to and near her and her husband's property, such as bears and coyotes. Mrs. O'Connor also stated that she did not want

any more trees removed from the area. Amy Lovett, of 1 Heather Ridge Road, stated that she was very concerned about drainage on the site, as drainage was already a problem along Heather Ridge Road. Mrs. Lovett stated that storms were becoming more violent, that removing trees and vegetation would greatly impact stormwater runoff, and that houses downhill from the proposed development would be greatly affected. Mrs. Lovett stated that traffic safety along NYS Route 2 was a major concern, specifically with cars driving at high speeds. Mrs. Lovett also asked how the applicant would keep a stream on the project site from becoming contaminated. There were no further comments from the public. Chairman Oster asked Mr. McDonald if there had been any written comments on the application, and Mr. McDonald stated that there had been none, wither 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.

The first 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, P.E., of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Casale addressed some of the comments made at the public hearing. Mr. Casale stated that the proposed retaining walls would be engineer-designed, that each homeowner would be responsible for the retaining wall on their property, and that there would be no Homeowners Association on the development. Mr. Casale stated that NYS Route 2 is a state highway and that the Town could not reduce the speed limit on that road. Mr. Casale also stated that all stormwater would be addressed through the stormwater facilities proposed for the project

before it could drain into any nearby creeks or streams. Chairman Oster asked if trees had been cleared from the site prior to the public hearing. Mr. Casale confirmed that trees had been previously cleared about three years prior, for percolation tests for the project's septic systems. Mr. Laberge stated that he had reviewed the application documents and confirmed that the application and supporting documents were the same documents submitted with the first application approximately three years ago. Chairman Oster asked if there was a procedure for the Town to potentially lower the speed limit along NYS Route 2. Mr. Laberge stated that sending a request to the NYS Department of Transportation (DOT) may be the only way. Mr. Bonesteel stated that the Town could pass a Resolution petitioning to Rensselaer County to lower the speed limit, then the County could ask NYS DOT to lower the speed limit, which NYS DOT would then review. Mr. Casale also stated that there would be more visibility entering the project site than entering Heather Ridge Lane. Mr. Bonesteel asked if the applicant had a permit for the NYS highway entrance onto the project site. Mr. Casale stated that he had a temporary permit for the entrance, and that he would apply for a full permit soon. R.J. Casale was also present and stated that it was not possible for there to be a through-road connecting to Riccardi Lane, that the project would keep as many trees on the site as possible, and that a full drainage plan for the project had been submitted. Member Henderson asked the applicant to confirm that no further trees would be cut down, as part of the site had already been clear-cut. R.J. Casale stated that the site had not been clear-cut and that some trees had been removed for percolation tests. R.J. Casale stated that the project was designed to keep as many trees as possible, that the applicant wanted buffers to be part of the project, and that wooded areas on the site would be deed-restricted to stay wooded. Mr. Laberge stated that there were conditions on the prior conditional final subdivision approval granted in August 2022 that must still be followed and incorporated into the plans. Member Tarbox

asked about a separate lot near the project site and a right-of-way that was proposed off the proposed cul-de-sac on the site, and asked if that lot was landlocked without the proposed right-of-way. Mr. Casale confirmed that that property had been landlocked, which is why a right-of-way was proposed to connect that property to the cul-de-sac. Chairman Oster stated that the applicant needed to respond to all public comments in writing, and submit those written responses to the Planning Board. Mr. Casale confirmed that he would respond in writing. This matter is placed on the August 1, 2024 agenda for further deliberation.

The second item of business on the agenda was an application for a special use permit amendment submitted by Zachary Froio for property located at 502 Pinewoods Avenue. No one was present for the applicant. Chairman Oster stated that the Building Department had issued a zoning determination concerning the application, stating that the amendment sought a retail use, which was not permitted in a residential zoning district. Chairman Oster stated that the determination had been filed with the Town Clerk and provided to the applicant. No further Planning Board action is required.

The third 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, was present to review the application. Chairman Oster noted for those present that the discussion was not a public hearing, that no public hearing had been scheduled on the application at that point, and that a public hearing would be scheduled at a later date. Chairman Oster stated that the two biggest concerns regarding the project were stormwater and traffic. Chairman Oster asked about that status of the project's stormwater plan. Mr. Freitag stated that the applicant had been working with NYS DOT on stormwater since December 2023, and that they were still working on the project's stormwater plan. Mr. Freitag stated that the applicant was

currently proposing a new stormwater collection system, that the applicant had received engineering review comments from NYS DOT on that system, and that the applicant is currently addressing those comments. Mr. Freitag stated that the applicant was proposing underground detention systems, but noted that the stormwater must drain somewhere, that NYS DOT had questions concerning whether stormwater would be allowed to discharge into a nearby NYS DOT drainage system, and that one stormwater pipe connection to a NYS DOT system was currently being reviewed by NYS DOT. Mr. Freitag also stated that changes to the stormwater plan that may be required by NYS DOT would not impact the site plan design, but that it would likely change the extent of underground storage of stormwater as part of the site hydrology and detention plan. Mr. Freitag stated that the applicant had started discusses with NYS DOT on traffic issues related to the project in June 2023 and noted that the Town had retained Creighton Manning Engineering as traffic engineering consultant for the project. Mr. Freitag stated that the applicant had met with representatives from the Town, Rensselaer County, and NYS DOT in December 2023 to discuss coordinating traffic signals near the site, including the traffic signal at Lord Avenue. Mr. Freitag stated that NYS DOT sent a letter in February 2024 concluding that coordinating the traffic signals did not make sense and that it had no further comments on the issue. Gordon Stansbury, P.E., from GTS Consulting, was also present for the applicant and stated that NYS DOT had suggested looking at a turn lane on McChesney Avenue onto Hoosick Road, but that the applicant had concerns over how a turn lane would impact McChesney Avenue, that a right turn lane on McChesney Avenue onto Hoosick Road would have no benefit, and that the applicant was analyzing other improvements to McChesney Avenue. Member Stancliffe asked if the new design incorporated widening McChesney Avenue to accommodate buses and big trucks that turn onto McChesney Avenue. Mr. Stansbury confirmed that it was, and that the applicant would coordinate

with CDTA during the final design. Member Henderson asked if there would be two lanes of traffic at the drive-thru at the Chick-fil-A restaurant. Mr. Stansbury confirmed there would be. Member Henderson asked how many cars could be stacked in those two lanes before traffic backed up to Hoosick Road. Mr. Freitag stated that 33 cars could be stacked between the two lanes. Mr. Freitag stated that the applicant was very comfortable with stacking capacity for 20 cars at its restaurant locations, and that this site could handle 33 cars. Mr. Freitag also acknowledged that there would be an initial rush at the site at its opening, but that the site would easily handle the traffic after that initial rush. Chairman Oster asked if there was any way to connect to the Burger King lot via a back road. Mr. Freitag stated that the Burger King lot was not part of the project site, that connecting to that lot was not currently proposed, but that the project site was laid out in a manner that may allow construction on such a connection in the future. Member Stancliffe asked about pedestrian accommodations at the site. Mr. Stansbury stated that there would be pedestrian crossings on Hoosick Road and McChesney Avenue, crosswalks across the driveway onto the site, and traffic signals. Mr. Stansbury also stated that Rensselaer County was not interested in installing sidewalks along McChesney Avenue. Chairman Oster stated that the recently-opened Chick-fil-A in North Greenbush had traffic backed up onto a public road for several weeks after what the applicant described as an initial rush and asked how long-term heavy traffic would be handled at the site. Mr. Freitag discussed the stacking capacity of the site, and stated that the applicant would coordinate with the Town, Chick-fil-A, and local police to mitigate heavier traffic during the initial opening period. Mr. Freitag also stated that Chick-fil-A has an opening plan for its locations and planned to hire local traffic control. Mr. Freitag stated that the North Greenbush location, and a location in Clifton Park, had been the first Chick-fil-A restaurants in the area, so there was an even greater initial rush at those locations. Mr. Freitag also stated that a location in Albany was currently

under construction, so, if approved, the Chick-fil-A in Brunswick would be the fourth location in the Capital District, leading to less of an initial rush. Member Stancliffe asked if construction would be done in phasing, or if the three proposed buildings would be constructed at the same time. Mr. Freitag stated that the three buildings would be constructed at once. Member Stancliffe asked if there were tenants for the other buildings proposed for the site. Mr. Freitag confirmed that tenants had been lined up, but those potential tenants had not signed contracts yet, so he declined to name them. Member Stancliffe asked if the applicant was still proposing a second drive-thru restaurant and retail establishment, the uses previously stated, and Mr. Freitag confirmed that those were still the proposed uses. Chairman Oster noted that NYS DOT and Creighton Manning had already reviewed the McChesney Avenue intersection redesign. Chairman Oster asked what specifically would be needed to schedule a public hearing on the application. Mr. Bonesteel stated that typically the Planning Board requests plans to be complete enough for the public to understand and comment on them, specifically stating that the geometry of the intersection and the project's stormwater design must be clear, and that the site plan should be substantially complete to hold a public hearing. Mr. Freitag stated that the current plan was substantially complete and that the applicant wanted to hold a public hearing as soon as possible in case public comment resulted in changes to the site plan. Mr. Freitag also asked if a State Environmental Quality and Review Act (SEQRA) determination could be made. Attorney Gilchrist reviewed the SEQRA process and the legal standard for SEQRA review. Chairman Oster asked if a SEQRA determination needed to be made before or after the public hearing. Attorney Gilchrist discussed procedural issues. It was noted that a minor subdivision application had been filed by the applicant as well. It was determined that a SEQRA determination would need to be made before holding the public hearing. The Planning Board then further discussed the response to engineering comments needed to

provide information for the SEQRA determination, and requested written correspondence from NYS DOT and to involve Creighton Manning in the review of the NYS DOT correspondence. Chairman Oster asked Mr. Freitag if he had received the letter from NYS DOT dated May 21. Mr. Freitag confirmed that he did receive that letter and briefly reviewed it, stating that the bulk of the DOT review was concerning the permitting and engineering sections of the application. Chairman Oster stated that the letter said that the project may be inconsistent with the Town's Comprehensive Plan. Mr. Freitag stated that the DOT division that made that statement did not have the benefit of understanding that traffic studies have been done and reviewed by the permitting and engineering divisions at DOT. The Planning Board discussed the Rensselaer County Planning Department review and the timing of when the application should be sent to the County. The Planning Board stated that traffic and stormwater information would be needed to make a SEQRA determination. This matter is tentatively placed on the August 15, 2024 agenda for further deliberation.

The fourth item of business on the agenda was a recommendation to the Town Board concerning an amendment to the Brunswick Square Planned Development District (Walmart). Chairman Oster reviewed the amendment documents, noting that the area proposed to be designated for seasonal lawn and garden sales had previously been designated for grocery pick-up, which had since been moved to the side of the building, that 16 parking spots near the building would be lost, that no chemicals were proposed to be stored in the area, and that no additional power extensions or utilities to the area would be required. Chairman Oster stated that he saw no issue with the proposed amendment and was in favor of it. Member Tarbox stated that he was against the proposed amendment as it would become an eyesore, that Walmart has always wanted more parking and fought landscaping in front of the building, that the parking spots being lost are always used, and that it would be a mess. Member Kreiger stated that the parking lot is always

very full and that the parking spots being lost are prime spots near the building. Member Stancliffe asked if there was a better location in the parking lot for the proposed lawn and garden sales without the significant visual impact. Member Mainello stated that he was also not in favor of the amendment, stating that it would be difficult to maintain and police, that it would be difficult to keep lawn and garden sales constrained to that area, and that the area would look messy and uncontrolled. Member Mainello also stated that while he could consider lawn and garden sales in another location, he was not in favor of the parking lot due to it being a safety risk and not controllable. Member Henderson agreed, stating that if lawn and garden sales were to be moved, it should be to the side of the building or another location within the building. Attorney Gilchrist stated that he would draft a recommendation based on the Planning Board's discussion, which would be available for review at the August 1 meeting. This matter is placed on the August 1, 2024 agenda for further deliberation.

The Planning Board discussed two items of new business.

The first item of new business was applications for a waiver of subdivision, site plan, and a special use permit submitted by CVE North America, Inc. for property located at 511 McChesney Avenue. The Planning Board will review the application materials.

The second item of new business was an initial site plan submittal, not a full application, submitted by Sol Source Power, LLC for property located at 61-63 Gypsy Road. Steve Long, from Sol Source Power was present to review the information. Chairman Oster stated that the Sol Source Power proposal was a solar farm proposed for the Calhoun Farm and that it would be two separate 5-megawatt projects on 67 total acres. Chairman Oster stated that the visual impacts of both new solar projects would be very important and must be reviewed. Mr. Long stated that a full application for the Sol Source Power project would include visual simulations of the project.

As the CVE submission included a full application, the Planning Board decided that it could be included on the agenda for the next meeting, while the Sol Source Power would be tentatively placed on the following agenda as long as an application was filed. The CVE matter is placed on the August 1, 2024 agenda for further deliberation. The Sol Source Power matter is tentatively placed on the August 15, 2024 agenda for further deliberation.

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

1. Brunswick Acres – major subdivision (August 1, 2024).
2. Froio – special use permit amendment (no further action; removed from Planning Board).
3. Maries Muse, LLC – site plan and minor subdivision (August 15, 2024).
4. Walmart – recommendation to Town Board (August 1, 2024).
5. CVE North America – waiver of subdivision, site plan, and special use permit (August 1, 2024).
6. Sol Source Power – site plan (August 15, 2024).

The proposed agenda for the August 1, 2024 regular meeting is as follows:

1. Brunswick Acres – major subdivision.
2. Walmart – recommendation to Town Board.
3. CVE North America – waiver of subdivision, site plan, and special use permit.

The proposed agenda for the August 15, 2024 regular meeting is currently as follows:

1. Maries Muse, LLC – site plan and minor subdivision (tentative).
2. Sol Source Power – site plan (tentative).