

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 5, 2024**

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

ABSENT was KEVIN MAINELLO.

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 applications for site plan and special use permit submitted by Justin Haas for property located at the corner of NYS Route 7 and Carrolls Grove Road. Matt Bond, P.E., of Hart Engineering, was present to review the applications. 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 Mr. Bond to briefly review the project for the public. Mr. Bond reviewed the site map, including the driveway to the site that would be built off Carrolls Grove Road and the self-storage unit layout. Mr. Bond stated that the project site was 2.7 acres, that front and rear setback variances had already been approved by the Zoning Board of Appeals for the project, and

reviewed the project's planting plan and showed photos of the proposed self-storage units. Chairman Oster opened the public hearing on the application. Tom Daley, of 1356 NYS Route 7, stated that he and his wife lived next to the project site, and asked how a retaining wall at the edge of the project site would drain. Mr. Bond asked if he could address the comments one at a time, and Chairman Oster confirmed that he could. Mr. Bond described the drainage swale that currently exists on the site and described how it would be used in the project's stormwater plan. Mr. Daley asked if the existing open ditch on the site would be staying, and Mr. Bond confirmed that it would be. Mr. Daley asked what a specific line on the site plan represented. Mr. Bond stated that the line was an existing tree line and brush area. Mr. Daley stated that if the applicant cut existing vegetation to the south of the site, then the site would be open to his property. Mr. Bond stated that the buffer area could be maintained, which he would suggest to the applicant. Mr. Daley stated that he was concerned about the vegetative buffer to the south of the project site, which was adjacent to his property. Mr. Daley asked why trees were required to the front and rear of the site, but not either side of the site. Mr. Bond stated that those locations for trees were conditions for the approval of the area variances from the Zoning Board of Appeals. Mr. Bond stated that he would review with his client the option of planting trees on the south side of the site. Andy Ross, of 266 Carrolls Grove Road, asked to confirm that stormwater would only flow south, and if there was any plan to have stormwater flow north toward Carrolls Grove Road. Mr. Bond confirmed that stormwater would only drain to the south, and that the applicant planned to maintain the existing direction of drainage flows on the site. Mr. Ross asked how the applicant calculated flow volume of stormwater. Mr. Ross stated that he had concerns with the stormwater flow off the hill to the rear of the site, and how drainage would be handled on the site. Mr. Bonesteel stated that the project's stormwater pollution prevention plan (SWPPP) was still being reviewed. Mr. Ross asked

what the storage units would look like. Mr. Bond stated that the storage units would be dark in color, likely a brown or bronze, which was a condition for the approval of the area variances from the Zoning Board of Appeals, and that photo depictions of the storage units and fencing had been provided to the Planning Board earlier that day. Mr. Ross asked if there would be screening and/or fencing around site, specifically due to potential criminal activity on the site, and that he did not want to attract criminal activity to the surrounding area. Mr. Ross asked if there would be a gate into the site. Mr. Bond confirmed that there would be an electric sliding gate, which would be in a chain-link style. Mr. Ross asked if fencing was proposed around the entire site. Mr. Ross asked what the project's stormwater plan was based on. Mr. Bond stated that the stormwater plan was based on NYS Department of Environmental Conservation (DEC) requirements. Mr. Ross stated that he was concerned about what would be stored on the site and where it would be stored, specifically asking if everything would be stored in the storage units or if larger things, such as vehicles or equipment, would be stored outside on the site. Mr. Bond confirmed that everything would be stored in the storage units, and that there would be no outside storage of vehicles or equipment on the site. Jim Tkachik, of 387 Brunswick Road, asked for confirmation that there would be no on-site electrical services. Mr. Bond stated that the only power to the site would be to power the security gate and punch pad to enter the code to open the gate. Mr. Tkachik asked if there would be outdoor security lighting on the site. Mr. Bond stated that there would be downward-facing motion-activated solar-powered exterior lighting only on the outside of the storage units. Mr. Tkachik asked if there would be any lighting within the storage units. Mr. Bond stated that there would not be. Tom Daley spoke again, asking if the doors on the ends of the units would be on the south side of the site. Mr. Bond confirmed that they would be. Mr. Daley stated that the lights on the site would be facing his property. Mr. Bond reiterated that the lights would

be downward-facing and motion-activated. Mary Daley, also of 1356 NYS Route 7, asked what the hours of operation would be. Mr. Bond stated that he did not have that information on-hand, but would respond in writing. Mrs. Daley asked if during off-hours when the site was closed, if the key pad to enter the site would not be functional, meaning there would be no access to the site during off-hours. Mr. Bond confirmed that the key pad would not work during off-hours, and that the site would not be accessible during that time. There were no further comments from the public. 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 Henderson. The motion was unanimously approved, and the public hearing was closed.

The draft minutes of the August 15, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Kreiger, the draft minutes of the August 15, 2024 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was the applications for site plan and special use permit submitted by Justin Haas for property located at the corner of NYS Route 7 and Carrolls Grove Road. Matt Bond, P.E., of Hart Engineering, was present to review the applications. Chairman Oster stated that all public comments needed to be responded to in writing. Mr. Bond confirmed that he would respond to public comments in writing. 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 reiterated that the Zoning Board of Appeals had granted the applicant area variances for front and rear setback. Chairman Oster stated that the applicant had submitted a stormwater plan and that it was currently being reviewed. Mr. Bonesteel

stated that drainage, grading, and the SWPPP were currently under review, that additional spot grading would be needed due to the site being so flat, and that pocket ponds need to be discussed as well. Mr. Bonesteel stated that review comments would be provided by early next week for response. Mr. Bonesteel stated that he may suggest additional screening on the south side of the site, or have some of the trees along the east and west sides moved. Attorney Gilchrist stated that the trees along the east and west sides of the site were required as condition for approval of the area variances by the Zoning Board. Member Kreiger asked if the Planning Board could require screenings in addition to what was required by the Zoning Board. Attorney Gilchrist stated that the Planning Board had the discretion to require additional screening under site plan and special use permit jurisdiction. Mr. Bonesteel asked for clarification on the drainage for the site and proposed retaining wall. Mr. Bond reviewed the drainage and retaining wall. Mr. Bonesteel stated that the SWPPP must meet all Town requirements. Member Tarbox asked what the height of the retaining wall would be. Mr. Bond stated that the retaining wall would 5-5.5 feet high at its tallest point. Member Henderson asked for further clarification on the stormwater runoff, and elevation of the site and the adjoining parcels. Mr. Bond reviewed those issues. Mr. Bond also stated that the entire site would be impervious, as it would be covered by the storage units or paved. Member Stancliffe asked if the application had been sent to the local fire department. Mr. McDonald confirmed that the plans had been sent to the local fire department, and that the fire department had called him to report that they had no issue with the plans, but requested a knox box be installed on the site. Member Stancliffe stated that she wanted to see specifications for the security gate. Mr. Bond stated that he would provide those specifications. Member Stancliffe asked if the trees proposed for the site as screening would be 4-6 feet apart. Mr. Bond confirmed that they would be, and stated that he would provide the exact number of trees. Member Stancliffe stated that trees

should be added to the south side of the site, and that all trees on the site needed to be deer resistant. Chairman Oster asked if the construction would be done all at once or done in phasing. Mr. Bond stated that the construction would be done in phasing, building one row of storage units at a time. Chairman Oster stated that outside storage would not be allowed during the phasing of construction, specifically stating that he did not want people storing things outside of storage units if their storage units were not fully constructed. Mr. Bond confirmed that outside storage would not be allowed. Chairman Oster asked if there would be any signage for the site. Mr. Bond stated that a 4-foot by 6-foot sign would be installed at the entrance to the site on Carrolls Grove Road. This matter is placed on the September 19, 2024 agenda for further deliberation.

The second item of business on the agenda was the applications for site plan and minor subdivision submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Tim Freitag, from Bohler Engineering, and Colton Hill were present to review the applications. Chairman Oster stated that the Town had received a letter from Kimberly Jensen concerning the project, which would be made part of the public hearing record. Mr. Freitag stated that the State Environmental Quality Review Act (SEQRA) process must be completed prior to a public hearing, and that there were two outstanding items: short-term traffic impacts, and stormwater and geotechnical information. Mr. Freitag stated that the applicant had submitted additional geotechnical information to Mr. Bonesteel, and had met with Mr. Bonesteel to discuss the engineering issues. Mr. Freitag stated that the applicant had also submitted a short-term traffic plan for the opening of the Chick-fil-A restaurant to the Planning Board. Mr. Bonesteel confirmed that he met with the applicant to discuss stormwater and drainage on the site and that additional geotechnical information had been provided. Mr. Bonesteel stated that Bill Bradley, of the Town Water Department, had submitted a comment letter earlier that day, which Mr. Bonesteel was still

reviewing and would make available to the applicant. Mr. Bonesteel stated that Mr. Bradley was concerned with the total number of cuts on the site and significant amount of rock beneath the ground on the site. Mr. Bonesteel stated that he required some additional information on stormwater, such as the location of the water table on the site, to determine the viability of the stormwater plan. Mr. Bonesteel also confirmed that he had received short-term traffic plan for the opening of the Chick-fil-A, and that it was comprehensive and appeared adequate to manage traffic during the opening period. Chairman Oster asked where the NYS Department of Transportation (DOT) was in its review process. Mr. Freitag stated that DOT approved the applicant's traffic plans, but that DOT questioned the stormwater connection to the drainage system on NYS Route 7, as the stormwater plan has peak runoff connecting to that system. Mr. Freitag stated that DOT had not yet provided a final answer on the stormwater connection to the NYS Route 7 drainage system, and that it would take 8-10 months for final approval from DOT. Chairman Oster asked how needing to wait 8-10 months for DOT approval would affect the SEQRA process. Mr. Freitag stated that while final approval would take 8-10 months, the stormwater plan had been advanced to a point where a SEQRA determination could be made. Attorney Gilchrist stated that technical review was ongoing with Mr. Bonesteel, and that the current stormwater plan included a point source discharge to the NYS Route 7 drainage system that is being questioned by DOT. Attorney Gilchrist asked if DOT would accept the additional stormwater discharge. Mr. Freitag stated that there was no additional discharge proposed. Attorney Gilchrist then asked what stormwater issues were still under review by DOT. Mr. Freitag stated that current flow of water is surface water, that the current proposal is to pipe water underground, and that DOT does not like the proposed underground pipe. Attorney Gilchrist stated that the stormwater and drainage issues should be clarified now. Mr. Hill stated that the plans could be changed to keep the surface stormwater

discharge if that was the only outstanding issue. The Planning Board then discussed the SEQRA procedure. Attorney Gilchrist stated that the Planning Board, as lead agency, must determine the potential for significant adverse environmental impacts, including stormwater, and that technical review was ongoing. Mr. Freitag asked if there were any questions concerning the project's short-term traffic plan for the opening of the Chick-fil-A. Chairman Oster asked if the project would be built-out at once, or constructed in phases, stating that areas on the site that are not yet built could be used for additional queuing. Mr. Hill stated that a full build-out or phased construction had not yet been decided, and that the applicant was open to a staging area if possible with the tenant and construction schedules. Attorney Gilchrist stated that the record includes significant traffic studies that had been undertaken in coordination with DOT, Rensselaer County, and the Town, and that a coordinated review was needed for stormwater as well. This matter is placed on the September 19, 2024 agenda for further deliberation.

The third item of business on the agenda was the applications for a waiver of subdivision and minor subdivision submitted by Henry Reiser for property located at 25 Penny Royal Lane. Jessica Tenzer, Mr. Reiser's daughter, was present to review the application. Ms. Tenzer reviewed the two applications, a lot line adjustment and a minor subdivision, and reviewed the proposal as shown on the plat, including the Grey Ledge subdivision, the revision to Lot 12 that was previously approved, and the proposal of four new lots. Ms. Tenzer stated that the lot line adjustment would provide road frontage for Lot 2 and Lot 4. Attorney Gilchrist reviewed the current lots on the site, both those shown on the tax map and Lot 12, and the proposed plat. Attorney Gilchrist stated that Lot 12 was not shown on the tax map due to being created earlier in 2024, which had caused confusion when reviewing the current plan. Attorney Gilchrist stated that he had reviewed the plan with Mr. Bonesteel, and that some edits would be needed on the plat regarding easements and the



lot merger. Ms. Tenzer stated that the plat would be edited and resubmitted. Ms. Tenzer also stated that a draft Private Road Maintenance Agreement had been submitted. Attorney Gilchrist stated that the current draft of the Agreement should be submitted to the Planning Board. Member Stancliffe noted that the municipal boundary line between Brunswick and Grafton was shown on the plat. Mr. Bonesteel agreed, and stated that the Planning Board must coordinate with the Town of Grafton on this matter. This matter is placed on the September 19, 2024 agenda for further deliberation.

The fourth item of business on the agenda was an initial site plan submittal, which did not yet constitute a full application, submitted by Sol Source Power, LLC for property located at 61-63 Gypsy Road. No one was present for the applicant. This matter is adjourned without date.

The fifth item of business on the agenda was a waiver of subdivision application submitted by Todd Boomhower and Cathy Boomhower for property located at 103 Kreiger Lane. Jacob Keasbey, from Holbritter Land Surveying, was present to review the application. Mr. Keasbey stated that the applicants were seeking the re-subdivision of a lot previously approved for subdivision in 2022. Mr. Keasbey stated that in 2022, a 4.02-acre lot and 3.02-acre lot that had been approved by the Planning Board had been merged, and that the applicants now sought to re-subdivide the merged parcel into the original lots, of the same size and same configuration. Chairman Oster confirmed that there had been a prior subdivision on the site, and that the same lots were now being proposed. Mr. Keasbey confirmed this was correct. Attorney Gilchrist stated that it was at the discretion of the Planning Board whether to treat the application as a waiver of subdivision or minor subdivision. Chairman Oster stated that he preferred to treat the application as a waiver of subdivision, and the other Planning Board members agreed. Mr. Keasbey stated that a short Environmental Assessment Form (EAF) had been submitted. There were no further

questions or comments from the Planning Board. Member Tarbox 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 application. Attorney Gilchrist stated that Rensselaer County Health Department approval for the septic system on the site should be required. Mr. Keasbey stated that such approval had been granted for the previous subdivision on the site and could be resubmitted. Member Henderson made a motion to approve the waiver of subdivision subject to the stated condition, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the waiver of subdivision subject to the stated condition.

The sixth item of business on the agenda was the 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 Extension. Carrie Cosentino, Project Developer with CVE North America, and David Froelich, Director of Development at CVE North America, were present to review the application. Ms. Cosentino handed out a visual impact assessment report and reviewed it for the Planning Board, noting that the project would be visible from the south. Ms. Cosentino also stated that the project's SWPPP was being worked on. The Planning Board discussed the visual impact report and asked if the project would be visible from other sites in Town, including NYS Route 2, Moonlawn Road, NYS Route 351, and other locations on McChesney Avenue Extension. Attorney Gilchrist stated that the Planning Board had the authority to retain an independent expert on visual assessment. Chairman Oster stated that NYS Route 7 is a commercial corridor, but that NYS Route 2 is defined as a scenic highway in the Town Comprehensive Plan, and that the project would be clearly visible from NYS Route 2. The Planning Board members

listed other locations where visual assessment should be done, including NYS Route 2, NYS Route 351, Moonlawn Road, other locations on McChesney Avenue Extension, Dater Hill Road, Menemsha Lane, and Creek Road. Attorney Gilchrist stated that the Planning Board should get technical guidance from Mr. Bonesteel or another visual impact expert for the scope of the project's required visual assessment. Mr. Bonesteel stated that his firm could analyze visual impacts for the project. Attorney Gilchrist stated that visual assessment is a SEQRA, site plan, and special use permit review issue. Chairman Oster asked if the solar panels to be used on the site produced any hazardous materials, and how the site would be maintained, noting that the Planning Board had prohibited other solar project sites from using herbicides. Ms. Cosentino stated that no hazardous materials were produced by the panels, that no herbicides would be used, and that the site would be maintained either by mowing or animals grazing. Attorney Gilchrist asked if the Planning Board wanted to serve as lead agency under SEQRA for this project, and the Planning Board members stated that they did. Attorney Gilchrist stated that he would send out the SEQRA lead agency coordination notice to all interested or involved parties. Ms. Cosentino and Mr. Froelich then further discussed with the Planning Board interconnection and capacity and the substation the project would connect to. This matter is placed on the October 3, 2024 agenda for further deliberation.

There was no new business to discuss.

The index for the September 5, 2024 regular meeting is as follows:

1. Haas – site plan and special use permit (September 19, 2024).
2. Maries Muse, LLC – site plan and minor subdivision (September 19, 2024).
3. Reiser – waiver of subdivision and minor subdivision (September 19, 2024).
4. Sol Source Power – site plan (adjourned without date).
5. Boomhower – waiver of subdivision (approved with condition).
6. CVE North America – waiver of subdivision, site plan, and special use permit (October 3, 2024).

The proposed agenda for the September 19, 2024 regular meeting is as follows:

1. Haas – site plan and special use permit.
2. Maries Muse, LLC – site plan and minor subdivision.
3. Reiser – waiver of subdivision and minor subdivision.

The proposed agenda for the October 3, 2024 regular meeting is as follows:

1. CVE North America – waiver of subdivision, site plan, and special use permit.