

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 19, 2024**

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

ALSO PRESENT were WENDY KNEER, 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 December 5, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the December 5, 2024 regular meeting were unanimously approved without amendment.

The first 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. Mr. Freitag stated that the applicant had presented a site plan modification to the Planning Board at its November 21, 2024 meeting, which concerned a new tenant on the western portion of the site. Mr. Freitag stated that a new application and supporting documents had been submitted since the last meeting. Mr. Freitag stated that the submitted site plan was similar to the proposal shown at the November 21 meeting, but that the western side of the site had been moved

back slightly to increase greenspace along Hoosick Road. Mr. Freitag stated that a special use permit application had also been submitted due to the proposed gasoline sales on the western portion of the site. Mr. Freitag stated that stated that the Environmental Assessment Form (EAF) for the project had been amended. Mr. Freitag stated that the applicant had coordinated with NYS Department of Transportation (DOT) on the amended traffic plans, noting that there would be lesser impacts to traffic now, that the new traffic light and work on McChesney Avenue were still planned, and that further work was required on those traffic plans. Mr. Freitag discussed the building elevations for the proposed new tenant on the western portion of the site, and stated that a new stormwater pollution prevention plan (SWPPP) had been submitted for the project. Mr. Freitag stated that the applicant was working on responses to the latest engineering comments. Mr. Freitag stated that the next step in the process was to continue the discussion on State Environmental Quality Review Act (SEQRA) review, that a SEQRA determination on the project was required before a public hearing could be held, and that the applicant was seeking a joint public hearing with the Zoning Board concerning the applications before both Boards. Chairman Oster noted that the western portion of the site had been moved back to create approximately 8.5 feet of greenspace along Hoosick Road, and asked if any of the 49 proposed parking spaces on the western portion of the site had been eliminated. Mr. Freitag stated that the western portion of the site had been reconfigured to keep all 49 proposed parking spots, and that the reconfigurations would still allow all proposed truck turning as well. Chairman Oster stated that the western portion was still not proposed to be as far back from Hoosick Road as the eastern portion of the site, but that he appreciated the effort to increase the greenspace along Hoosick Road. Chairman Oster asked Mr. Bonesteel if he had any comments. Mr. Bonesteel stated that he was still reviewing the amended traffic report, but that he presumed that the traffic impacts would be lessened due to the new tenant

on the western portion of the site. Chairman Oster asked about pedestrian access to the site and between the western and eastern portions of the site. Mr. Freitag stated that there would be a sidewalk connection to the site along Mohawk Avenue, that there would be striped crosswalks on the site, and that the eastern portion of the site would have pedestrian access to the sidewalk along Hoosick Road. Chairman Oster asked if there would be a front entrance to the western portion of the site. Mr. Freitag stated that there would be no pedestrian access from Hoosick Road to the western portion of the site due to a retaining wall. Member Tarbox asked about the proposed retaining wall on the site. Mr. Freitag stated that the retaining wall was proposed on the site in connection with the prior development proposed, and that the applicant was proposing to continue to include it. Mr. Freitag also stated that the retaining wall would be 8 feet tall at its peak along the western portion of the site and would have a safety fence along the top of it. Chairman Oster asked for details about the fence. Mr. Freitag stated that it would be a black aluminum fence that would be a minimum of 32 inches high. Member Stancliffe asked what would be in front of the retaining wall. Mr. Freitag stated that it would be grass. Member Stancliffe asked if there would be a stormwater infiltrator adjacent to the retaining wall. Mr. Freitag stated that there would be, and that it would be engineered to relieve pressure on the wall. Member Stancliffe asked why a short EAF had been submitted instead of a full EAF. Mr. Freitag stated that a short EAF had been submitted at the start of the project. Member Stancliffe asked if a full EAF should be required. Mr. Bonesteel stated that he would check the Town regulations as to which EAF was required in this case. Chairman Oster asked if any other agencies needed to be notified of the amended application. Attorney Gilchrist stated that he was not aware of any other agencies that needed to be notified, but that a copy of the amended plans would be circulated among the already-notified agencies. Member Stancliffe asked about the status of stormwater review with DOT. Mr. Freitag stated that

the SWPPP did not include a subsurface stormwater connection to the DOT drainage system, but above-ground overflow, and that the Town could recommend a below-ground connection to DOT drainage systems if the Town thinks it is a better option as part of its SWPPP review. Mr. Bonesteel asked if DOT had seen the SWPPP. Mr. Freitag stated that the SWPPP had not yet been submitted to DOT, but that DOT would review the stormwater connection with the full traffic signal plans. Mr. Bonesteel stated that he had no further questions at this time. Chairman Oster asked what the status of SEQRA review was. Attorney Gilchrist stated that the project was subject to technical review by Mr. Bonesteel, which was ongoing. Attorney Gilchrist also stated that he believed a full EAF had been submitted at some point by the applicant, and that once the technical review was completed, Mr. Bonesteel could draft Parts 2 and 3 of the full EAF for review by the Planning Board. Mr. Hill stated that the applicant would prefer a pipe connection to the DOT drainage system on the site rather than surface overflow, and that the applicant was seeking Town comments to DOT as part of the stormwater review. The Planning Board generally discussed procedure for SEQRA and a potential joint public hearing with the Zoning Board. This matter is placed on the January 16, 2025 agenda for further deliberation.

The second item of business on the agenda was the Colton Ridge major subdivision application submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue Extension and Creek Road. Matt Bond, P.E., of Hart Engineering, was present to review the application. Chairman Oster stated that the Planning Board had received notice from the Town Board that the Town Board had approved the applicant's waiver for more than 12 lots on a dead-end road or cul-de-sac at its last meeting on December 12. Mr. Bond stated that the plans previously presented to the Planning Board were the same except for roadside swales being added and drainage easements being added to the stormwater basin. Mr. Bond also stated

that the plans had been sent to the Rensselaer County Department of Health. Chairman Oster noted that new wetlands regulations were to go into effect in New York on January 1, 2025 and asked if those new regulations would affect the wetlands on the site. Mr. Bonesteel stated that he was aware of the new regulations, that the largest wetland on the project site was already large enough to be regulated by NYS DEC, and that the other wetlands should not be affected by the new regulations. The Planning Board briefly discussed the stormwater basin area and access road. Chairman Oster stated that grading was proposed for the site and asked if it would be done in the area of the proposed road. Mr. Bond stated that the grading would be more likely done in the area of the stormwater basin, but that he would confirm that. Mr. Bonesteel asked if excavation had been done for perc tests on the site. Mr. Bond confirmed that perc tests had been done, and that a note was added to the septic plan that percolation would need to be verified after final grading. Member Henderson stated that he was concerned over how close Lot 18 was to an identified wetland on the site. Mr. Bond stated that that wetland was under the jurisdiction of the U.S. Army Corps of Engineers, which did not have setback requirements for wetlands, and also noted that the site was over 5 acres and discussed the mitigation measures for distance from the wetlands. The Planning Board discussed the location of the wetlands on the project site. Member Tarbox asked what the lines on the driveway for Lot 10 were intended to depict. Mr. Bond stated that those lines were stone-lined swales that would mitigate erosion and capture stormwater run-off, and be piped to on-site stormwater basins. Member Tarbox asked if the project would be removing the nob off the hill on the site. Mr. Bond confirmed that the nob on the hill would be removed. Member Tarbox asked what the resulting elevation drop would be. Mr. Bond stated that the height of the site would be reduced by approximately 40 feet. Member Tarbox asked how much material would be removed from the site. Mr. Bond stated that he was not sure and would check. Attorney Gilchrist stated that

the applicant needed to coordinate with NYS DEC on the need for a mining permit or a construction exemption. Attorney Gilchrist stated that issues that should be addressed by the Planning Board regarding removal of graded material from a project site included the number of trucks driving to and from the site, the truck route, the type of truck(s) used, and the days and hours of operation of construction on the site. Attorney Gilchrist also stated that a drainage district needed to be formed, which needed to be added to the EAF. Mr. Bond stated that he would do so. Chairman Oster stated that the plans needed to be submitted to the local Fire Department. Mr. Bond stated that he would do so. Mr. Bonesteel stated that he needed information on the stormwater design. Mr. Bond stated that the stormwater design was currently being prepared and that it would be filed with the Planning Board as soon as possible. This matter is tentatively placed on the January 2, 2025 agenda for further deliberation.

The third item of business on the agenda was a waiver of subdivision application submitted by Joseph Breen for property located on Smith Hill Road. Mark Danskin and Joseph Breen were present to review the application. Mr. Danskin reviewed the history of the parcel, stating that the approximately 5-acre parcel was purchased by Frank Brennanstuhl in 1992, at which time it was approved for septic and had an existing driveway, and that Mr. Brennanstuhl had purchased an approximately 49-acre adjacent parcel in 2015. Mr. Danskin stated that while both parcels were owned by Mr. Brennanstuhl, they were never legally merged. Mr. Danskin stated that in 2018, Mr. Brennanstuhl received one tax bill for the two adjacent parcels, contacted the Town of Brunswick to inquire as to why he received only one bill, and was told that the parcels were still two separate parcels, but that they had been merged for tax purposes only. Mr. Danskin stated Mr. Brennanstuhl now wants to sell the approximately 5-acre parcel to the applicant, who is his nephew, is not being allowed to do so by Rensselaer County since their records show the parcels having been merged,

wants the parcels to be unmerged to two parcels as they had been prior to 2018, and reiterated that Mr. Brennanstuhl never wanted the parcels merged in the first place. Mr. Danskin also stated that the applicant was before the Planning Board because Rensselaer County had stated that the Planning Board needed to approve the waiver of subdivision to recreate the approximately 5-acre parcel before it allowed the sale of that parcel. Chairman Oster asked if there was a barn on the land that was proposed to be subdivided. Mr. Danskin confirmed that there was a barn on that section of land, and that it had existed for over 25 years. Chairman Oster stated that the issue with the barn was that if the waiver of subdivision were approved, the barn would be an accessory structure without a primary structure. Chairman Oster stated that the Planning Board could move forward with the waiver if a house were built on the approximately 5-acre parcel within certain period of time, otherwise it might need to be taken down. Attorney Gilchrist asked why a subdivision was required by Rensselaer County if Mr. Brennanstuhl still had two separate deeds for the two adjacent parcels, and noted that the Town Tax Department had no power or jurisdiction to merge the parcels. The Planning Board discussed the County tax map and chain of title for the two parcels, and whether the waiver of subdivision application was properly before the Board. Mr. Danskin reiterated that the applicant had spoken to officials at Rensselaer County about the issue first and that the County had stated that the Planning Board need to approve the waiver of subdivision before the approximately 5-acre parcel could be sold. Attorney Gilchrist asked if there was any proof of the two adjacent lots being legally merged. Mr. Danskin and Mr. Breen confirmed that there was not. Attorney Gilchrist stated that the Planning Board did not have jurisdiction to review a waiver of subdivision application for two lots that currently legally exist, and that the applicant should follow-up with Rensselaer County and the Town Tax Department, and also contact the Town Attorney.

The Planning Board discussed one item of new business.

The one item of new business was a waiver of subdivision application submitted by Jason Smith for property located at 350 Dater Hill Road. Bill Darling, Land Surveyor, was present to review the application. Ms. Kneer stated that the applicant was proposing two simultaneous lot line adjustments which would not create any new lots, just change the sizes of the existing lots. Chairman Oster asked if two lot line adjustments could be done through one application. Attorney Gilchrist confirmed that they could be. Mr. Darling reviewed the application, stating that two small parcels were being proposed to be merged into a parcel owned by Mark Wagner, that one separate small parcel was being proposed to be merged into a parcel owned by Wagner Farms, that all three small parcels proposing to be merged were currently owned by Kings Grant Farm, that there would be no change in use for any of the land, and that no new lots would be created. Attorney Gilchrist asked if the parcels were in an agricultural zoning district. Mr. Darling confirmed that they were. Attorney Gilchrist stated that an Agricultural Data Statement would need to be submitted. Mr. Darling stated that he would submit one. This matter is placed on the January 2, 2025 agenda for further deliberation.

The Planning Board discussed one item of old business.

The one item of old business 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. No one was present for the applicant. Chairman Oster stated that the Planning Board had received a letter from NYS Office of Parks and Recreation concerning the project dated December 13, 2024, which stated that there were no architectural or historical resources on the project site. Member Tarbox stated that the project site was clearly visible from Creek Road and that while recently driving on Creek Road, he could see the entire Bejian house



on the site. Mr. Bonesteel stated that the applicant had submitted updated plans, including visual assessment and the stormwater plan, that he was currently reviewing those plans, and that he anticipated sending comments on the updated plans to the applicant the following week. This matter is adjourned without date pending technical review.

Chairman Oster also noted that following the meeting, Member Mainello would be stepping down from the Planning Board, as he would be taking a position in the Town Building Department and could not do both. The Planning Board congratulated Member Mainello on his new position and thanked him for more than 20 years of service on the Board.

The index for the December 19, 2024 regular meeting is as follows:

1. Maries Muse, LLC – site plan, minor subdivision, and special use permit (January 16, 2025).
2. Paramount Building Group – major subdivision (January 2, 2025).
3. Breen – waiver of subdivision.
4. Smith – waiver of subdivision (January 2, 2025).
5. CVE North America – waiver of subdivision, site plan, and special use permit (adjourned without date).

The proposed agenda for the January 2, 2025 regular meeting is as follows:

1. Paramount Building Group – major subdivision (tentative).
2. Smith – waiver of subdivision.

The proposed agenda for the January 16, 2025 regular meeting is as follows:

1. Maries Muse, LLC – site plan, minor subdivision, and special use permit.