

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 16, 2018

PRESENT were RUSSELL OSTER, CHAIRMAN, TIMOTHY CASEY, DONALD HENDERSON, DAVID TARBOX, MICHAEL CZORNYJ and LINDA STANCLIFFE.

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

A number of members of the public were present concerning the special use permit application submitted by David Leon for property located at 1 Valley Avenue. Chairman Oster stated that the Leon application was not on the agenda for the August 16 meeting; that the agenda for the September 6 meeting will be available on the Town signboard and Town website; and, in the event the Leon application public hearing is continued on September 6, additional written public notice regarding continuation of that public hearing will be mailed and posted. A number of members of the public present asked why a notice had been in their mailboxes informing them the Leon application would be on the August 16 agenda. The Planning Board responded that the notice had not been sent by the Town, and that the Town had no knowledge as to who circulated such notice. A number of members of the public still protested about the Leon special use permit application. Chairman Oster explained that there is no general public comment period at Planning Board meetings, that the Planning Board holds public hearings on notice concerning applications,

and that the public will be able to provide comments on the Leon special use permit application once the public hearing is continued.

The Planning Board opened a public hearing on the special use permit application submitted by William and Deborah Lyons for property located at 149 Moonlawn Road. The applicants seek a special use permit for an accessory apartment at that location. Chairman Oster reviewed the procedure and rules regarding public hearings before the Planning Board. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties within 300 feet of the project site. Chairman Oster requested the applicant to make a brief presentation. William Lyons, 149 Moonlawn Road, presented the proposal, which seeks a special use permit for an accessory apartment. Mr. Lyons stated that the accessory apartment had been constructed in 2005 and used as an in-law apartment; that his in-laws had passed away; that in connection with refinancing of his mortgage on the property, a zoning compliance issue was raised concerning the accessory apartment, and it was determined that a special use permit is required. Mr. Lyons stated that as a result of that refinancing issue, he has submitted an application for a special use permit for the accessory apartment. Mr. Lyons stated that no new construction is proposed. Chairman Oster opened the floor for receipt of public comment. Patty Warren, 157 Moonlawn Road, stated that she was here on behalf of her and her husband, and also on behalf of Brett Hoffay and Julie Morin who also live on Moonlawn Road but were away on vacation and not able to attend the public hearing; that she is against the special use permit for an accessory apartment for this property; that Mr. Lyons had hired “work release” to clean out his property; that she is concerned regarding the people that are working and may be living there; that she wants to maintain the residential integrity of the neighborhood; that Mr. Lyons

had brought in people from out of state and maybe out of the country to hunt on the property; that she is concerned this is no longer an in-law apartment but is now a general accessory apartment; that it is an issue of concern and distrust, and she is unsure about how the property would be used; that while she thinks the Lyons are nice people, she is against the special use permit. Chairman Oster asked Mr. Lyons whether the accessory apartment would be used for rental. Mr. Lyons stated that it could be used as a rental apartment, as his in-laws had passed away and the apartment had now been vacant for 8 months; that it is in the nature of a guest suite, but that it could be used for rental purposes. Mr. Lyons emphasized that the special use permit is not for an additional apartment, but only for the existing apartment which has been used since 2005. Mr. Lyons stated that in 2005, he had applied to the Town for a building permit, and that the building permit was issued. Ms. Guastella clarified that a building permit had been submitted but it was not stated in the building permit application that it was for an in-law apartment. Mr. Lyons stated that the plans clearly showed an additional apartment, but that the building permit application did not state this and could have been more clear. Mr. Lyons also stated that, regarding any concern over the use of his property, his deed does have a restriction that no separate building can be built on the land and that his 20 acres cannot be further subdivided. Mr. Lyons did say that he manages the wood lot on his property, and does bring in workers to take out old or damaged trees and keep the property in order. Mr. Lyons stated that any day laborers coming to his property to work are there only for the day, do not stay overnight, and do not live in the accessory apartment. Mrs. Warren repeated several comments, and also repeated that the Lyons are nice people but she is against this application, and asked that the public hearing be adjourned so that her neighbors Julie Morin and Brett Hoffay could attend the next meeting. Chairman Oster asked Mr. Lyons if there was any time concern regarding the bank refinancing, and whether he had any objection to continuing the

public hearing. Mr. Lyons stated that the bank has been very cooperative, and that he would advise the bank if the public hearing is continued. Attorney Gilchrist stated that the bank refinancing had no relevance to the special permit review by the Planning Board, and that the Planning Board members should focus on the application and special use permit review standards. Chairman Oster inquired of the Planning Board members whether they were in favor of keeping the public hearing open. A majority of the Board members had no objection to keeping the public hearing open, particularly in light of no objection from the applicant. Chairman Oster indicated that the public hearing was to remain open, and continue on the meeting of September 6. Chairman Oster asked whether there were any further comments at this point. Damien Constantine, 4 Woodward Avenue, asked why the applicant would be held up if the accessory apartment was already built, and this seems to be just a matter of a bank refinancing issue. The Planning Board thanked Mr. Constantine for his comment. Chairman Oster stated that the public hearing would be adjourned but remain open, and will be continued on September 6 at 7:00pm.

The Planning Board opened a public hearing on the special use permit application submitted by James and Carolanne Winckler for property located at 50 Colehamer Avenue. The applicants seek a special use permit for an accessory apartment at that location. The notice of public hearing was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of properties within 300 feet of the project site. Chairman Oster requested the applicant to make a brief presentation. Carolanne Winckler, 50 Colehamer Avenue, stated that she was applying for a special use permit for an accessory apartment, the sole use of which would be for her adult son, age 23, who has Asperger Syndrome and other disabilities; and that her son would be living independently but would be close to her so that she could monitor and guide him.

Chairman Oster opened the floor for receipt of public comment. Mary Jane Burke, 48 Colehamer Avenue, stated that she lives next door, and that there are already two accessory apartments at this location, both were built years ago, and are used by the Wincklers as an in-law apartment and an apartment for their disabled son; that she has no opposition to the special use permit, but hopes that there are no more than two accessory apartments. Carolanne Winckler stated that there are two apartments, that both were present when she bought the property, and that they are used as an in-law apartment and as an apartment for her disabled son, and that no additional apartments are proposed or would ever be built at this location as long as she owns the property. It is noted for the record that this application presents special facts with respect to a proposed second accessory apartment for a disabled adult child of the property owners, and a reasonable accommodation may be necessary to afford such handicapped person equal opportunity to use and enjoy the dwelling. Sarah Coonradt, 30 Killock Avenue, stated that she works in the field of special needs; that special needs accommodations are important; that limited services are available for special needs individuals; that the Wincklers should be applauded for the care they are providing to their adult special needs child; and that the Town should allow this. Chairman Oster asked if there were any further public comments. Hearing none, the Planning Board closed the public hearing on the Winckler special use permit application.

The Planning Board opened its regular meeting.

The draft minutes of the August 2, 2018 meeting were reviewed. It is noted that a correction must be made to page 15, line 9, correcting "Tedd Duncan" to "Todd Duncan". Subject to that correction, Member Czornyj made a motion to approve the August 2 minutes as corrected, which motion was seconded by Member Tarbox. The motion was unanimously approved, and the minutes of the August 2, 2018 meeting were approved subject to the noted correction.

The first item of business on the agenda was the special use permit application submitted by William and Deborah Lyons for property located at 149 Moonlawn Road. Chairman Oster confirmed that the public hearing on this application has been kept open, and will continue at the September 6 meeting at 7:00pm. Mr. Lyons asked whether the continuation of the public hearing would be limited to just the comments raised at this meeting. Attorney Gilchrist stated that the public hearing will be continued, which will allow any member of the public to provide any comment on the application, and will not be limited to comments raised at the August 16 meeting. Member Tarbox did ask whether an accessory apartment under the current Brunswick Zoning Law could be limited to just an in-law apartment. Member Casey also asked whether there could be a condition limiting the use of an accessory apartment to family members only. Attorney Gilchrist stated that each application must be reviewed on its own facts, including what is being requested in the application documents, and apply the special use permit review standards to determine whether the special use permit should be granted, granted with any conditions, or denied. Attorney Gilchrist stated that any conditions imposed must be reasonably related to the facts of the specific application, taking into account how the project is described in the application documents. This matter is adjourned to the September 6 meeting for continuation of the public hearing at 7:00pm.

The next item of business on the agenda was the special use permit application submitted by James and Carolanne Winckler for property located at 50 Colehamer Avenue. The applicants seek a special use permit for accessory apartment use. Member Czornyj asked whether the property at this location included the horseshoe driveway off Colehamer Avenue. Mrs. Winckler stated that is correct. Member Czornyj stated that he did visit the site and that, in his opinion, there is adequate room for off street parking. Chairman Oster noted that the public hearing had been held on this application. Chairman Oster inquired whether the Planning Board members had any

further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. It is again noted for the record that this application seeks approval for two accessory apartments, but that this application presents special facts in that the proposed second accessory apartment is for a disabled adult child of the property owners, and a reasonable accommodation may be necessary to afford such handicapped person equal opportunity to use and enjoy the dwelling. Thereupon, Member Czornyj made a motion to approve the special use permit for accessory apartment use at this location, subject to the condition that it is used for family use only, and that if the use is proposed to be changed, the property owners will need to apply for and obtain an amendment to the special use permit. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the special use permit granted subject to the stated condition.

The next item of business on the agenda was the site plan application submitted by Andy James for the Simply Better Auto Center located at 805 Hoosick Road. The applicant seeks to allow for the sale of small mobile home-type units at this location. Michael Smith was present for the applicant. Chairman Oster noted that an amended site plan had been submitted, and provided to the Planning Board members only on August 16. Member Czornyj asked whether the fire department had been notified of the current proposed amended site plan. Mr. Smith was not certain whether the fire department had received the plan. Chairman Oster asked whether Mr. Bonesteel had any comments on the amended site plan. Mr. Bonesteel stated that he had several comments, and reviewed those comments with the applicant, including questions regarding the height of the existing light poles on the site, and whether the proposed location of the display homes would impact lighting on the site with particular regard to site security; that it was unclear whether any

lighting would be added to the display homes themselves; whether the proposed display homes would be skirted and whether this would impact stormwater control on the site, since two of the proposed home display areas covered stormwater catch basins on the property; that the water and sewer line locations were not shown on the amended site plan, which is a concern since these proposed display buildings should not cover any cleanouts, valves, or any other appurtenances; and that the site plan has not been stamped or signed. Chairman Oster asked whether any lighting was proposed for the display buildings. Mr. Smith stated that there would be a light only at the door, but that the units would not otherwise be lighted, and that only the existing pole lights would be used to light the entire property. Member Stancliffe asked whether any handicapped entrance is required for the display homes, and how would the applicant accommodate handicap access. Mr. Smith stated that a separate ramp could be set up to one of the units for handicap access. Member Tarbox noted that while six display areas for units were shown on the site plan, Mr. Smith and Andy James had indicated that only four display areas would be used, and asked whether cars were proposed to be stored in the area where the other two display units were shown on the site plan. Mr. Smith stated that they do intend to display only four units, and would be using the balance of the site for car parking. Member Tarbox stated that this does need to be shown on the site plan, and asked why this was not included. The Planning Board members discussed the total number of spaces used for car storage on the site, and whether the site was adequate in terms of proposed car storage as well as displaying housing units. Mr. Smith stated that Rensselaer Honda had received an extra allocation of cars from Honda the prior year, that they had turned down an extra allocation for the current year, and that there will not be an excess of cars that need to be stored at the site. The Planning Board members and Mr. Bonesteel generally reviewed what is required for this amended site plan, which will allow the applicant the ability to display mobile

homes while at the same time using two of the proposed home site areas for car storage. Member Czornyj had a question regarding the existence of pavement within seven feet of the property line. Attorney Gilchrist stated that the prior site plan approval did include pavement to the property line to the west, as this was an existing condition which had been in place for many years. Attorney Gilchrist also noted that the prior Simply Better Auto Center site plan and the adjacent credit union site plan included cross easements for access. Chairman Oster noted that the Planning Board cannot act on the site plan with the outstanding review comments by Mr. Bonesteel and comments of the Planning Board members. There was extended discussion between Mr. Smith, Mr. Bonesteel, and the Planning Board members concerning what was required on the site plan for the Board to act. Chairman Oster stated that the applicant's engineer should coordinate directly with Mr. Bonesteel to get these matters resolved, that the applicant must confirm that the final amended site plan is presented to the fire company for review, and that this matter will be placed on the September 6 agenda for action. Chairman Oster noted that the Planning Board is not seeking to delay this matter, but has raised comments that need to be addressed by the applicant's engineer, which to date have not yet been completed and shown on a proposed site plan. Member Henderson had questions regarding utility hookups to these units, and whether any hazards will result to members of the public walking around and looking at these units. The applicant will address this issue. Member Henderson also raised a question about whether these display units would be sold off the site, or merely used for display and that orders would be made directly to the manufacturer. Mr. Smith stated that in general, these display units are for display only and that orders would be sent to the manufacturer, but there are yearly models of these units and that at some point the units would be subject to sale and replaced with the next year's model. Mr. Smith confirmed that the only outstanding issues were engineering and review by the fire department. The Planning Board

was in general agreement, but did note that there could be additional comments based on a final submitted amended site plan and also any comments raised by the fire department. This matter is placed on the September 6 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Robert Talham for property located at 12 Miller Lane. The owners of 12 Miller Lane, Edward and Linda Hannan, seek to divide 1.69 acres from their existing 8.33-acre parcel at 12 Miller Lane, and transfer the 1.69-acre area to the adjacent owner, Robert Talham, to be merged into the existing Talham lot. Chairman Oster noted that this had been reviewed and discussed at the August 2 meeting, and the only outstanding issue was an appropriate condition and map note concerning tree removal along the shoreline of the Vanderheyden Reservoir. Rodney Michael, Licensed Land Surveyor, was present for the applicant, and stated that Attorney Gilchrist had provided him with the proposed map note, and that he had added this map note as note #10 to the subdivision map. Attorney Gilchrist confirmed that he had prepared the proposed map note in consultation with the Brunswick Water Department, and had forwarded the language to Mr. Michael, specifically:

Within 100 feet of the shoreline of the Vanderheyden Reservoir, clear-cutting of trees is prohibited, and only selective cutting of trees for the purpose of upgrading the quality and/or growth of the remaining trees is allowed. Prior notice to the Town of Brunswick Water Department is required before any selective cutting of trees in such 100-foot setback area is commenced, and all trees to be cut within the 100-foot setback need to be marked and approved by the Town prior to cutting.

Mr. Michael stated that the owner, Mr. Talham, consents to the condition. The Planning Board also noted that a condition of approval would be the merger of the 1.69-acre area from Hannan into the existing lot of Talham, not creating any new lot. Mr. Michael agreed and concurred with such condition. Chairman Oster asked whether there were any further questions or comments.

Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision application subject to the language of map note #10 cited above, and also on the condition that proof of merger of the 1.69-acre area into the existing Talham lot be filed with the Brunswick Building Department. Member Henderson seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by Todd Duncan for property located at 462 McChesney Avenue Extension. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter stated that the applicant is still waiting for Rensselaer County Department of Health approval for water and septic, and generally reviewed the proposed division of the 1.9-acre piece of land from the existing 51.5-acre lot located at 462 McChesney Avenue Extension. The Planning Board inquired whether the property is located in an agricultural district, which was the only issue remaining from the August 2 meeting. Mr. Holbriiter confirmed that the property is in an agricultural district, and was under the impression that the Planning Board had sent out the agricultural data statement. The Planning Board responded that it was their understanding that Mr. Holbriiter was to confirm whether the property was in an agricultural district, and if yes, Mr. Holbriiter would submit the agricultural data statement to the Town for service. Mr. Holbriiter stated that he had misunderstood the discussion at the August 2 meeting, but would prepare the agricultural data statement and submit it to the Town. This matter is placed on the September 6 agenda.

There were four items of new business discussed. The first item of new business discussed was an application to amend the site plan submitted by Nigro Companies in connection with the Brunswick Plaza PDD amendment, and specifically regarding an application to amend the site plan to allow for an increase in the size of the proposed Sunmark Federal Credit Union building on the project site. Gregg Ursprung, P.E. and Steven Powers were present for the applicant. Also present was Mark Kestner, P.E., Town designated review engineer for the Brunswick Plaza PDD amendment. Mr. Ursprung presented the proposed amendment, by which the property owner seeks to increase the proposed Sunmark Federal Credit Union building by 213 square feet with a slight reconfiguration. Mr. Ursprung explained that this was responding to revisions proposed by Sunmark. Mr. Ursprung then reviewed the proposed slight site modifications, which result in maintaining the greenspace on the Brunswick Plaza at 19.46%. Chairman Oster asked whether Mr. Kestner had had a chance to review the proposed amendment. Mr. Kestner stated that he had reviewed the proposed amended site plan as well as revisions to the stormwater pollution prevention plan as a result of the modification; that it is his opinion that the site plan modifications are in approvable form; that the proposed modifications do not raise any change to the prior SEQRA review; but does state that the Town should require compliance with the geotechnical report suggestions that inspections be conducted during construction activities. Chairman Oster asked whether these proposed changes need to be reviewed by the fire company. Mr. Kestner stated that the applicant had accommodated all of the prior fire department comments, including hydrant layouts over the site, and that these limited modifications do not impact any of the prior fire department review comments. Chairman Oster asked whether the building modification results in any impairment to turning radius for emergency vehicles. Mr. Kestner characterized the proposed building modification as not a significant change. Chairman Oster asked whether any

Board members had any questions regarding the slight modification. Hearing none, the Planning Board members were prepared to act at this meeting. Attorney Gilchrist stated that the prior SEQRA review has been completed, and the proposed modification has been determined not to be significant and no further SEQRA determination is required. Member Czornyj then made a motion to approve the amendment to the existing site plan, subject to the following conditions:

1. All prior conditions imposed by the Town of Brunswick Town Board concerning the amendment to the Brunswick Plaza Planned Development District, and all conditions imposed by the Brunswick Planning Board on the original site plan, remain in full force and effect.
2. Recommendations concerning construction inspections included in the geotechnical report for the site to be strictly complied with.
3. The amended site plan is to be sent to the Brunswick No. 1 Fire Department.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the amendment to the Brunswick Plaza PDD site plan was approved subject to the stated conditions.

The next item of business on the agenda was a special use permit application submitted by Frederick Ring for property located at 31 Woodward Avenue. Mr. Ring was present. Mr. Ring reviewed the application, and explained that he had purchased the lot at 31 Woodward Avenue which is currently vacant and a little over 1 acre; that he is looking to build a ranch-style house with an attached garage, but also construct a detached garage with an accessory apartment above the detached garage; and that he is applying for a special use permit in conjunction with the accessory apartment. Mr. Ring explained that he is intending to build an approximately 1,300 square foot house with a small two-car attached garage, but also to build a second structure which

would also be a two-car garage with a gambrel-style roof that would have one 500 square foot accessory apartment on the second floor of the detached structure to be used as a caretaker-type unit. Mr. Ring, who is handicapped and uses a wheelchair, stated that his intention for the use of the caretaker apartment is to assist him with care of the property and his nursing needs. Member Czornyj asked whether a test pit had been dug on the property. Mr. Ring explained that a test pit had been dug for purpose of the perc test and septic design. Member Czornyj asked whether the septic plan had been approved by the Rensselaer County Health Department. Mr. Ring explained that the County Health Department review is ongoing, and that he expects to receive comments from the County Health Department. Mr. Ring explained that the lot is elevated, and may have been previously filled with clean construction and demolition debris, including concrete and brick. Member Stancliffe stated that the house being proposed would likely include two bedrooms, and the accessory apartment would be one bedroom, and asked whether the septic design was for a three-bedroom system. Mr. Ring explained that he could ultimately renovate the basement of the house to provide for additional bedrooms, and that his septic design is for six bedrooms. Member Stancliffe asked whether public water was available. Mr. Rings stated public water was available to the lot. Chairman Oster explained that a public hearing is required in conjunction with the special use permit application. The Planning Board members deemed the application complete for opening the public hearing, and a public hearing has been set for the September 6 meeting to commence at 7:15pm. Chairman Oster noted that the Planning Board had already scheduled the continuation of the Lyons special use permit public hearing at 7:00pm on September 6, had just scheduled the Ring special use permit public hearing at 7:15pm, and noted that the Planning Board has also tentatively scheduled the continuation of the Leon special use permit public hearing for September 6. It is noted that the Leon public hearing will be continued at 7:30pm.

The next item of business on the agenda was a waiver of subdivision application submitted by Bonnie Hillje for property located at 82 and 86 Creek Road. The owner of 82 Creek Road, Henry Hillje, is consenting to the transfer of 2.5 acres from his lot to Bonnie Hillje, 86 Creek Road, to be merged into the lot at 86 Creek Road. The application is in the nature of a lot line adjustment. The issue of whether this property is in an agricultural district was raised, and the surveyor on the project, Brian Holbriiter LLS, will need to confirm the status of the property in an agricultural district, and submit an agricultural data statement if necessary. Member Stancliffe had questions regarding the septic location on 82 Creek Road, and whether the lot line adjustment would violate any setback provisions for the septic. It did not appear that any setback provisions would be violated, but that this issue must be confirmed prior to Planning Board action. This matter is placed on the September 6 agenda for further discussion.

The fourth item of new business discussed was the site plan application submitted by Stewarts Shops for property located at 660 Hoosick Road. Member Stancliffe recused herself from deliberation or action on this application. Chairman Oster noted that this was not a new application, but a continuation of site plan review, but that the Planning Board had not seen this applicant for several months. Greg Beswick of Creighton Manning and Chad Fowler of Stewarts Shops, were present. Mr. Beswick confirmed that the applicant had been working with NYSDOT on Hoosick Road improvements in conjunction with the site plan application, and that the site plan previously advanced from September 2017 is the current site plan in most respects; that the building layout and configuration is the same; and that only crosswalks, sidewalks, and Hoosick Road improvements had been modified in conjunction with NYSDOT review. Mr. Beswick also stated that the plan comments dated September 2017 from the Brunswick Water Department had been addressed. Mr. Bonesteel asked whether the current asymmetrical road widening plan is new.

Mr. Beswick stated that it is not new, and that it is predominantly the same plan previously reviewed by the Planning Board but had been the subject of NYSDOT review, and that crosswalks and sidewalks had been added. Mr. Bonesteel inquired whether the current traffic signal at Hoosick Road/Route 142/Sweetmilk Creek Road is being changed. Mr. Beswick said no change is proposed, and the light will stay where it currently is located. Mr. Bonesteel inquired whether the location of Sweetmilk Creek Road is proposed to be changed. Mr. Beswick stated that no change to Sweetmilk Creek Road is proposed. Chairman Oster asked the applicant to review its prior investigations regarding expanding at the current Stewarts location. Mr. Fowler reviewed prior efforts with both the Elliot property and the Grange Hall property, but stated those efforts were not successful, and that the property located at 660 Hoosick Road became an option upon the Town changing the zoning classification of the property. Mr. Fowler stated that one of the issues holding up the site plan review was the objection by an adjoining property owner, Howe, to the grading necessary on the north side of Hoosick Road in conjunction with the project, but that consent had now been obtained from Mr. Howe for that grading. The proposed grading on the north side of Hoosick Road was discussed. Member Casey had a question regarding the current NYSDOT work on Hoosick Road and any impact to the work being proposed by Stewarts in conjunction with grading on the north side of Hoosick Road. Mr. Beswick confirmed that the NYSDOT project would stop at the Hoosick Road/Route 142/Sweetmilk Creek Road traffic signal, and pick up easterly on Hoosick Road after the Stewarts property, and that Stewarts would be required to do all road improvements in front of its proposed project site. The issue regarding setbacks of the proposed building from rear property lines was discussed. Mr. Beswick stated that the applicant is of the opinion that this corner lot has two front lot line and two side lot lines, and meets all setback requirements. The Building Department will review that issue with Attorney

Gilchrist and Mr. Bonesteel, and look at the issue of a rear yard lot line and rear yard setback requirements. Attorney Gilchrist reviewed the current procedural status, noting that a special use permit had already been obtained by the applicant for the fueling station from the Brunswick Zoning Board of Appeals under the prior Brunswick Zoning Ordinance; that a site plan for the proposal is pending before the Brunswick Planning Board; that the Planning Board had opened, held, and closed the public hearing on the proposed site plan, with the applicant having consented on the record to extending the timeframe for the Planning Board to act following the close of the public hearing, and that the Planning Board deliberation on the site plan application is ongoing; that the project application had been referred to the Rensselaer County Department of Economic Development and Planning, and the County recommendation had already been received, with comments contained in the County recommendation having been addressed by the applicant. Member Casey asked whether the current traffic study being reviewed by NYSDOT in conjunction with the road improvements had current data. Mr. Fowler stated that NYSDOT had required updated traffic counts after the Cumberland Farms store on Hoosick Road had been constructed. The Planning Board determined that Mr. Bonesteel will need to review the record on this, including the current site plan, and also reach out and discuss the project with NYSDOT, and advise the Planning Board. This matter is placed on the September 20 agenda for further discussion. Town Historian Sharon Zankel was present, and asked to be heard. The Planning Board entertained Ms. Zankel, with Ms. Zankel requesting that the Planning Board confirm that the mitigation measures required by the State Historic Preservation Office for the demolition of the structure at 660 Hoosick Road be required. Mr. Fowler stated that Stewarts intends to comply with all requirements of the State Historic Preservation Office. This matter is placed on the September 20 agenda for further discussion.

The index for the August 16, 2018 meeting is as follows:

1. Lyons - Special use permit - 9/6/2018 (public hearing to continue at 7:00pm);
2. Winckler - Special use permit - Granted with condition;
3. Simply Better Auto Center - Site plan - 9/6/2018;
4. Talham/ - Waiver of subdivision - Approved with conditions;
5. Duncan - Waiver of subdivision - 9/6/2018;
6. Nigro Companies - Brunswick Plaza PDD Amended site plan - Approved with conditions;
7. Ring - Special use permit - 9/6/2018 (public hearing to commence at 7:15pm);
8. Hillje - Waiver of subdivision - 9/6/2018;
9. Stewarts Shops - site plan - 9/20/2018.

The proposed agenda for the September 6, 2018 meeting currently is as follows:

1. Lyons - Special use permit (public hearing to continue at 7:00pm);
2. Ring - Special use permit (public hearing to commence at 7:15pm);
3. Simply Better Auto Center - Site plan;
4. Duncan - Waiver of subdivision;
5. Hillje - Waiver of subdivision;
6. Leon - Special use permit (public hearing to continue at 7:30pm, or as soon thereafter as may be heard).