

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 5, 2021**

PRESENT were LINDA STANCLIFFE, J. EMIL KREIGER, DAVID TARBOX and ANDREW PETERSEN.

ABSENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, and KEVIN MAINELLO.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department and WAYNE BONESTEEL, P.E.

Acting Chairperson Stancliffe reviewed the agenda for the meeting, as posted on the Town sign board and Town website. Acting Chairperson Stancliffe noted that the camera for the video feed of the meeting was not working, so the meeting was not being broadcast live online.

The Planning Board opened a public hearing on the TNKY, Troy LLC site plan application. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Joseph Dannible, R.L.A., from Environmental Design Partnership, LLP, was present to review the project. Mr. Dannible made a brief presentation on the project, reviewing the history of the project before the Planning Board, stating that prior review comments have been incorporated into changes made to the site plan, then reviewed a map of the project site. Mr. Dannible reviewed the lot line adjustment proposed to transfer land to the MAX BMW site on the adjacent parcel. Mr. Dannible reviewed

the curb cuts along Hoosick Road, stating that one planned curb cut was being relocated from the prior Berkshire Properties Planned Development District proposed curb cut location. Mr. Dannible reviewed the building layout, elevation of the site, and parking areas. Mr. Dannible reviewed landscaping on the site plan and that additional landscaping had been added to the site plan at the request of the Planning Board. Mr. Dannible reviewed the project's stormwater plan and addressed the review comments from Mr. Bonesteel. Mr. Dannible stated that wetlands on the site had been delineated and that the permit application on the project submitted to NYS DEC was pending, that the review was ongoing, and that approximately 4-5 acres of land will be deed restricted as forever wild. Mr. Dannible also showed the Planning Board samples of the brick exterior of the building for type and color that had been brought to a previous meeting and that the Planning Board had requested be brought back for the public hearing. Mr. Dannible reviewed the project's lighting plan, discussing the photometric distribution plan for the pole lights and wall lights, and stated that there would be no light spillage onto adjacent properties. Acting Chairperson Stancliffe then opened the floor for the receipt of public comments. Cynthia Robinson, of 21 Betts Road, stated that she lives closest to the project site and that she had met with the applicant before the public hearing to directly discuss some of her concerns. Ms. Robinson stated that light pollution and truck traffic from the building are great concerns, as is the fact that if the project is approved, then her property will be surrounded on all sides by businesses. Ms. Robinson also asked the Planning Board why a zoning change was in front of the Planning Board and not the Zoning Board. Attorney Gilchrist stated that the applicant would be responding to comments made at the public hearing, not the Planning Board. Connor Robinson, also of 21 Betts Road, noted that bollards were planned to be placed in front of the building to prevent "smash and grab theft" and asked what specific type of crime the applicant was expecting to make such measures necessary. Mr. Robinson also asked

how this project would affect the Town of Brunswick in general. There were no further public comments. Member Kreiger made a motion to close the public hearing, which was seconded by Member Tarbox. The Planning Board voted unanimously to close the public hearing.

The draft minutes of the July 15, 2021 meeting were reviewed. Mr. Golden noted that on page 3, the setback being requested on the north side of the parcel owned by Vincent Lepera was for 23 feet, not 27 feet. Member Tarbox made a motion to approve the minutes of the July 15, 2021 meeting subject to the noted correction, which motion was seconded by Member Krieger. Acting Chairperson Stancliffe noted that she needed to abstain from the vote since she was not present for the July 15 meeting. Attorney Gilchrist stated that since only 3 of the 7 Planning Board members were voting, there was no quorum, and the July 15, 2021 draft minutes would need to be revisited at the next Planning Board meeting on August 19.

The first item of business on the agenda was a site plan application submitted by TNKY, Troy LLC for property located at 841 Hoosick Road. Joseph Dannible, R.L.A., from Environmental Design Partnership, LLP, was present to review the project. Mr. Dannible began by addressing comments from the public hearing, stating that it is standard for a Harbor Freight Tools store to have bollards in front of it as a security feature and they are also partially to keep cars off the sidewalks directly in front of the store. Mr. Dannible stated that the zoning issue had already been addressed by the previous Berkshire Property PDD on the site and that there is no need for a zoning change. Mr. Dannible stated that a lighting/photometric plan had been submitted, that there will be 4 light poles in the parking lot, security lighting, accent lighting on the west side of the building, and that there will be no light spillage off the project site. Mr. Dannible also stated that in terms of noise, the store will produce minimal noise, Hoosick Street already produces some noise, and that the building may act as a barrier to some of the noise coming from Hoosick Street

to surrounding properties. Member Tarbox asked how any potential problems with lighting on the site after construction would be mitigated. Mr. Dannible stated that any lighting problems after construction would be addressed by the applicant, and that adding evergreen trees to mitigate any lighting issues would be possible. Member Tarbox asked if deliveries would only be made during business hours. Mr. Dannible confirmed they would. Acting Chairperson Stancliffe asked what the business hours of the store would be. Mr. Dannible stated that the store would operate from 8:00AM to 8:00PM, and that the lights would turn off one hour after closing, at 9:00PM. Member Tarbox asked if there would be any blasting for the creation of the stormwater ponds on the site. Mr. Dannible stated that blasting was not anticipated. Member Tarbox asked for confirmation that the forever wild area on the site will not be disturbed. Mr. Dannible confirmed that the area will not be disturbed and that the area will be deed restricted so that no building is allowed there in the future. Mr. Bonesteel asked if the wetland flags on the site signify where the forever wild area is. Mr. Dannible confirmed that flags would show this area and that the area would either be wetland or buffer area. Mr. Bonesteel asked Mr. Dannible to review the applicant's responses to comments on the project's stormwater plan. Mr. Dannible reviewed the planting plan for aquatic benches, and the amendment to the soils in order to meet NYS requirements. Mr. Bonesteel stated that once he receives the stormwater comment letter, all Planning Board engineering comments will have been addressed. Acting Chairperson Stancliffe asked about the status of the NYS DEC wetlands permit for the project. Mr. Dannible stated that he walked the site with an official from DEC the previous week, who had a few small comments concerning planting requirements and deed restrictions, but that DEC had no formal written comments. Mr. Bonesteel asked if the application had been submitted to NYS DOT for comments on the modification of the curb cut. Mr. Dannible stated that it had, but that DOT currently is understaffed, that the application has been pending

there for 6 weeks, and that the applicant is still waiting for a response. Mr. Dannible stated that the applicant is seeking Planning Board approvals with conditions for both DEC and DOT. Acting Chairperson Stancliffe stated that a revised full Environmental Assessment Form (EAF) had been submitted by the applicant on July 9. Mr. Bonesteel stated that there are no additional changes required for Part 1 of the full EAF. Attorney Gilchrist stated that the project requires SEQRA review and Mr. Bonesteel stated that he is preparing Parts 2 and 3 of the full EAF to review with the Planning Board. Attorney Gilchrist stated that the DEC condition will be adequate, but that the Planning Board needs review comments from DOT before it can act. Mr. Bonesteel agreed and stated that he would reach out to DOT for a status on the review. Member Tarbox made a motion to declare the Planning Board as the lead agency on the project under SEQRA, which was seconded by Member Petersen. The Planning Board voted unanimously to approve the motion, and the Planning Board is declared to be the lead agency on the project under SEQRA. This matter is placed on the August 19 agenda for further deliberation.

The second item of business on the agenda was a site plan and minor subdivision application submitted by Lord Avenue Property, LLC for property located on Lord Avenue. Walter Lippmann, Project Engineer with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann stated that the Planning and Zoning Boards held a joint public hearing on the application in June at which public comments were received, and that responses to those public comments have been submitted to both Boards by the applicant. Mr. Lippmann stated that he was in front of the Zoning Board at its last meeting in July where he reviewed the responses to comments made on the area variance submitted to the Zoning Board for the height of light poles on the project site. Mr. Lippmann stated that he has been working with the Town of Brunswick on traffic and stormwater issues. Mr. Lippmann stated that the applicant is seeking a SEQRA

determination from the Planning Board as the he will be in front of the Zoning Board at their next meeting on August 16 and a SEQRA determination is needed so the Zoning Board can potentially take action on the area variance in front of it. Acting Chairperson Stancliffe asked if the applicant had received the comment letter on the traffic engineering review from Mr. Bonesteel. Mr. Bonesteel stated that he had not sent the letter yet as he wanted to review it first with the Planning Board, which he then proceeded to do. Mr. Bonesteel stated that the letter recommends additional traffic counts be obtained at the intersection of Otsego Avenue and Hoosick Road. Mr. Bonesteel stated that there is concern with the length of the queuing lane on Lord Avenue at the new traffic light, that the applicant must analyze of the storage and length of the queue, and that the applicant may need to integrate the traffic counts at the intersection of Otsego Avenue and Hoosick Road into said queue analysis. Mr. Bonesteel stated that a possible mitigation measure on Genessee Street to slow traffic is by installing speed humps, but that such a measure would need to be reviewed by the Town Highway Superintendent as it is within his jurisdiction. Acting Chairperson Stancliffe stated that the traffic review letter should be submitted to the Town Highway Superintendent and Mr. Golden stated that will make sure the Superintendent gets the letter. Mr. Bonesteel asked the Planning Board if the independent traffic consultant has addressed the Planning Board's concerns and performed his complete due diligence. Member Kreiger stated that the consultant had done so and made mitigation recommendations. The Planning Board members concurred. Mr. Bonesteel stated that the additional information required by the independent traffic consultant is reasonable. Acting Chairperson Stancliffe asked the applicant for a timeframe on when an additional traffic counter would be placed at the intersection of Otsego Avenue and Hoosick Road. Alanna Moran, Transportation Engineer with Vanasse Hangen Brustlin, Inc., who was also present for the applicant, stated that the additional traffic counts could be done right away,

with the data and responses submitted to the Planning Board shortly after that. Ms. Moran asked what the Planning Board is specifically looking for in the responses and also asked what new information the Planning Board would expect to get from the new traffic count. Mr. Bonesteel stated that he and the Planning Board want to know what traffic is currently going through the Otsego Avenue neighborhood, as they currently have traffic counts for Genessee Street and North Lake Avenue, but not Otsego Avenue. Ms. Moran confirmed that the applicant will do the additional traffic counts and submit the data. Acting Chairperson Stancliffe asked if the applicant would address the mitigation measures proposed by the independent traffic consultant and if so, to discuss the pros and cons of the measures. Rich Rosen, from the site development company, addressed the mitigation measures issues and confirmed that the applicant would work with the Town Highway Department to do so. Mr. Bonesteel stated that SEQRA must be addressed by the Planning Board and that after reviewing Part 2 of the EAF, there are environmental impacts to the site, which is agricultural land, including taking more than 2.5 acres out of an agricultural district, which makes this a Type I action under SEQRA, and changing the area of the land by bringing in fill. Mr. Bonesteel stated that he was identifying the issues in front of the Planning Board, not determining them at this point. Mr. Bonesteel stated that he and the applicant are very close on the stormwater plan, saying that the concept is acceptable and that they are just working out the details now. Mr. Lippmann stated that the applicant is seeking a SEQRA determination at this meeting and that he will have time to complete the technical comments. Attorney Gilchrist expressed concern with the adequacy of the record, specifically concerning traffic and stormwater information, in order to make a SEQRA determination, which Mr. Bonesteel agreed with. Mr. Bonesteel asked about the comments at the Zoning Board concerning lighting on the site. Mr. Lippmann stated that responses on lighting comments had been submitted to the Zoning Board.

The Planning Board, Mr. Bonesteel, Attorney Gilchrist, and the applicant then discussed the SEQRA procedure and timeline for the project. Acting Chairperson Stancliffe stated that the Planning Board would table the application to allow the applicant to submit the additional data, coordinate with the Town Highway Superintendent, and give the Planning Board members time to review the issues brought up in Part 2 of the EAF. This matter is placed on the August 16 agenda for further deliberation.

The third item of business on the agenda was a waiver of subdivision application submitted by Cynthia Wilson for property located at 82 Carrolls Grove Road. Cynthia Wilson was present to review the application, stating that it was a lot line adjustment to transfer 0.19 acres from 82 Carrolls Grove Road to the adjacent parcel at 80 Carrolls Grove Road. Ms. Wilson stated that there is no well or septic issue and that there is only an empty field in the area of the lot line adjustment, which Mr. Bonesteel confirmed. Ms. Wilson also stated that the lot line adjustment would not change the road frontage of either parcel. Mr. Bonesteel noted that on page 2 of the EAF submitted by Ms. Wilson, Item #5 asks if the action is allowable under the Town's zoning regulations and she had checked "no" when she should have checked "yes". Ms. Wilson asked if she would need to resubmit the EAF and Attorney Gilchrist stated that she did not; instead, she corrected the EAF and initialed it at the meeting. Member Tarbox made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Member Tarbox made a motion to approve the waiver of subdivision application, which was seconded by Member Petersen. The Planning Board voted unanimously to approve the waiver of subdivision. Ms. Wilson was directed to file a copy of the recorded map with the Town Building Department.



One new item of business was discussed, which was a minor subdivision application submitted by Sean Gallivan. Acting Chairperson Stancliffe recused herself, at which point Attorney Gilchrist stated that there were not enough Planning Board members present for a quorum, so the application would need to be tabled and reintroduced at the next Planning Board meeting on August 19.

The index for the August 5, 2021 meeting is as follows:

1. Harbor Freight Tools – site plan (August 19, 2021).
2. Lord Avenue Property, LLC – site plan and minor subdivision (August 19, 2021).
3. Wilson – waiver of subdivision (approved).

The proposed agenda for the August 19, 2021 meeting is currently as follows:

1. Harbor Freight Tools – site plan.
2. Lord Avenue Property, LLC – site plan and minor subdivision.
3. Gallivan – minor subdivision.