

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 17, 2022**

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

ALSO PRESENT were CHARLES GOLDEN, 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 March 3, 2022 regular meeting were reviewed. Member Stancliffe noted one correction: on page 4, line 7, “the discussed” should be changed to “then discussed.” Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the March 3, 2022 regular meeting were unanimously approved subject to the noted correction.

The first item of business on the agenda was a minor subdivision application submitted by Richard Witbeck and Jacquelyn Witbeck for property located at 131 Kreiger Lane. Brian Holbriiter was present to review the application. Mr. Holbriiter stated that the application is for a minor subdivision to split one large lot into four lots: two building lots, one lot with an open field, and one lot containing the remaining land. Mr. Holbriiter stated that Lot 1 would be 4.02 acres with 260 feet of frontage on Kreiger Lane, Lot 2 would be 3.20 acres with 201 feet of frontage on Kreiger Lane, Lot 3 would be 6.77 acres with 235 feet of frontage, and the remaining 31.69 acres

would make up the fourth lot. Member Stancliffe noted two utility lines on the parcel and asked if the land was privately owned or owned by the utility company. Mr. Holbriiter stated that they were privately owned, but that they were subject to old easements from National Grid, and that no record of the easements can be found. Member Stancliffe asked if there would be an issue with access under the utility line on Lot 3. Mr. Holbriiter stated that there would not be an issue. Member Stancliffe asked if there would an easement in favor of Lot 1. Mr. Holbriiter stated that there is an existing easement from Lot 1 to the other lots, which predates Mr. Holbriiter's involvement with the property. Member Stancliffe asked if there was another access point for the 31.69-acre lot. Mr. Holbriiter confirmed that there was, stating that it is owned by a third party, and that even though the 31.69-acre lot would be on both sides of the accessway, it would still be one legal parcel. The Planning Board then discussed access to the number of parcels surrounding the subdivision area. Attorney Gilchrist stated that access to the 31.69-acre lot should not be a consideration for the Planning Board on this subdivision as the proposal would create 3 new building lots with frontage on Kreiger Lane, plus one remainder lot, and that if the landowners sought to further divide any of the remainder lot in the future, any issues arising concerning access would need to be addressed at that time. The Planning Board then discussed whether this would be a major or minor subdivision, concluding that the application was properly classified as a minor subdivision. The Planning Board discussed the State Environmental Quality Review Act (SEQRA) review for the project and whether it would need to be cumulative, since a number of parcels had been divided off the Witbeck parcel over the past several years. The Planning Board concluded that a cumulative review is likely not required for this application, given the number of years between subdivisions. Mr. Bonesteel discussed stormwater mitigation, stating that due to the number of houses built on Kreiger Lane, the number of years that have passed since those houses were built, and that there

have been no stormwater issues since the houses were built, a cumulative stormwater assessment is not necessary. Member Tarbox asked whether Kreiger Lane was a user road or a Town-owned road, and Mr. Holbriiter stated that he believed it was user road, which was confirmed by Mr. Golden. The Planning Board discussed Town maintenance of roadways. Chairman Oster asked if a waiver would be needed for the number of houses on a dead-end road. Attorney Gilchrist confirmed that a waiver would be required, and Mr. Holbriiter stated that the applicant needed to go before the Town Board due to the number of houses on a dead-end road. Chairman Oster asked if the Planning Board would need to send a recommendation to the Town Board on the application. Attorney Gilchrist confirmed that the Planning Board would need to deliberate on the findings and make a recommendation to the Town Board on the issue. The Planning Board discussed the extent of the user road area along Kreiger Lane as shown on the plat. Mr. Holbriiter stated that the plat is consistent with the tax map of the parcel. Member Stancliffe asked if the Planning Board would need any information from the Brunswick Highway Department and/or Brunswick Fire Department. Attorney Gilchrist stated that information from both would be helpful for the Planning Board's recommendation to the Town Board. This matter is placed on the April 7, 2022 agenda for further deliberation.

The second item of business on the agenda was a site plan and special use permit application submitted by CVE North America, Inc. for property located off Belair Lane. Carson Weinand, Senior Project Developer for Changing Visions of Energy, and Jared Lusk, an attorney from Nixon Peabody LLP, were present to review the application. Mr. Bonesteel stated that since the applicant was last before the Planning Board, he had submitted a letter providing comments on the application, and that Bill Bradley, from the Brunswick Water Department, had submitted subsequent comments on stormwater analysis, particularly concerning compaction of the access

road during construction. Mr. Bonesteel also stated that the applicant had submitted a letter responding to comments dated March 11. Mr. Weinand stated that the applicant wanted feedback from Mr. Bonesteel and the Planning Board concerning the responses to comments before making any changes to the plans and resubmitting them to the Planning Board. Mr. Bonesteel stated that he had no issue with the description of the comment responses. The Planning Board and Mr. Bonesteel then discussed the completeness of the application for the purpose of holding a public hearing, with Mr. Bonesteel stating that the updated plans will not significantly change the site plan and that the application is complete for the purpose of holding a public hearing. Chairman Oster asked Mr. Bonesteel if there were any comments that he wanted to highlight. Mr. Bonesteel asked the applicant why the six utility poles were proposed to be all in a row rather than two rows of three poles, as other solar project applicants had proposed. Mr. Weinand stated that six poles in a row was a requirement of National Grid. Mr. Bonesteel stated that for the wetlands crossing area, additional detail would need to be added to the plans. Mr. Weinand stated that detail would be added, and clarified that the crossing area would not change due to the added detail. Mr. Bonesteel asked if the Brunswick Fire Department had reviewed the plans. Mr. Golden stated that he had sent the application and plans to the Brunswick Fire Department, but had not received any response. Chairman Oster stated that the adequacy of the access road for emergency vehicles could be an issue. Mr. Lusk stated that he would follow-up with Mr. Bradley on the access road compaction matter. Mr. Bonesteel asked if the State Historic Preservation Office (SHPO) had submitted a letter concerning the project. Mr. Lusk confirmed that SHPO had responded and that he would submit their letter to Mr. Bonesteel and the Planning Board. Mr. Bonesteel asked if a written visual impact assessment report had been submitted. Mr. Lusk stated that such a report had been completed, but had not yet been submitted, and that the applicant would submit the report to

the Planning Board and Mr. Bonesteel. Mr. Lusk also stated that a drone video of the project site, done as part of the project's visual impact analysis, had been submitted to the Planning Board via email. Chairman Oster asked if, based on these responses, the application was complete for the purpose of holding a public hearing, and Mr. Bonesteel confirmed that it was. Attorney Gilchrist then explained the procedure for scheduling and holding a joint public hearing with the Zoning Board of Appeals on the applications in front of both Boards from the applicant. The Planning Board determined that a joint public hearing with the Zoning Board of Appeals was appropriate here. This matter is placed on the April 7, 2022 agenda for a public hearing and further deliberation.

The third item of business on the agenda was an application to amend the special use permit and site plan regarding a cell tower submitted by Blue Sky Towers III, LLC on property located on Creek Road. No one was present for the applicant. Attorney Gilchrist briefly reviewed the background of the submission, stating that he and Mr. Bonesteel had reviewed the submission, and that the Brunswick Building Department had submitted a Notice of Incomplete Application to the applicant in a letter dated March 16, meaning that the "shot clock" timeframe on the application was suspended until the applicant responds. Mr. Bonesteel noted that the applicant had only applied for a special use permit modification, not for site plan. This matter is adjourned without date.

Two items of new business were discussed. The first item of new business was a waiver of subdivision application submitted by Brooks Heritage, LLC for property located at 130 Grange Road. The Planning Board reviewed the application, asking whether the project site uses public water, and that if a septic system is being proposed, it should be shown on the project map. Following discussion, the Planning Board concluded that it will consider the application a waiver of subdivision, but that further information will be required. The Planning Board listed the line of

sight for driveways, the location of the septic system, topography, and an area map showing the other existing lots (i.e. tax map) as additional information it would like to see. This matter is tentatively placed on the April 7, 2022 agenda for further deliberation.

The second item of new business was a sketch plan submitted by Creighton Manning Engineering, LLP for a medical office building on property located at 112 McChesney Avenue. Skip Francis, P.E., was present to review the project. Mr. Francis stated that the project was a 24,000 square foot two-story medical building, that the project was in a B-15 zoning district, where medical office buildings are a permitted use, and that the building complies with all required setbacks. Mr. Francis stated that the project will have 115 parking spaces, that a driveway permit will be required, and detailed the project's stormwater management plan, stating that the site will have a water service and sewer line. Mr. Golden noted that the building's generator was located farther from the building than most are and asked if that was because of how much noise it would produce. Mr. Francis stated that he would get more information on the generator. Mr. Golden also noted that bollards would be required for the generator, and Mr. Francis stated that bollards would be added. Member Tarbox asked if a transformer on the site was too close to the property line. Mr. Francis stated that he would look into it. Member Stancliffe asked why the proposed building was so far back on the lot. A representative from the project applicant/owner, Paulsen Development, stated that there is a lot of rock toward the front of the lot that would make construction difficult, and that the soils toward the back of the lot would be better for construction. Mr. Bonesteel stated that the applicant would need to submit the original stormwater design plan, since stormwater will discharge to the existing stormwater facility that was originally sized for this development. Mr. Francis stated that the original stormwater plan would be submitted. Member Stancliffe requested that the ownership and tax ID numbers be added to the project map for the adjacent lot owners as

well. Mr. Francis stated that this information would be added. Member Henderson asked why the building would only have 115 parking spots, as other buildings that size have had a far greater number of spots. The representative from Paulsen Development stated that he has built medical buildings before and knows the parking needs for a medical office building, and that Paulsen wants to design the area for all required parking, but wants to only build some of it and bank the rest of it for subsequent installation if necessary, with the banked parking area being greenspace unless it is needed for additional parking in the future. Member Stancliffe asked if a utility pole on the site would be moved. Mr. Francis confirmed that the pole would be moved. Member Stancliffe stated that a visual rendering of the building should be submitted to the Planning Board. The representative from Paulsen Development stated that a visual rendering would be submitted, and that examples of what medical buildings previously built by Paulsen Development could be found on their website. Member Tarbox asked if the application should be sent to Rensselaer County and Attorney Gilchrist stated that it should. Mr. Francis stated that the application would be sent to Rensselaer County. Mr. Bonesteel asked when the application would be ready. Mr. Francis stated it should be submitted in about four weeks. This matter is tentatively placed on the April 21, 2022 agenda for further deliberation.

One item of old business was discussed: a major subdivision application submitted by Brunswick Road Development, LLC for the Brunswick Acres Planned Development District located along the north side of Brunswick Road (NYS Route 2) just west of Heather Ridge Road. Attorney Gilchrist stated that the applicant had requested an extension to September 29, 2022 for Planning Board action on the subdivision application. Chairman Oster stated that he would like the applicant to attend an upcoming Planning Board meeting and give a status report on the project since it had been so long since the Planning Board had heard from the applicant, and the rest of

the Planning Board agreed. The Planning Board stated that a representative for the applicant should attend the Planning Board's April 21 or May 5 meeting. Mr. Golden stated that he would contact the applicant and Ron Laberge, who is the Town's consulting engineer on the project, and ask them to attend an upcoming Planning Board meeting. This matter is adjourned without date.

The index for the March 17, 2022 regular meeting is as follows:

1. Witbeck – minor subdivision (April 7, 2022).
2. Changing Visions of Energy – special use permit and site plan (April 7, 2022).
3. Blue Sky Towers – special use permit and site plan amendment (adjourned without date).
4. Brooks Heritage – waiver of subdivision (April 7, 2022).
5. Paulsen Development – sketch plan (April 21, 2022).
6. Brunswick Acres – major subdivision (adjourned without date).

The proposed agenda for the April 7, 2022 regular meeting is currently as follows:

1. Changing Vision of Energy – special use permit and site plan  
(public hearing to commence at 7:00pm).
2. Witbeck – minor subdivision.
3. Brooks Heritage – waiver of subdivision.

The proposed agenda for the April 21, 2022 regular meeting is currently as follows:

1. Paulsen Development – sketch plan.