

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 7, 2023

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 August 17, 2023 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Tarbox, the draft minutes of the August 17, 2023 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a waiver of subdivision application submitted by Michael Hart for property located at the end of Langmore Lane. Chairman Oster stated that this matter would be held until later in the meeting.

The second item of business on the agenda was a site plan application submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Tim Freitag, from Bohler Engineering, was present to review the application. Chairman Oster asked if there was an update on the SEQRA Lead Agency coordination. Attorney Gilchrist stated that no responses had been received from any other involved agencies since the last Planning Board

meeting, that the 30-day period since the lead agency coordination was sent had ended, and that since there were no objections, the Planning Board could declare itself lead agency. Member Tarbox made a motion to declare the Planning Board lead agency under SEQRA for this action, which was seconded by Member Stancliffe. The Planning Board voted unanimously to declare itself lead agency under SEQRA for this action. Chairman Oster stated that the independent engineering review of the applicant's traffic study by Creighton Manning, LLP, as consultant to the Planning Board, had been completed and submitted to the Planning Board since the last meeting on August 17. Mr. Bonesteel stated that the traffic review completed by Creighton Manning was comprehensive, that he had no comments on the review, and that he was looking for a reply to Creighton Manning's review to be submitted by the applicant. Mr. Freitag stated that the applicant's traffic engineer was currently reviewing Creighton Manning's review, that the applicant would be making some edits to the application based on that review, and that NYS Department of Transportation (DOT) would be doing a more comprehensive review later in the process. Mr. Freitag reviewed the project's site plan, stating that circulation on the eastern portion of the site had been modified based on Creighton Manning's comments about cars having trouble leaving the site if cars were stacked at the drive-thru. Chairman Oster noted that the Dunkin' Donuts had the same issue during the application process and had made the same modification, which had alleviated the issue. Mr. Bonesteel asked if any parking spots on the site had been lost due to the modification. Mr. Freitag confirmed that four parking spots had been lost due to the modifications, but that the applicant was still in compliance with Town requirements for parking. Chairman Oster stated that another drive-thru restaurant and a retail use were proposed for the eastern portion of the site, then asked how parking would be affected if the eastern portion of the site ended up having a use other than retail. Mr. Freitag stated that retail has more parking

requirements than office space does under the Town regulations, so a change in use would require fewer parking spots and any decrease in parking spots would not be a problem. Member Tarbox asked if the restaurant on the eastern portion of the site would be drive-thru only or also be a sit-down restaurant. Mr. Freitag stated that the restaurant on the eastern portion would have both drive-thru and sit-down options, but also stated that the drive-thru option could only be done through online ordering, as that restaurant would not feature an order board or speaker at the drive-thru. Member Tarbox asked what the plans were for stormwater on the site. Mr. Freitag stated that stormwater would be collected, in part, through underground infiltration under the parking lot. Member Tarbox noted that Bill Bradley, from the Town Water Department, had questions concerning the water table at the site and whether infiltration under the parking lot would work. Mr. Freitag stated that the applicant would be doing further geotechnical site work and would coordinate with Mr. Bradley while doing so. Chairman Oster noted that the Chick-fil-A restaurant in North Greenbush had been open for a while and was still very busy weeks later, and asked how the applicant would handle the traffic flow at the opening of the restaurant. Member Mainello agreed and stated that the traffic at the Clifton Park Chick-fil-A is even worse. Mr. Freitag stated that the Chick-fil-A restaurants in North Greenbush and Clifton Park opened about one and a half months prior, that they were part of the first wave of potential Chick-fil-A restaurants in the Capital Region, that the restaurant proposed for Brunswick would be part of the second wave, and that data concerning second wave openings in an area show significantly less traffic. Mr. Bonesteel asked if the Creighton Manning traffic review had been sent to NYS DOT. Mr. Freitag stated that the traffic review had not been sent to NYS DOT, but would be shortly. Mr. Freitag also stated that the applicant had not received any feedback from NYS DOT at that point. Chairman Oster asked if the applicant had received comments from the Brunswick Fire Department. Mr. Freitag

confirmed that the applicant had received comments from the Brunswick Fire Department and would be addressing those comments. Chairman Oster asked what the status was of the area variances and sign variances submitted by the applicant currently before the Zoning Board. Mr. Freitag stated that the applicant had presented the applications at the July 17 Zoning Board meeting, had revised the applications and reviewed them at the August 21 Zoning Board meeting, and that the Zoning Board confirmed it would participate in a joint public hearing with the Planning Board. Mr. Bonesteel asked what additional plans the applicant would be submitting. Mr. Freitag stated that a full plan set and complete package of documents would be submitted. The Planning Board then further discussed the Creighton Manning traffic review and site circulation. Chairman Oster stated that the Planning Board would need the additional information from the applicant before a public hearing could be scheduled. Mr. Bonesteel confirmed that he would need to review the full plan set and response to the Creighton Manning report before a public hearing, and also added that he would like to see a drainage study for the site. Attorney Gilchrist stated that NYS DOT comments would also be needed for both the public hearing and a SEQRA determination. Chairman Oster asked if the applicant wanted to be on the agenda for the next Planning Board meeting. Mr. Freitag stated that the applicant did, subject to the submitting of further documents and review of those documents by Mr. Bonesteel. This matter is tentatively placed on the September 21, 2023 agenda for further deliberation.

The third item of business on the agenda was a site plan application submitted by Zafer Ak for property located at 585 Hoosick Road. Nick Costa of Advance Engineering & Surveying, and Zafer Ak were present to review the application. Mr. Costa stated that the Planning Board had raised significant issues at the August 3 meeting concerning parking on the site and that the applicant had been working on the on-site parking issue. Mr. Costa stated that the applicant was

purchasing the 90-foot by 90-foot lot across Oneida Avenue from the site for use as additional parking, that the applicant planned to use the new lot to add six parking spaces for a total of 17 parking spaces on the site, and that the applicant could add more parking spots if the Planning Board required it. Chairman Oster stated that the applicant should coordinate with the Town on pedestrian crossing on Oneida Avenue for public safety. Mr. Bonesteel stated that the additional parking would improve the parking plan significantly, and that a crosswalk or pedestrian crossing sign may be all that was needed across Oneida Avenue, but that the applicant should still coordinate with the Town Highway Department. Mr. Bonesteel also noted that there was an elevation difference near the rear of the site proposed for additional parking, and that would need to be addressed along with a pedestrian walkway to the commercial site. Mr. Golden stated that Oneida Avenue was deeded to the Town, so installing a sidewalk was also an option. Member Henderson asked if there would be lighting in the additional parking area. Mr. Costa confirmed that there would be lighting in the additional parking area. Member Henderson asked what the hours of operation would be for the Golden Grain Pizza restaurant. Mr. Ak stated that the hours would be 10:00 AM to 10:00 PM. Member Henderson stated that the lights in the parking area should be turned off at the close of business. Mr. Golden stated that the lights must be turned off at the close of business since the restaurant would be located in a residential area. Member Mainello asked if the additional parking across Oneida Avenue would require excavation. Mr. Costa stated that some excavation would be required. Chairman Oster stated that the Planning Board's concerns about the parking and traffic circulation seemed to have been adequately addressed, and asked if the applicant would be able to submit the additional requested data and site drawings by the next Planning Board meeting. Mr. Costa confirmed that the additional data and site drawings, as well as an updated Environmental Assessment Form (EAF), would be

submitted before the next Planning Board meeting. Mr. Bonesteel stated that topography should be added to the updated site plans. Mr. Costa stated that topography would be added. This matter is placed on the September 21, 2023 agenda for further deliberation.

The fourth item of business on the agenda was a special use permit application submitted by Charles Golden and Donna Golden for property located at 318 Pinewoods Avenue. Chairman Oster stated that Mr. Golden had submitted a drawing of the proposed accessory apartment since the last Planning Board meeting, which the Planning Board then reviewed. Mr. Bonesteel asked if a bedroom was being added to the house. Mr. Golden stated that a bedroom already existed in the space and that he would only be adding a kitchen to make it an apartment. Mr. Golden also stated that the septic on the property was adequate for the proposed apartment. Mr. Bonesteel stated that the application was complete for a public hearing. A public hearing on this application is scheduled for October 5, 2023 at 7:00pm.

The Planning Board then returned to the first item of business on the agenda, which was a waiver of subdivision application submitted by Michael Hart for property located at the end of Langmore Lane. Brian Holbritter, PLS, and Michael Hart were present to review the application. Chairman Oster stated that a question had been raised at the last meeting concerning wetlands on the site and asked if the frontage on Langmore Lane was usable. Mr. Hart reviewed the relocation of a retention basin on the site map, and stated that the driveway would be located entirely on the newly created lot outside the wetland buffer, therefore meeting all access requirements. Member Tarbox asked about septic and stormwater flow on the site. Mr. Hart discussed how the water flowing off the adjacent lot and roadway would be directed to the relocated detention basin. Mr. Holbritter handed out and reviewed the updated site map. Chairman Oster stated that access from the site onto a public road was now viable through the revised plan. Mr. Bonesteel asked about the

length of a drainage pipe and the distance from the pipe to the new location of the drainage basin. Mr. Holbriiter stated that the drainage pipe was 12 inches wide and reviewed where it was in proximity to the new location of the drainage basin. Mr. Bonesteel asked if maintenance of the drainage pipe was within the jurisdiction of the Town. Mr. Holbriiter stated that if it was, that the applicant would provide an easement for access. Mr. Bonesteel asked about the topography and drainage in the area of the new lot, then stated that he would either like to see topography added to the site map or he could complete a site inspection. Member Tarbox asked how long the proposed driveway would be. Mr. Hart stated that the driveway would be about 440 feet long. The Planning Board discussed Town requirements and Fire Code requirements for access to the site. Mr. Bonesteel stated that he needed more time to review the revised site plan and that he needed to see the topography of the site and some design for the drainage. Attorney Gilchrist stated that the Town subdivision regulations for a waiver of subdivision allow the Planning Board to waive certain subdivision requirements, but that the waiver of subdivision regulations provide the Planning Board with authority to require certain information in connection with the application, and that Mr. Bonesteel completing a site inspection to see the site's topography would constitute such information. Chairman Oster stated that Mr. Bonesteel could coordinate with Mr. Holbriiter on when to walk the site. Chairman Oster also stated that it was a good idea for the Planning Board members to visit the site as well. Attorney Gilchrist stated that if Planning Board members were going to visit the site, then it must be three members or less at a time so there would not be a quorum. Member Mainello stated that Bill Bradley, from the Town Water Department, should look at the drainage plan as well. Mr. Hart asked what additional information the Planning Board needed. Mr. Bonesteel stated that since the subdivision plan had been updated, he must review the

new plan to make sure all necessary information is included. This matter is placed on the September 21, 2023 agenda for further deliberation.

There was no new business.

Mr. Golden discussed a series of self-storage units owned by Bolt Storage along NYS Route 2 in Clums Corners across from the Tamarac school. Mr. Golden stated that the owner was seeking a zoning amendment to the site and that some of the structures already on the site were not on the approved site plan.

The Planning Board then discussed two items of old business.

The first item of old business was a site plan application and special use permit application submitted by Lynn Currier for property located at 215 Oakwood Avenue. Mr. Golden stated that he had received written notice from the applicant stating that the application was being withdrawn.

The second item of old business was a waiver of subdivision application submitted by Charles Bulson for property located at 32 Indian Creek Road. Charles Bulson was present. Chairman Oster stated that he had received a letter from Mr. Bulson seeking action on the application, but that there was nothing for the Planning Board to do. Attorney Gilchrist noted that the June 2, 2022 Planning Board minutes reflect that the Planning Board could not act on the application so long as the Building Department's determination of zoning violations was in place and that the Building Department had determined that since there was a Stop Work Order was on the site, the Brunswick Zoning Law prohibited review of the application by the Planning Board, and the minutes specifically state that the matter was "adjourned without date pending the violation resulting in the Stop Work Order being addressed." Attorney Gilchrist stated that to his knowledge, the applicant had not contested or appealed the Building Department's determination, and that he was not aware of the Building Department reconsidering that determination. Mr. Bulson asked if

the Planning Board would respond in writing to his letter, which asked for a specific citation to support the Planning Board's position. Attorney Gilchrist reiterated that the Building Department had previously made its determination, concluding that the Planning Board could not act so long as the Stop Work Order was in place, that there was nothing new to address, and that the Planning Board's acknowledgment of receipt of the letter and its inability to act would be reflected in the meeting minutes.

The index for the September 7, 2023 regular meeting is currently as follows:

1. Maries Muse, LLC – site plan (September 21, 2023).
2. Golden Grain Pizza – site plan (September 21, 2023).
3. Golden – special use permit (October 5, 2023).
4. Hart – waiver of subdivision (September 21, 2023).
5. Bolt Storage.
6. Currier – site plan and special use permit (withdrawn).
7. Bulson – waiver of subdivision.

The proposed agenda for the September 21, 2023 regular meeting is currently as follows:

1. Hart – waiver of subdivision.
2. Maries Muse, LLC – site plan (tentative).
3. Golden Grain Pizza – site plan.

The proposed agenda for the October 5, 2023 regular meeting is as follows:

1. Golden – special use permit (public hearing to commence at 7:00pm).