

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 4, 2024

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

ABSENT were DONALD HENDERSON and ANDREW PETERSEN.

ALSO PRESENT were MICHAEL McDONALD, 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 21, 2024 regular meeting were reviewed. Chairman Oster noted that on page 3, line 6, “Chairperson Clemente” should be replaced by “Chairperson Stancliffe” both times. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the March 21, 2024 regular meeting were unanimously approved subject to the noted corrections.

The first item on the agenda was an application for a site plan amendment submitted by Park East Ventures, Inc. for property located at 1173 Hoosick Road, at the intersection with Brick Church Road. No one was present for the applicant. Chairman Oster stated that the Town had received an engineering review memorandum from Laberge Group dated April 1, 2024 and that the applicant was not in attendance due to needing additional time to review and respond to

the engineering comments. This matter is placed on the April 18, 2024 agenda for further deliberation.

The second item on the agenda was a site plan application submitted by Justin Haas for property located along NYS Route 7 and Carrolls Grove Road. No one was present for the applicant. Mr. Bonesteel stated that he had spoken to the project engineer, who was working on updating the plan to address comments from the Zoning Board of Appeals. Mr. Bonesteel also reported that the project engineer was not planning to finalize the project's stormwater design until the Zoning Board had acted on the application for area variances before the Board. Chairman Oster noted that the Planning Board could not act on the site plan application until the Zoning Board had acted on the application for area variances. This matter is tentatively placed on the April 18, 2024 agenda for further deliberation.

The third item on the agenda was a minor subdivision application submitted by Henry Reiser for property located on Tybush Lane (Tax Map No. 82.-2-12.2). Henry Reiser and John Tybush, the property owner, were present to review the application. Member Tarbox recused himself. Chairman Oster stated that the Planning Board had requested additional information on the locations of a well and septic system on the property. Mr. Reiser stated that the project's engineer had located the well and added it to the plat, which had been resubmitted. Mr. Bonesteel stated that the location of the well met the separations requirements. Mr. Bonesteel also stated that the application would need to be reviewed by the Rensselaer County Health Department if the project moved forward for well and septic approvals. Chairman Oster noted that the application was for a minor subdivision, that all requirements were on the plat, and asked if the entirety of the remaining 3.22-acre lot should also be shown on the plat. Mr. Bonesteel stated that the entirety of the remaining 3.22-acre lot should be added to the plat. The Planning

Board discussed the requirements for a minor subdivision plat. Mr. Reiser stated that he would have that area surveyed and added to the plat, which would be resubmitted. Member Stancliffe stated that “Stuart Palmer” was misspelled on the plat and needed to be corrected. Chairman Oster asked if the information currently before the Planning Board was adequate to schedule a public hearing. Attorney Gilchrist stated that the Planning Board could determine that it had enough information to schedule the public hearing, but that the Planning Board must have the updated plat before taking action. A public hearing on this application is scheduled for May 2, 2024 at 7:00pm.

Member Tarbox returned to the meeting.

The fourth item on the agenda was an application for a site plan amendment submitted by Nicole LaMora for property located at 1632 Hoosick Road, the Brunswick Veterinary Hospital. Paul Lubera, P.E., of Lansing Engineering, and Nicole LaMora were present to review the application. Mr. Lubera stated that the applicant was proposing to add 1,982 square feet to the existing building, resulting in a 5,466 square foot building, and adding 15 parking spots for a total of 41 parking spots. Member Tarbox asked if an Agricultural Data Statement was needed. Chairman Oster noted that one had been submitted with the application. Chairman Oster asked if New York State Department of Transportation (DOT) needed to be involved. Attorney Gilchrist stated that DOT did not need to be involved as a new curb cut was not being proposed. Chairman Oster asked if the application needed to be sent to the Rensselaer County Planning Department for review. Attorney Gilchrist stated that it did. Chairman Oster asked if the application had been submitted to the Fire Company. Mr. Lubera stated that it had not, but he would do so. Mr. Bonesteel asked about the stormwater plan. Mr. Lubera stated that he was doing supplemental stormwater calculations and would submit further stormwater information for review shortly.

Mr. Bonesteel asked about the size of the parcel. Mr. Lubera stated that the parcel was 9.66 acres. Mr. Bonesteel asked about exterior lighting. Mrs. LaMora stated that the lights are turned off when the animal hospital closes at 6:00pm, but that some staff sometimes stayed as late as 7:00pm, at which point the exterior lights would be turned off. Mr. Bonesteel stated that the submittal was complete and that he would complete review of the application upon receipt of the supplemental stormwater information. Chairman Oster reiterated that the application needed to be sent to the Center Brunswick Fire Company. Member Tarbox asked if a public hearing would be necessary. Attorney Gilchrist stated that whether a public hearing was held was at the discretion of the Planning Board. The Planning Board discussed whether a public hearing on the application was necessary, specifically if there was a substantial enough modification to the previously-approved site plan to warrant a public hearing. Chairman Oster stated that he did not believe a public hearing was necessary, and the other Planning Board agreed. This matter is tentatively placed on the April 18, 2024 agenda for further deliberation.

The fifth item on the agenda was an application for a special use permit amendment submitted by Zachary Froio for property located at 502 Pinewoods Avenue. Zachary Froio was present to review the application. Chairman Oster reviewed the history of the project, stating that a special use permit had been previously approved by the Planning Board for the retail sale of firearms at this location, subject to conditions; that the applicant used separate firearms stores to perform background checks on customers; that third-party firearms stores previously used for the background checks were now reluctant to do so; and that the applicant could not currently do background checks on his customers because a condition to the existing special use permit prohibited customers from coming to the applicant's property to pick up purchased firearms. Mr. Froio confirmed that new laws passed in New York were creating issues for his business.

Chairman Oster stated that firearm background check laws in New York State had recently changed so that NYS Police do background checks instead of the FBI. Mr. Froio confirmed that was the case, stating that he was no longer selling firearms to customers in New York due to his inability to get background checks completed, and that he was primarily selling firearms to customers in other states. Chairman Oster asked how many customers the applicant wanted to have at his house per day, noting that the application asked for one customer per week. Mr. Froio stated that he was seeking approval for one customer per week at his house, at which his business operates, and that he did not want excessive traffic at his house. Mr. Froio also stated that the customers potentially coming to his house to pick up purchased firearms would only be from New York, as the new laws did not affect sales to customers in other states. Chairman Oster stated that he wanted both the Planning Board and the applicant to be realistic concerning the growth of the applicant's business, that having one customer per week at his house to pick up a purchased firearm may not be enough to keep up with demand, and that he did not want the applicant to apply for another amendment to the special use permit in the near future if the current amendment is granted and one customer per week at his house was not enough. Mr. Froio stated that he understood, and that another recommended option from those with approvals to sell firearms from their homes was three customers per week, with no more than one customer per day. Chairman Oster stated that all people picking up firearms from his house would require a background check and a firearm permit, and that no customers could walk in off the street. Mr. Froio confirmed that background checks and permits would be required, that customers picking up firearms from his house would be by appointment only, and that the ATF monitors all his records to make sure he sells firearms only to qualified people. Chairman Oster asked the other Planning Board members if there was any opposition to amending the application to ask for three

customers per week, but no more than one customer per day, and the Planning Board members did not object. Member Stancliffe asked what hours of operation were set in the original approval for the special user permit. Mr. Bonesteel stated that 8:00am to 6:00pm Monday through Saturday were set as hours of operation as a condition on the approval of the special use permit. Member Tarbox asked if a Federal Firearms License (FFL) was required to sell firearms, and Mr. Froio confirmed that it was required. Member Tarbox asked if an FFL was required even to sell in New York, and Mr. Froio confirmed that it was required under New York law as well. Member Tarbox asked for clarification on background checks. Mr. Froio stated that background checks would be done through a New York State system, specifically by NYS Troopers. Member Tarbox asked Mr. Froio if he owned a gun safe. Mr. Froio confirmed that he owned a gun safe, which could hold 6-8 firearms. Member Tarbox asked Mr. Froio if he owned any guns himself. Mr. Froio confirmed that he owned 2 handguns. Member Tarbox asked Mr. Froio if he sold assault weapons. Mr. Froio stated that while his license allowed him to do so, he currently did not sell assault weapons. Mr. Froio also stated that his license allowed him to sell any firearms other than “destructive weapons,” which were any military-grade firearms. Member Tarbox asked if the NYS Police were required to inspect his house as part of the license. Mr. Froio stated that a federal inspection is currently required and that an inspection by the NYS Police would be required when he starts doing background checks on customers in New York. Chairman Oster asked if changing the number of customers that could pick up firearms from Mr. Froio’s house from one to three customers per week was the only change being made to the application. Mr. Froio confirmed that changing the number of customers picking up firearms from his house was the only change, and that all other conditions on the special use permit will remain in place and that he was in compliance with them. Chairman Oster noted that a public hearing had been held

on the original special use permit application, and asked whether a public hearing would be necessary on this application seeking an amendment. Attorney Gilchrist confirmed that a public hearing would be necessary. A public hearing on this application is scheduled for May 2, 2024 at 7:15pm, or as soon thereafter as may be heard.

The sixth item on the agenda was applications for special use permit and site plan submitted by Matopato, LLC for property located at 287 Oakwood Avenue. No one was present for the applicant. Mr. Bonesteel stated that the applicant had called him to say that he was still working with his engineer on documents related to the environmental condition of the proposed site. Chairman Oster stated that an issue that had been brought up at the previous meeting was that “outdoor storage and sales” was not defined in the Brunswick Zoning Law despite being listed on the Use Table within the Zoning Law, and asked if the Town Building Department had made a determination on whether the type of use proposed by the applicant was an allowable use on the site. Mr. McDonald stated that the Building Department had not made a determination. Attorney Gilchrist stated that the Planning Board should defer any further action on this matter until such time as the Building Department makes a determination. This matter is adjourned without date.

There was no new business to discuss.

The index for the April 4, 2024 regular meeting is as follows:

1. Park East Ventures – site plan amendment (April 18, 2024).
2. Haas – site plan (April 18, 2024).
3. Reiser – minor subdivision (May 2, 2024).
4. LaMora – site plan amendment (April 18, 2024).
5. Froio – special use permit amendment (May 2, 2024).
6. Matopato, LLC – special use permit and site plan (adjourned without date).

The proposed agenda for the April 18, 2024 regular meeting is as follows:

1. Park East Ventures – site plan amendment.
2. Haas – site plan (tentative).
3. LaMora – site plan amendment (tentative).
4. Maries Muse, LLC – site plan.

The proposed agenda for the May 2, 2024 regular meeting is as follows:

1. Reiser – minor subdivision (public hearing to commence at 7:00pm).
2. Froio – special use permit amendment (public hearing to commence at 7:15pm).