

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 15, 2018**

PRESENT were RUSSEL OSTER, CHAIRMAN, LINDA STANCLIFFE, DAVID TARBOX, DONALD HENDERSON, and TIMOTHY CASEY.

ABSENT was KEVIN MAINELLO.

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

Chairman Oster reviewed the agenda as posted on the Town website and Town signboard.

The Planning Board members reviewed the draft minutes of the November 1, 2018 meeting. Upon motion of Member Henderson, seconded by Member Stancliffe, the draft minutes of the November 1, 2018 meeting were unanimously approved without amendment.

Chairman Oster stated that the site plan application submitted by St. Peter's Health Partners would be entertained first. Paul Engster, owner of the Johnston Associates section of the Walmart Plaza, was present. Chairman Oster noted for the record that the recommendation of the Rensselaer County Planning Department had been received on this action, indicating that this action did not conflict with any County plans and that local consideration shall prevail. Chairman Oster also noted that written comments had been received from the Brunswick No. 1 Fire Department dated November 12, 2018. Chairman Oster reviewed the comments of the Fire Department, and Mr. Engster stated he had no objection to any of those comments. Mr. Engster then discussed the issue of parking in the Walmart Plaza. Mr. Engster stated that while he was

negotiating the lease with St. Peter's Health Partners, he understood that St. Peter's was looking to designate specific parking spaces for St. Peter's as well as include additional handicap parking. However, Mr. Engster stated that St. Peter's had advanced the site plan to the Planning Board without Mr. Engster having finalized the parking plan or having had the opportunity to review the plan with his existing tenants. Mr. Engster explained that he has no objection to the designated parking spaces for St. Peter's and the additional handicap parking spaces, and has now had a chance to review that plan with his existing tenants. Mr. Engster then discussed the history of the parking space plans for the Walmart Plaza, starting with the original approval in 1995–1996. Mr. Engster explained that his engineer in 1995 had prepared one site plan for the entire Walmart Plaza, and had calculated total parking spaces for the entire plaza, including both the Walmart side of the plaza as well as the Johnston Associates side of the plaza. Mr. Engster stated that thereafter, there had been a number of site plan amendments, including a 2009 site plan amendment adding the drive-thru and related facilities for the Trustco Bank, and the 2012 site plan amendment for the construction of the utility garage behind the existing buildings on the Johnston Associates side of the plaza. Mr. Engster stated that in connection with both the 2009 and the 2012 site plan amendments, the parking plan had included only the Johnston Associates side of the plaza. Mr. Engster stated that Member Mainello had previously requested a layout of all of the parking spaces for the entire plaza as part of the 2012 site plan amendment, including parking for the Walmart side of the plaza and the Johnston Associates side of the plaza. Mr. Engster stated that he had not completed the submission of that overall parking plan, but is willing to have that completed now. Mr. Engster stated that in connection with the Walmart expansion project, both the Town Board and the Planning Board had approved the PDD amendment and site plan amendment showing both parking and greenspace calculations for only the Walmart side of the plaza. Mr. Engster stated

that he is willing to submit a plan showing the overall parking spaces for the plaza, including the Walmart side and the Johnston Associates side, but was inquiring of the Planning Board what it would be requesting now. Chairman Oster called on Mr. Bonesteel. Mr. Bonesteel stated that the Planning Board had previously wanted parking to be shown for the entire plaza to determine the adequacy of parking for the overall plaza, particularly in relation to the four additional handicap spaces and designated parking spaces for St. Peter's. The Planning Board members and Mr. Engster then had extended discussion concerning the approval history for the plaza, including the Walmart side of the plaza and the Johnston Associates side of the plaza, and ultimately determined that the Planning Board was prepared to act on this site plan amendment subject to the requirement of the submission of a parking plan for the full plaza, including both the Walmart side of the plaza and the Johnston Associates side of the plaza. Mr. Engster did not have any objection to that approach. The Planning Board then proceeded to review the Environmental Assessment Form and act under SEQRA. A motion was made to adopt a negative declaration under SEQRA by Member Stancliffe, which was seconded by Member Casey. The motion was unanimously approved, and a SEQRA negative declaration adopted. Attorney Gilchrist noted that the County recommendation had been received in compliance with the New York General Municipal Law. The Planning Board then discussed action on the amendment to the site plan to allow for the St. Peter's Health Partner's rehabilitation facility. Member Casey made a motion to approve the amendment to the site plan, subject to the condition that a full parking plan must be submitted for the entire Walmart Plaza, including both the Walmart side and the Johnston Associates side of the plaza, which would depict the designated St. Peter's Health Partners parking spaces and additional handicap spaces consistent with the site plan submittal, and also subject to compliance with the comments set forth in the letter of the Brunswick No. 1 Fire Department dated November 12, 2018. Member Tarbox

seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan amendment providing for the St. Peter's Health Partners rehabilitation facility approved subject to the stated conditions.

The next item of business on the agenda was the site plan and special use permit application submitted by Stewart's Shops for property located at 10 Sweetmilk Creek Road. Member Stancliffe recused herself from consideration of the application. Travis Rosencranse, of Creighton Manning, engineers for the applicant, was present and stated that the applicant was seeking final approval for the project, and that nothing had changed since the last plan submittals, that the use is allowed under the Brunswick Zoning Law, and that no variances are being sought in connection with the project. Chairman Oster asked whether any of the Planning Board members had questions for Mr. Rosencranse or the applicant. The Planning Board members had no further questions on the application. Thereupon, Mr. Bonesteel reviewed the Environmental Assessment Form Parts 2 and 3 with the Planning Board members. The Planning Board members had comments concerning snow storage, the lighting plan, traffic issues, historic structure issues, and general character of the area. These matters were reviewed and discussed in relation to Part 2 of the Environmental Assessment Form. In reviewing Part 3 with the Planning Board members, Mr. Bonesteel stated that the recommendation is for the Board to adopt a SEQRA negative declaration on this action. The members of the Planning Board reviewed Part 3 of the Environmental Assessment Form, and concurred that a SEQRA negative declaration is appropriate given the SEQRA record and application materials. Member Henderson made a motion to adopt a negative declaration under SEQRA for this action, which motion was seconded by Member Casey. The motion was unanimously approved, and a SEQRA negative declaration adopted. It is noted for the record that Parts 2 and 3 of the Environmental Assessment Form for this action are included in the application

record as discussed by Mr. Bonesteel and the Planning Board members. Thereupon, the Planning Board members reviewed a proposed resolution to approve the special use permit and site plan application, subject to identified conditions. Upon review of the resolution, the resolution was offered by Member Tarbox and seconded by Member Henderson and upon a roll call vote, the resolution was unanimously approved, resulting in the approval of the special use permit and site plan application for this project, subject to the conditions stated in the approval resolution. A full copy of the Planning Board resolution concerning this action is attached to these minutes.

Member Stancliffe returned to the Planning Board meeting.

Two items of new business were discussed.

A waiver of subdivision application has been submitted by Robert Irwin for property located on Menemsha Lane. Rod Michael of RDM Surveying was present for the applicant. Mr. Michael explained that Mr. Irwin is seeking to divide 10.12 acres from his existing parcel on Menemsha Lane for transfer to an adjacent property owner for the purpose of acquiring additional land to act as a buffer. Mr. Michael stated that the application is in the nature of a lot line adjustment. Member Henderson had a question concerning item 12(b) on the Environmental Assessment Form in terms of the site containing an archeological sensitive area. Mr. Michael explained that the form is completed through the DEC website, and that the maps on file at DEC indicated that an archeological sensitive area was located in the immediate area of the property, but provided no further information as to what the archeological importance was. Mr. Michael stated that this property has a fairly significant slope, is currently being used for agriculture (hay), and that there is nothing in the field to indicate a building or structure of any archeological significance. Mr. Bonesteel stated that there may have been some archeological assessment in the area that triggered the response in the Environmental Assessment Form, which could be on this

particular property or could be off this particular property but located in the general area. Chairman Oster asked whether a lot line adjustment would result in any impact to archeological items, since no construction is being proposed and the area will remain vacant and used as a buffer. Mr. Bonesteel stated that since there was no proposed action for the parcel, there would be no impact to archeological items. Mr. Michael repeated that the land was very steep, probably greater than 10% slope, and that any construction on the property was unlikely given the topography. It is noted that the property is located in an agricultural district, and an agricultural data statement has been filed with the application. Attorney Gilchrist stated that the agricultural data statement must be sent to the owners of the agricultural properties, and that this needed to be completed before the Board could act on the application. Chairman Oster asked whether the Planning Board members had any further questions or comments on the application. There were no other questions. Chairman Oster stated that the agricultural data statement will be sent to the owners of the agricultural properties, and that this matter is placed on the December 6 agenda for action.

The second item of new business discussed was a waiver of subdivision application submitted by Barry Thompson for property located at 383 North Lake Avenue. Mark Danskin, land surveyor, was present for the applicant. Mr. Danskin reviewed the proposal, by which the property owner seeks to divide an approximate 3-acre lot for building purposes to be located on the corner of North Lake Avenue and Woodlawn Court. The property is located in the R-25 Zoning District, has available municipal water connection, and a conventional septic system would be pursued for the property. Mr. Danskin explained he had been in contact with Rensselaer County, and that the E911 address for the proposed lot will be 117 Woodlawn Court. Mr. Danskin stated that the proposed new building lot will be a corner lot, and that his submitted waiver map shows a building envelope on the proposed lot in compliance with the setback requirements under the

Brunswick Zoning Law. Mr. Bonesteel reviewed the map, noting that the driveway would be required off Woodlawn Court since there is limited sight distance for this lot on North Lake Avenue. Mr. Bonesteel also confirmed that municipal water is available. Both Mr. Bonesteel and the Planning Board members discussed the topography of the site, available locations for the septic system, as well as the location of public water connection. The Planning Board members had no further questions. Chairman Oster inquired whether the Board was prepared to act on the application. The Board indicated that it saw no issues with moving forward, and thereupon Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Henderson. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Casey then made a motion to approve the waiver of subdivision subject to the conditions that the driveway for this building lot must be located on Woodlawn Court, and subject to Rensselaer County Health Department approval for a septic system. Member Stancliffe seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision approved subject to the stated conditions.

The index for the November 15, 2018 meeting is as follows:

1. St. Peter's Health Partners - Site plan amendment - Approved with conditions;
2. Stewart's Shops - Special use permit and site plan - Approved with conditions;
3. Irwin - Waiver of subdivision - 12/6/2018;
4. Thompson - Waiver of subdivision - Approved with conditions.

The proposed agenda for the December 6, 2018 meeting at 7:00pm currently is as follows:

1. DuJack - Minor subdivision (public hearing to commence at 7:00pm);
2. Irwin - Waiver of subdivision;
3. Leon - SEQRA scoping document.

**TOWN OF BRUNSWICK PLANNING BOARD  
REGULAR MEETING**

**November 15, 2018**

**RESOLUTION GRANTING SPECIAL USE PERMIT  
AND SITE PLAN APPROVAL**

**WHEREAS**, the Planning Board of the Town of Brunswick (“Planning Board”) received an application for site plan approval dated October 18, 2016 from Stewart’s Shops (“Applicant”) seeking approval for the construction of a 3675 square foot Stewart’s Shop convenience store with gas pumps, canopy, vehicular access and parking at 1001 Hoosick Road (NYS Route 7), and also proposing construction of a two-way center turn lane on NYS Route 7; and

**WHEREAS**, Applicant filed an Environmental Assessment Form with such application pursuant to the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, such application came before the Planning Board on November 3, 2016 for initial presentation and review; and

**WHEREAS**, the application was next considered by the Planning Board on December 1, 2016, at which meeting the issue of traffic and the proposed traffic improvement plan was discussed, among others; and

**WHEREAS**, Applicant reviewed its traffic improvement plan, which was undergoing review by the New York State Department of Transportation (“NYSDOT”), which agency has primary jurisdiction over NYS Route 7; and

**WHEREAS**, the application was next considered by the Planning Board on December 15, 2016, at which meeting the issue of the proposal for the existing house and barn located at 1001 Hoosick Road was discussed as well as options for expansion of the Stewart’s Shop at its existing location on Hoosick Road, among others; and

**WHEREAS**, Applicant reviewed its efforts to coordinate with the New York State Office of Parks, Recreation and Historic Preservation (“SHPO”) concerning the house and barn on the project site; and

**WHEREAS**, the application was further considered by the Planning Board on January 5, 2017; and

**WHEREAS**, following referral of the site plan application by the Planning Board pursuant to the New York General Municipal Law, the recommendation of the Rensselaer County Department of Economic Development and Planning dated January 5, 2017 was received by the Planning Board; and

**WHEREAS**, such County recommendation stated that the proposal does not have a



major impact on County plans and that local consideration shall prevail, and also provided comments for consideration; and

**WHEREAS**, on January 9, 2017, SHPO determined that the house, barn, and also a shed located on the project site, which were proposed for demolition in connection with the project, were eligible for listing on the State and National Registers of Historic Places, and required the preparation of an alternatives analysis; and

**WHEREAS**, Applicant undertook preparation of such an alternatives analysis, ultimately submitting that analysis to SHPO on March 24, 2017; and

**WHEREAS**, the Planning Board further considered the application at its meeting held on January 19, 2017; and

**WHEREAS**, the Planning Board engineer thereafter prepared a review memorandum dated January 30, 2017 concerning the application submittals; and

**WHEREAS**, the Planning Board further considered the application at its meeting held February 2, 2017, with updates from the Applicant on the review of the septic plan by the Rensselaer County Department of Health, the alternatives analysis as required by SHPO concerning the existing structures on the project site including options to relocate those structures, status of NYSDOT review of the traffic improvement plan, and response to the Planning Board engineer's comments; and

**WHEREAS**, comments were received from NYSDOT on or about February 15, 2017 concerning the proposed traffic improvement plan for NYS Route 7, including a two-way center turn lane and road widening; and

**WHEREAS**, Applicant prepared and submitted to NYSDOT a response to comments concerning such traffic improvement plan; and

**WHEREAS**, SHPO thereafter, through correspondence dated May 3, 2017, determined that demolition of the existing structures located on the project site was allowed, subject to mitigation measures set forth in the SHPO May 3, 2017 correspondence; and

**WHEREAS**, the Planning Board thereafter further reviewed the application at its meeting of July 20, 2017, and then determining to open its public hearing on the site plan; and

**WHEREAS**, the Planning Board opened a public hearing on the site plan application on August 3, 2017 upon due notice and publication; and

**WHEREAS**, such public hearing was left open and thereafter continued upon due notice and publication at the Planning Board meeting held August 17, 2017; and

**WHEREAS**, under the Brunswick Zoning Law enacted and effective June 27, 2017, a

special use permit is also required for the proposed convenience store-retail in the applicable zoning district, and the Applicant filed an application for a special use permit for the proposed convenience store-retail, which was accepted and considered by the Planning Board at its August 17, 2017 meeting; and

**WHEREAS**, the Planning Board determined to continue the public hearing on the site plan application and to open its public hearing on the special use permit application at its meeting to be held September 7, 2017; and

**WHEREAS**, upon due notice and publication, the Planning Board continued the public hearing on the site plan application and held its public hearing on the special use permit application at its September 7, 2017 meeting; and

**WHEREAS**, the Planning Board closed the public hearings on such applications at its September 7, 2017 meeting; and

**WHEREAS**, the Planning Board directed the Applicant to respond to all public comments received on such pending applications, both during the public hearing and in written submissions; and

**WHEREAS**, upon referral of the special use permit application pursuant to the New York General Municipal Law, the Rensselaer County Department of Economic Development and Planning provided its recommendation to the Planning Board; and

**WHEREAS**, such County recommendation as revised (9/14/17) provided that the proposal does not have a major impact on County plans and that local consideration shall prevail, and provided comments for consideration; and

**WHEREAS**, following the close of the public hearings on the special use permit and site plan applications, the Applicant consented on the record to an extension of the time period in which the Planning Board must make a decision on such applications; and

**WHEREAS**, the Planning Board continued its review of these pending applications at meetings held September 21, October 5, and October 19, 2017; and

**WHEREAS**, the Applicant continued to work with NYSDOT on its proposed traffic improvement plan, and proposed an asymmetrical widening of NYS Route 7 to provide for activities only on the northern side of the right-of-way, without any work proposed for the southern side of NYS Route 7; and

**WHEREAS**, on July 12, 2018, NYSDOT provided concept plan approval for the proposed asymmetrical road widening plan and construction of a two-way center turn lane on NYS Route 7; and

**WHEREAS**, the Applicant thereafter prepared a written response to all public comments

received (during the public hearings and in written submissions) and also comments of the Planning Board, dated July 20, 2018; and

**WHEREAS**, the Planning Board thereafter continued its review of the applications at its meeting held August 16, 2018; and

**WHEREAS**, through correspondence dated August 31, 2018, the Rensselaer County Bureau of Research and Information Services assigned a revised E911 address for the project parcel, now identifying the address as 10 Sweetmilk Creek Road; and

**WHEREAS**, the Planning Board engineer prepared a final review memorandum dated September 13, 2018 concerning all application submittals; and

**WHEREAS**, the Applicant responded to such engineering review memorandum through correspondence dated September 14, 2018; and

**WHEREAS**, comments of the Center Brunswick Volunteer Fire Company were received and considered, including discussion with the Chief of such Fire Company at the Planning Board meeting held September 20, 2018; and

**WHEREAS**, the Planning Board further deliberated on the applications at its September 20, 2018 meeting; and

**WHEREAS**, NYSDOT confirmed through written correspondence that it has approved the conceptual design for the asymmetrical road widening on NYS Route 7 for this project, and NYSDOT does not anticipate that any comments on the advanced detail plan submission will have a major effect on the current site design; and

**WHEREAS**, Planning Board finds that NYSDOT has approved the traffic impact mitigation plan for this project through the asymmetrical road widening of NYS Route 7, and further finds that NYSDOT has fully considered compliance with traffic engineering and safety protocols; and

**WHEREAS**, the Planning Board further deliberated on the application at its meetings held October 4, 2018 and November 15, 2018; and

**WHEREAS**, upon due deliberation, the Planning Board adopted a Negative Declaration under SEQRA for this action on November 15, 2018; and

**WHEREAS**, following consideration of all application materials, public comments, County comments, and coordination with applicable State agencies, and following due deliberation; and upon finding that all engineering comments, public comments, Planning Board comments, SHPO comments, NYSDOT comments, fire department comments, County comments, and Town Water Department comments have been addressed by the Applicant, the Planning Board makes the following determination;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of

Brunswick in regular session duly convened as follows:

1. The Planning Board finds that the site plan and special use permit applications and supporting materials, including review actions by NYSDOT, NYS OPRHP, NYSDEC, Rensselaer County Health Department, and the Rensselaer County Planning Department, address and satisfy the review standards and considerations set forth in the Brunswick Zoning Law Sections 160-58(A) and 160-65.
2. The site plan and special use permit applications submitted by Stewart's Shops as described herein for the parcel located at 10 Sweetmilk Creek Road are APPROVED, subject to the following conditions:
  - a. Filing of a Notice of Intent to comply with the NYSDEC General Permit for Stormwater Discharges Associated with Construction Activities, and compliance with the SWPPP for the project;
  - b. NYSDOT work permit and curb cut permit for all work on and within the NYSDOT Route 7 right-of-way, and compliance with all requirements of the NYSDOT approval of the asymmetrical road widening project for NYS Route 7 as a traffic mitigation plan for this action;
  - c. Compliance with terms and conditions of May 3, 2017 letter from the New York State Office of Parks, Recreation and Historic Preservation, and filing of the fully executed Letter of Resolution among NYS OPRHP, NYSDEC, and Stewart's Shops (16 PR 07848);
  - d. Compliance with Brunswick Sign Law or submission of variance application to Town of Brunswick Zoning Board of Appeals;
  - e. Compliance with project landscaping plan;
  - f. Compliance with project lighting plan;
  - g. Rensselaer County Department of Health approval of septic plan;
  - h. Coordination with Town of Brunswick Water Department, and subject to any final comments of Brunswick Water Department on public water connections;
  - i. Installation of waterline to Howe property and coordination with Brunswick Water Department on such waterline;
  - j. Driveway and work permit from Town of Brunswick Highway Department for work on Sweetmilk Creek Road;
  - k. Installation of new sign on NYS Route 7 prohibiting blocking of Sweetmilk

Creek Road, and maintenance of elevation of vegetation along front of site adjacent to NYS Route 7 to allow visibility of such sign;

- l. Sidewalk maintenance agreement by and between Stewart's Shops and the Town of Brunswick requiring Stewart's Shops to maintain the sidewalk on and along Sweetmilk Creek Road, including snow and ice removal; and
- m. No Certificate of Occupancy shall be issued until all required highway improvements to Hoosick Road are completed and accepted by NYSDOT.

The foregoing Resolution, offered by Member Tarbox and seconded by Member Henderson, was duly put to a roll call vote as follows:

<b>PLANNING BOARD CHAIRMAN OSTER</b>	<b>VOTING</b> <u>    aye    </u>
<b>MEMBER HENDERSON</b>	<b>VOTING</b> <u>    aye    </u>
<b>MEMBER CASEY</b>	<b>VOTING</b> <u>    aye    </u>
<b>MEMBER TARBOX</b>	<b>VOTING</b> <u>    aye    </u>
<b>MEMBER STANCLIFFE</b>	<b>VOTING</b> <u>  recused  </u>
<b>MEMBER MAINELLO</b>	<b>VOTING</b> <u>  absent   </u>

The foregoing Resolution was thereupon declared duly adopted.

November 15, 2018