

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 17, 2025

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

ALSO PRESENT were WENDY KNEER and KEVIN MAINELLO, Brunswick Building Department, and the Planning Board's engineering review consultant.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The draft minutes of the April 3, 2025 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the April 3, 2025 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was the Colton Ridge major subdivision application submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue and Creek Road. Chairman Oster stated that this matter had been tabled prior to the meeting. This matter is tentatively placed on the May 1, 2025 agenda for further deliberation.

The second item of business on the agenda was a waiver of subdivision application submitted by CDP Hills, LLC & Wolf Hills Ranch, LLC for property located at 110 Lord Avenue. Lucas Richardson, PLS, from Environmental Design Partnership, was present to review the

application. Mr. Richardson stated that since the last meeting, the applicants had spoken to adjacent property owner Dennis Bailey as the Planning Board had requested, that the application had been modified based on that conversation, and that the applicants were now proposing a lot line adjustment resulting in 0.31 acres being transferred to Mr. Bailey's parcel, 1.14 acres of vacant land being transferred to the applicants, and the remaining lands staying with Mary and Carl Stowell. Mr. Richardson stated that 0.31 acres was being transferred to Mr. Bailey to rectify a potential encroachment issue. Mr. Richardson also stated that the PVC pipe on the site was further investigated as Mr. Bonesteel had requested at the last meeting, that the pipe was not connected to anything, and that the Stowells had removed it. Chairman Oster asked Mr. Richardson to review the new plat showing the revised lot lines. Mr. Richardson reviewed the new site plat, showing the parcel on one side of Lord Avenue owned by Mary and Carl Stowell, the 1.14 acres on the other side of Lord Avenue that is being conveyed to the applicants, and the 0.31 acres being transferred to Dennis Bailey. Member Henderson noted that it had been suggested at the last meeting that an existing temporary structure may need to be removed due to the lot line adjustment and asked if that was still the case. Mr. Richardson stated that the conveying of 0.31 acres to Dennis Bailey rectified the potential setback issue and that the temporary structure would not be removed. Chairman Oster noted that the Town Building Department had determined that there were no setback issues with the current proposal. Member Czornyj asked if the parcel being conveyed to the applicants was being proposed for use in a previous Planned Development District (PDD). Mr. Richardson stated that the parcel would not be merged into the applicant's property that had been included in a PDD, and that there was no current plan to develop the parcel. Member Czornyj asked if Belair Lane was proposed to be used as the primary road for the parcel owned by the applicants. Mr. Richardson stated that it would not be the primary road for the parcel. Attorney

Gilchrist noted that an Agricultural Data Statement had been submitted by the applicants. There were no engineering comments on the application from the Planning Board's consultant. Member Stancliffe made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Henderson. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked if there should be any conditions for the Planning Board to consider on the application. Attorney Gilchrist stated that the Planning Board should consider two conditions: that the 0.31-acre parcel be merged into the lot owned by Dennis Bailey and a merger deed be filed with the Town Building Department, and that the applicants obtain approval from the Rensselaer County Health Department before a building permit is issued for the parcel owned by the applicants should the applicants ever decide to build on it. Member Krieger made a motion to approve the waiver of subdivision application subject to the stated conditions, which was seconded by Member Tarbox. The Planning Board voted unanimously to approve the waiver of subdivision subject to the stated conditions.

The third item of business on the agenda was a waiver of subdivision application submitted by Mary McCarthy Gardam for property located at 13 Joy Lane. Nick Costa, of Advance Engineering & Surveying, and Mary McCarthy Gardam were present to review the application. Member Stancliffe recused herself. Mr. Costa stated that the applicant was proposing a lot line adjustment; that the applicant owned two adjacent lots with a garage built on the lot line between, which the Town allowed as long as the applicant owned both lots; and that the applicant was currently in the process of selling one of the parcels, and that the lot line adjustment was to rectify the garage sitting on the lot line. Mr. Costa also stated that an Agricultural Data Statement had been submitted. There were no questions from the Planning Board. There were no engineering comments on the application from the Planning Board's consultant. Chairman Oster stated that the

application was simply correcting the lot line to address the garage location and meet all setback requirements. Member Henderson made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster stated that there were no conditions for the Planning Board to consider on the application. Member Czornyj 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.

Member Stancliffe returned to the meeting.

The fourth item of business on the agenda was a waiver of subdivision application submitted by Henry Reiser for property located at 52 Plante Lane. Henry Reiser was present to review the application. Mr. Reiser stated that he was proposing a lot line adjustment to transfer approximately 5 acres from Reiser Rock Farms to Lot 9 of the adjacent Grey Ledge Subdivision. Mr. Reiser stated that Lot 9 would use a private road for access, and that the issue raised at the last Planning Board meeting was Fire Code compliance for the road used by five lots, including Lot 9. Mr. Reiser also stated that he was simultaneously proposing a note to the plat concerning Lot 4 of the Grey Ledge Subdivision, stating that if the current or future owner of Lot 4 ever seeks a building permit, then the owner must improve the private road according to NYS Fire Code requirements at that time. Member Stancliffe asked about the driveway from the private road to the expanded area proposed for Lot 9. Mr. Reiser stated that there was an easement over Lot 4 for the driveway to Lot 9. Member Henderson asked how long the driveway off the private road to Lot 9 was. Mr. Reiser stated that the driveway was about 450 feet long. Chairman Oster asked if Reiser Rock Lane was a Town road. Mr. Reiser stated that it was a private road. The Planning Board discussed access to a public road for Lot 4, as well as the plat note concerning compliance

with the NYS Fire Code. Member Tarbox asked how many lots would be required for the private driveway to become a Town road. Mr. Reiser stated that he would need to return to the Planning Board if he wanted to add any more lots. Member Czornyj asked Mr. Reiser to review the proposed lot line adjustment, as he was not present at the last meeting, and Mr. Reiser did so. Member Henderson again asked about the length of the driveway. Mr. Reiser corrected himself, stating that the private roadway to Lot 9 is about 500 feet long, not 450 feet long as he previously stated. Mr. Reiser also stated that if it was over 500 feet long, a turn off would be required, but if the driveway was 20 feet wide, then no turn off would be required. Member Tarbox stated that he was uncomfortable with five houses using one gravel road. Mr. Reiser confirmed that the private road would comply with the NYS Fire Code. The Planning Board further discussed the private road maintenance agreement, and the rights and obligations for the road. Attorney Gilchrist stated that it appeared that the initial application was for a lot line adjustment, but that Mr. Reiser was also subsequently proposing adding amendments to the Grey Ledge Subdivision plat. Attorney Gilchrist stated that the Planning Board should require the proposed amendment to the existing minor subdivision plat to show the lot line change for Lot 9, the new property owner for Lot 4, and a note concerning NYS Fire Code compliance, and that a new plat and new application form would be required. Attorney Gilchrist stated that he and Mr. Bonesteel would review the revised plat and note when it was submitted. This matter is placed on the May 1, 2025 agenda for further deliberation.

The fifth item of business on the agenda was the applications for waiver of subdivision, site plan, and a special use permit submitted by CVE North America, Inc. for property located at 511 McChesney Avenue Extension. David Froelich, Director of Development at CVE North America, was present to review the applications. Mr. Froelich stated that the applicant had

responded to comments from Mr. Bonesteel and was seeking a State Environmental Quality Review Act (SEQRA) determination on the project. Chairman Oster stated that additional visual assessment information, a stormwater pollution prevention plan (SWPPP), sight distance assessment, and updated plans had been received by the Planning Board. The Planning Board's engineering review consultant stated that there were no additional engineering comments on the application at this time. Chairman Oster stated that National grid had recently begun doing upgrades to utility poles along McChesney Avenue, and asked Mr. Froelich if those upgrades were connected to the current project. Mr. Froelich stated that he was not aware of the work National Grid was doing and that the upgrades were not connected to the CVE project. Chairman Oster noted that approximately 16,000 solar panels were proposed for the project and asked if the applicant had already bought them. Mr. Froelich confirmed that approximately 16,000 panels were proposed, and stated that the panels had not yet been purchased. Mr. Froelich stated that the panels would be purchased from an overseas manufacturer, but that they would not be purchased from a company in China. Chairman Oster asked if the recently proposed international tariffs would affect the project, and Mr. Froelich stated that they would. Member Stancliffe asked about the visual assessment, specifically how many years until the proposed tree plantings reached maturity. Mr. Froelich stated that the tree plantings would not reach maturity for about five years. Member Stancliffe stated the visual assessment claimed that existing vegetation would prevent visual impact from the project, but that the pictures of the sites were during leaf-on conditions, and questioned whether that existing vegetation would provide adequate screening for the project during leaf-off conditions. Member Stancliffe concluded that clarification was needed for the visual assessment. Member Tarbox stated that there was a clear line-of-sight from the project site to a house on Creek Road. Member Henderson noted that the location proposed for the project was

one of the most prominent in Brunswick due to its location. Mr. Froelich stated that the applicant had responded to all prior comments and done visual assessment of all vantage points requested by the Planning Board, that there is no visual impact from the project at many of the vantage points analyzed, and that it is hard to do visual analysis from every single location in a municipality. Member Henderson then made a motion for a positive declaration under SEQRA on the project. Attorney Gilchrist reviewed the procedure for SEQRA review, specifically that Parts 2 and 3 of the Full Environmental Assessment Form (EAF) needed to be reviewed by the Planning Board to make a determination of environmental significance, which had not yet been done. Attorney Gilchrist advised the Planning Board to wait until Mr. Bonesteel had drafted Parts 2 and 3 of the EAF and reviewed them with the Board before making a determination. Member Henderson withdrew the motion for a positive declaration under SEQRA and the Planning Board agreed to wait until it had reviewed Parts 2 and 3 of the EAF with Mr. Bonesteel to make a SEQRA determination. Chairman Oster directed that Mr. Bonesteel start his SEQRA review of the project and draft Parts 2 and 3 of the EAF. Member Tarbox stated that National Grid was installing new utility poles along Moonlawn Road and that workers stated that the work was in connection with the CVE project. Mr. Froelich stated that any work being done on Moonlawn Road was not in connection with a CVE project. This matter is tentatively placed on the May 1, 2025 agenda for further deliberation.

The Planning Board discussed one item of new business.

The one item of new business was a site plan application submitted by Paul Engster for property located at 740 Hoosick Road. No one was present for the applicant. Chairman Oster reviewed the application documents, stating that the applicant was proposing concrete pads for two new dumpster locations at the Walmart Plaza. Chairman Oster noted for the record that a letter

had been submitted by James Murray dated April 17, 2025 concerning the two new dumpsters, which were already on the site. Member Stancliffe asked if the Town Code required an enclosure around dumpsters. Mr. Mainello stated that enclosures around dumpsters were not required. The Planning Board reviewed the application and the site, noting that there were two existing dumpsters for the entire Walmart Plaza, two recently added dumpsters for the Wingstop in the Plaza, and that the concrete pad would be for the two dumpsters for the Wingstop. Chairman Oster asked if there were any requirements in the Town Code for drainage containment within the concrete pad. Mr. Mainello stated that drainage containment for the concrete pad was not required. Mr. Mainello also noted that the four existing dumpsters were currently locked. This matter is placed on the May 1, 2025 agenda for further deliberation.

There was no old business to discuss.

The index for the April 17, 2025 regular meeting is as follows:

1. Paramount Building Group – major subdivision (May 1, 2025).
2. CDP Hills, LLC – waiver of subdivision (approved subject to conditions).
3. Gardam – waiver of subdivision (approved).
4. Reiser – waiver of subdivision (May 1, 2025).
5. CVE North America – waiver of subdivision, site plan, and special use permit (May 1, 2025).
6. Engster – site plan (May 1, 2025).

The proposed agenda for the May 1, 2025 regular meeting is as follows:

1. Paramount Building Group – major subdivision (tentative).
2. Reiser – waiver of subdivision.
3. CVE North America – waiver of subdivision, site plan, and special use permit (tentative).
4. Maries Muse, LLC – site plan, minor subdivision, special use permit.
5. Murley – site plan (tentative).
6. Engster – site plan.