

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 1, 2025

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, LINDA STANCLIFFE, DAVID TARBOX and MICHAEL CZORNYJ.

ABSENT were J. EMIL KREIGER and ANDREW PETERSEN.

ALSO PRESENT were WENDY KNEER and KEVIN MAINELLO, 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 April 17, 2025 regular meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Stancliffe, the draft minutes of the April 17, 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. Matt Bond, P.E., of Hart Engineering, and T.J. Ruane, Esq., were present to review the application. Chairman Oster stated that the applicant had submitted a Full Environmental Assessment Form (EAF), which included the NYS Department of Environmental Conservation (DEC) request for a construction exemption, on April 29. Mr. Bonesteel stated that he had reviewed the Full EAF and that it included the additional requested information on the amount of material proposed to be excavated. Mr. Bond provided a technical

update on the project, stating that the applicant had received technical comments on the project's septic plan, that the plans were currently being updated to address those comments, and that the applicant was working on the water district and drainage district requirements for the project. Mr. Bond also stated that the applicant was addressing comments on the stormwater pollution prevention plan (SWPPP) and subdivision plat based on Mr. Bonesteel's review and comments. Chairman Oster asked if the removal of 400,000 cubic yards of material, which was reported at the last meeting, was accurate. Mr. Bond confirmed that approximately 400,000 cubic yards of material was proposed to be removed, and generally discussed the proposed grading of the site. Member Henderson asked if the 400,000 cubic yards of material would be removed from of site or partially/entirely moved around on the site. Mr. Bond stated that the 400,000 cubic yards of material would be removed, and that the applicant would also be bringing in fill to the site during construction. Member Henderson asked what the truck route for soil removal would be. Mr. Bond stated that the truck route had not been finalized yet, but would potentially use Spring Avenue to get to NYS Route 355. Member Henderson asked where the material would be disposed of. Mr. Bond stated that where the material would go had not been determined yet, but that the applicant was looking to deposit the material locally, and to identify a local contractor to exchange some or all of the material for site work. Mr. Bonesteel stated that Creek Road has a weight limit, so the applicant would need to obtain an overweight permit from Rensselaer County if vehicles were to travel on the road to and from the site. Member Czornyj questioned the proposed grade of the subdivision road, specifically if it would be above Creek Road. Mr. Bond stated that there would be a negative pitch for 150 feet, then an increase in elevation, and that the project site would ultimately be at a higher elevation than Creek Road. Member Henderson stated that the applicant would need to regularly sweep Creek Road. Mr. Bond stated that he was aware, and that it was

mentioned in the SWPPP. Member Tarbox asked if the tree line on the site could be pointed out. Mr. Bond noted that the tree line was not marked on the site map, then identified the location. Chairman Oster asked when NYS Department of Transportation (DOT) would get involved with the project. Mr. Bonesteel stated that DOT would not be getting involved due to all roads on or near the project site being Town or County roads. Chairman Oster asked if the Planning Board needed to recirculate the Notice of Lead Agency under SEQRA due to the amount of material being removed from the site. Attorney Gilchrist stated that the Lead Agency notice was first sent out in February, and that no involved or interested agencies objected to the Planning Board serving as lead agency for this project. Attorney Gilchrist stated that in its initial response, NYS DEC stated that the Department needed to be notified if there was a significant change to the project and/or EAF, which there now was. Attorney Gilchrist reviewed a draft updated notice of lead agency coordination that he could serve the next day if the Planning Board requested. The Planning Board directed Attorney Gilchrist to circulate the new Notice of Lead Agency to all involved and interested agencies. Chairman Oster asked if any wetlands were proposed to be disturbed. Mr. Bond stated that no wetlands were to be disturbed. Chairman Oster asked Mr. Bond if the applicant truly understood how much material he was proposing to remove from the site. Mr. Mainello stated that removing 400,000 cubic yards of material would take approximately 20,000 truck trips. Mr. Bonesteel stated that removing that volume of material and proposing that many truck trips would significantly affect the review of the project. Member Czornyj asked if the applicant would need to coordinate with Rensselaer County due to that much material and that many truck trips. Mr. Bond stated that the applicant had not contacted Rensselaer County about that yet. Mr. Bonesteel stated that Rensselaer County would need to be involved and that it would be smarter to contact them sooner rather than later. Chairman Oster asked how long it was expected to take to remove

that much material. Mr. Bond stated that it was dependent on the number of trucks allowed on the site per day, and that it could be anywhere between 1-3 years. Chairman Oster asked to confirm that if the project were approved, it could be up to 3 years before construction on the subdivision began. Mr. Bond confirmed that was correct. Member Stancliffe asked if Rensselaer County Department of Health (DOH) was aware of the volume of material that was proposed to be removed and how that much material would affect the project's septic plan. Mr. Bond stated that DOH was aware and that soils would need to be recertified after grading was done on the site. This matter is tentatively placed on the May 15, 2025 agenda for further deliberation.

The second item of business on the agenda was a waiver of subdivision application submitted by Henry Reiser for property located at 52 Plante Lane. No one was present for the applicant. This matter is placed on the May 15, 2025 agenda for further deliberation.

The third 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. Carrie Cosentino, Project Developer with CVE North America, and John Ahearn, Esq. were present to review the applications. Ms. Cosentino stated that further visual renderings of the site had been done since the last meeting, both with leaf-off conditions and with additional screening, then handed up copies of those new renderings to the Planning Board members and Mr. Bonesteel. Chairman Oster asked if the trees proposed to be planted on the site as screening would be 20-25 feet high, and when they would be that tall. Ms. Cosentino confirmed that the trees would ultimately be that tall at their maturity stage, which would be approximately 5-7 years after planting. Chairman Oster asked if the tree plantings would be done on the applicant's parcel. Ms. Cosentino confirmed that that the plantings would be done on that parcel, and that the applicant was willing to plant additional trees on the adjacent Garfield

School property if allowed. Mr. Bonesteel stated that there was concern over the Garfield School property due to it being a historic site, and that the balance of vantage points was at the discretion of the Planning Board. The Planning Board generally discussed the visual assessment information submitted by the applicant. Chairman Oster asked if there were outstanding stormwater issues concerning the site. Mr. Bonesteel stated that he had reviewed stormwater issues with the applicant and that the applicant had already addressed his comments. Chairman Oster asked what the next step for the Planning Board was procedurally. Attorney Gilchrist stated that the Planning Board had established lead agency under SEQRA for the project, that a SEQRA determination was the next step procedurally, and that Mr. Bonesteel should prepare Part 2 of the Environmental Assessment Form (EAF) as part of the SEQRA determination process. Mr. Ahearn then spoke, stating that he was the attorney retaining by CVE North America for the project, that he was not sure that the Planning Board had all the information it needed to make a SEQRA determination, that the applicant was willing to submit any additional requested information in order to assist with the determination of environmental significance. Member Czornyj stated that the house on the project site was visible from Creek Road. Mr. Bonesteel noted that visual analysis had already been done from the Creek Road vantage point. Chairman Oster stated that he was not sure what additional information was needed on visual impacts from the project and that Mr. Bonesteel should prepare Part 2 of the EAF. Mr. Bonesteel agreed that adequate information had been provided by the applicant and stated that he would draft Part 2 of the EAF. Member Henderson asked if a site visit was possible. Mr. Ahearn stated that the applicant consented to a site visit by the Planning Board members. Attorney Gilchrist reviewed the procedure for site visits by the Planning Board, stating that if a majority of the Planning Board members attended a site visit and discussed the project, then there would be a quorum and the site visit would have to be noticed as

it would constitute an official meeting. Attorney Gilchrist also stated that no notice would be necessary if there was a quorum and the project was not discussed, or if there was not a majority, meaning three or fewer members attending the site visit. Member Henderson asked what the total height of the solar panels would be. Ms. Cosentino stated that the maximum height of the panels would be 10 feet. Member Henderson stated that based on the rate of maturity of the trees proposed to be planted on the site for screening, the panels would then be visible for approximately five years. Ms. Cosentino stated that while the trees would take some time to reach their maximum height, the visual impact analysis took the final height of the panels and heights over time of trees into account. Chairman Oster asked if some sort of visual markers could be placed on the site for reference if site visits were done by the Planning Board members. Ms. Cosentino stated that there were not currently markers on the site, but that they would be placed on the site to simulate the solar panels if a site visit were scheduled. Member Henderson asked if a fence was proposed to be built around the project site. Ms. Cosentino confirmed that an 8-foot fence would be built around the area where the panels would be, not the entire parcel. Mr. Bonesteel asked what type of fencing was proposed. Ms. Cosentino stated that wire fencing would be used. Member Henderson asked if there would be access roads on the site for emergency vehicles. Ms. Cosentino confirmed that there would be. Member Henderson asked how the applicant would control the growth of grass and other vegetation. Ms. Cosentino stated that the grass on the site would be mowed. Member Henderson asked if herbicides would be used on the site. Ms. Cosentino stated that no herbicides would be used. Chairman Oster stated that prohibiting the use of herbicides on the site would likely be a condition on the application anyway. Ms. Cosentino stated that the solar panels were not proposed for the point of highest elevation on the site, that the highest point currently had trees on it and those trees would not be disturbed. Ms. Cosentino also stated that the applicant had

confirmed that nearby work being done by National Grid was not related to the project proposed by the applicant. This matter is placed on the May 15, 2025 agenda for further deliberation.

The fourth item of business on the agenda was the applications for site plan, minor subdivision, and a special use permit submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Tim Freitag, from Bohler Engineering, and Colton Hill were present to review the applications. Mr. Freitag briefly recapped the project review up to this point, stating that the Planning Board had made a negative declaration on the project under SEQRA, that a joint public hearing held across two meetings between the Planning Board and Zoning Board of Appeals had been held, that the applicant had responded to all comments in writing, that the applicant had responded to all traffic and engineering comments, and that the Zoning Board had granted all eight area variances before it at its last meeting on April 21. Mr. Freitag stated that the Zoning Board discussed traffic on Mohawk Avenue at its last meeting and that a condition on the approval of the area variances was that signage be installed at the exit from the site onto Mohawk Avenue prohibiting right hand turns. Mr. Freitag stated that the Zoning Board discussed adding curbing at the exit from the site onto Mohawk Avenue as well, but only recommended that the Planning Board consider curbing as a condition. Mr. Freitag also stated that the Zoning Board had discussed installing a gate at the exit onto Mohawk Avenue, but had again not required as a condition and recommended that the Planning Board consider it. Mr. Freitag stated that the applicant felt that curbing would not be beneficial to the residents of Mohawk Avenue as they would have to take another route to get back to their homes further up on Mohawk Avenue when leaving the site. Mr. Freitag stated that additional landscaping had been proposed for the front and rear of the site, and that the applicant had addressed the Fire Department comment on internal circulation for emergency vehicles. Chairman Oster confirmed that the Zoning Board

had taken action on the eight area variances approved at its last meeting on April 21, approving all eight variances, and asked Attorney Gilchrist what conditions had been placed on the approvals. Attorney Gilchrist stated that all eight area variances had been approved at the last Zoning Board meeting with one condition: that signage be installed at the exit from the site onto Mohawk Avenue prohibiting right turns and allowing local traffic only. Attorney Gilchrist also stated that the following recommendations had been made by the Zoning Board to the Planning Board: that the Planning Board consider curbing and/or a gate at the Mohawk Avenue exit, that the Building Department consider hours and days of operation of construction, and that the Building Department consider making the applicant responsible for the physical condition of Mohawk Avenue before and after construction. Member Czornyj stated that he was in favor of installing curbing at the exit from the site onto Mohawk Avenue, and asked if it was possible to install additional signage prohibiting left turns from Hoosick Road onto Mohawk Avenue when traveling east. Mr. Freitag stated that signage prohibiting any sort of turn off Hoosick Road would be beyond the jurisdiction of the Town. Member Stancliffe asked about the locations of signage and curbing at the exit from the site onto Mohawk Avenue. The Planning Board discussed curbing, specifically flush and mountable curbing, the difference between a traffic island and curbing, and that there would be curbing and not a traffic island. The Planning Board also discussed signage on the site, and that it was not in support of a gate at the exit from the site onto Mohawk Avenue. Chairman Oster asked Mr. Freitag to review the written responses to comments submitted by the applicant. Mr. Freitag reviewed the first set of responses submitted by the applicant, which had been submitted via letter dated March 13, 2025. As Mr. Freitag was reviewing the responses, Chairman Oster asked about the project's lighting plan, specifically lighting on the site at night. Mr. Freitag stated that there would be lighting under the canopies at the gas pumps and in the parking lot along

Mohawk Avenue and Hoosick Road. Member Henderson asked for clarification on the lighting along Mohawk Avenue. Mr. Freitag stated that there would be lighting along the edge of the entire parking area, including along Mohawk Avenue. Member Henderson asked if the lights along Mohawk Avenue would be on all night. Mr. Freitag stated that all lights on the site would remain on as long as the QuickChek convenience store was open, and since QuickChek would be open 24 hours, the lights would remain on all night. Member Henderson stated that having the lights on 24 hours a day would be a problem, and that while the Cumberland Farms convenience store further up Hoosick Road had its lights on 24/7, which the applicant had brought up at a previous meeting, he believed that was a mistake for the Planning Board to have approved, and that approving the lights for this project to be on 24/7 would also be a mistake. Chairman Oster asked if the lights were or could be dimmed during overnight hours. Mr. Freitag stated that they could not as the lights would always be at the lowest legally-allowed level of brightness. Chairman Oster asked if the lights could be brightened at some times and dimmed at others. Mr. Freitag stated that it would not be possible under the current lighting plan as that would require different lightbulbs and lighting installations. Chairman Oster asked if downlighting would be used. Mr. Freitag stated that it would, that the proposed lighting would be dark sky compliant, that the light poles would be 15 feet tall, and that the lights from the site would not be as intrusive as light from traffic driving along Hoosick Road. Chairman Oster asked if there was currently a sidewalk along Mohawk Avenue. Mr. Freitag stated that there was not, and that the applicant would be building a sidewalk along Mohawk Avenue from Hoosick Road to the secondary entrance to the site. Mr. Freitag then reviewed the second set of responses submitted by the applicant, which had been submitted via letter dated April 11, 2025. As Mr. Freitag was reviewing the responses, Chairman Oster asked about the dumpster on the site and if it was enclosed. Mr. Freitag confirmed that the dumpster

would be enclosed. Chairman Oster asked if the dumpster would be locked. Mr. Freitag stated that the dumpster would be enclosed by a masonry enclosure with a gate, but that it would not be locked so employees could use it throughout the day. Chairman Oster stated that the applicant needed a plan to keep the dumpster closed to avoid garbage being blown out of it by wind and scattering throughout the surrounding area on the site, which had become a problem with dumpsters at other locations along Hoosick Road. Mr. Freitag stated that there would not be a lot of wind to blow garbage out of the dumpster due to the enclosure. Member Henderson asked what the demolition schedule was for the houses currently on the project site. Mr. Freitag stated that the applicant was currently going through the asbestos survey and working with the Town Building Department on demolition permits. Member Henderson stated that he was still not comfortable with 24-hour lighting on the site. Chairman Oster asked how the proposed lighting for the site compared to the lighting at the Cumberland Farms further up Hoosick Road. Mr. Freitag stated that he was not sure as he did not have the specifications for the lighting at that Cumberland Farms. Chairman Oster stated that he would like the lighting along Mohawk Avenue to be as low as possible. Mr. Freitag stated that he would review that issue with the applicant, but that there were lighting requirements for sidewalks would need to be considered, as the lighting would be over the sidewalk along Mohawk Avenue that the applicant would build. Mr. Mainello stated that he would review the lighting standard in the Town Zoning Law and work with the applicant on the project's lighting plan. There were no further questions or comments from the Planning Board on the applicant's responses to public comments. This matter is placed on the May 15, 2025 agenda for further deliberation.

The fifth item of business on the agenda was a site plan application submitted by the Calito Development Group for property located at 291 Oakwood Avenue. Francis Bossolini, P.E., was

present to review the application. Mr. Bossolini stated that the applicant had submitted the site plan application and supporting documents earlier that day and that he wanted to briefly review the application and documents with the Planning Board. Mr. Bossolini stated that a retail store was proposed for the site, that being a Dollar General store, and that a Full Environmental Assessment Form (EAF) had been submitted. Mr. Bossolini reviewed the proposed delivery area and truck routes on the site, and stated that the hours of operation would likely be 8:00 AM to 10:00 PM, seven days a week. Mr. Bossolini reviewed the project's lighting plan, stating that wall packs and light poles were both proposed. Mr. Bossolini stated that the turn lane on Oakwood Avenue could be striped, and that the applicant would discuss that issue with the Rensselaer County Highway Department. Mr. Bossolini stated that the previous proposal for the site was a car wash and that a traffic study had been done for a less than 9,000 square foot building on the site at that time. Chairman Oster stated that the applicant should submit data on traffic and trip generation. Mr. Bossolini stated that stated that SEQRA review of the site had been done in 2015-2016, and that the northern area of the site had been rezoned in 2024 to B-15 with a grocery use discussed at that time. Mr. Bossolini reviewed stormwater management and utilities on the site, and stated that the applicant had sent the application to the Spiegletown Fire Department, with response comments including emergency vehicle circulation and installing a knox box. The Planning Board had no questions on the application at that time. This matter is placed on the May 15, 2025 agenda for further deliberation.

The sixth item of business on the agenda was a site plan application submitted by Paul Engster for property located at 740 Hoosick Road. No one was present for the applicant. Mr. Mainello stated that a letter had been received from Mr. Engster dated April 30, 2025, which was read into the record. Chairman Oster noted a letter from James Murray dated May 1, 2025

requesting a public hearing on the application. Chairman Oster noted that whether to hold a public hearing on a site plan application was at the discretion of the Planning Board. Mr. Mainello discussed the proposed concrete pad size and location, and noted that the Building Department had received multiple complaints about trash blowing out of the dumpsters and onto nearby properties. The Planning Board discussed maintenance of the dumpsters on the site. This matter is placed on the May 15, 2025 agenda for further deliberation.

The Planning Board discussed one item of new business.

The one item of new business was a waiver of subdivision application submitted by Kyle Smith for property located at 1628 NYS Route 7. Kyle Smith was present to review the application. Member Tarbox stated that he was an adjacent property owner and recused himself. Member Stancliffe stated that she was also an adjacent property owner, but that she had no financial interest in the application and that she was not recusing herself. Mr. Smith stated that he bought the parcel and house on the lot at a tax foreclosure, that he lives on the adjacent lot at 1692 NYS Route 7, and that he was proposing to transfer 11.05 acres from the 13.05-acre parcel he bought at foreclosure to his property, leaving 2.00 acres, which would include the house currently on the parcel, which he planned to turn into a rental property. Chairman Oster noted that an Agricultural Data Statement had been submitted with the application. The Planning Board had no questions on the application. Mr. Bonesteel had no engineering questions on the application. Chairman Oster noted that the Planning Board could decide on the order of the agenda for the next meeting, and that since this was a short and straightforward application, it would be placed first on the agenda for the next Planning Board meeting. This matter is placed on the May 15, 2025 agenda for further deliberation.

There was no old business to discuss.

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

1. Paramount Building Group – major subdivision (May 15, 2025).
2. Reiser – waiver of subdivision (May 15, 2025).
3. CVE North America – waiver of subdivision, site plan, and special use permit (May 15, 2025).
4. Maries Muse – site plan, minor subdivision, and special use permit (May 15, 2025).
5. Calito Development Group – site plan (May 15, 2025).
6. Engster – site plan (May 15, 2025).
7. K. Smith – waiver of subdivision (May 15, 2025).

The proposed agenda for the May 15, 2025 regular meeting is as follows:

1. K. Smith – waiver of subdivision.
2. Paramount Building Group – major subdivision (tentative).
3. Reiser – waiver of subdivision.
4. CVE North America – waiver of subdivision, site plan, and special use permit.
5. Maries Muse – site plan, minor subdivision, and special use permit.
6. Calito Development Group – site plan.
7. Engster – site plan.
8. Brunswick Acres – major subdivision approval extension.