

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 5, 2025

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

ABSENT was J. EMIL KREIGER.

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 Planning Board opened a public hearing concerning the application for site plan approval submitted by Calito Development Group in connection with construction of a proposed 9100 square foot retail store on property located at 291 Oakwood Avenue. Chairman Oster reviewed the Planning Board procedure for conducting a public hearing. Thereupon, a Notice of Public Hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town sign board, posted on the Town Website, mailed to owners of all properties located within 300 feet of the project site, and mailed to the City of Troy due to the project site being located within 500 feet of the municipal boundary. Frances Bossolini, PE was present for the applicant. Chairman Oster requested Mr. Bossolini to generally review the application. Mr. Bossolini reviewed the site plan, which proposes one (1) single-story building of approximately 9100 square feet located on its own separate lot at 291 Oakwood Avenue; that the

proposed use will be for a Dollar General store; that the location is north of the existing Diamond Rock Plaza, which is located on a separate and adjacent parcel; that the site proposed for the Dollar General store was previously approved for use as a car wash; that the Town of Brunswick had amended the zoning district classification for 291 Oakwood Avenue from light industrial to general business B-15; that the B-15 zoning district does allow the general retail use, which is being proposed in this case; that there is adequate parking provided in compliance with the Town of Brunswick parking regulations; that utilities exist on the site, and that the new building will be connected to existing public water and existing sewer service; that the existing driveway off Oakwood Avenue opposite High Pointe Drive will be utilized for access; that the applicant had submitted updated traffic impact data, which shows the proposed retail use generating less traffic trips than proposed for the previously-approved car wash; that the land owner has committed to re-stripe the center left turn lane on Oakwood Avenue adjacent to the project site; that site lighting would primarily be wall mounted lights, with the possibility of having low level pole lights if necessary in the parking lot; that minimal grading is proposed for the site, and that the project is consistent with and will comply with the existing Stormwater Pollution Prevention Plan; that signage is being considered for a single pole sign that will include all tenets within the Diamond Rock Plaza as well as the Dollar General; and that an architectural rendering has been shown which shows that the proposed building will be consistent in look with the building at the Diamond Rock Plaza. Chairman Oster noted for the record that the Rensselaer County Department of Economic Development and Planning has submitted their review comments, which will be discussed during the regular business meeting. Chairman Oster then opened the floor for receipt of public comments. Frederick Fowler, 9 Hyland Circle, stated that traffic was his main concern, and that he was pleased to hear that the land owner has committed to re-stripe the center left turn lane on

Oakwood Avenue, and asked whether NYSDOT or Rensselaer County had jurisdiction over the roadway. Mr. Bossolini stated that this section of Oakwood Avenue was under the jurisdiction of Rensselaer County, and that the applicant is coordinating with Rensselaer County, which has deemed it appropriate for re-striping the center left turn lane for this project. Mr. Fowler further questioned the basis for the trip generation numbers submitted in connection with updated traffic data. Mr. Bossolini stated that the trip generation data is based on the ITE land use code based on retail use and the size of the building, and that the traffic data figures had been supplied directly by Dollar General but that Dollar General had utilized the ITE land use code as the basis for its calculations. Mr. Fowler then asked about the tractor trailer delivery schedule. Mr. Bossolini stated that deliveries to the Dollar General are generally made during regular business hours, which are proposed to be 8 a.m. to 10 p.m., and would be likely less frequent than one per day; and also that the loading dock/door was located at the rear of the building. Mr. Fowler then asked whether a traffic light was warranted at this location on Oakwood Avenue. Mr. Bossolini stated that there are specific warrants published by NYSDOT concerning installation of traffic lights, and that Rensselaer County did follow the NYSDOT traffic warrant calculations, and that this project was nowhere near the required warrants to require a traffic signal. Stephen Maples, identified as a Troy resident, stated that this project would not have been allowed if the zoning designation had remained light industrial, but now understands the zoning was changed to general business B-15; that there are wetlands in the area of potential concern, and coordination with NYSDEC would be appropriate; that the location for the Dollar General had been misleading on the application and public notices, but he now has a better understanding of the location on the project site and that it appears to make sense; and that the larger issue to be considered by the Town of Brunswick is that the only light industrial zoning district in the Town is along this Oakwood Avenue corridor, which

is directly across the street from a residentially zoned area in the City of Troy, and that the Town of Brunswick and City of Troy should engage in discussions on future planning along this corridor as light industrial is an inappropriate use adjacent to residential areas. Eric Ferrero, City of Troy Planning Department, stated that the City was curious as to the traffic patterns in this area of Oakwood Avenue, and questioned who this project would be serving, which would appear to be the residents of the City of Troy and that Troy was looking at traffic patterns as a result; that the City of Troy should be working with the Town of Brunswick regarding traffic patterns for both the Hoosick Road/Sycaway area and the Oakwood Avenue area in terms of future growth. There were no further public comments. Chairman Oster then inquired of the Planning Board Members as to whether the public hearing should remain open or be closed, or in the alternative, to provide a written comment period. The Planning Board Members generally supported closing the public hearing without any additional public written comment period. Chairman Oster then made a motion to close the public hearing, which motion was seconded by Member Henderson. The motion was unanimously approved, and the public hearing closed on the Calito Development site plan application.

The Planning Board then opened its regular meeting.

The draft minutes of the May 15, 2025 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the May 15, 2025 regular meeting were unanimously approved without amendment.

Chairman Oster then discussed the upcoming meeting schedule in light of the June 19th New York State holiday (Juneteenth) and also the first meeting in July falling on July 3. Chairman Oster said that one option for the Planning Board to consider would be rescheduling the June 19th meeting for a date during the last week of June, and cancelling the July 3 meeting in light of the

July 4 holiday. Upon further discussion, it was determined that the June 19, 2025 regular meeting would be rescheduled to Tuesday, June 24, 2025 to commence at 7 p.m., and that the July 3 meeting would be cancelled.

The first item of business on the agenda was the site plan application submitted by Calito Development for property located at 291 Oakwood Avenue. Chairman Oster reviewed the comments sent by the Rensselaer County Department of Economic Development and Planning, reading them into the record, and providing a copy of the County's comments directly to the applicant, represented by Frances Bossolini, PE. Mr. Bossolini initially noted that one of the County comments concerned potential conflict between delivery trucks and a fire hydrant, but noted that new curbing was proposed around the fire hydrant, which also had existing bollards for protection, and that he will clarify the delivery vehicle route on the site. Member Stancliffe inquired how the trucks would exit the site after making a delivery to the Dollar General. Mr. Bossolini stated that they would likely go directly behind the existing Diamond Rock Plaza building, which had been designed to accommodate a truck route behind that building. Chairman Oster noted that the public hearing comments included emphasis on traffic and that re-striping the center left turn lane on Oakwood Avenue was important, and Mr. Bossolini confirmed that such work would be completed. Mr. Bonesteel stated that he had reviewed the updated traffic information, and finds it adequate. Chairman Oster asked if the traffic data supplied from Dollar General had been based on actual Dollar General stores. Mr. Bossolini stated that, to his knowledge, the information supplied by Dollar General had been based on the ITE land use code, and that Dollar General generally relies upon and uses the ITE numbers in calculating traffic data. Member Henderson then asked whether the ITE data was accurate. Mr. Bossolini stated that the ITE manual is generally accepted as industry standard, and can be considered accurate. Member

Henderson then asked what the specific traffic requirements would be to install a traffic light at this location on Oakwood Avenue. Mr. Bossolini stated that this project traffic did not come anywhere near the NYSDOT warrants to require the installation of a traffic light, and Mr. Bonesteel generally concurred with that conclusion. Mr. Bonesteel stated that he had no further comments on traffic impacts associated with this project. Member Tarbox asked about the existing tenants in the Diamond Rock Plaza. Mr. Bossolini stated that he did not have specific information on the tenants, but that it was his understanding that a certain portion of the Diamond Rock Plaza remains vacant. Chairman Oster stated that the Planning Board does require written responses to the public comments received at the public hearing as well as the comments received from Rensselaer County. Mr. Bossolini stated that he would supply written responses to these comments. The Planning Board Members had no further questions on this application. This matter is scheduled for the June 24, 2025 for further discussion.

The second item of business on the agenda was the major subdivision application submitted by Paramount Building Group for property located at the northeast corner of Spring Avenue Ext. and Creek Road. Matt Bond, PE, project engineer, and TJ Ruane, Esq. project attorney, were present. Mr. Bond provided a technical update to the Planning Board, stating that there had been no significant technical changes to the proposed subdivision plat; that comments of the Rensselaer County Department of Health on the water and septic plan are being addressed and a submission to Rensselaer County Department of Health would be made shortly; that the Map, Plan and Report for the extension of the public water district, and the Map, Plan and Report for the proposed drainage district, were in preparation after having coordinated with the Brunswick Water Department; and that his office was continuing to respond to comments by Mr. Bonesteel. Mr. Bonesteel stated that he had been in contact with NYSDEC regarding email correspondence

received from NYSDEC regarding SEQRA lead agency; that NYSDEC had requested a site visit to review several issues, including a mining permit/construction exemption, stormwater, and wetlands; and that he understood a site meeting had tentatively been set up for next week. Mr. Bonesteel asked the applicant if NYSDEC had contacted them; and further that he had attempted to again reach out to NYSDEC but had no response to date; and provided a copy of the email request for a site visit to Attorney Ruane. Attorney Ruane stated that he did not have any contact from NYSDEC concerning a site visit. Attorney Ruane also stated that he had not been timely provided with the email correspondence initially sent to the Town of Brunswick by NYSDEC in response to the SEQRA lead agency recirculation notice; that he had contacted NYSDEC and requested that the applicant be updated on all communications regarding the project, but that he had not been copied on the NYSDEC email correspondence to the Town; and that he has not heard anything further from NYSDEC after his initial discussion concerning the need for a mining permit or obtaining a construction exemption. Attorney Ruane then pressed the Planning Board to complete the designation of lead agency, stating that in his opinion, the Planning Board had already designated itself as lead agency and since no other involved agency had timely objected to that status, the Planning Board is SEQRA lead agency by default. Attorney Gilchrist reviewed SEQRA procedure in general, and lead agency coordination and designation of SEQRA lead agency in particular, under the NYSDEC SEQRA regulations, and stated that the Planning Board has not been designated as lead agency by default in this matter, and that there still needed to be a determination to designate SEQRA lead agency in this matter. Chairman Oster noted that he did not see any issue with the Planning Board serving as lead agency. Member Stancliffe stated that she would like further information from NYSDEC regarding its site visit and any related comments prior to making any determination on designation of SEQRA lead agency, to which Member

Tarbox concurred. Attorney Gilchrist advised the Board that if the Planning Board designated itself as lead agency, then the Planning Board must examine all potential significant environmental impact issues arising from this action, including all potential significant adverse environmental impacts arising from the removal of approximately 400,000 yards of mineral material from the project site. The Planning Board entertained a lengthy discussion concerning SEQRA lead agency issues, with the Planning Board concluding that it preferred input from NYSDEC before any formal designation of SEQRA lead agency is completed. Thereupon, there was further general discussion regarding NYSDEC procedure regarding a determination of whether a mining permit is required in any particular case or whether a construction exemption would apply in connection with a construction project, and the companion review by the Planning Board on the municipal major subdivision application. Chairman Oster then asked the applicant when it knew that approximately 400,000 yards of mineral material would need to be removed from the site, and why this issue had only come up as a result of the questions by the Planning Board. Mr. Bond stated that he had met with the Town Highway Department and Town Water Department concerning the project, and final grading plans had not been completed until after that coordination with Town Departments had occurred; that grading would need to be done to meet Highway Department requirements in terms of road grade for the proposed town road; that the maximum amount of material that could be removed from the site is not being sought, and that the grading plan had been prepared pursuant to sound engineering judgment to keep as much natural features and material on site as possible while achieving appropriate road and building grades. Member Henderson then inquired as to an existing excavation cut on the project site into the hill, and asked how deep that cut was and how steep the remaining slopes are. Attorney Ruane stated that he did not have any information concerning existing excavation on the site. Member Henderson then

asked what type of soil was on the site, as any excavation needed appropriate benching, as there are OSHA guidelines on benching excavation cuts for safety purposes, and that these conditions might be reviewed by NYSDEC during the site visit. Chairman Oster noted that the OSHA compliance issue was outside the jurisdiction of the Planning Board. Mr. Bonesteel stated that he would again contact NYSDEC regarding a site visit, and make sure the applicant was on notice of that site visit. This matter is placed on the June 24 agenda for further discussion.

The third item of business on the agenda was the waiver of subdivision, site plan, and special use permit application submitted by CVE North America for property located at 511 McChesney Avenue Ext. David Froelich, Director of Development at CVE North America, was present to review the applications. Chairman Oster noted that the site visit discussed during the last meeting was completed, which helped him in the consideration of impacts to visual resources. Chairman Oster requested Mr. Bonesteel to review the site visit. Mr. Bonesteel stated that both Chairman Oster and he walked the entire site; that the corners of the proposed solar panel arrays had been demarcated in the field with balloons at the corners, flown to the maximum height of the panels; that he could observe views from the project site; that you could see portions of the backyards of the houses on McChesney Avenue Ext. and Moonlawn Road from the project site, but that the views from the north and west were predominately shielded by existing vegetation and topography; that the most impact from this project were to the houses along McChesney Avenue, with some obscured views along Moonlawn Road, and that this condition was consistent over the entire project site. Mr. Bonesteel stated that there had been discussion regarding installation of additional vegetation along the border with the houses on McChesney Avenue Ext., and that two homes on McChesney Avenue Ext. would have panels located approximately 100 feet from their property line; and that while installation of a berm was discussed, he did have concerns about

adding a berm to this location and its impact on existing drainage patterns, and would promote the use of vegetation as opposed to a berm. Chairman Oster stated that from the project site, you could see the cell tower on Menemsha Lane, and also spots along Creek Road; that an option had been discussed about moving panels to create additional separation from homes along McChesney Avenue Ext.; that he also had some concern that the site visit had occurred during leaf-on conditions, but that the Board also needed to consider leaf-off conditions; and did appreciate the effort of the applicant to place balloons at the height of the panel at the corners of the project, which was very helpful in terms of identifying where panels were being proposed on the project site. Member Czornyj also stated that he had visited the project site, and agreed that you could see locations along Creek Road from the project site. Mr. Froelich stated that the Creek Road location was probably over one mile away from the project site, and that someone driving along Creek Road could see the project but it would be only for a period of four (4) seconds or so; that CVE was not proposing to install panels at the top of the hill, and would be maintaining an existing number of mature trees on the site. Chairman Oster inquired what the standard was for assessing potential visual impacts under SEQRA. Mr. Bonesteel provided a lengthy discussion and review of the SEQRA workbook and standards for consideration of visual impacts and impacts to aesthetic resources under SEQRA. Attorney Gilchrist reviewed the procedural status of the SEQRA review on this action, and also the general standard of review for making a determination of environmental significance under SEQRA; also, regarding the issue of visual impacts, the review standard was not based on whether you can see a project, but whether that view has the potential to result in a significant adverse environmental impact. Chairman Oster has noted that the applicant has incorporated mitigation measures in an effort to reduce potential visual impacts from the project over time. Mr. Bonesteel stated that extensive plantings for vegetative screening of the project

have been proposed; that the visual impact assessment reports prepared by the applicant have been completed in accordance with industry standard, and reviewed by Mr. Bonesteel's office. Chairman Oster inquired what the next step would be under SEQRA. Mr. Bonesteel stated that he could prepare a draft Part II of the FEAF, but would like additional discussion and guidance from the Planning Board concerning its opinion on potential significant adverse visual impacts. Mr. Bonesteel again explained that while there is a visual impact from this action, the Planning Board must determine whether that impact is small, or whether that impact is moderate to large. Mr. Bonesteel then reviewed for the Planning Board each factor and question which is listed in the FEAF Part II concerning visual impacts, and provided the Board with guidance on consideration of those factors. Member Henderson asked how large the project has to be before there is a significant adverse visual impact, as there are 16,000 panels being proposed here. Attorney Gilchrist advised that the issue was not answered by the number of panels, but whether the project as proposed creates an adverse visual impact, regardless of whether the number of panels is small or whether the number of panels is large. Member Henderson then discussed sections of the Brunswick Zoning Law concerning Planned Development Districts, and also identified certain statements made by Attorney Gilchrist in prior meetings as noted in published minutes. Attorney Gilchrist clarified that the sections of the Brunswick Zoning Law referenced by Member Henderson pertain to Planned Development Districts which are considered by the Town Board and which have their own separate review standards; that the project before you is considered under the standards pertinent to site plan review and special use permit review under the Brunswick Zoning Law; and the prior statements of Attorney Gilchrist referenced by Member Henderson were in connection with a use variance application pertaining to a solar project that had been discussed before the Brunswick Zoning Board of Appeals, and that there were separate legal

standards associated with such use variance applications. It was determined that Mr. Bonesteel will prepare a draft Part II of the FEAF for review by the Planning Board at its June 24 meeting, and that Mr. Bonesteel will prepare his draft responses based on the technical record and SEQRA review standards, but that ultimately it is the Planning Board that will make the determination of environmental significance in this matter. This matter is placed on the June 24 agenda for further discussion.

The fourth item of business on the agenda was the site plan amendment application submitted by Johnston Associates. The applicant seeks approval to install a concrete pad on which two dumpsters would be placed, located behind the existing retail space located in the Wal-Mart Plaza on property at 740 Hoosick Road. Paul Engster, Esq., of Johnston Associates LLC, was present. Mr. Engster reviewed the original site plan approval from 1996, and stated he was here seeking a minor modification to allow for the concrete pad and dumpster installation. Mr. Engster explained that a new tenant in the plaza, Wing Stop, did generate additional waste materials, and that he had already placed two additional dumpsters behind the retail building in addition to the two existing dumpsters. Mr. Engster explained that the two new dumpsters were 2 feet x 4 feet, and that the existing dumpsters were 2 feet x 8 feet. Mr. Engster explained that the current proposal was requesting approval to install a concrete pad for the two new dumpsters in an area not previously noted for that use. Chairman Oster noted that the Planning Board had previously determined that public hearing was not required in this matter. Chairman Oster inquired whether the Planning Board had any questions or comments. Member Czornyj noted that he had visited the site, and that the proposed location for the two new dumpsters was appropriate. Mr. Bonesteel stated that he had no questions. Member Stancliffie inquired about screening of the dumpsters, and Mr. Engster stated that there was an existing stand of pine trees and three additional trees

recently planted in the area of the new dumpsters, but that he would be willing to work with the Town on any additional screening that may be necessary. There was no further discussion concerning the screening issue. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Chairman Oster then made a motion to approve this minor amendment to the existing site plan for the Johnston Associates retail plaza, which motion was seconded by Member Czornyj. The motion was unanimously approved, and the modification to the site plan approved.

The fifth item of business on the agenda was the special use permit application submitted by Hal Smith for property located at 13 Heather Ridge Road. Hal Smith was present. Mr. Smith explained that there were no changes to the proposed plan, and that the application seeks a special use permit in connection with construction of an accessory apartment at his daughter's home located at 13 Heather Ridge Road. Attorney Gilchrist noted for the record that the Brunswick Zoning Board of Appeals had granted an area variance concerning side yard setback for this proposal. Chairman Oster stated that a public hearing will need to be held on the special use permit application, determined that the application was complete for public hearing, and the Planning Board has scheduled this matter for public hearing at the June 24 meeting commencing at 7:00 p.m.

The sixth item of business on the agenda was an application for amendment to special use permit and site plan submitted by Crown Castle, seeking an amendment pertaining to a wireless telecommunications facility located at 88-90 Palitish Road in the Callanan Cropseyville Quarry. This application has been submitted pursuant to the Federal Telecommunications Act and related FCC Regulations concerning minor modifications to existing facilities. Don Carpenter of Crown

Castle was present. Mr. Carpenter stated that the tower had been built for Nextel in 2008, had an original special permit and site plan showing both the lease area and the tower height. Mr. Carpenter explained that Crown Castle is now seeking to replace the Nextel antenna array with new equipment, and also to include a small expansion to the base equipment and lease area at the base of the tower. Mr. Carpenter stated that this application qualifies as a non-significant expansion under the Federal Telecommunications Act and related FCC Regulations. Attorney Gilchrist generally reviewed the Federal Telecommunications Act and FCC Rules and Regulations pertaining to minor modifications to existing facilities, including the mandatory timeframes for review and determination. Chairman Oster stated that the application was complete, and set this matter for public hearing at the June 24 meeting commencing at 7:15 p.m.

There was one item of new business.

The first item of new business was an application for a waiver of subdivision submitted by Thomas Brizzell for property located at 1 Angelo Drive and 1454 Hoosick Road. Mr. Brizzell was present, and explained that this application was seeking to divide approximately one acre of land from his neighbor's parcel, which he will acquire and merge into his existing parcel located at 1 Angelo Drive. The Planning Board determined that this application is in the nature of a lot line adjustment and will review the application materials and schedule the matter for further discussion at the June 24 meeting.

The index for the June 5, 2025 regular meeting is as follows:

1. Calito Development Group – site plan (June 24, 2025).
2. Paramount Building Group – major subdivision (June 24, 2025).
3. CVE North America – waiver of subdivision, site plan, and special use permit (June 24, 2025).
4. Johnston Associates – amendment to site plan – approved.

5. Hal Smith – special use permit (June 24, 2025).
6. Crown Castle – amendment to special use permit and site plan (June 24, 2025).
7. Brizzell – waiver of subdivision (June 24, 2025).

The proposed agenda for the June 24, 2025 regular meeting is as follows:

1. Hal Smith – special use permit (public hearing to commence at 7:00 p.m.).
2. Crown Castle – amendment to special use permit and site plan (public hearing to commence at 7:15 p.m.).
3. Brizzell – waiver of subdivision.
4. Calito Development Group – site plan.
5. Paramount Building Group – major subdivision.
6. CVE North America – waiver of subdivision, site plan, and special use permit.