

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 21, 2026

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, LINDA STANCLIFFE, DAVID TARBOX and JOHN MAINELLO III.

ABSENT were J. EMIL KREIGER and MICHAEL CZORNYJ.

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, CHRISTOPHER LANGLOIS, ESQ., Attorney to the Planning Board, 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 first item of business on the agenda was the minor subdivision application submitted by Rebecca Fischer for property located at 842 Tamarac Road. Paul Engster, Esq. and Mark Danskin were present to review the application. Mr. Engster stated that he had received a letter from Martin Miranda, Esq., attorney for Charles Bulson, dated May 7, 2026. Mr. Engster briefly reviewed the history of the project, stating that the application had been submitted in November 2025, and that the project site was an approximately 80-acre parcel and an adjacent parcel of approximately 1.53-acres. Mr. Engster stated that the applicant was proposing to create three new parcels from the two existing parcels, resulting in two parcels of approximately five acres each and an approximately 70-acre parcel, and that the two five-acre parcels would access Tamarac Road by an existing roadway connected to the existing 1.53-acre parcel. Mr. Engster stated that

the documents requested by Mr. Miranda in his letter had been submitted to the Town. Mr. Engster stated that in Brunswick, a driveway is considered private when it is less than 150 feet long, that a Private Road Maintenance Agreement had been drafted for this project, and that that Agreement had been submitted to the Town for review. Mr. Engster stated that a public hearing had been held on this project, that the public hearing had been held over two meetings on March 19 and April 2, that the public hearing had been closed at the April 2 meeting, and that written responses to comments made at that public hearing had been submitted to the Town. Mr. Engster stated that a subsequent written response had been submitted concerning the request from Mr. Bulson for a buffer for agricultural land, and that the subsequent written response noted that such a buffer was not required due to an existing natural buffer of more than 1,000 feet of woodlands. Mr. Engster stated that the existence of an underground powerline buried beneath the existing roadway on the 1.53-acre parcel had been brought up at the public hearing, and that vehicles regularly driving over the existing roadway would severely affect that powerline. Mr. Engster stated that adjacent property owner Morgan Waters had signed an easement with National Grid many years ago to access the land the powerline was beneath despite not having any legal rights to that land, which was the applicant's, and that the letter from Mr. Miranda requested some sort of analysis of the proposed roadway area. Chairman Oster asked if there were any additional issues concerning the powerline. Mr. Engster stated that National Grid said that a nearby power pole could be used to provide power to the project site, and that the applicant had agreed to grant an easement to National Grid to access the land. Mr. Engster stated that there were also water issues, noting that the proposed roadway was to be located between two existing ponds, and that a roadway improvement plan had been submitted. Mr. Bonesteel stated that that roadway improvement plan had been received, reviewed, and was acceptable. Mr. Engster returned to the issue of a buffer, noting that

Mr. Bulson's property was classified as farmland, but that the Planning Board needed to properly assess the farm operations on that land. Member Henderson asked for clarification on the issue with the two ponds. Mr. Engster stated that an analyst was currently doing field inspection on the two ponds and the land between them. Mr. Engster also stated that NYS law stated that the Planning Board had the authority to decide if such a buffer was necessary. Chairman Oster noted that the NYS statute cited by Mr. Engster discussed a buffer from a residence, not a property line. Member John Mainello asked if that meant a buffer would need to start from the nearest farm building on Mr. Bulson's property. Mr. Engster stated that it was his interpretation that the residential property line should be used to protect agricultural land. Attorney Langlois stated that the statute said that if there was an agricultural use on the land, then 100 feet of buffer was required, that any additional buffer was discretionary, and that Mr. Engster's subsequent submission discussed the distance between the two properties and that they were separated by over 1,000 feet of woodlands. Mr. Danskin stated that the homestead line should be used as the starting point for a buffer, not the house on the site, and pointed out where the homestead line would be on the map. Chairman Oster asked if that homestead line could be added to the map, and Mr. Danskin stated that it could. Mr. Engster cited a NYS court case, which discussed buffers for farmland and stated that analysis of the farmland in question was needed, and that farmland cannot have control over neighboring residences. Mr. Engster stated that the letter from Mr. Miranda requested that the public hearing be reopened, and stated that the applicant did not object to reopening the public hearing if the Planning Board decided to do so. Mr. Engster stated that the letter from Mr. Miranda requested that the application be reclassified as a major subdivision due to building a new road, but noted that the applicant was proposing to build a private driveway, not a public roadway. Mr. Engster also stated that the letter from Mr. Miranda compared the length of nearby Indian Creek

Road to the length of the proposed private driveway, and noted that the length of Indian Creek Road had no bearing on the project. Attorney Langlois asked what was the difference in treating the project as a major subdivision. Mr. Engster noted that it would require much more time and money from the applicant, and reiterated that there was no legal basis for reclassifying the project as a major subdivision. Chairman Oster noted that there were different legal requirements for a driveway than a public street, such as having a width of 16 feet, shoulders, and turnouts every 500 feet. Kevin Mainello stated that public roads must also meet fire access standards. Chairman Oster noted that the letter from Mr. Miranda had an error, stating that the proposed private driveway was to be 60 feet wide when it was actually proposed to be 16 feet wide, but noted that the width of the driveway had been erroneously stated to be 60 feet in the December 20, 2025 meeting minutes. Member Stancliffe noted that the adjacent lands owned by Mr. Bulson were not identified on the drawings submitted with the application. Mr. Danskin identified on the site map where Mr. Bulson's lands were, and stated that he would identify them on an updated map. Chairman Oster asked to confirm that the applicant was not opposed to reopening the public hearing, which Mr. Engster confirmed, stating that the public had a right to be heard. Attorney Langlois noted that the date by which the Planning Board needed to make a determination on the application would reset to 45 days after the close of the public hearing if the Planning Board decided to reopen the public hearing on the application, and Mr. Engster stated that he understood. Chairman Oster asked if the public hearing needed to be reopened by a certain date. Attorney Langlois stated that it did not if the Planning Board agreed at the current meeting to reopen the public hearing. Mr. Engster stated that he had already consented to extending the date by which a determination needed to be made to June 18, 2026. Chairman Oster asked the other Planning Board members if they wanted to reopen the public hearing. Member John Mainello stated that he was against reopening the public

hearing as reopening it once meant that it could potentially be reopened multiple times if a member of the public wanted to make additional comments. Chairman Oster asked when additional information could be submitted. Mr. Engster stated that that information could be submitted soon, and formally requested that Mr. Bulson submit information concerning the farm operation on his land. Attorney Langlois asked why that mattered when Mr. Engster was arguing that a natural buffer already existed and satisfied the requirement for a buffer. Mr. Engster clarified that the letter from Mr. Miranda requested a buffer from the existing roadway, and that the applicant was arguing that the buffer, if required, should be from the residence on the applicant's property, which is over 700 feet from Mr. Bulson's property. Chairman Oster noted that Brunswick regulations stated that the buffer should be from the residence, not the roadway. Mr. Engster agreed, stating that the request in the letter was legally incorrect. Attorney Langlois concluded that the request from Mr. Engster for information on the agricultural operation on Mr. Bulson's land would help determine if the required buffer for agricultural land was even necessary, and that Mr. Engster had the right to request documentation on the agricultural operations on Mr. Bulson's property. Mr. Engster stated that he wanted to give the Planning Board as much information as possible to make its determination. The Planning Board members further discussed reopening the public hearing and agreed to do so. This matter was placed on the June 4, 2026 agenda for further deliberation.

The second item of business on the agenda was a site plan application submitted by Richard Valverde for property located at 721 Hoosick Road. No one was present to review the application. Kevin Mainello stated that an underground water regulator had been discovered on the site, which required further analysis. Mr. Bonesteel stated that NYS Department of Transportation (DOT) approval would be needed for the project. This matter was placed on the June 4, 2026 agenda for further deliberation.

The third item of business on the agenda was a waiver of subdivision application submitted by Jason Hoag for property located on Broadview Court. Jason Hoag and Mark Morano, to whom Mr. Hoag was selling 1.99 acres of land, were present to review the application. Mr. Hoag stated that he was proposing to sell 1.99 acres of land to Mr. Morano, who was his adjacent neighbor. Mr. Hoag stated that there were concerns about an existing stream, which had been classified as a Class A stream by NYS Department of Environmental Conservation (DEC), on the parcel, specifically that access to the parcel would need to cross that stream. Mr. Hoag also stated that Mr. Morano did not want to merge the land he was buying to the land he already owned, which was creating the issues. Chairman Oster asked if Broadview Court could be used as an entrance to the site. Mr. Hoag stated that it could not due to needing to cross the aforementioned stream. Mr. Bonesteel stated that there were multiple issues with the site, all of which would be solved by combining the parcels that would be owned by Mr. Morano. Mr. Morano asked what the process would be for combining the parcels. Mr. Bonesteel stated that once the waiver of subdivision was approved by the Planning Board, the new deed for the combined parcel would need to be filed with the Town. Member Tarbox stated that separating the 1.99 acres must be done before that land could be merged with another parcel. Chairman Oster confirmed that everything could be done through approving the waiver. Mr. Bonesteel noted that the map submitted with the application stated that the action was a minor subdivision when it was a waiver of subdivision. Mr. Bonesteel also stated that a copy of the new map, which would be produced by the project's surveyor, should be submitted to the Town as well. The Planning Board had no further questions or comments on the application. Member Tarbox made a motion to adopt a negative declaration on the application under SEQRA, which was seconded by Member John Mainello. The Planning Board voted unanimously to declare a negative declaration on the application under SEQRA. The Planning

Board determined that a condition on the approval of the application was that two new maps needed to be filed with the Town. Member Stancliffe made a motion to approve the waiver of subdivision application subject to the noted condition, which was seconded by Member Henderson. The Planning Board voted unanimously to approve the waiver of subdivision application subject to the noted condition.

The fourth item of business on the agenda was an application for an amendment to a previously-approved site plan submitted by Carroll's, LLC and Joshua Bazis for property located at 747 Hoosick Road. Craig Tripp, RLA, of Greenman-Pedersen, Inc., was present to review the application. Mr. Tripp stated that the project was for site and building upgrades for branding purposes for the Burger King fast food restaurant on the site. Mr. Tripp stated that the site currently had 72 parking spaces and one drive-through, that the site was sloped from back to front, and that there was a catch basin for stormwater. Mr. Tripp stated that the applicant was proposing to add a second drive-through, that there would be sidewalk and landscaping changes, that the dumpster at the back of the site would be moved, that one existing light pole on the site would also be moved, and that there would be no new utilities needed on the site. Mr. Tripp also stated that the number of parking spots would decrease from 72 to 66, which was still more than required under the Town Zoning Code. Chairman Oster asked if angled parking had been considered. Mr. Tripp confirmed that angled parking had been analyzed, and reviewed a rendering of the site with angled parking spots, stating that the change to angled parking would lead to the loss of a few more parking spots. Chairman Oster stated that angled parking would help the site. Mr. Tripp stated that angled spots could be added to the site plan if required. Mr. Tripp stated that there had been a question at the last Planning Board meeting concerning pedestrian walkways, and that he had stated that the site does not allow them. The Planning Board discussed pedestrian and vehicle movement through the

site. Kevin Mainello asked for details on the new dumpster enclosure. Mr. Tripp stated that he would submit details of the new dumpster enclosure to the Planning Board. Kevin Mainello asked if the enclosure would be directly up against the existing retaining wall at the back of the site. Mr. Tripp stated that the enclosure would be near the retaining wall, but not directly against it. Mr. Bonesteel stated that he wanted more time to fully review the project's plans, specifically the flow of traffic through the site. Chairman Oster asked if a public hearing was required. Attorney Langlois stated that the Town zoning regulations did not address whether a public hearing was required for the modification of a site plan. Kevin Mainello stated that public hearings had been previously held for site plan modifications, and that whether to hold a public hearing for a site plan modification was at the discretion of the Planning Board. Attorney Langlois noted that the Planning Board had held a public hearing for a site plan modification application submitted earlier in the year by AT&T for upgrades to two cell towers. Chairman Oster stated that he believed any application for property along Hoosick Road should require a public hearing. This matter was placed on the June 4, 2026 agenda for further deliberation.

The Planning Board discussed three items of new business.

The first item of new business was an application for a major subdivision submitted by Brunswick Road Development, LLC for property located along NYS Route 2. No one was present to review the application. No new documents had been submitted since the last Planning Board meeting.

The second item of new business was a waiver of subdivision application submitted by Sean Gallivan for property located at 156 Deepkill Road. Jacob Keasbey, LLS, of Keasbey Land Surveying, was present to review the application. Member Stancliffe recused herself. Mr. Keasbey stated that the project concerned Lot 3 of an existing subdivision and that the proposal was a lot

line adjustment to provide a buffer for that lot. Mr. Bonesteel asked what zoning district the subdivision was located in. Mr. Keasbey stated that the subdivision was in an R-40 residential zoning district. Mr. Bonesteel asked where the septic system was on Lot 3. Mr. Keasbey stated that the septic system was at the back of the lot. This matter was placed on the June 4, 2026 agenda for further deliberation.

Member Stancliffe returned to the meeting.

The third item of new business was a special use permit application for a solar array for property located at 276 Bulson Road. No one was present to review the application.

The Planning Board discussed one item of old business.

The one item of old business was a major subdivision application submitted by Jim Cillis for property located on Cole Lane. Kevin Mainello stated that the applicant was ready to come back before the Planning Board to provide an update on the project. This matter was placed on the June 4, 2026 agenda for further deliberation.

The index for the May 21, 2026 regular meeting is as follows:

1. Fischer – minor subdivision (June 4, 2026).
2. Mavis Tire – site plan (June 4, 2026).
3. Hoag – waiver of subdivision (approved with condition).
4. Burger King – site plan amendment (June 4, 2026).
5. Brunswick Acres – major subdivision.
6. Gallivan – waiver of subdivision (June 4, 2026).
7. 276 Bulson Road – special use permit.
8. Cillis – major subdivision (June 4, 2026).

The proposed agenda for the June 4, 2026 regular meeting is currently as follows:

1. Fischer – minor subdivision.
2. Mavis Tire – site plan.
3. Burger King – site plan amendment.
4. Gallivan – waiver of subdivision.
5. Cillis – major subdivision.