

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 7, 2018

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

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

Chairman Oster reviewed the items that would be discussed at this meeting, noting that there was no formal agenda prepared as the May 17, 2018 Planning Board meeting had been cancelled due to no agenda items. Chairman Oster stated that representatives of Nigro Companies would make an initial presentation of its site plan in connection with the Brunswick Plaza Planned Development District amendment; Kevin Bailey of High Peaks Solar would present updated information concerning the regulated wetlands investigation on the proposed commercial solar field site; and the proposed Ace Hardware site plan would be discussed. Chairman Oster also stated there were several items of new business.

The Planning Board reviewed the draft minutes of the May 3, 2018 meeting. Upon motion of Member Czornyj, seconded by Member Henderson, the minutes of the May 3, 2018 were unanimously approved without amendment. The Planning Board noted there are no meeting minutes for May 17, 2018, as the meeting had been cancelled due to lack of any agenda items.

The first item of business on the agenda was a site plan presentation made by Nigro Companies with regard to the Brunswick Plaza Planned Development District amendment. Gregg Ursprung of Bergmann PC was present. Also present were Mark Kestner, P.E., Town designated review engineer for the Brunswick Plaza PDD amendment, and Steve Powers of Nigro Companies. Mr. Ursprung presented the proposed site plan for the project, noting that amendments to the site plan had been made to address comments made by the Planning Board during its review and recommendation of the PDD amendment proposal. Mr. Ursprung stated that the driveway located in front of the Sunmark Federal Credit Union building adjacent to Hoosick Road was changed to one way, and that the two-way driveway proposal in this location had been eliminated; the crosswalk between the Sunmark Federal Credit Union portion of the project and the remainder of the Brunswick Plaza PDD had been relocated in compliance with the Planning Board comments; the dumpster in the area of the Sunmark Federal Credit Union building had been relocated, and will be enclosed in a split-face block enclosure with landscaping; and a bump-out had been added near the Sunmark Federal Credit Union drive-thru area. Mr. Ursprung stated that in connection with these plan amendments, the total greenspace for the Brunswick Plaza is re-calculated to now be 19.46%, whereas the previous site plan proposal had total greenspace for the Brunswick Plaza at 19.33%. Member Stancliffe asked whether there would be any installation of bollards on the site. Mr. Ursprung reviewed proposed bollard locations near the crosswalk area. Chairman Oster wanted to confirm the greenspace percentage stated by Mr. Ursprung was for the Brunswick Plaza PDD as a whole and not just specific to this site plan. Mr. Ursprung confirmed that the 19.46% greenspace was for the total Brunswick Plaza PDD. Chairman Oster confirmed that the Brunswick Plaza PDD amendment remains pending before the Town Board, and inquired whether there were any issues raised by the Town Board at the public hearing held in May. Mr. Kestner stated that

one issue had been raised by a Town board member concerning the crosswalk near the proposed Taco Bell restaurant and the Price Chopper parking area, and that the applicant had addressed this comment by adding a crosswalk with signage to the site plan. Chairman Oster inquired about proposed snow storage once this site was developed. Mr. Ursprung stated that snow storage would be at the end of the Price Chopper parking area and, if needed, snow would be removed from the site. Mr. Ursprung wanted to confirm that there were limited areas on this specific site plan that could be used for minimal snow storage, but that the bulk of the snow storage during the winter would be in the end of the Price Chopper parking lot area. Member Czornyj inquired about the height of the walls surrounding the dumpsters. Mr. Ursprung stated that the walls would be approximately 6–7 feet high and the dumpster would not be visible behind the walls, and that the landscaping in front of the walls would be approximately 3–4 feet high. Mr. Ursprung confirmed that a landscaping plan was included in the plan set. The Planning Board members discussed access to the dumpster location near the Taco Bell restaurant, and also internal traffic circulation and location of stop signs with respect to both dumpster locations. Member Casey inquired whether the travel lane between this site and the Price Chopper parking lot would be blocked when the dumpster near the Taco Bell is being emptied. Mr. Ursprung stated that the dumpster would be emptied during off-hours, and that if the travel lane were blocked, there are alternate access ways available throughout the Brunswick Plaza PDD. Member Tarbox had a question concerning truck deliveries, and the issues of truck movement and mountable curbs were discussed as shown on the proposed site plan. It was noted that the Brunswick Town Board had held a public hearing on the proposed PDD amendment, and that no public comments were presented. Mr. Ursprung requested that the Planning Board not require a public hearing in connection with the site plan application. Attorney Gilchrist reviewed the procedure for site plan review, and also confirmed

the Brunswick Town Board public hearing and lack of any public comments received at that public hearing, concluding that it is within the discretion of the Planning Board as to whether a public hearing is required on the site plan. Member Casey raised a question regarding a door location on the Taco Bell restaurant adjacent to Hoosick Road, and following discussion, the applicant will investigate a possible crosswalk in this location. Member Mainello asked about the proposed hours of operation for the Taco Bell, and Mr. Ursprung stated he would have that information for the Planning Board at its next meeting. Member Stancliffe requested building elevations for review, and Mr. Ursprung stated they would be provided at the next meeting. This matter is placed on the June 21 agenda for further discussion.

The next item of business on the agenda was the High Peaks Solar applications for special use permit/site plan/subdivision in connection with the proposed commercial solar facility located at 566 Brunswick Road. Mr. Bailey handed up additional information concerning federal regulated wetlands on the project site, including a report from the applicant's consultant as well as information from the US Army Corps of Engineers. Mr. Bailey stated that there were federally regulated wetlands on the project site, and that the project had been redesigned to remove any proposed solar panels from the area of the federal wetlands. This project amendment results in an amended site plan, which will require review by the Planning Board. Member Stancliffe inquired whether earthen berms that had been proposed for the project had been removed from the federal wetland areas. Mr. Bailey stated that the berms would be removed, and an update to the site plan will be made. Member Mainello inquired whether any agreement with the project neighbors had been reached concerning vegetative screening. Mr. Bailey stated that he will do whatever is required to satisfy the adjoining neighbors, but that no specific discussion with the neighbors had occurred. Attorney Gilchrist discussed the procedure on this application, noting that the Planning

Board is serving as SEQRA lead agency, but that variance applications remain pending before the Zoning Board of Appeals as well as the special use permit, site plan, and subdivision applications pending before the Planning Board. Attorney Gilchrist also stated that the Zoning Board of Appeals could not act on the variance applications until the Planning Board, serving as SEQRA lead agency, makes a determination of environmental significance under SEQRA. Attorney Gilchrist stated that he would need time to review the EAF with Mr. Bonesteel, and a proposed part two and three of the EAF prepared by Mr. Bonesteel for review by the Planning Board. It was noted that the next Planning Board meeting is June 21, while the Zoning Board meeting is June 18, and that the Zoning Board would not again be meeting until later in July. In addition, Attorney Gilchrist stated that the Planning Board could not act upon a site plan which was not in compliance with the Zoning Law of the Town of Brunswick, and that the Zoning Board would first need to act on the variance applications before the Planning Board could act upon the site plan and special use permit applications. Procedure was discussed, and it was determined that the Planning Board would hold a special meeting on Monday, June 18, at 5:30pm, in order to address a SEQRA determination prior to the June 18 Zoning Board meeting. In the event a SEQRA determination is made by the Planning Board at its June 18 special meeting, the Zoning Board could proceed to act if it chose to do so at the Zoning Board June 18 meeting, and the Planning Board could then proceed to act on the applications pending before the Planning Board at its June 21 meeting. The Planning Board directed that a notice of special meeting be prepared for June 18 at 5:30pm.

The next item of business on the agenda was the site plan application submitted by Ace Hardware for property located at 831 Hoosick Road. Bo Michael, Architect, and Tom Dingley, representative of the owner, were present at the meeting. Mr. Michael stated that the owner had

obtained a wetlands permit from the New York State Department of Environmental Conservation, and had provided a copy of that permit to the Town. Mr. Michael stated that the proposed new building to be located on the west side of the parcel has been moved slightly, and the travel lane to the rear of the building has been limited to one-way traffic. Member Czornyj had a question about standing water in the ditch along the rear of the property adjacent to the wetlands, and observed that the water in the ditch never drains. Tom Dingley stated that this ditch was designed to retain water, and the drywell and trench on the property are both used as retention areas. Chairman Oster inquired whether Mr. Bonesteel had a chance to review the DEC wetlands permit. Mr. Bonesteel stated that he had not had any opportunity to review the permit. Attorney Gilchrist raised questions regarding the wetlands permit issued by DEC Region 4, noting that the Planning Board had not been contacted by DEC and no coordination had occurred between the Brunswick Planning Board and DEC Region 4 on this matter. Mr. Bonesteel confirmed that he had not been contacted by DEC Region 4 on the wetlands issue either. Attorney Gilchrist inquired whether the owner had submitted an Environmental Assessment Form to DEC Region 4 in connection with the wetlands permit application, or whether the EAF which had been provided to the Planning Board had been amended and updated to include the need for a DEC freshwater wetlands permit. No clear answer was provided by Mr. Michael. Attorney Gilchrist stated that the Planning Board also needs to make a determination of environmental significance under SEQRA, and the Planning Board must understand how DEC Region 4 handled this matter under SEQRA before it acts. Mr. Bonesteel concurred, stating that he would also like the site plan updated to clearly identify where the State freshwater wetland boundary and buffer area are on the project site. Member Stancliffe asked whether an updated SEQRA form had been provided to the Planning Board. The Town is not in receipt of any updated EAF from the applicant. Mr. Bonesteel stated that he would like the

site plan updated to show the wetland areas, as the wetlands are a critical issue on this matter, and also additional information on the DEC Region 4 review of the wetlands permit application should be obtained before the Planning Board acts. Upon further discussion, this matter was adjourned and placed on the June 21 agenda.

Six items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Michael Darling for property located at 75 Colehammer Avenue. Mark Danskin, Land Surveyor, was present for the applicant. Mr. Danskin stated that Mr. Darling owns a parcel on Colehammer Avenue, and he is looking to divide that parcel into two lots, with lot 1 being approximately 1.5 acre and lot 2 being approximately 3.7 acres. Mr. Danskin explained that proposed lot 1 has an existing house, which would continue to be used for residential purposes. Mr. Danskin stated that lot 2 has an existing barn on it, but that Mr. Darling is proposing to construct a new house on lot 2. The Planning Board stated that it has been the practice of the Town to allow the barn building to remain on proposed lot 2 despite the lack of a primary structure, upon the condition that a building permit must be obtained within one year of the subdivision for the construction of a primary residence, or the barn structure would need to be removed. Mr. Danskin stated that the proposed lot 2 has adequate frontage on a public road. Mr. Bonesteel asked about the topography of the proposed lot 2, and Mr. Danskin stated that the lot is gently graded, provides good topography for residential construction, and is neither too steep nor too flat. The Planning Board had no further questions on the application. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision, subject to Rensselaer County Health

Department approval for well and septic on proposed lot 2, and also the condition that a building permit be issued for residential construction on proposed lot 2 within one year of the date of this approval or the barn structure must be removed from lot 2. The motion was seconded by Member Henderson. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

The second item of new business discussed was a waiver of subdivision application submitted by Eric Premo for property located at 139 Smith Hill Road. Kevin McGrath, Land Surveyor, was present for the applicant. Mr. McGrath stated that the current parcel at 139 Smith Hill Road totals 83.47 acres, and the application seeks to divide a 5.97-acre lot from that total acreage. Mr. McGrath explained that the new lot is being divided from the remaining land for building purposes and financing purposes, so that future financing secured only the 5.97-acre lot, and not the remaining acreage. Mr. McGrath explained that a home previously existed on the site, and that the owners are looking to rebuild a home on the site and that the existing septic, well, and driveway would be utilized for the new house construction. Mr. McGrath explained that the prior house had been located on the entire 84-acre parcel, and that the new house construction would be located on the proposed 5.97-acre parcel, with a remainder lot of approximately 78 acres. Chairman Oster asked about sight lines for the driveway on the proposed building lot. Mr. McGrath stated that there was an existing driveway at that location which would be utilized, and there were no issues concerning adequate sight distances. Member Tarbox inquired as to access to the remaining 78-acre parcel. Mr. McGrath stated that there was over 2,000 foot of road frontage for the remainder parcel, and several areas for access driveways are available. Member Casey asked whether the proposed lot line cuts directly across the edge of a pond on the property. Mr. McGrath confirmed that the proposed property line is along the edge of a pond. The owners were

also present, and indicated that they were intent on constructing a new home immediately. The owner stated that the Rensselaer County Department of Health approval for water and septic had been obtained in 1994, and that the existing well and septic would be utilized. Ms. Guastella confirmed that she had spoken with the Rensselaer County Department of Health concerning those issues. The Planning Board members had no further questions or comments on the application. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision application, which motion was seconded by Member Casey. The motion was unanimously approved, and the waiver of subdivision application was approved.

The next item of new business discussed was the waiver of subdivision application submitted by Lacey Davidson and Eric Davidson for property located at 100 Cole Lane. Lacey Davidson was present. She explained that the existing property at 100 Cole Lane is 4.13 acres in size, and that she is looking to divide off a 1.1-acre lot for sale. Her existing home, well, and septic would be on the remaining lot, and the Planning Board discussed locations for well and septic on the proposed 1.1-acre building lot. The applicant stated that there is currently no construction planned for the building lot, but the Planning Board members explained that they needed to ensure that the lot was buildable, including adequate area for well and septic. The Planning Board members discussed the topography of both the existing lot and proposed new building lot, as well as its location near the Poestenkill Creek, and reviewed required setbacks for well and septic in relation to the new proposed lot. The issue of well and septic on the proposed new building lot will need to be further investigated. The issue of the number of lots on Cole Lane, which is a cul-de-sac or dead end road, was raised, and whether there were more than 12 existing lots on this cul-

de-sac road. Member Casey thought that there may be up to 19 existing homes on Cole Lane, and the Planning Board determined that a waiver on the number of lots on a dead end road would need to be obtained from the Brunswick Town Board in order for the proposal to proceed. This matter has been placed on the June 21 agenda for further discussion concerning the number of lots on Cole Lane, with the intent of preparing a recommendation and referral to the Town Board on the issue. This matter is placed on the June 21 agenda for further discussion.

The next item of new business discussed was a waiver of subdivision application submitted by Matt Grab for property located at 118 Mickel Hill Road. The adjacent property owner is Mickel Hill Properties, a principal of which is Member Tarbox. Member Tarbox recused himself from the review of this application. The Planning Board members reviewed the proposal, which seeks to divide an additional 5-acre area from the 60-acre parcel owned by Mickel Hill Properties for conveyance to Matt Grab and merger of the 5-acre area into the existing Grab parcel. It is noted that a 7-acre parcel had been divided from the lands of Mickel Hill Properties in 2016, and was conveyed in fee title by Mickel Hill Properties to Matt Grab. Matt Grab is now seeking to acquire an additional 5 acres from Mickel Hill Properties, which will be merged into his existing 7-acre parcel, for a total parcel of 12 acres to be owned by Grab. The Planning Board members deemed this to be in the nature of a lot line adjustment, and had no further questions or comments on the application. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Henderson. The motion was approved by a vote of 5-0, with Member Stancliffe abstaining, and Member Tarbox having recused. Member Czornyj then made a motion to approve the waiver of subdivision, subject to the condition that the 5-acre parcel be legally merged into the existing 7-acre parcel owned by Grab, and that the deed of merger be filed with the Brunswick Building Department. Member Mainello seconded the motion subject to

the stated condition. The motion was approved by a vote of 5-0, with Member Stancliffe abstaining, and Member Tarbox having recused. This application is approved subject to the stated condition.

The next item of new business discussed was the waiver of subdivision application submitted by John Kaschak for property located at 19 Brunswick Sportsman Road. Brian Holbriiter, Land Surveyor, was present for the applicant. Mr. Holbriiter explained that Mr. Kaschak is looking to divide the existing 2.85-acre parcel located at 19 Brunswick Sportsman Road into two lots, one being 0.57 acres and the remaining parcel being approximately 2.3 acres. Mr. Holbriiter explained that the 0.5-acre parcel would be substandard in size given that the property is located in the A-40 Zoning District, and that the owner had obtained an area variance from the Brunswick Zoning Board of Appeals for this proposed substandard lot. Attorney Gilchrist and Ms. Guastella confirmed the Zoning Board action on granting the area variance for the proposed substandard lot. Mr. Holbriiter explained that there is an existing home on the approximately 2.3-acre lot, with its own public water connection, septic, electric connection, and driveway; and that there was an existing mobile home on the 0.57-acre lot, which had its own public water connection, septic, own electric connection, and driveway. Mr. Kaschak is looking to sell both the house and the mobile home, and is seeking approval to divide the property as proposed. The Planning Board members had no further questions or comments, noting that no new construction is being proposed, and all existing structures and utilities would be maintained. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the subdivision application,

which motion was seconded by Member Stancliffe. The motion was unanimously approved, and the waiver of subdivision application approved.

The next item of new business discussed was a sketch plan presentation made by Andy James and Simply Better Auto for property located at 805 Hoosick Road. Mr. James explained that he is proposing to diversify his business, and would like to be able to sell a mobile home-type structure, in the nature of a tiny home. Mr. James explained that the mobile homes are approximately 400 square feet, but do carry a VIN number through the Department of Motor Vehicles. Mr. James explained that there would be no changes to the site at all, and that he was looking to store between four and six of these units on the west side of the property for display purposes. Mr. James explained that potential customers would view the mobile home, place an order, and that the manufacturer of the tiny homes would send the structure directly to the customer at the customer's location. Mr. James did not anticipate any change in signage. Mr. James explained that the mobile homes would be able to be brought to a particular location, and would be able to have a skirt attached to them, but that the structure would remain mobile and the axels and wheels would remain on the unit. The size of the units was discussed, as well as photographs depicting the style of these mobile homes/tiny homes. Member Mainello suggested that the proposal be reviewed by the fire department in relation to the proximity of the units to the existing building. The type of this use was discussed, with the Building Department having determined that the use would fit into the category of large product, retail. Since this would be a change in use to the site, a site plan amendment will be required. The Planning Board discussed the need for a public hearing on this application, noting that they will consider whether the proposal significantly alters the use of the site. Mr. James was directed to submit a site plan amendment

application, together with an Environmental Assessment Form. This matter is tentatively placed on the June 21 agenda, subject to the receipt of the completed site plan amendment application.

The index for the June 7, 2018 meeting is as follows:

1. Nigro Companies - Brunswick Plaza PDD Site Plan - 6/21/2018;
2. High Peaks Solar - Special use permit/site plan/subdivision - special meeting scheduled for June 18 at 5:30pm for SEQRA determination; also placed on June 21 regular business meeting;
3. Ace Hardware - Site plan - 6/21/2018;
4. Darling - Waiver of subdivision - Approved with conditions;
5. Premo - Waiver of subdivision - Approved;
6. Davidson - Waiver of subdivision - 6/21/2018;
7. Grab - Waiver of subdivision - Approved with condition;
8. Kaschak - Waiver of subdivision - Approved;
9. Simply Better Auto Center/Andy James - Amendment to site plan - 6/21/2018 (tentative);

The proposed agenda for the June 18, 2018 special meeting currently is as follows:

1. High Peaks Solar - SEQRA determination.

The proposed agenda for the June 22, 2018 meeting currently is as follows:

1. Nigro Companies - Brunswick Plaza PDD site plan;
2. High Peaks Solar - Special use permit/site plan/subdivision;
3. Ace Hardware - Site plan;
4. Davidson - Waiver of subdivision;
5. Simply Better Auto Center/James - Amendment to site plan.