

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 1, 2018

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

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

Chairman Oster reviewed the agenda as posted on the Town signboard and Town website.

The draft minutes of the October 18, 2018 meeting were reviewed. Upon motion of Member Henderson, seconded by Member Casey, the minutes of the October 18, 2018 meeting were unanimously approved without amendment.

Chairman Oster noted for the record that Member Mike Czornyj had tendered his written resignation to the Town Supervisor. Chairman Oster thanks Mr. Czornyj for his long service to the Town of Brunswick as a member of the Brunswick Planning Board, having served 21 years as a member of the Planning Board. Chairman Oster stated that Mr. Czornyj at all times did an excellent job as a member of the Planning Board, and that he will be missed. On behalf of the Planning Board, Chairman Oster thanked Mr. Czornyj for his many years of service to Town and wished him great success in all his future endeavors.

The first item of business on the agenda was the site plan and special use permit application submitted by Stewart's Shops for property located at 10 Sweetmilk Creek Road. Chairman Oster stated that at the request of the applicant, this matter is adjourned and will not be discussed at this

meeting. Attorney Gilchrist had informed Chairman Oster that it was his understanding that Stewart's Shops would be requesting that the application be placed on the next Planning Board agenda. Chairman Oster stated that this matter will be placed on the November 15 agenda. Chairman Oster did note for the record that two additional letters had been received concerning this application, one submitted by Alicia Saunders dated October 30, 2018; and a second letter submitted by Attorney David Little, received by the Town of Brunswick on October 30, 2018 but bearing the letter date of August 17, 2017.

The second item of business on the agenda was the minor subdivision application submitted by Karen DuJack for property located at 70 Town Office Road. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter generally reviewed the minor subdivision plat, indicating that additional engineering information was now available subsequent to his previous presentation of the concept plan. Mr. Holbriiter stated that the project is located on Town Office Road approximately 600–700 feet from McChesney Avenue Extension, located on the east side of Town Office Road, with the parcel currently being approximately 17 acres, and that the application seeks to create three new building lots for the DuJack sons. Three new building lots are proposed, each with frontage on Town Office Road. Lot 1 is approximately 2.08 acres; lot 2 is approximately 2.38 acres; and lot 3 is approximately 2.71 acres. Mr. Holbriiter stated that the applicant had hired a licensed engineer who had prepared a septic plan that is currently before the Rensselaer County Department of Health, and that it is Mr. Holbriiter's understanding that the Rensselaer County Health Department has determined that the septic plan is approvable pending final Planning Board action under SEQRA and on the preliminary subdivision plat. Mr. Holbriiter stated that the application package includes driveway profiles, and that he had met at the site with a representative from the Rensselaer County Highway Department concerning proposed driveway

locations. Mr. Holbritter stated that the Rensselaer County Highway Department determined that the proposed driveway locations are good. Mr. Holbritter stated that pipes and culverts to be installed in connection with the driveway installation would be finalized during the County work permit stage, and that the future lot owners would not be applying for a driveway permit until they were ready to build, which is not anticipated for a period of time. Mr. Holbritter stated that he would add a plat note to the subdivision plat, indicating that a driveway permit is required from the Rensselaer County Highway Department prior to driveway construction. Member Stancliffe asked whether the Rensselaer County Highway Department would allow a culvert to be installed for each driveway within the County road right of way. Mr. Holbritter stated that the County would allow the culverts within the County road right of way. Member Tarbox asked whether a ten-foot back pitch on the new driveways would be required by the Rensselaer County Highway Department. Mr. Holbritter stated that the back pitch will be required, and that each building lot would require some grading in order to get the appropriate back pitch. Member Stancliffe noted that lot #2 driveway location was fairly close to an existing power pole. Mr. Holbritter did state that the driveway as shown currently on the plan was close to an existing power pole, and that this was discussed with the Rensselaer County Highway Department, and that the driveway location may be moved approximately 10 feet which was discussed with the Rensselaer County Highway Department. Member Stancliffe also stated that the proposed driveway location on lot #1 was close to an existing cross culvert, and again Mr. Holbritter confirmed that the final driveway location may be required to be moved a few feet to avoid the cross culvert. Member Tarbox asked whether a swale would be constructed behind each of the homes on the new building lots to catch stormwater runoff from the existing hill. Mr. Bonesteel noted that on the subdivision plat, a diversion ditch is proposed at the back of each lot to catch the drainage off of the hill. Mr.

Bonesteel stated that he had started his review of the subdivision plat package, and would be providing written comments. Mr. Bonesteel did confirm that an Environmental Assessment Form had been submitted by the applicant. Chairman Oster inquired whether Mr. Bonesteel had had an adequate opportunity to review the materials to determine whether they are adequate for purposes of opening a public hearing. Mr. Bonesteel stated that the application materials are adequate to open the public hearing. Chairman Oster asked whether the Board members had any further questions at this point. No one had any further questions concerning the application materials at this point. Mr. Holbriiter confirmed that an agricultural data statement had been submitted with the application, and the Planning Board noted that it would be mailed to the appropriate parties. Chairman Oster noted for the record that the stormwater pollution prevention plan had also been submitted with the application materials. Upon further discussion with Mr. Holbriiter, the Planning Board scheduled a public hearing for this minor subdivision plat application for the December 6 meeting to commence at 7:00pm.

One item of old business was discussed.

The site plan application submitted by St. Peter's Health Partners for property located at 740 Hoosick Road (Walmart Plaza) was reviewed. Mike Tierney of St. Peter's Health Partners was present for the applicant. Mr. Tierney stated that he had previously presented the site plan, and that the materials had been resubmitted with the requested information from the Planning Board. Mr. Tierney stated that the site plan now shows the location of existing light poles, existing catch basins, all current handicap spaces, current cross walks, current traffic flow areas, and that a location map has been added to the site plan. Mr. Tierney also stated that the site plan has been stamped by the project architect. Mr. Tierney also stated that a completed Environmental Assessment Form has been filed. Chairman Oster wanted to confirm the current location for the

St. Peter's Health Partners rehabilitation facility. Mr. Tierney stated it is currently located at 147 Hoosick Street, but that St. Peter's Health Partners is looking to relocate this rehabilitation facility to Brunswick. Chairman Oster noted that the Planning Board must review the parking proposal, including the addition of new handicap spaces. Chairman Oster also wanted to confirm that there were no structural changes proposed for the plaza. Paul Engster of Johnston Associates was present, and stated that while there will be no structural changes to the footprint of the existing buildings, he wanted to let the Planning Board know that windows will be added to the rear of this lease space. Mr. Tierney confirmed that the windows will be added to the area where physical therapy will occur, and that the intent is to add natural light to the physical therapy area. Member Stancliffe asked Mr. Tierney to review the handicap space proposal. Mr. Tierney stated that St. Peter's is proposing to add 4 additional handicap spaces to the parking lot, which in doing so would eliminate 3 existing regular parking spaces. Chairman Oster asked how this proposal would affect the total number of parking spaces for this plaza. Mr. Engster stated that this plaza was originally approved as a Planned Development District in 1995, and approved as a single commercial shopping center. Mr. Engster stated that the Town approved the parking plan for the entire plaza site, both with respect to Walmart and also the Johnston Associates side of the plaza. Mr. Engster stated that the Town also approved greenspace standards for the entire plaza site as well. Mr. Engster stated that in connection with the Walmart expansion project previously approved by the Town, Walmart engineers had calculated the total number of parking spaces for the plaza and determined that more parking spaces are provided than required under the original PDD approval. Mr. Engster also stated that the Walmart engineers had calculated greenspace for the plaza as constructed in connection with the Walmart expansion, and that the greenspace for the whole plaza is over the minimum required under the original PDD approval. Mr. Engster stated that the amount

of parking and the amount of greenspace continues to be more than required under the original PDD approval. Chairman Oster asked whether the addition of handicap spaces in the front of the plaza along the retail space on the Johnston Associates side of the plaza would affect existing tenants. Mr. Engster stated that it would affect existing tenants, but that he has reviewed the proposed handicap spaces with his existing tenants, and that overall his existing tenants were agreeable as long as parking was generally available toward the front of the parking lot for this section of the plaza. Mr. Engster did note that the existing hair salon may have an issue with adequacy of parking, but it was noted that the St. Peter's Health Partners rehabilitation facility is not open on the weekends, which is the time when the hair salon requires the most parking. Mr. Engster also stated that this project highlighted the need to make handicap spaces more visible, and that this will actually improve the handicap spaces at the plaza. Mr. Engster also confirmed that there will be internal renovation to the existing 8,000 square foot retail space, dividing that space between a 6,000 square foot rehabilitation facility and 2,000 square foot retail, confirming that splitting up existing space had already occurred in the past at this location and was consistent with the PDD approval by maintaining the approved building footprint. Chairman Oster confirmed the average visits per day to the rehabilitation facility. Mr. Tierney stated that on average, there are 70 patient visits per day to the rehabilitation facility, again reviewing the hours of operation which include 7:00am to 7:00pm Monday through Thursday, 7:00am to 5:00pm on Friday, and closed on weekends. Chairman Oster asked whether the application had been referred to the Rensselaer County Planning Department. Ms. Guastella confirmed that the application had been referred to the County Planning Department, but that the Town was not yet in receipt of its recommendation. Mr. Bonesteel had a few issues to review with the applicant. Mr. Bonesteel wanted to confirm that the staff entrance to this facility would be in the front of the building and

not to the rear. Mr. Tierney confirmed that the staff entrance is in the front. Mr. Bonesteel noted that the site plan must be amended to note that the staff entry is in the front and not to the rear of the building. Mr. Bonesteel also noted that the Trustco Bank drive thru is not shown on the site plan submission, and if the staff was going to be using the crosswalk located in proximity to the Trustco Bank drive thru, that crosswalk should also be shown on the site plan. Mr. Bonesteel also requested that the site plan be submitted in a suitable scale. Member Casey asked whether medical vans were used to transport patients to the rehabilitation facility. Mr. Tierney stated that the use of medical vans is not typical. Member Casey stated that if medical vans were anticipated, a route for medical vans should be shown on the site plan since some of the turning radiuses are difficult for large vehicles in the parking lot area. Chairman Oster inquired of the Planning Board members whether a public hearing would be deemed necessary on this application. Upon discussion, the Planning Board members unanimously concurred that public hearing would not be required in conjunction with this site plan amendment. This matter is placed on the November 15 agenda for further discussion and possible action, pending receipt of the amended site plan per Mr. Bonesteel's comments as well as the recommendation from the Rensselaer County Planning Department.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Clara Duncan for property located at 38 Duncan Lane. Mark Danskin, Land Surveyor was present for the applicant. Mr. Danskin reviewed the application materials. Mr. Danskin explained that three parcels are included in the waiver map, one owned by Sycaway Creamery, one owned by Keith and Sharon Duncan, and one owned by Mark and Clara Duncan. The applicant seeks to adjust lot lines so that the parcel owned by Mark and Clara Duncan is enlarged through property line adjustments with the

parcels owned by Sycaway Creamery and Keith and Sharon Duncan. Mr. Danskin indicated that the application materials include letters from the owners of each parcel consenting to the application and property line adjustment. Mr. Danskin reviewed the lot lines and the location of existing structures and the resulting size of each lot. Mr. Danskin did indicate that an Agricultural Data Statement had been completed and submitted with the application, and that the application fee had been paid. Chairman Oster noted for the record that he had reviewed this application with Attorney Gilchrist, and that technically there are two waivers included in this application, since the adjoining two parcels owned by Sycaway Creamery and also Keith and Sharon Duncan would be affected and have property from each of those lots conveyed and merged into the lot owned by Mark and Clara Duncan. However, Chairman Oster stated that in his opinion, as the application is in the nature of an overall property boundary adjustment without any new lot being created, the Planning Board should treat this application as one waiver of subdivision application. The Planning Board members concurred with this approach based on these facts. Member Stancliffe noted that an existing garage that will now be located on the lot owned by Mark and Clara Duncan may require an easement over an adjoining lot to have access to Duncan Lane. Mr. Danskin noted this. Member Stancliffe also noted that the garage is noted as 1.5 stories with an attached deck, and inquired as to the use of the second floor of this garage. Mr. Danskin stated that the first floor of this garage is used for storage, but that he has no information concerning the use of the deck and second floor of the garage. Attorney Gilchrist stated that this does not affect the current waiver of subdivision application, but the existence of the deck and second floor of the garage should be noted by the Building Department. Mr. Bonesteel asked whether municipal water was available. Mr. Danskin said the property is serviced by municipal water. Mr. Bonesteel asked where the water service line was located. The location of the water service line was further discussed. Upon

further review, the Planning Board discussed the adjusted proposed property lines in relation to existing structures, and noted that both the existing garage and the existing structure on the parcel owned by Keith and Sharon Duncan do not meet the required setbacks from property lines for this Zoning District, and that area variances may be required from the Brunswick Zoning Board of Appeals. This matter was further discussed by the Planning Board members, Ms. Guastella, and Mr. Danskin, and it was determined that the applicants will file an application for area variances to the Brunswick Zoning Board of Appeals. This matter is adjourned without date pending action by the Brunswick Zoning Board of Appeals on anticipated variance applications.

The index for the November 1, 2018 meeting is as follows:

1. Stewart's Shops - Site plan/special use permit - 11/15/2018;
2. DuJack - Minor subdivision - 12/6/2018 (public hearing to commence at 7:00pm);
3. St. Peter's Health Partners - Site plan amendment - 11/15/2018;
4. Duncan - Waiver of subdivision - Adjourned without date.

The proposed agenda for the regular meeting to be held November 15, 2018 at 7:00pm currently is as follows:

1. Stewart's Shops - Site plan/special use permit;
2. St. Peter's Health Partners - Site plan amendment.

It is noted that the Brunswick Planning Board has noticed and will hold a special meeting on November 15, 2018 at 6:00pm for the purpose of conducting a public scoping meeting on the SEQRA draft scoping document submitted by David Leon for his special use permit application for property located at Valley Avenue.