

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 5, 2019

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, ANDREW PETERSEN, LINDA STANCLIFFE, KEVIN MAINELLO, J. EMIL KREIGER, and DONALD HENDERSON.

ALSO PRESENT were CHARLES GOLDEN, 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 website and the Town signboard.

The Planning Board opened a public hearing on the special use permit and site plan applications submitted by Trifocal Brewing Inc. for property located at 138 Brick Church Road. The applicant seeks special use permit and site plan approval to operate a craft brewery at this location. Chairman Oster reviewed the rules for conducting the public hearing. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Alex Brown of Trifocal Brewing Inc. was present, and presented a project overview. Mr. Brown stated that he and his brother are proposing to operate a small-scale craft brewery at 138 Brick Church Road, utilizing an existing pole barn for the craft brewing process; their proposal is to make beer for sale as well as small-scale on-site consumption in a small seating area; the proposed driveway access was reviewed; 15 parking spots are being proposed; a small patio area toward the back of the pole barn is also being

proposed for the summer months; that this project does not include a restaurant, but will be offering prepared food and a food truck on site could be possible with the operation; that the septic leach field design and permitting is being coordinated with the Rensselaer County Department of Health; and that the driveway access off NYS Route 278 is being coordinated with the New York State Department of Transportation. Chairman Oster then opened the floor for receipt of public comment. Stephanie Delsignore, 132 Brick Church Road, stated that she had a lot of concerns regarding the proposal; that this will be directly in front of her house; that she has a 7-year old and 16-year old and has a lot of concerns; that she bought her home only a few months ago to live in the country, and that this proposal is not consistent with the character of the area; that this proposal will likely include lights and music, and will generate noise impacts; that the value of her home will go down as a result of this project, and that she has asked her real estate agent to provide a report to the Planning Board on that issue, but indicated that her real estate agent was stuck in traffic and not able to make the meeting at this time; that she has concerns regarding the dumpster location which is near her property line, and is concerned about odors and garbage pickup; that she has concerns regarding the growing or use of hops at this location, as it is her understanding that hops are dangerous when consumed by animals or wildlife, and is very concerned about wildlife impacts; that she does not want a bar in front of her house; that there will be safety issues regarding cars coming in and out of a bar at this location; that she has concerns regarding school bus pickup at this location when there is a bar operating; that four other craft breweries have caught on fire, including one in Queensbury, and that she is concerned about the threat of fires; that she asked Mr. Brown what would happen if the operation got too big, and that he said he would move the location, but that she remains concerned that if he is not able to move that this operation will grow and further impact her property; and that Route 278 is not safe. Chairman Oster stated that Ms. Delsignore had spoken to him prior to the meeting, indicating that her real estate agent was

stuck in traffic, and confirmed that even if the public hearing is closed, the Planning Board would accept her real estate agent's report even if she did not make the meeting in time while the public hearing was open. Judy Weinman, 122 Brick Church Road, stated that she felt that her neighborhood was generally agricultural and residential in nature, and while there were agribusinesses around her, the business operations were generally during regular business hours; that while Rifenburg Construction holds a few parties and events during the course of the year which she enjoys and attends, she is very concerned and does not want parties next door to her house five nights a week at a bar; that she appreciates Mr. Brown's desire to conduct a business on his property, but that it is unreasonable to locate a brewery or bar at this location, as there will be significant traffic impacts and impacts to property values; that while Hewitt Trucking exists on the opposite side of NYS Route 278, the trucking operation is generally quiet and considerate of its neighbors, and that having a bar will change the character of the neighborhood, which she characterizes as generally being farms and farmers; that having a bar in the middle of the neighborhood changes the character of the neighborhood, and that while Mr. Brown can call this a small brewery, the New York State Farm Brewing license that Mr. Brown holds allows him to sell a number of New York-based alcohol products, and that this operation may grow; that given an outdoor patio is being proposed, she would anticipate that there will be music at this location which will impact the neighbors; that Mr. Brown could start selling cider and hard liquor under his New York Farm Brewing license without any additional licensing requirements from New York State; that while she appreciates Mr. Brown is starting small, the expansion of this operation poses the greatest threat; that there are school busses dropping kids at this location, and she is concerned that a bar will be operating while the school busses are also operating in this area; that Tamarac school is a center of the community, and adding traffic and a bar in the general location of the school is not a good idea and increases risks to Town residents; that while the Brunswick

BBQ exists very close to the school, they are a good neighbor, and she is concerned about this craft brewery being located both in her neighborhood and close to the school. Clay Danish of CM Danish LLC stated that he had submitted a letter to the Planning Board dated November 29, 2019, and the Planning Board acknowledged that this letter is part of the record and will be considered by the Planning Board. It is also noted that the Planning Board is in receipt of a letter from Kirk and Stephanie Gendron/Clyne Solar, dated December 2, 2019, in support of the Trifocal project. Chairman Oster asked whether any of the Planning Board members had questions. Member Henderson asked Stephanie Delsignore where she lived in relation to the project site. Ms. Delsignore responded, noting that her driveway was generally next to Grant Paving, which also operates in this general location. Debra Gordon, 122 Brick Church Road, stated that she is also concerned about the impact of this project on the character of the neighborhood; that she is also concerned about the amount of tree and brush clearing being proposed in the area of the pole barn, and that the pole barn will generally be open to the road. Wendy Buck, 45 Buck Road, stated that she is a landowner adjacent to the project site; that the farm has been in her family for 100 years; that she does not like it when people move into the Town and tell others how to use their land; and that she supports this application and wishes Mr. Brown luck in the operation of his business. Chairman Oster discussed procedure on closing the public hearing with Attorney Gilchrist, and there was discussion concerning acceptance of Ms. Delsignore's realtor's opinion. Chairman Oster thereupon closed the public hearing on the Trifocal Brewing special use permit and site plan applications, noting that Ms. Delsignore did indicate during the public hearing that her realtor had a report to hand up to the Board, and that the Planning Board would accept the realtor report when she arrives at the meeting.

The Planning Board then opened its regular business meeting.

The draft minutes of the November 21, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the minutes of the November 21, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the special use permit and site plan application submitted by Trifocal Brewing Inc. for property located at 138 Brick Church Road. Chairman Oster noted that the public hearing had been held. Chairman Oster also stated that there had been an issue concerning the location of the driveway leading into the Borrego Solar/Clyne Solar project off NYS 278, and asked whether Mr. Brown had any survey work done to confirm the property boundary line. Mr. Brown stated that he had not scheduled or conducted a survey; that he did put the metes and bounds distances on the site plan as had been requested by the Planning Board; but that he could order survey work if required by the Planning Board. The Planning Board acknowledged the addition of the metes and bounds description on the site plan. Chairman Oster noted that Mr. Golden had taken photographs of the driveway leading into the Borrego Solar/Clyne Solar field, and asked Mr. Golden to review those photographs. Mr. Golden stated that the photographs show that while the driveway leading into the solar field had been widened, it had not been physically relocated or moved from its original proposed location. Chairman Oster noted that one of the comments during the public hearing was that the Brunswick BBQ was located in close proximity to Tamarac school, and that it was his understanding that the Brunswick BBQ also manufactured beer on-site. Mr. Bonesteel stated that it was understanding that the Brunswick BBQ did manufacture beer at another location, but was not aware if they currently are doing so or if the Brunswick BBQ ever manufactured beer at the Route 2 site. Attorney Gilchrist stated that it was his understanding that alcohol was served at the Brunswick BBQ, and noted that the Brunswick BBQ was in closer proximity to Tamarac school than the Trifocal Brewing proposed craft brewery. Chairman Oster asked whether there was any State law prohibiting the operation

of a craft brewery within a certain proximity of a public school. Attorney Gilchrist stated that he was not aware of any such law, but would research the issue. Mr. Brown stated that he would like time to consider the public comments he heard at the public hearings; that he lives in this community as well with his family; and that he certainly wants to be consistent with community character and fit in to his neighborhood. Chairman Oster stated that the concerns heard during the public hearing centered on the potential growth of the business, and outside operations including music. Chairman Oster stated that he understood the public comments to be focusing on the difference between simply manufacturing beer and selling it as opposed to operating what amounts to a pub or bar. Chairman Oster also noted that there may be concern regarding the number of patrons coming to and from the craft brewery, and asked how the number of parking spaces were determined. Mr. Golden stated that he had reviewed this matter with Mr. Brown, and that the number of parking spaces are based on the number of employees plus the square footage of the area being proposed for on-site consumption, which is 750 square feet within the existing pole barn. Chairman Oster inquired whether Mr. Brown had considered simply manufacturing beer and selling it as opposed to also having on-site consumption. Mr. Brown stated that he considered this option, but this did pose issues concerning the economic viability of the business. Chairman Oster noted that the public comments seemed to center on the distinction between simply manufacturing beer on the site as opposed to the on-site consumption, noting that a number of commenters characterized this proposal as a bar. Member Stancliffe stated that it would be helpful for Mr. Brown to submit to the Planning Board a proposed floor plan for the pole barn, identifying the area for on-site consumption in relation to the overall operation. Mr. Brown stated that he is proposing on-site consumption in an area of approximately 750 square feet, which would include a counter and a few tables. Mr. Bonesteel concurred with Member Stancliffe, stating that an interior layout or floor plan would be helpful for the Planning Board in its review of the application.

Chairman Oster concurred that the submission of a floor plan would be useful in the Planning Board deliberation. Chairman Oster confirmed that the public comments will be set forth in the Planning Board minutes; that Mr. Brown will need to respond to the public comments in writing; and that the applicant will be provided the written comments received by the Planning Board, and that Mr. Brown should also address the written comments in a written response. The Planning Board then recognized that Ms. Delsignore's realtor had arrived to the meeting, and requested that she provide the Planning Board with her written report as discussed during the public hearing. Ms. Delsignore's real estate agent indicated that she did not have a written report, that she had information on her computer, but that she could prepare any report that the Planning Board requested. Attorney Gilchrist stated that the Planning Board is not requesting any report from Ms. Delsignore's realtor, but rather Ms. Delsignore had indicated that her realtor had a report to hand up to the Planning Board, and that if such a report exists, the Planning Board will accept it. Ms. Delsignore's real estate agent indicated that the information was on her computer. There was extended discussion by the Planning Board concerning accepting written comments following the close of the public hearing, and ultimately it was determined by the Planning Board that additional written comments from the public on this application will be accepted through close of business on Friday, December 6, 2019, at the Brunswick Town Hall. It was also confirmed that such additional written comments could be hand delivered or faxed to the Town Hall. Member Mainello asked whether Mr. Brown intended on growing hops at this location, given the comment concerning impact to dogs and wildlife. Mr. Brown confirmed that growing hops was not part of his current proposal, and understood that if that was proposed in the future, he would need to amend his site plan. Mr. Brown asked the Planning Board how the Rensselaer County Department of Health review would impact any Planning Board action on his pending applications, since he was not able to complete a percolation test needed by the County Health Department prior to the

winter. Chairman Oster stated that the Planning Board will continue its review of the application, and any action taken on the application could include a condition requiring approval and compliance with all Rensselaer County Health Department requirements. Mr. Brown stated that he had tried to contact NYSDOT over the past few weeks, but has not been successful in speaking with them. Mr. Brown did confirm that he has submitted the required permit application for a commercial driveway. Following discussion, it was determined that this application will be tentatively placed on the December 19 agenda, subject to Mr. Brown submitting written responses to the comments received on the application.

The next item of business on the agenda was the special use permit and site plan application submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless for property located off Creek Road. The applicant proposes a 150-foot major wireless telecommunications facility to be located on the lands of Zouky, located between Creek Road and Menemsha Lane. David Brennan, Esq., project attorney, was present. Mr. Brennan confirmed that his client had submitted written responses to the comments of the Town's engineering review consultants, Laberge Group, and had also submitted the balloon test visual resource evaluation report. Mr. Brennan stated that his client was waiting for any review comments by Laberge Group concerning this most recent submittal. There was general discussion concerning procedure on the application, including the option of holding a joint public hearing with the Brunswick Zoning Board of Appeals, as a use variance application for this proposal is pending with the Brunswick Zoning Board of Appeals. Chairman Oster confirmed that the Planning Board was in support of holding a joint public hearing with the Zoning Board of Appeals. General meeting schedules were discussed, and it was confirmed that this matter will be discussed by the Zoning Board of Appeals at its meeting held December 16, at which point the option of a joint public hearing should be confirmed, and also that the Planning Board would suggest that the joint public hearing be held on

January 16, 2020 at the regular Planning Board meeting. Attorney Gilchrist indicated that this procedure would be discussed by the Zoning Board of Appeals at its meeting held December 16. Chairman Oster noted that this matter will be placed on the Planning Board December 19 agenda, principally for purpose of confirming scheduling a joint public hearing date. Mr. Brennan briefly discussed the balloon test visual resource evaluation report, including the preferred location with a tower at approximately 150 feet, as well as the two alternate locations on the property. Chairman Oster confirmed that he was at the property and surrounding properties during the balloon test, and that he is interested in hearing public comments concerning impacts of the preferred location as well as the two alternate locations. There was discussion concerning the need for a light on the tower above 200 feet, and whether a light is needed if the tower is below 200 feet. Mr. Brennan confirmed that a tower below 200 feet does not need a light. There was general discussion about other various locations on the property where the tower was in excess of 150 feet but still below 200 feet, which would work from a technical standpoint but also be potentially less impactful to surrounding properties. Mr. Brennan stated that he will take that option and discussion back to his client for consideration. Member Stancliffe asked about the RF plot for the project, and whether the RF analysis was done only for the preferred location with a tower of 150 feet. Mr. Brennan confirmed that the RF analysis was done only for the preferred location, but that his client could prepare additional information if requested by the Planning Board. Member Stancliffe stated that it would be helpful to the Planning Board if some kind of comparative RF analysis could be submitted, considering potential visual impacts of various alternate locations as well as technical viability. Mr. Brennan asked whether the Planning Board would consider any alternate public hearing dates in the event the Zoning Board of Appeals was not available to attend the Planning Board meeting on January 16, and whether the Planning Board would be available to meet at the Zoning Board meeting to be held in January, which after review of the calendar and consideration

of the Martin Luther King holiday would suggest a Zoning Board meeting to be held on January 27. The Planning Board members were generally available January 27 as well as a backup date. Attorney Gilchrist confirmed on the record that the applicant is working with the Town of Brunswick to have the application documents, response to Laberge Group review comments, as well as the balloon test visual resource evaluation report available on the Town website. This matter is placed on the December 19 agenda for further discussion.

There were no new items of business.

The index for the December 5, 2019 meeting is as follows:

1. Trifocal Brewing Inc. - Special use permit and site plan - 12/19/2019 (tentative);
2. Blue Sky Tower II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - 12/19/2019.

The proposed agenda for the meeting to be held December 19, 2019 currently is as follows:

1. Trifocal Brewing Inc. - Special use permit and site plan (tentative);
2. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan;
3. Walmart - Site plan amendment.