

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD MAY 18, 2017**

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, KEVIN MAINELLO, MICHAEL CZORNYJ, VINCE WETMILLER, TIMOTHY CASEY and DAVID TARBOX.

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

The Planning Board opened the public hearing on the major subdivision amendment application submitted by Farrell Homes for property located between NYS Route 2 and Pinewoods Avenue. Brian Holbriiter, Licensed Land Surveyor was present for the applicant. 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 adjacent properties. Mr. Holbriiter provided a brief presentation of the proposal, which seeks to subdivide Lot #1 on the major subdivision plat, totaling approximately 2.6 acres, into three lots, including one lot with the existing single-family dwelling of approximately 1 acre, and two new building lots with frontage on NYS Route 2 of approximately .80 acres each. Mr. Holbriiter stated that the existing single-family home has existing water and septic, and new well and septic systems will be provided for each new building lot. Chairman Oster opened the floor for receipt of public comment. David Galluzzo, 390 Brunswick Road, stated that he lives adjacent to the proposed re-subdivided lot, and that he has a concern regarding the addition of two new residential wells. Mr.

Galluzzo stated that the well at his home has a low yield, and asked whether there had been any studies done on the impact of two new residential wells on existing surrounding wells. Mr. Holbriiter stated that a study had not been performed, but explained that the applicant did drill a new well on one lot which has good water yield. Mr. Holbriiter stated that how the well was drilled, and depth of well, may have an impact on yield. Mr. Galluzzo also asked about screening and location of the driveway. Mr. Holbriiter stated that there is existing vegetation along the western boundary line that would remain, but that no fence is currently planned. Mr. Holbriiter stated that the driveway location proposed for the new residential lot closest to Mr. Galluzzo's lot will be approximately 30 feet from the adjoining property line. Chairman Oster went back to the issue of wells, and asked Mr. Galluzzo how long his well had been experiencing low yield. Mr. Galluzzo said his well had low yield during the entire ten-year time he has owned the property. There was general discussion regarding the impact of depth of wells on yield. Chairman Oster inquired whether there were any further public comments. Hearing none, the public hearing on the Farrell Homes major subdivision amendment application was closed. The Planning Board then generally discussed the comments received, noting that the yield for water supply wells would need to meet Rensselaer County Health Department requirements for the two new residential lots, and also noted that the screening and driveway locations are in compliance with Brunswick Code requirements.

Chairman Oster then opened the regular meeting.

The minutes of the May 4, 2017 meeting were reviewed, and unanimously approved without amendment.

The first item of business on the agenda was the major subdivision amendment application submitted by Farrell Homes for property located between NYS Route 2 and Pinewoods Avenue.

The Board generally discussed the issues raised at the public hearing, including drilling two new residential wells and also a buffer between the new proposed residential lot and the adjoining property owner. Mr. Holbriiter stated that any new residential well will need to comply with NYSDOH and Rensselaer County requirements. Mr. Holbriiter also noted that there is a 30-foot wide easement for utility located along the western portion of the new proposed residential lot adjacent to the Galluzzo lot, and that it is likely that the existing vegetation will remain within that 30-foot easement area. Mr. Holbriiter also stated that the zoning for this area is R-15, and the lots are compliant with minimum lot area requirements. The Planning Board generally discussed the requirement that Rensselaer County Health Department approval will be obtained for new water supply wells and septic for the two new building lots, and that the Planning Board engineer will need to review final stormwater compliance and erosion and sediment control plans. Mr. Bonesteel noted that the stormwater plan needs to be updated. Chairman Oster inquired whether there were any further questions or comments regarding the application. Hearing none, a motion was made to adopt a negative declaration pursuant to SEQRA. The motion was seconded, and unanimously approved. A SEQRA negative declaration was adopted. Thereupon, a motion was made to grant conditional final subdivision plat approval, subject to the following conditions:

1. Approval of Rensselaer County Health Department for water supply well and septic for the two new building lots;
2. Engineering review of update to stormwater plan.

The motion was seconded, and unanimously adopted. Conditional final subdivision plat approval was granted on this application.

The next item of business on the agenda was the waiver of subdivision application submitted by Marie Barbera for property located at 100 Wilrose Lane. This matter is adjourned to

the June 15 meeting, pending action by the Brunswick Town Board on the waiver concerning number of lots on a cul-de-sac/dead-end road system.

The next item of business on the agenda was the waiver of subdivision application submitted by Antoinette Mazzariello for property located at 50 Humiston Avenue. This matter is also adjourned to the June 15 meeting, pending action by the Brunswick Town Board on the waiver request concerning number of lots on a cul-de-sac/dead-end road system.

The next item of business on the agenda was the minor subdivision application submitted by David Leon for property located at 660 Hoosick Road. Jamie Easton of MJ Engineering was present for the applicant. Mr. Easton presented information concerning resulting greenspace percentages on the commercial lots adjacent to Hoosick Road. Mr. Easton stated that the greenspace on these commercial areas would be 31.3%, which is below the Brunswick Code requirement of 35% greenspace. Mr. Easton stated that the proposed lot line can be adjusted for additional greenspace, but is requesting that the Board consider a waiver allowing the 31.3% greenspace to remain. The Planning Board indicated that while the greenspace issue would be considered by the Board, a significant question on this application is the remaining lot to the rear, and the status of paper streets providing frontage for the remaining lot. Mr. Easton stated that title is being researched, and additional information concerning the status of such paper streets to provide the necessary road frontage would be provided. The Planning Board then discussed whether there was adequate information in the filed application materials to notice a public hearing. Mr. Bonesteel stated that he felt there was enough information on the proposed plat in order to schedule a public hearing. The Planning Board determined to open a public hearing on this matter at the June 1 meeting, commencing at 7:00pm.

Two items of new business were discussed.

The first item of new business discussed was a site plan amendment application submitted by Bohler Engineering on behalf of Parko Holdings 2, LLC for property located at 1163 Hoosick Road. Robert Osterhoudt, P.E. of Bohler Engineering was present for the applicant. This property is the redevelopment of the former Spiaks Garage on Hoosick Road. Mr. Osterhoudt explained that this project had previously received site plan approval, but as a result of Rensselaer County Health Department review, relocation of the septic system and the drive-thru for this business were necessary. Mr. Osterhoudt said that other than the drive-thru area and the septic system location, this plan is essentially the same as approved in 2014. The Planning Board reviewed the amended plat, determining that this did not result in any significant amendment to the previously approved site plan. The Planning Board members also asked whether the adjacent property owner, Rifenburg Construction and Park East Ventures, had been contacted. This adjacent property owner had not been contacted. The Planning Board felt that the applicant should contact the adjoining property owner to confirm it has no objection to the minor site plan amendment. Chairman Oster asked whether there were any further questions or comments concerning the proposed amendment to the site plan. Hearing none, a motion was made to adopt a negative declaration under SEQRA, which motion was seconded and unanimously approved. A SEQRA negative declaration was adopted for the minor site plan amendment. The Planning Board members confirmed that this was a minor, immaterial amendment to the original site plan approval. A motion was made to approve the amended site plan subject to the condition that the applicant speak with the adjoining property owner concerning any objections or comments, and provide written confirmation that the adjoining property owner has no objection. That motion was seconded, and unanimously approved. Conditional final site plan amendment approval was granted. The Planning Board stated that in the event the applicant cannot satisfy the condition and provide written confirmation that the

adjoining property owner has no objection to the minor modification to the site plan, the Planning Board will reconsider the need for public hearing on the application.

The next item of new business discussed was the minor subdivision application submitted by Alexis Murphy for property located at 576 Pinewoods Avenue. Kevin McGrath, Land Surveyor, was present for the applicant. Mr. McGrath stated that the Estate of Alexander Murphy is seeking to divide the existing 5.6-acre parcel located at 576 Pinewoods Avenue into three lots, including a 1.05-acre lot with the existing home adjacent to Pinewoods Avenue, and two new residential building lots (1.49 acres and 3.06 acres) with frontage on Nicholas Drive. Mr. McGrath stated that two lots are proposed to be sold, including the existing home with frontage on Pinewoods Avenue. There was discussion concerning the documents needed for a minor subdivision application and the procedure required for the minor subdivision. Mr. McGrath stated that there was an urgency to marketing the existing home with frontage on Pinewoods Avenue. The Planning Board inquired whether the applicant would consider a waiver of subdivision to divide the existing home from the remainder of the parcel, and address the proposed subdivision of the remaining land with frontage on Nicholas Drive at some point in the future. Mr. McGrath stated that he would review that option with his client. The Planning Board further reviewed the requirements for the minor subdivision application, and what additional information will be required on the subdivision plat for further review. The Planning Board also suggested that the applicant meet with the Town Highway Superintendent concerning the proposed frontage on Nicholas Drive and area for driveways. This matter is placed on the June 1 agenda for further discussion.

One item of old business was discussed.

Chip Bulson and Todd Abrams, P.E., were present concerning the site plan submittal regarding a proposed tourist home located at 63 Indian Creek Lane. The Planning Board initially raised the issue of the adequacy of Indian Creek Lane for this proposed use. The Planning Board stated that Indian Creek Lane is a highway by use, and is currently a narrow dirt road, and questioned whether this would be adequate to support the proposed tourist home use. The applicant stated that traffic of approximately 5–8 cars a day for only 2–3 days per week is being proposed. The applicant stated that the use of the tourist home is intended to be for small groups wishing to enjoy the 160-acre forested area on the property. The Planning Board asked what kind of delivery trucks might need to utilize the access road. The Planning Board generally discussed with the applicant the proposed use of the site, the types of groups the applicant was seeking to attract, with the applicant explaining his marketing plan and use of a website to advertise the venture. The applicant stated he was marketing to small groups, and particularly businesses where groups would be getting together outside of the work environment. The Planning Board asked what is anticipated if the business is very successful, and more people seek to attend and use the tourist home. The Planning Board asked what the maximum number of people attending the facility would be. The applicant stated that 18 people would be the maximum number that could attend. The Planning Board stated that in that event, there would be more than 5–8 cars likely, in addition to delivery trucks, garbage trucks, etc., and that the adequacy of Indian Creek Lane is a critical issue. Mr. Bulson stated that he intended to live in the house, and that large gatherings is not in his business plan and not the way he wants to live at that location. The Planning Board also raised the issue of emergency vehicle access, and the potential public safety issue. The applicant reviewed a proposed circulation plan for vehicles on the site. The applicant also stated that he is not proposing any paving near the house, but rather crushed stone. The Planning Board had

multiple questions concerning the proposal, including food service (delivery or on-site preparation), energy supply, and of critical importance was the adequacy of Indian Creek Lane. It was determined that the applicant will contact and coordinate with the fire department on emergency access, that the applicant will contact the adjoining property owner to discuss Indian Creek Lane improvements, that a meeting be set up with the applicant's attorney and Planning Board attorney and Town Highway Department on the status of Indian Creek Lane as a highway by use, and that the Planning Board members should visit the site to see the land, Indian Creek Lane, and site of the proposed tourist home. This matter is placed on the June 1 agenda for further discussion.

The index for the May 18, 2017 meeting is as follows:

1. Farrell Homes - Major subdivision amendment - Conditional final approval;
2. Barbera - Waiver of subdivision - June 15, 2017;
3. Mazzariello - Waiver of subdivision - June 15, 2017;
4. Leon - Minor subdivision - June 1, 2017 (public hearing to commence at 7:00pm);
5. Parko Holdings 2, LLC - Amendment to site plan - Conditional final approval;
6. Murphy - Minor subdivision - June 1, 2017;
7. Bulson - Site plan - June 1, 2017.

The proposed agenda for the June 1, 2017 meeting currently is as follows:

1. Leon - Minor subdivision (public hearing to commence at 7:00pm);
2. Murphy - Minor subdivision;
3. Bulson - Site plan.