

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 15, 2017

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

ABSENT were VINCE WETMILLER and TIMOTHY CASEY.

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 signboard and the Town website.

The draft minutes of the June 1, 2017 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Tarbox, the draft minutes of the June 1, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application submitted by David Leon for property located at 660 and 670 Hoosick Road. Attorney Gilchrist stated that research regarding the status of the paper street providing frontage to the rear proposed 15-acre lot is ongoing and not yet completed, and that neither fact investigation nor legal research have yet been completed. Attorney Gilchrist stated that he had reviewed the status with Jamie Easton of MJ Engineering, engineer for the applicant, and informed him that the paper street research is not yet completed. Mr. Easton, on behalf of the applicant, concurred that the matter should be adjourned to the July 6 meeting so that the paper street research can be completed. Chairman Oster also concurred, stating that the

public should have the opportunity to review the fact record created on the paper street issue, and be allowed to comment on that at the continued public hearing. This matter is placed on the July 6 agenda for continuation of the public hearing on the minor subdivision application.

The next item of business on the agenda was the site plan application submitted by Chip Bulson, who seeks to construct a tourist home on property located at 63 Indian Creek Lane. Mr. Bulson and Paul Engster, Esq. were present for the applicant. The issue of the adequacy of Indian Creek Lane for the proposed tourist home use was addressed. Mr. Engster stated that, at the last Planning Board meeting, the need for the applicant to obtain a traffic engineering report was discussed. Mr. Engster stated that the traffic engineer contacted by the applicant indicated that since Indian Creek Lane is a public highway, it is a Town issue to determine the adequacy of the public road for the proposed use. Mr. Engster stated that he had obtained data on projected traffic for the intended use of the property as a tourist home from the applicant's traffic engineer, and will provide that data to the Planning Board. Mr. Engster stated that, based on the projected traffic data from the applicant's traffic engineer, the proposed use of the property as a tourist home will not add any significant traffic to Indian Creek Lane over present use. Mr. Engster stated that the Town Highway Department should agree that Indian Creek Lane is adequate for the intended use of the property as a tourist home. Attorney Gilchrist stated that the adequacy of Indian Creek Lane, despite its status as a public highway by use, needs to be addressed on this record. Attorney Gilchrist stated that in order to create the record on which the Planning Board will render a determination, the factual status of Indian Creek Lane must be established, which will include coordination with the Brunswick Highway Department and Planning Board Engineer, as well as the applicant if he chooses to participate. This fact investigation will include a mapping of Indian Creek Lane for its length from Tamarac Road to its terminus, including information on the width of the public highway by use at various stations along

the length of Indian Creek Lane, information concerning shoulders and drainage, as well as information concerning the road surface condition and topography. Based on this fact record, the adequacy of Indian Creek Lane to service the proposed tourist home can be assessed by the Town Highway Department and Planning Board Engineer. The applicant's traffic engineer can likewise provide an opinion as to adequacy of Indian Creek Lane for the proposed use. Attorney Gilchrist stated that any determination by the Planning Board must be based on substantial evidence in the record, and therefore the record regarding adequacy of Indian Creek Lane for the proposed use needs to be established. Attorney Gilchrist suggested that the Town Highway Department be contacted and requested to attend the July 6 meeting, and that the scope of the field investigation concerning Indian Creek Lane can be discussed at the July 6 meeting and a schedule set for completion of that fact investigation. The Planning Board concurred with this approach, as did Mr. Engster. Attorney Gilchrist stated that the information concerning the adequacy of Indian Creek Lane is a matter of public safety, and must be considered by the Planning Board in connection with its review of the proposed site plan. Attorney Engster also addressed the construction of a turnaround at the end of Indian Creek Lane in the nature of a cul-de-sac, which is already part of the proposed site plan improvements. The Planning Board generally discussed the property owned by the applicant for purposes of improving the end of Indian Creek Lane as a turnaround, including culvert work and grading issues as well. Attorney Gilchrist stated that the road issues, and particularly the adequacy of Indian Creek Lane for this proposed use, must also be coordinated with the Center Brunswick Fire Department for purposes of access of emergency vehicles. Member Esser stated that he would like to see areas for pull-offs along Indian Creek Lane in the event emergency vehicles are using Indian Creek Lane to access the site. Mr. Bulson stated that he was already discussing this option with the Town Highway Department. Member Czornyj had a question regarding the specific location of the

proposed turnaround or cul-de-sac at the end of Indian Creek Lane. Member Mainello asked about the potential for a determination that Indian Creek Lane was not adequate even for the existing houses on Indian Creek Lane. Attorney Gilchrist stated that in the event the current status of Indian Creek Lane is determined not to be adequate even for existing uses, the Town will need to address this for purposes of public safety for existing property owners. Attorney Engster reviewed his research of the case law regarding highways by use, and the legal authority for a Town to make improvements along a highway by use. Attorney Gilchrist stated that these legal issues will be researched. Chairman Oster felt that the establishment of the fact and legal record on Indian Creek Lane is the appropriate approach, requested that Mr. Golden contact the Highway Department regarding attendance at the July 6 meeting, and that the scope of work and schedule for investigating Indian Creek Lane will be discussed at the July 6 meeting. Chairman Oster also stated for the record that as discussed at the June 1 meeting, both he and Planning Board Engineer Bonesteel did walk Indian Creek Lane, and that while he did feel there were certain areas on Indian Creek Lane that needed improvement in his opinion, he is not a traffic engineer, but did note that Mr. Bonesteel had concurred in his assessment that certain portions of Indian Creek Lane would need improvement. Chairman Oster noted for the record that the fact investigation of Indian Creek Lane will establish the fact record, and that the experts will provide an opinion on the adequacy of that road for the intended use, including both the Town Highway Department and Planning Board Engineer, and that this fact and expert record will provide information on Indian Creek Lane on which the Planning Board can rely in rendering a determination on the site plan. This matter is placed on the July 6 agenda for further discussion.

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. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Chairman Oster confirmed that the Brunswick Town Board

had approved the waiver concerning the number of residential lots on a dead-end or cul-de-sac road for this application at its June 8 meeting, and has a copy of the resolution approving that waiver as part of the application record. Mr. Holbriiter generally reviewed the application, indicating that the proposal seeks to divide 1 acre from the existing land of Fivel, and the resulting 1-acre lot would remain as a stand-alone building lot located adjacent to the current Barbera lot, and that the applicant sought to keep the 1-acre building lot as a separate lot for potential development in the future for her family. Chairman Oster confirmed that there is a letter in the record from the property owner, Fivel, confirming his agreement and consent with the application. Chairman Oster asked whether the Planning Board members had any further questions or comments, noting that there were no issues concerning size of the lot or sight distances for driveway locations. Hearing no further questions or comments from the Planning Board members, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver application subject to the condition that Rensselaer County Health Department approval be granted for water and septic prior to the issuance of any building permit for this lot, which motion was seconded by Member Mainello subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the waiver of subdivision application submitted by Mazzariello for property located at 50 Humiston Avenue. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Chairman Oster again noted that that Brunswick Town Board had approved the waiver on number of residential building lots on a dead-end or cul-de-sac road system at its June 8 meeting, and had a copy of the Town Board resolution as part of the application

record. Mr. Holbriiter reviewed the application, noting that the applicant seeks to divide a 0.85-acre lot from her current 5.61-acre lot for construction of a home by her son, that the property is serviced by public water and public sewer and gas, that the property is located in the R-15 Zoning District and meets size requirements, and that there are no issues concerning sight distances for any proposed driveway location for this lot. Chairman Oster asked the Planning Board members if they had any further questions or comments regarding the application. Hearing none, Member Czornyj 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. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Mainello. The motion was unanimously approved, and the waiver application approved.

It is noted for the record that the Planning Board members, Planning Board Engineer Bonesteel, Planning Board Attorney Gilchrist, and Mr. Holbriiter discussed Rensselaer County Health Department approval for septic plans in connection with the Farrell Homes major subdivision on property located between NYS Route 2 and Pinewoods Avenue. It is noted for the record that a meeting will be held between Town officials and the Rensselaer County Health Department to address the septic plan for this major subdivision.

One item of old business was discussed.

The site plan amendment application submitted by Rensselaer Honda concerning paved areas on the Rensselaer Honda site on Hoosick Road was addressed. John Montagne, P.E., engineer for the applicant, was present. Mr. Montagne confirmed that the three small paved areas located to the rear of the Rensselaer Honda site is being pursued by the applicant, and the request to amend the site plan to add three small areas of pavement to the rear of the project site, totaling approximately 2,000

square feet, is pending before the Planning Board. However, Mr. Montagne stated that the additional paved area along the driveway from Hoosick Road in the front of the Rensselaer Honda site is not being pursued by the applicant, and is withdrawn from the pending application. Mr. Montagne stated that he had recalculated the greenspace, and that as a result of the three small additional paved areas on the site, total greenspace has been reduced from 47.3% to 46.5% of the site, which is still in compliance with the Town's site plan greenspace requirements. Regarding stormwater, Mr. Montagne stated that he had reviewed the stormwater plan in relation to the additional paved areas in the rear of the project site, and that no change to the project stormwater plan is required, with which Planning Board Engineer Bonesteel concurred. Chairman Oster confirmed for the record that the crusher run located adjacent to the paved driveway off Hoosick Road will be removed, and the area re-seeded and will be maintained as grass. Mr. Montagne confirmed that the area will be re-seeded and will be maintained as grass. Chairman Oster stated that given the withdrawal of any request for adding a paved area along the driveway off Hoosick Road in the front of the project site, and with the proposed amendment being limited to three small paved areas to the rear of the project site totaling 2,000 square feet, that this is not a significant amendment to the approved site plan, and that an additional public hearing should not be required. All members of the Planning Board concurred with that assessment. Attorney Gilchrist stated that given the limited amendment to the approved site plan, the Planning Board's prior SEQRA determination will control. Thereupon, Member Czornyj made a motion to approve the minor amendment to the Rensselaer Honda site plan to allow three small areas shown on the amended site plan, totaling approximately 2,000 square feet, to be paved in the rear area of the project site, and that any request for additional pavement along the access driveway off Hoosick Road is withdrawn by the applicant. Member Tarbox seconded the motion subject to the stated

condition. The motion was unanimously approved, and the minor amendment to the Rensselaer Honda site plan was approved.

One item of new business was discussed.

Mr. Khach Karayan has submitted a sketch plan and narrative for a proposed retail plaza to be located at 941-961 Hoosick Road. Mr. Karayan explained that he currently had the 5+/- acre parcel under contract, and that he was in the process of an investigating a proposed retail plaza for this location, which would be a permissible use under the proposed Brunswick Zoning Law as a light business use on Hoosick Road. Mr. Karayan understands that this use is not permitted under the current Town of Brunswick Zoning Ordinance, but is investigating the use of the site for retail purposes in the event the proposed Brunswick Zoning Law is adopted. Mr. Karayan presented a sketch proposal laying out a retail use on the property, which could potentially include 2–3 retail spaces. Mr. Karayan stated that his proposal was to offer retail uses that are not currently offered in the Town, which may include an organic grocer, or healthy restaurants which are different from typical fast food. The Planning Board generally discussed the sketch plan proposal with Mr. Karayan, observing that there are no existing NYS DOT curb cuts for this property, and that access off Crescent Lane may give rise to certain issues as it is in a residential area. The Planning Board also reviewed the size of the proposed retail spaces, the build-out sequence, and parking requirements. The Planning Board inquired whether Mr. Karayan had approached NYS DOT regarding curb cuts, and Mr. Karayan stated that he intended to do so but had not yet contacted NYS DOT. The Planning Board members also confirmed that there was no public sewer in this location, and that Mr. Karayan will need to contact the Rensselaer County Health Department regarding an approvable septic plan. The Planning Board noted that there were topographic issues concerning the property, and that a significant amount of grading and a potential retaining wall may be required to develop the property.

Issues regarding visibility at the site were also discussed. The Planning Board noted that even if the Brunswick Town Board adopts the proposed Zoning Law, this use would still be subject to discretionary site plan review. Mr. Karayan understood this review requirement. Mr. Karayan thanked the Planning Board for the discussion of issues on the application, and will pursue further investigation into the feasibility of developing the property.

The index for the June 15, 2017 meeting is as follows:

1. Leon - Minor subdivision - July 6, 2017 (public hearing to continue at 7:00pm);
2. Bulson - Site plan - July 6, 2017
3. Barbera - Waiver of subdivision - Approved subject to condition;
4. Mazzariello - Waiver of subdivision - Approved;
5. Rensselaer Honda - Minor amendment to site plan - Approved (as limited by applicant);
6. Karayan - Sketch site plan - Adjourned without date.

The proposed agenda for the July 6, 2017 meeting currently is as follows:

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