

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 21, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, LINDA STANCLIFFE, and DAVID TARBOX.

ABSENT were TIMOTHY CASEY, MICHAEL CZORNYJ and KEVIN MAINELLO.

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.

Chairman Oster also welcomed Linda Stancliffe as a new member to the Planning Board.

The Planning Board opened a public hearing on the site plan application submitted by Christine Hadsell for property located at 377 Tamarac Road. The applicant is proposing to construct a 30-foot by 20-foot manufactured horse barn on the 10.14-acre lot. The notice of public hearing was read into the record, with the 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 within 300 feet of the project site. Chairman Oster reviewed the rules regarding public hearings before the Brunswick Planning Board. Chairman Oster requested the applicant to present the proposed project. Matthew Hadsell, son of the applicant Christine Hadsell, was present. Mr. Hadsell stated that his parents had purchased the land to build a home, but that the current plan is to place the horse barn on the property and to build a home in the future. Mr. Hadsell stated that the property is located directly across from Tambul Lane and Tamarac Pond. Mr. Hadsell did not have any

additional information on the application, and stated that he was appearing for his mother who was not able to attend the meeting. Chairman Oster opened the floor for receipt of public comment. Duncan Barrett, 46 Lockrow Road, stated that his wife also owns property located at 41 Lockrow Road; that the Hadsell lot is a keyhole lot that was approved by a predecessor Planning Board; that operating a stable for horses at this site will create a traffic risk, as the property is at the end of a blind curve and has no line of sight; that while the posted speed limit on this section of Tamarac Road is 35mph, cars generally do not obey that speed limit and it is a speed zone; that making a left hand turn from the property is difficult for any vehicle, let alone with a horse trailer; that a member of his family had a serious accident at this location and it is a terrible corner; and that he is not against the use of the property for horses, but this particular location will create a traffic hazard. Jeff Foran, 383 Tamarac Road, inquired whether the existing driveway location for this parcel will be moved. Mr. Hadsell stated that the driveway location has been relocated on the current site plan. Ann Barrett, 46 Lockrow Road and owner of adjacent property at 41 Lockrow Road, stated that the proposed residential house is not on the site plan; that a one-lane driveway for a house with a stable will result in a problem for vehicles entering and exiting onto Tamarac Road; and further questioned whether the house location had been determined. Chairman Oster confirmed that the only matter pending before the Planning Board is the proposed stable location as part of the site plan, and that house location is not part of this review, but did note that the proposed driveway would need to meet the residential driveway standards for driveways over 150 feet if a house is to be constructed at this location, requiring a driveway that is 16 feet wide with 3-foot shoulders. Chairman Oster inquired whether there were any further public comments. Hearing none, the Planning Board closed the public hearing on the Hadsell site plan.

The Planning Board then opened a public hearing on the application to amend the site plan submitted by Ace Hardware for property located at 831 Hoosick Road. The notice of public hearing was read into the record, with the 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 within 300 feet of the project site. Tom Dingley was present for the applicant. Mr. Dingley explained that the proposal before the Planning Board was to expand the existing Ace Hardware store into that part of the structure which previously included the dance studio; that the former dance studio portion of the building would be used as the Ace Hardware paint department; and that the owner planned to add a revised entry and windows for the paint department. Chairman Oster opened the floor for receipt of public comment. No members of the public wished to comment on this application. The Planning Board closed the public hearing on the application to amend the Ace Hardware site plan.

The Planning Board then opened its regular business meeting.

The Planning Board reviewed the draft minutes of the September 7, 2017 meeting. Chairman Oster noted that there were only four members present for this meeting, including Linda Stancliffe, who was not yet a member of the Planning Board for the September 7 meeting, which left only three members to act on the September 7 minutes, and thus not a quorum. Accordingly, the Planning Board adjourned the review and action upon the September 7, 2017 minutes until the next regular business meeting of the Planning Board.

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 1001 Hoosick Road. Greg Bestwick, of Creighton Manning, was present for the applicant. Member Stancliffe stated that in light of her employment with Creighton Manning, and previous work on the Stewart's site plan application

for this location, she is recusing herself from participation in the review and consideration of the Stewart's special use permit and site plan application for this location. Chairman Oster noted that given Member Stancliffe's recusal, only three members were available for review of this application. Attorney Gilchrist stated that no action could be taken on the application, but that the Planning Board members could receive additional information from the applicant. Chairman Oster noted that a written response to the comments received at the public hearing was submitted by the applicant. The members noted that the font and table submitted in the written response to comments were very small, and requested that the applicant submit a larger print format. Mr. Bestwick stated that the larger format will be provided. Chairman Oster asked whether there were any changes to the architectural features of the proposed building. Mr. Bestwick stated that no changes had been made since the State Historic Preservation Office approved the architectural design. Chairman Oster stated the matter would be placed on the October 5 agenda for further discussion, and noted that the Planning Board will require a response from NYSDOT on the revised traffic improvement plan. Mr. Bestwick stated that the matter remains pending at NYSDOT. Chairman Oster noted that the written recommendation from the Rensselaer County Planning Department had been received, and a copy was provided to Mr. Bestwick. The Planning Board members and Mr. Bonesteel discussed the revised traffic plan. Mr. Bonesteel inquired whether the stormwater pollution prevention plan had been submitted to NYSDOT. Mr. Bestwick confirmed that the SWPPP had been provided to NYSDOT, and no comments had been received on that plan. The Planning Board noted that Water Superintendent Bradley had prepared an email regarding waterline issues and stormwater issues associated with this application through email dated September 12, 2017 addressed to Mr. Bestwick, and a copy of that email was provided to all Planning Board members. This matter is placed on the October 5 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by Christine Hadsell for property located at 377 Tamarac Road. Chairman Oster noted that the applicant will need to prepare a response to the public comments received during the public hearing. Mr. Hadsell stated that, with regard to the traffic issue discussed during the public hearing, the applicant is seeking to have only one horse at the stable; that the other stalls in the stable will not be used for horses; and that there would only be minimal vehicles in and out onto Tamarac Road. Mr. Hadsell also disagreed that the driveway location was at a blind corner. Mr. Bonesteel noted that there were no sight distances provided for the site plan, and that sight distance information should be submitted by the applicant for review by the Planning Board. Mr. Bonesteel also noted that the County driveway permit had been issued based on an application for a residential driveway, but that the current proposal is for a commercial site plan and that a revised driveway permit application will need to be submitted to the County, and that the County will require sight distance information for review. Chairman Oster noted that the Planning Board was in receipt of the written recommendation from the Rensselaer County Department of Planning, noting that the proposal does not conflict with County plans and that local consideration shall prevail. Attorney Gilchrist stated that, given the public hearing comments and comments by Mr. Bonesteel, the Planning Board should be in receipt of the sight distance information concerning access onto Tamarac Road before any action is taken on the site plan. Mr. Bonesteel also inquired whether the site plan had been updated since the September 7 meeting, and after review of site plans with revision dates of August 25 and also a subsequent plan with a revision date of September 12, it was determined that an amended site plan had been submitted after the September 7 meeting. Mr. Bonesteel did note that the updated site plan still failed to meet the requirements of the Brunswick Zoning Law for a site plan submittal, including information on contours, utilities,

dimensions, and other information required under the Brunswick Zoning Law for site plans which has not been submitted to the Planning Board. Member Stancliffe noted that the proposed driveway location was in close proximity to the lot line, and that grading for the driveway could be an issue if the driveway location is close to the property line. The Planning Board further reviewed the updated site plan, and directed the applicant to contact its surveyor and have the surveyor consult with the Building Department for all required information on the site plan. The Planning Board stated that a complete site plan submittal is required before it can take action on the application. Mr. Bonesteel also raised an issue concerning the size of the proposed stable and whether that was in compliance with the area and bulk table of the new Brunswick Zoning Law, and stated that the Building Department will need to confirm the structure size. Member Stancliffe also noted that the site plan showed a proposed well location, and that the well location should be reviewed in conjunction with a horse pasture use. Mr. Bonesteel also noted that if a residential home is planned for the property in the future, septic and well location for the house in relation to the current proposal for the stable should be considered. Chairman Oster raised a question about the statement by Mr. Hadsell that only one horse was proposed for the stable, and whether the Planning Board could place a condition on site plan approval limiting the number of horses in the stable. Attorney Gilchrist stated that he will need to review the issue in terms of enforceability of site plan condition, whereas the applicant can certainly amend its application to indicate that site plan approval is being requested to board only one horse, and that further amendment to the site plan would be required in order to stable any additional horses at this location. Attorney Gilchrist noted that the number of horses being boarded at this stable is directly related to potential traffic impacts and number of trailers used at this site, and that this issue should be clarified before any

further action by the Planning Board. This matter is placed on the October 5 agenda for further discussion.

The third item of business on the agenda was the application to amend the Ace Hardware site plan for property located at 831 Hoosick Road. Chairman Oster noted that the public hearing had been held on this application, and further noted for the record that the written recommendation from Rensselaer County Planning Department had been received, noting that the proposal did not conflict with County plans and that local consideration shall prevail. Member Stancliffe asked about proposed signage for the section of the Ace Hardware store being proposed for paint sales. Tom Dingley, present for the applicant, did state that the signs for the store are being reviewed currently by Ace Hardware, and that the applicant may need to go to the Zoning Board for a sign variance. Member Tarbox asked about use of the former paint location in the Ace Hardware store, and Mr. Dingley stated that it will be utilized for sale of additional products, and that Ace Hardware is working on the final design for the paint store layout within the building. The members of the Planning Board had no further questions or comments on the application. Member Tarbox then 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. Member Esser then made a motion to approve the amendment to the site plan with respect to the paint sales area, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and the amendment to the Ace Hardware site plan approved.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Paul Bouchard for property located at 2 Denise Drive and 4 Denise Drive. Mr. Bouchard was present for the application. Mr. Bouchard stated that he was seeking to divide a 0.37-acre portion from 2 Denise Drive and add

that property to 4 Denise Drive. The Planning Board members had questions concerning the location of a shed on the property, as well as whether the proposal would affect any required setbacks for structures on these lots. Mr. Bouchard stated that the shed could be relocated if that was an issue, and that all other setback requirements are maintained. Mr. Bouchard stated that he would be putting 2 Denise Drive on the market for sale, and will be living in 4 Denise Drive, and the purpose of the transfer of this property for merger into 4 Denise Drive was to keep control of operation and maintenance of drainage facilities. Member Tarbox asked whether there was another house located behind 4 Denise Drive. Mr. Bouchard stated there was a house identified as 6 Denise Drive. Chairman Oster asked how vehicles entered and exited from 6 Denise Drive. Mr. Bouchard stated that 6 Denise Drive uses the same driveway as 4 Denise Drive, but that a number of easements had been provided for ingress and egress to 6 Denise Drive to address the common driveway issue. Chairman Oster asked whether the proposed waiver of subdivision would make 6 Denise Drive landlocked. Mr. Bouchard stated that 6 Denise Drive was an existing lot, not approved in connection with the Bailey Point Subdivision; that 6 Denise Drive already existed as a landlocked parcel when the Bailey Point Subdivision was approved; and that a 30-foot access easement was provided to address that issue. The Planning Board asked whether 6 Denise Drive has frontage on the cul-de-sac constructed in connection with the Bailey Point subdivision. Mr. Bouchard stated that 6 Denise Drive does not have frontage on the cul-de-sac, but that 6 Denise Drive was not part of the Bailey Point subdivision. Attorney Gilchrist stated that he requested the opportunity to review the application documents with the Town Attorney in conjunction with the previous meetings held with Mr. Bouchard on road dedication and easement dedication issues, and the matter is placed on the October 5 agenda for further discussion.

The index for the September 21, 2017 meeting is as follows:

1. Stewart's Shops - Site plan and special use permit - October 5, 2017;
2. Hadsell - Site plan - October 5, 2017;
3. Ace Hardware - Amendment to site plan - Approved; and
4. Bouchard - Waiver of subdivision - October 5, 2017.

The proposed agenda for the October 5, 2017 meeting currently is as follows:

1. PV Engineers/Borrogo Solar - Site plan, special use permit, and subdivision - Joint public hearing with Brunswick Zoning Board of Appeals to commence at 7:00pm;
2. Stewart's Shops - Site plan and special use permit;
3. Hadsell - Site plan; and
4. Bouchard - Waiver of subdivision.