

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 21, 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 as posted on the Town website and the Town signboard.

The draft minutes of the November 7, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the minutes of the November 7, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the special use permit and site plan applications submitted by Trifocal Brewing, Inc. for property located at 138 Brick Church Road. The applicant seeks a special use permit and site plan approval to operate a craft brewery at this location. Alex Brown of Trifocal Brewing, Inc. was present. Chairman Oster confirmed that the Planning Board had deemed these applications complete for opening of the public hearing, and that the public hearing has been scheduled for the December 5 meeting to commence at 7:00pm. Chairman Oster indicated that the appearance tonight was for purposes of providing the Planning Board members with an update from the applicant. Mr. Brown stated that he is continuing to work

on the engineering report, and also revisions to the site plan based upon the required separation distance between the on-site water supply well and septic system, and that he hoped to file those documents with the Town during the early part of the week of November 25. Mr. Brown stated that he had confirmed with Rensselaer County Health Department that there is a required 200-foot separation distance between any on-site water supply well and on-site septic system; that this limits the potential locations for an on-site water supply well; that he had looked into the option of connecting to a public water supply along Brick Church Road; that he had discussed the public water connection option with the Brunswick Water Department, and was informed that the closest available public water main was located on the Hewitt property on the opposite side of Brick Church Road, and access to that waterline may be problematic, and that the only other available public water connection was near NYS Route 2 approximately 2,000 feet away from the project site; Mr. Brown stated that the public water connection was not feasible, and that he was continuing to analyze options for location an on-site private water supply well. Chairman Oster asked whether there was a question concerning the location of the property line for the project site, and whether Mr. Brown had any updated information concerning the location of his property line. Mr. Brown stated that a property line had been identified on the site plan, and that the property line was based on a review of his deed as well as the location of two pins in the field with respect to his property boundary; Mr. Brown stated that he had discussed the property line issue with the adjoining owner, and that they had both found the survey pins located in the field. Mr. Brown stated that it was his understanding that the survey pins in the field had been placed by Borrego Solar when Borrego was constructing the adjacent solar farm facility. Mr. Bonesteel stated that the metes and bounds of the property line, including bearings and distances, should be identified on the site plan, taken from the recorded deed. Chairman Oster inquired whether that information could be available on

the site plan prior to the opening of the public hearing on this application. Mr. Bonesteel indicated that it should not take the applicant much time to add that information to the site plan, and that the information should be available prior to the public hearing. Mr. Brown stated that he continued to discuss the project with the New York State Department of Transportation concerning driveway locations and widths off of NYS Route 278, stating that NYSDOT was in agreement with the proposed driveway locations but did raise a concern about the proposed driveway widths. Mr. Brown stated that the concern of NYSDOT was that if the driveways were too wide, Mr. Brown's customers would view each of the driveways as two-way entrance and exits rather than the proposed one way in and one way out, and was requesting that the driveways be reduced in width so that it was clear that there was an entrance only and an exit only driveway. Mr. Brown stated that he understood the concern of NYSDOT, but did need an adequate width for truck delivery access, and continue to work with NYSDOT on an approvable option. Mr. Bonesteel confirmed that Mr. Brown was working with NYSDOT under the commercial driveway permit process. Mr. Brown confirmed he was pursuing this matter as a commercial driveway with NYSDOT. Chairman Oster stated that the Planning Board would also look into appropriate signage indicating entrance only and exit only for the driveways. Mr. Brown also stated that he may need to eliminate the proposed overflow parking area, as that area may be needed to relocate the leach field to achieve the necessary separation distance from the on-site water supply well. Chairman Oster requested that any changes to the plan be completed as soon as possible, and submitted prior to the public hearing on December 5. It is confirmed that this matter is placed on the December 5 agenda for public hearing to commence at 7:00pm.

The next item of business on the agenda was the minor subdivision application submitted by Derek Shudt for property located at 190 Bald Mountain Road. Mark Danskin was present for

the applicant. Mr. Danskin stated that he did not have any new subdivision plat for submittal, but that he did coordinate with the Rensselaer County tax mapping department, and that the Rensselaer County tax mapping department has made the appropriate correction to the tax map, and handed up to the Planning Board a copy of the amended tax map depicting this property. Mr. Danskin confirmed that his subdivision plat proposed lot lines do conform with the corrected County tax map. Chairman Oster asked about the status of adding the required topographic lines to the minor subdivision plat. Mr. Danskin stated that he was scheduled to meet with his client shortly to review the project, and upon confirmation with his client, he would undertake the work to add the topographic information. The Planning Board also discussed with Mr. Danskin the required driveway grades, and information on Town driveway and private road standards will be provided to Mr. Danskin. Mr. Danskin stated that he would need time to update the minor subdivision plat, and requested to be placed on the January 2 agenda. This matter is placed on the January 2 agenda for further discussion.

The next item of business on the agenda was the special use permit and site plan applications submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless. The applicants propose the construction of a major wireless telecommunications facility to be located off Creek Road on the lands of Zouky located between Creek Road and Menemsha Lane. Allyson Phillips, Esq., of the law firm Young Sommer, was present for the applicant. Ms. Phillips provided a status update to the Planning Board members, confirming that the balloon test was undertaken on October 19, and handed up to the Planning Board members copies of the balloon test visual assessment report. Attorney Gilchrist confirmed that the applicant had also presented that report, as well as responses to comments by the Town's review engineer for this action, Laberge Group, at the Brunswick Zoning Board of Appeals meeting held November 18.

Attorney Gilchrist stated that the Laberge Group, serving as engineering review consultant for this action, is in the process of reviewing the balloon test visual assessment report as well as responses to the engineering review comments, and that the Zoning Board had placed the matter on its agenda for its December meeting for further discussion. Attorney Gilchrist also stated that the Zoning Board of Appeals had discussed and considered the procedural option of holding a joint public hearing with the Planning Board on this action, and that the Zoning Board members felt that it would be appropriate to hold the joint public hearing so that both the Planning Board members and the Zoning Board members could hear all comments from the public on this proposal. Attorney Gilchrist also stated that given that the project will be placed back on the Zoning Board agenda for its December meeting for discussion of completeness and for discussion of scheduling a public hearing, the public hearing on this action would likely not occur until after January 1, 2020. Chairman Oster stated that he supported the idea of holding a joint public hearing with the Zoning Board, as this would provide the neighboring property owners an opportunity to have their comments heard by both boards at once, and that he did attend the balloon test in the field and spoke with a number of neighbors who expressed their interest in being able to provide their comments directly to both the Zoning Board and the Planning Board. The Planning Board members did have some preliminary discussion concerning the balloon test visual assessment report, noting that Laberge Group, serving as engineering review consultant, continued to complete their review of this report. Member Stancliffe did have a question concerning the RF plots, and Attorney Phillips stated that she would be able to provide additional information concerning the RF plots to the Board. This matter is placed on the December 5 agenda for further discussion, at which time Ronald Laberge, P.E. would update the Board concerning his review of the balloon test visual assessment report as well as response to his engineering review comments.

The next item of business on the agenda was the major subdivision application submitted by Sharpe Road Development LLC for property located on Sharpe Road. The applicant is proposing a 16 lot major subdivision located on 17.95 acres along Sharpe Road, with the project site being located both in the Town of Brunswick and the Town of North Greenbush. It was noted for the record that the applicant had made a submission to the Planning Board dated November 15, 2019, at which point the number of proposed lots in the Town of North Greenbush was reduced to 3 lots. Attorney Gilchrist reviewed the procedural status of this application, including SEQRA lead agency coordination, Brunswick Town Board review of a road waiver, public hearing held by the Planning Board which occurred over the course of four meetings, legal and engineering review of all application documents, and follow-up with the Rensselaer County Highway Department concerning County approvals and work within the County right of way. Attorney Gilchrist stated that the Planning Board should confirm that it is acting as SEQRA lead agency on this action. Thereupon, Chairman Oster made a motion to confirm the establishment of the Town of Brunswick Planning Board as SEQRA lead agency for this action, which motion was seconded by Member Tarbox. The motion was unanimously approved, and the Town of Brunswick Planning Board will act as SEQRA lead agency on this action. Mr. Bonesteel then reviewed in detail with the Planning Board members proposed responses to Parts 2 and 3 of the Full Environmental Assessment Form, discussing in detail with the Planning Board members the analysis concerning potential significant adverse environmental impacts of this action upon land; geological features; surface water; groundwater; flooding; air; plants and animals; agricultural resources; aesthetic resources; historic and archeological resources; open space and recreation; critical environmental areas; transportation; energy; noise, odor, and light; and also consistency with community plans and community character. Attorney Gilchrist reviewed the standard for a determination of

environmental significance under SEQRA. The Planning Board members discussed all potential environmental impacts, determining that such impacts constituted small impacts based on the record. Following deliberation of the application materials, the information contained in the Environmental Assessment Form, proposed responses set forth in Part 2 of the Full Environmental Assessment Form, and deliberation and consultation with the Planning Board engineer, Member Stancliffe made a motion to adopt a negative declaration under SEQRA for the Sharpe Road major subdivision action, which motion was seconded by Member Petersen. The motion was unanimously approved, and a SEQRA negative declaration adopted. Part 3 of the Full Environmental Assessment Form did note the adoption of a negative declaration, and Part 3 was thereupon executed by Planning Board Chairman Oster. The Planning Board then proceeded to review a proposed resolution granting conditional final major subdivision approval, and reviewed all proposed conditions in detail. Following detailed deliberation concerning proposed conditions to the major subdivision approval, the final resolution was introduced by Member Petersen and seconded by Member Henderson, and unanimously adopted. The Planning Board resolution granting conditional final major subdivision approval for the Sharpe Road Development action is attached in full to these minutes.

There were no new items of business to discuss.

Chairman Oster updated the Planning Board members concerning the Seed Solar special use permit concerning installation of a ground-mount solar facility at 4 Windfield Lane. Chairman Oster stated that he, together with Planning Board review engineer Bonesteel, Building Inspector Golden, Mr. McDonald of the Building Department, and representatives of Seed Solar met in the field at 4 Windfield Lane to discuss the location of the ground-mount solar facility installation as

well as required vegetation screening. It is noted that Member Stancliffe will also participate in those discussions to assist in identifying appropriate vegetation type for that location.

The index for the November 21, 2019 meeting is as follows:

1. Trifocal Brewing, Inc. - Special use permit and site plan - 12/5/2019 (public hearing to commence at 7:00pm).
2. Shudt - Minor subdivision - 1/2/2020;
3. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - 12/5/2019;
4. Sharpe Road Development LLC - Major subdivision - Conditional final major subdivision approval granted.

The proposed agenda for the meeting to be held December 5, 2019 currently is as follows:

1. Trifocal Brewing, Inc. - Special use permit and site plan (public hearing to commence at 7:00pm);
2. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

November 21, 2019

**RESOLUTION GRANTING CONDITIONAL
FINAL MAJOR SUBDIVISION APPROVAL
SHARPE ROAD DEVELOPMENT, LLC**

WHEREAS, the Town of Brunswick Planning Board received an application in January 2019 for a proposed major subdivision from Sharpe Road Development, LLC, to be located along Sharpe Road in Brunswick; and

WHEREAS, the project initially proposed the construction of 14 building lots located on approximately 17.95 acres along Sharpe Road, with a cul-de-sac road coming off of Sharpe Road; the project site is located in both the Town of Brunswick and the Town of North Greenbush, separated by a municipal boundary, with a minimum lot size of 0.6 acres for the Brunswick lots and a minimum lot size of 1.5 acres for the North Greenbush lots; the project proposes a new subdivision road coming off of Sharpe Road, a cul-de-sac road design which will break into two separate cul-de-sac legs; and the project would also include two additional proposed building lots with access directly onto Sharpe Road that would be pursued at a future date due to percolation tests for septic systems not being performed until the spring of 2019; and

WHEREAS, the application was first presented to the Town of Brunswick Planning Board (hereinafter "Planning Board") at its meeting on January 17, 2019; and

WHEREAS, the Planning Board reviewed and considered Sharpe Road Development LLC's proposal at the January 17, 2019 meeting and placed it on the agenda for its next meeting for further deliberation; and

WHEREAS, the Planning Board prepared and circulated a Notice of Intent to Establish Lead Agency under the State Environmental Quality Review Act (hereinafter "SEQRA") to all involved agencies; and

WHEREAS, the Planning Board was again presented with the application at its February 7, 2019 meeting, where the Board was informed of additional submissions by the applicant, including a revised Full Environmental Assessment Form plus supporting documents, and that the applicant would like to move forward with a 17-lot proposal instead of the 14 lots that were presented in its initial application documents and as discussed at the January 17 meeting; and

WHEREAS, the revised major subdivision proposal included thirteen (13) lots located in Brunswick and four (4) lots located in North Greenbush; and

WHEREAS, a total of fifteen (15) lots were proposed to be located on the proposed cul-de-sac subdivision road, whereas the Brunswick Subdivision Regulations limit the number of lots allowed on a cul-de-sac road to a total of twelve (12) lots absent a waiver from the Brunswick Town Board; and

WHEREAS, the Planning Board deliberated at its February 7 meeting concerning the applicant's requested waiver regarding the number of lots on a cul-de-sac road, which is under the jurisdiction of the Town Board upon a recommendation from the Planning Board; and

WHEREAS, the Planning Board further reviewed and considered the updated application materials at its February 7, 2019 meeting, and placed the action on the agenda for its next meeting for further deliberation; and

WHEREAS, the Planning Board again reviewed and considered the updated application at its February 21, 2019 meeting; and

WHEREAS, the Planning Board reviewed a draft recommendation on the requested waiver of the number of lots on a cul-de-sac road at such meeting; and

WHEREAS, the Planning Board approved a positive recommendation on the requested road waiver and referral to the Brunswick Town Board for consideration; and

WHEREAS, the Planning Board placed the application on the agenda for its next meeting for further deliberation; and

WHEREAS, the Planning Board noted at its March 7, 2019 meeting that the road waiver recommendation concerning the Sharpe Road major subdivision application had been referred to the Town Board and adjourned consideration of the application pending Town Board action on the road waiver request; and

WHEREAS, the Town Board heard comments from the public concerning the Sharpe Road major subdivision application at its April 11, 2019 meeting, and also discussed issues concerning the application with counsel; and

WHEREAS, the Town Board further reviewed and considered the road waiver concerning the Sharpe Road major subdivision at its May 9, 2019 meeting; and

WHEREAS, the Town Board approved the road waiver concerning the Sharpe Road major subdivision through Resolution No. 48 of 2019; and

WHEREAS, the Town Board resolution was thereafter transmitted to the Planning Board; and

WHEREAS, the Planning Board thereafter further reviewed and considered the application at its June 20, 2019 meeting following the Town Board's approval of the road waiver; and

WHEREAS, the applicant's engineers addressed and responded to comments on the subdivision application from Planning Board Engineer Bonesteel, as well as comments from Laberge Group, engineers for the Town of North Greenbush; and

WHEREAS, the applicant proposed the extension of a Brunswick public water district to provide potable water to all lots in the proposed subdivision, including the four (4) lots proposed in North Greenbush; and

WHEREAS, the Planning Board requested that the applicant prepare its map, plan, and report for its proposed water district extension to provide the Planning Board a further explanation of the proposed public water supply for the project; and

WHEREAS, the Planning Board determined that the application materials were complete for purpose of opening a public hearing on the application, and scheduled a public hearing on the Sharpe Road major subdivision application for July 18 at 7:00 PM; and

WHEREAS, the Planning Board, upon due public notice, opened its public hearing on July 18, 2019 with respect to the application by Sharpe Road Development, LLC for major subdivision approval, and received public comment; and

WHEREAS, the Planning Board thereat adjourned the public hearing, and scheduled the continuation of its public hearing for the August 1, 2019 meeting and noted that written comments would be accepted by the Planning Board prior to that meeting; and

WHEREAS, the Planning Board also continued its substantive review of the application at its July 18, 2019 meeting; and

WHEREAS, the Planning Board continued its public hearing on the Sharpe Road major subdivision application at its August 1, 2019 meeting; and

WHEREAS, the applicant's engineers submitted a written response dated July 30, 2019 to public comments received at the July 18 public hearing; and

WHEREAS, following the receipt of public comment, the Planning Board again adjourned the public hearing, and scheduled the continuation of its public hearing for the September 5, 2019 meeting; and

WHEREAS, the applicant thereafter submitted a map, plan, and report for the proposed water district extension for the supply of potable water to all lots in the proposed subdivision; and

WHEREAS, the Planning Board continued its public hearing on the Sharpe Road major subdivision application at its September 5, 2019 meeting; and

WHEREAS, following the receipt of public comment, the Planning Board again adjourned the public hearing, and scheduled the continuation of the public hearing for the September 19, 2019 meeting; and

WHEREAS, the Planning Board again continued its substantive review of the application materials at its September 5, 2019 meeting; and

WHEREAS, the Planning Board continued its public hearing on the Sharpe Road major subdivision application at its September 19, 2019 meeting; and

WHEREAS, following the receipt of final public comment, the Planning Board closed the public hearing with respect to the Sharpe Road major subdivision application on September 19, 2019; and

WHEREAS, the Planning Board continued its substantive review and consideration of the application at its September 19, 2019 meeting and placed it on the agenda for its next meeting for further deliberation; and

WHEREAS, the Planning Board again reviewed and considered the application at its October 3, 2019 meeting and placed it on the agenda for its next meeting for further deliberation; and

WHEREAS, the Planning Board noted that there remained an outstanding comment from the Rensselaer County Highway Department regarding the number of proposed curb cuts on Sharpe Road, a County highway, and also drainage issues, and the Planning Board directed the applicant's engineers to address these matters with the Rensselaer County Highway Department; and

WHEREAS, the Planning Board noted at its October 17 meeting that the applicant's engineers continued to work with the Rensselaer County Highway Department to address comments; and

WHEREAS, the Planning Board is in receipt of correspondence dated November 6, 2019 from the Rensselaer County Highway Department stating that all County comments had been adequately addressed; and

WHEREAS, the applicant submitted a set of final plans for the subdivision on November 15, 2019; with a final plan revision date of November 15, 2019; which plan now depicts a total of three (3) lots situated in North Greenbush; and

WHEREAS, the Planning Board has reviewed and considered the impacts of the proposed project based on 17 lots, but acknowledges the current subdivision plan depicts a total of 16 lots; and

WHEREAS, the Planning Board has reviewed all application materials, including a submission dated November 15, 2019; public comments; agency comments; applicant responses to comments; public water supply proposal; and proposed subdivision road specifications; and finds all subdivision review standards and substantive review comments have been addressed; and

WHEREAS, the Planning Board, serving as SEQRA lead agency, has completed its environmental impact review under SEQRA based upon impacts from a 17-lot subdivision, and has adopted a negative declaration for this action; and

WHEREAS, the Planning Board, following due deliberation, is prepared to act on the major subdivision application;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town of Brunswick Planning Board approves the Sharpe Road major subdivision application for the current proposal of 16 lots as depicted on project plans with last revision date of November 15, 2019, subject to the following conditions:
 - a. Final comments of the Brunswick Planning Board engineer and Brunswick Water Department/Stormwater Officer on the Stormwater Pollution Prevention Plan (“SWPPP”), and compliance with NYS DEC Stormwater regulations.
 - b. Subject to determination by the Town of Brunswick Town Board, the owner must either:
 1. Create a homeowners’ association for this subdivision for the purpose of ownership, operation, and maintenance of all stormwater management facilities constructed for this subdivision pursuant to the approved SWPPP, and execution of a stormwater management facilities maintenance and easement agreement that will be binding upon such homeowners’ association; or
 2. The filing of a petition with the Brunswick Town Board for the creation of a Drainage District for this subdivision pursuant to Article 12 of the New York Town Law, and Brunswick Town Board approval of a Drainage District for this subdivision.
 - c. Compliance with subdivision road specifications as approved by the Brunswick Highway Department and shown on Drawing C500, sheet 21 of 25 of the subdivision plans dated January 9, 2019, last revised November 15, 2019.
 - d. Repair and maintenance costs of the subdivision road following construction and acceptance of dedication by the Town of Brunswick must be borne by the Town of Brunswick and Town of North Greenbush in compliance with New York Highway Law Section 187.
 - e. All driveways must include a 2% negative pitch for ten (10) feet from the public roadway, or comply with a driveway drainage plan acceptable to the Planning Board engineer and the Town of Brunswick Highway Department.

- f. Installation of fire hydrants as required by the Eagle Mills Fire Department.
- g. No further subdivision or re-subdivision of any lot in this subdivision that would increase the total number of lots for this project to greater than 17 lots; it is acknowledged that the SEQRA review contemplated construction of a 17-lot subdivision, and the road waiver granted by the Brunswick Town Board for the subdivision road allows a maximum total of 15 lots to be located on such subdivision road.
- h. Filing of a petition for the creation or extension of a public water district with the Brunswick Town Board pursuant to Article 12 of the New York Town Law, and Brunswick Town Board approval of such water district creation or extension.
- i. The applicant must connect the lots currently owned by Hill (242 Sharpe Road) and Holcolm (223 Sharpe Road) to the public water infrastructure to be constructed for this subdivision, and include such lots within the boundary of the proposed public water district creation or extension.
- j. Approval of the City of Troy to allow a Brunswick public water district created or extended for this subdivision to sell water to a Town of North Greenbush water district for provision of public water up to four (4) subdivision lots located in North Greenbush.
- k. Compliance with New York Town Law Article 12 Section 198 (3)(d) regarding payment of water rates respecting the provision of public water by the Town of Brunswick to the Town of North Greenbush for the four (4) lots in this subdivision located in the Town of North Greenbush.
- l. Rensselaer County Department of Health approval for all septic systems for each subdivision lot.
- m. Rensselaer County Department of Health approval for extension of a public water supply.
- n. Filing of United States Army Corps of Engineers approval for this subdivision with the Brunswick Building Department.
- o. Installation of field markers identifying the boundary line adjacent to the lot currently owned by Hill (242 Sharpe Road) and clear demarcation provided in the field between such parcels as required by the Brunswick Building Department.
- p. Rensselaer County Highway Department approval and work permit for curb cuts and work within the County right-of-way of Sharpe Road.
- q. No construction on this project shall take place on Sundays or New York State-identified legal holidays.

- r. Payment of park and recreation fee.
- s. Execution of a bond security agreement for all public infrastructure construction proposed for this subdivision, posting thereunder of financial security in amount acceptable to the Brunswick Town Board, and further posting thereunder of an inspection escrow in amount acceptable to the Town Board.
- t. Execution of an irrevocable offer of dedication for the subdivision road, public water infrastructure, and if a Drainage District is to be established for this subdivision, the stormwater infrastructure.
- u. Final subdivision approval issued by the North Greenbush Planning Board for all lots located in the Town of North Greenbush.

The foregoing Resolution, offered by Member Peterson and seconded by Member Henderson, was duly put to a vote as follows:

PLANNING BOARD CHAIRMAN OSTER	VOTING	<u>Aye</u>
MEMBER TARBOX	VOTING	<u>Aye</u>
MEMBER PETERSEN	VOTING	<u>Aye</u>
MEMBER STANCLIFFE	VOTING	<u>Aye</u>
MEMBER MAINELLO	VOTING	<u>Aye</u>
MEMBER HENDERSON	VOTING	<u>Aye</u>
MEMBER KREIGER	VOTING	<u>Aye</u>

The foregoing Resolution was thereupon declared duly adopted.

November 21, 2019