

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 4, 2021

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

ABSENT was DONALD HENDERSON.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department and WAYNE BONESTEEL, P.E.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and website. The draft minutes of the January 21, 2021 meeting were reviewed. Chairman Oster noted that on page 6 paragraph 2 of those minutes, which described the waiver of subdivision application submitted by Rosa Parra for property located at 295 Brunswick Road, the minutes state that Mr. Bonesteel took issue with the project only having 10 feet of frontage. Mr. Bonesteel's concern was over the 10-foot separation distance between the leachfield on the property to the proposed lot line. Upon motion of Chairman Oster to approve the minutes subject to the stated correction, which motion was seconded by Member Kreiger, the draft minutes of the January 21, 2021 meeting were unanimously approved subject to the stated correction.

The first item of business on the agenda was a special use permit application submitted by Anne Zugalla for property located 3 Clinton Place. The owner of the property is Anne Zugalla and she is seeking approval for an accessory apartment. Ms. Zugalla was present to review the application. Chairman Oster began by reviewing the history of the property, noting that there had

been some questions at previous meetings over special use permits previously applied for at this property. Chairman Oster noted that the previous owner of the property had applied for a special use permit in June 2007 to the Town Zoning Board, as the Zoning Board handled special use permits at that time. A public hearing was held that month, but the Zoning Board questioned whether an accessory apartment would be allowed in an accessory structure according to the definition of “accessory apartment” in the Town Zoning Ordinance at that time. The Zoning Board debated this issue through November 2007 before denying the permit after concluding that an accessory apartment was not allowed in a detached garage under the Zoning Ordinance in effect in 2007. In 2017, the Town passed a new Town Zoning Law, which redefined “accessory apartment” and does not prohibit one in an accessory structure on a property. Chairman Oster then reviewed the special use permit standards according to the Town Zoning Law, stating that they may include the requirement of renewing the permit and putting a term limit on the permit. Chairman Oster then reported that Rensselaer County had sent its recommendation on the application, stating that it will have no major impact on any County plans and that local consideration shall prevail. Chairman Oster then reviewed the Public Hearing on the application held on January 21, 2021, where a comment letter and comment email were received. The letter from Herzog Law Firm on behalf of Marcia Handelman raised concerns about parking. Ms. Zugalla stated that parking will not be a problem due to only one more car being on her property, which her driveway is big enough to accommodate. Chairman Oster asked if no off-street parking being allowed could be added as a condition for approval of the permit. Ms. Zugalla reiterated that off-street parking will not be a problem, and didn’t have a problem with confirming that through a condition. The email from Judy Maloney raised concerns about the project bringing transients to the area and changing the character of the neighborhood. Chairman Oster stated that Ms. Zugalla

would just need to monitor the apartment's tenants to ensure this did not become a problem. Chairman Oster stated that an issue had been raised about this proposal being a Bed and Breakfast, and that Bed and Breakfasts are not allowed in R-9 zoning districts. However, this is an accessory apartment and not a Bed and Breakfast, and this is not an issue. Chairman Oster also brought up property values, stating that there is no expert proof that property values on Clinton Place will be affected by an accessory apartment and that if she wanted, Ms. Zugalla could legally take down the existing garage and divide her 1-acre lot into three lots, which would have an affect on property values. Chairman Oster concluded that there would be no affect on property values due to this action. Chairman Oster asked why the accessory structure contained two bedrooms. Ms. Zugalla stated that this was by prior design, that she did not build out the second bedroom, that she plans to convert the second bedroom into an office, and reiterated that only one tenant will be allowed at a time. Chairman Oster asked if the apartment will be listed as a one-bedroom apartment. Ms. Zugalla confirmed that it would be and that she will furnish the apartment before listing it. There were no further questions from any Planning Board members, Mr. Bonesteel, or Attorney Gilchrist. Attorney Gilchrist then listed off possible conditions for approving the permit. The Planning Board agreed on four conditions: 1. Off-street parking shall be prohibited; 2. Confirmation from the Rensselaer County Health Department that the septic system for the apartment is acceptable; 3. That the apartment will be a one-bedroom accessory apartment only; 4. A Certificate of Occupancy from the Town of Brunswick Building Department must be issued prior to leasing the apartment. Member Stancliffe made a motion for a negative declaration on the project, which was seconded by Member Tarbox. The Planning Board voted unanimously to approve the motion, and a SEQRA negative declaration was adopted. Chairman Oster made a motion to approve the special use permit subject to the four stated conditions, which was seconded by Member Kreiger. The Planning Board

voted unanimously to approve the motion with the four stated conditions, and the special use permit was approved.

The second item on the agenda was a waiver of subdivision application submitted by Rosa Parra for property located at 295 Brunswick Road. The owner of the property is Rosa Parra and she is selling two lots on the property and seeks to transfer a 40-foot x 50-foot section from one lot and transfer it to the other lot, which is vacant. Mark Danskin was present representing the applicant. Chairman Oster asked Mr. Danskin if he and Mr. Bonesteel had coordinated on the issue brought up at the previous meeting regarding the 10-foot separation distance between the leachfield on the property to the proposed lot line. Mr. Danskin and Mr. Bonesteel reported that they had not coordinated on the issue, but had each researched the issue independently. Mr. Danskin had measured from the center line of the septic lateral endcap to the lot line, which is compliant as currently proposed. Mr. Bonesteel asked Mr. Danskin if he had physically reviewed the lateral and Mr. Danskin said he had visually viewed it after digging it up. Mr. Bonesteel asked Mr. Danskin how he would know where the end of the lateral is, especially when the leachfield is so old. Mr. Danskin stated that there needs to be 10 feet of separation according to the rules, and that he did visually inspect the septic lateral location. Mr. Bonesteel stated that the tile field location on the property is old and he is uncomfortable with the proposal, but confirmed that it does appear compliant. Mr. Bonesteel then reviewed the field conditions according to the project documents. Mr. Danskin stated that he measured 10 feet from the leachfield in order to make the new lot as large as possible. Mr. Bonesteel said that he would prefer more than 10 feet of separation between the leachfield and the lot line. Mr. Danskin explained that he dug up the tile lines, located them, put them on the project map, and put the lot line 10 feet from the lateral. Member Tarbox stated that there could be a note on the map that requires the driveway to the new lot to be located

in the center of the 10-foot setback. Chairman Oster stated that if the tile field were ever to be excavated and the line exposed, then the 10-foot lot line would be shown to be compliant. The Planning Board briefly discussed the lot line setback and driveway location. Following that discussion, Member Petersen made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the motion, with Member Mainello abstaining, and a SEQRA negative declaration was adopted. Chairman Oster asked if there should be any conditions on the approval and the Planning Board and Mr. Bonesteel agreed that there should be a minimum 10-foot setback for the travel way of the new driveway from the new eastern lot line. Member Tarbox made a motion to approve the waiver of subdivision subject to the stated condition, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the motion with the stated condition, with Member Mainello abstaining, and the waiver of subdivision was approved.

The third item on the agenda was a special use permit and site plan review application submitted by Tamarac Solar, LLC for property located at 126 Brick Church Road. Norman Ward, a landscape architect from Environmental Design Partnership, LLP, and Gillian Black, Director of Project Development for Eden Renewables, were present to give a PowerPoint presentation reviewing the project. Mr. Ward stated that visual assessment on the project had been updated, including the location of the panels and array, and that topping/trimming of trees will be done to allow for maximum solar availability. Mr. Ward also specified that cutting of the trees will occur, but no grubbing. Member Tarbox asked about the nature of the trees on the project site. Mr. Ward stated that they are 85-foot tall white pines. Mr. Ward returned to the topping of the trees, stating that the applicant could continue to monitor the trees that were topped after cutting them. Mr. Ward then discussed the switchgear equipment, stating that it will consist of two pad mounts and two

poles and that the applicant may end up only needing one pole, but National Grid requires two poles, so that is what is currently shown on the plans. Mr. Ward then handed out copies of the updated Environmental Assessment Form and the visual assessment report to the Planning Board members, Mr. Bonesteel, Mr. Golden, and Attorney Gilchrist. Mr. Ward then returned to the PowerPoint presentation, which reviewed the updates to the two reports. Chairman Oster and Attorney Gilchrist reviewed the visual impact assessment standards. Chairman Oster asked how the visual impact of this project compared to the visual impact of the Borrego Solar project on Brick Church Road previously approved by the Planning Board. Attorney Gilchrist said that the visual impact of the Borrego Solar project had been subject to a visual assessment study. Attorney Gilchrist suggested that this project should assess the visual impact of the project from NYS Route 351. Member Tarbox suggested analyzing the visual impact on Settler's Lane as well. Mr. Ward said the applicant would look at both locations. Mr. Ward said the next step for the applicant is to submit the application to Rensselaer County for a recommendation. Mr. Ward asked if there were any other questions or comments on the application at this time. Mr. Bonesteel stated that he had started his review of the application, but is still working on it. The Planning Board then discussed public hearing procedure. Chairman Oster asked if the applicant had heard from SHPO on the application and Mr. Ward stated that they had received a letter of no impact from SHPO. Mr. Bonesteel asked for a copy of that letter, as well as any additional application materials they had not submitted yet. Mr. Ward stated that they had not yet submitted the application to the US Army Corps of Engineers and won't do so until the Planning Board deems the site layout acceptable. Mr. Ward suggested the possibility of holding a joint public hearing with the Zoning Board at the Planning Board's March 18 meeting. Attorney Gilchrist said the Zoning Board would discuss

holding a joint public hearing with the Planning Board at their February 22 meeting. This matter is placed on the February 18 agenda for further discussion.

The fourth item on the agenda was a major subdivision application submitted by Brunswick Road Development, LLC in connection with the Brunswick Acres Planned Development District, located along the north side of Brunswick Road. The applicant requested that this matter be withdrawn from the agenda. This matter was adjourned without date.

The Planning Board then discussed a special use permit and site plan application submitted by Blue Sky Towers III/Cellco Verizon Partnership d/b/a Verizon Wireless for property located on Creek Road. Dave Brennan, Esq., was present for the applicant. Mr. Brennan stated that at the last Zoning Board meeting, the Zoning Board had asked Attorney Gilchrist to write two Resolutions on this project approving the use and area variances, which will be presented to the Zoning Board and voted on at the Board's special meeting on February 8, 2021. Mr. Brennan asked the Planning Board if any members had any last questions before to the Zoning Board's February 8 special meeting. The Planning Board had no questions, saying that all issues have been addressed. This matter is placed on the February 18 agenda for further discussion.

One new item of business was discussed.

The only new item of business discussed was a site plan application submitted by Lord Ave Property, LLC for property located on Lord Avenue. Walt Lippmann, a Project Manager with MJ Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann reviewed the site layout for the project, which generally proposes a 50,000 square foot supermarket building, loading dock area, parking, stormwater facilities, and Lord Avenue road realignment. Mr. Lippmann stated that the US Army Corps of Engineers had given verbal confirmation that the project would have no impact and that his office would submit a letter from the Army Corps stating

so when they received one. Mr. Lippmann stated that the applicant had not yet received a letter from SHPO on the project. Mr. Lippmann then discussed the realignment of Lord Ave that the project would entail, that a traffic light is to be added in front of the project site, and described the delivery route through the project site. Mr. Lippmann stated that the area where the supermarket is to be built is in a B-15 zoning district, where supermarkets are permitted uses. Mr. Lippmann said that based on the size of the project, 198 parking spaces are required and the applicant is proposing 203. Mr. Lippmann said that the proposed building will be 50,000 square feet in size. Mr. Lippmann stated that a berm on the project site will be used to buffer the residential area to the west of the building. Mr. Lippmann then generally reviewed the project stormwater pollution prevention plan. Chairman Oster noted that the plans showed no entrance or exit at the rear of the project site. Mr. Lippmann confirmed that, stating that there would only be one access point at the front of the site. Chairman Oster asked if the project was contingent on the approval of a traffic light in front of the site. Mr. Lippmann said yes. Chairman Oster asked if the applicant had confirmation from the NYS Department of Transportation that a traffic light would be installed. Mr. Lippmann stated that the applicant of a project being proposed on the south side of Hoosick Road is working with NYS DOT on the traffic light installation, which this applicant has included in its current site plan. Member Stancliffe asked for details about the project water and sanitary system. Mr. Lippmann reviewed the project sanitary/sewer system, stating that there will be a pump station on-site. Mr. Lippmann also reviewed the general water system. Member Stancliffe asked if there would be fire hydrants on-site. Mr. Lippmann said there would be. Chairman Oster asked if there would be sprinklers in the building. Mr. Lippmann said there would be. Mr. Bonesteel asked if the applicant had conducted flow tests. Mr. Lippmann said they had and that the results were in the project documents. Mr. Bonesteel asked if there will be infiltrators under

the parking lot on the site. Mr. Lippmann stated that there would not, instead there would be a large stormwater basin on the east side of the lot. Mr. Bonesteel asked if the applicant had conducted perc tests. Mr. Lippmann stated that they had conducted four perc tests. Mr. Bonesteel asked how much fill would be needed on-site. Mr. Lippmann said he didn't know offhand, but that would be calculated in the future. Chairman Oster asked how big the berm on the northwest side of the project site would be. Mr. Lippmann generally discussed the proposed berm specifications. Chairman Oster asked where trucks would circulate on the project site. Mr. Lippmann pointed out on the site map where trucks would circulate and stated that he would look up the hours that trucks are expected to arrive and leave. Member Tarbox asked if there would be a drive thru pharmacy attached to the building. Mr. Lippmann said there would be. Member Mainello asked what the hours of operation would be for the building. Mr. Lippmann said that specific tenant information would be forthcoming, including hours of operation. Member Tarbox noted that there was only one access road on the site, which could be a problem, especially if emergency vehicles need to access the site. Mr. Lippmann agreed and said a secondary emergency access would be considered. Member Stancliffe asked how an emergency overflow of stormwater would be handled. Mr. Lippmann said the stormwater basin on the property would be used for overflow and that the basin will be able to handle all stormwater from the project site as well as offsite stormwater flow from neighboring properties that could move toward the site. Mr. Lippmann noted that water from all surrounding areas drains into the site, which acts like a bowl for the water. Chairman Oster confirmed this, stating he has seen the field underwater after heavy rains in the Spring. Chairman Oster asked if fill would be brought onto the site to raise the elevation of the building. Mr. Lippmann said it would. Mr. Bonesteel said he would review the plans. The Planning Board members discussed lead agency coordination under SEQRA, and agreed they would begin the

process of lead agency coordination. This matter is placed on the March 4 agenda for further discussion.

The index for the February 4, 2021 meeting is as follows:

1. Zugalla – special use permit (approved with conditions).
2. Parra – waiver of subdivision (approved with condition).
3. Tamarac Solar, LLC – special use permit and site plan review (February 18, 2021).
4. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan (February 18, 2021).
5. Lord Ave Property, LLC – site plan (March 4, 2021).

The proposed agenda for the February 18, 2021 meeting is currently as follows:

1. Tamarac Solar, LLC – special use permit and site plan review.
2. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan.
3. Cillis – major subdivision.
4. Leon – site plan.