

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 21, 2022

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, J. EMIL KREIGER, LINDA STANCLIFFE, DAVID TARBOX, and KEVIN MAINELLO.

ABSENT was ANDREW PETERSEN.

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 sign board and Town website. The draft minutes of the April 7, 2022 joint meeting with the Zoning Board of Appeals were reviewed. Mr. Golden noted that on pages 10 and 11, Matt Barber's name needed to be changed to Matt Bond. Member Stancliffe noted one correction: on page 5, 4th line from the bottom of the page, "like" should be changed to "look." Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the April 7, 2022 joint meeting with the Zoning Board of Appeals were unanimously approved subject to the noted corrections.

The first item of business on the agenda was a minor subdivision application submitted by Richard Witbeck and Jacquelyn Witbeck for property located at 131 Kreiger Lane. Brian Holbriiter was present to review the application. Mr. Holbriiter stated that at the Planning Board's previous meeting on April 7, the question of the width of Kreiger Lane had been raised. Mr. Holbriiter stated that he had subsequently measured the road at several points and that while the road had initially been identified as 15 feet wide, the correct measurement is 20-21 feet wide throughout. Mr.

Holbriiter also stated that the road was in good conditions with good shoulders. Mr. Bonesteel stated that he was the one who asked for the width of the road to be verified, and stated that a 20-foot-wide road was adequate for the number of homes being proposed on Kreiger Lane. Chairman Oster noted that the Planning Board needed to send a recommendation letter to the Town Board concerning the number of lots on Kreiger Lane and that the width of the road must be included, as well as that the road is adequate for emergency vehicles and two-way traffic. Member Tarbox asked who owns Kreiger Lane itself. Mr. Holbriiter stated that deeds are to 25 feet of the centerline of the road, so the applicants likely own the roadbed, while Kreiger Lane itself is a user road. Attorney Gilchrist then clarified Kreiger Lane as a user road, stating that it is a public highway, but is not owned by the Town of Brunswick. Member Tarbox asked if an easement would be necessary in the future if there were to be a gap between the user road and a new lot. Attorney Gilchrist stated that while an issue could arise, it would be unlikely, but that such a possibility should be noted for the record and the issue should be addressed by the property owner when preparing the deeds for the new lots. Chairman Oster stated that Attorney Gilchrist would draft the recommendation letter to the Town Board from the Planning Board concerning the issue of the number of lots on Kreiger Lane. Attorney Gilchrist asked how many total lots there currently were and how many were being proposed. Mr. Holbriiter stated that there are currently 14 lots with frontage on Kreiger Lane or that are landlocked with easement access to Kreiger Lane, and that 3 new building lots are being proposed, meaning that there would be 17 total lots. Chairman Oster noted that the 31.69-acre parcel created by the proposed subdivision could be further subdivided in the future, and asked if the Planning Board should put any restrictions on that parcel. Attorney Gilchrist stated that any further subdivisions of the 31.69-acre parcel would need to be reviewed by the Brunswick Highway Department, Town Board, and Planning Board. Attorney Gilchrist

stated that he would draft a recommendation letter for review at the Planning Board's next meeting, which would also send to Mr. Bonesteel and Mr. Holbritter. This matter is placed on the May 5, 2022 agenda for further discussion.

The second item of business on the agenda was a waiver of subdivision application submitted Brooks Heritage, LLC for property located at 130 Grange Road. Pat Rose, agent for Gilbert Van Gilder, the surveyor of the property, was present for the applicant. Mr. Rose reviewed the application, stating that the applicant is proposing to subdivide a 1.53-acre parcel into two building lots, one that would be 28,926 square feet, and the other that would be 37,929 square feet. Mr. Rose also stated that the lots would use municipal water and also have septic systems. Chairman Oster noted that the application does qualify for a waiver of subdivision and should not be considered a minor subdivision due to there not having been a previous subdivision on the property within the last 7 years. Mr. Bonesteel stated that there is a 6% grade on part of the lot and steeper grades off of the east property line. Mr. Bonesteel stated that the buildable lots will be able to accommodate septic systems and driveways. Mr. Bonesteel stated that the lots will have municipal water, so it will not be necessary to have separation from a well, while there will be the necessary separation for the septic systems. Mr. Bonesteel stated that the sight distances for the driveways are acceptable and have been added to the site map. Mr. Bonesteel also stated that the applicant will need NYS DOT permits for the driveways on Grange Road, and Town permits for the driveways on Dusenberry Lane. Mr. Bonesteel concluded that the proposed lots meet all requirements. Chairman Oster asked if there were any further questions from the Planning Board and there were not. Member Mainello made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked Attorney

Gilchrist if there should be any conditions on the application. Attorney Gilchrist stated that the applicant must obtain approval for the septic systems from the Rensselaer County Health Department, obtain the driveway permits from NYS DOT and the Town as described by Mr. Bonesteel, and coordinate with the Town of Brunswick Water Department on water connection for the lots. Member Henderson made a motion to approve the waiver of subdivision subject to the stated conditions, which was seconded by Member Stancliffe. The Planning Board voted unanimously to approve the waiver of subdivision subject to the stated conditions.

The third item of business on the agenda was a special use permit application submitted by Thomas Wagner for property located at 66 Weyrick Road. Thomas Wagner was present to review the application. Chairman Oster stated that a public hearing is always required for special use permit applications, confirming that it had been determined at the last meeting that the bedroom, kitchen, and bathroom on the second floor would make it an accessory apartment. Mr. Wagner reviewed the application, including detailing the plans for the second floor of the accessory structure. Chairman Oster asked what the square footage of the structure would be, and Mr. Wagner stated that the structure would be approximately 3,500 square feet. Chairman Oster stated that the Town had received a letter from the Rensselaer County Bureau of Economic Development and Planning stating that the project will not have a major impact on County plans and that local consideration shall prevail. Mr. Bonesteel asked what the total height of the accessory structure would be. Mr. Wagner stated that the structure would be two stories above the ground, but that it would be closer to three stories on the east side of the structure due to the topography of the site. The Planning Board then discussed height requirements under the Town Code, concluding that the height of the proposed accessory structure would be confirmed by the Building Department and would also coordinate with Mr. Wagner and the Zoning Board of Appeals if a height variance were

required. Mr. Bonesteel stated that the application for the special use permit was complete for purpose of holding a public hearing. Mr. Henderson noted that the accessory structure would be powered by solar energy and asked where on the property the solar panels would be. Mr. Wagner stated that he currently has ground-mounted solar panels, that these panels were approved previously by the Town via a special use permit, and that he now sought to expand the existing ground-mounted solar. Mr. Golden stated that he would review the record to determine when the special use permit for the solar panels was granted, as well as the special use permit itself to determine if Mr. Wagner needed to amend the current special use permit before the Planning Board to include solar expansion. This matter is placed on the May 19, 2022 agenda for a public hearing and further deliberation.

The fourth item of business on the agenda was an amendment to a site plan submitted by David Leon for property located on Hoosick Road. Walter Lippmann, Project Manager with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann began by handing out a rendering of the proposed coffee shop drive-thru building to the Planning Board members, which had been sent to his office earlier that day. Mr. Lippmann then reviewed the application, stating that there were four limited changes to the site plan, plus the proposed drive-thru coffee shop. Mr. Lippmann also stated that he had gone before the Zoning Board of Appeals at its April 18 meeting to present a use variance application for the expanded parking, which is proposed for a lot where parking is not an allowable use. Chairman Oster stated that the rendering of the drive-thru coffee shop was different than what the Planning Board was expecting due to it featuring outdoor seating, sidewalks, and a pedestrian entrance. Mr. Lippmann stated that the entrance was just for the two employees working inside the coffee shop, and that he spoke directly with a representative from Aroma Joe's, who would own and operate the coffee shop, and

confirmed that it would be strictly a drive-thru coffee shop and that no customer seating was proposed, despite what the rendering shows. Chairman Oster stated that outdoor seating should be removed from the official rendering as it will be used by customers if it is there, and suggested it be replaced by landscaping. Chairman Oster also stated that the layout for the coffee shop should be for drive-thru only in order to eliminate all pedestrian access to the front of the shop. Chairman Oster asked if the coffee shop would conflict with the National Grid right-of-way on the site. Mr. Lippmann stated that it would not, noting that a switch gear stamp would remain in its current location, and that one transformer on the site would be relocated. Chairman Oster asked how many service windows the building would have and Mr. Lippmann stated that there would be one, and that there would be one menu board as well. Chairman Oster asked if there could be a stacking problem on the site. Mr. Lippmann stated that 6 are required by Aroma Joe's for its locations, and the applicant is proposing 7. Member Stancliffe asked where the menu board would be located. Mr. Lippmann stated that the final location had not yet been determined, but that the location would be supplied to the Planning Board when the determination was made. Member Henderson noted the traffic analysis had been requested by the Planning Board at its last meeting and asked if the data was available. Mr. Lippmann stated that he had requested traffic data from Aroma Joe's, but he did not have it yet, and would supply the data to the Planning Board once he had it. Chairman Oster asked if there were any Aroma Joe's coffee shops in the area. Mr. Lippmann stated that he did not believe so, and that he was not even sure there were any currently in New York. Member Stancliffe asked if the amount of new greenspace being added had been calculated. Mr. Lippmann reviewed the overall greenspace for the project site. Chairman Oster stated that he had no problem with the four minor changes to the site plan being considered a site plan amendment, but that the addition of the coffee shop to the site is more of a major change, as it would result in 5 buildings

on the site, and should require a public hearing. The Planning Board members agreed that a public hearing should be held due to the addition of the coffee shop to the site. Mr. Bonesteel stated that the additional traffic being brought to the site due to the coffee shop and overall traffic flow on the site needed to be discussed, noting that the coffee shop could be a destination stop by itself, not just serving customers passing by. Mr. Lippmann stated that there would be a signalized intersection and that there would be adequate space for all traffic on the site. Mr. Bonesteel stated that the applicant would need to submit the requested traffic data, plus additional traffic impact information to support that position. The Planning Board members agreed that overall traffic on the site must be analyzed, including traffic flow and the geometry of the turns on the site. Attorney Gilchrist stated that a new SEQRA review and determination would be needed, and noted that the applicant had already submitted a new Environmental Assessment Form (EAF). Chairman Oster asked about how deliveries to the other buildings on the site would be affected by traffic to the coffee shop, specifically asking what would happen if a tractor trailer making a delivery to one of the other buildings was blocked from its destination by the line of cars at the coffee shop. Mr. Lippmann stated that he would ask the owners of the other buildings about their delivery schedules. Member Henderson requested that the applicant submit an updated rendering of the coffee shop without the outdoor seating shown. Chairman Oster agreed that the applicant should submit the additional requested information for a completeness determination for a public hearing, particularly regarding traffic. This matter is placed on the May 5, 2022 agenda for further discussion.

The fifth item of business on the agenda was a site plan application submitted by Paulsen Development of Albany, LLC, for property located at 112 McChesney Avenue. No one was present for the applicant and no full application had been submitted since the applicant made a

sketch plan presentation at the Planning Board's March 17 meeting. This matter was adjourned without date.

Two items of new business were discussed. The first item of new business was a waiver of subdivision submitted by Michael Scesny for property located at 16 Valley View Drive. Mr. Golden reviewed the application, stating that it was a lot line adjustment. Attorney Gilchrist noted that there was an issue regarding the size of one of the lots not meeting the lot size requirement for the zoning district it is located in, which would need to be reviewed by the Brunswick Building Department. This matter is adjourned without date.

The second item of new business was a waiver of subdivision application submitted by Jason Peterson for property owned by Ralph Liporace and located at 12 Riccardi Lane. Mr. Golden reviewed the application, stating that it was a lot line adjustment. Chairman Oster asked if the lot line adjustment being proposed would create a landlocked lot, and the Planning Board reviewed the site map. This matter is placed on the May 5, 2022 agenda for further discussion.

The index for the April 21, 2022 regular meeting is as follows:

1. Witbeck – minor subdivision (May 5, 2022).
2. Brooks Heritage – waiver of subdivision (approved subject to conditions).
3. Wagner – special use permit (May 19, 2022).
4. Leon – site plan amendment (May 5, 2022).
5. Paulsen Development – site plan (adjourned without date).
6. Scesny – waiver of subdivision (adjourned without date).
7. Liporace/Peterson – waiver of subdivision (May 5, 2022).

The proposed agenda for the May 5, 2022 regular meeting is currently as follows:

1. Witbeck – minor subdivision.
2. Leon – site plan amendment.
3. Cillis – major subdivision.
4. Changing Visions of Energy – special use permit and site plan.
5. Liporace/Peterson – waiver of subdivision.

The proposed agenda for the May 19, 2022 regular meeting is currently as follows:

1. Wagner – special use permit (public hearing to commence at 7:00pm).