

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 16, 2019

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

The first matter on the agenda was a public hearing on the major subdivision application submitted by Robert Irwin for property located on Menemsha Lane. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairman Oster reviewed the rules for conduct of the public hearing. The applicant was represented by Rod Michaels, LLS. Mr. Michaels reviewed the proposed 6-lot major subdivision; the property is currently a 68.35-acre parcel located on Menemsha Lane, with six building lots being proposed ranging from 5.02 acres to 24.18 acres; four lots are proposed on the south side of Menemsha Lane, with two lots proposed on the north side of Menemsha Lane; there are also two proposed lot line adjustments to add additional acreage to the lands of Stasack and Pollock to provide additional buffer space for these property owners;

the location of each of the lots was reviewed; an historic gravesite is located on the property, and an easement for access to this location is provided on lot 3; the sight distance information for proposed driveway locations was reviewed; single-family homes are being proposed for each of the building lots in compliance with the Brunswick Zoning Law; the driveway locations for proposed lots 5 and 6 have been identified to confirm that the driveway grades are in compliance with the Town driveway standards of the Town of Brunswick and also meet necessary sight distance requirements; private water and septic are proposed, and no extension of public water is proposed. Chairman Oster opened the floor for the receipt of public comment. Steven Stasack, 203 Menemsha Lane, stated that he was looking to acquire one additional acre from Mr. Irwin to provide additional buffer to this proposal; public water was available in proximity to this property, and asked whether the applicant considered extending public water; asked whether any deed restrictions on future use were being proposed, and Mr. Michael stated that no deed restrictions are currently being proposed; and stated he was happy to see six building lots being proposed rather than a significantly denser proposal that would still be in compliance with the Brunswick Zoning Law standards. Tom Harmon, 190 Menemsha Lane, asked whether single-family homes were being proposed, and Mr. Michael stated that this was the intent of Mr. Irwin. Matthew Pollock, 10 Pleasantview Avenue, stated that a prior owner was proposing to turn this property into a gravel mine, and that the building lots were a better use of the property, and asked if a prospective purchaser could buy this property and use it as a mine. Chairman Oster stated that any future use of this property for anything other than the building lots being proposed now would require further Town review. Chairman Oster inquired whether there was any further public comment. Hearing none, the public hearing on the Irwin major subdivision application was closed.

The next matter was a public hearing on the minor subdivision application submitted by Elizabeth Reynolds for property located off Bulson Road and Tambul Lane. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairman Oster again reviewed the rules regarding the conduct of the public hearing. Brian Holbritter, LLS, was present for the applicant. Mr. Holbritter reviewed the minor subdivision proposal. Mr. Holbritter stated that the current property is 79.5 acres, with three new building lots being proposed, plus one remainder lot which includes the existing Reynolds house. The retained Reynolds lot totals 13.7 acres, and three new building lots are being proposed. One lot totaling 9.5± acres is proposed, with access provided both off Bulson Road and Tambul Lane; a 2.5±-acre building lot is being proposed with access off Tambul Lane; and a 53.8±-acre lot is being proposed for property located on the opposite side of Bulson Road. Chairman Oster opened the floor for the receipt of public comment. Anthony Parella, 41 Tambul Lane, stated he owned the property immediately adjacent to the proposed 9.5±-acre parcel with access off Tambul Lane, and inquired whether the proposed access could be relocated farther up Tambul Lane and away from his property line, and if that access area were to remain in its current proposed location, that the Planning Board should require an adequate buffer between this proposed lot and the Parella lot; and, regarding the 9.5±-acre lot, how many homes could be put on the lot. Mr. Holbritter stated that only one lot is being proposed, and therefore only one home. Mr. Parella inquired whether this lot could be further subdivided. Chairman Oster stated that in the event any future owner sought to further divide the 9.5±-acre lot, it would require further subdivision review by the Planning Board. Mr. Parella stated that the proposed 9.5±-acre lot would have an impact on his property. Chairman Oster inquired whether there was any further

public comment. Hearing none, the public hearing on the Reynolds minor subdivision application was closed.

Chairman Oster then opened the regular business meeting.

The draft minutes of the May 2, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Petersen, the minutes of the May 2, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was major subdivision application submitted by Robert Irwin for property located on Menemsha Lane. Rod Michael, LLS, was present for the applicant. Chairman Oster noted that public comments had been received during the public hearing. Mr. Michael stated that regarding the comment on extension of public water, no extension of public water is being proposed, and all private wells are being proposed for the subdivided lots. Mr. Michael also stated that no deed restrictions were currently being proposed for any of the subdivided lots, and that he was not aware of any existing restrictions of record, but that he will confirm the issue of deed restrictions with the applicant's attorney. Regarding the issue of further subdivision of these lots, Mr. Michael stated that any further subdivision would require further Planning Board review; and that the slope of some of the lots, particularly regarding the proposed driveway locations, would inhibit any future re-subdivision of the lots. Mr. Michael stated that he had contacted the New York State Office of Parks, Recreation, and Historic Preservation regarding the potential archeological issue on the property, and that he was still awaiting a formal written response from OPRHP. Mr. Bonesteel stated that he had prepared comment letters concerning this proposal, and that the applicant had responded to all technical comments. Chairman Oster asked whether any of the Planning Board members had further questions on the application. No members of the Planning Board had any further questions or comments. A formal written

determination from OPRHP is required in order to complete the SEQRA review of this application. This matter is adjourned to the June 6 agenda, subject to receipt of a written determination from OPRHP.

The next item of business on the agenda was the minor subdivision application submitted by Elizabeth Reynolds for property located off Bulson Road and Tambul Lane. Brian Holbriiter, LLS, was present for the applicant. Mr. Holbriiter addressed the comments of Mr. Parella regarding the proposed 9.5±-acre lot with access off Tambul Lane and Bulson Road. Mr. Holbriiter confirmed that the access area off of Tambul Lane is adjacent to the Parella lot line, but that this access way is 60 feet in width, and that any driveway could be tucked away from the Parella lot line; Mr. Holbriiter also noted that there was an existing row of spruce trees along the Parella lot line that provides additional vegetative buffer. Chairman Oster noted that there was an old farm road within the access to the 9.5±-acre lot off of Bulson Road; Mr. Holbriiter confirmed the existence of that old farm road, but noted that this would result in a significantly longer driveway for the 9.5±-acre lot than off of Tambul Lane. Chairman Oster asked whether the row of spruce trees between the access way for the 9.5±-acre lot and the Parella lot line was located on the Reynolds lot or the Parella lot. Mr. Holbriiter stated the row of spruce trees is located on the Parella lot. Mr. Holbriiter stated that in his opinion, there was room for additional vegetative plantings within the 60-foot right of way next to the Parella lot line, if required by the Planning Board. Attorney Gilchrist noted that if the Planning Board did determine a potential impact to the Parella lot from this proposed right of way off Tambul Lane to the 9.5±-acre lot, then appropriate mitigation can be required. Mr. Bonesteel agreed, but stated he would like to look at the property further in order to determine any appropriate mitigation, or if any mitigation should be required. Attorney Gilchrist stated that in the event the Planning Board determined mitigation was required,

the Planning Board cannot require Parella to maintain a row of spruce trees that exist on the Parella lot, but rather the Planning Board must require the applicant to utilize its own land to create any required vegetative buffer, and therefore the Planning Board should focus on the 60-foot proposed right of way to determine whether adequate area exists on the Reynolds land to create any required vegetative buffer. Chairman Oster inquired whether the applicant had reviewed options on the proposed layout with Mr. Parella. Mr. Holbriiter stated that he believed there were early discussions, but was not aware of the full extent of those discussions. Member Tarbox noted that this proposal is for one building lot and one private driveway, but that if this 9.5±-acre lot was further subdivided in the future and a public road was proposed, then the impact could be significantly greater. Mr. Bonesteel noted that it was important to get the perspective of this proposal from the Parella lot, as there could be a line of sight issue from the Parella house, deck, or any other outside area on the Parella lot. Chairman Oster noted that if this was a single driveway for one proposed house, then there should be 2–3 trips from this lot per day; however, if additional lots were proposed to be re-subdivided from the 9.5±-acre lot, then the number of trips from this right of way could significantly increase, and that the Planning Board should consider this on this application. Chairman Oster thought the applicant should take a further look at the location of the access right of way off Tambul Lane to the proposed 9.5±-acre lot, and that the Planning Board members should go out to the site to take a look at it directly. Mr. Holbriiter stated that he would confer with his client. Mr. Holbriiter stated that one condition could be to limit the use of the 60-foot wide right of way off Tambul Lane to the 9.5±-acre lot to a single-family driveway only, and that it could not be used for public road purposes. Attorney Gilchrist stated he would look at that issue. Attorney Gilchrist did note that the Planning Board members should consider the impact of the access ways to the 9.5±-acre lot in terms of any future re-subdivision of the 9.5±-acre lot, as

the lot lines created now through this proposed minor subdivision will impact options for re-subdivision of the 9.5±-acre lot in the future. This matter was adjourned to the June 6 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application submitted by Louis Morizio for property located off Liberty Road. Mr. Morizio and Mark Danskin, land surveyor, were present on the application. Mr. Danskin reviewed the changes to the subdivision plat, noting that he had added sight distances for the proposed driveway on lot 1, and also added a table to show the sight distances for all proposed driveways. Mr. Danskin also noted that it is recommended that a tree be removed from Mr. Morizio's property to achieve sight distance for one of the proposed driveways, and that a map note has been added to this effect. The tree to be removed has a 3.5-foot diameter. Mr. Morizio stated that he would remove the tree at his cost as part of the project. Mr. Morizio stated that in terms of an erosion and sediment control plan in response to Mr. Bonesteel's comments, a prior erosion and sediment control plan had been prepared in 1999 for a prior proposed subdivision for this property, and that an update to that erosion and sediment control plan had been completed and submitted to Mr. Bonesteel. Mr. Bonesteel confirmed he had received a letter from Gilbert Van Guilder, which stated that the area of disturbance was less than one acre and that the full stormwater pollution prevention plan was not required. Mr. Bonesteel agreed with that conclusion. Further, Mr. Van Guilder had prepared a written report regarding an erosion and sediment control plan, but was utilizing the 1999 map. Mr. Bonesteel stated he wanted to see all proposed erosion control measures shown on the current proposed four lot subdivision plat, and not on a previous subdivision plan which included several additional proposed lots. There was extended discussion concerning the requirement to show the erosion and sediment control measures on a current subdivision plat. It was determined that the

Planning Board will require the erosion and sediment control measures to be shown on the current four lot proposed subdivision plat, and that this map needs to be submitted to Mr. Bonesteel for review. The Planning Board then discussed whether there was adequate information in the record to schedule a public hearing on the application. The Planning Board members and Mr. Bonesteel generally concurred that the information submitted was adequate for purposes of opening the public hearing. This matter is scheduled for public hearing for the June 6 meeting to commence at 7:00pm.

The next item on the agenda was discussion of the Brunswick Acres Planned Development District application for purpose of preparing a recommendation to the Town Board. Dominick Arico, P.E., was present for the applicant. Also present was Ronald Laberge, P.E., Town designated review engineer for the Brunswick Acres Planned Development District. Chairman Oster noted that comments had been received from the Brunswick No. 1 Fire Department, which suggest fire hydrants should be provided at least every 500 feet along the proposed subdivision road; the waterline should be no less than 12 inches in diameter; and that a fire access road should be required to connect to Riccardi Lane, with the installation of a locked crash gate. Mr. Arico stated that in his opinion, an 8-inch public water line would likely be sufficient, but will work with the Town on any required pipe size. Mr. Arico also stated that including a fire access road connected to Riccardi Lane is not being proposed, that there is no existing right of way or easement connecting the project site with Riccardi Lane, and that it would need to cross a National Grid corridor. An initial draft resolution had been prepared by Attorney Gilchrist and Mr. Laberge, and the content of that draft resolution was reviewed. The Planning Board members generally discussed the following issues: the area of the project site next to Brunswick Hills, and whether this area would be preserved or restricted in any way; whether the concentrated housing on the

proposed subdivision road was in keeping with the character of the surrounding area and whether it was consistent with the Town Comprehensive Plan; that the proposal of 26 building lots is dense, but the Planning Board does understand the economics of the project infrastructure and buildout in relation to lot count; that public water being provided and looping that public water to Riccardi Lane and Heather Ridge Road is beneficial; whether a different road alignment could be considered instead of a single cul-de-sac road; construction specifications regarding the proposed stormwater detention pond; stormwater facility ownership and maintenance requirements; potential impacts to the Poestenkill Creek; the existence of a stream on the project site and regulatory requirements for that stream; the presence of wetlands on the project site and the regulatory jurisdiction over those wetlands; the concept of a fire lane connecting to Riccardi Lane, with the Planning Board generally not in favor of the fire access lane as this potentially could lead to a connector road between NYS Route 7 and NYS Route 2, and that response times for this project would be the same as to the Heather Ridge subdivision and the existing Brunswick Hills neighborhood. The Planning Board directed Attorney Gilchrist and Mr. Laberge to finalize the proposed recommendation, which will then be reviewed at the June 6 meeting.

The next item of business on the agenda was the site plan application submitted by Parkland Development for a proposed Mohawk Ambulance facility to be located on McChesney Avenue in proximity to McChesney Avenue Extension. Dominick Arico, P.E. and James McPartlon were present for the applicant. Mr. Arico stated that a full site plan submittal had been made following the sketch plan review at the prior Planning Board meeting; reviewed the proposed limits of grading, landscaping plan, area disturbance, entrance ways off McChesney Avenue, proposed building to house 8 ambulances, public water and public sewer connections, and erosion and sediment control proposals. Mr. Arico stated that the applicant had an informal agreement with

the City of Troy regarding a public sewer connection. Member Henderson raised the issue of any potential fueling of ambulances on the site, and if a potential fueling location is proposed, it should be shown on the site plan. Mr. McPartlon stated that it was not determined whether there would be any fueling at this location, did not want to show any proposed area for fueling on this site, did not want to delay review of the project, and understood that if fueling was proposed to be added in the future that the applicant would need to return to the Planning Board for a site plan amendment. Member Stancliffe noted that an oil/water separator is proposed. Mr. Arico stated this was needed due to vehicle storage and a vehicle wash down area. Chairman Oster asked the Planning Board members whether there were any comments regarding the proposed building, including the building elevations and depictions. Mr. Oster noted that there was no architectural review process in the Town of Brunswick, but if the Planning Board members had any comments concerning the proposed building, that generally these issues are discussed and worked through with applicants. The Planning Board members had no comments regarding the proposed building elevation. Member Mainello asked whether the Mohawk sign on the front of the building would be lit. Mr. Arico stated that it would be lit. The Planning Board also asked about other lighting on the site. Mr. Arico stated that the pole lights proposed for the parking area would be all down lighting, and that the lights around the building would be all low level and included for safety purposes. Chairman Oster noted that comments had also been received from the Brunswick No. 1 Fire Department, including the need for the installation of a knox box as well as the request for a walkthrough when the building is completed. Member Tarbox noted for the record that Brunswick No. 1 Fire Department had previously requested locating a helicopter pad for emergency air lifts several years ago in connection with the Duncan Meadows project, and simply noted that the remaining acreage on this site may be an appropriate location for a helipad. Mr.

Arico stated that there may be issues concerning overhead utilities. Member Tarbox stated he raised the issue merely for discussion. Member Stancliffe stated that the issue of the use of the remaining vacant area on this 8-acre lot was previously discussed, and that this area had previously been used for agricultural purposes. Member Tarbox noted that the area is fairly isolated, and not conducive to farming. Mr. Arico stated that the applicant had no plans for the balance of the property, and that the area would be kept in its natural state. Chairman Oster stated that a public hearing should be required, which was concurred by the members of the Planning Board. Mr. Bonesteel stated that he felt the application materials were complete for purposes of scheduling the public hearing. This matter is scheduled for public hearing at 7:15pm on June 6. The application materials will be referred to Rensselaer County Planning Department, and the Building Department will confirm whether the property is located in an agricultural district.

Three items of new business were discussed.

The first item of new business discussed was an application submitted by Kasselmann Solar for property located at 99 Moonlawn Road, owned by Kim and John Hoggan. The property owners seek to install a ground-mount solar system at this location. The application requires special use permit and site plan review by the Planning Board. Scott Stevens of Kasselmann Solar was present for the applicant. Mr. Stevens explained that the proposed ground-mount solar installation is 46 feet by 13 feet, with a maximum height of 8 feet, and will include a total of 28 panels. Mr. Stevens stated that the electricity is proposed to be for the property owner only, and the size of the facility has been calculated based on 110% anticipated domestic use. The facility is stationary, and will not move during the day to follow the sunlight path. Mr. Bonesteel asked about the foundations for the facility. Mr. Stevens stated that the facility would be anchored into concrete footings, and that 3.5-inch diameter piping is to be used. The connection from the solar facility to the house will

be buried. Member Stancliffe requested that the meter location be shown on the site plan. The Planning Board members asked for submission of photographs of other similar installations in residential settings installed by Kasselman Solar. The Planning Board members determined that the information submitted on the application was adequate for commencement of the public hearing, and determined to schedule this public hearing for the June 20 meeting to commence at 7:00pm.

The second item of new business discussed was an application to amend a site plan submitted by Hoffman Development Corporation for the car wash facility located at 672-680 Hoosick Road. Marty Andrews was present for the applicant. Mr. Andrews stated that while the Planning Board had approved an amended site plan for installation of two automated point-of-sale stations entering the automatic carwash tunnel, it was determined during buildout that a pinch point had been created in the travel lanes as and between the automatic carwash tunnel area and the self-serve area, and that Hoffman Development Corporation was proposing a revised plan for the access lane to the automatic car wash bays and the self-serve bays. The new proposed layout was discussed, showing a new entrance way into the automated point-of-sale stations that allows traffic also to access the self-serve wash bays. The Planning Board members and Mr. Bonesteel discussed the revised layout, determining that the revised layout was adequate. Upon discussion with Attorney Gilchrist, it was determined that this proposed amendment was a minor modification to the previously approved site plan amendment as well as prior SEQRA determination; that no further SEQRA determination is required nor any further referral to the County Planning Department required given the limited nature of the amendment and minor modification. It was also determined that a public hearing was not required on this minor modification. Following such discussion, Member Tarbox made a motion to approve the minor modification to the site plan

amendment, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and the minor modification to the site plan amendment for the Hoffman Carwash at 672-680 Hoosick Road was approved.

The third item of business discussed was the presentation of an application for a major personal wireless telecommunications service facility submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless. David Brennan, Esq., project attorney, was present to review the application materials. This application requires special use permit and site plan review by the Planning Board, and also requires a use variance under the jurisdiction of the Brunswick Zoning Board of Appeals. Mr. Brennan explained that this project had been the subject of a previous application submitted prior to the adoption of the Brunswick Zoning Law in 2017, and given the change in underlying zoning districts as well as project review procedures in the 2017 Brunswick Zoning Law, the applicant will be withdrawing the prior application and this application should be considered a new application. Mr. Brennan stated he would send a letter to the Town confirming the withdrawal of the prior application. The proposal is for a major wireless telecommunications tower to be located off Creek Road on the lands of Zouky located between Creek Road and Menemsha Lane. Mr. Brennan generally reviewed the topography of the site, generally explaining that the height of the proposed tower would be lower if the tower is located closer to existing residential homes, but must be significantly taller in the event the facility is located further from the residential homes on the Zouky parcel. Mr. Brennan explained that the proposed site is located in an area that will require a 150-foot monopole facility, whereas the pole could be 80 feet in height if it is located closer to residential homes, and would be required to be approximately 200 feet in height if it is located further from the residential homes. The area proposed for the monopole facility requires 150 feet in height to meet the proposed service area,

and that this location will also require a use variance from the Brunswick Zoning Board of Appeals. It is noted that Ronald Laberge, P.E. had conducted the engineering review of the prior cell tower review, and that it is anticipated that the Brunswick Zoning Board of Appeals will also retain Mr. Laberge for the review of this application, and it is advisable to have Mr. Laberge work with Mr. Bonesteel on the Planning Board review in terms of the special use permit and site plan review. There was discussion concerning procedure on the review of this application, both in terms of SEQRA review as well as the special use permit, site plan, and use variance reviews between the Brunswick Planning Board and Brunswick Zoning Board of Appeals. Attorney Gilchrist stated that he would review these procedural issues with Mr. Bonesteel and Mr. Laberge. Mr. Brennan stated that there were limited timeframes for the review of the telecommunications facility application under federal regulations, but that this applicant will work with the Town on those review timeframes. It is anticipated that Mr. Brennan will also present the project to the Brunswick Zoning Board of Appeals at its May 20 meeting. This matter is adjourned for further discussion at the June 6 meeting.

The index for the May 16, 2019 meeting is as follows:

1. Irwin - Major subdivision - June 6, 2019;
2. Reynolds - Minor subdivision - June 6, 2019;
3. Morizio - Minor subdivision - June 6, 2019 (public hearing to commence at 7:00pm);
4. Brunswick Acres PDD - Recommendation - June 6, 2019;
5. Parkland Development Corporation (Mohawk Ambulance) - Site plan - June 6, 2019 (public hearing to commence at 7:15pm);
6. Kasselmann Solar - Special use permit and site plan - June 20, 2019 (public hearing to commence at 7:00pm);

7. Hoffman Development Corporation - Minor modification to site plan amendment - Approved;
8. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - June 6, 2019.

The proposed agenda for the meeting to be held June 6, 2019 currently is as follows:

1. Morizio - Minor subdivision (public hearing to commence at 7:00pm);
2. Parkland Development Corporation (Mohawk Ambulance) - Site plan (public hearing to commence at 7:15pm);
3. Irwin - Major subdivision;
4. Reynolds - Minor subdivision;
5. Brunswick Acres PDD - Recommendation;
6. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan.