

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 5, 2019

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

ABSENT were KEVIN MAINELLO 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 signboard and Town website.

The Planning Board continued the public hearing on the major subdivision application submitted by Sharpe Road Development LLC for property located on Sharpe Road. The applicant proposes a 17-lot subdivision located on 17.95 acres along Sharpe Road, with the project site being located both in the Town of Brunswick and Town of North Greenbush, including a proposed new Town road to be located in the Town of Brunswick. Eric Redding, P.E., of Bergmann Associates, was present for the applicant. Mr. Redding stated that his office had submitted a map, plan and report for the proposed water district extension for the project; that the draft report had been reviewed by the Town; and that he is in receipt of a review letter from Mr. Bonesteel, as well as having discussed the report with the Town Water Department and Planning Board Attorney Gilchrist. Mr. Redding stated that his office will be revising the map, plan and report and re-submitting it for review. Mr. Redding stated there were no additional submissions or changes to the project. Chairman Oster continued the public hearing, and opened the floor for receipt of

public comment. Jean Hill, 242 Sharpe Road, stated that the traffic information submitted by the applicant is based on old traffic data and is not current; that there should be limitations, restrictions and/or conditions applied to this project requiring that all lots be of equal size, paying particular attention to the different proposed lot sizes in Brunswick and North Greenbush, and that this application presents a special situation since the project is located in two towns; that for the betterment of the Brunswick community, the lots located in Brunswick should be increased in size, which would promote better aesthetics, maintain the value of surrounding properties, increase open space and conservation, and will result in a reduced number of septic systems; that there are discrepancies in information included in the Environmental Assessment Form, including a statement that there are no wetlands on the project site, and that there are wetlands on the site, that there is significant runoff within swales on the project site, and that there are endangered wood turtles and snapping turtles on the site; the Environmental Assessment Form indicates that there is well drained sandy loam soils on the property, and that there is no sandy loam on the project site; that the Environmental Assessment Form indicates 100% of the site is moderately drained, and disputes this characterization, stating that the project site does not drain well, and shows a picture of what the project site and shoulder along Sharpe Road looked like after a storm which occurred on August 25, 2019; Chairman Oster inquired whether this photograph was taken after a heavy rainstorm; Ms. Hill stated that there had been a heavy rain on the date she took the photograph, but that the water condition was like that all the time; that she is not against the closeness of the houses, but the density does require septic systems that are very close and that there will be an impact to the aquifer; that the rate of stormwater coming off the site continues to be a major concern; that a homeowners association created to maintain the detention pond will not work; that the developer offered to install a privacy barrier adjacent to her property line, but that she does not

need a tree line but rather needs a demarcation of where the lot lines will be, and that this could be either a tree line or a fence, but that she would like to have a say in what barrier is installed between the project site and her property; and if this barrier is not located on her property, there should be restrictions in any approval requiring the barrier to be maintained; that the developer told her he would bring water to her lot, but that he is not going to do so now, with Mr. Redding confirming that water was not going to be brought to the Hill lot; and Ms. Hill stated that the developer should pay for a filtration and chlorination system for her well water supply. Richard Coutant, 242 Sharpe Road, stated that he lives at the home with Jean Hill, and agrees with all of Jean Hill's points; that the condition of the soil on the project site is always saturated; that the soil type listed in the Environmental Assessment Form is wrong, and that the soil type is poor for septic absorption fields and installation of homes with basements; that the project sits above an aquifer, and that septic failure and runoff problems in the future will occur due to the nature of the parcel and soils; there should be a full hydrogeological investigation; that there will be impacts to surrounding water supply wells, and that while the Jean Hill property has a 356-foot deep well, other surrounding property owners have wells that are much shallower, including one that is only 18 feet deep at the Holcomb parcel; that the Planning Board should condition any approval for this project to require that the surrounding properties be included in the public water district extension; that he has an issue with the project operations description in the Environmental Assessment Form, which lists working hours as being 7am to 7pm every day of the week, including holidays, and that the project buildout is estimated to be up to 18 months; and requests that the public hearing remain open. David Mulinio, principal of Sharpe Road Development LLC, stated on the record that he will agree to provide a stub from the public water line to the Jean Hill parcel, and will bore under Sharpe Road with the water line and provide a stub to the Holcomb lot given that the well on the Holcomb

lot is only 18 feet deep; that regarding the work hours of operation, he agrees to no work on Sundays or legal holidays; and that he agrees to install a defined demarcation line between the project site and the Hill parcel. Donna Holcomb, 223 Sharpe Road, stated that she had spoken to the County on today's date regarding the installation of an electronic sign which will identify the speed of cars on Sharpe Road, but was told that it would be up to the police and the Town of Brunswick; that she had met with the Brunswick Town Supervisor and told him that this project will impact her well; that she handed up pictures of her property to the Planning Board members for review, and left the pictures with the Board for the record; that her land and the surrounding lands have always been peaceful, quiet, with an abundance of wildlife; that this project will have a terrible impact on her; that there are a 105-year old woman, 95-year old man, and 90-year old woman still living in their homes on Sharpe Road, which is due to the quiet and peaceful nature of the area; that property owners in this proposed project will use chemicals on their lawns and it will have an impact on her hayfields; that the traffic on Sharpe Road is bad; and requests that the Planning Board review everything on this project. Chairman Oster inquired of Attorney Gilchrist as to the public comment regarding increasing lot sizes to be consistent with the North Greenbush lot size requirements. Attorney Gilchrist stated that the Brunswick Planning Board is required to apply the Brunswick Zoning Law and the Brunswick subdivision regulations, and that is the limit of their jurisdiction, and that the project is also being reviewed by the North Greenbush Planning Board. Chairman Oster also noted for the record that the project site was not re-zoned when the current Brunswick Zoning Law was adopted in 2017, but rather has been zoned R-25 for several decades and possibly back to the late 1950s when zoning was first adopted in the Town of Brunswick. Chairman Oster stated that the Board would keep the public hearing open, allow the applicant to submit the revised map, plan and report for the proposed public water district

extension, and that the public hearing will be continued at the September 19 meeting for receipt of comments on the revised map, plan and report for the proposed public water district extension.

The Planning Board then opened its regular business meeting.

The draft minutes of the August 15 meeting were reviewed. It is noted for the record that the correct project site for the Carbone Subaru site plan amendment is 800 Hoosick Road, and not 795 Hoosick Road as stated in the minutes and also stated in the application document. Subject to that correction, Chairman Oster made a motion to approve the August 15 minutes, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and the minutes of the August 15 meeting were approved subject to the noted correction.

The first item of business on the agenda was the major subdivision application submitted by Sharpe Road Development LLC for property located along Sharpe Road. Chairman Oster noted that the developer, David Mulinio of Sharpe Road Development LLC, stated that he agreed to restrict the work hours of operation to no Sundays or legal holidays, and asked whether it was necessary to amend the Environmental Assessment Form. Attorney Gilchrist stated that the record notes the applicant's agreement to the restricted work hours, and that the EAF would not need to be amended. Chairman Oster also noted that there was a comment concerning wetlands on the project site, and that it was his understanding that there were wetlands on the site. Mr. Redding confirmed that a wetlands delineation had been completed, and that there were wetlands subject to regulation by the United States Army Corps of Engineers, and that an application has already been made and permit obtained from the Army Corps of Engineers for this project. Mr. Redding stated that he will revise the Environmental Assessment Form to correct the response concerning site wetlands. Chairman Oster also stated there was a continued comment concerning traffic on Sharpe Road. Mr. Bonesteel stated that there are 2015 traffic counts available for Sharpe Road, which

will include the traffic direction and also percentage of trucks; that there was a speed limit on Sharpe Road of 30mph in Brunswick and 35mph in North Greenbush, and that if there is speeding occurring on Sharpe Road it is an enforcement issue; that concerning the electronic sign which identifies traffic speed, Mr. Bonesteel's understanding is that the Town could request that this sign be installed, but they are usually temporary in nature and under the jurisdiction of the police. Chairman Oster questioned what a temporary traffic speed sign would achieve. Mr. Bonesteel concurred, stating that while the electronic speed sign is installed people tend to slow down, but revert to previous travel speed when the electronic sign is removed, and that speed is an enforcement issue. Chairman Oster also noted that Sharpe Road tends to be used in connection with Creek Road as a connection between NYS Route 2 and NYS Route 66. Mr. Bonesteel concurred, stating that Sharpe Road is identified as a collector road. Mr. Bonesteel also noted that Sharpe Road was improved approximately 2-3 years ago, and is currently in good shape. Mr. Redding requested that the public hearing on this application be closed. Chairman Oster stated that the Planning Board had already confirmed it will keep the public hearing open given the need to resubmit the revised map, plan and report for the public water district extension. Regarding the public water district extension, Mr. Redding stated that while the applicant had agreed to provide stubs for future public water connection to the Hill lot and the Holcomb lot, he did not anticipate adding those parcels or any other parcels to the proposed water district extension area. Attorney Gilchrist stated that the applicant should review that issue with its counsel prior to re-submitting the revised map, plan and report. This matter is placed on the September 19 agenda for continuation of the public hearing on this application, to commence at 7:15pm or as soon thereafter as may be heard.

The next item of business on the agenda was the minor subdivision application submitted by Robert Talham for property located at 18 Miller Lane. The applicant seeks approval of a three-lot subdivision on a 20.77-acre parcel. Rod Michael, Licensed Land Surveyor, was present for the applicant. Mr. Michael reviewed a letter received from the State Historic Preservation Office, determining that there was no archeological or historic significance associated with the project site. Mr. Michael also stated he had submitted updated driveway profiles and minor changes to the subdivision plat. Mr. Michael reviewed the driveway profiles; regarding proposed lot 3, the driveway was already in progress in connection with the prior work for a single-family residence, that he had reviewed the driveway with Mr. Golden and Water Superintendent Bradley, and all parties agreed that that driveway does require regrading to meet the maximum 10% grade, and that such regrading will be completed, and that there would be very limited additional tree cutting associated with the driveway, if any; regarding proposed lot 2, the applicant is identifying a limited building envelope in order for the driveway to meet required grade and sight distances, and the limited building envelope is shown on the subdivision plat; regarding proposed lot 1, the driveway will be directly off Farrell Road, will have a negative pitch off Farrell Road, and that the driveway will be a maximum of 9% grade. Chairman Oster asked whether the sight distance for this driveway directly onto Farrell Road is adequate. Mr. Michael stated that the sight distances are adequate. Chairman Oster noted that the driveway for proposed lot 3 was over 150 feet, and will be required to meet the private road standards. Mr. Michael confirmed that the driveway will meet the private road standards of 16 feet width of travel lane plus 3-foot shoulders, and that the driveway will be reviewed by the fire chief for adequacy for emergency vehicle access. The Planning Board members determined that the application was complete for scheduling the required public hearing. This matter is scheduled for public hearing on October 3 to commence at 7:00pm.

The next item of business on the agenda was the special use permit and site plan application submitted by Borrego Solar for property located at the end of Dusenberry Lane in proximity to Bald Mountain Road. The applicant seeks to develop a community solar facility on the project site. Member Stancliffe and Mr. Bonesteel recused themselves from consideration of this application. Greg Gibbons, P.E., project engineer, was present for the applicant. Mr. Gibbons stated that the applicant had submitted the photosimulation visual assessment and glare study; that these reports have been reviewed by the Town designated review engineer, Laberge Engineers, and that he was in receipt of the Laberge review letter; that he has already prepared additional photographs to respond to comments from Laberge Engineers, and will be resubmitting information in response to the Laberge review letter by early in the week of September 9. Chairman Oster inquired whether the photosimulation results change during leaf-off conditions, noting that the visual simulation was done in leaf-on conditions. Mr. Gibbons stated for the record that given the density of the forested area, it is his opinion that there will be no significant change to the photosimulation in a leaf-off condition, and that he will address that point in his response to the Laberge Engineers comment letter. Mr. Gibbons also stated that the stormwater pollution prevention plan for the project is close to being completed and will also be submitted during the early part of the week of September 9. Mr. Gibbons also stated that National Grid has issued an approval for the connection of this project to the grid, noting that the existing electrical grid system is capable of accepting the energy from this proposed 5 megawatt project. Member Tarbox had questions concerning the photosimulation with the above-ground utility poles, and also the existing homes and equipment located in proximity to the project site. It was noted for the record that the Planning Board will conduct a joint public hearing with the Zoning Board of Appeals for this

project, and that the public hearing notice had already been published, with the public hearing to be held September 19, to commence at 7:00pm.

Member Stancliffe and Mr. Bonesteel returned to the meeting.

The next item of business on the agenda was a site plan amendment application submitted by Carbone Auto Group for property located at 800 Hoosick Road. The applicant seeks a site plan amendment for the construction of a detached car wash and detail building located adjacent to the existing building on the site. Eric Masterson of BBL Construction Services was present for the applicant. Mr. Masterson stated that additional information had been submitted in support of the application, including an updated site plan, emergency vehicle traffic flow plan, and calculation of wastewater generated per vehicle wash. Mr. Masterson reviewed the site plan updates, which include a correction to identify only the existing pavement that had been installed at the site rather than the originally approved amount of pavement; detail regarding the oil/water separator; building dimension information; and parking layout on the site. Mr. Masterson confirmed that the original approved site plan did allow more asphalt to be installed for parking, but that the full extent of the asphalt had not been installed, and the current updated site plan shows only the actual asphalt installed. Mr. Masterson also generally reviewed the emergency vehicle traffic flow pattern. Mr. Masterson also stated that the applicant is proposing a 50-vehicle maximum per day use at the carwash building, which would include 30–35 service washes and 5–10 new car washes. Member Stancliffe inquired whether an individual SPDES permit is required for the carwash. Mr. Masterson stated he did not believe so, but that he would provide a written response. Mr. Bonesteel stated that he would need to look up that information as well. Mr. Golden had a question concerning the oil/water separator equipment, and whether a grit chamber would be installed. Mr. Masterson stated that a grit chamber would be installed if required by the Town, and would provide

a detail regarding the grit chamber. Mr. Golden also stated that under current conditions, an emergency vehicle cannot get around that building given the amount of cars that are routinely parked on the site, and that Carbone will need additional parking area in order to maintain necessary fire lanes. Mr. Golden suggested that Carbone install the asphalt as shown on the original approved site plan. Member Stancliffe stated that the original approved site plan may have included a number of parking spaces that are currently not required, and that Carbone should pave only the area currently needed for additional cars, and leave part of the project site open and in grass. Mr. Masterson stated that he would review that issue with Carbone Subaru. The Planning Board members had additional discussion concerning required on-site parking, including both site plan compliance issues and enforcement issues. Attorney Gilchrist suggested that one option would be for Carbone to indicate on the amended site plan the full area of approved asphalt parking under the original site plan approval, but indicate an area that they are seeking to pave at the current time, in the nature of a phased pavement schedule for the site. The Planning Board members generally concurred that this would be an acceptable approach. Mr. Bonesteel requested that the updated site plan also show contours on the site. The Planning Board next discussed whether a public hearing would be required in connection with the amended site plan application. Attorney Gilchrist stated that a public hearing is discretionary with the Planning Board, but that the past practice of the Planning Board had been to require public hearings for projects located on Hoosick Road, but the Board did need to look at the current application to determine whether this constituted a significant or substantial change to the prior site plan approval, given that the prior site plan approval had been the subject of a public hearing. The Planning Board members discussed that issue, with Chairman Oster stating that in his opinion, this application should not require an additional public hearing. All Planning Board members concurred, and a public hearing

will not be required on this site plan amendment application. The Planning Board is in receipt of comments from the Rensselaer County Planning Department, which were shared with the applicant. This matter is placed on the October 3 agenda for further discussion.

One item of new business was discussed.

A special use permit application has been submitted by Seed Solar on behalf of Jason Laird for property located at 4 Windfield Lane. Britney Emmick of Seed Solar was present for the applicant. Ms. Emmick stated that the property owner was seeking to install a ground-mounted solar facility for residential energy consumption, and reviewed the location of the proposed solar installation on the lot, as well as the equipment specifications being proposed. The Planning Board members generally discussed the location of the proposed solar installation on the lot, its proximity to Bulson Road, as well as homeowners on the opposite side of Bulson Road. Adjacent lot owners within the Windfield Estates project were also discussed. Mr. Bonesteel requested cut sheets on the equipment being proposed for installation, and Ms. Emmick stated that the cut sheets would be supplied. Member Stancliffe inquired whether the inverter equipment will be located in the house or near the solar panels. Ms. Emmick stated that the energy inverter would be located in the house, that there would be some equipment located near the solar panels but would be within netting for protection; and that the connection between the solar panels and the home would be located underground. Ms. Emmick stated that her office had reached out to neighbors in Windfield Estates, but had not received any objections to the proposal. The Planning Board members concurred that the application materials were complete for the public hearing on this special use permit application. It was determined that this matter will be subject to public hearing at the October 3 meeting, to commence at 7:15pm or as soon thereafter as may be heard.

One item of old business was discussed.

The Verizon cell tower application for property located off Creek Road near Menemsha Lane was discussed, particularly the balloon test which had previously been scheduled for August but was cancelled due to inability to access the existing farm field for the balloon installation. The Planning Board is in receipt of a request from the applicant's counsel for rescheduling that balloon test for September 21 or as soon thereafter as access to the farm field is available. The Planning Board members discussed the schedule for the balloon test, and concluded that the Planning Board would prefer September 28 as the earliest date for the balloon test to be rescheduled, with a weather date of September 29. Attorney Gilchrist stated that he would relay that information to the applicant's attorney.

The index for the September 5, 2019 meeting is as follows:

1. Sharpe Road Development LLC - Major subdivision - 9/19/2019 (public hearing to continue);
2. Talham - Minor subdivision - 10/3/2019 (public hearing to commence at 7:00pm);
3. Borrego Solar - Special use permit and site plan - 9/19/2019 (joint public hearing with Zoning Board of Appeals to commence at 7:00pm);
4. Carbone Auto Group - Site plan amendment - 10/3/2019;
5. Seed Solar - Special use permit - 10/3/2019 (public hearing to commence at 7:15pm).

The proposed agenda for the meeting to be held September 19, 2019 currently is as follows:

1. Borrego Solar - Special use permit and site plan (joint public hearing with Zoning Board of Appeals to commence at 7:00pm);
2. Sharpe Road Development LLC - Major subdivision (public hearing to continue at 7:15pm or as soon thereafter as may be heard).