

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 2, 2020

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

ABSENT was KEVIN MAINELLO.

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 website and Town signboard. Chairman Oster also noted that the Brunswick Town Board has reappointed Member Tarbox for a new 7-year term, and that Chairman Oster has been reappointed as Chair for the Planning Board for 2020.

The draft minutes of the December 19, 2019 meeting were reviewed. Upon motion to Chairman Oster, seconded by Member Henderson, the minutes of the December 19, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the special use permit and site plan application submitted by Trifocal Brewing Inc. for property located at 138 Brick Church Road. Alex Brown was present for the applicant. The applicant seeks special use permit and site plan approval to operate a craft brewery at that location. Chairman Oster noted that the applicant had submitted written responses to comments received at the public hearing, and confirmed that all members of the Planning Board had received copies of those written responses. It was noted that Mr. Bonesteel

and Attorney Gilchrist had not received copies of the applicant's written responses, whereupon copies were provided to Mr. Bonesteel and Attorney Gilchrist for review. Chairman Oster also noted that this application requires action by the Zoning Board of Appeals with respect to two pending area variance applications before the Planning Board could act upon the special use permit and site plan applications. Chairman Oster noted that in the event the Zoning Board of Appeals does not grant the required area variances, the Planning Board was without jurisdiction to act upon a site plan or special use permit that is not in compliance with the Brunswick Zoning Law area requirements. Chairman Oster also noted that in the applicant's written response to comments from the public hearing, under the responses to comments submitted by Weinman, at item number 6, the reference to Brunswick "Town Board" should properly reference the Brunswick "Planning Board". This response addresses the need for Town approval in the event there is any alteration or addition to the use currently being proposed, and that any such future amendment would need to be reviewed and acted upon by the Brunswick Planning Board. Member Henderson stated that in the applicant's written response to comments, he does take issue with the applicant's position that a 20% reduction in adjoining property values was not substantial. Mr. Brown stated that while his neighbor said her property value would be reduced by 20%, the realtor information submitted after the public hearing asserts a 10–15% reduction in property value. Mr. Brown also stated that any reduction in property values is largely driven by increased noise and odor and traffic, and that he has addressed all of these concerns on this application. Member Henderson stated that there was also the concern raised about removal of trees, and exposing adjoining property owners to the traffic on Brick Church Road. Mr. Brown stated that he is doing additional landscaping in connection with this project, and will be using "dark-friendly" lighting as well as installing a fence to buffer the adjoining property owners. Member Henderson stated that his concern was not driven

by what is currently being proposed, but the potential for expanded operations in the future, particularly since the New York Farm Brewery License issued to Trifocal Brewing would also allow the operation of a hotel or bar. Mr. Brown stated that while the New York Farm Brewery License allowed these other activities, he is only seeking approval for what is a craft brewery and tasting room, which are the only things included in his special use permit and site plan application. Chairman Oster noted that the current application is limited to the operation of a craft brewery and tasting room as described in the current special use permit and site plan application, and that any future alteration or amendment of that project would require further Planning Board review, which could also include an additional public hearing. Chairman Oster continued that regarding the comments concerning property values, he notes that the comments are primarily centered on property values around a brewery located in the Town of Nassau, specifically the S&S Brewery. Chairman Oster noted that there was controversy concerning the Nassau brewery; that access to that facility was on local roads, not on a State highway; that in the case of Trifocal Brewing, there are already multiple commercial operations on and along Brick Church Road in close proximity to the Trifocal Brewing location; and that the Trifocal Brewing site should be distinguished from the brewery located in the Town of Nassau. Chairman Oster also noted that the property value issue is also addressed by limiting the proposed site operations to only those operations included in the site plan and special use permit, and that further Planning Board review and approval would be required before there was any expansion, alteration or change in those operations. Member Stancliffe has a question concerning waste disposal, noting that the applicant has stated that routine solid waste would be put in a dumpster on site, but that the brewery waste would be properly disposed of, and questioned what those disposal practices would include. Mr. Brown stated that the brewery waste was primarily spent grain, which would be stored in containers and sold to

farmers for feed. Mr. Brown stated that the liquid is drained from the brewery waste, and the solids are stored in a drum, and that all brewery waste would be removed within one or two days of generation, and it was the owner's intent to convey that brewery waste to farmers for use as feed. Member Tarbox stated that brewery waste has the consistency of wet oatmeal, that his farm accepts brewery waste from Brown's Brewing in Troy, that he uses the brewery waste to feed cows, and that it is high in protein and grains. Member Tarbox also asked about stormwater generation from the proposed parking lot area. Mr. Bonesteel stated that the stormwater is planned to be drained to the roadside ditch along NYS Route 278; that NYSDOT is its own MS-4; that NYSDOT will review the proposal to discharge stormwater to the roadside ditch when NYSDOT reviews the detailed work permit application; that the project stormwater flow to the roadside ditch is small, but NYSDOT must make the final decision on accepting the stormwater discharge to the roadside ditch. Mr. Brown stated that he did meet with NYSDOT, and that NYSDOT did confirm that the issue of stormwater flow to the roadside ditch would need to be reviewed during the work plan application phase of this project; Mr. Brown did indicate that NYSDOT stated that the proposed stormwater discharge could not be greater than what currently exists; that his current stormwater plan does produce a relatively small amount of additional stormwater flow, and that he will need to amend that plan. Mr. Bonesteel stated that the information he has reviewed shows the ten-year runoff rate from this location to be 1.9 cubic feet per second, whereas the proposed stormwater plan would result in 2.0 cubic feet of runoff per second. Chairman Oster inquired whether there was a technical solution to that issue, so that the runoff rate continued to be at existing conditions. Mr. Bonesteel stated there were several green infrastructure practices which would address this runoff issue. Mr. Brown wanted to highlight the fact that his proposed craft brewery was intended to have a family-friendly atmosphere, and that he was not looking to disturb

his neighbors. Chairman Oster stated that in his opinion, the applicant did a thorough job in addressing the comments received at the public hearing, but that the Planning Board members should have time to fully review the applicant's responses, and that both Mr. Bonesteel and Attorney Gilchrist should have adequate time to review the written responses to public comments as well. Chairman Oster also stated that the Planning Board must wait until the Zoning Board of Appeals acts upon the area variance applications, and that it was his understanding that the area variance applications will be addressed by the Zoning Board of Appeals at its meeting to be held January 27, 2020. In light of that schedule, Chairman Oster has placed this application on the February 6 agenda for further discussion. Member Stancliffe noted that the applicant should consent to an extension of time in which the Planning Board must act upon the special use permit and site plan applications. Attorney Gilchrist concurred, and Mr. Brown did consent on the record to extend the time that the Planning Board must act upon the special use permit and site plan applications following the close of the public hearing. Mr. Bonesteel had a question concerning edits to the final site plan submittal. Mr. Brown did confirm that he had made limited edits to the final plans, including the location of a fence as well as adjustments to the driveway widths. Both Mr. Bonesteel and Chairman Oster requested that Mr. Brown identify all revisions to the final site plan submittal, noting the revision dates as well as the substance of the revision on the plan itself. Mr. Brown stated that he would identify all revisions by date and substance, and note them on the site plan submission. This matter is placed on the February 6 agenda.

It was noted that the application submitted by Walmart for amendment to the site plan for the Walmart Supercenter is on the agenda for the January 16 meeting. Mr. Golden stated that he had supplied members of the Planning Board and Mr. Bonesteel with photographs of the Walmart located in Rensselaer, depicting the canopies for the designated parking areas for online order

pickup, including the lighting that was included in the canopy area. These photographs are added to the application record.

The index for the January 2, 2020 meeting is as follows:

1. Trifocal Brewing Inc - Special use permit and site plan - February 6, 2020.

The proposed agenda for the meeting to be held January 16, 2020 currently is as follows:

1. Blue Sky Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan (Joint public hearing with Zoning Board of Appeals to commence at 7:00pm);
2. Walmart - Site plan amendment.

The tentative agenda for the meeting to be held February 6, 2020 currently includes:

1. Trifocal Brewing - Special use permit and site plan;
2. Shudt - Minor subdivision.