

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 5, 2020**

PRESENT were DAVID TARBOX, LINDA STANCLIFFE, ANDREW PETERSEN, J. EMIL KREIGER, and KEVIN MAINELLO.

ABSENT were RUSSELL OSTER, CHAIRMAN, and DONALD HENDERSON.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Member Stancliffe acted as Chair for the meeting.

Member Stancliffe reviewed the agenda as posted on the Town signboard and Town website, noting that the Blue Sky Towers III/Cellco Partnership and Brunswick Road Development LLC matters have been adjourned.

The Planning Board opened a public hearing on the minor subdivision application submitted by Derek Shudt for property located at 190 Bald Mountain Road. The applicant seeks approval for a subdivision creating three new building lots on a 130-acre parcel located at 190 Bald Mountain Road. The notice of public hearing was read into the record, noting that the public hearing notice had been 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. Mark Danskin, land surveyor, was present for the applicant. Member Stancliffe requested Mr. Danskin to present an overview of the proposed subdivision. Mr. Danskin stated that the property is located at 190 Bald Mountain Road; that the lot totals 130 acres, with the majority of

the acreage located on the east side of Bald Mountain Road, with 21 acres located on the west side of Bald Mountain Road; that the applicant now seeks to divide the 21 acres on the west side of Bald Mountain Road into three building lots, each with access directly onto Bald Mountain Road; that the proposed driveways had been located for each proposed building lot, and all meet Town standards; that a proposed house location has been identified on each proposed building lot; and that this is a non-realty subdivision, which will require each building lot to obtain Rensselaer County Department of Health approval in the future for water and septic prior to issuance of any building permit. The Planning Board opened the floor for the receipt of public comment. Roy Richardson, 194 Bald Mountain Road, stated that he owns property across the street from this site; that he is not opposed to the subdivision, but that there is a lot of water on the land being proposed for subdivision; that the development must account for future stormwater runoff; that this portion of Bald Mountain Road had experienced icing in the past, but that the Town had opened up drainage ditches and put in culverts, and that the icing conditions had been eliminated; that this development must account for its stormwater runoff, and that he did not want to see icing conditions on Bald Mountain Road re-occur. No further members of the public wished to provide comment. Member Kreiger then made a motion to close the public hearing, which motion was seconded by Member Petersen. The motion was unanimously approved, and the public hearing on the Shudt minor subdivision application was closed.

The draft minutes of the February 20, 2020 meeting were reviewed. Upon motion of Member Tarbox, seconded by Member Mainello, the minutes of the February 20, 2020 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application submitted by Derek Shudt for property located at 190 Bald Mountain Road. Mark Danskin, land surveyor,

was present for the applicant. The Planning Board had completed the public hearing on this application earlier in this meeting. Mr. Danskin stated that the Town had recently dug out drainage ditches and added culverts to address water runoff and icing conditions on Bald Mountain Road; that the ground is generally sloped in this area, and that the development will comply with all applicable stormwater regulations. Member Tarbox asked whether the proposed driveways meet the required 2% negative backpitch for the first ten feet off Bald Mountain Road. Mr. Danskin stated that the driveways meet this standard. Member Stancliffe had a question concerning any areas of concentrated surface water flow in the area of Bald Mountain Road. This was reviewed by Mr. Danskin with the Planning Board members, in conjunction with the improvements recently completed by the Town. Mr. Bonesteel noted that there was an existing swale between two of the proposed building lots. Mr. Danskin stated that this is in the nature of an existing depression, which he did locate along proposed building lots to maintain current surface water flow. Mr. Bonesteel noted that this is a non-realty subdivision, and a full stormwater pollution prevention plan is not required; that an erosion and sediment control plan should be required prior to any construction activities on each building lot; that Rensselaer County Department of Health approval for water and septic must be obtained for each building lot prior to the issuance of any building permit for that lot; and Mr. Bonesteel had a question regarding the lot lines of the proposed building lots in relation to Bald Mountain Road. Mr. Danskin stated that he had set pins for each building lot along Bald Mountain Road, presuming that Bald Mountain Road is three rods in width as Bald Mountain Road is presumably a highway by use. Member Stancliffe inquired whether there were any further questions of the Planning Board members or Mr. Bonesteel. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Kreiger. The motion was unanimously approved, and a SEQRA negative declaration

adopted. Thereupon, Member Mainello made a motion to approve the minor subdivision application subject to the following conditions:

1. Rensselaer County Department of Health approval for water and septic prior to the issuance of a building permit per building lot;
2. Preparation of an erosion and sediment control plan per each building lot prior to the issuance of a building permit for each building lot;
3. 2% negative back pitch for the first ten feet off the edge of pavement of Bald Mountain Road for each driveway on each building lot;
4. Town driveway permit for each building lot;
5. Payment of park and recreation fee of \$500 per lot for four lots (three building lots plus remainder lot) for a total of \$2,000 park and recreation fee.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the minor subdivision application approved subject to stated conditions.

The next item of business on the agenda was the concept site plan submitted by David Leon for property located at 660 Hoosick Road. The applicant proposes a fast food drive thru, the existing Planet Fitness, a second fast food restaurant with drive thru, and a grocery store for property located at 660 Hoosick Road. Jamie Easton, P.E., of MJ Engineering, was present for the applicant. Mr. Easton reviewed changes to the concept site plan following the discussion with the Planning Board at its February 6 meeting. Mr. Easton stated that the number of parking spaces in front of the proposed Aldi's grocery store have increased, and additional landscaping has been provided; regarding the proposed Wendy's drive thru restaurant on the eastern portion of the site,

a bypass lane has been added to the drive thru lane, the dumpster location has been identified, and increased landscaping buffer has been added to the adjacent commercial site (Hoffman Carwash); that the “right-out” exit in the area of the proposed Wendy’s has been removed, and increased pedestrian access from the sidewalk on Hoosick Road into the commercial site has been added; that additional landscaping islands in the front parking area and amendment to the entrance access road off of Hoosick Road have been added; that the proposed KFC restaurant on the western portion of the project site adjacent to Hillcrest Avenue has been moved back to line up with the front building line of the existing Planet Fitness building, which allowed increased landscaping area and less impervious area while also adding parking spaces, and also providing a more efficient travel lane off of Hillcrest Avenue into the project site; that overall, the site works much better from a traffic-flow perspective and also pedestrian access perspective; that the existing Planet Fitness has 113 parking spaces, and adding the proposed Aldi grocery store, Wendy’s drive thru restaurant, and KFC restaurant would require a total of 210 parking spaces per Town Code requirements, but that the current concept site plan provides 233 total parking spaces for the commercial site; that the proposal includes creating four new tax lots, including lot #1 for the KFC restaurant, lot #2 for the remainder of the commercial site including the three commercial buildings, lot #3 for the remaining lands owned by Leon to the rear of the commercial site, and lot #4 to dedicate to the Town of Brunswick a limited area along Hillcrest Avenue that Leon’s survey indicates should be part of the road right of way but which is located on lands owned by Leon; that the project plan had been overlaid onto an aerial map to better understand how the site would work in relation to adjacent land uses; that the internal turn movements had been examined on the site, particularly for truck deliveries; that a long environmental assessment form has been submitted; and that a variance will be required from the Zoning Board of Appeals concerning the location of

parking lots in an area of the project site that is currently in a residential zoning district. Mr. Golden stated that he had visited an Aldi grocery store site in the City of Rensselaer, and that parking was an issue at that location; that the store in Rensselaer is smaller than is proposed for this Brunswick site; that 83 parking spots exist for the Rensselaer store and that this is not enough parking; and that on the Brunswick site, only 73 parking spaces are proposed for the Aldi grocery store. Mr. Easton reviewed the parking plan and pedestrian access plan for the area in front of the Aldi grocery store, and again reviewed the Brunswick Zoning Law parking requirements for this commercial site, noting that a total of 210 parking spaces are required under the Brunswick Zoning Law and that a total of 233 spaces are being proposed. Member Stancliffe inquired as to the status of any discussions with the Town concerning the improvement of Town-owned paper streets. Mr. Easton stated that a submission to the Town Board is planned, and that the project attorney will coordinate with Attorney Gilchrist on that issue. Member Mainello asked whether the proposed road improvement on Ferdinand Avenue is planned to be a one-way street only. Mr. Easton stated that the concept plan currently shows the roadway as two-way, and that the applicant has no objection to limiting the road to one-way, but that the issue should be reviewed by both the Town and emergency responders before limiting the road to a one-way street. Member Kreiger asked who would maintain the area of this roadway off of Ferdinand Avenue before it connects to Hoosick Road at the proposed signalized intersection. Mr. Easton stated that it is currently proposed to remain private, that the commercial owner would maintain this portion of the roadway, with the Town having no responsibility for maintenance. Mr. Kreiger asked whether this roadway is needed on the issue of connectivity as required by NYSDOT. Mr. Easton confirmed that the inter-connectivity of adjacent land uses to the signalized intersection is important for NYSDOT approval. Member Mainello asked whether NYSDOT had issued any approval letter regarding

the installation of the traffic signal and the requirement for interconnectivity. Mr. Easton stated that will be in the NYSDOT permit application for the traffic signal installation, and that the application had been submitted to NYSDOT and is pending in NYSDOT review. Member Mainello asked whether NYSDOT would be okay with a segment of the road interconnectivity remaining a private road. Mr. Easton stated that NYSDOT would approve the use of the private road for interconnectivity purposes. Mr. Bonesteel questioned whether the proposed roadway network should become all public roadways, with the Town taking control over the roadway network, instead of having a section of private roadway from the end of Ferdinand Avenue to Hoosick Road. Mr. Easton explained that the applicant would be proposing dedicating waterlines to be installed along this road system, with the Town owning the waterline and provided an easement for maintenance; that the applicant would propose providing an easement to the Town over the private system, so there would be no risk of blocking that private road in the future; or if the Town wants to take ownership of the entire roadway network, discussion regarding the extent of the width of the public right of way in the area of the existing Planet Fitness building would need to occur, with a potential setback variance for the existing Planet Fitness building given the current location of the Planet Fitness building in relation to the existing National Grid infrastructure. Mr. Bonesteel and Mr. Easton discussed the proposed road network layout, including the proposed “S” curve as well as an alternative road along the eastern lot line. The Board and Mr. Easton discussed grade issues on the site as well as required turning radius, and generally discussed road layout options and parking area options. Mr. Bonesteel stated that in his opinion, the revisions to the concept site plan did improve traffic circulation, but that options should be examined now for improvements to the road system. Member Stancliffe inquired about stormwater areas, including a proposed detention area near Hillcrest Avenue. Mr. Easton

confirmed that the location of the detention basin near Hillcrest Avenue is in an area of existing rock, which would need to be removed either by ripping or by blasting. The concept stormwater plan for the proposal was reviewed. The issue of snow removal and storage was discussed. Truck movements for Aldi grocery store deliveries were discussed. It was noted that the Brunswick Town Board was not listed as an involved agency on the full environmental assessment form, and that the involvement of the Town Board needed to be reviewed prior to circulating the environmental assessment form for lead agency designation. Mr. Easton also stated he would be working on the variance application for the parking area near the proposed KFC building, and wanted to confirm with the Planning Board that there were no significant issues that may impact how the variance application would be submitted to the Zoning Board. Mr. Easton stated that he anticipates further discussion on the road network proposal with the Town, as well as the variance procedure for the parking area in front of the Zoning Board of Appeals, and did not anticipate further Planning Board discussion on this matter until May. This matter is adjourned without date.

The next item of business on the agenda was a minor subdivision concept plan submitted by Sean Gallivan for property located on the northerly and easterly side of Deepkill Road. Member Stancliffe recused herself from this application, and left the meeting room. Member Tarbox served as Acting Chair on this matter. Brian Holbritten, licensed land surveyor, was present for the applicant. Mr. Holbritten explained that three new building lots are currently being proposed, whereas three previous building lots were approved for this overall parcel in 2015, and the issue of whether this application should be treated as a minor subdivision or a major subdivision needs to be discussed. The Planning Board discussed that issue with Attorney Gilchrist, with Attorney Gilchrist noting that the Brunswick subdivision regulations pertaining to waivers of subdivision do include a look back period of seven years for consideration by the Board, but that there is no



similar look back period contained in the minor subdivision regulations or major subdivision regulations; that the length of time between the prior three-lot subdivision and the current proposed three-lot subdivision is a matter for consideration by the Planning Board in its discretion; that the issue of segmenting a project over a period of years to avoid potential significant adverse impacts when viewed as a whole is a SEQRA issue, and that regardless of whether this application is reviewed as a minor or major application, the Planning Board will be required to review the total potential significant adverse environmental impacts from all building lots on this project to avoid segmentation as part of its SEQRA review; and that the Planning Board will need to consider the overall development, including all building lots out of the parent parcel, for purposes of stormwater compliance and whether a full stormwater pollution prevention plan should be required for the current three-lot proposal. Mr. Bonesteel concurred as to both the SEQRA and stormwater regulatory review requirements. Mr. Holbriiter wanted to confirm that the current application also includes lot line adjustments, which do not result in any additional building lots but would relocate lot lines on current building lots. Following discussion, the Planning Board determined that a minor subdivision application would be sufficient, but that the cumulative number of building lots out of the parent parcel would be reviewed, both under SEQRA and for purposes of stormwater regulatory compliance. The issue of wetlands on the parent parcel was discussed, and Mr. Holbriiter stated that he would have the project engineer coordinate with Mr. Bonesteel on that issue. Mr. Holbriiter also confirmed that the project engineer will coordinate with Mr. Bonesteel on the minor subdivision application requirements. It was determined that a full minor subdivision application must be submitted, and this matter is adjourned without date.

Member Stancliffe returned to the meeting room.

The next item of business on the agenda was the special use permit and site plan application submitted by Charles Farrell for property located at 392 Brunswick Road and 394 Brunswick Road. Brian Holbriiter, licensed land surveyor, was present for the applicant. Mr. Holbriiter explained that the two lots constituting 392 and 394 Brunswick Road were previously approved by the Planning Board, the subdivision plat having been filed with Rensselaer County and the two building lots/tax parcels were created. Mr. Holbriiter further explained that in approximately April 2018, Mr. Farrell had submitted an application for a special use permit to construct duplexes on these two lots, but after he was informed that site plan applications also needed to be submitted, the matter had been adjourned. Now, Mr. Farrell has submitted the full application for site plan review to be considered in connection with the previously-submitted special use permit application. Mr. Holbriiter generally reviewed the proposed site plans, showing building locations as well as general floor plans for each duplex building; that the septic and well had previously been approved for single-family homes totaling 3–4 bedrooms, and that each duplex will have a total of four bedrooms (two bedrooms per unit). Mr. Golden inquired whether any of the basements could be remodeled into an additional bedroom. Mr. Holbriiter stated that this was not intended. The Planning Board inquired whether there were any different Rensselaer County Health Department reviews required for well capacity or septic for duplexes as opposed to single-family residential, particularly since the water supply well on the adjacent residential lot to the west is reported not to have good yield. Mr. Holbriiter stated that he would review that issue with the project engineer. Member Mainello wanted to confirm that it was not anticipated that there would be two separate owners of each of the units in a single duplex. Mr. Holbriiter stated that the duplexes are intended to be owned by a single owner, with Mr. Farrell initially owning each duplex with the intent of renting out individual units to tenants, and would only sell a duplex building to a single owner who

would buy and own both of the duplex units within each duplex building. The Planning Board inquired whether NYSDOT had issued permits for the proposed driveway locations. Mr. Holbriiter stated the applications had been submitted to NYSDOT. The Planning Board noted that a public hearing is required for the special use permit review, and accordingly the Planning Board will hold a public hearing on both the special use permit and site plan applications. The Planning Board requested that Mr. Bonesteel review the applications for completeness for purposes of scheduling the public hearing. Mr. Holbriiter stated that the project engineer will coordinate with Mr. Bonesteel on the issues of water and septic. This matter is placed on the March 19 agenda for further discussion.

One item of new business was discussed.

A site plan application has been submitted by Ace Hardware for its retail store located at 831 Hoosick Road. Bo Michael of Michael Architects was present for the applicant. Attorney Gilchrist stated that the owner of the Brunswick Ace Hardware store is currently a client of his firm, and therefore he will recuse himself from participation in the review of this application. Attorney Gilchrist stated that in the event legal issues arose concerning the application review, the Planning Board should consider retention of a separate attorney and require the applicant to escrow money for such legal fees. Mr. Michael explained that the Planning Board had previously approved a site plan for the construction of a two-story building on the western side of the project site; that the owner had difficulty in finding tenants for the two-story building; that in the alternative, the owner is now seeking to renovate the existing one-story building and add a 48-foot by 48-foot addition to the building, and to revise the parking scheme. Mr. Michael explained that the proposed tenants for the revised building are a café, gym, and storage area for the Ace Hardware store. Mr. Michael stated that there are currently 54 parking spaces provided for the

Ace Hardware store, and that the experience of store operations show that 54 spaces are rarely used in total, and reviewed the proposed parking plan for the proposed building renovation to the western portion of the project site, noting that the plan does include the required number of parking spaces for the separate building under the Brunswick Zoning Law. Mr. Michael also stated that the revised plan has been sent to NYSDEC Region 4 in relation to the wetlands permit; that DEC has indicated that a new application will not be required; and that the Department will review the new plan in terms of any required amendments to the existing wetlands permit. Mr. Bonesteel inquired whether demolition was planned as part of renovation of the existing building. Mr. Michael stated that demolition was planned, and that a demolition plan had been submitted. Member Stancliffe inquired as to locations of increased impervious surface and greenspace. Mr. Michael stated that these areas are shown on the plans at Sheet S-1. Member Stancliffe inquired whether there would be utility upgrade requirements for the building renovation. Mr. Michael stated that the upgrade to utilities would be the same as had been required for the prior two-story building that had been approved at this location. Member Mainello inquired whether outside seating was being proposed for the café. Mr. Michael stated that no outside seating is being proposed. The Planning Board and Mr. Michael generally reviewed traffic flow, sidewalk configuration, and snow removal on the project site. The Planning Board also discussed the proposed Ace Hardware storage area, including grade as well as storage of combustibles. The Planning Board noted that a special use permit will be required as the structure will constitute a mixed-used structure under the Brunswick Zoning Law. The uses being proposed within the mixed use structure will be reviewed by the Building Department. It is noted that a public hearing will be required on the application, and referral to the Rensselaer County Planning Department will also be required. This matter is placed on the March 19 agenda for further discussion.

The Planning Board entertained a pre-filing conference with Mark Danskin, land surveyor, concerning lots located off Genessee Street. Mr. Danskin generally reviewed an issue concerning the Rensselaer County Tax Map for these parcels; that his client was looking to relocate a lot line between two current tax parcels; that no new building lots would be created. Following discussion, the Planning Board noted that required setbacks for one of the resulting lots should be reviewed by the Building Department, as issues concerning a corner lot as well as the existence of paper streets were created by this proposal. Mr. Danskin will coordinate with the Brunswick Building Department on those issues.

The index for the March 5, 2020 meeting is as follows:

1. Shudt - Minor subdivision - Approved with conditions;
2. Leon - Concept site plan - Adjourned without date;
3. Gallivan - Minor subdivision - Adjourned without date;
4. Farrell - Special use permit and site plan - March 19, 2020;
5. Ace Hardware - Site plan - March 19, 2020.

The proposed agenda for the meeting to be held March 19, 2020 currently is as follows:

1. Farrell - Special use permit and site plan;
2. Ace Hardware - Site plan.