

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 4, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, KEVIN MAINELLO, MICHAEL CZORNYJ, and VINCE WETMILLER.

ABSENT were TIMOTHY CASEY and DAVID TARBOX.

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 May 4, 2017 meeting.

The Planning Board reviewed the draft minutes of the April 20, 2017 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 20, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the public hearing on the site plan application submitted by Rosenblum Development Corporation for property located at 850 Hoosick Road. Chairman Oster reviewed the procedural rules relating to the public hearing. The public hearing notice was read into the record and noted that it had been published in the Troy Record on April 22, 2017, had been posted on the Town website and Town signboard, and had been mailed to adjacent property owners. Jeff Mirel of Rosenblum Development Corporation and Daniel Hershberg of Hershberg & Hershberg Consulting Engineers were present for the applicant. Mr. Hershberg noted that the applicant had received and addressed the comments of the Brunswick No.1 Fire Department, including adding an area in the rear of the building to accommodate fire

truck access, as well as proposing an 8-inch water line to be installed under Hoosick Road to service a new hydrant on the same side of Hoosick Road as the project. Mr. Hershberg also noted that the stormwater pollution prevention plan had been completed and submitted to the Planning Board engineer, and that the site was considered a “redevelopment site” for purposes of stormwater management. Mr. Hershberg then described the stormwater facilities that were proposed. Mr. Hershberg noted that the fence near the front of the property had been relocated to allow for additional snow storage to address Planning Board comments from the prior meeting. Mr. Hershberg also noted that the fire connection had been included on the latest site plan submitted and that a photometric plan showing lighting had also been submitted. Chairman Oster then opened the public hearing for public comment. Gus Scifo of Brunswick No. 1 Fire Department indicated that he had provided written questions concerning the project to the Board and that the applicant had provided adequate responses. Mr. Scifo indicated that there would be additional items that would be addressed in the build-out of the project, including providing a knox box as well as a walk-through of the building once complete, along with smoke and CO detector layouts and sprinkler system layout, but otherwise noted that the applicant had worked very well with the fire department in addressing the fire department’s concerns and the fire department viewed the project favorably. Harry Tutunjian of Troy, NY stated that he is a resident of Troy but is a business partner in entities that own property in the Town of Brunswick. He stated that he fully supports the project and further stated that the project will provide necessary storage facilities for the apartments that have been recently approved in the Town and that are either recently constructed or undergoing construction currently. Chairman Oster noted that the Planning Board had received a letter in support of the project from Brunswick Harley Davidson located at 1130 Hoosick Road. Chairman Oster read the letter into the record. Mr. Hershberg also provided a letter for the record

from Drumm Veterinary Hospital located at 840 Hoosick Road which indicated that they have no objections to the proposed project. Chairman Oster asked for any additional public comment, and hearing none, closed the public hearing.

The Planning Board then opened the regular meeting. The first item of business on the agenda was the Rosenblum Development Corporation site plan application for 850 Hoosick Road proposing a two-story, 66,300 square foot indoor storage facility. Chairman Oster noted that the Planning Board had received the County recommendation, which indicated that local consideration shall prevail, and that the County had no comments concerning the project. Chairman Oster also noted that the applicant had submitted a lighting plan. Mr. Bonesteel explained that the lighting plan showed essentially no residual light beyond the property line. Chairman Oster also noted that the Planning Board had requested the identification of a dumpster area on the site in the event the applicant sought to add a dumpster in the future. The applicant pointed out that the latest submitted site plan shows a dumpster area at the end of the fire truck access at the rear of the property. Chairman Oster noted that a Stormwater Pollution Prevention Plan had been submitted and asked Mr. Bonesteel if he had had an opportunity to review. Mr. Bonesteel indicated that he had started reviewing the SWPPP and generally concurred with the concept that the project site was a “redevelopment site”. Mr. Bonesteel asked whether the SWPPP had been submitted to NYSDOT, since the plan included a discharge to the NYSDOT system. The applicant explained that it is their belief that the correct MS-4 is NYSDOT, and if Mr. Bonesteel and the Town stormwater officer concur with the SWPPP, then it will be submitted to NYSDOT. Member Esser asked how the water on the roof would be collected. The applicant indicated that the building would have roof drains and gutters which would collect and route roof water into a pipe below grade that would feed into the stormwater collection system. The Board then discussed the logistics of approving

the site plan or waiting for approval of the SWPPP. Attorney Tingley indicated that the Board had the option of either approving the site plan application with the condition that the applicant meet all Planning Board engineer and stormwater officer comments and comply with all MS-4 requirements, or it could table the matter for the time being until all stormwater matters were addressed. The applicant requested that the Planning Board consider granting conditional approval as explained by Attorney Tingley. Member Czornyj made a motion to adopt a negative declaration, which motion was seconded by Member Mainello and was unanimously approved. Member Mainello asked the applicant whether there would be any blasting to remove bedrock. The applicant indicated that the nature of the bedrock at the site was likely such that it could be removed by mechanical means and blasting was unlikely to be necessary. The applicant indicated that it would agree to a condition on any approval that would prevent blasting. The applicant indicated that if blasting becomes necessary, it would reappear for a site plan amendment or to address that condition. Member Czornyj then made a motion to approve the site plan conditioned on compliance with all MS-4 requirements and addressing the comments of the Planning Board engineer and stormwater officer on the Stormwater Pollution Prevention Plan and on the condition that no blasting occur without further approval of the Planning Board. The motion was seconded by Member Mainello and was unanimously approved.

The next item of business on the agenda was the waiver of subdivision application submitted by Marie Barbera for property located at 100 Wilrose Lane. No one was present on behalf of the applicant. Chairman Oster reviewed the details of the application and the procedural history. Chairman Oster noted that the Planning Board had received a letter from Brian Holbriiter confirming that the applicant was not seeking to merge the additional property into any other lot but was instead seeking to create a new lot. In light of this, the project as proposed would require

a waiver from the Town Board regarding the limitation on number of lots along a dead end street. Chairman Oster indicated that the applicant must secure a letter from the owners of the underlying property, Robert and Norman Fivel, confirming their consent to the application. No such letter had yet been received. The Planning Board then reviewed the draft letter to the Town Board that had been prepared by Attorney Gilchrist and noted that the Building Department and the applicant still needed to determine the total number of lots currently existing on the Betts Road-Wilrose Lane corridor. The Board determined that it could approve the form of the letter prepared by Attorney Gilchrist and would direct Attorney Gilchrist to submit the letter to the Town Board for consideration at its May 11, 2017 Town Board meeting on the following conditions:

1. Receipt from the applicant of a letter from the owner consenting to the application; and
2. Receipt of a mutual agreement between the Building Department and the applicant as to the total number of lots currently existing on the Betts Road/Wilrose Lane corridor.

Member Czornyj made a motion to approve the form of the letter and to direct Attorney Gilchrist to submit same to the Town Board upon compliance with the stated conditions, which was seconded by Member Esser and was unanimously approved.

The next item of business on the agenda was the waiver of subdivision application submitted by Antoinette Mazzariello for property located at 50 Humiston Avenue. The Planning Board reviewed the draft letter prepared by Attorney Gilchrist concerning the need for a Town Board waiver of the limitation on number of lots along a dead-end street. Member Wetmiller made a motion to approve the form of the letter and to direct Attorney Gilchrist to submit the letter to

the Town Board for consideration at its May 11, 2017 meeting. The motion was seconded by Member Czornyj and was unanimously approved.

The next item of business on the agenda was the major subdivision application of Farrell Homes for property located at 404 Brunswick Road. Charles Farrell appeared on behalf of the application. Mr. Bonesteel indicated that he had reviewed the plans submitted and that he has not yet received an amended Stormwater Pollution Prevention Plan, which he indicates will need to consist of minor updates and a few edits. Mr. Farrell indicated that no changes had been made to the subdivision application most recently submitted. Chairman Oster asked Mr. Bonesteel whether the application was complete enough for purposes of scheduling a public hearing. Mr. Bonesteel indicated that the application was sufficiently complete to schedule a public hearing. Member Czornyj explained that the updated SWPPP mentioned by Mr. Bonesteel would need to be submitted to the Planning Board a week before the public hearing so that the public would have an opportunity to review that in preparation for the public hearing. The Planning Board determined to schedule the public hearing for May 18, 2017 at 7:00pm. The applicant indicated that it would provide the updated SWPPP in advance of the public hearing.

Two items of new business were discussed.

The first item of new business was the waiver of subdivision application submitted by Shawn Nealon for property located at 54 Wagner Lane. The size of the original parcel is 60.99 acres and Mr. Nealon is seeking to create a 4.58-acre parcel on which the currently existing single family home site. Mr. Nealon was present on the application. Chairman Oster indicated that he believed the application was complete. Mr. Nealon explained that he had sought to sell the home located on the property but buyers were not interested in obtaining 61 acres of property. Mr. Nealon indicated that he is not currently proposing to construct any building on the residual land

and that the property would meet all applicable setbacks. Attorney Tingley asked whether the residual lot to be created would have road frontage. The applicant indicated that the lot on which the existing home sits currently has sufficient frontage, and the residual land would also have several hundred feet of road frontage as well. Member Czornyj stated that the plan provided does not show the entire parcel from which the 4.58-acre parcel is to be created. The Board requested that the applicant resubmit the plan with an indication thereon of the overall parcel at issue. Member Czornyj then made a motion to adopt a negative declaration on the application, which was seconded by Member Wetmiller and was unanimously approved. Member Czornyj then made a motion to approve the waiver of subdivision application with the condition that the applicant submit a revised plan that shows the entire parcel at issue, which may be shown in a separate block on the waiver of subdivision plan. Member Mainello seconded the motion and the motion was approved unanimously.

The next item of new business discussed was the minor subdivision application submitted by Dave Leon for property located at 660 and 670 Hoosick Road. Mr. Leon and James Easton of MJ Engineering were present on the application. Mr. Leon provided the Planning Board with an update concerning the proposed traffic light that would serve the Planet Fitness and Aldi/Taco Bell site. He indicated that the prior site plan approval for the Aldi/Taco Bell site conditioned approval on installation of a traffic light, and that the applicant had been working with New York State Department of Transportation concerning progressing installation of the traffic light. The purpose of this application is to create a new lot in the rear of the site to facilitate a residential development. Mr. Easton explained that the applicant had been working with NYSDOT concerning the installation of a traffic light and NYSDOT had indicated there is not sufficient traffic generated to justify a light, and that NYSDOT is interested in ensuring cross-connectivity between the sites to

facilitate managing traffic to the area where the light would be installed. The applicant explained the history behind the development of the Planet Fitness site and approval of the Aldi/Taco Bell site, and explained that both existing buildings on the proposed Aldi/Taco Bell site were currently vacant and would be demolished soon. The applicant explained that the purpose of the application was to separate the commercial parcels in the front of the site from a residential parcel in the back of the site. The proposal would establish the Planet Fitness/Aldi/Taco Bell site as one parcel, with the currently vacant land in the rear as a second parcel. Mr. Easton explained that the rear parcel has access on a paper street which he indicated had been dedicated to the Town by deed. Mr. Easton indicated that the paper street was Valley Avenue and is shown on the plan. Chairman Oster asked whether the subdivision would create a plan that would reduce the greenspace on the front parcels. The applicant indicated that it would perform the calculations of greenspace and would provide that information. The applicant further stated that it proposes to incorporate any necessary additional greenspace into the rear parcel to accommodate any reduction in the necessary greenspace on the commercial parcel. Member Czornyj asked whether the applicant had done any research on other paper streets in the area. The applicant indicated that the attorney had been researching those but that there was no conclusive determination concerning the status of those paper streets and that the only conclusive evidence relating to the dedication of a paper street to the Town was with respect to Valley Avenue. Chairman Oster asked whether the development on the rear parcel would be designed to use the paper street for access or to use the commercial parcels at the front of the site to access Hoosick Road. The applicant explained that the access to the paper street currently is strictly to satisfy the legal requirement for public road frontage, and that ultimately once the development plan for the rear parcel was prepared, he expected that the paper street would be used for secondary or emergency access, with the primary access being through

the commercial parcel to access the proposed traffic light. Chairman Oster then asked whether the applicant had a rough idea concerning the number of units that were proposed for an apartment development on the rear parcel. Mr. Leon indicated that he was looking at approximately 160 apartment units. Chairman Oster then indicated that with the approval of the Hudson Hills project, the number of apartments in the Town was at about 1,500 units and that the Planning Board had previously requested that the Town Board consider whether the percentage of apartments to single-family dwellings was increasing too rapidly. The applicant noted Chairman Oster's concern and also explained that the NYSDOT was requiring the applicant to have a development planned for the rear of the site as part of the process to get a light installed. The applicant further explained that this particular site is somewhat ideal for development because it is located in an area that is not surrounded by any affected landowners. Member Mainello asked whether the applicant considered construction of townhomes. The applicant indicated that they are discussing all options with developers. Mr. Easton indicated that part of the need for the subdivision at this time was for financial purposes in connection with marketing possible development in the rear of the site to investors and developers. The Planning Board then discussed the benefits of the project's creation of another alternative access to Hoosick Road through a light to be installed in the future. The applicant discussed with the Board NYSDOT's comprehensive plan. Member Czornyj indicated that the application was a minor subdivision application because the front parcel was a commercial parcel. The Board then explained that they will need completed plans to schedule a public hearing and asked what the applicant's expected time frame would be. Mr. Bonesteel indicated that no SWPPP would be necessary for this application because no site disturbance or work was actually being performed. Mr. Easton confirmed that this application simply seeks to relocate property lines. Attorney Tingley requested that the applicant submit proof to the Planning Board of

dedication of the paper street to the Town of Brunswick. The Board then discussed various access issues and greenspace requirement issues. Member Wetmiller suggested that the Board needs greenspace calculations prior to moving forward. The applicant agreed to provide greenspace calculations to the Planning Board, as well as submitting a copy of the deed to Valley Avenue to establish that the paper street had been dedicated to the Town of Brunswick.

The index for the May 4, 2017 meeting is as follows:

1. Rosenblum Development Corporation - Site plan - Approved with conditions;
2. Barbera - Waiver of subdivision - Letter to Town Board requesting waiver of dead-end street lot limitations approved with conditions - 5/18/2017;
3. Mazzariello - Waiver of subdivision - Letter to Town Board seeking waiver of dead-end street lot limitations approved - 5/18/2017;
4. Farrell Homes - Amendment to major subdivision - 5/18/2017 (public hearing to commence at 7:00pm);
5. Nealon - Waiver of subdivision - Approved with condition; and
6. Leon - Minor subdivision - 5/18/2017;

The proposed agenda for the May 18, 2017 meeting currently is as follows:

1. Farrell Homes - Amendment to major subdivision (public hearing to commence at 7:00pm);
2. Barbera - Waiver of subdivision;
3. Mazzariello - Waiver of subdivision; and
4. Leon - Minor subdivision.