

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 1, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, MICHAEL CZORNYJ, VINCE WETMILLER, TIMOTHY CASEY and DAVID TARBOX.

ABSENT was KEVIN MAINELLO.

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

The Planning Board opened a public hearing on the minor subdivision application submitted by David Leon for property located at 660 and 670 Hoosick Road. Chairman Oster reviewed the procedure for public hearings. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Chairman Oster requested the applicant to present an overview of the proposal. Jamie Easton of MJ Engineering was present for the applicant, and presented an overview of the proposal. The applicant seeks to take three existing parcels and reconfigure lot lines to create a total of two parcels, one large commercial parcel located adjacent to Hoosick Road, and one parcel of vacant land located to the rear which would total approximately 15 acres. Mr. Easton stated that the one large commercial lot adjacent to Hoosick Road includes previously approved commercial uses, including the existing Planet Fitness, and the approved Aldi grocery store and Taco Bell which have not yet been built. Mr. Easton stated that the applicant has no present plan to develop the 15-acre lot to the rear. Mr. Easton stated that the greenspace on the resulting large commercial lot adjacent to Hoosick Road would total 31.3%, which is less than the

35% required under the site plan regulations, and requests that the Planning Board consider a waiver on that issue. Chairman Oster asked about access to a public road for the 15-acre vacant lot to the rear. Mr. Easton stated that the access is via a paper street owned by the Town of Brunswick called Valley Avenue, which was dedicated to the Town in either the 1950's or 1960's. Mr. Easton stated that the applicant is relying on the unimproved paper street of Valley Avenue as the required frontage on a public road. Chairman Oster noted that this issue of public road frontage must be reviewed by the Planning Board attorney, and no Planning Board action will take place on this application until the issue of public road frontage is reviewed by the Planning Board attorney. Chairman Oster then opened the floor for receipt of public comments. A comment was received from the floor inquiring what was going to happen on the 15-acre parcel to the rear of the commercial lot. Chairman Oster explained that the applicant has not submitted any application for development of the proposed 15-acre lot to the rear of the commercial lot, and has not presented any plan of development for that parcel. Debbie Nichols, 249 Hillcrest Avenue, stated that she had concerns regarding the number of paper streets in the area of the 15-acre proposed parcel to the rear of the commercial lot, that the National Grid operation has expanded over the course of the past several years, that a creek located in this area has been relocated several times, that she has concerns about the private residential wells of homeowners in the area, that while paper streets may exist on a map there are homes that exist in this area that will be impacted, that Brunswick is going commercial and losing its "country" feel, that Hoosick Road is a nightmare with regard to traffic and the ability to get onto Hoosick Road from Hillcrest Avenue, and that the developers do not care about the Town and care only about profit. Another comment raised issues concerning paper streets and the layout of the existing homes on Hillcrest Avenue. Chairman Oster repeated that the only application before the Planning Board is for a minor subdivision in the nature of a lot line change, and that no application to develop the proposed

15-acre lot to the rear of the commercial lot has been submitted, and if such an application is submitted, it will be subject to Planning Board review and a separate public hearing where the public will be allowed to comment. A question from the public raised the issue of whether a traffic light would be installed on Hoosick Road in the area of Planet Fitness. Chairman Oster stated on the record that the New York State Department of Transportation has no current plans to approve or install a traffic light at the Planet Fitness/Lord Avenue intersection. Chairman Oster inquired whether there were any further public comments. There were no further public comments at this time. Chairman Oster stated that the Planning Board will keep the public hearing open pending review of the issue concerning the paper streets and public road frontage. Chairman Oster stated that the public hearing will be continued at the June 15 meeting at 7:00pm.

Chairman Oster then opened the regular meeting of the Planning Board.

The draft minutes of the May 18, 2017 meeting were reviewed. Member Tarbox stated that a correction must be made, noting that he was absent from the May 18 meeting. Subject to that correction, Member Czornyj made a motion to approve the May 18, 2017 minutes, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the May 18, 2017 meeting minutes adopted subject to noted correction.

The first item of business on the agenda was the minor subdivision application submitted by David Leon for property located at 660 and 670 Hoosick Road. Chairman Oster noted that the issue of public road frontage for the proposed 15-acre lot to the rear of the commercial lot, and the reliance on an unimproved paper street, must be reviewed by the Planning Board before any action can be taken. Chairman Oster also noted that the applicant should be aware of the significant concerns regarding traffic impacts in connection with any future proposal to develop the proposed 15-acre lot. The Planning Board inquired as to the exact location of the Valley Avenue paper street. Jamie Easton

of MJ Engineering stated that the location of Valley Avenue as shown on the proposed subdivision plat was based on research of title and identification of a pin in the field. Chairman Oster asked about topography in the area of Valley Avenue as shown on the subdivision plat. Mr. Easton stated that he does have topographic information on that location, and will submit that topographic information to the Planning Board for review. The Planning Board and Mr. Easton had extended discussion concerning the unimproved paper street identified as Valley Avenue. Member Czornyj had questions concerning the location of Valley Avenue in relation to existing homes on Hillcrest Avenue. Member Casey had questions concerning the topography in that area, and whether construction of a road in the Valley Avenue paper street location was feasible. Mr. Easton stated that there was significant topographical change in that location, and while a road could be built from an engineering perspective, it may not be economically feasible to do so. Mr. Easton stated that his office was continuing to gather information on site conditions on the 15-acre proposed parcel. Member Czornyj inquired about other paper streets in this general location. Mr. Easton stated that title research has not been completed on other paper streets. Member Tarbox asked about the presence of any wetlands on the proposed 15-acre parcel. Mr. Easton stated that there were wet areas, and that his office is in the process of completing delineations for any wetland areas. Mr. Easton did confirm that survey work, topographical investigation, and wetlands investigation on the 15-acre proposed parcel is being completed by his office. Member Wetmiller asked about the presence of any demolition debris located in the area of the proposed 15-acre parcel. Mr. Easton stated that his information was that there was the presence of some historic demolition debris fill in the front proposed commercial lot, but that he did not have any information concerning construction and demolition debris fill to the rear of the property, but that will need to be further investigated. Member Tarbox asked whether one house could be built on the proposed 15-acre lot if approved by the Planning Board. Attorney

Gilchrist stated that this was dependent on the review of the issue concerning public road frontage, but in the event the Planning Board approves the minor subdivision, then one home could be constructed on the 15-acre parcel without any further Planning Board review. The Planning Board also discussed drainage patterns in and from the 15-acre proposed lot. This matter is placed on the June 15 agenda for continuation of the public hearing and further discussion.

The next item of business on the agenda was the minor subdivision application submitted by Alexis Murphy for property located at 576 Pinewoods Avenue. Kevin McGrath, Licensed Land Surveyor, and Alexis Murphy were present. The applicants explained that rather than proceeding with the minor subdivision application at the present time as discussed at the May 18 meeting, a new application for waiver of subdivision has been completed and filed with the Planning Board, proposing to simply divide the existing home located adjacent to Pinewoods Avenue from the remaining vacant land. Mr. McGrath explained that the proposed division would result in the existing home on a 1.05-acre lot with frontage on Pinewoods Avenue, with the remaining acreage with frontage on Nicholas Drive remaining vacant. The applicant understands that if any further subdivision of the vacant land with frontage on Nicholas Drive is pursued, it will be required to be reviewed as a minor subdivision application. At the present time, the applicant is requesting a waiver of subdivision approval to simply separate off the existing home from the remainder of the acreage. Chairman Oster stated that this was the procedure discussed at the May 18 meeting, but that after that meeting, it has come to his attention that this property was the subject of a waiver application recently reviewed and approved by the Planning Board whereby a lot line adjustment was completed to add acreage to the adjoining parcel owned by Holly Murphy. Chairman Oster noted that the Planning Board regulations raise the issue of consideration of requests for waivers of subdivision where a prior waiver had been granted within the past seven years, and that this issue should be addressed by the

Planning Board. Chairman Oster stated that in his opinion, the current application could be reviewed as a waiver of subdivision application in light of the fact that the prior waiver approval did not create a new building lot but merely resulted in a lot line adjustment, and that the property had remained within the ownership of the Murphy family. Chairman Oster stated that in his opinion, the Planning Board should exercise its discretion to review the current application as a waiver of subdivision. Chairman Oster did note that in his opinion, the discretion to treat the current application as a waiver would be conditioned on the requirement that any further subdivision of the vacant property with frontage on Nicholas Drive be required to be reviewed as a minor subdivision. The remaining Planning Board members concurred in this approach. The Planning Board members determined it was significant that no new building lot had been created as a result of the prior waiver approval, merely resulting in a lot line change, and that the property had stayed in title in the Murphy family and not sold to third-parties. Chairman Oster then inquired whether there were any questions or comments on the waiver application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, subject to the condition that any further division of the property with frontage on Nicholas Drive be required to be reviewed as a minor subdivision. That motion was seconded by Member Casey. The motion was unanimously approved, and the waiver application approved subject to the stated condition. The Planning Board did note for the record that the resulting lots were compliant with the Brunswick Zoning Code lot size requirements, that the subdivision line did not impact existing septic systems, and that public water provided water for the existing home on Pinewoods Avenue.

The next item of business on the agenda was the site plan application submitted by Chip Bulson, who seeks to construct a tourist home on property located at 63 Indian Creek Lane. Paul Engster, Esq. and Chip Bulson were present. Mr. Engster confirmed that the threshold issue on this application is the adequacy of Indian Creek Lane for the intended use of the Bulson property as a tourist home. Mr. Engster stated that he had reviewed this issue with attorney Gilchrist, and it has been determined that an engineering evaluation of Indian Creek Lane must be completed to analyze the adequacy of that road for the intended use of the property as a tourist home, and that the applicant will proceed to have that engineering evaluation and report prepared. Mr. Engster stated that as this was a threshold issue on the application, the remaining issues on this application, which include Rensselaer County Health Department input on septic systems, soils issues, as well as preparation of detailed site plans, will be deferred until the adequacy of the public road issue is addressed and resolved. Mr. Engster discussed case law concerning highways by use, and indicated he would provide that case law to attorney Gilchrist. Mr. Engster further confirmed on the record that the applicant is not proposing any commercial vehicle deliveries to or from the site, and that this will be taken into account in the engineering report concerning the adequacy of Indian Creek Lane. Chairman Oster noted that both he and Planning Board Engineer Bonesteel had walked Indian Creek Lane, and that there are sections of that road that are only 12–13 feet wide, that there is a steep slope in one section of the road, and that the culvert size and grade into the Bulson property where the tourist home is proposed must be addressed. The applicant indicated that these issues will be addressed during site plan review. This matter has been placed on the June 15 agenda for further discussions, pending receipt of the engineering report concerning Indian Creek Lane.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Joseph Luciano concerning property located on Spring Avenue Extension (Tax Map No. 113.-7-8.112), an existing 11.49-acre parcel. Mr. Luciano was present on the application. Mr. Luciano explained that his daughter and son-in-law had purchased the property at this location in 2016, which had originally consisted of two lots but had been merged into one lot at their closing. Mr. Luciano explained that he previously lived in the Town of Brunswick on Pinewoods Avenue, but had then moved to Latham, and that he was looking to relocate back to Brunswick and build a home on this property next to his daughter and son-in-law. The proposal is to divide the existing 11.49-acre parcel into a 3.83-acre parcel and a 7.66-acre parcel for construction of single-family homes for Mr. Luciano and for his daughter and son-in-law. The Planning Board reviewed the proposed lot layout, and had discussions concerning driveway locations as well as size of the lots in relation to Rensselaer County Health Department approvals. Mr. Luciano stated that there was a public water main adjacent to the properties on Spring Avenue Extension. Attorney Gilchrist stated that Mr. Luciano will need to coordinate with the Brunswick Water Department, as this property appears to be in a location where a public water district had been proposed, but had not yet been approved or established by the Brunswick Town Board, and so connection to the public water main will need to be reviewed by the Brunswick Water Department. The Planning Board did note that the size of these proposed lots are adequate in the event a private water supply well is needed in addition to Rensselaer County Health Department approval for private septic. Mr. Luciano stated that he would coordinate with the Brunswick Water Department on that issue. The property is located in the R-25 Zoning District, and the lots are well in excess of minimum lot requirements under the Brunswick Zoning Code. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion

was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, subject to Rensselaer County Health Department required approvals and issuance of driveway permits from Rensselaer County. Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the subdivision waiver application approved subject to the stated conditions.

One item of old business was discussed.

Chairman Oster noted that the Planning Board had not yet received any further application from Rensselaer Honda concerning the extension of paved locations at the Rensselaer Honda site on Hoosick Road, and that the matter remains outstanding. The Brunswick Building Department will need to follow up on that matter.

The index for the June 1, 2017 meeting is as follows:

1. Leon - Minor subdivision - 6/15/2017 (public hearing to continue at 7:00pm);
2. Murphy - Waiver of subdivision - Approved with condition;
3. Bulson - Site plan - 6/15/2017;
4. Luciano - Waiver of subdivision - Approved with conditions.

The proposed agenda for the June 15, 2017 meeting currently is as follows:

1. Leon - Minor subdivision (public hearing to continue at 7:00pm);
2. Bulson - Site plan;
3. Barbera - Waiver of subdivision;
4. Mazzariello - Waiver of subdivision.