

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 17, 2014

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

ABSENT was TIMOTHY CASEY.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

ABSENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the Town website.

The Planning Board opened a public hearing on the minor subdivision application submitted by Gene Coletti for property located on Cooksboro Road. The notice of public hearing was read into the record, with that notice having been published in the Troy Record, placed on the Town sign board, placed on the Town website, and mailed to owners of all adjacent properties. Chairman Oster requested that the Applicant present a brief overview of the proposal. Gene Coletti presented a brief overview, stating that the family owns approximately 160 acres of land, most of which is situated in the Town of Pittstown but part of which is also located in the Town of Brunswick. For purposes of estate planning, the family is looking to divide the property into three parcels, with no intent of building on these lots at this time. Mr. Coletti noted that the Town of Pittstown Planning Board had already approved the subdivision, and he is seeking approval of the Town of Brunswick for that portion of the property lying in the Town of Brunswick. Chairman Oster then opened the floor for receipt of public comment. Mark Huffam, 1925 NYS Route 7, stated that he owns property adjacent to the Coletti property, and

had an inquiry as to where the property lines were being drawn. Mr. Coletti reviewed the proposed lot lines with Mr. Huffam, and Mr. Huffam stated he had no objection to the Coletti subdivision, but was just concerned regarding potential drainage as his property has been subjected to additional drainage impacts as a result of construction of homes on Cooksboro Road. Upon hearing no further public comment, the Planning Board closed the public hearing on the Coletti minor subdivision application.

The Planning Board then opened the regular business meeting.

The draft minutes of the April 3, 2014 meeting were reviewed by the Planning Board. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the April 3, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application submitted by Gene Coletti for property located on Cooksboro Road. Chairman Oster stated that the public hearing had been held and closed, and inquired whether any members of the Planning Board had any further questions or comments concerning the application. Member Czornyj stated that while it is not a subdivision review issue, he did alert Mr. Coletti that the subdivision plat did show the property line for the Coletti parcel going to the center line of the county highway, and that this is something that the Coletti family may want to address with the county in the future. Hearing no further questions or comments on the application, Chairman Oster entertained a motion concerning SEQRA. Member Tarbox 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 Tarbox made a motion to approve the minor subdivision application, noting that given the size of the lots this was a non-realty subdivision and therefore Rensselaer County Health Department

review and approval is not required. Member Mainello seconded the motion. The motion was unanimously approved, and the Coletti minor subdivision application approved.

The second item of business on the agenda was the application to amend a site plan submitted by Carbone Auto Group for property located at 800 Hoosick Road. Attorney Gilchrist informed the Board that he had been contacted by the engineering firm for the Applicant concerning the issue of the NYSDOT use and occupancy permit, and was provided with the name of the contact person at NYSDOT who was reviewing the proposed plans. In turn, Attorney Gilchrist had Planning Board engineer Bonesteel contact NYSDOT to discuss the status of NYSDOT's review and also the terms and conditions of any proposed use and occupancy permit. NYSDOT forwarded to Mr. Bonesteel a form use and occupancy permit, which is now being reviewed by Mr. Bonesteel and Attorney Gilchrist. Accordingly, further research regarding the use and occupancy permit terms is ongoing, and this matter is adjourned to the May 1, 2014 meeting.

The next item of business on the agenda was the Mulinio proposed amendment to Planned Development District, upon referral from the Town Board for review and recommendation. Chairman Oster indicated that he is in receipt of the letter from Laberge Engineering providing review comments on the application. Ron Laberge, P.E. was present at the meeting. Mr. Laberge summarized his comment letter dated April 17, 2014 for the Board. Dave Mulinio was also present at the meeting. Mr. Laberge stated that a site plan should be prepared showing the location where additional activities are proposed; that the Applicant should clarify in writing all of the proposed uses; that the Applicant should confirm that all proposed additional operations will occur within the footprint of the original approved PDD location; that given the fact that nighttime operations are being proposed, a noise assessment should be performed including all noise sources, including generators, tractors, and any additional noise

sources for the proposed additional activities, including assessment both at the property line and closest offsite residence; that additional traffic associated with the additional uses should not pose a significant impact given existing infrastructure and traffic flow, and the addition of a traffic signal at the Oakwood Avenue/Farrell Road intersection; that the introduction of lighting for nighttime activities should not be a significant impact due to the shielding of lights or down-lighting; and that the height of a proposed tent should be provided. Chairman Oster noted that certain additional review issues did arise regarding the proposed additional activities, most significantly the potential noise issue. Chairman Oster noted that he had stopped by the site, and now had an appreciation of the total area of the site operations, and that he was surprised as to the full extent of the site operations since they are not apparent as one travels on Oakwood Avenue. Chairman Oster did state that in his opinion, the only significant issues on reviewing the proposed amendment were potential light and sound issues. Mr. Laberge stated that with respect to the lights, they were proposed to be portable and adjustable, so that once they are onsite and operating, even if adjustments need to be made, the type of lighting is designed to be flexible both in terms of height and light direction. Member Czornyj did concur that the most significant issue on this application is potential noise issues, noting that Laberge estimated the distance to the nearest residence being 900 feet. Mr. Mulinio stated that the 900 feet was from the perimeter of the full site operations, but that the location where the additional activities are being proposed are more in the area of about 1800 feet from the closest residence. Mr. Laberge stated that he did not disagree with that, but wanted to confirm that there were going to be various activities occurring on this site, and that the closest residence to the overall site is approximately 900 feet. Mr. Laberge did concur with the Planning Board that the most significant issue is noise, particularly since these operations are proposed for the evening. Chairman Oster inquired whether the Planning Board should proceed with its recommendation now, or wait until the

additional noise data has been prepared. Attorney Gilchrist reviewed the schedule for this application, including recommendations from both the Planning Board and Zoning Board of Appeals. Mr. Mulinio also discussed the timing of getting the additional noise data together. In that regard, Mr. Laberge stated that he would work with Mr. Mulinio and any consultant for Mr. Mulinio concerning the additional sound data required, and that it should not require an extended period of time to put that additional noise data together. Chairman Oster felt that it would be beneficial to the Planning Board, as well as the Zoning Board of Appeals, to have the additional information concerning noise generation at the time each Board made its recommendation. Mr. Mulinio concurred, and stated he wanted to have that information in front of the Board so it could consider that in connection with its recommendation. Mr. Mulinio also stated that he did speak with all of the neighbors located on Farrell Road, including the neighbor living in closest proximity, and that no one raised any objection to the additional activities being proposed. After further discussion concerning schedule and preparation of additional noise data, this matter is tentatively placed on the May 1 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Brooks Heritage, LLC with regard to property located on Dusenberry Lane. Attorney William Doyle was present for the Applicant. Attorney Doyle provided a background for the current application, noting that this particular 7± acre parcel sought to be divided was the subject of a purchase contract by Brooks Heritage with the former owner, George Morrissey, for purposes of necessary road improvements in connection with the Brooks Heritage proposed subdivision on adjacent property, but that Mr. Morrissey had passed away and the property became subject to extensive litigation. Mr. Doyle stated that a proposed resolution of all outstanding litigation was achieved, subject to the current application to divide approximately 2± acres from the 7± acre parcel for transfer to a third party, with Brooks Heritage, LLC retaining

ownership of the balance of the 7± acre parcel. Attorney Doyle stated that the current application sought approval for only one building lot, which will include the existing home, water, septic, driveway, and utilities, with the balance of the parcel being expressly not for building purposes at this time and to remain vacant at this time. Attorney Doyle made it clear that Brooks Heritage, LLC was looking to incorporate this retained vacant land into his overall subdivision project, but that the current application sought only the approval of the one building lot, with the retained land being expressly not for building purposes at this time and to remain vacant until such time as a further application to the Town Planning Board was to be made. Attorney Doyle also explained that the proposal included a match line, such that all remaining land following the division of the 2± acre home parcel would remain as one lot, so that the result of the proposed waiver would be one building lot with the existing home, and one lot containing remaining land not for building purposes at this time and to remain vacant until such time as a further application to the Town Planning Board was made. Member Wetmiller inquired whether a condition to any approval could be made stating that the remaining land was not approved as a building lot at this time. Attorney Gilchrist stated that the Planning Board did have the jurisdiction to attach a condition to this action stating that the retained land was not approved for building purposes at this time. Member Czornyj did inquire whether the resulting building lot on which the current home sits would still be available to Brooks Heritage, LLC for grading purposes to widen Dusenberry Lane in connection with his overall subdivision project. Attorney Doyle stated that Brooks Heritage would be retaining the right to complete that grading work as part of the transaction with the intended third party owner. Member Tarbox inquired whether the retained land would have frontage on a public road. Attorney Doyle stated that the retained land would have frontage both on Dusenberry Lane, and a portion would have potential frontage onto Route 142 since Brooks Heritage also owned property directly adjacent to Route 142. Member

Mainello asked whether there were any structures on the retained vacant land. Mr. Kreiger confirmed that while a pole barn had previously existed on the area of the vacant retained land, that pole barn had previously been removed. Chairman Oster confirmed with the Planning Board members that this proposed waiver was a direct way to resolve a very complicated and litigated matter, and that he felt that this proposal was appropriate as long as it was conditioned on the retained land being expressly not for building purposes at this time. Chairman Oster inquired whether there was any further question or comment from the Planning Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved unanimously, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the following conditions:

1. The waiver would result in one approved building lot, on which the existing home, driveway, water, septic, and utilities already exist, with such lot meeting all necessary setback requirements;

2. The balance of the original 7± acre parcel, which will be retained by the Applicant Brooks Heritage, LLC, was to remain as one parcel as shown on the plan with the match line indication;

3. The part of the original parcel to be retained by Brooks Heritage, LLC is not approved for building purposes at this time; and

4. The Applicant must submit to the Town Building Department a copy of the final survey prepared for the approval building lot on which the current home is situated.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Alta East, Inc. for property located at 1163 Hoosick Road, the redevelopment of the former Spiak's

Garage. The Planning Board members were provided with a recent email from the engineer for the Applicant, noting that the resolution of the water line issue for this site was still being addressed. Mr. Kreiger also noted that he was not yet in receipt of the final site plans. This matter has been placed on the May 1 agenda for further discussion.

There were no items of new business.

There was one item of old business discussed. Mr. Kreiger has been contacted by the Applicant for the proposed Brunswick Veterinary site plan located on NYS Route 7, and that final site plan drawings would be shortly submitted and it was requested that such application be placed on the May 15 meeting agenda.

The index for the April 17, 2014 meeting is as follows:

1. Coletti – minor subdivision – approved.
2. Carbone Auto Group – amendment to site plan – 5/1/14.
3. Mulinio – amendment to Planned Development District – 5/1/14.
4. Brooks Heritage – waiver of subdivision – approved with conditions.
5. Alta East, Inc. – site plan – 5/1/14.

The proposed agenda for the May 1, 2014 meeting currently is as follows:

1. Carbone Auto Group – amendment to site plan.
2. Mulinio – amendment to Planned Development District.
3. Alta East, Inc. – site plan.