

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 7, 2014

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, FRANK ESSER, and DAVID TARBOX.

ABSENT were KEVIN MAINELLO, TIMOTHY CASEY and VINCE WETMILLER.

ALSO PRESENT was DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the posted agenda for the meeting, and noted that at the request of the Applicant, the Broderick waiver of subdivision has been adjourned without date.

The Planning Board reviewed the draft minutes of the July 17, 2014 meeting. Upon motion of Member Tarbox, seconded by Member Esser, the draft minutes of the July 17 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Ruth Colman for property located at the southerly end of Grandview Drive and the westerly side of Creek Road. Rod Michaels of RDM Surveying was present for the Applicant. Mr. Michaels reviewed the location of the current parcel, which is a 36± acre parcel. The property owner seeks to divide this parcel into two lots, one lot being approximately 16.5 acres in size, and one lot being approximately 19.5 acres in size. One building lot will have frontage directly off Creek Road, and one lot will have frontage off Grandview Drive. Given the size of the lots, this application is for a non-realty subdivision. Mr. Michaels stated that for the proposed lot with access off Creek Road, there is an existing entrance way which could be

utilized for this building lot, and that the owner had previously brought power into the lot. It is Mr. Michaels' understanding that the owner was going to build on the lot with access off Creek Road, but did not complete any construction even though power had been brought into the site. Member Czornyj asked whether the existing entrance way off Creek Road could include a 2% back pitch. Mr. Michaels opined that a 2% back pitch could probably be constructed, but that Creek Road is a county road and therefore will need a Rensselaer County driveway permit. Member Tarbox noted that given the lengths of driveways for these building lots, the driveways will need to meet the Town standards for driveways over 150 feet. Mr. Michaels confirmed that there were no current plans by the property owner to build, just creating these two building lots. Mr. Bonesteel did confirm that a county permit will be required in order to install a driveway off Creek Road, and that all necessary county requirements will need to be met for the issuance of a driveway permit. Mr. Michaels again confirmed that the current owner did not seek to immediately construct, and that all necessary county work permits for a driveway would need to be obtained in the future. The Planning Board members generally reviewed the lot layouts, including road frontages and sight distances for potential driveway locations. Mr. Bonesteel had no further comments. Chairman Oster inquired whether the Board members had any further questions or comments on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. 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 conditions that all necessary work permits from Rensselaer County must be obtained prior to constructing a driveway for the lot with access off Creek Road, and that the driveways for these lots must meet all Town of Brunswick standards and that a driveway permit must be obtained from the Town Highway Department for access off Grandview Drive. Member

Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Colman waiver of subdivision granted subject to the stated conditions.

The second item of business on the agenda was the waiver of subdivision application submitted by Cioffi for property located at 65 Gypsy Lane. Mark Danskin was present for the Applicant. Mr. Danskin again reviewed the proposed layout of these lots, reiterating that there is an existing 5.4 acre parcel located at 65 Gypsy Lane, and that the owner seeks to divide this parcel to create a 2.21± acre building lot for residential use, with the balance of the original parcel remaining as the existing homestead lot. Mr. Danskin noted that the Planning Board members wanted to see the property before acting on the application. Member Tarbox inquired about the grade of the new building lot off Gypsy Lane, and that the owner would need to coordinate with the Town Highway Department and obtain a driveway permit before construction of any driveway for the new lot. Mr. Danskin stated that he would coordinate with the Town Highway Department on location of a driveway to meet appropriate grade, and obtain the necessary driveway permit. Mr. Bonesteel had no further comments. Chairman Oster inquired whether there were any further questions or comments on the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application subject to the conditions that Rensselaer County Health Department approval is required for water and septic for the new building lot, and that a driveway permit will need to be obtained for the new building lot from the Town Highway Department in compliance with all Town driveway standards and that the owner must coordinate with the Town Highway Department on driveway location. Member Czornyj seconded the

condition subject to the stated conditions. The motion was unanimously approved, and the Cioffi waiver of subdivision application approved subject to the stated conditions.

Chairman Oster entertained one item of old business.

The owner and representative of the Alta East site plan application for the redevelopment of the former Spiak's Garage on NYS Route 7 were present to review the status of the site plan for this project. Rob Osterhault, P.E., Bohler Engineering, was present, and stated that since this project was last before the Planning Board, the project did receive an area variance and special use permit from the Brunswick Zoning Board of Appeals. The area variance permitted the location of the gasoline pump island canopy to be located within 5 feet of the front property line, and that the Zoning Board of Appeals did grant the special use permit for the operation of a filling station at this location. Since the time of the Zoning Board action, Mr. Osterhault explained that the Applicant was working with NYSDOT on having the State consider abandonment of a portion of the NYS Route 7 right-of-way in order to allow some reconfiguration of the site. Mr. Osterhault explained that the Applicant sought to acquire some additional area of the NYS Route 7 right-of-way in order to bring the building and facility closer to Route 7, so that the building location did not appear to be as far removed from the Route 7 travel-way. Mr. Osterhault explained that the Applicant had reached out to NYSDOT to seek the abandonment of part of the public right-of-way to incorporate that area into the site plan. Mr. Osterhault explained that NYSDOT informed the Applicant that NYSDOT merely had maintenance responsibilities over this right-of-way, but that actual title to the right-of-way was in Rensselaer County. In turn, Mr. Osterhault explained that the Applicant had now been dealing directly with Rensselaer County, including the Rensselaer County Attorney's Office, to have the right-of-way area directly in front of this site abandoned. Mr. Osterhault explained that Rensselaer County was not opposed to the right-of-way abandonment, and had already passed a

County resolution seeking NYSDOT to relinquish the State obligation to maintain this right-of-way. Mr. Osterhaut explained that NYSDOT was in the process of abandoning its maintenance responsibilities for this area of the right-of-way, which would then revert to Rensselaer County. Once that had been completed, Mr. Osterhaut explained that Rensselaer County would be in a position to fully abandon the right-of-way area in front of the project site, which then could be incorporated into the site plan. Mr. Osterhaut explained that this abandonment of the right-of-way pertained to an area of about one-quarter acre in size, and that this one-quarter acre would be incorporated into the site plan. Mr. Osterhaut then presented a revised site plan showing the incorporation of the approximate one-quarter acre right-of-way abandonment area into the project site, which then allows a slight shifting of the structures on the site closer to the Route 7 travel-way. Mr. Osterhaut did explain that the same use is being proposed, including the same building and traffic circulation configuration, including a driveway to the rear of the building. Mr. Osterhaut explained that the Applicant was working with the Rensselaer County Department of Health on the septic proposal, and based on soils testing, a revised area for the septic system has been identified on the westerly portion of the project site. Mr. Osterhaut explained that the parking layout had been slightly altered due to the revised septic location, but that the total number of parking spaces was still compliant with Town standards. Mr. Osterhaut also explained that with the anticipated abandonment of the right-of-way, the curbed islands at this site which are currently paved would be revised, and that the pavement would be removed from the interior of the curbed islands and additional greenspace, including low plantings, would be added to the curbed islands. Mr. Osterhaut also identified the relocation of the dumpster area, which has been moved to the west side of the project site near the service area. Mr. Osterhaut explained that in the service area, the Applicant was proposing to add a low berm plus additional plantings to minimize visual impact. Mr. Osterhaut reviewed the fuel delivery

layout, explaining that his office had analyzed the necessary turning radius for fuel deliveries and that the site has been designed to meet necessary turning radius. Chairman Oster inquired as to where the original septic location was. Mr. Osterhautd explained that the original septic location was behind the proposed building, but that the soils in that area did not meet County requirements, and that the septic area has been relocated to the western side of the building. Chairman Oster inquired as to the status of the water supply issue to this site. Mr. Osterhautd explained that the site is being served by public water through a private service line to the rear of the project site, and that he had coordinated with the Town Water Department on requirements to continue to use that private line. In order to allow the continued use of that line, the location of that line needed to be identified, which does traverse several other private parcels over which the Applicant does not have control, and further that it was Mr. Osterhautd's understanding that the existing private water line was constructed in an area that has significant fill, perhaps as deep as 20 feet, which would need to be addressed in order to make the existing private line a public water supply. Given the difficulties of obtaining necessary easements and the cost of reconstructing the water line, the Applicant had developed a revised plan to supply public water to the site. The revised plan includes connecting a new private water service from an existing Town watermain located on the property of William Doyle, Esq., and obtain an easement from Mr. Doyle to allow the installation of a private water service line directly from the Town watermain to this site. Mr. Osterhautd explained that this would require directional drilling under NYS Route 7 and a stream, and that directional drilling would also be undertaken through the property of Mr. Doyle to tap into the existing Town main. Mr. Osterhautd explained that a final easement has not yet been prepared with Mr. Doyle but that a conceptual agreement is in place. Chairman Oster stated that the Planning Board will place this matter on the August 21 agenda, which will provide the Planning Board members time to review the revised site plan. At

the August 21 meeting, the Planning Board will address whether the site plan application documents are complete for purposes of scheduling a public hearing, which could be scheduled for the first meeting in September. Attorney Gilchrist stated that the Applicant should submit a copy of the Rensselaer County resolution seeking abandonment of the NYSDOT maintenance responsibility on NYS Route 7 right-of-way in front of the project site for the record, and further the Applicant should obtain a writing from Mr. Doyle stating that he is in conceptual agreement with the waterline easement, subject to preparation of the final easement document. Member Tarbox asked about the drainage patterns on the site, and whether there is any significant stormwater runoff from the Rifenburg property to the rear. Mr. Osterhault stated that it did not appear that there was significant runoff from the Rifenburg property, and that an existing drainage swale would be maintained to the rear of the project site. Mr. Bonesteel inquired as to the size of the watermain located on the Doyle property. Mr. Osterhault stated that the watermain was 16", and that the Applicant would be tapping directly off the 16" watermain for water service. Mr. Bonesteel asked about the distance from the existing watermain to the project site. Mr. Osterhault did not have that information immediately available, but stated that it was under 1,000 feet. Mr. Bonesteel confirmed that there would be under 1 acre of site disturbance in connection with the site plan. Mr. Osterhault stated that there would be under 1 acre of disturbance, and estimated approximately 37,000 square feet of disturbance for the site plan. Member Tarbox asked Mr. Osterhault to submit to the Planning Board an aerial photograph showing the proposed location of the water service line from the Town 16" watermain on the Doyle property. Mr. Osterhault stated he would supply that to the Planning Board. This matter is placed on the August 21 agenda for further discussion.

One item of new business was discussed. An application for waiver of subdivision has been submitted by Les McDermott for property located at 795 Hoosick Road. Mr. McDermott

was present on the application, together with his surveyor, Rod Michaels of RDM Surveying. Mr. McDermott explained that the waiver of subdivision application sought to divide the parcel located at 795 Hoosick Road on which the Carbone Subaru Dealership currently sits, and which was the site of the old Action Chevrolet Dealership, in order to convey a 4± acre area to Mr. McDermott to merge into the parcel he is obtaining and on which the Planning Board approved the site plan for the operation of a gun shop with an indoor gun range at 807 Hoosick Road. Mr. McDermott explained that he was seeking to obtain this additional 4± acres to merge into the parcel located at 807 Hoosick Road. Mr. McDermott filed a copy of a letter executed by the owner of 795 Hoosick Road, ADD Leasing Corp., consenting to and supporting the waiver of subdivision application. Mr. Michaels explained that he would be preparing one metes and bounds description for the property at 807 Hoosick Road plus this additional 4± acre area, and that this 4± acre area would be legally merged into the parcel at 807 Hoosick Road and be identified in one deed. The Planning Board noted that the waiver map showed the existing parcel at 795 Hoosick Road, identifying that lot as “Lot #1”, and that such 4± acre area has been identified as “Lot #3”, and that the parcel at 807 Hoosick Road has been identified as “Lot #4”. It will be required that the lots identified on the waiver map as “Lot #3” and “Lot #4” will be legally merged into one lot and identified as 807 Hoosick Road. Mr. Bonesteel had no further comments. Chairman Oster inquired whether the Planning Board was ready to proceed with action on this application. The Planning Board generally concurred that adequate information has been submitted, and the Board was ready to proceed with action. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. 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 the lots identified as “Lot #3” and “Lot #4” on the waiver map be

legally merged into one parcel and included and identified as 807 Hoosick Road, and that proof of such legal merger be filed with the Brunswick Building Department. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

The Planning Board discussed a proposed resolution and memorandum concerning the number of apartments/rental units in the Town of Brunswick. The further consideration of that issue, including a proposed resolution and memorandum, is placed on the August 21 agenda for further discussion.

The index for the August 7, 2014 meeting is as follows:

1. Broderick – waiver of subdivision – adjourned without date.
2. Colman – waiver of subdivision – approved with conditions.
3. Cioffi – waiver of subdivision – approved with conditions.
4. Alta East – site plan – 8/21/14.
5. McDermott – waiver of subdivision – approved with conditions.
6. Resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick – 8/21/14.

The proposed agenda for the August 21, 2014 meeting currently is as follows:

1. Alta East – site plan.
2. Mulinio Planned Development District amendment – site plan (tentative).
3. Discussion of resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick.