

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 21, 2014

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the posted agenda for the meeting.

The Planning Board reviewed the draft minutes of the August 7, 2014 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the August 7 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application of Alta East, Inc. for the redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenience store with retail gasoline sales. Rob Osterhault, P.E., from Bohler Engineering appeared on behalf of the Applicant. Chairman Oster stated that the Planning Board had received additional documents from Mr. Osterhault including a copy of a resolution from the Rensselaer County Legislature dated July 8, 2014 entitled "Resolution Requesting the New York State Department of Transportation to Release Maintenance Jurisdiction over a Parcel along Route 7 – Highway Department", as well as a copy of a plan entitled "Water Service Routing Plan", dated August 12, 2014, last revised August 15, 2014. Mr. Osterhault briefly reviewed the project proposal and indicated that the Applicant had presented updated plans at the prior Planning

Board meeting. He also indicated that in addition to submission of the County Resolution and the copy of the Water Service Routing Plan, he had submitted plans to Mr. Bonesteel and had received comments back. The primary comments from Mr. Bonesteel concerned stormwater management on the site and the Applicant had submitted a stormwater report to Mr. Bonesteel today. The Applicant acknowledged that Mr. Bonesteel likely did not have an opportunity to review the report, but indicated that the report concludes that there would be an overall reduction in the stormwater flowing off of the site. Chairman Oster asked Mr. Bonesteel whether he had any other comments concerning the plan. Mr. Bonesteel indicated that his comments primarily relate to drainage and the calculations for the stormwater pond and pipe sizing. He also indicated that he did not believe that 3” of asphalt would be thick enough and Mr. Osterhaut indicated that he agreed and the Applicant would increase the asphalt depth. Mr. Bonesteel also commented that there was some ministerial mislabeling errors on the plans which the Applicant will correct. Member Wetmiller asked Mr. Osterhaut a question concerning the parking spaces located near the drive-thru exit. Member Wetmiller was concerned that there may be some traffic flow problems at that intersection of the drive-thru exit and the parking spots, particularly in light of the placement of the dumpster which might inhibit the view of persons attempting to exit those parking spots. Mr. Osterhaut indicated that the parking spots will not be signed for “employees only”, but that in fact, the employees will be using those spots. In addition, Mr. Osterhaut indicated that the drive-thru would have a stop line placed at the end of the drive-thru lane in an area that would make the exiting cars from the drive-thru visible to any persons attempting to exit the parking spots. Chairman Oster indicated that one of the primary issues concerning this plan relates to the extent of the County’s right-of-way over which the New York State Department of Transportation has maintenance jurisdiction. Given the County Resolution provided by the Applicant, Chairman Oster commented that he believed the Board had enough

information to schedule a public hearing. The Board asked Mr. Bonesteel about the stormwater management plan for the site, and Mr. Bonesteel indicated that due to the size of the disturbance on the parcel, a stormwater management plan was not required. Member Czornyj asked whether the private water service line would be a 2" water line. Mr. Osterhautt indicated that the private water service line would be 1.5" and it would be installed primarily using directional drilling through the Doyle property and underneath Route 7. Mr. Osterhautt also indicated that there would be a meter pit located at the junction of the 1.5" private water line and the 16" Town-owned water main and that the Applicant would coordinate with the Town Water Department with respect to water line issues. The Board agreed that the application was complete enough for purposes of scheduling a public hearing. The public hearing on the application was scheduled by the Board for September 4, 2014 beginning at 7:00 p.m. Mr. Osterhautt then asked the Board how the County referral would be handled, given the submission of additional information relating to the right-of-way issue and the private waterline issue. Mr. Kreiger indicated that he expected to send out the County referral on Friday, August 22, 2014 and that sometimes the County is able to respond within one to two weeks. Chairman Oster noted however, that the County has a thirty day period within which to respond, and the Planning Board cannot act until either the County responds or the 30 day period expires.

The next item of business on the agenda was the Mulinio site plan application. The Applicant was not available to be present, but was represented by its administrator, Matthew Dinon. Member Czornyj indicated that he had not received a site plan to review for this application. The remaining Board members agreed that they had not received a site plan to review. The Board asked questions of Mr. Dinon, but Mr. Dinon was not sufficiently familiar with the proposal to be able to respond. Mr. Tingley asked Mr. Kreiger whether there was a site plan filed with the original application for the PDD amendment, that the Board could review

tonight. Mr. Kreiger searched his file and was able to locate a small sheet that generally indicated where items would be located in handwritten notations, but there was no site plan that could be reviewed. The Board determined that it could not review the site plan application without a site plan having been submitted. At a minimum, the site plan should show the location of the tent/maze at the beginning of the attraction, as well as the route that will be taken by the trailers, as well as the location of any lights and generators. Member Casey asked for clarification concerning the expanded hours that had been approved by the Town Board and the PDD amendment application. Mr. Dinon had familiarity with the approved hours of operation under the original PDD, but was unable to provide detail concerning the expanded hours that had been approved by the Town Board with respect to the PDD amendment. Mr. Tingley informed Mr. Dinon that he should immediately consult with Mr. Mulinio, and that if Mr. Mulinio would like this matter to be on the September 4 agenda, and to be reviewed and possibly addressed at that meeting, a site plan should be submitted as soon as possible. The site plan should be submitted far enough in advance of the September 4 meeting to allow the Planning Board members to review its details. Mr. Tingley indicated that there are two meetings in September at which the application could be addressed and the Applicant had been previously requesting that the application be considered sufficiently in advance of the last weekend in September for action. Mr. Tingley reiterated the importance of getting a site plan to the Board so that the Board had an ample opportunity to review the details of the site plan prior to the September 4 meeting. The Board determined to place the Mulinio site plan application on the agenda for the September 4, 2014 meeting, pending receipt of a site plan.

The next item of business on the agenda was the draft resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick. Chairman Oster reviewed the draft memorandum that had been prepared by the Planning Board Attorney on

August 7, 2014. Chairman Oster asked the Board whether there were any items to be discussed with respect to the resolution and memorandum, and none of the Board members had any comments or proposed changes. Chairman Oster summarized the memorandum by stating that it urges the Town Board to analyze the total number of rental units in the Town as compared to total number of owner occupied units in the Town, whether the Town has approached a saturation point in terms of total rental units in the Town, what impact the increased number of rental units in Town has on the overall Town real property tax base and overall Town services, and the impact of larger rental unit buildings upon existing utilities. Chairman Oster noted that the memorandum amounts to a recommendation being sent to the Town Board to consider the issue in the Town of Brunswick not with particular regard to any one project, but more from a Town wide planning perspective particularly in light of the recently adopted Comprehensive Plan and the Town Board's current consideration of possible Zoning Code amendments and updates. Member Tarbox made a motion to adopt the resolution before the Board adopting the memorandum concerning rental units in the Town of Brunswick, which was seconded by Member Wetmiller and was put to a roll call vote as follows:

Chairman Oster	voting <u>yes</u>
Member Czornyj	voting <u>yes</u>
Member Esser	voting <u>yes</u>
Member Casey	voting <u>yes</u>
Member Tarbox	voting <u>yes</u>
Member Wetmiller	voting <u>yes</u>
Member Mainello	voting <u>absent</u>

Chairman Oster asked Attorney Tingley whether a Planning Board representative should be sent to the Town Board meeting to present the resolution and memorandum to the Town of Brunswick. Attorney Tingley indicated that the resolution directs that the memorandum and resolution be transmitted to the Town Board for consideration, but if the Planning Board desired

to send a representative, it was certainly permitted to do so. Chairman Oster indicated that he would consider whether a Planning Board representative should present the resolution and memorandum to the Town Board.

There were several items of new business that were discussed.

A site plan application has been submitted by American Housing Foundation for property located at 112 McChesney Avenue, on a parcel that is approximately 4± acres in size on which American Housing Foundation proposes to construct a three-story, 86 unit senior apartment building for people 55 years of age and older, with associated access, parking, municipal water and sewer and stormwater management. Linda T. Stancliffe of Creighton Manning was present on the application. Ms. Stancliffe explained that the proposal was intended for seniors only, aged 55 and older and was located in a R-25 Zoning District. The parcel is currently vacant. American Housing Foundation has 6 other senior apartment communities in the Capital District and typically targets the middle income/asset sector of the senior population. The typical rents for American Housing Foundation communities range between \$650 - \$950 per month. The proposal envisions 86 units, in a three-story building, 75% of which will consist of one-bedroom units, with the remainder to be two-bedroom units. Ms. Stancliffe acknowledged that there was a height limit of 30' and indicated that the proposal may actually only be two and one-half stories high. Ms. Stancliffe also indicated that the application is also currently in front of the Zoning Board of Appeals because the application does not qualify for PDD treatment. The site is 4 acres, and the PDD process is only available to projects on parcels of 10 acres or more. Ms. Stancliffe indicated that the proposal would amount to the building covering approximately 17% of the total square footage of the parcel. It was Ms. Stancliffe's understanding that the ZBA would like to have a coordinated review with the Planning Board. The Planning Board discussed coordinating with the Zoning Board of Appeals and how the SEQRA process could potentially

work. The Board asked Ms. Stancliffe whether the proposal for senior apartments would, if approved, actually remain senior apartments, given a history in the Town where senior apartment proposals have been approved and later the operator has opened the apartments up to other segments of the population. Ms. Stancliffe indicated that the intent at this point was to construct senior housing and that she would like an opportunity to confer with her client and to respond to the question in writing. The Planning Board then discussed the overall procedure relating to the effect of the resolution that had immediately before this item been adopted concerning apartments and the effect of that resolution on their review, as well as the SEQRA coordination and steps moving forward. Chairman Oster also summarized previous plans that had been made for this same site. Member Czornyj commented that the parking appeared to be somewhat tight. Ms. Stancliffe responded that the parcel is located near a bus stop which is in the Price Chopper Plaza and that the Applicant has started discussions with CDTA regarding a possible new stop at the McChesney Avenue intersection. Member Esser commented that the proposal was yet another three-story building of apartments, and Ms. Stancliffe stated that the project could possibly be two and one-half stories. Chairman Oster also indicated that an important consideration for the Planning Board would be fire protection, particularly in light of the height of the buildings and the intended population of the building. Ms. Stancliffe commented that the facility would be served by public water and public sewer. She indicated that there is a water valve located at the street, but that sewer might require an easement. The Board determined to place the matter on its September 4, 2014 agenda tentatively for purposes of discussing how to proceed with respect to SEQRA coordination and lead agency. The Board asked Ms. Stancliffe if there were other locations in the area that they could visit to see the types of facilities operated by American Housing Foundation. Ms. Stancliffe listed a number of locations, including 320

Whitehall Road in Albany; 427 Columbia Street in Cohoes; 120 North Pines in Wilton; 790 Route 9W in Glenmont; and 100 Wilton Commons Drive in Wilton.

The next item of new business was the waiver of subdivision application on behalf of Keith Duncan and Sycaway Creamery involving parcels #90.-2-9.1, and 90.-2-9.2, for premises located at 51 Norfolk Street and 64 Duncan Lane. Present on behalf of the Applicant was Mark Danskin of Danskin Land Surveying, LLC. Mr. Danskin explained that the purpose of the waiver application was to allow the current tenants of 51 Norfolk Street to purchase the house in which they have lived for approximately 20 years. The house is currently located primarily on lands of Sycaway Creamery, Inc. but also on lands of Cecil Kent Duncan and Keith Duncan as well as apparently on the Town right-of-way associated with Norfolk Street. There was extended discussion concerning the layout of the proposed lots and questions concerning whether all property owners involved had consented to the application. Mr. Danskin indicated that his client was in the process of obtaining the signatures of all of the property owners. There was discussion concerning whether the right-of-way shown on the waiver map relating to Norfolk Street was owned by the Town or instead owned by private property owners. Mr. Danskin stated that it was his belief that the right-of-way was owned by the Town, because the right-of-way was shown on a 1913 subdivision map. Mr. Tingley commented that the area of the Town's right-of-way is unclear, and in some circumstances like these, the Town's right-of-way may be limited to the area of the use of the public highway in that area. Mr. Danskin stated that he believed that the Town owns the right-of-way shown on the waiver map. The Board had a number of questions concerning the layout of the lots, including the location of the existing property line which currently is shown as running through the garage structure located on the parcel for 64 Duncan Lane. Mr. Danskin stated that the Applicant had no intention of building any new structures, but was simply looking to create a lot so that the tenants of 51 Norfolk Lane could

purchase the building and associated yard that they had been using for the past 20 years. Mr. Tingley explained that the application seeks the Planning Board's approval to create two lots out of primarily one lot and therefore a number of issues need to be addressed concerning the location of the proposed lot lines. Attorney Tingley explained that it was his further understanding that the ZBA was asked to grant a number of variances, including set back variances and lot size variances, and that the Zoning Board was likely interested in knowing the Planning Board's review of the proposed project before the Zoning Board made determinations on the variances particularly in light of the jurisdiction of the Planning Board to approve/disapprove the lot lines. The Board indicated that the Applicant should be prepared to provide additional information relating to whether all property owners involved consented to the application (including whether the Town owned the right-of-way or instead whether private property owners owned that area shown on the waiver map as a right-of-way), the location of water and sewer service lines for both 51 Norfolk Street and 64 Duncan Lane, and how/whether the Applicant will address the encroachment of the garage structure from 64 Duncan Lane onto the adjoining property of Cecil Kent Duncan and Keith Duncan by adjusting the lot line. The application has been placed on the agenda for the September 4, 2014 Planning Board meeting.

The next item of new business discussed was the site plan application of Andy James for the Rensselaer Honda dealership located at 770 Hoosick Road. John Montagne of Greenman Pedersen, Inc. appeared on behalf of the Applicant. Mr. Montagne indicated that the intent of the proposal was to allow the Rensselaer Honda dealership to update its facility to comply with the newest standards set by the Honda brand. The improvements will include modifying the façade adding three additions, and generally cleaning up the existing site through a number of other improvements. The additions include an addition on the east side of the building which is the current service area located at the dealership, the intent of which is to bring the service entrance

up to Honda's latest requirements; and an addition in the rear of approximately 4,000 square feet with additional service bays with a ceiling height more accommodating of taller SUVs. The plan also proposes the improvement of the showroom area. Mr. Montagne also indicated that the proposal includes paving a portion of the site that is currently a gravel parking area as well as a modified road connection to McChesney Avenue. Member Czornyj stated that the cars that are currently on the gravel portion of the site are not part of the approved site plan. Mr. Montagne stated that part of the application was to amend the prior site plan approval in this way which would authorize parking in those areas. Mr. Montagne further stated that there has been an increase in traffic on Route 7 since the site plan was approved, and that drivers turning left onto Route 7 in that area from other sites have been involved in motor vehicle accidents, and the intent of the proposal in part is to allow traffic exiting the Rensselaer Honda site to use McChesney Avenue for purposes of entering Route 7, rather than requiring them to exit directly onto Route 7. The intent would be to allow for two-way circulation for employees and one-way exit for customers that intend to turn left onto Route 7. Those customers would then be permitted to use McChesney Avenue for purposes of entering Route 7. Mr. Montagne indicated that he had performed preliminary stormwater calculations, and the proposal includes removing two existing stormwater basins and developing a stormwater facility near the rear of the site. Mr. Montagne stated that the three additions would constitute an addition of 9,000 square feet of building area. The proposal seeks to increase greenspace on the site by reducing the paved and gravel portion of the site from 47% down to 43%, all of which will be paved. Mr. Montagne indicated that the proposal meets the zoning requirements for parking, providing 296 spots whereas 260 are required under the code. There was discussion concerning the relationship of the site to the Carbone site and the proximity of the paved area to the Carbone site and the proximity of the paved area on the Carbone to the Rensselaer Honda site. There was also

discussion concerning drainage from the property and the wetlands. The Board indicated that the County Highway Department will need to review any proposed intersection with McChesney Avenue. Mr. Bonesteel asked whether there would be new traffic on McChesney Avenue, and Mr. Montagne indicated that there should be no increase because although the entrance to McChesney Avenue was intended for emergency traffic, customers have in fact been using that exit in order to approach Route 7. Mr. Bonesteel indicated that there may be a need to do a cumulative traffic study given the approved projects and proposed projects for that area of the Town. Mr. Kreiger indicated that he believes a cumulative traffic study was done in connection with some of the apartment complex proposals, and Mr. Montagne indicated that if there was trip generation data contained in those studies then they would likely include at least a portion of the trips that would be entering and leaving from the Honda site. Mr. Montagne was asked whether the Applicant had a particular timeline for commencing construction, and it was Mr. Montagne's understanding that the Applicant was looking to begin building in the winter. The Planning Board placed the matter on the agenda for the September 18, 2014 meeting.

The next item of new business discussed was the waiver of subdivision application of Thomas and Diane Walsh for property located near the intersection of NYS Route 351 and Dearstyne Road. Mr. Holbriiter indicated that the Applicant seeks to divide a 9± acre lot into two lots. One lot is proposed to be a 3-acre lot, which will be sold to the Applicant's grandson, and the 6± acre lot is intended to be owned by the Applicant's daughter. Mr. Holbriiter explained that he had previously secured a subdivision in 2001 which created Lot 1A, Lot 2, and Lot 3, and then in 2003, Lot 3 was subdivided. Chairman Oster noted that there was no issue concerning whether this application could be treated as a waiver of subdivision, given the length of time since those approvals were granted. The Board asked Mr. Holbriiter whether the carport and chicken coop shown on the vacant lot could be moved to the lot on which the residence

currently sits. Mr. Holbriiter indicated that the carport could be easily moved and the chicken coop could be moved if required by the Board. The Board felt that the application was sufficiently complete for purposes of moving forward. Member Tarbox made a motion to adopt a negative declaration pursuant to SEQRA, seconded by Member Wetmiller, and the motion was adopted unanimously. With respect to the approval of the waiver of subdivision, the Board stated that it would require as a condition of approval that the structures shown on the plans as being the carport and the chicken coop be moved to the lands of Tom Walsh, Jr. where the residence is currently located. The intent of the condition is to ensure that the structures are located on a lot on which an accessory structure is permitted. Member Czornyj made a motion to approve the waiver of subdivision on the condition that the carport and chicken coop structures be relocated to the lot on which the residence is located, Member Esser seconded the motion, and the motion was adopted unanimously.

The next item of new business discussed was the application made by Fletcher for property located at 1928 Route 7. Brian Holbriiter appeared on the application. Mr. Holbriiter indicated that his intent in presenting the Fletcher application tonight was to get the Board's guidance concerning a very rough concept proposal to divide the subject property. Mr. Holbriiter indicated that the concept presented to the Board at this meeting envisioned three lots created from one existing lot with one of the lots to be used by the Applicant's daughter for purposes of building a home, and another lot to be used at some point in the future by the son of the Applicant who currently resides and works in Western New York. Mr. Holbriiter indicated that the Applicant's son is considering requesting a transfer of his employment from Buffalo to Albany, but that currently he is still located in Buffalo. Mr. Holbriiter explained that there is a steep driveway entering the property that is 12' wide and paved. Mr. Holbriiter asked the Board whether it would consider permitting the two additional proposed lots to share the existing

driveway. The Board indicated that the property owners are entitled to share the driveway, but that the Board was unable to approve the application without a showing that a driveway could be constructed directly from the public roadway to the two new lots. The Board also indicated that the application would be for a minor subdivision as currently proposed, but if the Applicant currently intended only to transfer a parcel to the Applicant's daughter at this time then a waiver of subdivision application may be more appropriate. The Board reiterated that it would not approve a shared driveway, and would only approve an application if it demonstrated that each lot had the ability to have its own driveway constructed. The Board also indicated that the Applicant should identify the existing well and septic. The Board also indicated that the Applicant would need to show that the newly created lot or lots could have a septic system approved. Mr. Holbriiter indicated that he would take the comments of the Board to his client and would prepare a formal application in accordance with the client's direction based on the Board's comments.

The index for the August 21, 2014 meeting is as follows:

1. Alta East – site plan – 9/4/14 (public hearing to commence at 7:00).
2. Mulinio – site plan – 9/4/14.
3. Resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick – approved.
4. American Housing Foundation – site plan – 9/4/14.
5. Duncan – 51 Norfolk Street – waiver of subdivision – 9/4/14.
6. Rensselaer Honda – site plan – 8/18/14.
7. Thomas and Diane Walsh – waiver of subdivision – approved with condition.
8. Fletcher – concept plan – adjourned pending receipt of formal application.

The proposed agenda for the September 4, 2014 meeting currently is as follows:

1. Alta East – site plan – public hearing.
2. Mulinio – site plan (tentative).
3. American Housing Foundation – site plan.
4. Duncan – 51 Norfolk Street – waiver of subdivision.

The proposed agenda for the September 18, 2014 meeting currently is as follows:

1. Rensselaer Honda – site plan.