

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 4, 2015

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, VINCE WETMILLER, KEVIN MAINELLO and TIMOTHY CASEY.

ABSENT were FRANK ESSER and DAVID TARBOX.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda items as posted by the Town on the sign board and Town website.

The Planning Board opened the public hearing on the site plan application submitted by Fred Fowler for property located at 1011-1015 Hoosick Road. The Notice of Public Hearing was read into the record, and the public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of property within 500 feet of the project site. Chairman Oster noted that the Planning Board is in receipt of the recommendation from the Rensselaer County Department of Economic Development and Planning, which indicated that the project does not have a major impact on County plans and that local consideration shall prevail, but did inquire as to whether the septic system on the site would be able to handle the needs of both the residential use and proposed commercial use as a kitchen/bakery. William Doyle, Esq. and Fred Fowler, Esq. were present for the applicant. Chairman Oster requested Attorney Doyle to update the Planning Board as to any additional information or changes to the project, as well as address the question raised by the Rensselaer

County Planning Department. Attorney Doyle stated that the Rensselaer County Health Department has issued a permit to update the on-site septic system, and that the septic plan and work permit includes projected septic flows for both the two-bedroom residence and commercial kitchen. Attorney Doyle also stated that public water is being connected to this building, coming off the public water supply in the Springbrook neighborhood, and that the owner is coordinating with the Brunswick Water Department on that public water connection. Attorney Doyle stated that identified handicapped parking has been added to the site plan. Attorney Doyle also stated that calculations for required parking for this site has been added, noting that four (4) parking spaces are required, whereas twelve (12) parking spaces have been provided, including two (2) in front of the garage that will be used for residential purposes. Attorney Doyle generally overviewed the site plan, which calls for use of 400 square feet of existing space in the building for a commercial kitchen/bakery, with the remaining 1,200 square feet being used for residential purposes. Attorney Doyle stated that there would be no exterior changes to the building, except for the installation of a vinyl fence to cover the ventilation equipment in the front of the building, as well as installing a gate to separate the commercial entrance from the remaining residential entrances. Attorney Doyle reiterated that the on-site septic system is being upgraded pursuant to Rensselaer County Health Department approval, and public water is being provided to the building. Chairman Oster then opened the floor for receipt of public comment. No members of the public were in attendance at the meeting, and no public comments were offered. It is noted that no written comments have been received from the public on this site plan application. Hearing no public comments, Chairman Oster closed the public hearing on the Fowler site plan application.

The Planning Board then opened the regular business meeting.

The Planning Board reviewed the draft minutes of the May 21, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the May 21, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Fred Fowler for property located at 1011-1015 Hoosick Road. Attorney Doyle was present, and reiterated that the site plan application is fully submitted, and the public hearing has now been held on the application. Attorney Doyle did confirm that the fire safety equipment to be installed in connection with the commercial equipment will include chemical treatment for fire suppression, and that the fire suppression equipment will be installed after the cooking equipment has been installed, and stated that after the fire suppression equipment is installed, it will be available for inspection by the Town. Attorney Doyle confirmed that the proposed commercial kitchen/bakery will be offering baked goods for off-site consumption only, that there are no plans for on-site consumption at this time, and that if on-site consumption is proposed in the future then an amended site plan will be submitted and that use will need to be reviewed by the Planning Board. Chairman Oster stated that the facility would then basically be used for wholesale purposes. This issue was clarified, in that the baked goods will include both wholesale sale as well as on-site retail sale directly to customers but without any on-site consumption permitted, and there will be no tables or other on-site consumption amenities. Chairman Oster understood this, and reiterated on the record that if Ms. Fowler seeks to add any amenities for on-site consumption, she will need to come back to the Planning Board for amendment to the site plan. All parties understood this condition. Member Czornyj also noted that the two (2) parcels at issue here, 1011 and 1015 Hoosick Road, had been legally merged through recording of a merger Deed in the County Clerk's office, and that the Rensselaer County Tax Map had now been corrected, and there was only one

tax identification number for this location. Chairman Oster asked whether Mr. Bonesteel had any remaining technical issues. Mr. Bonesteel said that there are no outstanding technical issues. Chairman Oster confirmed that all requisite application fees had been paid. Chairman Oster also confirmed that the Planning Board is in receipt of the recommendation from the Rensselaer County Department of Economic Development and Planning. The Planning Board determined that it was ready to proceed with action on the application. Member Czornyj then made a motion to adopt a negative declaration under SEQR, which motion was seconded by Member Mainello. The motion was unanimously approved, and a SEQR negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the site plan subject to Rensselaer County Health Department approval for the on-site septic system work and coordination with the Town of Brunswick Water Department on the public water connection to the building. Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application submitted by Sean Gallivan for property located on Deepkill Road. Brian Holbritten, licensed land surveyor, had informed Chairman Oster that he would be delayed in attending the meeting, and requested that this matter be placed at the end of the agenda.

The next item of business on the agenda was the minor subdivision application submitted by Clemson Group for property located on Camel Hill Road and Coons Road. Again, this applicant is represented by Mr. Holbritten, and this application is placed at the end of the agenda.

The next item of business on the agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza, located on Oakwood Avenue. Chairman Oster had been informed by the applicant that the updated plans are still being prepared by the

applicant's surveyor and engineers, and requested that this matter be adjourned to the June 18, 2015 meeting. This matter is placed on the June 18 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by ACE Hardware for use of the existing building located at 831 Hoosick Road, on the westerly portion of the site, for tool rental and repair. No one was present at the meeting for this application. The Building Department and Planning Board confirmed that there have been no new submissions, that no site plan had been submitted stamped by a licensed professional engineer, and no as-built drawings had been submitted concerning the current facility use. This matter is tentatively placed on the June 18, 2015 agenda for further discussion, pending submission of additional site plan information.

As Mr. Holbriiter arrived at the meeting, the Planning Board then addresses the Gallivan and Clemson Group minor subdivision applications.

On the Gallivan minor subdivision application, Mr. Holbriiter updated the Planning Board, stating that the soils engineering work had been completed for the on-site septic systems, and that the lot lines as originally configured are now final. It was confirmed that the last submitted minor subdivision plat, which does include well and septic locations for each proposed lot, has a last revision date of 5-28-15, and that such subdivision plot is now complete. Mr. Holbriiter also confirmed that the project engineer had submitted the plans for water and septic to the Rensselaer County Health Department for review and approval. Member Casey did have a question concerning access to an existing home on Deepkill Road, the driveway for which crosses an access parcel leading to the remaining land of the applicant. Mr. Holbriiter stated that this was an existing condition, that this was historically used as a farm road, and that the existing house driveway had utilized the farm road, but that the existing house parcel does have adequate frontage on its own

along Deepkill Road to construct a driveway if necessary in the future. It was confirmed that an environmental assessment form has been completed on the application and is on file. The question arose as to whether the property is located in an Agricultural District. Mr. Holbriiter stated that he would investigate that issue, and complete an Agricultural Data Statement if the property is located in an Agricultural District. Mr. Bonesteel stated that a full storm water pollution prevention plan is not required on the application, but that an erosion and sediment control plan will need to be prepared prior to any construction on the individual lots. Further, in the event all four (4) lots are built out at once, then Mr. Bonesteel states a full stormwater pollution prevention plan will need to be prepared at that time for review by the Building Department prior to building permit issuance. The Planning Board determined the application to be complete, and scheduled a public hearing on this minor subdivision application for June 18, 2015 commencing at 7:00 p.m.

Regarding the minor subdivision application submitted by the Clemson Group for property located at the intersection of Camel Hill Road and Coons Road, Mr. Holbriiter again confirmed that the soils engineering had been completed for septic purposes, and that the proposed lot lines are now final. Mr. Holbriiter stated that on the minor subdivision plat, he has added the water and septic locations, and also proposed house locations. Mr. Holbriiter has also added 2 foot contours onto the subdivision plat for each lot in the locations of the proposed house and septic. Again, the current minor subdivision plat that is being reviewed by the Planning Board has a last revision date of 5-28-2015. Chairman Oster had a question regarding the grades in the area of the septic system on Lots 1 and 4. Mr. Holbriiter stated that both these areas had gradual slope, but that they would be adequate for septic purposes. Mr. Bonesteel stated that it appeared to him that substantial fill would be required for the septic systems. Mr. Holbriiter confirmed that all of the proposed septic systems for this project are fill systems. Mr. Holbriiter confirmed that an application is presently

pending before the Rensselaer County Health Department for water and septic on this application. Chairman Oster inquired about adequate sight distances on Coons Road and Camel Hill Road. Mr. Holbriiter confirmed that adequate sight distances exist, with 400-500 foot sight distances provided. It was confirmed that an environment assessment form had been completed and is on file on this application. Mr. Holbriiter will investigate the Agricultural District issue on this application, and complete an Agricultural Data Statement if the property is located in an Agricultural District. Mr. Bonesteel confirmed that a full stormwater pollution prevention plan is not required on this application, but that an erosion and settlement control plan will need to be prepared prior to building permit issuance. Mr. Bonesteel did note that if all four (4) lots are built out at once, then a stormwater pollution prevention plan will be required. This will need to be monitored by the building department upon applications for building permits. Mr. Holbriiter did state that this applicant is proposing to sell individual lots for development by the lot purchaser. The Planning Board determined that the application is complete for commencement of the public hearing. This matter is scheduled for the June 18, 2015 meeting, with a public hearing to commence at 7:15 p.m.

One item of old business was discussed.

The Planning Board is in receipt of a letter dated June 2, 2015 (incorrectly dated 2014) from Martin Wolfson, P.E., on behalf of the Brunswick Animal Hospital and Dr. Nicole LaMora. This facility was recently constructed pursuant to an approved site plan. The letter indicates that the owner of the Brunswick Animal Hospital is requesting to have the parking lot for this facility remain unpaved, with the use of a gravel or crusher run parking area. The letter does indicate that concrete paving has been provided for the handicapped parking area. Chairman Oster inquired of Attorney Gilchrist as to how this matter should be handled. Attorney Gilchrist stated that the first

issue for the Building Department and Planning Board to review is whether the approved site plan, and the approved stormwater pollution prevention plan for this site, included the paving of the parking area. Second, Attorney Gilchrist stated that the specific request of the owner as set forth in the Wolfson letter was not clear, and that if the owner is merely seeking to extend the time that the parking lot pavement will be completed, that is a matter that can be handled through the building department through site plan compliance oversight; however, if the owner is requesting that the parking lot remain in gravel or crusher run permanently, and no pavement is now being proposed, then an amended site plan and amended stormwater pollution prevention plan would be required. Member Mainello asked what is depicted on the approved site plan. Ms. Nann-Smith stated that the plans did provide driveway area specifications, including the pavement details. The Planning Board requested Ms. Nann-Smith to determine if the approved site plan showed the parking area being paved. Mr. Bonesteel stated that he would also look at the site plan as well as the stormwater pollution prevention plan. Member Wetmiller stated that this issue goes beyond stormwater run-off issues, and the Planning Board should consider whether it should allow a commercial facility to have a gravel or crusher run parking lot, which Member Wetmiller said raises questions regarding maintenance and safety, particularly during the winter season. Mr. Bonesteel also stated that the curb cut authorized by NYSDOT also should be reviewed, as there are different specifications for curb cut permits to a paved parking lot as opposed to a gravel parking lot. The Planning Board directed Ms. Nann-Smith to confirm whether the owner is seeking additional time to pave the parking lot, or whether the owner is seeking to keep the parking lot in gravel permanently. The Building Department will provide additional information to the Planning Board on this matter.

The index for the June 4, 2015 meeting is as follows:

1. Fowler – Site Plan – approved with conditions.
2. Sean Gallivan – Minor Subdivision – June 18, 2015 (Public Hearing to commence at 7:00 p.m.).
3. Clemson Group – Minor Subdivision – June 18, 2015 (Public Hearing to commence at 7:15 p.m.).
4. Diamond Rock Plaza – Site Plan – June 18, 2015.
5. Ace Hardware – Site Plan – June 18, 2015 (tentative).
6. Brunswick Animal Hospital – Further information to be provided on parking area.

The proposed agenda for the June 18, 2015 meeting currently is as follows:

1. Sean Gallivan – Minor Subdivision (Public Hearing to commence at 7:00 p.m.).
2. Clemson Group – Minor Subdivision (Public Hearing to commence at 7:15 p.m.).
3. Diamond Rock Plaza – Site Plan.
4. Ace Hardware – Site Plan (Tentative).