

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 18, 2015

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

ABSENT were TIMOTHY CASEY.

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 a public hearing on the minor subdivision application submitted by Sean Gallivan for property located on the easterly side of Deepkill Road, northerly of Smith Hill Road. The Notice of Public Hearing was read into the record, with that notice having been published in The 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. Brian Holbritter, licensed land surveyor, was present for the applicant. Chairman Oster reviewed the public hearing guidelines, and then requested Mr. Holbritter to generally review the application. Mr. Holbritter stated that Mr. Gallivan is seeking to divide a 20.6 acre parcel into four (4) lots, consisting of two (2) new building lots, a lot on which an existing home is situated, and have a lot of 15.9 acres to remain vacant land. The existing house lot will be 1.45 acre in size. The two new building lots will be 2.03 acres and 1.20 acres in size. Mr. Holbritter confirmed that the Rensselaer County Health Department had approved the water and septic plan for the two new building lots, denominated as

lots 1 and 3. Chairman Oster then opened the floor for receipt of public comment. No one present wished to make any comment on the application. Thereupon, the Planning Board closed the public hearing on the Gallivan minor subdivision application.

The Planning Board next reviewed the draft Minutes of the June 4, 2015 meeting while waiting for the next scheduled public hearing to commence at 7:15 p.m. Upon motion of Member Czornyj, seconded by Member Mainello, the draft Minutes of the June 4, 2015 meeting were unanimously approved without amendment.

At 7:15 p.m., the Planning Board opened a public hearing on the minor subdivision application submitted by Clemson Group for property located at the intersection of Camel Hill Road and Coons Road. The Notice of Public Hearing was read into the record, with that notice having been published in The 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. Brian Holbriter, licensed land surveyor, was present for the applicant. Chairman Oster reviewed the public hearing guidelines, and requested Mr. Holbriter to generally review the application. Mr. Holbriter stated that the applicant is seeking to divide an existing 13.92 acre parcel into four (4) new building lots, with the new lots being 3.42 acres, 3.2 acres, 3.5 acres, and 3.8 acres in size. Mr. Holbriter confirmed that three (3) of the proposed building lots will have access directly off Coons Road, and the proposed building lot at the corner of Camel Hill Road and Coons Road is proposed to have access directly off Camel Hill Road. Mr. Holbriter stated that the engineering plans for water and septic for these lots remains pending with the Rensselaer County Health Department. Chairman Oster then opened the floor for receipt of public comment. John Nemjo, 68 Coons Road, stated that this area is a very quiet and peaceful neighborhood, and the homeowners want it to stay that way. Mr. Nemjo asked questions regarding the proposed square footage of the homes, as well

as the value of the homes. Mr. Holbriiter briefly responded that the applicant is not proposing to build homes, but rather offer the approved building lots for sale, but that he has provided a building envelope on the proposed lots for house location that are approximately 30 feet by 50 feet in size. Mr. Nemjo asked about any plans for deforestation. Mr. Holbriiter briefly responded that the applicant is proposing a minimal amount of clearing in order to construct a driveway and a home on each building lot. Mr. Nemjo inquired whether there were any restrictions being imposed on the amount of clearing that can take place on the building lot. Chairman Oster stated that the Planning Board is reviewing the subdivision of the land only, and that there are no present plans for building on the subdivided lots at the present time. Attorney Gilchrist stated that the Town Code will require a grading permit before any grading is started on these building lots, and compliance with all drainage and erosion and sediment control requirements under State and Town law and regulation must be met. These issues will be reviewed by the Building Department upon application for grading permits, and stormwater management compliance will also be reviewed by the Town at that time in compliance with New York State and Town Code requirements. Mr. Nemjo then stated that there are significant ravines on the property, and that the drainage will be a significant issue on the site. Mr. Nemjo stated that there are natural drainage ways through this property, including what appeared to him to be the areas of proposed septic. Mr. Holbriiter stated that all septic had been located outside of the natural drainage ways on the property, and that the Rensselaer County Health Department had been on the site as well. Mike Trinkala, 45 Coons Road, stated that he had the same concerns as Mr. Nemjo, particularly with regard to the existing ravines and drainage on the site, but was interested to review the comments of the Rensselaer County Health Department on the water and septic plan. Mr. Nemjo then had an additional question about the size of the septic area for each of the lots. Mr. Holbriiter briefly responded,

stating that the size of the septic area depends in part on the topography of the lot, but in general, the septic areas for these building lots will be approximately 85 feet by 100 feet, and that the septic systems will be “built up” systems because the soils do not drain well, and also that the size of the septic systems have been designed to accommodate a four (4) bedroom home for each lot. Mr. Nemjo asked about the amount of fill required. Mr. Holbitter briefly responded that 4 feet of fill will be required for the septic systems, which will then taper off to the existing grade. Mr. Nemjo asked whether the well and septic for each lot would be constructed by the current owner. Mr. Holbitter briefly responded that each lot will have an approved well and septic design and location, but that the current owner will simply be offering these lots for sale, and any subsequent purchaser must build on the lot in compliance with the approved water and septic plan. Chairman Oster asked if there was any further public comments. Hearing none, the Planning Board closed the public hearing on the Clemson Group minor subdivision application.

The Planning Board then opened the regular business meeting.

The first item of business on the agenda was the minor subdivision application submitted by Sean Gallivan for property located on the easterly side of Deepkill Road, northerly of Smith Hill Road. Chairman Oster noted that the public hearing had been held, and no comments had been made. Chairman Oster also confirmed that there were no written comments submitted for the Planning Board’s consideration. It is also noted for the record that an Agricultural Data Statement had been prepared on this application, and sent to owners of agricultural property as listed on the Agricultural Data Statement, and that no comments had been received by the Town. Member Wetmiller stated that a condition requiring negative back pitch on the driveways leading onto Deepkill Road will be important, that the applicant had been required to also provide negative back pitch on driveways for other lots in this general area but that the driveways had not included

adequate back pitch, and that this requirement must be strictly complied with in this case. Member Czornyj also stated that for proposed building lot no. 1, it also appears that a culvert will need to be installed at the end of the driveway along an existing drainage ditch. Chairman Oster asked whether Mr. Bonesteel had any remaining comments. Mr. Bonesteel concurred that negative back pitch must be completed for the new driveways onto Deepkill Road. Mr. Bonesteel had a question as to the proposed grade for the driveway on lot no. 1. Mr. Holbritter stated that the driveway will be at a 10% grade. Mr. Bonesteel reiterated that required back pitch and proper drainage at the bottom of these driveways will be important. It was noted that the driveway for lot no. 1 is approximately 450 feet, and Mr. Holbritter stated that final length may be a little bit longer depending on final driveway placement. Member Czornyj stated that a map note should be added to the subdivision plat that compliance with the Town of Brunswick private roadway specifications for this driveway must be met. The Planning Board also stated that a condition should be added that the builders of lot no. 1 and lot no. 3 must coordinate with the Town Highway Department on driveway construction in terms of required back pitch and culvert construction. Chairman Oster confirmed that all fees had been paid on the application. Chairman Oster asked whether the Planning Board had any remaining questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the minor subdivision application subject to the following conditions:

1. Two (2%) percent back pitch for 10 feet off the public right-of-way is mandatory on all new driveway construction for lots 1 and 3.

2. A map note must be on the subdivision plat stating that the driveway construction must comply with all Town of Brunswick requirements.
3. Rensselaer County Health Department approval for water and septic for lots 1 and 3.
4. Builders of lots 1 and 3 must coordinate with the Town of Brunswick Highway Department on driveway construction and culvert installation.

Member Oster seconded the motions subject to the stated conditions. The motion was unanimously approved, and the Gallivan minor subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application submitted by Clemson Group for property located at the intersection of Camel Hill Road and Coons Road. Chairman Oster noted that comments had been received at the public hearing, most particularly regarding existing ravines on the property as well as drainage on this property. Mr. Holbriiter stated that the subdivision plat does include topography, and shows the area of the existing ravines, and reviewed those locations with the Planning Board. Mr. Holbriiter stated that there were four (4) different ravines on the property, but that this is not unusual for this general location, and that all site features, including driveway location, proposed house location as well as septic location had been set to avoid location of these ravines. Chairman Oster asked whether there was just surface drainage, or whether there were any existing culverts in this location which must be addressed. Mr. Holbriiter reviewed the location of culverts at and around this property, and indicated the culvert locations had been taken into account in terms of lot design as well as driveway location. Member Czornyj asked whether the purchaser of any of these individual building lots could change the grade or attempt to relocate any of the natural drainage areas. Attorney Gilchrist stated that the subsequent lot owner would need to obtain a grading permit from

the Town of Brunswick, and that in conjunction with the application for grading permit, the Town will need to review whether the grading will affect drainage in the area to ensure that the grading does not affect any surrounding properties. Chairman Oster wanted to confirm that there were no immediate building plans. Mr. Holbritter confirmed that the current owner is simply seeking approval for new building lots, which he will then offer for sale. Chairman Oster stated that the Planning Board generally looks at the proposed lot locations, proposed house locations, and that the Rensselaer County Health Department will review the plans for well and septic location and design. Chairman Oster also stated that any subsequent owner of the lots who intend to build on these lots will need to comply with the approved well and septic plans from the Rensselaer County Health Department, and consider the approved well and septic locations when determining final driveway and house location. Chairman Oster also noted that the Planning Board does not regulate the size of the homes for the building lots nor their value, and that the Brunswick Town Code does not mandate particular house size. Mr. Bonesteel also stated that while there is no immediate building plan, one well will need to be drilled for purposes of Health Department review and approval. Chairman Oster also confirmed that the property is in the R-40 zoning district, noting that lots as small as 40,000 square feet in size are approvable in this location, and that these proposed lots are over 3 acres in size each. Mr. Holbritter did state that the current owner may seek to do some clearing on one of the lots in terms of driveway and house location, to be able to market these lots for future residential construction, but that any such clearing would be minimal and leave as much mature vegetation and forest as possible. It was confirmed that a grading permit will be required before any such work can be completed. There was one question from the audience concerning location of an existing rock wall. Mr. Holbritter confirmed that the existing rock wall was placed at the lot line for proposed lot no. 1. Chairman Oster confirmed that all

application fees had been paid. Chairman Oster then asked whether there were any further comments or questions by the Planning Board. Hearing none, 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. Member Czornyj then made a motion to approve the minor subdivision application subject to the following conditions:

1. Two (2%) percent back pitch for 10 feet off the public right-of-way is mandatory on all new driveway construction.
2. A map note must be on the subdivision plat stating that driveway construction must comply with all Town of Brunswick requirements.
3. Rensselaer County Health Department approval for water and septic.
4. Any person building on the approved lots must coordinate with the Town of Brunswick Highway Department on driveway construction and culvert installation.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Clemson Group minor subdivision application approved subject to the stated conditions.

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 requested Attorney Gilchrist to review the procedural status of the application. Attorney Gilchrist stated that the applicant had submitted an application to the Brunswick Zoning Board of Appeals for Special Use Permit for the filling station, as well as two (2) area variances for the number of bays in the car wash as well as a side yard setback variance for the car wash building. The Brunswick Zoning Board of Appeals had held a public hearing on those applications over two

successive meetings, had closed the public hearing, and at its meeting held on June 15, 2015, the Brunswick Zoning Board of Appeals had approved this special use permit and two (2) variances for this application. Attorney Gilchrist also noted that this is an unlisted action under SEQRA, that an uncoordinated review was being undertaken between the Brunswick Zoning Board of Appeals and Brunswick Planning Board, and that the Brunswick Zoning Board of Appeals had adopted a SEQRA negative declaration on the action before it. Thomas M. Murley, P.E., was present for the applicant. Mr. Murley handed up to the Planning Board an updated site plan, and reviewed with the Planning Board the updated site plan, including addition of turning radius information onto Oakwood Avenue, location of a sign for the plaza along Oakwood Avenue, reviewed modifications to the turning radius near the proposed restaurant area which now includes an area for outdoor picnic tables, additional parking for employees, additional information concerning catch basins on the site which then direct stormwater to the stormwater management area to the rear of the property, cross walk area added to the site plan, addition of bio-retention areas off of the paved surfaces pursuant to the stormwater plan for the project, and information concerning 911 addresses for the retail buildings. Mr. Murley confirmed that the site now includes sixty-five (65) parking spaces plus two (2) parking areas for trucks. Chairman Oster had a question concerning the truck parking area, which appears to accommodate 18 wheel trucks, and asked what is the proposed truck route through the property. Mr. Murley stated that the trucks would leave the site by going around the back of the buildings and exiting through the main entrance area onto Oakwood Avenue. The Planning Board then discussed the area for employee parking in relation to the remaining retail buildings, and discussed the addition of a cross walk to the plan. The Planning Board then had an extended discussion concerning internal traffic flow on the site, with particular regard to the car wash area as well as the drive-thru window being proposed for the

restaurant use. Member Czornyj also stated that a barrier should be included where the picnic tables are now proposed in relation to the restaurant use, similar to what was required for the Pancho's Restaurant in the Walmart Plaza. Mr. Murley stated that the appropriate ballards would be added to the site plan. Member Tarbox requested that the green space calculation for the project site be added to the site plan. Mr. Murley stated that the green space information will be updated in light of the most recent changes to the site plan, and the green space information will be stated on the site plan. Mr. Bonesteel then commented on the stormwater pollution prevention plan, and making sure that the maps for stormwater management facilities included in the stormwater pollution plan must be made consistent with the site plan, and that he would like the ability to review the final stormwater pollution prevention plan, including full size maps, in relation to the proposed final site plan, and noting that the final proposed site plan should include all proposed stormwater management facilities for the site. The Planning Board discussed a schedule for this application, including a public hearing. It was determined that the stormwater pollution prevention plan and final proposed site plan would be reviewed by Mr. Bonesteel, that this matter will be placed on the July 2, 2014 Agenda for discussion concerning completeness, and if found to be complete, then a public hearing could be scheduled for the July 16, 2014 meeting. There was further discussion regarding the location of the underground storage tanks for the gas pumps, and how delivery trucks would access the site for filling the underground storage tanks, and how those trucks would exit the site. Mr. Bonesteel will review the turning radius requirements for trucks on the site. Member Mainello asked whether the updated site plan had been sent to the Fire Department for review. Mr. Murley stated that he had not done so yet, but he will forward the updated site plan to the Fire Department for review. This matter is placed on the July 2, 2014 Agenda for further discussion.

The next item of business on the Agenda was the site plan application submitted by Ace Hardware, seeking to use the existing building located at 831 Hoosick Road, on the westerly portion of the site, for tool rental and repair. No one was present for the applicant. The Planning Board noted that a site plan map had been prepared by Bohler Engineering, but that this site plan only addressed half of the site, and did not include the building on the westerly side of the site. The Planning Board reiterated that it was requesting an updated site plan in the nature of an “as-built” map to show what had been constructed on the site to date, and how that existing site improvement related to the proposed use of the building on the westerly portion of the project site, and how the overall site worked in terms of parking, traffic flow, as well as stormwater compliance. The Building Department will contact Bohler Engineering concerning the site plan, and direct that Bohler Engineering contact Mr. Bonesteel to review these issues. Member Czornyj also noted that this project site was not one single parcel, but that there were two separate tax parcels for this one project site, and that these parcels had not been legally merged. Attorney Gilchrist stated that one site plan could encompass two separate tax parcels, but that this raised additional issues concerning shared parking and utilities, and that appropriate cross easements would need to be submitted to the Town for review if two separate tax parcels are maintained. It was determined that additional information is required for this matter, that Mr. Bonesteel will review this matter with Bohler Engineering, and that this matter is placed on the July 2 meeting Agenda for further discussion.

The Planning Board addressed one item of old business. The owner of the Brunswick Animal Hospital, Dr. Lamora, was present, together with the project manager for this site, Brendan Stryhn, and also Jason Dell of Lansing Engineering, the engineers who had prepared the stormwater plan for this project. Chairman Oster noted that the approved site plan for the veterinary hospital included paving of the parking lot with the installation of a wing gutter and that

the paved parking lot was also included within the stormwater management plan for the site. Mr. Stryhn stated to the Board that this project did originally call for paving of the parking lot, but that construction costs and budget issues did not allow for paving of the parking lot at this time. Jason Dell reviewed his letter to the Planning Board dated June 18, 2015, in which he concludes that the stormwater pollution prevention plan for the site will provide appropriate stormwater management whether the parking lot is paved or remains in crusher run. Mr. Bonesteel stated that he agrees that the crusher run surface can be considered an impervious surface, and that generally the stormwater plan for this site will be compliant even if the parking area remains in crusher run, but that he did have concern that the drainage was not currently being directed into the catch basins and in turn getting to the stormwater ponds to be treated. Mr. Dell did concur based on his site review that the crusher run in the parking lot does need to be shaped better in order to provide for better drainage to the catch basins and overall stormwater management compliance. Mr. Bonesteel stated that the pavement with wing gutters was done in a way to direct the stormwater flow to the catch basins, and that the site needed to be shaped better to achieve the same purpose with the crusher run surface. Mr. Bonesteel also had other comments concerning compliance with the stormwater plan, which must be addressed by the owner before the open stormwater permit can be terminated for this project. Chairman Oster wanted to ask that once these corrections on the site are completed, from a stormwater standpoint, the stormwater plan will work whether the parking lot is paved or crusher run parking lot. Mr. Bonesteel stated that the stormwater plan will be compliant if the proper reshaping and grading of the crusher run in the parking area is completed. Chairman Oster then raised the issue regarding ongoing maintenance of the crusher run parking area, including winter maintenance. Mr. Bonesteel stated that a crusher run parking area will need at least annual, and possibly semi-annual, maintenance to ensure that the grades are appropriately

maintained for stormwater compliance. Chairman Oster then stated that the issue for the Planning Board was whether the owner still planned on paving the parking lot, but needed additional time based on budgetary reasons to get the paving completed, or whether her intent was to have the parking lot remain crusher run permanently. Dr. Lamora stated that her plan continues to have the parking lot paved, and wishes she could to that right away, but cannot do so due to budgetary reasons. Dr. Lamora did confirm that it was her intent to have the parking lot paved at some point, but cannot definitively state when that will be done due to economic issues. The Planning Board generally concurred that they did not have any issue with allowing additional time for the owner to complete the paving, without the need for an immediate amendment to the site plan given the owner's intent to ultimately pave the parking lot. The Planning Board directed Attorney Gilchrist to coordinate with the Building Department on this issue.

Three items of new business were discussed.

The first item of new business discussed was a site plan application submitted by Brad Stevens, seeking to locate a portable barbeque food trailer in the parking lot of the Ace Hardware facility located at 831 Hoosick Road. Mr. Stevens was present, and stated that the trailer was 8 feet by 36 feet overall, and that his proposal was to locate this trailer on the Ace parking lot site for several months during the year, but have the ability to remove the trailer during certain parts of that season so that he could transport it to other festivals for weekends or extended periods of time, and have this location to return the food trailer and set up for food sales while other festivals are not being conducted. Mr. Stevens said that he operates the food trailer from around April through October. Mr. Stevens stated that the trailer did have holding tanks for both fresh water and waste water. The Planning Board immediately stated that Mr. Stevens should coordinate with the Rensselaer County Health Department concerning water and waste water issues for his

proposal. Further, the Planning Board stated that the location proposed by Mr. Stevens for this food trailer was the same location that Ace Hardware is currently proposing for either parking or green space for the tool rental building, which is currently before the Planning Board in site plan review status. In addition, the Planning Board needed to review this matter in terms of appropriate review procedure, as the proposal, while temporary in nature, does not appear to comply with the Town's temporary license procedure, nor does the proposal seek any permanent structures in the traditional site plan review sense. This matter has been placed on the July 2 Agenda for further discussion with particular regard to the Rensselaer County Health Department involvement, Town Code review requirements, as well as discussion with the engineers for the Ace Hardware site plan in terms of how the food trailer would be incorporated into the site plan proposal.

A site plan application has been received by the Town from Arax Properties, LLC for the proposed Hillcrest Plaza located at 616-630 Hoosick Road. This matter had previously been before the Planning Board for concept review. The Planning Board members stated they would need to review the site plan application materials, and have placed this matter on the July 2 Agenda for further discussion.

A site plan application has been received by the Town from Amerit Fleet Solutions for use of the existing building located at 853 Hoosick Road, at the intersection of Hoosick Road and Betts Road. The applicant is operating that facility for truck fleet maintenance purposes. The Planning Board members will review the application materials, and this matter is placed on the July 2 Agenda for further discussion.

The index for the June 18, 2015 meeting is as follows:

1. Sean Gallivan – Minor Subdivision – approved with conditions.
2. Clemson Group – Minor Subdivision – approved with conditions.

3. Diamond Rock Plaza – Site Plan – July 2, 2015.
4. Ace Hardware – Site Plan – July 2, 2015.
5. Brunswick Animal Hospital – Site Plan – Matter referred to Building Department.
6. Stevens – Site Plan – July 2, 2015.
7. Arax Properties, LLC – Site Plan – July 2, 2015.
8. Amerit Fleet Solutions – Site Plan – July 2, 2015.

The proposed agenda for the July 2, 2015 meeting currently is as follows:

1. Diamond Rock Plaza – Site Plan.
2. Ace Hardware – Site Plan.
3. Stevens – Site Plan.
4. Arax Properties, LLC – Site Plan.
5. Amerit Fleet Solutions – Site Plan.
6. Oakwood Property Management, LLC – Planned Development District Site Plan.