

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 21, 2016

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

ABSENT was TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda for the January 21 meeting.

The draft minutes of the January 7, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the January 7, 2016 meeting were unanimously approved with no amendment.

The first item of business on the agenda was a site plan application submitted by PF Management Group for property located at 668 Hoosick Road. The applicant is seeking to demolish two existing buildings at this location, and construct two new commercial buildings to be used as an Aldi grocery store and a Taco Bell restaurant. David Leon of PF Management Group was present. The Planning Board noted that it had received a response from the New York State Department of Environmental Conservation to the lead agency coordination notice that had been circulated. The response from the New York State Department of Environmental Conservation stated that NYSDEC had no objection to the Brunswick Planning Board serving as SEQRA lead agency on this action. The Planning Board noted that no response had been received from the

New York State Department of Transportation or the Rensselaer County Department of Health to the SEQRA lead agency coordination notice, and that more than 30 days has elapsed since the service of that SEQRA lead agency coordination notice, so that no other involved agency has objected to the Brunswick Planning Board serving as SEQRA lead agency on this action. Chairman Oster asked Mr. Bonesteel to discuss the status of his review of the application documents. Mr. Bonesteel stated that the Town received additional application documents on January 11, 2016, including updated site plans, a long Environmental Assessment Form, highway plans, a stormwater pollution prevention plan, a traffic report, geotechnical information, and a Phase 1 Environmental Site Assessment Report. Mr. Bonesteel stated that he has begun the review of all of these documents, and that he is still in the process of completing his review. Mr. Bonesteel stated that he has been corresponding with the project engineer, Chris Kamar of APD Engineering, and that full written comments on the application materials will be completed before the next Planning Board meeting in February. Mr. Bonesteel did note that the traffic study is being reviewed by the New York State Department of Transportation. Mr. Leon stated that the NYSDOT was not continuing its review of the traffic study and proposed traffic improvements until a SEQRA lead agency has been declared. Chairman Oster stated that the Planning Board could proceed to declare SEQRA lead agency status at this meeting. Chairman Oster wanted to review the variances which have been granted by the Brunswick Zoning Board of Appeals regarding the parking spaces. Mr. Leon confirmed that the Brunswick Zoning Board of Appeals had granted variances both with respect to the total number of parking spaces, as well as the size of the parking space. The Zoning Board of Appeals approved a parking space of 9 feet by 18 feet in size, rather than 200 square feet, or 10 feet by 20 feet, as set forth in the Brunswick Zoning Code. Mr. Leon noted that the cross-easements for parking and traffic circulation between this project site and the

existing Planet Fitness site was considered by the Brunswick Zoning Board of Appeals, and is provided in the application documents. Mr. Bonesteel stated that the cross-easements are noted on the project plans, but the easement documents themselves had not been provided. Attorney Gilchrist requested that Mr. Leon provide the Planning Board with copies of the easement documents. Member Czornyj asked about fill material which had been brought to the project site in the area of the proposed Aldi grocery store and whether any core drilling had been completed. Mr. Bonesteel stated that the geotechnical report did describe fill in the area of the proposed Aldi grocery store, including loose fill, bricks, and cinder block materials. Mr. Bonesteel also stated that the geotechnical report did provide recommendations on compaction requirements prior to construction in this location. Mr. Bonesteel also noted that the geotechnical report identified the soils classification for this fill material as “landfill” material. Member Wetmiller commented that he remembered materials being deposited to the rear of that site when it was used as a gas station back in the 1970s, and thought that the material was from demolition work associated with constructing the Collar City bridge. Mr. Bonesteel also noted that there was a gas station formerly at this site, and noted that the Phase 1 Environmental Site Assessment did identify soils in one boring location that exhibited petroleum odor. Mr. Leon confirmed that the petroleum underground storage tanks used in connection with the gas station were removed in the 1990s with New York State Department of Environmental Conservation oversight, and that the one soil boring in the Phase 1 Environmental Site Assessment noting petroleum odor could have resulted from an isolated surface spill, and noted that this was the only boring among many borings that exhibited any indication of petroleum. Mr. Leon also stated that with regard to the fill material on the site, he was intending to remove that fill material during construction, and replace the fill using proper compaction methods. Mr. Leon also commented that whatever the Town of Brunswick requires

for landscaping for this site, he will be willing to do so, and commented that he wanted this site and the adjacent Planet Fitness site to have a good appearance along the Hoosick Road corridor. Member Czornyj then reviewed the site layout, and asked questions about paved areas for travel lanes and parking in relation to the property lines. The Planning Board then generally discussed the layout of the site, including location of parking areas and other paved areas in relation to the rear, side, and front property lines. Attorney Gilchrist reviewed the site plan regulations with the Planning Board regarding setbacks for pavement from the lot lines, and also greenspace requirements. Attorney Gilchrist noted that the Brunswick site plan regulations do state that pavement should not be closer than 7 feet from the rear lot line and side lot line, and that pavement should be no closer than 10 feet from the front lot line, and that the setback areas should remain landscaped. However, attorney Gilchrist did note the Brunswick site plan regulations provided the Planning Board with the discretion to vary or waive those requirements on a site by site basis. Attorney Gilchrist also stated the Brunswick site plan regulations required 35% greenspace on site plans, but again the site plan regulations provided the Planning Board with the discretion to vary or waive that requirement on a site by site basis. Mr. Leon noted that while the project site noted only 29% greenspace, the rear of this site, totaling about 17 acres, will remain undeveloped and green. The Planning Board reviewed the site plan, and determined that the following waivers were being requested by the applicant on this site plan with respect to pavement setback from lot lines:

- Side setback for parking in the area in front of the proposed Aldi grocery store, where a 7 foot setback is required, and the site plan shows approximately a 2 foot setback from the lot line.

- Side yard setback on the east side of the project site for pavement, where the regulations require a 7 foot setback and the site plan provides for a 6.2 foot setback.
- Front yard setback in the northeast corner of the project site, where regulations require a 10 foot setback and the site plan shows an approximate 6 foot setback.
- The project site plan shows 29% greenspace, while the site plan regulations require 35% greenspace, noting that the rear of the project site, approximately 17 acres, will remain green.

Attorney Gilchrist noted that the Planning Board should consider each of these waiver requests in connection with its site plan review, and determine whether such waivers are appropriate for this site. The Planning Board then addressed the SEQRA lead agency issue. Chairman Oster confirmed on the record that no other involved agency had objected to the Brunswick Planning Board serving as SEQRA lead agency, with the New York State Department of Environmental Conservation sending a letter stating that it had no objection, and the New York State Department of Transportation and Rensselaer County Department of Health not responding within the 30 day timeframe. The Planning Board moved forward with lead agency designation. Upon motion of Member Czornyj, seconded by Member Tarbox, the Town of Brunswick Planning Board will assume SEQRA lead agency status on this action. The motion was unanimously approved, and the Brunswick Planning Board designated as SEQRA lead agency for the review of this action. Chairman Oster then raised the issue of whether the site plan application materials were adequate for scheduling a public hearing. Mr. Bonesteel stated that the site plan drawings were complete for purposes of opening the public hearing, and his review of the supplemental application documents will continue. Chairman Oster then reviewed the public hearing process with Mr. Leon.

The Planning Board determined that the application materials were complete for purposes of opening of a public hearing on this application, and scheduled a public hearing to open at its February 4 meeting commencing at 7:00PM. The Planning Board also confirmed that the Brunswick #1 Fire Department will receive a copy of the site plan for review and comment.

The second item of business on the agenda was the major subdivision sketch plan application submitted by Reiser Builders Inc. for property located at NYS Route 351 at Plante Lane/Penny Royal Lane. Henry Reiser of Reiser Builders Inc. and Frances Bossolini, P.E. were present for the applicant. Chairman Oster noted that a full environmental assessment form had been submitted in connection with the sketch plan application, and that all application fees have been paid. Mr. Reiser presented an overview of the project, which seeks approval for 11 new building lots, a lot with an existing home on it, and 1 remainder lot on which no development is proposed. Mr. Reiser stated that the new building lots are non-realty lots, and that the water and septic plan would need to be reviewed on a lot by lot basis in the future when each of these lots is proposed for development. He is looking to have the Planning Board review this application as a non-realty subdivision. Mr. Reiser also stated that all of the proposed new building lots had frontage on Plante Lane or Penny Royal Lane. Mr. Reiser stated that his plan was to sell building lots, and then have the water and septic plan engineered for each individual lot and reviewed by the Health Department when the lot was proposed for construction. Chairman Oster noted the Planning Board had reviewed the concept plan at its January 7 meeting, and had a few questions. First, Chairman Oster asked about proposed lot #4 on Penny Royal Lane, and whether that lot had adequate frontage on Penny Royal Lane. Mr. Reiser stated that the layout had been surveyed in the field by RDM Surveying, that there were pins in the field, and that he thought there was adequate frontage on Penny Royal Lane so that the lot was buildable. Member Tarbox asked

whether Penny Royal Lane was a deeded road. Attorney Gilchrist stated that this issue will need to be investigated by the Town, both with respect to Penny Royal Lane and Plante Lane, as to whether these roads were deeded public roads or were user roads. Attorney Gilchrist stated that this issue must be determined now, in order to determine the full width of the public right of way which could be different for a deeded road and a user road. The applicant and Planning Board determined that the applicant, his surveyor, and the Brunswick Highway Department should coordinate on this issue to determine the full width of the public right of way in that location for purposes of frontage of the proposed lots on a Town highway. Chairman Oster then asked about proposed lot #11 off Plante Lane, which indicates a 60 foot easement to provide access to property to the rear of the project site. Mr. Reiser stated that he initially was considering retaining an easement to access property to the rear off of this project site, in the event he was interested in acquiring title to this property to the rear, but that he is not intent on moving forward with that option at this time, and that the reference to a 60 foot easement on lot #11 will be removed. The Planning Board then generally discussed the size of the proposed building lots, including the rules regarding non-realty subdivision review. Attorney Gilchrist stated that he would review this subdivision plan with regard to the non-realty subdivision rules, and advise the Board at its February meeting. Chairman Oster did note that the full Environmental Assessment Form has been received, and will be reviewed by the Planning Board members and Mr. Bonesteel. Mr. Bossolini inquired whether a lead agency coordination notice can be sent at this time. The Planning Board will initiate SEQRA lead agency coordination. Attorney Gilchrist requested that Mr. Bonesteel review the full Environmental Assessment Form to determine completeness as to all involved agencies, and once that determination is made, he will circulate a SEQRA lead agency coordination to all involved agencies on this action. The Planning Board has tentatively placed

this matter on the February 4 agenda for further discussion, subject to having additional information concerning the width of the public right of way for both Plante Lane and Penny Royal Lane.

One item of new business was discussed.

Tom Murley made a concept presentation to the Planning Board concerning a residential project he is preparing for property he owns off Liberty Road and Farrell Road. Mr. Murley stated that he still is in the process of preparing engineering plans for this project, but appreciated the opportunity to come before the Planning Board just to present a very preliminary concept plan so that the Planning Board understood what he would likely be pursuing for this property. Mr. Murley is proposing to develop his land located off Liberty Road and Farrell Road with approximately 130 residential lots, to be constructed in several phases, together with a road system, public water, public sewer, and full engineered stormwater management. Mr. Murley stated that this would be several phases, including up to 7 phases, and that he would be proposing only to proceed at this time with phase 1, which would include 31 residential lots. Mr. Murley stated that he would be proposing to extend public water and public sewer from the Brunswick Meadows condominium project to this residential project. Mr. Murley stated that this project would likely be presented as a Planned Development District, as part of the property is zoned A-40 and part of the property is zoned Industrial. Mr. Murley stated that the plan was to have a residential neighborhood similar to the North 40 subdivision, both in terms of lot size as well as the type of home to be constructed. Mr. Murley stated that the availability of public water and public sewer would allow for the development of a residential community like North 40. Mr. Murley stated that the existing paintball commercial operation located off Farrell Road, on property that he is leasing to the owners of the paintball operation, would continue for the near future, and would be on property

that is planned predominantly for the last phase of residential construction. Mr. Murley reiterated that the phase 1 section of the project would include approximately 31 lots, that all roads would be built according to Town specifications and proposed to be dedicated as Town roads, and all stormwater management would comply with current regulations. Mr. Murley stated that the area of the proposed residential lots was outside the area of the former Troy Landfill, but that he would be working very closely with the New York State Department of Environmental Conservation on lot location and appropriate setback issues. Mr. Murley stated that he was in the very preliminary stages of this plan, that full engineering work as well as application document preparation still needed to be completed, and that he did look forward to having an application presented to the Town Board as a Planned Development District in 2016. Mr. Murley thanked the Planning Board for the opportunity to present this concept proposal, rather than allowing rumor or speculation about what his plans for the property may be. The Planning Board thanked Mr. Murley for the presentation.

The index for the January 21, 2016 meeting is as follows:

1. PF Management Group – site plan – 2/4/2016 (public hearing to commence at 7:00PM)
2. Resier Builders Inc. – major subdivision – 2/4/2016 (tentative)
3. Murley - Concept plan presentation for property at Liberty Road and Farrell Road - Adjourned without date

The proposed agenda for the February 4, 2016 currently is as follows:

1. PF Management Group - site plan (public hearing to commence at 7:00PM)
2. Reiser Builders Inc - Major subdivision (tentative)