

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 7, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the April 7, 2016 meeting.

The draft minutes of the March 17, 2016 meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Casey, the minutes of the March 17, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders, Inc. was present, along with Rodney Michael. Mr. Reiser indicated that, since the last meeting, they had added additional contours to the proposed subdivision plat and that he had investigated the title issues with respect to Plante Lane. Mr. Michael reported that he had reviewed the title report with respect to Plante Lane and had not located any record of County acquisitions along Plante Lane before 1950. Mr. Michael indicated that the title to Mr. Reiser's property therefore runs to the centerline of the road. Mr. Bonesteel confirmed that the County did not acquire any portions along Plante Lane, and therefore Plante Lane is a user road. Mr. Reiser stated that he had looked at the width of Plante Lane and determined it to be approximately 19 feet

wide. Chairman Oster reported that he had visited the site and noted that the width of Plante Lane varies from section to section. Chairman Oster expressed concern that there are sections where emergency vehicles would likely have difficulty passing with any oncoming traffic. Chairman Oster further stated that the Town has minimum driveway standards for driveways that are over 150 feet long that require 16-foot wide travel lanes and 2-foot shoulders on each side. Chairman Oster further stated that he questions whether the road is 16 feet wide along its entire length and noted that there is ditching on both sides. Mr. Michael commented that driveway permits would be required and, in the event that a culvert is necessary, a culvert for any given driveway would be installed. Mr. Oster asked Mr. Tingley to review the Board's responsibility with respect to reviewing the subdivision in light of the condition of Plante Lane. Mr. Tingley stated that the Board can review the subdivision application with the current existing condition of Plante Lane known and, if the Board determines that Plante Lane is insufficient to support the proposed subdivision, the Board can deny approval of the subdivision. The alternative is for the applicant to include in the application road improvements to Plante Lane in order to make Plante Lane sufficient to support the subdivision. Mr. Tingley indicated that it is within the Board's lawful authority to determine whether the road is or is not sufficient to support the subdivision. The Board discussed with Mr. Reiser the fact that the owner of property on the other side of Plante Lane likewise owns to the centerline of Plante Lane and may need to be involved in any resolution of this issue. Mr. Reiser presented photographs he had taken after the Town had plowed Plante Lane this past week. Mr. Reiser stated that he had parked two pickup trucks next to each other in areas where Mr. Reiser stated the road was at its narrowest. Mr. Reiser stated the photos show that the travel way is 19 feet wide and is sufficient to accommodate two full-size trucks. Mr. Reiser further indicated that there is a ditch on one side as shown in the photographs. Mr. Reiser indicated that there are a number of other user roads throughout the Town on which there are

located houses and that the purchasers of the lots in this subdivision will be aware of the condition of the road. Mr. Reiser acknowledged that some portions of the road could use maintenance, but that the maintenance responsibility was the Town's. Mr. Reiser further stated that there is a 14-inch culvert that should be increased and that it was his position that the responsibility to improve the culvert was the Town's. He further stated that there are existing houses along Plante Lane. Mr. Reiser believes that because Plante Lane is a Town road, it should be the Town's responsibility to improve it. Attorney Tingley explained to the Board that in the Third Judicial Department, the rule is that the extent of the Town's authority and responsibility with respect to a highway-by-use is limited to the area actually maintained by the Town and publicly used. This means that the Town does not have the authority to increase the size of the road without the permission of the adjoining property owners. Member Mainello asked what the speed limit of Plante Lane was and Mr. Reiser responded that the speed limit was not posted. Mr. Reiser further stated that most of the Town roads are 16 feet wide and he recited a number of roads that he had visited, some of which were gravel like Plante Lane and some of which were paved. The roads Mr. Reiser identified included Indian Creek Lane, Kreiger Lane, Eddy Lane, Flower Road, Coons Road, Bott Lane, Lang Road, and Hakes Road. The Planning Board also discussed with Mr. Reiser drainage issues associated with the proposed subdivision. Chairman Oster explained to the applicant that there have been situations in the past where a user road has been insufficient to support a proposed project, and in those situations the applicant has voluntarily agreed to improve the road in order to provide a road that is sufficient to support the project. Chairman Oster gave Dusenberry Lane as an example. Chairman Oster further stated that although there will be just seven houses proposed for this portion of the subdivision, it is reasonable to assume that each house will generate at least two vehicles per lot, and potentially more vehicles if there are children of driving age living at the residence. He further explained that

applicants have previously worked with the Town in order to determine what is required and to improve the road as needed to support a given proposal. Chairman Oster further reviewed the concerns previously expressed by Highway Superintendent Doug Eddy. Member Esser asked whether the fire company had provided any input into the sufficiency of Plante Lane. Mr. Reiser indicated that there is a portion of Plante Lane that has a graded area to allow passage of vehicles. Member Esser indicated that it was his understanding that said area was at the bottom of Plante Lane. Mr. Reiser disagreed and indicated it was approximately halfway up Plante Lane. Mr. Reiser acknowledged that the graded area he referenced was not shown on the subdivision plat. Mr. Reiser indicated that he had discussed the road issue with the other owner on the opposite side of Plante Lane (Paul Schmidt), and Mr. Reiser stated that it was his belief that Mr. Schmidt has concerns regarding liability. Chairman Oster stated that the Highway Superintendent's comments also included concerns that once these lots are developed, the residents will be seeking to have Plante Lane improved and the Town's ability to improve Plante Lane—even at that point—may be limited by the fact that the road is a highway-by-use. Mr. Reiser indicated that the same style and scale homes are currently existing on other highways-by-use in the Town. Chairman Oster responded that it is the responsibility of the Planning Board to address public safety and it is up to the Board to decide if the road is sufficient or not. Mr. Reiser indicated that he is willing to consider working with the Town within reason, but that making substantial improvements to Plante Lane may require him to sell more lots, which is not what he had intended. Mr. Michael stated that the Town should consider having Mr. Bonesteel opine on the sufficiency of the road. Mr. Bonesteel also suggested that the applicant consider possible other alternatives in order to improve the road, although such other alternatives including widening the road and dedicating additional land to the Town may not be a feasible solution given the requirement of providing for drainage and the slope of the land. Member Mainello indicated

that he needs to know what the speed limit on Plante Lane is, particularly considering that the surface of Plante Lane is gravel, which will affect the stopping distance of vehicles. Member Mainello had concerns about not paving the road to support the subdivision. Member Tarbox asked whether the Town Board would need to approve any proposed dedication of property. Attorney Tingley indicated that the Town Board would be required to be involved in any decision concerning either acceptance of dedicated land or the expenditure of funds to improve or widen the existing roadway. Member Casey asked whether National Grid and Time Warner have access to the lots. Mr. Reiser indicated that there are existing poles and that he will grant an easement to those entities to run their lines to the lots. Member Casey asked whether there would be a school bus turnaround. The Board also discussed the fact that the Highway Superintendent will require a sufficient turnaround. Mr. Reiser indicated that there is a turnaround at the terminus of Plante Lane which the Highway Department currently uses to turn its plows around. Chairman Oster suggested that Mr. Bonesteel and Mr. Eddy go out to Plante Lane and meet with Mr. Reiser to review the sufficiency of Plante Lane. Member Esser suggested that the meeting include the Eagle Mills Fire Department Chief. Chairman Oster stated that he believes the Board needs a professional opinion on whether Plante Lane is sufficient in its current condition or whether improvements need to be made to Plante Lane in order to make it safe to support this proposed subdivision. Member Esser asked whether the new Town Code had yet been adopted and attorney Tingley indicated that until the new Town Code was adopted the Planning Board should be reviewing the application under the current Code and in accordance with the Planning Board's existing practice. Mr. Bonesteel indicated that the Town can recommend a speed limit for that road and Chairman Oster indicated that presumably at a minimum, some signage would be required to indicate that the road is a dead-end. Mr. Reiser indicated that there currently is a dead-end sign. Mr. Bonesteel then reviewed additional issues that he had identified. With respect to lots

3 and 4 which are located along Penny Royal Lane, Mr. Bonesteel indicated that there is a large culvert that crosses Penny Royal Lane and that the current layout of the driveway for lot 3 would not be feasible and the driveway for lot 4 would also not be feasible because it crosses a stream and then runs along the stream. Mr. Bonesteel also asked whether the driveways for lots 7, 8, 9, and 10 would be compliant with driveway requirements given the steep grades. Mr. Michael indicated that there will be cuts that will need to be done but that there can be a grading plan prepared for Mr. Bonesteel's review. Mr. Bonesteel indicated that he would like to see a grading plan for at least lots 7, 8, 9, and 10. The Board reminded Mr. Reiser that the driveways should have a back pitch in accordance with Town Highway Department requirements, and that any driveways over 150 feet must meet the Town's specifications with respect to such driveways. Mr. Reiser asked whether the Planning Board could designate lead agency at this meeting. Attorney Tingley explained that a lead agency coordination notice had been sent out and that thirty days has elapsed since. Attorney Tingley asked Ms. Guastella whether any agencies had submitted anything in response to the lead agency coordination notice and she indicated that they had not. Member Czornyj then made a motion to declare the Planning Board lead agency under SEQRA for this project, which was seconded by Member Mainello, and was unanimously approved. The Board placed this matter on the agenda for the April 21, 2016 meeting.

The next item of business on the agenda was the site plan application submitted by Hoffman Development Corp concerning its existing car wash facility on Hoosick Street. Frank Palumbo, of CT Male, together with Tom Hoffman and Marty Andrews of Hoffman Development Corp, were present. Mr. Palumbo explained that he had some updates for the Board in light of the prior meeting. Mr. Palumbo stated that the applicant's representatives met with the Department of Transportation concerning the improvements that will be required for the area of the property within the right-of-

way. Those requirements will include removing some existing driveway areas and extending the curb and sidewalks. Mr. Palumbo also reviewed the access locations, stating that the current access point will be modified from entrance and exit to entrance only, and an additional access point will be created on the eastern side of the site plan which is proposed to be entrance and exit. This will require expanding the exiting driveway on the eastern portion of the site from 15 feet to approximately 22 feet. The existing driveway in the center of the site will be removed. Mr. Palumbo also reviewed the applicant's proposal to mitigate light impacts to the adjoining property. The applicant proposes to install a chain link fence with slats to block headlights. Mr. Palumbo also reviewed the storm drainage of the site, indicating that the current conditions drain runoff into Hoosick Street. Mr. Palumbo believes that the Department of Transportation will allow the applicant to tap into the existing drainage easement that leads to the rear of the site. Mr. Palumbo also reviewed the light levels and indicated that at the property lines, the light will be very low if not at zero. Mr. Palumbo indicated that to the extent there is any light at the property lines it is from the existing lights, not from the proposed lights. Member Czornyj had questions concerning the entrances and exits to the site including whether the eastern access point could be changed to exit only. Chairman Oster indicated that he could see internal site circulation issues arising from customers that first sought to vacuum their cars and then to proceed to the carwash. The applicant responded that such customers would first vacuum their cars and then exit onto Route 7 and enter at the carwash queue entrance on the western portion of the site. Chairman Oster indicated that if the eastern access point was changed to exit only with two exit lanes then all vehicles could enter through the main entrance on the western end of the site and the issue could be avoided. The applicant responded that one of the benefits of having an entrance on the eastern end of the site is that it is located near the employee parking area and then employees could park in that area without being held up during busy times by the carwash

queue. Member Casey stated that it is difficult at certain times for left hand turns onto Hoosick Street and that he supports Chairman Oster's suggestion that the eastern access point be limited to exit only. Mr. Palumbo pointed out that a minor mistake on the layout plan indicates that there is a two way directional arrow which is actually one way and that the plan will be updated to correct the mistake. Member Casey asked where the exit lines up with respect to the Plum Blossom access and Mr. Palumbo indicated that it is near the Plum Blossom access but is not directly in line. Mr. Hoffman indicated that they have another location that has a two lane exit only as Chairman Oster had suggested and that the applicant would be willing to make the eastern access point a two lane exit only. Chairman Oster indicated that he felt the application materials were complete enough to schedule a public hearing and the Planning Board members concurred. Member Czornyj indicated that he will review the Building Department record to confirm that the County referral has been sent and that he will develop a list of the nearby property owners that will require public notice of the public hearing. The Board scheduled the public hearing on this application for 7:00PM on April 21, 2016.

There were three items of new business addressed.

The first item of new business discussed was the application of AG Distributors and Supplies Corp for the Ace Hardware site located at 831 Hoosick Road. The applicant seeks site plan amendment to provide for construction of two carports on which the applicant will be installing solar panels. Anna Marciano from Kasselmann Solar, appeared on behalf of the applicant. Ms. Marciano stated that the existing roof could only support 227 panels, which is insufficient to meet the energy needs of the site. The applicant proposes to construct two carports in the fenced-in display area which will be strong enough to hold the additional solar panels proposed. The applicant believes that the carports would constitute accessory structures. Ms. Marciano stated that the engineer was continuing

to work on a formal site plan, and that it was not yet ready for submission. Chairman Oster indicated that the application would be an amendment to the existing site plan. Chairman Oster asked whether there would be any use in the area of the carports. Ms. Marciano indicated that the use would be limited to storage of mulch, fertilizer, and/or soil products. Ms. Marciano stated that she believed that the area was not a customer retail area. Member Wetmiller asked whether the carports would be water tight and Ms. Marciano confirmed that they would be sealed off. Ms. Marciano further explained that there would be a 3-inch gap between the roof of the carport and the solar panels to allow for drainage. Member Wetmiller stated that the Board would like to see on the site plan where the drainage will go. Ms. Marciano stated that the carports are wholly within the fenced in display area and that there will not be any lost parking associated with construction of the carports. Chairman Oster asked whether the Planning Board must hold a public hearing on the application. Attorney Tingley stated that site plan public hearings are discretionary with the Board and that although the Board has previously held public hearings on site plans proposed for Route 7, there have been times when the Board has waived that public hearing where the application is for a minor amendment to an existing approved site plan. Member Casey asked Ms. Marciano whether the area in which the carports are proposed are truly seasonal given that the Ace Hardware sells Christmas trees in that area during the winter season. Member Casey expressed concern regarding snow falling off of the roof and panels onto customers. The Board also discussed concerns regarding icy conditions in that area during that time. Ms. Marciano stated that she would review that with the property owner. Ms. Marciano also stated that the proposed carports would be all wholly contained within the fenced-in storage area. The Board discussed concerns regarding the storage and materials under the carports if the materials were placed there by a forklift. The Board asked whether the existing gazebo would be relocated and Ms. Marciano indicated that she was not sure. The Board discussed the size of the

carports and the location of the wires from the solar panels to the building. Ms. Marciano indicated that all wires would be run across the roof by a conduit that would enter the main building and be routed to the electrical panel and that there would be no wires that would be accessible to any member of the public near the ground. Chairman Oster stated that the fire company should review the layout. The Board asked whether the carports would be attached to the building and Ms. Guastella stated that if the carports are separate accessory buildings then there may be some additional setback issues that would be to be complied with. Ms. Marciano indicated that she intended to deliver the finalized site plan to the Building Department for review in the next couple of days. The matter was placed on the agenda for further discussion for the April 21, 2016 meeting.

The next item of new business discussed was the application by Farrell Homes for a major subdivision located on Pinewoods Avenue. Brian Holbriiter and Mr. Farrell appeared on the application. Mr. Holbriiter explained that preliminary engineering had been done for the proposed lots and that the proposed layout had been submitted to the County Health Department for review in connection with the septic systems. The lots are served by public water. Mr. Wetmiller asked whether the driveway for one of the lots is coincident with an existing easement and what the purpose of the easement is. Mr. Holbriiter indicated that the easement was created to accommodate a proposed extension of a water line in that area and Mr. Wetmiller requested that the subdivision plat include a map note indicating that fact so that a purchaser of that particular lot would be aware of the potential of the Town doing work in the easement area that may interfere with the driveway. The Board then indicated that it did not appear that the application fee had been received and the fee requirements were provided to Mr. Holbriiter. Mr. Holbriiter indicated that the fee would be paid before the next meeting. The Board discussed whether the SEQRA short form or long form would be required for the project. Attorney Tingley indicated that the requirement of which form would be used would

depend on how the action is classified for SEQRA purposes, with all Type 1 actions requiring a SEQRA long form. Unlisted actions can be reviewed using a SEQRA short form, but the Planning Board can require completion of the long form if it believes that level of information is required for its review. Chairman Oster asked whether the elevation of the roof lines of the proposed houses on the lots would be near the elevation of the existing Pinewoods Avenue. Mr. Holbriiter indicated that they would be pretty close in terms of elevation given the grade difference between the lots and the roadway, but that the houses will be set back sufficiently from Pinewoods Avenue. Mr. Holbriiter indicated that the zoning for the areas are R-15, but that the proposed size of the lots are approximately 40,000 square feet. Chairman Oster noted that the driveway could be relatively steep and that the application should provide some detail concerning the slopes of the driveways. The Board also discussed with the applicant the need for site distances, and requested that the subdivision plat identify the site distances of the various driveways. Mr. Bonesteel indicated that he recommends use of the SEQRA long form EAF. The Board also discussed whether an agricultural data statement would be required for this project. The matter was placed on the agenda for further discussion for the April 21, 2016 meeting, contingent upon receiving payment of the application fee.

The next item of new business discussed was the application of Peter Calhoun with respect to an expansion of a proposed parking lot at the old Trooper barracks on Route 7. Mr. Holbriiter appeared on behalf of the applicant. Mr. Holbriiter indicated that currently the site does not have enough parking to support the existing use, and that the property owner is intending to lease adjoining land to build a parking lot. The question arose whether the proposed parking lot use of that particular lot would be permissible in light of the current zoning classification. The Board discussed with Mr. Holbriiter the process including submitting an application to the Building Department and having a

Building Department determination rendered concerning permissibility of the proposed parking lot use.

The next item of new business discussed was the application of Mark Ross for a lot line adjustment for property located at 13 Camel Hill Road. Mr. Ross indicated that he intends to adjust the lot line so as to add approximately 1.34 acres from property currently owned by Alma Ross, Mr. Ross' mother, to property currently owned by Mr. Ross. Mr. Ross explained that his water well is currently located on the 1.34 acres and that he has no intention to build any structures on the additional acreage. The Board explained that if the application were approved, the lots would be required to be merged, which would require a survey. Attorney Tingley stated that the Board should require the applicant to provide written consent by Alma Ross with respect to the application. The Board placed the matter on the agenda for the April 21, 2016 meeting.

The index for the March 17, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision - 4/21/2016;
2. Hoffman Development Corp - Site plan - 4/21/2016 (public hearing to commence at 7:00pm);
3. AG Distributors & Supplies Corp - Site plan - 4/21/2016;
4. Farrell Homes - Major subdivision - 4/21/2016;
5. Peter Calhoun - Site plan - adjourned without date;
6. Mark Ross - Waiver of subdivision - 4/21/2016.

The proposed agenda for the April 21, 2016 meeting currently is as follows:

1. Hoffman Development Corp - Site plan (public hearing to commence at 7:00pm);
2. Mark Ross - waiver of subdivision;
3. Reiser Builders Inc. - Major subdivision;
4. AG Distributors & Supplies Corp - Site plan;
5. Farrell Homes - Major subdivision (contingent on payment of fee).