

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 21, 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 21 meeting.

The Planning Board opened a public hearing on the site plan application submitted by Hoffman Development Corp for property located at 672 and 680 Hoosick Road. The applicant is seeking a site plan amendment to expand its existing carwash facility located on Hoosick Road. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Chairman Oster reviewed the Planning Board's rules for the conduct of a public hearing. Chairman Oster then requested the applicant to present an overview of the application and proposed site plan amendment. Frank Palumbo, of CT Male Associates, and Marty Andrews, Hoffman Development Corp, were present. Mr. Palumbo reviewed the proposed revised layout for the facility, which will relocate the vacuum service area to the adjacent lot located immediately to the east of the existing facility. Mr. Palumbo then reviewed the revised layout for the site, including traffic circulation, pavement areas, stormwater management, revised ingress and egress locations, and fencing to be installed along the eastern boundary line adjacent to existing residences. Chairman

Oster opened the floor for receipt of public comment. Doris Depowell, 690 Hoosick Road, stated that there are two houses between the Hoffman Carwash site and Woodward Avenue, stating that cars already have a great deal of trouble getting out of Woodward Avenue onto Hoosick Road, and asked whether there would be any traffic light or signage installed to help people get out from Woodward Road onto Hoosick Road. Mr. Palumbo responded that the applicant can request improvements in terms of signage or a traffic light to NYSDOT, which has exclusive jurisdiction over Hoosick Road. Mr. Palumbo also stated that with the revised ingress and egress plan, spreading out the single entry-in and single exit-out location should alleviate some backup issues near the entrance of the carwash, but that any signage or other improvement on Hoosick Road requires the approval of NYSDOT. Mr. Palumbo also stated that the applicant will be applying for work permits from NYSDOT, and these requests can be made at that time. Ms. Depowell also asked about a pedestrian crosswalk being installed at the new exit location. Mr. Palumbo stated that the applicant can raise that issue with NYSDOT as well at the time of applying for work permits. Member Esser stated that the proposed new traffic signal at Lord Avenue should help with traffic flow on Hoosick Road. Chairman Oster stated that in connection with the commercial site plan approval for the Aldi grocery store and Taco Bell, a contingency was imposed that a traffic signal be installed at Lord Avenue opposite the entrance to the Planet Fitness facility, and the traffic signal was being reviewed by NYSDOT. Mr. Palumbo stated that if the traffic light is installed at Lord Avenue, this will create gaps in traffic that should improve access onto Hoosick Road. Chairman Oster requested any further public comment. There were no other members of the public that wished to comment on this application. Hearing no further comment, the Planning Board closed the public hearing on the Hoffman Development Corp site plan.

The Planning Board then opened its regular business meeting.

The Planning Board reviewed the draft minutes of the April 7, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 7, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Hoffman Development Corp for property located at 672 and 680 Hoosick Road. Chairman Oster noted that the public hearing had been held, and that the applicant had addressed the comments received at the public hearing. Chairman Oster confirmed that the issue of signage, traffic signal, and crosswalk would be raised by the applicant with NYSDOT at the time of applying for work permits for this project. Mr. Palumbo confirmed that these issues will be raised with NYSDOT at the time the applicant applies for work permits, but wanted to note for the record that the Hoffman application is not creating any additional traffic, but the issue concerning signage, traffic signal, and crosswalk addresses existing traffic only; also, Mr. Palumbo confirmed that the applicant cannot confirm that NYSDOT will permit any improvements on Hoosick Road, but that the applicant will make the request when applying for work permits to NYSDOT. Member Czornyj asked whether a crosswalk would be included if the light was installed at Lord Avenue. Mr. Palumbo stated that a crosswalk is usually required by NYSDOT when a traffic signal is installed. Mr. Bonesteel noted that NYSDOT requires crosswalks only if there is a pedestrian destination, but that on occasion, NYSDOT will still require a crosswalk even if there is not pedestrian destination currently present. Chairman Oster noted that the Planning Board did request the access way located furthest to the east on the site be used for exit only, and that the applicant did limit that access way to exit only. Mr. Palumbo confirmed that the eastern access point will be used for exit only. The Planning Board confirmed that the referral to the Rensselaer County Planning Department was completed, and the County's comments state that the proposal does not have a major impact on County plans and that local consideration shall prevail,

noting that moving the curb cut for the exit of the automatic carwash will increase safety and allow for stacking to occur when traffic is heavy, and that the location shown for the new curb cut for the exit from the facility is optimal for the site as it is closely opposite to Tucker Avenue. Mr. Palumbo reviewed the drainage plan and his discussions with NYSDOT. Mr. Palumbo explained that currently, the drainage from the front of the site currently runs out to Hoosick Road and into the State's storm drain system. Mr. Palumbo explained that with the site revisions, the applicant is requesting that the drainage from the front of the site flow directly into a drainage pipe that drains to a different part of the property, and that NYSDOT has conceptually approved this approach subject to a drainage analysis being completed. Mr. Palumbo stated that the drainage analysis is being completed, which shows that the total stormwater runoff from the site is being reduced from current conditions due to the inclusion of a stormwater basin on the site. Chairman Oster noted that with the revised exit and area for stacking of cars leaving the carwash before entering onto Hoosick Road, there will be less potential water from the washed cars going onto Hoosick Road, particularly during the winter season. Chairman Oster asked whether there were any further comments from the Planning Board members. There were no further comments. Chairman Oster confirmed that Mr. Bonesteel had no outstanding engineering issues on the application. Mr. Bonesteel had no further comments. Thereupon, the Planning Board proceeded to act on the application. Member Czornyj 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 Tarbox then made a motion to approve the amendment to the Hoffman Carwash commercial site plan, subject to the following conditions:

1. The applicant is to request that NYSDOT consider adding signage, a traffic signal, or a crosswalk in the area of the new curb cut and exit from the Hoffman

Carwash site in relation to Woodward Avenue, noting that NYSDOT has exclusive jurisdiction over Hoosick Road;

2. The lots now identified as 672 and 680 Hoosick Road are to be legally merged into one lot.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the amendment to the Hoffman commercial site plan was approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by Mark Ross for property located at 13 Camel Hill Road. Mark Ross was present. Mr. Ross handed up to the Planning Board a copy of an executed real estate contract for the 1.34 acres subject to the current waiver of subdivision application, executed by the current property owner, Alma Ross, and Mark Ross. Mr. Ross stated that the current property owner, his mother, does consent to the current waiver of subdivision application, as noted on the executed real estate contract which will transfer title from Alma Ross to Mark Ross if the subdivision is approved. Chairman Oster noted that this was the only outstanding issue from the discussion held at the April 7 meeting, and attorney Gilchrist confirmed that the executed real estate contract is satisfactory for the Planning Board to proceed to the action on the waiver application. Thereupon, Member Czornyj 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 waiver of subdivision application, subject to the condition that the 1.34 acre parcel be legally merged into the lot owned by Mark Ross. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located off NYS Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders Inc. was present. Also present was Doug Eddy, Town of Brunswick Highway Superintendent. Chairman Oster confirmed that a meeting had been held at Plante Lane, and that Chairman Oster, Member Czornyj, Town Building Inspector Guastella, Mr. Bonesteel, Mr. Eddy, William Bradley of the Town Water and Sewer Department, and Mr. Reiser were present at that meeting. A representative of the Eagle Mills Fire Department was not available to attend. The purpose of the meeting was to discuss the current condition of Plante Lane, and the impact of seven residential lots on Plante Lane. Chairman Oster requested Mr. Bonesteel to review his considerations. Mr. Bonesteel stated that the site meeting was to analyze the adequacy of Plante Lane for the addition of seven residential lots. Mr. Bonesteel confirmed that the Town of Brunswick does not have specifications for gravel roads, but that he did research other available gravel road standards and specifications, including the US Department of Transportation Federal Highway Administration Design Manual for Gravel Roads, and also the Cornell Local Roads Program for Highway Standards for Low-Volume Roads. Mr. Bonesteel had prepared a summary of his observations and comments in a letter report dated April 20, 2016, which is included in the record on this application. Mr. Bonesteel stated that while Mr. Reiser had submitted photographs showing two pickup trucks side by side on Plante Lane, the trucks did not have adequate room to remain on the travel way and were actually on the shoulders of the road, and that his observations confirmed that the width of Plante Lane in certain sections was only 12–14 feet. Mr. Bonesteel concluded that Plante Lane is structurally sound, having a good base and stability. Mr. Bonesteel also concluded that the drainage for the existing land uses along Plante Lane was adequate. However, with the addition of seven residential lots, Mr. Bonesteel stated that the road will need to be widened and the drainage improved.

Concerning drainage, Mr. Bonesteel noted that there was one area where the drainage is not good, and an existing 14-inch drainage pipe will need to be increased and it is likely that the location will need to be regraded. Mr. Bonesteel did state that with the addition of seven residential lots, traffic would be significantly increased over current conditions, but that the total projected volume of traffic from seven residential lots is still considered to be low volume, and the fact that Plante Lane is a dead-end road further decreases projected traffic since there is no through-traffic to consider. Mr. Bonesteel stated that the gravel road should be designed for adequacy for winter maintenance, including adequate areas for snowplowing to allow a school bus to safely enter and exit, together with adequate areas for snow storage. Mr. Bonesteel stated that the road must be wide enough for a Town snowplow and a school bus to pass at the same time, and still provide for adequate shoulders and drainage areas. Mr. Bonesteel concluded that Plante Lane should be widened to a minimum of 23 feet, including two 9-foot travel lanes and two 2-foot shoulders. Mr. Bonesteel concluded that the improvements to Plante Lane are mandatory for the roadway to be considered adequate for the new residential lots. Mr. Bonesteel stated that he understands Mr. Reiser owns and controls only one side of Plante Lane, and that improvements may be rendered difficult by improving only one side of the road, but that his recommendation remains the same. Finally, Mr. Bonesteel stated that in the event the total area disturbed by this residential subdivision, including any road improvements undertaken by Mr. Reiser, exceed one acre, then a stormwater pollution prevention plan will be required. Mr. Bonesteel also stated that it was advisable that Mr. Reiser transfer title to his portion of Plante Lane and any improvements on the shoulder owned by Mr. Reiser to the Town, noting that the legal status of the road as a user road allows the Town to maintain only those areas that are currently being maintained by the Town and no further area, but that deeding an adequate right-of-way area by Mr. Reiser will allow the Town to do further work in the future if necessary. Mr. Bonesteel stated that the area should

be deeded by Mr. Reiser to the Town after any road improvements are completed on the portion of Plante Lane that Mr. Reiser owns. Chairman Oster noted that any determination to take title to a portion of Plante Lane is a Town Board decision. Attorney Gilchrist confirmed, stating that any determination to accept title to real property is a Town Board determination. Chairman Oster asked whether the Town could accept only a portion, or half the width, of Plante Lane. Attorney Gilchrist stated that in the usual subdivision scenario where a new subdivision road is being constructed by the applicant, then title to the full Town right-of-way and road dedication is required; however, in this case, Plante Lane is an existing Town road in the nature of a user road, and the underlying property remains owned by Mr. Reiser and the property owner on the western side of Plante Lane, each owner reportedly owning to the centerline of the road. Attorney Gilchrist stated that the Town can consider accepting title to that portion of Plante Lane owned by Reiser, including any improvements that Mr. Reiser may complete on the side of the existing Plante Lane that Mr. Reiser owns. The Planning Board then held extensive discussion concerning drainage, noting that in one area of Plante Lane, an existing drainage pipe exists with a diameter of 14 inches, which then discharges to another drainage pipe under NYS Route 351 that is 24 inches in diameter. The Planning Board and Highway Superintendent Eddy felt that this drainage area will need to be improved considering the additional runoff anticipated from residential lot construction. Mr. Reiser then discussed the road improvements, including width and drainage, and stated that he feels he does own adequate area on the east side of Plante Lane to complete the road improvements, that this will necessarily include removal of some trees, and that he would still have adequate area for driveways to each of the residential lots that will meet Town specifications. Mr. Reiser does agree that the existing 14-inch drainage pipe under Plante Lane should be increased. Mr. Reiser did request that any improvement to Plante Lane not be required to be completed until the time of building permit issuance for any of

the new residential lots, rather than required to be completed at the time of subdivision approval. The Planning Board then had extensive discussion concerning the specifications for road improvements, including requiring additional specifications being prepared now for review by the Planning Board and appropriate information be added to the subdivision plat, including showing road improvements on the subdivision plat as well as adding a plat note. Mr. Reiser stated that he was in agreement on adding a plat note, but that since this was a non-realty subdivision, he was trying to avoid significant engineering costs up front at the time of plat review. Member Esser stated that any improvements to Plante Lane should be designed now for review by the Planning Board and the Town Highway Department, and also there should be more specification concerning the driveways for each of the residential lots, since any improvement to Plante Lane will make the driveways steeper. The Planning Board held further discussion on the specifications needed to be prepared by Mr. Reiser now for review by the Planning Board and the Town Highway Department, including adding detail on road improvements as well as driveway locations and required culverts under each driveway, all showing that the width of Plante Lane is able to be constructed so that it is a minimum of 23 feet in width, including two 9-foot travel ways and two 2-foot shoulders, and that Mr. Reiser has adequate area on the property that he owns to complete construction of all required road improvements to allow a safe and adequate road for seven residential lots. The Planning Board also discussed necessary revisions to the subdivision plat showing road improvements, and also language of a plat note for road improvements. Chairman Oster also asked about the descriptions of the property owned by Mr. Reiser as well as the property owner located to the west, and whether their property descriptions referenced the centerline of Plante Lane, and whether changing the centerline through road improvements would affect any title issues. Attorney Gilchrist stated that the deeds to the Reiser property as well as the property to the west should be requested from the applicant and reviewed. Member Wetmiller asked

Mr. Eddy as to whether there is a difference between improving the road for purposes of use as a gravel road as opposed to improving the road for future pavement. Mr. Eddy stated that Mr. Reiser should be using fabric, and that constructing a good gravel road will be adequate for future paving if the Town determined to pave Plante Lane in the future. Mr. Reiser stated that all the detail on driveway culverts will be prepared at the time of application for building permits and driveway permits for each individual lot, since the ultimate owners of the lots may choose to relocate the driveway, and all necessary detail will be completed at that time for review by the Town. Member Tarbox asked whether Mr. Reiser intended to grade only the area on his property outside the existing travel way of Plante Lane, or whether Mr. Reiser would be regrading a portion of Plante Lane when widening the road on the eastern side of Plante Lane. Mr. Reiser stated that he did not think grading the existing travel way of Plante Lane was advisable since Plante Lane is currently in very good condition, but that he was proposing to work only on the shoulder area to increase the width of Plante Lane. Member Mainello asked whether the widening of Plante Lane would require the road to be re-crowned, and a new centerline created for drainage purposes. This matter will need to be reviewed by the Town Highway Department for further comment. Member Tarbox stated that the entire Plante Lane should be improved because it is necessary for seven new residential lots, and that the applicant should be paying for this rather than the Town taxpayers. It was determined by the Planning Board that additional road improvement detail needs to be prepared by the applicant, including cross sections as well as limits of improvements; also, additional calculation for increased drainage must be undertaken to determine an appropriate drainage pipe size under Plante Lane. The Planning Board stated that the road improvements should be shown on the subdivision plat, a plat note to be drafted discussing road improvements, that the applicant must provide cross sections of road improvements and limits of improvements, and that the applicant must coordinate with the Highway Superintendent

on increasing the drainage pipe size under Plante Lane. This matter is placed on the agenda for the May 5, 2016 meeting to review the additional information requested of the applicant.

The next item of business on the agenda was the site plan amendment application of Kasselmann Solar on behalf of AG Distributors and Supplies Corp for the Ace Hardware site located at 831 Hoosick Road. Anna Marciano of Kasselmann Solar was present, stating that she was acting as agent for AG Distributors and Angelo Grasso, owner of the property. Ms. Marciano stated that stamped drawings had been submitted on the application, including both the site plan as well as stamped engineered drawings for the carport structures on which the solar panels are proposed. Ms. Marciano stated that the Town had issued a building permit for installation of the solar panels on the roof of the existing Ace Hardware store, but with respect to the carport structures on which additional solar panels are being proposed, both an area variance and site plan approval are required. Ms. Marciano stated that an area variance application had been submitted to the Brunswick Zoning Board of Appeals, necessary due to the distance between the proposed carport structures and the principal building. Ms. Marciano stated that the Brunswick ZBA had initially reviewed the application, and has scheduled a public hearing for the ZBA's May 16 meeting. Ms. Marciano stated she was available to answer any questions, but that review and action on the site plan will be dependent upon Zoning Board action on the variance application. Chairman Oster asked whether the fire company had received a set of the plans. Ms. Marciano stated that the Brunswick No. 1 Fire Department had received the plans, and that the chief stated he would be providing comments. Building Inspector Guastella stated that she had received the comments of the Brunswick No. 1 Fire Department on this application, seeking to confirm that all necessary signage be required for shutting down the solar system when an emergency occurs. The Planning Board discussed stormwater runoff from the solar panels on the carport structures, and Ms. Marciano stated that the runoff had been reviewed and that

the existing drainage system for that location is adequate to meet any potential runoff. Member Tarbox asked whether there was blacktop already existing in the area where the carport structures are proposed. Ms. Marciano stated the area was already paved, and increase in runoff is not anticipated. The Planning Board discussed the fact that the carport structure itself will have a solid roof, and the solar panels will be attached on top of that solid roof. Chairman Oster confirmed that the area for the carport structures and solar panels is already fenced. Chairman Oster asked whether the Ace Hardware store will be using these carport structures for product storage. Ms. Marciano stated that the carport structures are engineered for safety, and that the engineered plans had been submitted to the Town. Ms. Marciano stated that the owner of the Ace Hardware store is not sure what will be stored under the carport structures, but wanted to confirm on the record that the carport structures are designed and engineered for safety. Member Tarbox asked about the height of the structures. Ms. Marciano stated that the carport structure is 14 feet at its maximum height, and that the lowest point of the roof structure was 10 feet, allowing for safe pedestrian access under the roof structure. Member Wetmiller wanted to confirm that there were no additional diagonal support structures from the support beams to the roof structure that may present pedestrian hazard, and Ms. Marciano stated there were no additional diagonal structures for support, only the single support beams. Chairman Oster asked whether the Planning Board felt it necessary to hold a public hearing on the site plan amendment application, noting that the Planning Board has the discretion to hold a public hearing but that if the Planning Board determines the amendment to be minor, it should consider whether to hold a public hearing or not. Member Czornyj also stated that the Zoning Board will be holding a public hearing on this matter in connection with the area variance application. Upon further discussion, the Planning Board determined that a public hearing on this amendment to the site plan is not required in this case. Member Mainello asked about the location of the transformer and other equipment in connection with

the solar panels on the carport structures. Ms. Marciano stated that all equipment will be located within the building's electrical room, with only one exterior conduit from the roof area. The Planning Board confirmed that the application will be forwarded to the Rensselaer County Planning Department for review and recommendation. The Planning Board has set this matter down for further discussion at the May 19, 2016 meeting, following the Zoning Board public hearing and meeting to occur on May 16.

The next item of business on the agenda was a major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue (Tax Map No. 102-2-10.14). The applicant seeks to subdivide a 13.36-acre parcel into four 0.95-acre building lots and one 9.58-acre building lot for a total of five building lots. Butch Farrell of Farrell Homes and Brian Holbritter were present. Mr. Holbritter stated that the subdivision application form and plat submittal had been made, the application fee has been paid, and both a long environmental assessment form and agricultural data statement had been completed and submitted. Mr. Holbritter stated that he had shot the sight distances from proposed driveways, and given that Pinewoods Avenue is a 30mph road, the shortest sight distance from any of the driveway locations is 302 feet and that this is adequate for a 30mph road. Mr. Holbritter also stated that grading for the proposed driveways will keep all of the driveways at a grade of 10% or less, but this will ultimately depend on final house location. Mr. Holbritter stated that he has added a plat note stating that all driveways for the subdivided lots must meet Town driveway or private road standards depending on length. Chairman Oster noted that the applicant had submitted documents requested by the Planning Board, and felt that the application was complete. Mr. Bonesteel also stated he felt the application was complete for moving the matter forward to public hearing. The Planning Board has scheduled a public hearing for the Farrell Homes major subdivision application for May 5, 2016 to commence at 7:45pm.

There were no new items of business to discuss.

Member Tarbox asked a question concerning the Reiser major subdivision, stating that his review of the most recent subdivision plat shows that five of the proposed residential lots are now under 5 acres, and again asked the rules regarding non-realty subdivisions. Attorney Gilchrist reviewed the rules concerning non-realty subdivisions. It was determined that the original subdivision plat submitted by Mr. Reiser showed ten building lots in excess of 5 acres, and only one building lot being under 5 acres. However, the current subdivision plat shows six lots over 5 acres, and five lots under 5 acres. In the event the applicant seeks to have five proposed residential lots under 5 acres, the application is no longer for a non-realty subdivision and further engineering and submissions to the Planning Board will be required. This matter will be addressed at the May 5 meeting.

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

1. Hoffman Development Corp - Amendment to commercial site plan - Approved with conditions;
2. Mark Ross - Waiver of subdivision - Approved with condition;
3. Reiser Builders Inc. - Major subdivision - 5/5/2016;
4. Kasselman Solar (AG Distributors) - Amendment to commercial site plan - 5/19/2016;
5. Farrell Homes - Major subdivision - 5/5/2016 (public hearing to commence at 7:45pm).

The proposed agenda for the May 5, 2016 meeting currently is as follows:

1. Reiser Builders Inc. - Major subdivision;
2. Farrell Homes - Major subdivision (public hearing to commence at 7:45pm).
3. McCarty - Petition for Amendment to Zoning District (referral from Town Board).