

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 5, 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 May 5 meeting. Chairman Oster noted that the major subdivision application submitted by Reiser Builders, Inc. is adjourned to the May 19, 2016 meeting at request of the applicant.

The draft minutes of the April 21, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 21, 2016 meeting were unanimously approved without amendment.

Chairman Oster noted that the major subdivision application for Reiser Builders, Inc. had been first on the agenda for the May 5 meeting, and that the public hearing scheduled for the major subdivision application of Farrell Homes was not scheduled to commence until 7:45pm. Accordingly, Chairman Oster stated he would take other matters out of order on the agenda, and continue to open the public hearing on the Farrell Homes major subdivision application at 7:45pm.

Chairman Oster noted there was one item of old business to discuss. Updated site plan materials have been submitted by Bohler Engineering on the Oakwood Property Management PDD site plan application. Chairman Oster noted that this application had been adjourned while

two issues were being addressed on the application, including the issue of an emergency access road and also the stormwater management plan for the project. Chairman Oster reiterated that the consultant retained by the Planning Board on the issue of the emergency access road had previously prepared a report which had been reviewed and discussed by the Planning Board at a prior meeting, and it was determined that the emergency access road was not required in connection with this project. However, Chairman Oster noted that at page 4 of the updated site plan set, while two easement areas are depicted on the plan, the plan still shows a “maintenance road” in the approximate location of the previous emergency access road. Chairman Oster stated that this must be clarified, as the Planning Board had previously determined that a road for emergency access purposes was not required in that location, and a “maintenance road” had not previously been discussed or required by the Planning Board. Chairman Oster also noted that there could still be concern on the part of the public that something identified as a “maintenance road” could be converted into a connector road with the North 40 subdivision. The Planning Board members concurred, and felt that the “maintenance road” should be removed from the plan, and that only the waterline and an easement area for the waterline should be shown in that section of the project. Chairman Oster will contact Rob Osterhaut at Bohler Engineering to discuss that issue. Member Tarbox asked whether there was adequate parking provided for the proposed apartments. Attorney Gilchrist stated that the total parking had been reviewed in connection with the action by the Town Board on the Planned Development District. Chairman Oster asked whether Mr. Bonesteel should review the stormwater pollution prevention plan. Mr. Bonesteel stated that Laberge Engineers has been retained as special engineering review consultant on the Oakwood Property Management PDD, and that Laberge Engineering had reviewed the SWPPP, as had Town Water Superintendent Bradley. Mr. Bonesteel stated that he was available to review the SWPPP, and could respond to questions of the Planning Board if requested. The Planning Board felt that

it was appropriate that a copy of the SWPPP be provided to Mr. Bonesteel. This matter is placed on the May 19, 2016 agenda for discussion.

The next item discussed by the Planning Board was the referral from the Town Board of the petition submitted by McCarty seeking rezoning of property located at 1001 Hoosick Road. F. Redmond Griffin, Esq., attorney representing McCarty, was present. Attorney Griffin presented an overview of the zone change request. Attorney Griffin stated that the parcel is currently zoned R-25, and that the owner is seeking to change that zoning district classification to B-15. Attorney Griffin informed the Planning Board that Stewarts has an interest in the property for construction of a new store, and would relocate from its current site at the intersection of Hoosick Road and Route 142. Attorney Griffin stated that Stewarts' current location was not good in terms of parking and visibility. Attorney Griffin stated that it appears Stewarts' current business model is to expand their existing sites with larger stores and more room for gasoline sales, and that Stewarts had identified the McCarty parcel at 1001 Hoosick Road for upgrading their current store at the intersection of Hoosick Road and Route 142. Attorney Griffin stated that when he presented this proposal to the Town Board at its meeting held April 14, he did not hear any negative comments from any members of the Town Board to the proposal. Attorney Griffin explained that the parcel at 1001 Hoosick Road is surrounded by other parcels that are currently zoned B-15 along that side of Hoosick Road. Member Czornyj asked whether the traffic signal located at the intersection of Hoosick Road and Route 142 would be relocated if Stewarts moved to this site. Attorney Griffin stated that the intersection would be under the jurisdiction of the New York State Department of Transportation, and that clearly there would be some discussion concerning that intersection. Chairman Oster noted that the Town's recently-adopted comprehensive plan did show this area to be rezoned to commercial, and that this rezoning would be consistent with the comprehensive plan. Chairman Oster did ask whether there were any restrictions in the deed to this parcel. Attorney

Griffin stated that he was not aware of any restrictions in the deed prohibiting commercial activities, but that he would confirm that issue. Attorney Gilchrist advised the Board that while there was much discussion concerning the Stewarts project on this site, the application in front of the Town Board which has been referred to the Planning Board is to change the general zoning classification of this parcel to B-15, which would allow any retail use on the property, not limited to just the Stewarts project. Attorney Gilchrist advised the Board that in preparing its recommendation, the Planning Board needs to consider all uses allowable within the B-15 Zoning District, not just a proposed Stewarts project. Member Czornyj raised a question concerning rezoning this single parcel. Attorney Gilchrist stated that the Planning Board should consider the zoning classifications for this parcel as well as the surrounding parcels when considering this proposed zone change. Member Mainello agreed with Chairman Oster that this area is to be commercial in nature under the comprehensive plan, and this zone change would be consistent with the comprehensive plan. Member Tarbox confirmed the B-15 Zoning District classification for the surrounding parcels. The Planning Board members then generally deliberated on the matter, determining that a positive recommendation should be prepared, including comments that this parcel is surrounded for the most part by properties already zoned B-15, that this area was proposed to be commercial in nature under the recently-adopted comprehensive plan and this zone change would be consistent with the comprehensive plan, and that the property surrounding this parcel is generally no longer residential in character. The Planning Board did want it noted that the intersection and traffic signal at Hoosick Road and Route 142, and also Sweetmilk Creek Road, should be considered in connection with the zone change as well as any site plan for the McCarty parcel. Also, the Planning Board felt that the issue of any deed restrictions should be confirmed prior to action by the Town Board on the zone change. The Planning Board directed attorney

Gilchrist to draft a recommendation consistent with that deliberation for review at the May 19 meeting. This matter is placed on the May 19 agenda for review of the draft recommendation.

After a brief recess, Chairman Oster reconvened the Planning Board meeting at 7:45pm.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue. The Planning Board opened the public hearing on the application, with the notice of public hearing being read into the record, 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 procedure for public hearings. Chairman Oster then requested the applicant to present a brief overview of the application. Brian Holbriiter, Licensed Land Surveyor, representing Farrell Homes, reviewed the proposed subdivision plat, which proposes to divide 13.36 acres into five building lots, consisting of four lots of approximately 0.95 acres, and one flag lot of approximately 9.58 acres. Mr. Holbriiter stated that these lots are proposed for single-family homes, with driveways onto Pinewoods Avenue. Mr. Holbriiter stated that the lots would be serviced by public water, but do have private septic systems designed for each lot. Chairman Oster then opened the floor for receipt of public comment. Anna Snay, 584 Pinewoods Avenue, stated that she had recently purchased her home, and had done so primarily because of the views from the front of her house. Ms. Snay stated that this project, including five new homes, would significantly impact the views from her property. David Lefebvre, 571 Pinewoods Avenue, stated that his property was immediately adjacent to this site, and handed up a letter to the Planning Board dated May 5, 2016 outlining his comments and concerns. Mr. Lefebvre then reviewed his comment letter. With respect to the major subdivision application, Mr. Lefebvre asked whether the sale of individual lots was tied to the construction of a home by Farrell Homes; is a model home contemplated by Farrell Homes on any of the lots; will the homes be one story or two stories; will the homes be located 50–150 feet

off of Pinewoods Avenue, or could the setback be changed to make the houses closer to Pinewoods Avenue; could the location of the septic fields be changed after they are approved by Rensselaer County; and whether any consideration would be given to the increased traffic and safety issues for driveway ingress and egress for these lots onto Pinewoods Avenue. Regarding the 9.58 acre flag lot, Mr. Lefebvre asked whether there were any regulated wetlands on the flag lot; whether the flag lot could be rezoned for commercial or agricultural use; whether the flag lot could be further subdivided; and whether the driveway to the flag lot would be paved. Mr. Lefebvre stated that it was difficult to see onto Pinewoods Avenue when leaving these driveways, and while the posted speed limit on Pinewoods Avenue is 30mph, cars are usually traveling at least 45mph; and further that Pinewoods Avenue has a curve and a bit of a hill which make visibility difficult in this location. Mr. Lefebvre was also concerned that the flag lot would be utilized in the future to put in a public road and further subdivide that lot with additional homes. Mr. Lefebvre had concerns about the storage of trucks and a soil business located below this site adjacent to Brunswick Road, and whether that use could be extended up the slope onto the flag lot. Laura Lefebvre, 571 Pinewoods Avenue, also had concerns regarding any further subdivision of the flag lot. Mr. Lefebvre stated that any further subdivision of the flag lot would affect their view and the character of that location. Chairman Oster generally reviewed the jurisdiction of the Planning Board in reviewing subdivision plans, and that the underlying Zoning District and Town regulations dictate how the property can be legally subdivided. There was general discussion between the Lefebvres and the Planning Board concerning the review of applications and character of the location, with Chairman Oster confirming that the Planning Board members are mindful of the character of the Town when reviewing applications, but that the Zoning District and regulations of the Town govern the review of applications. Chairman Oster confirmed that the flag lot could be further subdivided under the Town zoning regulations and subdivision regulations, since this property is

located in an R-15 Zoning District which allows for residential lots of 15,000 square feet, and the current proposed flag lot is over 9 acres in size. On this point, Chairman Oster did observe that the proposed subdivided lots of 0.95 acres are significantly greater in size than allowable in the R-15 Zoning District. Mr. Lefebvre also stated that he was concerned about the driveway of the flag lot being paved, since an unpaved driveway could result in dust impacting his property. Jessica Engel, 592 Pinewoods Avenue, stated she lives directly across from the site, and had questions concerning when construction would start, and how the construction would be handled in terms of construction equipment, delivery of materials, and other construction issues along Pinewoods Avenue. Jim Tcachik, 387 Brunswick Road, noted that Farrell Homes had originally subdivided property between Pinewoods Avenue and Brunswick Road, and asked how many lots were in that original subdivision. The Planning Board confirmed there were four lots previously approved. Mr. Tcachik stated he also had a concern that the flag lot could be further subdivided. Mr. Tcachik also had a question regarding the Zoning District boundary line between the R-15 Zoning District and the R-40 Zoning District. Mr. Tcachik also had a concern about any commercial activities proceeding up the slope from the lot adjacent to Brunswick Road onto the flag lot. Mr. Tcachik also had comments concerning the 30-foot wide easement located on the west side of the property running from Pinewoods Avenue to Brunswick Road, and whether that easement allowed for the installation of a gas line. The easement was reviewed, and determined that in compliance with the condition of the original subdivision, this easement is for the installation of a water line only. Mr. Tcachik did state that while there was some truck storage and a soil business occurring on the parcel adjacent to Brunswick Road, he did not have any complaints regarding that operation, but was concerned that it could grow onto the flag lot. Chairman Oster asked whether there were any further comments. Hearing none, the Planning Board closed the public hearing on the major subdivision application of Farrell Homes for property located on Pinewoods Avenue. The

Planning Board proceeded to discuss the application. Chairman Oster requested the applicant to respond to the public comments. Mr. Holbriiter stated that regarding the comments of Ms. Snay, the houses on the four lots of 0.95 acres are located approximately 100–125 feet off Pinewoods Avenue, and given the grade of the lot, the houses should be at a lower elevation, and the only thing that is likely to be seen from the Snay property is the upper area of the roof. Responding to the comments of Mr. Lefebvre, Mr. Holbriiter stated that Farrell Homes does plan to build the homes on these lots, but that if a third party wanted to buy the lot without the home, Mr. Farrell may be open to selling the lot. Mr. Holbriiter stated that no model homes are proposed. Mr. Holbriiter stated that the homes proposed for the lots could be either one or two stories, depending on client preference; Mr. Farrell is intent on building primarily ranch homes, or a cape or small two-story home. Mr. Holbriiter stated that the setbacks for the proposed house locations are between 100 and 125 feet off Pinewoods Avenue, noting that the Town regulations require only a 35 foot setback from the front property line, but that Mr. Farrell is not planning on building any homes near the road. Mr. Holbriiter stated that the septic locations could not be moved on the lots unless reviewed and approved by the Rensselaer County Health Department. Regarding any increase in traffic, Mr. Holbriiter stated that a very minor increase in traffic is anticipated from five residences, and that he set proposed driveway locations for maximum sight-distances and safety onto Pinewoods Avenue. Regarding the comment as to whether a public road would be constructed on the flag lot, Mr. Holbriiter stated that it is simply not cost-effective to build a road to Town specifications for a small number of lots, given the expense of road construction. Mr. Holbriiter confirmed that there are no public roads included in this application. Regarding any further subdivision of the flag lot, Mr. Holbriiter stated that Mr. Farrell has no plans to further subdivide the flag lot, and that the design of this project discourages any further subdivision of the flag lot because the neck of the flag lot has been limited to 30 feet wide, and that given the length

of the driveway needed for the house location on the flag lot, the Town of Brunswick private road standards will apply, which will not leave any area for an additional driveway or road. On this issue, Mr. Farrell stated that he could have reduced the size of the four 0.95 acre lots and kept the neck to the flag lot at 50–60 feet, but preferred to keep it at 30 feet to discourage any further subdivision of the flag lot. In terms of the wetlands on the site, Mr. Holbriiter stated that there are wetlands on the project site under the jurisdiction of the Army Corps of Engineers, and that there are no proposed activities within these wetland areas. Mr. Holbriiter confirmed that any activities upgradient from the wetlands areas must take into account the wetlands, and not allow any discharge or impact to the regulated wetlands. Mr. Holbriiter stated that the driveway on the flag lot is not proposed to be paved at this time, but that speed is likely to be very low on the driveway and there should not be any significant dust generated from this driveway. The Planning Board noted that the large lot could result in an estate-type home, in which case it would be likely that the homeowner would pave the driveway, but at this time the driveway is not proposed to be paved. In terms of construction schedule, Mr. Holbriiter stated that upon approval of the subdivision, the lots would be advertised for sale, and Mr. Farrell proposed to build one lot at a time. Mr. Holbriiter stated that Mr. Farrell is sensitive to the area in terms of construction impacts, and that there would likely be signage along Pinewoods Avenue to address any traffic concerns. Mr. and Mrs. Lefebvre noted their appreciation on the record for the applicant's responses, stating that the design of the subdivision did address some of their comments. Chairman Oster asked Mr. Bonesteel whether he had any questions regarding the application. Mr. Bonesteel did note that he had some questions concerning the project, but that he did not receive the latest subdivision plat package, and that he needed to have the complete updated subdivision plat set to complete his review comments. Mr. Bonesteel also stated that he would like an updated set of any erosion control plans as well. This matter is placed on the May 19, 2016 agenda for further discussion.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Mickel Hill, LLC for property located on Mickel Hill Road. David Tarbox recused himself on this application, noting that he was a member of Mickel Hill, LLC. Mr. Tarbox explained that Mickel Hill, LLC owns approximately 70 acres on Mickel Hill Road and Lockrow Road, and that the application seeks to divide off approximately 7 acres plus an existing farmhouse for sale. Mr. Holbriiter is completing the survey work in connection with the application. The application does include an agricultural data statement, which will be circulated in compliance with the New York Agriculture and Markets Law. The Planning Board confirmed that the application and application fee had been submitted. This matter is placed on the agenda for the June 2, 2016 meeting.

The index for the May 5, 2016 meeting is as follows:

1. Reiser Builders, Inc. - Major subdivision - Adjourned to May 19, 2016;
2. Oakwood Property Management PDD - Site plan - Review of updated plans
- May 19, 2016;
3. McCarty - Petition for amendment to Zoning District/referral from Town Board - May 19, 2016;
4. Farrell Homes - Major subdivision - May 19, 2016;
5. Mickel Hill, LLC - Waiver of subdivision - June 2, 2016.

The proposed agenda for the May 19, 2016 meeting currently is as follows:

1. Reiser Builders, Inc. - Major subdivision;
2. Farrell Homes - Major subdivision;
3. McCarty - Petition for amendment to Zoning District/referral from Town Board;
4. Kasselmann Solar, LLC/AG Distributors - Site plan;
5. Oakwood Property Management PDD - site plan.