**Planning Board**

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

**MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 17, 2020**

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, LINDA STANCLIFFE, DONALD HENDERSON, J. EMIL KREIGER, and KEVIN MAINELLO.

ABSENT was ANDREW PETERSEN and WAYNE BONESTEEL, P.E.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department.

Chairman Oster reviewed the agenda as posted on the Town sign board and Town website.

The Planning Board opened a public hearing on the Brunswick Acres Planned Development District subdivision. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Ronald LaBerge, PE, the town designated review engineer for this project, was also present at the meeting. Dominic Arico, PE, of C.T. Male, was present for the applicant. Mr. Arico made a presentation concerning the project, including its location; the specific project site; the proposed subdivision cul-de-sac road; proposed 26 single-family residential lots; the separate lot identified for stormwater management facilities; proposed septic system locations; municipal water connection, including a loop to the Heather Ridge area; and that the overall subdivision is consistent with the Planned Development District approved by the Brunswick Town Board. Mr. Arico stated that the proposed drainage system had been modified along the proposed cul-de-sac road in consultation with the Town Water Department, and that stormwater sewers are now being proposed. Mr. Arico confirmed that the lot sizes and locations were consistent with the approved Planned Development District map, and reviewed proposed house locations on the subdivision lots. Mr. Arico stated that the NYS DOT review process for the connection to NYS Route 2 was in process, and NYS DOT was in the first phase of their review. Mr. Arico confirmed that there were proposed conservation area restrictions both to the east and west of the subdivision site, which will include deed restrictions for each subdivision lot. Chairman Oster then opened the floor for the receipt of public comments. Steve Angle, 56 East Road, stated that he had submitted a letter dated September 8, which Chairman Oster confirmed was received and part of the review record; that the utility easement included within lot #11, designed for a potential future waterline connection, extended 38 feet from the corner of his house at 56 East Road; that the utility easement on lot #11 did not seem to make sense, and having a neighbor own property within 38 feet of the corner of his house was not a good idea; that he requested the applicant to investigate alternative options for the utility easement location on lot #11. Ian Coiffi, 52 East Road (stating he also owns property at 28 East Road) commented on the irregular shape of lot #8, and suggested the lot be redesigned. Mr. Airco stated that the subdivision design simply followed the existing exterior lot line, that the area Mr. Cioffi was addressing would be subject to the conservation restrictions. Mr. Airco stated that the utility easement area on lot #11 could be used only for installation of a water line, and would otherwise be subject to the conservation area restrictions. Steve Angle stated he was not sure how the conservation restrictions would be enforced in the future. Jennifer Harkin, 9 Heather Ridge Road, asked when the construction of the subdivision would start and how long it would last; what the proposed home sizes were; and how the conservation restrictions would be enforced in the future. Mike O’Connor, 27 Riccardi Lane, inquired about the 60-foot access area at the end of the proposed cul-de-sac road, stating that he did not want a through road constructed to Riccardi Lane. Chairman Oster noted that there was property owned by National Grid which cuts off access between this subdivision and Riccardi Lane. Mr. O’Connor commented that trees had been removed, and inquired about future tree removal as part of the project. Mr. Arico stated that trees were removed for test pits in conjunction with septic design, and that further removal of trees on each subdivision lot would be at the option of each lot purchaser; that the developer has no current plans to remove any further trees; Jim Kehrer, representing the applicant, confirmed that further tree removal would be up to each individual lot purchaser. Jim Tkacik, 387 Brunswick Road, stated that the project was not in harmony with the area and that it was too dense; that the neighborhoods around this project were less dense, and had larger lot sizes, particularly in Heather Ridge; that the subdivision design resulted in a canyon of houses; that the lot widths were not consistent with the R-40 zoning district; that the set-backs were reduced as part of the Planned Development District approval, resulting in houses being only 40 feet apart; that the arrangement of houses are not well-designed, and is not an attractive design; that the Town generally limits the number of lots on a cul-de-sac road to 12, and stated this project sets a bad precedent in terms of number of lots on a cul-de-sac road in the town; that steep slopes and water supply will raise technical challenges; that there is greater than 50% slope on proposed driveways; that the project includes retaining walls which is not a good design; that the current design does not have any usable backyard space in several of the lots; that more geological information is needed, including depth to ground water, level of water table, amount of impermeable soils; that there will be stormwater problems in the future; that the stormwater plan for the project is not adequate; that the detention pond adjacent to NYS Route 2 will result in possible flooding of NYS Route 2, and questioned the elevation of the detention pond in relation to the elevation of NYS Route 2; questioned who would be responsible for maintenance of the detention ponds in the future; questioned whether the drainage district would be proposed for the entire project; inquired about the proposed conservation areas, and asked whether any other subdivisions in the Town had similar restricted conservation areas, who would enforce these restrictions in the future, and whether the restrictions would be placed in each deed in the subdivision; questioned the sight distance onto NYS Route 2, since the proposed road is in the middle of a passing lane on a 55 mph stretch; inquired about the cemetery location on the project site; commented that a Planned Development District should be used to encourage innovative development, and here the design is not innovative but is simply a straight forward subdivision; that the approval of this project sets a bad precedent for the Town, and that the Planned Development District process should not be a mechanism to meet developer economic expectations; and requested that the public hearing be held open as he wanted to reply to the applicant’s responses to these comments. Maureen Evers, 379 Brunswick Road, stated that it appears the Town is bending zoning requirements for this applicant; that there are too many houses proposed; that the road frontage for each lot is too narrow; that this project should reduce the number of subdivision lots; and inquired about the difference between a bio-retention pond and a detention pond. Mr. Arico stated that the bio-retention pond treats stormwater, where as a detention pond stores stormwater; and that in this project, there is no permanent standing water proposed for the detention pond, but rather it will be used to slowly release stormwater in a controlled manner. John Held, 34 East Road, had a question regarding the conservation areas, and how they would be enforced in the future. Attorney Gilchrist stated that each lot owner would have the ability to compel enforcement of the conservation restrictions, since the same conservation restrictions would be included in each deed to the subdivision. Attorney Gilchrist also stated that property owners outside of this subdivision would not be in a position to enforce the conservation restriction, but may have other legal remedies in the event such outside property owners felt the conservation restrictions were not being complied with. Mary Held, 34 East Road, had follow up questions concerning enforcement of the conservation restrictions. Chairman Oster discussed the option of closing the public hearing, and a discussion concerning the period of time in which the Planning Board must act on the subdivision following the close of the public hearing was held. Hearing no further comments, Chairman Oster closed the public hearing on the Brunswick Acres Planned Development District subdivision. Attorney Gilchrist noted that the Planning Board will need to act on the subdivision application within 62 days of the close of the public hearing, unless extended upon consent of the applicant.

The transcript of the August 6th meeting was reviewed. Member Kreiger noted the need for correction of the spelling of his last name throughout the transcript. Hearing no further comments, Chairman Oster made a motion to approve the August 6th transcript subject to the correction of the last name of Member Kreiger, which motion was seconded by Member Mainello. The motion was unanimously approved (Member Stancliffe abstaining), and the August 6th transcript approved.

The first item of business on the agenda was the major subdivision application submitted by Brunswick Road Development LLC on the Brunswick Acres Planned Development District. Chairman Oster noted that the applicant will now need to respond to the public comments received at the public hearing. Mr. LaBerge stated that he will prepare a list of the public comments received at the public hearing, provide that to Mr. Arico for responses. Mr. Golden had questions concerning the conservation restricted areas, and whether certain activities would be allowed or restricted. Attorney Gilchrist stated that the proposed deed restriction would be reviewed as part of the subdivision review. Chairman Oster again discussed the issue of a connector road between this project and Riccardi Lane, noting that the National Grid right-of-way does bisect this property, and that the 60 foot right-of-way was primarily included to allow access to other landlocked property at the end of the cul-de-sac; Chairman Oster confirmed that there was no connector road planned as part of this project. Mr. LaBerge stated that his office is continuing to review the stormwater plan for the project in coordination with the Town Water Department, and that the Planning Board should await for final subdivision plan revisions which will be reviewed by his office and report back to the Planning Board. This matter is tentatively placed on the October 1 agenda.

The second item of business on the agenda was the site plan application submitted by David Leon for property located at 660 Hoosick Road. Chairman Oster reviewed the review memorandum and email correspondence from Engineer Bonesteel, noting that in Mr. Bonesteel’s opinion, the application was complete for purposes of scheduling the public hearing. James Easton, P.E., of M.J. Engineering, stated that he had received the complete review memorandum prepared by Engineer Bonesteel, and had prepared responses to those initial comments which had been submitted to Mr. Bonesteel. The Planning Board members were in agreement that the application record was complete for purposes of scheduling the public hearing, and then further discussed the option of holding a joint public hearing with the Brunswick Zoning Board of Appeals, since the project also included an application before the Brunswick ZBA for variances. Chairman Oster suggested that the public hearing for this project be scheduled for the October 15th Planning Board meeting, and request that the Brunswick ZBA consider joining in a joint public hearing on this project. The Planning Board members and Attorney Gilchrist generally discussed requirements for the public hearing given the Covid-19 restrictions. This matter is scheduled for public hearing on October 15, to commence at 7:00 pm.

There were two items of new business.

The first item of new business was a concept plan submitted by Lord Avenue Property LLC for property located off Lord Avenue, and specifically the Duncan Farm property. James Easton, P.E., of M.J. Engineering, presented the concept plan. Mr. Easton stated that the proposal would include the construction of a 50,000 square foot supermarket, and generally reviewed proposed setbacks and parking areas; that a reconfigured Lord Avenue access is proposed, which would square up the intersection with Hoosick Road, redesign the road to improve the grade, and that the redesigned roadway would be proposed as the new Town road for Lord Avenue. Mr. Easton generally reviewed the proposed building location and parking areas, stormwater areas, wetland areas, surrounding neighborhoods, and confirmed that stormwater would be a critical design element for the project as the site acts as a bowl for collection of stormwater. Chairman Oster stated that in his opinion, a 50,000 square foot grocery store was fairly small, and inquired whether a tenant had yet been identified. Mr. Easton stated that a tenant has been identified, but he was not authorized to disclose the name. Mr. Easton did confirm that the size of the proposed store was based on the prospective tenant requirements, based on market studies. Chairman Oster noted that the idea of reconfiguring Lord Avenue could be a good thing, but that with a traffic signal proposed for the Lord Avenue intersection with Hoosick Road, the prospect of increased traffic through the surrounding neighborhoods would need to be addressed. Chairman Oster asked whether a second access to this commercial project site other than the Lord Avenue access was being proposed. Mr. Easton stated that a second access was not being proposed. Member Mainello asked whether the entire building area was being raised in elevation. Mr. Easton stated that a proposed 5 foot increase in the elevation throughout the building area was being proposed. Member Stancliffe inquired about the drive thru for the proposed pharmacy, and discussed design options with Mr. Easton. Mr. Easton generally discussed proposed signage along Hoosick Road, and that the building was being oriented for maximum visibility from Hoosick Road. Mr. Easton generally discussed proposed truck circulation, snow storage, drainage, geotechnical issues, and the grading for the proposed Lord Avenue realignment. Mr. Easton did confirm that NYS DOT has approved a traffic signal installation at the Lord Avenue intersection with Hoosick Road based solely on the proposed commercial project at 660 Hoosick Road. Mr. Easton confirmed that the project was in the initial design stage only, had wanted to present the concept plan and to get some initial feedback from the Planning Board, and requested that the matter be adjourned without date subject to further design.

The next item of new business discussed was a special use permit application submitted by HDIGSL, LLC for property located at 394 Pinewoods Avenue. Darren Palmetto of HDIGSL, LLC was present. Mr. Palmetto stated that his LLC had acquired the property, and was simply looking to bring the property into compliance with the Brunswick Zoning law since there is an existing accessory apartment which had not secured a special use permit, and also explained that area variances were being requested at the Brunswick Zoning Board of Appeals concerning existing structures on the site. Mr. Palmetto confirmed that he was completing repairs in the accessory apartment, and other than that, no new construction was being proposed, but that he was simply trying to get the property into compliance with the Brunswick Zoning law. This matter was placed on the October 1 agenda for discussion regarding completeness of the application for purposes of scheduling a public hearing.

It was confirmed on the record that the Gallivan subdivision for Deepkill Road was subject to further extension upon consent of the applicant.

The index for the September 17, 2020 meeting is as follows:

1. Brunswick Acres Planned Development District subdivision - October 1, 2020 (tentative)

2. Leon - site plan - October 15 (public hearing to commence at 7:00 pm)

3. Lord Avenue Property, LLC - concept site plan - adjourned without date

4. HDIGSL, LLC - special use permit - October 1

Proposed agenda for the October 1, 2020 meeting is currently as follows:

1. Brunswick Acres Planned Development District subdivision (tentative)

2. HDIGSL, LLC - special use permit

3. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless - special use permit and site plan.

4. Gallivan minor subdivision (tentative)

5. AC Property and Development LLC - special use permit and site plan (tentative)