

# Planning Board

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

## MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 21, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, MICHAEL CZORNYJ, KEVIN MAINELLO, LINDA STANCLIFFE, and DAVID TARBOX.

ABSENT was TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda for the meeting.

The first item of business on the agenda was a public hearing for the special use permit application made by Gary Joy for property located at 51 Joy Lane on which the applicant seeks to install a small-scale residential ground-mounted solar system. The Planning Board opened the public hearing and Chairman Oster reviewed the rules and procedures of the public hearing. Attorney Tingley read the notice of public hearing into the record and indicated that it had been published in the Troy Record, posted on the Town website, posted on the Town signboard, and sent to owners of surrounding properties. Gary Joy was present on the application. Mr. Joy stated that he had obtained letters from his neighbors indicating they had no objection to the proposal and that many of his neighbors had also appeared in person at the public hearing and would be speaking on the application. Mr. Joy also indicated that a representative of Hudson Solar was present in the event the Board had any questions. Mr. Joy read the letters submitted by his neighbors into the record and submitted them to the Planning Board attorney for inclusion in the file. The Planning Board then opened up the public comment portion of the public hearing. Pat

McAuley of 50 Joy Lane stated that his property adjoined the subject property and he had no objection to the proposal. Tim Kronau of 36 Joy Lane indicated that he has been a neighbor of Mr. Joy's for 25 years and has no objection to the proposal. Matt Kronau of 7 Joy Lane indicated that he had no objection to the proposal. Larry Broderick of 40 Joy Lane indicated that he had no objection to the proposal, and that the Town should reconsider requiring a small-scale solar system of this nature to have to go through the process for approval, which Mr. Broderick viewed as being too onerous for the scale of the project. No other members of the public indicated that they desired to be heard and the Planning Board closed the public hearing.

The Planning Board then opened the regular meeting.

The draft minutes of the December 7, 2017 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the December 7, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the special use permit application made by Gary Joy to install a small-scale residential ground-mounted solar system on his property located at 51 Joy Lane. Having previously reviewed the project in detail, and upon hearing no objections from the neighbors, the Board had no questions for Mr. Joy. Member Czornyj made a motion to adopt a negative declaration on the application, which was seconded by Member Stancliffe, and was unanimously approved. Member Czornyj then made a motion to approve the application, which was seconded by Member Mainello, and was unanimously approved.

The next item of business on the agenda was the waiver of subdivision application made by Jennifer Adams for property located at 4277 NY Route 2. Ms. Adams and Mark Valentine were present on the application. Chairman Oster reviewed the history of the application indicating that the County Health Department had some questions relating to the septic system on the subject property. Ms. Adams indicated that she spoke with the County Health Department and had some

confusion concerning what exactly was in question. Chairman Oster explained that the proposed subdivision calls for the location of both septic systems for both structures to be located on one lot. Mr. Holbriter indicated that he had completed an as-built survey of the septic system approved in 2009, but was not aware of the location of the old septic system. The Board and the applicant then discussed the various options available, including the possibility of the applicant constructing a new septic system in such a way as to ensure that each structure's septic system is located on its own lot. The Planning Board also reviewed the contents of the letter from the County Health Department from November 2017. Mr. Holbriter indicated that he sent the as-built plans to the County Health Department on Wednesday, December 20, 2017. The Planning Board discussed the fact that the County Health Department had not submitted comments on the as-built plans that had been submitted on December 20. Member Tarbox asked how Mr. Holbriter located the septic system in completing the as-built drawings. Mr. Holbriter indicated that, at the time he prepared the as-built drawings, the trenches were still exposed. He indicated that he prepared the as-built drawings at the time of their installation. Chairman Oster noted that a couple of questions remain outstanding on the application including whether the existing septic system is adequate for the proposal, which is a question that should be determined by the County Health Department. The other question he indicated was whether consideration would be given to an alternative septic design, which would necessarily have to be shown on the plan before the Planning Board. The applicant, Mr. Holbriter, and the Planning Board then continued discussing the potential of installing a new septic system to eliminate the issue. The applicant and the Board determined to adjourn the application without date, pending further development of the proposal by the applicant concerning the septic system. The applicant agreed to notify the Building Department when it had further information from the County Health Department concerning the applicant's proposal with respect to the septic systems and the structures.

The next item of business on the agenda was the High Peaks Solar application proposed for 566 Brunswick Road. Chairman Oster noted that the plans had just recently been received, not in time to be considered at the December 21 meeting, and that the applicant had requested to be placed on the agenda for the January 4, 2018 meeting. The Planning Board determined to place the High Peaks Solar application on the January 4, 2018 agenda.

The next item of business on the agenda was the boundary line adjustment application by Oakwood Property Management, LLC. Brian Holbriter was present on behalf of the applicant. Mr. Holbriter explained that the current application seeks to revise the lot lines to bring them into accordance with the approved PDD and site plan related to properties known as Tax Map Parcel 90.-1-13.11 and 90.-1-14. Mr. Holbriter explained that Parcel 14 would be reduced in size from 5.43± acres to 3.96± acres and Parcel 13.11 would be increased in size from 40.73± acres to 42.2± acres. Mr. Holbriter indicated that the proposed lot lines as shown on the lot line adjustment plan were identical to the anticipated lot lines shown on the PDD approval and the site plan approval. Attorney Tingley asked whether the Building Department had an opportunity to confirm that the proposed lot line adjustment conformed with the boundaries of the PDD and site plan approvals for this site. Ms. Guastella indicated that she had not determined that issue. Mr. Holbriter indicated that he had used the very same mapping with respect to the property lines as was used for the PDD approval and the site plan and that the boundaries were identical. Attorney Tingley explained that it was up to the Board to decide whether to proceed with a decision on the action based on the applicant's representation, or to adjourn the application until the next meeting in order to allow the Building Department to confirm that the proposed lot lines on this application conform to the lot lines as shown on the PDD and site plan approvals. Member Czornyj asked whether the Board could approve the lot line adjustment with a condition that the Building Department confirm that the lot lines as shown on the lot line adjustment plan conform to the PDD approval and site

plan approval. Attorney Tingley indicated that the Board could do so. Member Czornyj then made a motion to adopt a negative declaration on the application, which was seconded by Member Tarbox and was unanimously approved. Member Czornyj then made a motion to approve the waiver of subdivision application on the condition that the Building Department confirm that the proposed lot line adjustment conforms to the PDD approval and site plan approvals for the site. The motion was seconded by Member Mainello, and was unanimously approved.

The next item of business on the agenda was the MJ Engineering/David Leon sketch plan special use permit proposal for 1 Valley Avenue and the Planning Board's consideration of a letter to the Town Board concerning multi-family housing units. The Planning Board reviewed a draft letter that had been prepared by the Planning Board attorney conveying the Planning Board's concerns relating to the number of rental units in the Town of Brunswick. The Planning Board discussed the background behind the drafting of the letter, including that the applicant's engineer was present at the prior meeting and was aware that the Planning Board was going to be considering submitting such a letter to the Town Board. The Planning Board then discussed the fact that Mr. Easton was aware of the Planning Board's intent to send the letter to the Town Board, and that he would like the opportunity to present to the Town Board concerning the issue. Member Mainello asked what the Town Board options were with respect to the letter. Attorney Tingley indicated that the Town Board could adopt legislation that addressed the issue, which could include a zoning amendment or a moratorium on apartment construction, if the Town Board deemed it necessary, to consider the same. Attorney Tingley also indicated that the Town Board could receive the letter and choose to do nothing. The Board then discussed whether it would be effective to transmit the letter to the Town Board in light of the Planning Board's prior correspondence with the Board. Chairman Oster indicated that he believed it was the Planning Board's obligation to at least continue identifying the issue for the Town Board but that obviously the decision would

remain in the hands of the Town Board as to whether and what to do in response. Chairman Oster indicated that there was a fairly significant number of public comments received on the prior subdivision application for this same property relating to the residential density that would result. Member Stancliffe suggested that the draft letter be revised so as to identify the total number of units proposed in the first paragraph and to clarify that the building heights would be between two and three stories, rather than two stories. Member Tarbox asked whether the current Zoning Code provided a density ratio based on lot size as had been the case under the prior Zoning Code and for prior PDD projects. Attorney Tingley indicated that his review of the new Zoning Code did not reflect a density calculation for any given lot where multi-family dwelling units were a permissible use. Attorney Tingley discussed with the Board the fact that other regulations would create a maximum limit of number of units from a design perspective, including building height limitation, lot coverage, and potentially minimum floor area. Attorney Tingley explained that his review of the new Zoning Code at this time did not indicate that there was any density difference allowed between the various Zoning Districts, nor that there was a maximum density ratio regulation separate and apart from the other area and bulk regulations. Member Czornyj then made a motion to approve the letter as amended with Member Stancliffe's proposed revisions, which was seconded by Member Stancliffe and was unanimously approved. The Board then discussed when the letter had to be submitted to the Town Board. Chairman Oster noted that the next Town Board meeting is scheduled for January 11, 2018, and that there is a Planning Board meeting scheduled for January 4, 2018. Member Mainello then asked whether the letter should be clearer with respect to the Planning Board's concerns relating to density and the apparent lack of any upper limit on density based on usable lot size. Member Stancliffe indicated that, if there was a density calculation limiting a site to one dwelling unit per 25,000 square feet of lot space, approximately 27 apartments would be allowed. Member Stancliffe then indicated that if the

density calculation allowed one unit per 9,000 square feet, similar to the R-9 density, then this site would allow for approximately 77 units. Member Stancliffe then reviewed the purpose of the R-25 Zoning District as stated in section 160-15(D) which states, “the R-25 District encompasses an area generally built up with residential uses and a moderate density development pattern. Minimum lot sizes are 25,000 square feet. Future development shall not negatively impact the character of the residential areas and shall be in accordance with the Town’s Comprehensive Plan.” The Board then discussed whether a proposal that exceeds the density based on a calculation relating to the minimum lot sizes in the various districts was intended by the Town Board when it adopted the new Zoning Law, and that perhaps the letter to the Town Board should more specifically identify that particular question. The Board asked Attorney Tingley to revise the proposed letter to include this specific issue, with incorporation of Member Stancliffe’s examples and clarifications as may be appropriate. The Planning Board indicated that the primary concern on this particular issue is that there really is no measuring stick for density in the Brunswick Zoning Code. Member Tarbox then made a motion to rescind the prior motion approving the letter, which motion to rescind was seconded by Member Czornyj and was unanimously approved. The Planning Board asked Attorney Tingley to have his office revise the letter and prepare a revised draft as soon as possible so that the Board would have time to consider it prior to the January 4, 2018 Planning Board meeting.

Chairman Oster then indicated that two items of new business had been received. The first was a project narrative submitted for the Ace Hardware site located at 631 Hoosick Street which was received on December 18, 2017. Chairman Oster asked the Planning Board to familiarize itself with the submission and the matter was placed on the agenda for the January 4, 2018 Planning Board meeting.

The second item of new business received was the waiver of subdivision application submitted by Nick Snyder for property located at 196 Town Office Road in which the applicant seeks to divide a 110.5-acre parcel so as to create a new 9.42-acre parcel. Ms. Guastella indicated that she continues to await a letter of authorization from the property owner for that application. Chairman Oster asked the Board to familiarize itself with the application and that the matter be placed on the agenda for the January 4, 2018 Planning Board meeting.

The index for the December 21, 2017 meeting is as follows:

1. Joy - Special use permit - Approved;
2. Adams - Waiver of subdivision - Adjourned without date;
3. High Peaks Solar - Special use permit/site plan/subdivision - 1/4/2018;
4. Oakwood Property Management PDD - Lot line change - Approved with condition;
5. MJ Engineering/David Leon - Sketch plan/special use permit - 1/4/2018 (discussion of letter to Town Board);
6. Ace Hardware - Site plan - 1/4/2018;
7. Nick Snyder - Waiver of subdivision - 1/4/2018.

The proposed agenda for the January 4, 2018 meeting currently is as follows:

1. High Peaks Solar - Special use permit/site plan/subdivision;
2. MJ Engineering/David Leon - Sketch plan/special use permit - Consideration of letter to Town Board;
3. Ace Hardware - Site plan;
4. Snyder - Waiver of subdivision.