

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 18, 2019

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

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

Chairman Oster reviewed the agenda for the meeting as posted on the Town signboard and on the Town website.

The Planning Board opened a public hearing on the major subdivision application submitted by Sharpe Road Development, LLC for a proposed 17-lot subdivision located along Sharpe Road, with the project site being located both in the Town of Brunswick and the Town of North Greenbush. Chairman Oster reviewed the rules for the conduct of the public hearing. The public hearing notice was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site; also, as the property is located adjacent to the Town of North Greenbush, notice of the public hearing was also mailed to the Town of North Greenbush Town Clerk. The applicant was represented by Eric Redding, P.E., of Bergmann Associates. Mr. Redding presented an overview of the project, including its general locations; a total of 17 lots being proposed; that the property is currently open field, but

that a new Town road is being proposed to be located in the Town of Brunswick which will end in two cul-de-sacs and which will service 15 of the proposed subdivided lots, with two lots having direct access off Sharpe Road; that a total of 13 lots are proposed for the Town of Brunswick, with a minimum lot size of 0.6 acres; that a total of four lots are proposed for the Town of North Greenbush, with a minimum lot size of 1.5 acres; the stormwater collection system was generally reviewed; that public water is to be extended to provide public water to each of the proposed subdivided lots; that each lot will be served by on-site septic; that a landscaping package is provided for each subdivided lot; and that the proposed homes are generally 1,800-2,200 square feet in size. Chairman Oster then opened the floor for receipt of public comment. Jean Cote-Hill, 242 Sharpe Road, stated that she was not opposed to growth; that she understands the proposed lots are in compliance with Brunswick Town Code requirements; but finds that the project represents reckless overdevelopment in a small area, particularly since there is no municipal sewer service available; the project is just too much density in the Town of Brunswick; that the property is too small for the number of lots being proposed, particularly without municipal sewer service and with all lots having proposed septic systems; that there are surrounding wells to this property that are only 40 feet in depth which will be impacted by this project; and that there should be a restriction on the number of lots allowed for this project in the Town of Brunswick. Donna Holcomb, 223 Sharpe Road, stated that she owns property at the bottom of this project across Sharpe Road; that she will feel the brunt of all of this development as she is located immediately below the project site; that her hayfields will now be filled with chemicals running off from the houses, particularly since people will use chemicals to have green lawns; that she uses her hayfields to feed horses and cows and that this hay should not be filled with chemicals; that her well will be affected by this project; that the project engineers have not looked at the impact of this project

upon houses located across Sharpe Road; that there will be wetland impacts from this project; that all of the stormwater runoff will impact her property located on the opposite side of Sharpe Road; that there is already significant traffic on Sharpe Road and that this project will only make traffic worse; that there is no greenspace being provided; that this project will impact wildlife and push animals out of the area; that this is way too much development going on for this location; that she had tried to purchase the land back from the current applicant, but he is refusing to do so; that this project will destroy her life, and she has lived in this location for 44 years; that the project will result in significant noise impact; that there will be significant truck impact from the project; that the lights from this project will impact her; and that the project site is just too dense and will have too much impact on her property. Catherine Knauer, Sharpe Road, stated that the project site was formerly Knauer property; that she agrees with the comments of Jean Cote-Hill; that there are too many houses being proposed; that the prior owner of the property was naïve and should have discussed the sale of this property with his family prior to selling to the current developer; that she does not mind growth, but this project is too large; the project will have impact on deer; that this project will result in the loss of open space. Chuck Prefore, 108 Sharpe Road, stated that the project is too dense; that the project will have significant impact on wildlife; that he is worried about the septic system; that this area will turn into an extension of downtown Wynantskill; that there is already significant traffic on Sharpe Road, and this project will only make the traffic worse; that the project will result in lighting impacts; is worried about the environmental impact of the project; and that the residents are losing their way of life. Eric Wilson, owner of the property located on the corner of Sharpe Road and Spring Avenue, stated that the project should incorporate adequate buffers against any existing houses in the area to protect the existing property owners. Jim Tkacik, 387 Brunswick Road, raised a concern regarding the proposed bioretention areas on

the lots, and who would maintain those bioretention areas in the future; that he has a concern regarding the septic and stormwater runoff given the slopes on the project site; that the water coming off of this site would drain into lands off the project site and impact surrounding property owners; and that he shares the concern regarding pesticide use. Jean Cote-Hill added an additional comment, stating that part of this project site is gravel but another part of this project site is hardpan in nature, and is not appropriate building area. Brad Silver, 1271 Spring Avenue, stated that he is already dealing with stormwater runoff problems from Spring Avenue onto his land, and that this project would only result in stormwater being pumped onto downstream properties from the project site across Sharpe Road; that this project would get the benefit of a public water extension from the water main that was installed along Spring Avenue, but that the current property owners along Spring Avenue have not had the benefit of connecting to public water; that there are too many homes being proposed on a hillside; that this project will result in significant stormwater runoff; that the proposed lots would have problems passing percolation tests and County Health Department approval (Mr. Redding confirmed that 14 of the proposed lots have passed percolation tests, and three have not passed, and that raised septic systems would be proposed, and he is still working with the Rensselaer County Health Department on these issues). Jennifer Mann, 91 Hill Road, stated that she does not live near the project site; that she had a concern regarding Brunswick's transformation from a rural to a developed residential area; and that residential development is not economically beneficial to the community, and that residential development actually increases taxes for the remainder of the Town due to increased demands for municipal services and infrastructure. Paula Fanning, 222 White Church Road, stated that she had just moved into the Town two years ago; that she moved to the Town of Brunswick to take advantage of the rural character and open space; and that she had concern regarding other areas in the Town of

Brunswick being developed and the increased pressure for residential development and loss of rural character and open space. Members of the public had questions regarding the adoption of the 2017 Brunswick Zoning Law, and Chairman Oster generally discussed the procedure undertaken by the Town in both the preparation and adoption of the Town comprehensive plan and the preparation and adoption of the new Brunswick Zoning Law. Chairman Oster stated that there were several issues that have been raised at the public hearing; that the Planning Board will not be closing the public hearing until the comments have been addressed and complete information is provided to the Planning Board; that the Planning Board would keep the public hearing open and adjourn the public hearing until the August 1 meeting; that additional publication in the newspaper and mailings to property owners would not be undertaken, as the public hearing had been properly noticed and opened, and had only been adjourned and will be continued at the August 1 meeting; that notice of continuation of public hearing would be included in the Planning Board minutes; that the Planning Board would take any additional comments in writing prior to the next Planning Board meeting. This matter is placed on the August 1 agenda for continuation of the public hearing. One member of the public noted that the Town of North Greenbush Planning Board would be holding a public hearing on this project for that portion located in North Greenbush on July 22 at 6:30pm.

The Planning Board then opened the regular business meeting.

The draft minutes of the June 20, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Mainello, the minutes of the June 20, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Sharpe Road Development, LLC for property located on Sharpe Road. Eric Redding, P.E., of

Bergmann Associates, was present for the applicant. Chairman Oster inquired as to the status of the preparation of the map, plan, and report in connection with the extension of the public water district. Mr. Redding stated that he was working with the Brunswick Water Department for information required to complete the water district map, plan, and report, and would submit that upon completion. Attorney Gilchrist discussed the water district approval process, and indicated to Mr. Redding that the information in the map, plan, and report was important on this application as it should discuss the extension of the public water to both lots in Brunswick and in North Greenbush, as well as discuss the cost to typical properties as well as how that project would work in terms of payment of water rates. Attorney Gilchrist also noted that there continue to be certain intermunicipal issues on this project that remain under review by the Town of Brunswick. Chairman Oster noted that there were several public comments received which required response from the applicant. Chairman Oster confirmed that 14 of the proposed lots had been approved for percolation test by the Rensselaer County Department of Health, and that three lots still required percolation approval, and that the Rensselaer County Department of Health review was ongoing. Mr. Redding stated that the Rensselaer County Department of Health did already review the septic plan and provided comments, that his office had responded to the first set of comments and resubmitted the proposed septic plan to the County Health Department, and the County Health Department review of the re-submission is ongoing. Chairman Oster stated that there were several comments concerning stormwater management for the project. Mr. Redding stated that the stormwater plan will meet the requirements for stormwater regulation of the New York State Department of Environmental Conservation, including green infrastructure practices. Mr. Redding confirmed that he will have written responses to the public comments received for the August 1 meeting. Chairman Oster also noted there were several public comments concerning the

number of lots in Brunswick, and noted that the lots being proposed in North Greenbush were a minimum of 1.5 acres in size, and inquired whether the applicant had considered matching all the lots in the subdivision so that they were all 1.5 acres in size. Mr. Redding stated that the applicant had not considered this project design, and seeks to move forward with the proposed lot size which is in compliance with the lot size requirements in the Town of Brunswick as well as the lot size requirements in the Town of North Greenbush. Member Mainello inquired whether the Brunswick Town Board had approved the number of lots in this proposed cul-de-sac road. Attorney Gilchrist stated that the Town Board had granted the waiver on the number of lots on the cul-de-sac road, allowing a total of 15 lots to be serviced by the proposed access road. Member Stancliffe stated that she had inquired about the grading and driveway locations for the two proposed lots with access directly onto Sharpe Road, and inquired as to the status of that information. Mr. Redding stated that he had not yet completed that additional information for the two lots with access directly onto Sharpe Road, but anticipated submitted that information prior to the August 1 meeting. Mr. Redding did indicate he was working with the County concerning grade changes required for driveways onto Sharpe Road. Mr. Bonesteel asked whether the municipal boundary line had been verified through survey. Mr. Redding stated that in reviewing the matter with his surveyor, William Darling, the closest exact location of the municipal boundary was the use of the Rensselaer County Tax Map, since there was no marker or monumentation in the field. The Board placed this matter on the agenda for the August 1 meeting, for the continuation of the public hearing and continued discussion concerning this major subdivision.

The second item of business on the agenda was the special use permit and site plan application submitted by Kasselmann Solar for property located at 99 Moonlawn Road, owned by Kim and John Hoggan. Chairman Oster noted that the Planning Board had received the

recommendation from the Rensselaer County Planning Department, which was the only outstanding issue on this application. Chairman Oster reviewed the County recommendation, noting that the County determined this application does not conflict with County plans and that local consideration shall prevail. Chairman Oster also noted that the County Planning Department had made one comment, indicating that the owners should consider raising the lower part of the proposed solar panels to an adequate height to allow property maintenance as well as to avoid snowdrifts. The Planning Board confirmed there were no other questions or comments concerning the application, that all prior issues had been adequately addressed, and that the Board had been waiting for the receipt of the County recommendation prior to action. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Kreiger. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the special use permit and site plan application, subject to the conditions that the applicant consider raising the bottom of the solar panels if possible from an engineering perspective to address the County comment concerning property maintenance and snow removal, and also that the applicant coordinate with the Brunswick Building Department on required permits for the solar facility installation. Member Stancliffe seconded the motion subject to stated conditions. The motion was unanimously approved, and the special use permit and site plan application approved subject to the stated conditions.

The next item of business on the agenda was the special use permit and site plan application submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless for a proposed 150-foot tall major wireless telecommunications facility to be located off Creek Road on the lands of Zouky located between Creek Road and Menemsha Lane. David Brennan, Esq., of

the law firm Young/Sommer LLC, was present representing the applicant. Laberge Engineers has been retained by the Town to serve as review engineer on this application, and Ronald Laberge, P.E. was present at the meeting. Attorney Brennan stated that the review comment letter prepared by Laberge Engineers, acting as Town designated review engineers, still remained open and that his office was continuing to prepare a complete response to those engineering review comments and anticipated submittal of the response to comments shortly. Attorney Brennan did state that one of the issues raised in the comment letter was the performance of a balloon test for visual assessment purposes, and stated that the performance of a balloon test had been previously discussed on this application when originally submitted a few years ago, and that the applicant was intent on performing the balloon test with respect to the current application. Attorney Brennan stated that he had been present at the Brunswick Zoning Board of Appeals meeting on July 15 at which the balloon test notice and protocol had been discussed. Attorney Brennan stated that he had prepared the proposed notice and balloon test protocol and had provided a draft of that to review engineer Laberge and Attorney Gilchrist, who had reviewed and provided proposed edits to the notice which were agreeable to the applicant. The proposed notice and protocol had been discussed at the Zoning Board meeting, and the same notice was provided to the Planning Board members. Attorney Brennan stated that the Zoning Board had talked about scheduling the balloon test for a few dates in August, ultimately deciding that August 24 was the preferred date to conduct the balloon test, with a bad-weather date of August 25. Attorney Brennan stated that the August 24 balloon test date would provide adequate time for the applicant to provide notice to surrounding property owners as well as publish the balloon test notification in the official newspaper for the Town, and would also allow both a Zoning Board meeting and a Planning Board meeting to be conducted after the public notification but prior to the conduct of the balloon test, allowing the

public an opportunity to ask questions of the applicant at those meetings prior to the actual balloon test being conducted. Attorney Brennan stated that the proposal was to fly three balloons in the three different locations that were options for this property for the location of the monopole, that the balloons would be flown with different colors to identify each different location, and that based upon photographs and information obtained during the balloon test, the applicant would assess the relative visibility for each proposed location. Chairman Oster asked questions concerning the notice that would be given to the public. Attorney Brennan stated that his office would be mailing the notice of the balloon test to all owners of property located within 750 feet of the outer property line of the proposed monopole parcel, and that notice would be mailed approximately 15 days before the balloon test was conducted. In addition, Attorney Brennan stated that the notice would be published in the official newspaper for the Town both 14 days before the balloon test and again 7 days before the balloon test. The Planning Board then discussed procedure on the application, including the potential for a joint meeting and joint public hearing with the Zoning Board of appeals. Attorney Brennan stated that the balloon test needed to be conducted first, and the visibility assessment completed by the applicant, at which point both the Zoning Board and the Planning Board could discuss the scheduling of the public hearing. Attorney Brennan noted that the balloon test notice expressly states that the public hearing on the application had not yet been scheduled, and would be publicly noticed at a later date. Chairman Oster inquired as to the proposed construction timeline if this project is approved. Attorney Brennan reviewed general timeframes, and indicated that it was not likely that this project would be constructed until the spring of 2020 in the event the project went through full procedure and approval. Attorney Brennan requested that the matter be placed on the August 1 agenda for discussion of the applicant's response to the engineering review comments of Laberge Engineers, as well as the

August 15 agenda in order to respond to questions the public may have on conducting the balloon test. The Planning Board stated that this matter would be placed on both the August 1 and the August 15 agenda. The Planning Board also confirmed that the August 24 date for the balloon test was acceptable, with the bad-weather date of August 25. Attorney Brennan will work with Attorney Gilchrist on the particulars concerning the service and publication of the notices.

The next item of business on the agenda was the Oakwood Property Management Planned Development District site plan amendment. Member Stancliffe recused herself from consideration of this application, and left the meeting room. It is also noted that Laberge Engineers serve as Town-designated review engineer for the Oakwood Property Management PDD project, and Ronald Laberge, P.E. was present. Present for the applicants were Attorney Terresa Bakner and Nick Costa, P.E. of Advanced Engineering. Mr. Costa generally reviewed the proposed amendment to the site plan, which principally maintains the building footprints, road system, and infrastructure, but does reduce the total number of buildings from 23 buildings with 11 units, to a total of 21 buildings each with 12 units, for a total of 252 apartment units. Mr. Laberge stated that his prior review comments had been principally addressed, and generally reviewed points included in his final review letter dated July 17, 2019 which is included as part of the record. Mr. Laberge stated that the proposed pool still required review and approval from the Rensselaer County Department of Health, and that cross-easements needed to be addressed as there continued to remain two separate lots for this project, each lot owned by a separate private entity. Mr. Laberge stated that cross-easements should be reviewed to address access, utilities, and stormwater. Mr. Laberge also noted that the present application seeks a lot line adjustment internal to the project site, and that submission of a waiver of subdivision application should be required. The Planning Board discussed whether action on the site plan amendment could proceed without the waiver of

subdivision application having been filed. Attorney Gilchrist stated that the Planning Board could add that as an appropriate condition to any action on the site plan amendment. It was confirmed that SEQRA had been completed on this action, and Mr. Laberge further confirmed that the current amendment does not raise any significant additional environmental impact issues and that the prior SEQRA determination remains in place. The Planning Board stated that it was prepared to act upon the amendment to the approved site plan. Attorney Gilchrist reviewed conditions to be considered by the Planning Board, including:

1. Execution of all required easements, offers of dedication, and agreements as required for the Oakwood Property Management Planned Development District approval.
2. Submission for review and approval of cross-easements internal to the project site for access, stormwater, and utilities, and implementation of a transportation corporation for sewer service between such private entities if deemed necessary under applicable law.
3. The owner/applicant is required to obtain all necessary permits, approvals, and easements for potable water and sewer connections, and copies of all necessary permits, approvals, and easements must be filed with the Town of Brunswick prior to the issuance of any building permit for any structure to which public water and/or public sewer will be connected.
4. Payment of all outstanding engineering review fees.
5. Subject to all conditions set forth in Town of Brunswick Town Board Planned Development District approval, as identified in Resolution No. 42 of 2014.

6. Submission of a waiver of subdivision application for the lot line as depicted on the amended site plan.

Thereupon, Member Henderson made a motion to approve the amendment to the Oakwood Property Management Planned Development District site plan subject to conditions 1–6 as stated above. Such motion was seconded by Member Peterson, subject to the stated conditions. The motion was unanimously approved, and the site plan amendment approved for the Oakwood Property Management Planned Development District subject to the stated conditions 1–6 above.

The next item of business on the agenda was special use permit and site plan application submitted by Borrego Solar for a proposed community solar facility to be located on a 70-acre parcel located at the end of Dusenberry Lane in proximity to Bald Mountain Road. Member Stancliffe recused herself from consideration of this application, and continued to remain outside the meeting room. It is noted that Laberge Engineers serve as town designated review engineer for the Borrego Solar application, and Ronald Laberge, P.E. was present at the meeting. Greg Gibbons, P.E., representing Borrego Solar, was present, and explained that his office was in receipt of the initial comment letter from Laberge Engineers, and that his office was addressing those comments now. Mr. Gibbons provided an update to the Planning Board, noting that further information on the site in terms of both topography and wetland location will result in a change to the proposed plan, by reducing the total area of panels by approximately 25%. Mr. Gibbons stated that the project would still result in the production of 5 megawatts AC power, but the total area of the proposed panels would be reduced. Mr. Gibbons stated that his office was actively working on the project revisions and would also be updating the environmental assessment form. Chairman Oster stated that the project would be held in abeyance until the redesign was completed. Mr. Gibbons stated that he felt the revised application documents would be submitted for discussion at

the August 1 meeting. The Planning Board stated it was placing the matter on the August 1 meeting, pending receipt of the updated application materials. Mr. Laberge had both a comment and a question on the application. In terms of comment, Mr. Laberge stated that stormwater management should be considered in terms of panels being located parallel to the slope, which could become an issue for the stormwater design for the project. Mr. Gibbons stated that this issue would be addressed in the revisions to the project application documents. Mr. Laberge raised a question with the Planning Board as to appropriate setbacks from the property line for the vegetative buffer and prohibition on clearing, and whether the design should move the security fence in from the perimeter boundary and require maintenance of vegetative buffer on the project site itself. Mr. Gibbons stated that his office was currently completing viewshed profiles from off-site structures, and that there are existing significant vegetative buffer areas and forested areas to off-site structures. Mr. Laberge stated that the vegetative buffer exists off-site, and the Planning Board should consider requiring on-site vegetative buffer to be maintained. Chairman Oster noted that the viewshed profiles should consider houses located on Bald Mountain Road, which are upgradient from the project site. This matter is placed on the August 1 agenda for further discussion.

Member Stancliffe returned to the meeting room.

The next item of business on the agenda was the special use permit application submitted by Edward Malone for property located at 137 Bald Mountain Road. Mr. Malone was present for the application. Mr. Malone confirmed that the Zoning Board of Appeals had granted the required area variance for the project, and requested that the Planning Board move forward with the special use permit application. The Planning Board indicated that a public hearing was required on the

special use permit application, and confirmed that the public hearing for this application would be held at the August 1 meeting, with the public hearing on this application to commence at 7:15pm.

The next item of business on the agenda was the special use permit application submitted by David Leon for property located at 1 Valley Avenue. The applicant seeks a special use permit to allow the construction of six 2–3 story apartment buildings with parking and related facilities at this location. Chairman Oster recused himself from consideration of the application. Member Stancliffe is Acting Chair on this application. Acting Chair Stancliffe stated that the Draft Environmental Impact Statement on this application had been submitted by the applicant, and that the DEIS had been reviewed by Planning Board review engineer Bonesteel, the Planning Board Attorney, and Acting Chair Stancliffe for purposes of determining completeness. Mr. Bonesteel reviewed the memorandum he had prepared concerning completeness, including that the DEIS submitted by the applicant was incomplete. The memo prepared by Mr. Bonesteel identified the items of incompleteness, and that the applicant will need to revise the DEIS to address those items. Mr. Bonesteel reviewed his memorandum with the members of the Planning Board. Attorney Gilchrist then reviewed the procedural status of the application under the SEQRA regulations. Upon further deliberation, the Planning Board members adopted the review recommendations of Planning Board engineer Bonesteel, and determined that the DEIS was incomplete. A formal motion to adopt a notice of incompletion for the DEIS, incorporating the review memorandum of Planning Board Engineer Bonesteel, was introduced by Member Tarbox, and seconded by Member Mainello. The motion was unanimously approved, and a notice of incompletion for the DEIS for this action was adopted. The notice of incompleteness and incorporated review memorandum by Planning Board engineer Bonesteel are attached to these minutes. This matter is adjourned without date, pending re-submission of a revised DEIS by the applicant.

There were two items of new business discussed.

The first item of new business discussed was a sketch plan application submitted by Trifocal Brewing, Inc. for a proposed small craft brewery on property located at 138 Brick Church Road, with the primary objective of small scale manufacturing of craft beer for a mix of on-site consumption/retail and local distribution under the New York Farm Brewing License. Dillon Brown and Alex Brown, principals of Trifocal Brewing, Inc., were present. The applicants explained that their proposal was to operate a small craft brewery within an existing structure located on property owned by the Browns at 138 Brick Church Road. The applicants proposed to use an existing 30-foot by 60-foot accessory structure for the beer manufacturing, anticipating production of approximately 250 barrels of beer per year. In terms of retail use, the applicants state that they would only be doing limited on-site tastings as well as growler filling. The applicants stated that no food was being proposed, and this was not a sit-down restaurant or brew pub. The location of the proposal was confirmed as being located opposite the Hewitt Farm on Brick Church Road, adjacent to the entrance to the Borrego Solar farm currently under construction. The applicants stated that they were not intending to increase the footprint of the existing building, that limited renovations to the building would occur including replacement of an existing asphalt floor to install a concrete floor, as well as installation of insulation for the building. In terms of water supply, the applicant stated they proposed to drill a well on the site, and that water demand would be approximately 1,000 gallons per week. The applicants stated that they have no current additional operations proposed at this point. The Planning Board asked about the provision of a bathroom. The applicants stated that at first they are proposing to have only sales on the “to-go” basis, with only very limited tastings. The applicants stated that in the future, a taproom could be added, at which point bathroom facilities would need to be provided. The

applicants stated that the parcel has 65 acres in total, and that the applicants own the land and the building. It was explained that the existing residence located adjacent to this building was occupied by the Browns. In terms of wastewater from the brewing operation, a holding tank is being proposed, which would be periodically pumped out. Mr. Golden raised the issue that the accessory structure being proposed for the brewery did not meet setback requirements and also was located closer to the front lot line than the principal primary structure, each requiring an area variance. The Planning Board inquired as to how much of the existing 30-foot by 60-foot building would be used for brewing, and the applicants stated that the brewing equipment would take up approximately 25% of the building. The need for a liquor license was raised, and the applicants stated that a liquor license was not required and that only a New York Farm Brewing License is required. In terms of Rensselaer County Department of Health review, the applicants stated that the Health Department was involved in connection with the application for the brewing license. There was discussion concerning the location of the existing septic system for the house on the parcel, and that the location needed to be identified and appropriate separation distance be provided for the proposed well. The issue regarding required parking and use classification was discussed, and these issues will need to be reviewed. Further issues raised included stormwater requirements, a lighting plan for the patio area, and the particular use category for this proposal within the Business Light Overlay District. The applicants confirmed that the proposal did not include any catered events such as wedding receptions, and that the patio included in the proposal was strictly for their own retail use only. The applicants were directed to coordinate with the Building Department on site plan submittal requirements as well as Zoning Board of Appeals variance application requirements. This matter is adjourned without date.

The next item of business on the agenda was a waiver of subdivision application submitted by Michelle Baxter and Mark Baudy for property located at 3 Nicholas Drive. Michelle Baxter was present for the application. Ms. Baxter explained that she and her husband own a total of 4.55 acres, which includes two adjacent lots; that the applicants were considering the construction of an addition to the existing home on the property, but wanted to ensure that there were no setback violations concerning the internal lot line when that addition was constructed. The applicants are requesting a waiver of subdivision in the nature of a lot line adjustment to transfer .11 acres from one vacant lot to the lot on which the home exists, to avoid any future setback violations in terms of the proposed addition to the existing home. The applicant confirmed that the property is not located within the 100-year floodplain, and Mr. Bonesteel concurred that he had had the opportunity to review the issue and that the property is not within the 100-year floodplain. Mr. Bonesteel then said that the environmental assessment form submitted with application should be updated and noted that the property is not located within the 100-year floodplain. Mr. Bonesteel stated that he had the opportunity to review the application, that the plan is straightforward, and that he had no issues. The Planning Board determined to proceed with action on the application. Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Henderson. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Peterson made a motion to approve the waiver of subdivision, subject to the condition that the .11 acre be merged into the lot on which the residence is located, with proof of merger being filed with the Brunswick Building Department. Member Henderson 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 index for the July 18, 2019 meeting is as follows:

1. Sharpe Road Development, LLC - Major subdivision - August 1, 2019 (public hearing to continue);
2. Kasselmann Solar - Special use permit and site plan - Approved subject to conditions;
3. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - August 1, 2019;
4. Oakwood Property Management LLC - Oakwood Property Management Planned Development District site plan amendment - Approved with conditions;
5. Borrego Solar - Special use permit and site plan - August 1, 2019;
6. Malone - Special use permit - August 1, 2019 (public hearing to commence at 7:15pm);
7. Leon - Special use permit - Discussion on completeness of draft of Environmental Impact Statement - Notice of incomplete DEIS/adjourned without date pending resubmission of DEIS by applicant;
8. Trifocal Brewing, Inc. - Sketch plan - Adjourned without date;
9. Michelle Baxter/Mark Baudy - Waiver of subdivision - Approved with condition.

The proposed agenda for the meeting to be held August 1, 2019 currently is as follows:

1. Fuller - Special use permit (public hearing to commence at 7:00pm);
2. Malone - Special use permit (public hearing to commence at 7:15pm);
3. Sharpe Road Development LLC - Major subdivision (public hearing to continue);
4. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan.

It is noted that given Planning Board member recusals and anticipated absences at the August 1 meeting, the Planning Board will lack a quorum on the Oakwood Property Management PDD waiver of subdivision application and Borrego Solar special use permit/site plan application; these matters will be placed on the August 15 agenda.

Planning Board

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

**NOTICE OF INCOMPLETENESS
DRAFT ENVIRONMENTAL IMPACT STATEMENT
6 NYCRR §617.9(a)**

Applicant: David Leon

Application: Special Use Permit
Valley Avenue Apartments

The Brunswick Planning Board, serving as SEQRA lead agency for review of the Valley Avenue Apartments application, has reviewed the Draft Environmental Impact Statement ("DEIS") submitted by MJ Engineering and Land Surveying for the Applicant on June 10, 2019.

The DEIS is incomplete. The items of incompleteness are discussed in attached memorandum of Maser Consulting, PA, dated July 18, 2019.

No further action may be taken pending receipt by the lead agency of the requested information.

DATED: July 18, 2019
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Linda Stancliffe, Acting Chairman



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Surveyors
Landscape Architects
Environmental Scientists

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MEMORANDUM

To: Brunswick Planning Board

From: Wayne E. Bonesteel, PE

Date: July 18, 2019

Re: Valley Avenue Apartments DEIS Completeness Review

Maser Consulting P.A., Planning Board engineer and Gilchrist Tingley, P.C., Planning Board attorney, have reviewed the Draft Environmental Impact Statement (DEIS) submitted by M.J. Engineering & Land Surveying for Valley Avenue Apartments, on June 10, 2019. This document has been submitted to the Town of Brunswick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA) for a review of its completeness according to the adopted Scoping Document, dated December 6, 2018.

The purpose of this review is to determine whether the DEIS generally follows the Scoping Document and whether all relevant information is presented and analyzed in a complete and understandable format. A determination of completeness does not necessarily indicate that the Planning Board concurs with all of the analyses. There may be areas of disagreement, or differences in the interpretation of technical issues, that will be addressed in the comment period on the accepted DEIS. However, the facts presented in the DEIS should be accurate and clearly described, and the methodologies should be appropriate.

It is our opinion that the DEIS is not complete with respect to the adopted scope and that the Planning Board should direct the applicant to make all necessary revisions based on the comments as outlined below. It should be noted that some of the comments in this memorandum were raised by the public and the Planning Board at the public scoping session conducted on November 15, 2018 at which time the public and the Planning Board members presented specific requests with respect to information to be contained in the DEIS.

GENERAL COMMENTS

The resubmitted DEIS should use redlining to indicate additions and deletions in response to Planning Board and consultant comments. Section divider pages or tabs would be useful to assist the reader in navigating through the document. The document should be carefully edited for appropriate grammar and typographical errors.





SECTION 2.0 - DESCRIPTION OF THE PROPOSED ACTION

2.3 Detailed Description of the Proposed Action - There is inadequate discussion concerning pedestrian walkways and sidewalk connections to commercial/retail on Hoosick Road.

2.4 Purpose, Need and Benefit – An estimate of employment opportunities (both temporary construction jobs and permanent staff jobs) anticipated to result from the project is not discussed in the DEIS.

2.5 Project Construction – Construction staging and parking area and anticipated construction employment is not discussed in the DEIS; routing of construction traffic along local roads is briefly discussed, but only utilizing Route 7 (Hoosick Road) access for construction traffic is not analyzed.

2.5.2 Site Preparation for Construction – The clearing of trees and vegetation is not discussed in this section.

2.5.3 Construction Phasing – The discussion in this section should provide more detail of the construction sequencing.

SECTION 3.0 – ENVIRONMENTAL SETTING, SIGNIFICANT ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES TO MINIMIZE ENVIRONMENTAL IMPACTS

3.1 IMPACTS ON LAND

3.1.1 Existing Conditions

3.1.1.2 – Estimates of earthwork calculations should be provided in this section indicating the amount of cuts and fills. If balanced, then preliminary calculations shall be provided. If unbalanced, it should be stated here and discussed in the next section. If all excavated material is to be trucked off-site, an estimate of the number of trips per day should be provided in this section.

3.1.2 Potential Impacts

3.1.2.1 - Potential topographical issues including changes in slope during or after construction that could alter drainage patterns and potentially increase or decrease runoff is not discussed in the DEIS.

3.1.2.2 - Safety issues associated with a 19-foot high retaining wall is briefly discussed (adding a safety fence), but otherwise not analyzed in detail. The discussion of the impacts of a 19-foot high retaining wall along a public road is inadequate.



3.1.2.3 - The number of construction vehicle trips must be estimated for off-site trips and what the impact is; the 43,000 cubic yards of material presumably to be removed from the site is not analyzed in terms of total number of truck trips and impact to construction truck routes.

3.1.3 Mitigation Measures and Alternatives

3.1.3.2 - No discussion is provided concerning compliance with the Rensselaer County blasting regulations, and no specific blasting protocols are included.

3.1.3.3 – Alternatives to the proposed long/high retaining walls is not discussed in the DEIS.

3.2 IMPACTS ON SURFACE WATER AND FLOODING

3.2.1 Existing Conditions

3.2.1.2 - No correspondence from either NYSDEC or US Army Corps of Engineers is included concerning wetland delineation.

3.2.1.4 The total contributing drainage areas for the project is not included in the DEIS.

3.2.1.5 A preliminary drainage report, including stormwater flow volumes/peaks per the 2015 NYSDEC stormwater management design manual, is not included in the DEIS.

3.2.2 Potential Impacts

3.2.2.1 The discussion on impacts to wetlands does not include the number of acres impacted and how many acres of wetland mitigation are necessary.

3.2.2.2 The impacts to wetlands from the construction of roadways is not discussed in the DEIS.

3.2.2.5 Potential impacts to Cooper's Pond is not discussed in the DEIS

3.2.3 Mitigation Measures and Alternatives

3.2.3.2 SWPPP Construction Inspection and Post Construction Stormwater Facility Maintenance is not discussed in the DEIS.

3.3 IMPACT ON PLANTS AND ANIMALS



3.3.1 Existing Conditions

3.3.1.1 A description of the wildlife species and available habitat within the project site is not discussed in the DEIS.

3.3.2 Potential Impacts

3.3.2.3 There is no discussion of any onsite or downstream water quality or surface water temperature impacts on animals and plants

3.3.2.4 There is no discussion in the DEIS concerning tree removal or site disturbance area and there is no identification of all trees within the site disturbance area of 12" dbh or larger that will be impacted by the project.

3.4 IMPACT ON TRANSPORTATION

Traffic

3.4.1 Existing Conditions –

More description is needed concerning the Hoosick Street Arterial Access Management Report prepared by CHA in September 2000 and how the project conforms to any recommended access management strategies identified in the 2000 report. A copy of the report should be included in Appendix G.

There is a wholesale omission in the DEIS to locate the Town paper streets on a map, how these paper streets would operate in terms of control or ownership, whether road construction meeting Town specifications can be achieved on any of these paper streets.

A map and narrative of the paper streets should be included should be provided which includes existing conditions, existing conditions with a paper street overlay, and build conditions for the road system being proposed with the paper street overlay.

There is no discussion as to how/whether the roadway on the Planet Fitness site will be incorporated into the public road system, and whether that section of roadway on the Planet Fitness site and its proposed location adjacent to the Planet Fitness building meets Town highway and zoning standards.

Table 3-3: Existing Weekday Traffic Volume Summary and Table 3-4: Existing Weekday Traffic Volume Summary have errors on the directional distribution of traffic on Hoosick Road. It appears that the eastbound and westbound percentages have been transposed. According to the data, the higher



percentage of traffic for weekday AM Peak is in the westbound direction and for weekday PM Peak it is in the eastbound direction. For Midday Saturday Peak Hour traffic the higher percentage of traffic is traveling in the westbound direction.

Table 3-11: AM Peak Hour Intersection Levels of Service Summary – It is not clear as to whether the 2024 Build column includes the LOS with the traffic signal installed or with no traffic signal installed.

3.4.2 Potential Impacts

3.4.2.1 - There is no discussion concerning potential construction traffic routes and the potential impact of trucking 43,000 cubic yards of excavated material from the site.

3.4.2.2 - There is inadequate discussion in the DEIS concerning interior roadway design with reference to the Town standards for roadway construction.

3.4.3 Mitigation Measures and Alternatives

3.4.3.1 - The DEIS does not discuss any alternative access to the project site, alternative traffic control, alternative road alignments, or possible improvements to Hoosick Road such as addition of turning lanes or a roundabout.

3.5 IMPACT ON NOISE, ODOR AND LIGHT

3.5.1 Existing Conditions

3.5.1.1 - The DEIS does not contain current ambient noise levels in the vicinity of the project site.

3.5.1.2 - There is no discussion in the DEIS of existing light levels at the site and the surrounding area.

3.5.2 Potential Impacts

3.5.2.1 - While the sketch map shows location of proposed lighting, there is no detailed discussion concerning a lighting plan showing the amount of light produced by the proposed project at full buildout.

3.5.2.2 - There is no discussion in the DEIS concerning potential impact to adjacent residences from blasting.



3.6 CONSISTENCY WITH COMMUNITY PLANS

3.6.1 Existing Conditions (No comments at this time)

3.6.2 Potential Impacts

3.6.2.1 - There is inadequate discussion in the DEIS concerning the compatibility of the proposed project with surrounding land use patterns/community character.

3.6.2.4 - The DEIS fails to address how the project may promote future growth in the surrounding area and what the potential impacts of that future growth may be.

3.7 CONSISTENCY WITH COMMUNITY CHARACTER

3.7.1 Existing Conditions

In general, there needs to be more discussion concerning consistency with community character and surrounding land uses, housing stock and neighborhoods.

3.7.1.4 There is inadequate discussion concerning property taxes and school taxes broken down by jurisdiction and including applicable fees and/or add-ons.

3.7.1.5 There is no discussion of the current fees paid for water and sewer services at the existing site.

3.7.2 Potential Impacts

3.7.2.1 - The DEIS fails to include discussion concerning calculation of anticipated project population and evaluation of the impacts to the Troy City School District including the potential for additional staffing and facilities. The discussion of the impacts to the Troy School District, specifically School 18 needs to be expanded.

3.7.2.3 The DEIS does not discuss the potential costs associated with additional services to schools.

3.7.2.5 The DEIS does not discuss projected revenue for water and sewer fees.

3.7.2.6 The discussion of snow removal is not adequate and needs to be expanded to include a discussion concerning capacity for snow storage including but not limited to the proposed road system near the Planet Fitness building, the retaining wall areas and the wetland crossing.



4.0 ALTERNATIVES TO THE PROPOSED ACTION

4.5 Alternative Access to the Site – The DEIS does not provide adequate discussion of alternative access to the site.

6.0 GROWTH INDUCING ASPECTS

6.1 – The DEIS does not discuss potential growth inducing aspects that may occur as a result of the proposed project.

APPENDICES

Appendix D – Engineer’s Report for water is not included

Appendix E – Engineer’s Report for sanitary sewer is not included

Appendix F – There is no stormwater management report or drainage analysis included in the DEIS.

Appendix H – The Phase 1B archeological field reconnaissance report is mentioned in the DEIS and shall be included in the appendix.

Appendix I – There is no correspondence from NYSDEC or US Army Corps of Engineers regarding the wetlands delineation report.