

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 5, 2020

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

ABSENT was LINDA STANCLIFFE and WAYNE BONESTEEL, P.E.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department.

Chairman Oster reviewed the agenda as posted on the Town website.

The draft minutes of the September 17, 2020 meeting were reviewed. Upon motion of Member Henderson, seconded by Member Kreiger, the draft minutes of the September 17, 2020 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Special Use Permit and Site Plan application submitted by Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless for property located on Creek Road. David Brennan, Esq., of the Young Sommer Law Firm was present representing the applicant. Mr. Brennan confirmed that the applicant had made a submission to the Planning Board and the Brunswick Zoning Board of Appeals dated October 21, 2020 in further support of the application; that Laberge Engineers, as Town designated review engineers, had reviewed the October 21 submission; that Laberge Engineers determined that the application materials are complete, subject to submission of the full Stormwater Pollution Prevention Plan and cost estimate for decommissioning; that Laberge Engineers had prepared some proposed conditions for both the Planning Board and Zoning Board to consider on this

application; and that Laberge Engineers had prepared a draft negative declaration under SEQRA based on review of the environmental assessment form and application materials, which was presented to the Planning Board as SEQRA lead agency before consideration; that the Planning Board members should have the opportunity to review the Laberge draft SEQRA information, and requested that this matter be placed on the November 19 agenda. Attorney Gilchrist confirmed Mr. Brennan's review of the Laberge review letter, which was dated November 4; that the Laberge Group had reviewed the October 21 submission by the applicant, and deemed the materials to be complete, subject to the submission to the full Stormwater Pollution Prevention Plan and cost estimate for decommissioning; that Laberge Group did prepare some proposed conditions for Planning Board and Zoning Board action on this application, subject to any further comments or additional conditions that each Board may determine; that the SEQRA materials prepared by Laberge are in draft form only, subject to review and comment by the Planning Board members, and subject to final SEQRA determination by the Planning Board as SEQRA Lead Agency on this action. Chairman Oster confirmed that all members of the Planning Board had the Laberge November 4 submission with the enclosures, and stated that this matter will be placed on the November 19 agenda for further discussion and for SEQRA review. Chairman Oster asked Attorney Gilchrist as to future procedure on this application. Attorney Gilchrist stated that a SEQRA determination does need to be made first by the Planning Board, which following review by the Planning Board members of the record and SEQRA documents, could occur at the November 19 meeting; that a SEQRA determination must be completed by the Planning Board prior to any action by the Zoning Board of Appeals on the variance applications and the Planning Board on the Special Use Permit and Site Plan applications; and that if a SEQRA determination is made by the Planning Board in November, then the Zoning Board could proceed to deliberate on

the variance applications in December, and if acted upon by the Zoning Board in December, then the Planning Board could continue to deliberate and address the Special Use Permit and Site Plan applications in January, 2021. This matter is placed on the November 19 agenda for further discussion and SEQRA review.

The next item on the agenda was the Special Use Permit applications by HDIGSL, LLC for property located at 394 Pinewoods Avenue. Darrin Palmetto was present for the applicant. Chairman Oster confirmed that the applicant owns property at 394 Pinewoods Avenue that has an existing accessory apartment, and that the current owner is looking to bring the property into compliance with the Brunswick Zoning Law for the accessory apartment by obtaining a Special Use permit. Chairman Oster confirmed that area variances were also required in connection with this action and that the Zoning Board of Appeals has granted the required area variances. Chairman Oster confirmed that there was no new construction planned, and that this was an existing accessory apartment that had not obtained the required Special Use Permit. Chairman Oster requested that Mr. Palmetto present a brief overview. Mr. Palmetto stated that the property did require area variances for both the accessory apartment as well as a shed, and that those variances had been approved by the Zoning Board of Appeals; that he has applied for the Special Use Permit to bring the existing accessory apartment into compliance with the Brunswick Zoning Law; and that the Rensselaer County Department of Health has approved a new septic system for the accessory apartment and that the new septic system is scheduled to be installed on Monday, November 9. Chairman Oster inquired whether there were any further questions or comments from the Planning Board members. Hearing none, Chairman Oster stated that a SEQRA determination needs to be made on the application. Member Tarbox then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Maniello. The

motion was unanimously approved, and a SEQRA negative declaration adopted. The Planning Board members noted that the Rensselaer County Department of Health has already approved a new septic system for this property. Hearing no further deliberation on the Special Use Permit, Member Henderson made a motion to approve the Special Use Permit, which motion was seconded by Member Peterson. The motion was unanimously approved, and the Special Use Permit granted for the existing accessory apartment at this location.

The next item of business on the agenda was the minor subdivision application submitted by Sean Gallivan, for property located on the northerly and easterly side of Deepkill Road. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter presented an update on the project. Mr. Holbriiter stated that Steve Dean, the project engineer, had reviewed the comments of Mr. Bonesteel and had responded to those comments, and also handed up for the Board's consideration an updated stormwater pollution prevention plan for the project; that the Rensselaer County Department of Health has approved the septic design for the three proposed subdivided lots, and permits to construct have been issued; that it has been determined that a wetlands permit from NYS DEC will be required for the driveway location on lots four and five which are currently located in the wetland buffer area, and that the applicant has engaged a wetlands consultant to help prepare the necessary NYS DEC permit application. Member Henderson inquired how long the driveway was for lot six. Mr. Holbriiter stated that it was approximately 450 feet in length. Member Henderson stated that the driveway will need to comply with the Town of Brunswick regulations. Mr. Holbriiter stated that the private roads standard for the driveway will need to be met, and that a note is on the subdivision plat stating that the compliance with the private roads standards is required, and that provision will be made for all requirements for emergency vehicle access. There was discussion concerning the time frame in

which a decision for the subdivision must be made. Attorney Gilchrist stated that the record does include a letter from the applicant extending the time for decision on the subdivision application without date, and that this extension remains in effect. Mr. Holbriter confirmed that the extension on the time for decision is extended and is currently in effect. Mr. Tarbox had a question concerning the location of pine trees in the area of lot six, and Mr. Holbriter stated that the pine trees being addressed by Member Tarbox were located both on lot six and remainder parcel. This matter is placed on the December 3 agenda for further deliberation.

Three items of new business were discussed.

The first item of new business discussed was an updated sketch plan submitted by Lord Avenue Property LLC. Jamie Easton, PE, of M.J. Engineering, was present for the applicant. Mr. Easton was presenting an updated sketch plan for a proposed grocery store located at the intersection of Hoosick Road and Lord Avenue. Mr. Easton was presenting the updated sketch plan following a prior Planning Board meeting where the initial sketch plan was presented and Mr. Easton had received initial comments from Planning Board members. Mr. Easton identified a change to the sketch plan, seeking to mitigate any potential impacts to residential homes located to the west of the project site, and identified a change in the driveway/turnaround area to move a truck turnaround area further away from the residential homes, and the ability to add a landscaping berm between the truck area and the residential homes to the west. Mr. Easton stated that this was primarily the only change proposed at this point to the concept plan. Chairman Oster wanted to clarify that the only access to this proposed commercial project is off Lord Avenue, and that no secondary access roads to the residential neighborhood are proposed. Mr. Easton confirmed that there are no secondary access roads to the residential area to the west proposed as part of this project, and that the only access proposed is directly off Lord Avenue. Mr. Easton confirmed that

the commercial project site would be subject to a proposed subdivision plan, which would remove the commercial parcel from the balance of the Duncan property. Member Henderson noted that there was an existing connector road from Lord Avenue to the residential neighborhood to the west. Chairman Oster noted that this road is existing, and not part of this proposed project. Chairman Oster also noted that there was no emergency access proposed for the project. Mr. Easton stated that a 16-foot-wide emergency access road to Lord Avenue could be added, and could be gated, but that would be subject to further Planning Board review on a proposed site plan. There were no further discussions. This matter is adjourned without date, pending final engineering plans in preparation of a site plan application.

The second item of new business discussed was a waiver of subdivision application submitted by Carolyn Ciraulo for property located at 36 Woodward Avenue. Bill Darling, Licensed Land Surveyor, was present for the applicator. Mr. Darling explained that the proposal is to combine several small lots shown on an historic subdivision map on file with the Rensselaer County Clerk's office with an existing residential lot located at 36 Woodward Avenue, and that all such property is currently owned by Ciraulo. The current residential lot with the existing home at 36 Woodward Avenue totals 12,000 square feet, and the proposal is to add a total 9 small lots shown on the historic subdivision plan, totaling 28,000 square feet, to the existing residential lot, resulting in a single residential lot at 36 Woodward Avenue totaling 40,000 square feet. Mr. Darling reviewed the survey and proposal with the Planning Board members. Member Tarbox inquired whether there would be any remaining land. Mr. Darling stated there would be no remaining land, and the intention was to create one large parcel at 36 Woodward Avenue (tax map 102.-5-2-16). Attorney Gilchrist reviewed the proposal, indicating that this amounted to a lot line adjustment and the Planning Board could proceed with the waiver of subdivision review.

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 Henderson. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Maniello then made a motion to approve the waiver of subdivision application as presented, subject to the condition that the deed of merger for this transaction be filed with the Brunswick Building Department. That motion was seconded by Member Peterson, subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The third item of new business addressed was a sketch plan presented by Atlas Renewables LLC for a proposed solar farm located on Oakwood Avenue. The applicant was not present at the meeting. Mr. Golden generally reviewed the proposal, including its location and proposed electric connection. This matter was adjourned without date.

Chairman Oster noted that the Leon site plan application written comment period had been extended for an additional two weeks, through November 12, 2020, and explained the background for that extension. Chairman Oster explained that a written request for such extension had been submitted by the property owner at 31 Woodward Avenue, with the basis for the request including the fact that the Brunswick Town Office had been closed due to coronavirus issues; that interested neighbors had been under a 14 day quarantine due to coronavirus exposure; and that the minutes of the October 15 public hearing had not been posted to the Town website. Chairman Oster noted that the fact that the minutes had not been posted on the website was not relevant to his consideration, but that the fact that the Town office had been closed due to coronavirus issues warranted the two week extension, which he had granted in coordination with Zoning Board Chairperson Clemente.

The index for the November 5, 2020 meeting is as follows:

1. Blue Sky Towers III LLC/Cellco Partnership d/b/a Verizon Wireless - Special Use Permit and Site Plan - November 19, 2020.
2. HDIGSL, LLC - Special Use Permit - granted.
3. Gallivan - minor subdivision - December 3, 2020.
4. Lord Avenue Properties LLC - sketch plan - adjourned without date.
5. Ciraulo - waiver of subdivision - approved with condition.
6. Atlas Renewables LLC - concept plan for commercial solar farm - adjourned without date.

The proposed agenda for the November 19, 2020 meeting currently is as follows:

1. Brunswick Road Development LLC - major subdivision (Brunswick Acres Planned Development District).
2. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless - Special Use Permit and Site Plan.
3. Leon - Site Plan (tentative).