

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 20, 2020**

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

ABSENT was DONALD HENDERSON.

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 meeting. It was noted that the minor subdivision application submitted by Sean Gallivan is adjourned at the request of the applicant, and will be placed on the September 3 agenda. It was also confirmed on the record that written confirmation had been received from applicant Sean Gallivan consenting to an extension of time following the close of the public hearing on this minor subdivision application for the Planning Board to make a determination.

The transcript of the July 16, 2020 remote meeting was reviewed. Member Stancliffe identified a correction that needs to be made to the transcript, at page 18, line 24, the word “not” needs to be amended to “now”. Chairman Oster than made a motion to approve the July 16, 2020 meeting transcript as amended per the correction introduced by Member Stancliffe, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and the transcript of the July 16, 2020 remote Planning Board meeting approved subject to the noted correction.

The first item of business addressed by the Planning Board 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. was present for the applicant, together with Rick Andres and Sarah Coleman. It is also noted for the record that the Town's designated review engineer, Ronald Laberge, P.E., was also present at the meeting. Attorney Brennan stated that the application was last addressed by the Planning Board at its meeting held August 6, as well as the Planning Board attending a joint meeting with the Brunswick Zoning Board of Appeals on August 17. Attorney Brennan noted that the applicant does need to submit additional materials to complete the application, including a sound analysis and historic and archeological impact information, but that these final items do need to address a specific location, and requested that the Planning Board consider a preferred location amongst the alternatives previously presented. Chairman Oster confirmed the Planning Board's joint meeting with the Zoning Board of Appeals, but noted that there were not a lot of questions posed or extensive dialogue between the Planning Board and Zoning Board members and the applicant. Chairman Oster did note that the various options on facility location were reviewed, and after considering the additional information including the photosimulations, Chairman Oster stated that the two locations at the higher elevation, resulting in a monopole of either 85 feet or 95 feet in height, were certainly less of an impact on adjoining properties than the monopole locations of 180 feet and 245 feet. Chairman Oster also stated that as and between the alternative sites for a monopole, which would include the branches so as to resemble a pine tree, at the 85 feet as opposed to the 95 feet did not create much of a difference, and that in his opinion, a monopole resembling a pine tree at 85 feet would look more realistic. Chairman Oster did note that the photosimulations and design materials for the pine tree did now include branches going almost to the ground, and that the

photosimulation did present an appearance looking like a pine tree in a realistic sense. Chairman Oster stated that either location at 85 feet or 95 feet would blend into existing vegetation. Chairman Oster did note that the location which would result in an 85-foot “monopine” facility would be preferable in that the location was part of the original proposed alternatives, was subject to the prior balloon fly, and was included as an alternative during the public hearing on the application. The Planning Board generally discussed the views of both the 85-foot and 95-foot locations from the McDonald, O’Brien, and Collins properties, and felt that the 85-foot location mitigated most of the visual impacts that resulted from the proposed 180 and 245-foot locations. Chairman Oster suggested that the applicant complete its final applications submittals utilizing the location for the 85-foot monopine proposal. Member Mainello noted that he had viewed the “monopine” facility located in Halfmoon, but that the panels were on the outside of the branches, and inquired whether this was the proposal for this Brunswick site. Attorney Brennan stated that the panels for this proposed Brunswick site would be located behind the branches, and the photosimulations submitted show the panels behind the branches. Member Mainello stated that he concurred that the applicant should complete the additional application materials utilizing the location of the 85-foot monopine. Members Krieger and Tarbox also concurred that the 85-foot location should be utilized to complete the application materials. Member Stancliffe stated that the location of the 85-foot monopine appears to strike a balance between the two residences with largest visual impacts from their backyards. Chairman Oster confirmed that the applicant should pursue additional application materials utilizing the 85-foot proposed location, which would include a final site plan, noise analysis and spec sheet for the generators to be utilized, historic and archeological information, full stormwater pollution prevention plan, revision to the landscaping plan for the base station, and revision of the environmental assessment form to specify the 85-foot

location. Chairman Oster questioned when the generators would run at this location. Attorney Brennan stated that there would be two standby generators, one for the Verizon tenant and one for the AT&T tenant. Attorney Brennan stated that the standby generator was turned on bi-weekly for a 20-minute cycle, that there would be yearly maintenance on the generators, and that other than the bi-weekly check, the only time the generators would be used was during a period of power outage. Chairman Oster asked whether the generator would be similar to a generator for a use at a house. Attorney Brennan stated that they were slightly larger, but had very little sound generation. This matter is placed on the September 3 agenda, pending receipt of the final additional application materials.

The next item on the agenda was the site plan application submitted by David Leon for property located at 660 Hoosick Road. Jamie Easton, P.E., of MJ Engineering, was present for the applicant. Mr. Easton stated that the site plan application was submitted in mid-June, and that the Planning Board's review engineer, Mr. Bonesteel, has now had the chance to review that submittal in full, and Mr. Bonesteel's review letter was recently received and would be responded to within the next few weeks. Mr. Easton did confirm that a revised environmental assessment form had been submitted, and asked whether the SEQRA lead agency coordination notice was distributed. Attorney Gilchrist confirmed that the SEQRA lead agency coordination notice had been sent out to the involved agencies. Chairman Oster asked Mr. Bonesteel to generally review his comment letter. Mr. Bonesteel then reviewed his engineering review comment letter, with comments pertaining to the layout/site plan; that the site was quite complicated, and needed to be confirmed that there were no conflicts between proposed roadways, utilities, traffic signals, and other site features, and that all of these should be shown on a one-page plan to review; significant comments were made on the stormwater plan, mostly focusing on the area behind the existing Planet Fitness

building with a proposed rock cut for stormwater management purposes; signage, traffic flow, landscaping, and the traffic studies presented. Mr. Bonesteel made a point of stating that while the applicant is utilizing prior traffic analytical information from the prior apartment proposal, the record should be made clear that the current traffic report is for the proposed commercial site plan only. Mr. Easton stated that he will make sure that the record is made clear that the current traffic study, while utilizing prior traffic analytical information from the apartment project previously proposed, is limited to the current commercial site plan proposal. Member Stancliffe asked whether NYSDOT had provided any further responses for this project. Mr. Easton stated that NYSDOT has made a determination to allow the traffic light installation at the proposed location, based on the benefit of interconnectivity with other Town roads to a signalized intersection as well as from the traffic generated from the commercial project alone. Chairman Oster asked about the project need for a variance concerning a portion of the proposed parking lot. Mr. Easton stated that a variance is required for a portion of the parking lot located in the rear corner near the existing Planet Fitness building in proximity to Hillcrest Avenue. Specifically, Mr. Easton stated that approximately 6–7 parking spots plus an area for a dumpster would be located in an area that is currently zoned for residential use, and that the applicant was still determining legal requirements for either an area variance or use variance. Mr. Easton did confirm that an application is pending with the Zoning Board of Appeals for a variance for these facilities. Mr. Easton did state for the record that these additional 6–7 parking spots and location for the dumpster could be removed from the site plan and still meet the Town of Brunswick parking space requirements, but that the applicant wanted to comply with the Planning Board’s desire to have additional parking available for these commercial facilities. The procedural option of holding a joint public hearing with the Zoning Board of Appeals on this application was discussed. Member Mainello asked about the

proposed road to be constructed internal to the project site as well as on an existing paper street owned by the Town. Mr. Easton confirmed that the current proposal is to improve the paper street owned by the Town, and have that paper street connect to an internal private road on the property owned by the applicant. Mr. Easton did note that the currently-proposed private road internal to the project site is designed to be constructed according to Town road specifications, and while the current proposal was to maintain the road as a private roadway and grant the Town an easement for public use, the roadway could be dedicated to the Town to become a full public highway. The Planning Board also discussed the proposal to have only one-way traffic on the improved portion of the paper street, and Mr. Easton confirmed that this was the proposal, and that the applicant could propose signage to limit the direction of traffic on that roadway to one way so as to address the neighborhood's concern of increased traffic through the neighborhoods along Route 7. Member Mainello wanted to confirm that the proposal was to have traffic from Hillcrest Avenue proceed directly in front of the Planet Fitness on the commercial site, leading to the signalized intersection on Hoosick Road. Mr. Easton confirmed that this was the proposed traffic flow. Mr. Easton also confirmed the amendment to the plan showing internal sidewalk connectivity throughout the project. Chairman Oster confirmed that the applicant would respond to Mr. Bonesteel's engineering review comments, and that this matter would be placed on the agenda for the September 17 meeting for further discussion. The option of a joint public meeting with the Zoning Board of Appeals will be entertained at that time, with the potential of determining the application to be complete for public hearing and having a potential public hearing on or about the October 15 Planning Board meeting time frame. This matter is adjourned and placed on the September 17 agenda for further discussion.

The next item of business addressed by the Planning Board was the major subdivision application submitted by Brunswick Road Development LLC for the Brunswick Acres Planned Development District. Dominic Arico, P.E. of CT Male, was present for the applicant, together with Jim Kehrer and Anthony Casale. It is also noted for the record that the Town's designated review engineer on the Brunswick Acres PDD, Ronald Laberge, P.E., was also present. Mr. Arico stated that the applicant had made changes to the proposed grading plan for the project due to comments from the Rensselaer County Department of Health concerning the proposed septic leach fields, including the need to reposition some of the leach fields resulting in a change to the site grading. Mr. Arico did note that the engineering review comments prepared by Mr. Laberge had been received, and that he had responded to those comments. Mr. Arico did note that the lot layout, road alignment, water connections, and stormwater management facilities had not changed from the prior plan. Mr. Arico requested that the Planning Board consider scheduling the public hearing on the major subdivision application. Mr. Laberge stated that while Mr. Arico had submitted responses to his engineering review comments, he had not yet had the opportunity to review the response letter in detail. Mr. Laberge noted for the Planning Board members that a number of the lots on the west side of the proposed subdivision road had changed in terms of site grading and proposed retaining walls, with the current plan having slopes of a 2:1 grade, with the toe of the slope basically at the back line of the proposed houses, which resulted in backyards or side yards which were generally not usable. Mr. Laberge simply raised this issue for the Planning Board's consideration to determine whether these were reasonably buildable lots, noting that there would be certain construction challenges associated with lot development. Mr. Laberge also raised the 60-foot right of way which is proposed at the end of the cul-de-sac to allow access to an off-site, interior, landlocked parcel, and suggested that the Planning Board should consider whether the 60-

foot width was appropriate or whether a narrower width would be preferable. Mr. Laberge did note for the record that he had met with the Town Water Department, Mr. Bradley, and that in general, the water and stormwater proposals are workable designs, but will need refinement prior to final design. Chairman Oster inquired about the retaining walls to the rear of the lots on the west side of the subdivision road that had been presented on an earlier plan. Mr. Laberge confirmed that most of the retaining walls had been removed from the project proposal, with only a small area of very limited retaining wall being proposed at this point. Mr. Laberge confirmed that he had requested Mr. Arico to submit a profile for one of these building lots with the steep slope to the rear. Mr. Arico confirmed that he had prepared a profile for proposed lot 8, and handed that profile up to the Planning Board members. This profile for lot 8 depicts the 2:1 slope and proposed house and septic field location for the Board's consideration. The Planning Board members generally discussed with Mr. Laberge and Mr. Arico the grading of the site and house location to fit the grade. Mr. Arico did confirm that there would be an approximately 30-foot cut into these lots, resulting in the 2:1 grade to the rear of the proposed homes. Mr. Laberge confirmed that the profile provided for lot 8 is a good representation; that it does show a steep rear lot area; questions how the stormwater from that slope would be handled, both behind the house and to the sides of the home; and how the water would be diverted from the back of the residential structures and diverted into the proposed management facilities. Mr. Laberge's concern focused on the steepness of the slopes on lots 5, 6, 7, 8, 9, 10, and 11. Mr. Laberge did confirm that the grading plan was workable, but still had a concern regarding the drainage. Chairman Oster asked whether the 60-foot proposed right of way was to provide access only for the landlocked parcel, and not to provide any other access or through-road to another public street. Mr. Arico stated that a connector road was not planned, as the National Grid right of way effectively split the landlocked parcel, and

having a roadway go across a National Grid right of way was highly unlikely. Mr. Kehrer stated that the interior lot in question was landlocked, and that the 60-foot right of way was provided simply to provide that land with access for planning purposes, and did note that the owner of the landlocked parcel did give Brunswick Road Development LLC an easement for waterline to go across his property. Having said that, Mr. Kehrer stated that if the Planning Board wanted a narrower access way provided for the landlocked parcel, he would not object to it. Chairman Oster noted that the interior landlocked lot was approximately 10–15 acres, and could be further subdivided, so that a 60-foot right of way would make sense for any further subdivision of the landlocked parcel. Chairman Oster confirmed that the concern was a connector road to Route 7. Mr. Kehrer stated that a connector road to Route 7 is not proposed, and that the National Grid right of way effectively cuts off any direct access to the Route 7 corridor. It was confirmed that the 60-foot right of way was to provide access only for the landlocked parcel on the south side of the National Grid corridor. Mr. Laberge noted for the record that a 60-foot right of way could be developed as a public road in the future, but that if a narrower right of way were required, that could stop the development of the interior lot that would include a future public roadway. Member Mainello stated that if the interior landlocked acreage sought to be subdivided or further developed, that property owner would need to come back to the Town, including the Planning Board, for review and approval, which could include any proposed upgrade of the access way for road purposes. The Planning Board confirmed that this would raise the issue of the number of houses on a dead end street under the Town's subdivision standards. Member Tarbox stated that he had been asked by someone whether the proposed leach fields for these lots would be built prior to the time the lot was developed by the homes. Mr. Kehrer confirmed that the septic systems would not go in before the total lot would be developed with the residential house. Mr. Laberge also

confirmed that the lots would need a significant amount of grading before the septic systems could be installed, and that the grading would be needed at the time the house construction was proposed. Mr. Kehrer did confirm that the development of the lots on the west side of the subdivision road with the steep backyard areas would be a challenge, and that the drainage in the rear of these lots will be complicated, but all of that will be addressed in final engineering plans. Mr. Arico confirmed that the applicant will submit the new grading plan and development plan to the fire department for review. The Planning Board and Mr. Laberge generally discussed whether the application materials submitted to date were complete enough for purposes of scheduling and holding a public hearing, or whether any further submissions should be required. Attorney Gilchrist reviewed the current procedure, and stated that the Planning Board should consider the statutory requirements of making a determination on the preliminary subdivision plat within 62 days of the close of the public hearing, and whether the additional information that the Board will require to make that determination be submitted in a timely fashion. Attorney Gilchrist did note for the record that the applicant can extend the timeframe for determination by the Planning Board following the close of the public hearing. Member Tarbox had a question regarding the drainage off the back of the lots with the steep slopes to the rear, and whether the project would need to bring that drainage across the yards to the drainage facilities along the new subdivision road. Mr. Arico confirmed that the drainage would need to be brought across the yards and discharged into the drainage along the proposed public street in the subdivision. It was confirmed that the conservation areas shown on the PDD map have been carried over and are consistent with the current subdivision plan. After further discussion, the Planning Board members confirmed that they felt the information submitted to date on the application was sufficient to schedule a public hearing on the application. It was determined that a public hearing will be held on this major

subdivision application on September 17, commencing at 7:00pm. The Planning Board members will need to determine both the location and protocols for an in-person public hearing given the current executive orders regarding building occupancy.

The index for the August 20, 2020 meeting is as follows:

1. Gallivan - Minor subdivision - September 3, 2020;
2. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - September 3, 2020 (tentative);
3. Leon - Site plan - September 17, 2020;
4. Brunswick Road Development LLC - Major subdivision - September 17, 2020 (public hearing to commence at 7:00pm).

The proposed agenda for the meeting to be held September 3, 2020 currently is as follows:

1. AC Property Development LLC - Special use permit and site plan;
2. Patton - Waiver of subdivision;
3. Gallivan - Minor subdivision;
4. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan (tentative).