

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 6, 2020

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, LINDA STANCLIFFE, ANDREW PETERSEN, J. EMIL KREIGER, KEVIN MAINELLO, and 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 as posted on the Town signboard and Town website.

The draft minutes of the January 16, 2020 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the minutes of the January 16, 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 Trifocal Brewing Inc. for property located at 138 Brick Church Road. The applicant seeks a special use permit and site plan approval to operate craft brewery at this location. Attorney Gilchrist stated that the Brunswick Zoning Board of Appeals had approved the two area variances for this project, subject to conditions, which were reviewed and discussed by the Planning Board. Chairman Oster noted for the record that both he and Member Henderson had visited the S&S Craft Brewery located in the Town of Nassau, since that craft brewery was used as a comparable on a number of the comments that the Planning Board had received on the Trifocal Brewing application, including on the issue of impact to property values. Chairman Oster stated that both he and Member

Henderson spoke with Shaina Sanford, a representative of the S&S Craft Brewery, and also reviewed the site. Chairman Oster noted that both traffic and property values had been raised as comments on the Trifocal Brewing application, and wanted to discuss those two issues with the representative of the S&S Craft Brewery. Chairman Oster reported that the S&S Craft Brewery is a different operation; that it operates from 6pm–9pm on Friday and Saturday evenings; that hundreds of cars attend on those evenings; that entertainment with speakers are provided; that noise had become an issue at the S&S Brewery with neighbors, but that the owners of the S&S Brewery had worked with their neighbors and repositioned speakers to address any noise concerns; that traffic has not been an issue raised by any of the neighbors with the S&S Brewery owners; that the S&S Brewery does not have any conflict with its neighbors, and rather works with its neighbors to address any concerns they have; that Chairman Oster felt comparing the Trifocal Brewing operation with the S&S Craft Brewery would be like comparing apples to oranges, as he felt the S&S Craft Brewery operation was much bigger, and was located on a secondary local road as opposed to a State highway. The S&S Brewery owner also had never heard of any complaints around the S&S Brewery regarding decreased property values. Chairman Oster asked Mr. Bonesteel whether all of his comments had been addressed by the applicant. Mr. Bonesteel stated that all of his technical review comments had been addressed by the applicant. Member Henderson stated that when he was at the S&S Brewery, the facility looked like a barn and was available for weddings and special events, and asked the applicant whether that was proposed for the Trifocal Brewing operation. Alexander Brown of Trifocal Brewing Inc. was present, and stated that weddings and special events will not occur at this location, as there is not enough room. Chairman Oster inquired whether there were any further questions or comments of the Planning Board members on this application. Hearing none, a draft resolution was reviewed by the Planning Board members, including a number of conditions to address impacts which could occur

from the operation of the craft brewery. The Planning Board also reviewed the environmental assessment form and record with Mr. Bonesteel, in order to make a determination of environmental significance under SEQRA. Based upon a review of the environmental assessment form and application record, Member Mainello made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Attorney Gilchrist noted for the record that the Zoning Board of Appeals had likewise adopted a SEQRA negative declaration as part of the uncoordinated SEQRA review of this action. Member Mainello then noted that the craft brewery proposal by Trifocal Brewing is an allowed use in this zoning district; that it is a proposed small-scale operation; and recommended to Mr. Brown that he cooperate with his neighbors, work with his neighbors regarding any concerns, and that the craft brewery be sensitive to the interests of its neighbors. Member Stancliffe wanted to confirm that the same set of plans for this craft brewery facility were in front of the Zoning Board of Appeals when it granted the area variances. Attorney Gilchrist stated that the same plan set was in front of the Zoning Board of Appeals. There was discussion regarding the Zoning Board of Appeals area variances and action by the Planning Board on the special use permit and site plan applications. Upon further discussion of the proposed resolution, including amendment to proposed conditions, Member Mainello offered a resolution approving the application for site plan and special use permit for the Trifocal Brewing Inc. craft brewery subject to conditions, which resolution was seconded by Member Henderson. The resolution was unanimously approved. The resolution in full is attached to these minutes.

The next item of business on the agenda was the application for minor subdivision submitted by Derek Shudt for property located at 190 Bald Mountain Road. Mark Danskin, Land Surveyor, was present for the applicant. Mr. Danskin reviewed the additional information on the proposed

subdivision plat, including topography, driveway location and grade; and Mr. Danskin stated that the proposed lots are buildable for residential use. Mr. Danskin reviewed the three proposed driveway elevations, with proposed lot 1 driveway at 9%, proposed lot 2 driveway at 8%, and proposed driveway for lot 3 at 6%. Mr. Danskin stated that proposed house locations were in compliance with Brunswick Zoning Law setback requirements, and that the proposed septic locations on the lots meet Rensselaer County Health Department requirements. Chairman Oster asked Mr. Danskin to briefly review the issue concerning the tax map for this property. Mr. Danskin stated that an error had initially been made at Rensselaer County concerning the tax map for this parcel; that he had met with the County tax mapping department to review the issue; and that the County has corrected the tax map to be consistent with the proposed subdivision plat. Member Tarbox inquired whether the three proposed driveways meet the required 10% back pitch off the public road. Mr. Danskin said each driveway meets the standard. Member Henderson inquired about the length of the driveways, and whether they meet Town standard. Mr. Danskin stated that the driveways have a 16-foot wide travel way with ditches on each side to meet Town requirements. Chairman Oster inquired whether the application was complete for purpose of scheduling the public hearing. Mr. Bonesteel stated that in his opinion, the application was complete for purpose of scheduling the public hearing. The Planning Board set this matter for public hearing at its March 5 meeting to commence at 7:00pm.

Three items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Mark Fitzgerald for property located at 474 Dater Hill Road. Mr. Fitzgerald and Mark Danskin, Land Surveyor, were present on the application. Mr. Danskin stated that the parcel currently totals 16 acres with 122 feet of road frontage; that a major subdivision was previously proposed for this property but was not pursued; that the property owner now seeks to divide off a 5-acre parcel as a

building lot for his son; that the parcel will have 30 feet of road frontage to construct a driveway if necessary, but that the new lot will seek to use an existing driveway over the remaining land of Fitzgerald. The Planning Board had a question regarding the use of the common driveway by an adjacent property owner. Mr. Danskin explained that the adjacent property owner did have an easement for access over the existing driveway. Chairman Oster made it clear that in the event the Planning Board acts on this waiver of subdivision, there would be a 7-year period before any additional waiver would be considered, and if the property sought to be divided within that 7-year period, the application would be entertained only as a minor subdivision or major subdivision, depending on the number of lots proposed. Member Stancliffe thought a map note should be added to identify the existing access easement in favor of the adjacent lot owner, and also that a map note should be added indicating that the 5-acre lot would also utilize an access easement over the existing driveway on the remaining lands of Fitzgerald. Mr. Danskin stated that these map notes can be added to the map. Chairman Oster inquired whether the Planning Board was prepared to act on this application. The Planning Board felt adequate information was included in the application documents, and the Board was prepared to act. Thereupon, 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 Mainello then made a motion to approve the waiver of subdivision application, subject to the following conditions:

1. A map note must be added identifying the existing access easement over the common driveway in favor of the adjacent lot owner.
2. A map note must be added identifying that an access easement will be granted in favor of the 5-acre lot over the common driveway located on the remaining

lands of Fitzgerald, and that such easement would likewise be subject to the existing easement over such common driveway in favor of the adjacent lot owner.

Member Stancliffe seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

The second item of new business discussed was a concept site plan submitted by David Leon for property located at 660 and 670 Hoosick Road. James Easton, P.E., of MJ Engineering, was present for the applicant. It is confirmed on the record that the David Leon/Valley Avenue Apartments special use permit application has been formally withdrawn, and David Leon is presenting the proposed commercial site plan for sketch plan review. Chairman Oster stated for the record that while he had recused himself from participating in the review of the Leon/Valley Avenue Apartments special use permit application, he had been involved and participated with the initial site plan review for the commercial properties Mr. Leon owns along Hoosick Road, and was intent on continuing to participate in the review of the current site plan application. Mr. Easton stated that the applicant has no objection to Chairman Oster participating in the review of the site plan application. Mr. Easton reviewed the background of this property, noting that the Planning Board had previously approved a site plan which included the construction of an Aldi grocery store and Taco Bell drive thru restaurant, but that the commercial project did not advance to construction due to the traffic signal issue on Hoosick Road; that while the traffic signal issue was being reviewed by NYSDOT, Taco Bell had removed itself from the project and has now moved further east on Hoosick Road and has been constructed in the Price Chopper Plaza; that the current proposal is to have a Wendy's restaurant located in the area where Taco Bell would have been on this commercial site plan, and also

to add a KFC restaurant in the western portion of the existing parking lot in front of Planet Fitness; that these properties actually are a number of adjacent tax parcels, and that this application seeks to ultimately result in three lots, including a lot for the proposed KFC restaurant, a lot for the remaining commercial uses along Hoosick Road, and a lot to the rear of this property which is currently vacant. Mr. Easton presented the sketch plan of the proposed commercial layout along Hoosick Road; stating that the proposed plan meets Brunswick parking requirements; that an interconnection is being proposed to Hillcrest Avenue, to be aligned with the driveway to the adjacent Cumberland Farms; and that an interconnection to Woodward Avenue to the rear of the commercial site through a Town-owned paper street is also proposed; while the connection to Woodward Avenue is proposed as a two-way road, it could be considered to be limited to a one-way from Woodward Avenue out through the commercial site to Hoosick Road. Mr. Easton stated that the applicant is not proposing to have the roadway located through the commercial site to be made a public roadway, but rather keep that area private with an easement granted to the Town. Mr. Easton stated that cross-easements would be included throughout the project site for access. Member Henderson wanted to know what changed with NYSDOT in terms of approving a traffic signal on Hoosick Road at the intersection of Lord Avenue and the driveway into the Planet Fitness, since he thought NYSDOT did not approve of a traffic light at that location. Mr. Easton stated that a 2001/2002 comprehensive study undertaken by NYSDOT shows that interconnectivity of internal road systems leading to the signalized intersection meets additional warrants for the traffic signal installation, and that NYSDOT will allow a traffic signal installation at this location. Member Mainello asked whether there had always been a separate entrance near what had been the Taco Bell restaurant and what is now proposed to be the Wendy's restaurant. Mr. Easton stated that a separate curb cut had always been in that location, and it was his understanding that this was a right in/right out only. The Planning Board and Mr. Easton discussed

the prior commercial site plan which was approved by the Planning Board; the history of discussions concerning the installation of a traffic signal on Hoosick Road in the proposed location; that the Town Board would need to be involved regarding any improvement of a paper street; and the general proposed interconnection between existing Town roads and commercial sites along Hoosick Road. The Planning Board discussed the general orientation of the proposed commercial buildings on the commercial site. The Planning Board also discussed the prior Valley View apartments application and the proposed access road which had been included in that application off Hillcrest Avenue. The Planning Board discussed the proposal to have a private road located through the Planet Fitness and Aldi's site, leading to the signalized intersection on Hoosick Road. The issue of pedestrian connectivity and sidewalks was also discussed. The Planning Board reviewed the proposed number of parking spaces and truck delivery routes on the commercial site plan, as well as proposed dumpster locations. The issue of existing utility protection along the proposed private access road adjacent to Planet Fitness was discussed, including proposed utility construction for the commercial site plan. The issue of snow removal was discussed. The total number of parking spaces was further discussed, including parking at Planet Fitness during peak times. The Planning Board raised the issue of the installation of a traffic signal at the intersection of Hoosick Road and Lord Avenue, and the potential to increase through-traffic from Frear Park and through a residential area to access the traffic signal proposed for the Lord Avenue intersection. This matter is placed on the March 5 agenda for further discussion regarding revisions to the proposed sketch site plan, as well as possible review of an environmental assessment form for the project.

The third item of new business discussed was the major subdivision application submitted by Brunswick Road Development LLC concerning the Brunswick Acres Planned Development District. Dominic Arico, of CT Male, presented the subdivision plat to the Planning Board. Mr. Arico stated

that the plans are in near-final form; that the plans are compliant with the conditions of the Town Board on the Planned Development District approval; and presented a general review of the lot layout and proposed subdivision road. Member Stancliffe had a question concerning the easement leading to an adjacent parcel along East Road. Mr. Arico stated that the Town Board required that an easement be included for potential future installation of a water line, but that this project is not proposing any waterline connection to East Road. Mr. Arico did confirm that there is a waterline connection to Heather Ridge as part of this project. Chairman Oster inquired as to a 50-foot right-of-way located at the end of the proposed cul-de-sac subdivision road. Mr. Arico stated that this was included for the benefit of the adjacent property owner, whose land is landlocked, and the 50-foot right-of-way would provide access for the landlocked parcel. Chairman Oster inquired whether this would make the project a 27-lot subdivision rather than a 26-lot subdivision, and whether additional approval from the Town Board would be required in terms of the number of lots on a cul-de-sac road. Attorney Gilchrist stated that the project remains a 26-lot subdivision with the right-of-way included on the project site, but that there is no proposal for construction on the adjacent property as part of this application. Member Tarbox had a question regarding proposed retaining walls in the rear of the lots on the west side of the cul-de-sac road. Mr. Arico reviewed the location of retaining walls, noting that the retaining walls may be as high as 12 feet. The Planning Board noted that a pole light should be installed at the intersection of the new cul-de-sac subdivision road and NYS Route 2, to provide light for safety purposes. Member Stancliffe asked if the stormwater plan followed the current stormwater manual. Mr. Arico stated that the stormwater plan does comply with current stormwater requirements. It is noted that Laberge Engineers will be acting as Town designated review engineer for this project, as Laberge conducted the engineering review in connection with the Planned Development District application process before the Town Board. The Planning Board indicated that

Laberge Engineers would need adequate time to review the major subdivision application. It is also noted that a water district and drainage district need to be created in connection with this project, and that petitions for these proposed districts would need to be submitted to the Town Board. The applicant questioned the need for a public hearing on the subdivision application. Attorney Gilchrist stated that it was his opinion that a public hearing will be required on the major subdivision application, but as the applicant has raised the issue, Attorney Gilchrist will research the issue to confirm that a public hearing on the major subdivision application will be required. This matter is tentatively placed on the February 20 agenda pending review by Laberge Engineers on the major subdivision application.

The index for the February 6, 2020 meeting is as follows:

1. Trifocal Brewing Inc. - Special use permit and site plan - Approved with conditions;
2. Shudt - Minor subdivision - March 5, 2020 (public hearing to commence at 7:00pm);
3. Fitzgerald - Waiver of subdivision - Approved with conditions;
4. Leon - Site plan sketch presentation - March 5, 2020;
5. Brunswick Road Development LLC - Major subdivision (Brunswick Acres PDD) - February 20, 2020 (tentative, subject to TDE review).

The proposed agenda for the meeting to be held February 20, 2020 currently is as follows:

1. Blue Sky Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan (tentative; subject to receipt of applicant responses to public comments);
2. Brunswick Road Development LLC - Major subdivision (Brunswick Acres PDD) (tentative; subject to TDE review).

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

February 6, 2020

**RESOLUTION APPROVING APPLICATION
FOR SITE PLAN AND SPECIAL USE PERMIT
FOR TRIFOCAL BREWING, INC.**

WHEREAS, Trifocal Brewing, Inc. (hereinafter “Trifocal”) submitted a sketch plan application to the Town of Brunswick Planning Board (hereinafter “Planning Board”) for a proposed small craft brewery on property located at 138 Brick Church Road, Town of Brunswick, Rensselaer County (Tax Map No. 92.-4-5.11) with a 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; and

WHEREAS, the application proposed the operation of a small craft brewery within an existing 30-foot by 60-foot accessory structure located at 138 Brick Church Road owned by Alexander Brown, a principal of Trifocal, with the anticipation of producing approximately 250 barrels of beer per year; and

WHEREAS, the application was first presented to the Planning Board at its meeting on July 18, 2019; and

WHEREAS, the Planning Board reviewed and considered the application at its July 18, 2019 meeting and directed Trifocal to coordinate with the Town of Brunswick Building Department concerning site plan and special use permit submittal requirements as well as Town of Brunswick Zoning Board of Appeals (hereinafter “Zoning Board”) variance application requirements and adjourned the matter without date; and

WHEREAS, Trifocal submitted an application to the Zoning Board for area variance concerning the project at 138 Brick Church Road; and

WHEREAS, the application for area variance was first presented to the Zoning Board at its meeting on August 19, 2019; and

WHEREAS, the Zoning Board reviewed and considered the application at its August 19, 2019 meeting, but declined to schedule a public hearing on the application until Trifocal submitted a full site plan application, including an environmental assessment form, to the Planning Board; and

WHEREAS, the Zoning Board tentatively placed the application on the agenda for its September 16, 2019 meeting, pending the submission of the full site plan application to the Planning Board; and

WHEREAS, Trifocal submitted an application for site plan and a special use permit to the Planning Board; and

WHEREAS, the Zoning Board further adjourned the area variance application until its meeting to be held October 21, 2019; and

WHEREAS, the Planning Board reviewed and considered the application for site plan and special use permit at its October 17, 2019 meeting and placed the action on the agenda for its next meeting on November 7, 2019 for further deliberation; and

WHEREAS, the Zoning Board further reviewed and considered the application for area variance at its October 21, 2019 meeting and placed the action on the agenda for its next meeting on November 18, 2019 for further deliberation; and

WHEREAS, the Planning Board further reviewed and considered the application for site plan and special use permit at its November 7, 2019 meeting; and

WHEREAS, the Planning Board determined that the application materials were complete for the purpose of opening a public hearing on the application and scheduled a public hearing on the application for December 5 at 7:00 PM; and

WHEREAS, the Planning Board also placed the action on the agenda for its next meeting on November 21 for purposes of an update on any information in terms of Rensselaer County Department of Health review, New York State Department of Transportation review, engineer report, and stormwater report; and

WHEREAS, the Zoning Board further reviewed and considered the application for area variance at its November 18, 2019 meeting; and

WHEREAS, the Zoning Board determined that the application materials were complete for purpose of opening a public hearing on the application and scheduled a public hearing on the area variance application for December 16 at 6:00 PM; and

WHEREAS, the Planning Board further reviewed and considered the application for site plan and special use permit at its November 21, 2019 meeting and confirmed that the action is placed on the agenda for its next meeting on December 5, 2019 for a public hearing to commence at 7:00PM; and

WHEREAS, the Planning Board, upon due public notice, opened its public hearing on December 5, 2019 with respect to the application by Trifocal Brewing, Inc. for site plan and special use permit, and received public comment; and

WHEREAS, following receipt of the final public comment, the Planning Board closed the public hearing with respect to the application by Trifocal Brewing, Inc. for site plan and special use permit at its meeting on December 5, 2019; and

WHEREAS, the Planning Board further reviewed and considered the application for site plan and special use permit at its December 5, 2019 meeting and placed the action on the agenda for its next meeting on December 19, 2019 for further deliberation, subject to Trifocal submitting written responses to the comments received on the application; and

WHEREAS, the Zoning Board, upon due public notice, opened its public hearing on December 16, 2019 with respect to the application by Trifocal Brewing, Inc. for area variance; and

WHEREAS, following receipt of the final public comment, the Zoning Board closed the public hearing with respect to the application by Trifocal Brewing, Inc. for area variance at its meeting on December 16, 2019; and

WHEREAS, the Zoning Board placed the action on the agenda for its next meeting on January 27, 2020 for further deliberation; and

WHEREAS, the Planning Board did not further review and consider the application for site plan and special use permit at its December 19, 2019 meeting at the applicant's request and tentatively placed the action on the agenda for its next meeting on January 2, 2020, dependent on receipt from the applicant of a response to all comments; and

WHEREAS, Trifocal submitted written responses to all comments received at the December 5 public hearing to the Planning Board; and

WHEREAS, the Planning Board further reviewed and considered the application for site plan and special use permit at its January 2, 2020 meeting and placed the action on the agenda for its next meeting on February 6, 2020; and

WHEREAS, the Zoning Board did not act on the area variance application at its January 27, 2020 meeting, and instead scheduled a special meeting for February 6, 2020 to consider the area variance application; and

WHEREAS, the Zoning Board further considered the area variance application at a special meeting held February 6, 2020, and thereat approved the area variance application following completion of its State Environmental Quality Review Act (hereinafter "SEQRA") review; and

WHEREAS, the Planning Board further considered the site plan and special use permit applications at its meeting held February 6, 2020, including consideration of the applicant's responses to public comments; and

WHEREAS, the Planning Board completed its SEQRA review through the adoption of a negative declaration for this action; and

WHEREAS, the Planning Board referred to the Rensselaer County Department of Planning and Economic Development pursuant to the New York State General Municipal Law was duly completed, with the County’s recommendation indicating that the action does not conflict with County plans and that local consideration shall prevail; and

WHEREAS, the Planning Board has duly considered the site plan and special use permit application against the standards of the Town of Brunswick Zoning Law Article 7, titled “Site Plan Review”, and Article 8, titled “Special Use Permits”; and

WHEREAS, the Planning Board, following due deliberation, is prepared to act on the site plan and special use permit application;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town of Brunswick Planning Board approves the issuance and hereby grants the site plan and special use permit subject to the following conditions:
 - a. Rensselaer County Department of Health approval concerning well and septic.
 - b. New York State Department of Transportation approval concerning driveway permit and stormwater discharge.
 - c. Installation of “dark friendly” down lighting not to increase light levels beyond the property line or create sky glow.
 - d. Music played in the patio area must not increase sound levels beyond the property line. No live bands are permitted.
 - e. Dumpster pick-up and holding tank waste disposal pump-out is limited to daylight hours Monday-Friday.
 - f. Hours of operation for tasting room and patio are limited to 11am to 9pm, Thursday to Sunday.
 - g. Expansion or alteration of facilities or services will require amendment of the site plan and special use permit, and will be subject to review by the Planning Board.
 - h. Installation of a vegetative buffer as required by the Zoning Board of Appeals as a condition to the area variances granted by the Zoning Board of Appeals for this facility.
 - i. Installation of a knox box per fire department requirements.

The foregoing Resolution, offered by Member Mainello and seconded by Member Henderson was duly put to a vote as follows:

PLANNING BOARD CHAIRMAN OSTER	VOTING <u>Aye</u>
MEMBER TARBOX	VOTING <u>Aye</u>
MEMBER PETERSEN	VOTING <u>Aye</u>
MEMBER STANCLIFFE	VOTING <u>Aye</u>
MEMBER MAINELLO	VOTING <u>Aye</u>
MEMBER HENDERSON	VOTING <u>Aye</u>
MEMBER KREIGER	VOTING <u>Aye</u>

The foregoing Resolution was thereupon declared duly adopted.

February 6, 2019