

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 15, 2016

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, DAVID TARBOX, FRANK ESSER and VINCE WETMILLER. ABSENT were KEVIN MAINELLO and TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda for the September 15 meeting.

The draft minutes of the September 1, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the September 1, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Brunswick Design Group for property located at 74 Farrell Road. Bill Bradley of Brunswick Design Group was present for the application. The applicant had submitted to the Planning Board a more detailed site plan, project narrative, and environmental assessment form. Mr. Bradley generally reviewed the proposal, which includes installation of self-storage containers totaling 77,800 square feet on a 19.64-acre property located at 74 Farrell Road, located in the Industrial Zoning District; that there will be an area for outside storage for items such as recreation vehicles and boats, which will total approximately 1.3 acres; that the project is ADA compliant; that solar panels are proposed to be installed on top of the storage unit containers, which will serve as production of power for lighting

the storage container and for security lighting; that a caretaker's home is also proposed on the site which is in compliance with the Zoning Ordinance for the Industrial District; that in response to prior Planning Board comments, additional screening and plantings in front of the project along Farrell Road have been added to the site plan; that three stormwater detention areas are now depicted on the site plan for purposes of stormwater compliance; that in the location of the open storage area there may be additional stockade fencing installed for screening, but in that area there will be an approximate 8-foot cut to make the area level and that the resulting change in elevation should also provide screening for the properties located to the east; that significant traffic is not expected to be generated, and that calculations based on traffic engineering factors have been provided showing anticipated traffic; that site lighting will use LED fixtures and will be on timing and motion sensor operation so as not to create off-site lighting impacts; and that a significant amount of forested area on the property will remain undisturbed. Chairman Oster inquired as to the proposed timing for construction of the caretaker house on the property. Mr. Bradley stated that the caretaker house would not be constructed at least for a period of 4–5 years. Chairman Oster then asked about the construction or installation of the storage unit containers, and whether all the containers would be installed at one time or would be phased. Mr. Bradley stated that he would be phasing in the installation of the storage containers, starting toward the back of the lot and moving forward over time. Member Wetmiller inquired about the solar panels on the top of the storage containers, and questioned whether there would also be an electric utility tie-in. Mr. Bradley confirmed there would be a utility tie-in, and also stated that any solar power generated would be for on-site use only. Member Czornyj had a question regarding site features. Mr. Bradley stated that the site plan depicts areas on the site that will be used for green swales as part of the stormwater plan, and generally reviewed the stormwater plan for surface water flow on the site. Chairman Oster inquired whether the site had been previously

disturbed. Mr. Bradley stated that the only prior use was for farming, and that he had made certain minor topographic changes with some fill to the rear of the property and construction of an internal road. Member Tarbox asked about the proposed surface of the open storage area. Mr. Bradley stated that the surface would be gravel only, and that the subsurface in that area is rock, as is a lot of the project site. Chairman Oster inquired as to the proposed timing of the construction of the berm and plantings in the front of the project site along Farrell Road. Mr. Bradley stated that he would be constructing these berms and plantings early during the build-out process, so that the plantings have a chance to grow prior to installation of the storage unit containers more toward the front of the property. Mr. Bradley stated his goal was to have the berms and plantings in a mature state to avoid any visual impact from the storage containers located toward the front of the property. Mr. Bradley also stated that use of the storage unit container is based on an economical approach to start the project, but if the project is economically successful, he may seek to amend the design to include a more conventional storage unit container to be used toward the front of the project site. Member Esser asked about the percentage of the site to be disturbed. Mr. Bradley stated that approximately 6.1 acres of the 19.64-acre site will be disturbed for the storage container units and gravel access ways, not including the surface water swales and basins. The Planning Board acknowledged that the project narrative, environmental assessment form, and site plan set are adequate for purposes of scheduling the public hearing, noting that Mr. Bonesteel will need time to review the full site plan set as well as a full stormwater report for the project. The Planning Board was satisfied as to the adequacy of the application materials to schedule a public hearing, which was scheduled for the October 6 meeting to commence at 7:00pm. The Planning Board will confirm the distance of the project site from Oakwood Avenue for purposes of determining the need for referral of the application to the Rensselaer County Planning Department.

The second item of business on the agenda was an update on the status of the infrastructure completion on the Brook Hill Subdivision. Attorney Gilchrist reviewed the status of this matter, which includes all seven lots on North Langmore Lane having been completed, and the final two lots on Brook Hill now under construction. The specific issue is the status of completion of the project infrastructure, including completion of the subdivision roads as well as completion of the public water line. Attorney Gilchrist noted that there remains financial security posted with the Town of Brunswick for completion of the project infrastructure, and that the Town had been coordinating with the project developer/owner on his schedule for completing the subdivision roads, and at a minimum North Langmore Lane, so that the subdivision roads can be completed and offered for dedication prior to the end of 2016. Henry Reiser of Reiser Builders Inc., the project developer/owner, was present, and stated that he is intent on moving forward to complete both subdivision roads during the fall of 2016, that he had been coordinating with the Town of Brunswick and had in fact added additional financial security for the project infrastructure with the Town, that he has already sought bids for the subdivision road completion which should be submitted to him within a few days, that he is already coordinating obtaining permits for the completion of the waterline construction on the project, and anticipates that all work on the project infrastructure should be completed within 60 days. Mr. Reiser also stated that he is intent on offering the project infrastructure for dedication within the next 60 days as well. Chairman Oster stated that a 60-day time period would bring the matter to mid-November, but if work is not started on the subdivision roads soon, the paving season will close and the subdivision roads could not be completed during 2016. Chairman Oster asked for the time period within which Mr. Reiser thought the contractors would have bids in and contracts signed. Mr. Reiser stated that he would have signed contracts for the infrastructure road completion within the next two weeks. The Planning Board ultimately determined to send a recommendation to the Brunswick Town

Board that in the event the project developer/owner does not notify the Town and show proof by the end of September that he has signed contracts for the completion of the subdivision roads during the fall of 2016, that the Town Board proceed to declare the project infrastructure completion to be in default and take the financial security posted with the Town and use that financial security to complete the project infrastructure prior to the close of 2016. A letter stating such recommendation will be completed and sent to the Town Board by Chairman Oster.

There were three items of new business discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Robert Schmidt for property located at 419 Farm to Market Road. Mr. Schmidt stated that the application is in the nature of a lot line adjustment. Mr. Schmidt stated that the application seeks approval to divide 3.48 acres from the adjacent parcel located at 321 Farm to Market Road, owned by Capital District Farms, to be transferred to his lot located at 419 Farm to Market Road. The Capital District Farms parcel is approximately 92 acres in size, and the application seeks to have 3.48 acres divided from that parcel, which is located adjacent to the parcel at 419 Farm to Market Road, and then transferred to 419 Farm to Market Road. The current size of 419 Farm to Market Road is 2.37 acres, to which the 3.48 acres is proposed to be added. Member Wetmiller asked whether there were any buildings, septic, or water systems located on the 92-acre parcel which would be impacted by the division of the 3.48 acres. Mr. Schmidt stated there were no buildings, septic, or water in that area, and rather it is simply an open vacant area. Member Wetmiller stated that the 3.48 acres to be divided from 321 Farm to Market Road must be legally merged into the parcel of 419 Farm to Market Road, and that a separate building lot will not be approved as a result of the subdivision waiver. Mr. Schmidt understood this, and stated that the 3.48 acres would be legally merged into his lot. Chairman Oster asked whether there were any further questions on the application. Hearing none, Member Czornyj

made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision subject to the following conditions:

1. The 3.48-acre area to be divided from 321 Farm to Market Road must be legally merged into the lot identified as 419 Farm to Market Road, with proof of that merger to be filed with the Brunswick Building Department.
2. A letter must be submitted for the Building Department file from Capital District Farms confirming its consent to the subdivision.

Member Esser 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 the referral of the Brunswick Square Planned Development District amendment application from the Town of Brunswick Town Board for recommendation. James Kinoshian of Stonefield Engineers was present for the applicant, which is Bank of America. Bank of America is seeking the PDD amendment to allow the installation of a stand-alone ATM kiosk within the parking lot of the Brunswick Square shopping center. Mr. Kinoshian explained that Bank of America has instituted this business plan over the past five years, which installs remote ATM kiosks within parking lots of shopping areas for the convenience of Bank of America customers. The ATM Kiosks are unmanned, and are open for use on a 24/7 basis for Bank of America customers. Mr. Kinoshian reviewed the proposed location of the ATM kiosk in the Brunswick Square parking lot. The proposed ATM kiosk is 8 feet wide, and 12 feet tall. Mr. Kinoshian

reviewed the project plan set, identifying the location of the proposed ATM kiosk, a total of 9 parking spaces to be eliminated if the kiosk is installed, and a revised curb line that will be constructed. Mr. Kinonian reviewed sheet C-4 of the plan set, which shows proposed asphalt, curbing, striping, as well as lighting for the ATM kiosk. Mr. Kinonian stated that the Brunswick Square PDD approval did allow a banking facility to be located in the plaza but a specific stand-alone ATM kiosk was not part of the project approvals. Mr. Kinonian also stated that the project would require variances for purposes of front lot line setback as well as signage. Member Czornyj asked about the distance of the kiosk to the front property line, which he calculates to be approximately 12 feet from the project plans. Mr. Kinonian ultimately confirmed that the top of the canopy to the front lot line is approximately 12 feet. Chairman Oster raised a concern about the additional lighting, particularly since the ATM elevation will be above the Hoosick Road corridor, and that the ATM location is so close to the Hoosick Road corridor. Chairman Oster stated this could create a potential distraction for drivers on the Hoosick Road corridor. Mr. Kinonian replied by stating that the location of the proposed ATM kiosk is already proximate to an existing pole light, and that New York State regulations do require additional lighting for the ATM kiosk, and that there may be some additional light to the front property line, but most of the additional lighting is going to be interior to the project site. Member Czornyj asked why the kiosk is not proposed to be deeper into the parking lot and farther away from the Hoosick Road corridor. Mr. Kinonian stated that the proposed location is requested since it is more visible from the road for Bank of America customers, and that the location of the stand-alone ATM kiosk is designed to be away from the high turnover parking areas to avoid any high traffic areas. Chairman Oster stated that in his opinion, there have always been issues concerning the number of parking spaces in the Brunswick Square Plaza, and that this proposal is seeking to eliminate parking spaces in areas that have been traditionally used for worker parking.

Chairman Oster stated that he was still concerned that even if the ATM kiosk location is remote and away from the high traffic areas, it would still impact employee parking. Chairman Oster noted for the record that in the Price Chopper/Pollock Plaza parking lot, there is an existing Key Bank ATM kiosk, but that was approved only because Key Bank is a tenant in that plaza and the plaza configuration did not afford an area for a drive-up teller/ATM. Chairman Oster also had concern since there is an existing drive-thru ATM located within the plaza, in tenant space currently occupied by Time Warner, but that had been designed for use by a bank and a drive-up teller/ATM. Given that the mall was originally designed to have tenant space include a drive-up teller/ATM, why should a stand-alone, remote ATM kiosk be allowed to be built in the parking lot? Chairman Oster also noted that Bank of America is not a tenant in any of the space located in the Brunswick Square Plaza. The Planning Board members generally discussed the overall parking plan for the Brunswick Square Plaza, noting that parking spaces had also been eliminated in connection with the expansion of the Mexican restaurant. Mr. Bonesteel asked whether there were any changes to the drainage in the area where the ATM kiosk is proposed. Mr. Kinosian stated that there would be no change to the drainage, and that the project would maintain the current drainage pattern toward an existing stormwater culvert. Attorney Gilchrist noted that the issue concerning variances for setbacks from the front property line would need to be reviewed, to determine whether that issue was to be considered in connection with the PDD amendment by the Town Board or whether it would remain an area variance application in front of the Zoning Board of Appeals. That procedural issue must be reviewed. Member Wetmiller had a concern regarding the height of the ATM kiosk, particularly since it was elevated off the Hoosick Road level, which would result in a fairly significant visual impact along the Hoosick Road corridor. Member Czornyj noted that if the ATM kiosk is considered an accessory structure, certain Zoning Districts in the Town require up to a 75-foot setback from the front property

line, and in this case at 12-foot setback from the front property line is being proposed. Ms. Guastella raised a question concerning pedestrian traffic using the ATM kiosk, since it will be located in close proximity to a bus stop. Ms. Guastella was concerned regarding pedestrian safety in an area where there is traffic flow for use of the ATM kiosk. Mr. Kinosian stated that it was Bank of America's intention to have this used as a drive-up ATM only, and that signage would be installed identifying the ATM kiosk for car or vehicle use only. Protection of the ATM kiosk was raised by Chairman Oster, and there was discussion concerning the requirement for additional bollards or guardrails around the kiosk so that there was no risk that the kiosk would be damaged as a result of parking or traffic circulation. Member Tarbox asked whether there were any existing stand-alone ATM kiosks operated by Bank of America in the Capital District. Mr. Kinosian stated there were none to his knowledge, but that there were existing Bank of America ATM kiosks in other states in the Northeast. Member Tarbox asked for the submission of photographs of active Bank of America ATM kiosks, including photographs of the stand-alone ATM kiosk as well as ones showing traffic using the kiosk. The Planning Board ultimately determined that it would review the project plan set prior to its October 6 meeting, and have further discussion at the October 6 meeting to formulate their recommendation to the Town Board. This matter is placed on the October 6 agenda for further discussion.

The third item of new business discussed was a presentation by Verizon Wireless for a proposed cell tower to be located off Creek Lane. David Brennan, Esq., of the law firm Young Sommer, representing Verizon Wireless, was present to discuss the project with the Planning Board, noting that the application must first be addressed by the Zoning Board of Appeals as part of the special use permit process. Attorney Brennan generally reviewed the project layout, which proposes a 30-foot wide access and utility easement off Creek Road onto property owned by Zucky, connecting to a 100-foot by 100-foot lease area on which the proposed cell tower would be constructed. Attorney

Brennan reviewed the proposed equipment at the base of the tower, as well as the fencing. Attorney Brennan reviewed the required fall zone for the tower, which the Brunswick Town Code requires to be 30 feet in excess of the tower height, which in this case will result in a 184-foot fall zone, as the tower is proposed to 154 feet in height. Attorney Brennan also discussed the Town Code requirements that a 750-foot setback be provided from all existing residential structures, which has been depicted on the project plans. Attorney Brennan then reviewed the Zoning District lines for the site which, when considering the 750-foot setback from existing residential structures, places the proposed tower in the R-25 Zoning District, in which major cellular telecommunications towers are not allowed, necessitating a need for a variance from the Zoning Board of Appeals. Attorney Brennan explained that while a portion of the Zucky parcel is zoned A-40, which allows for the construction of the cell tower, the consideration of the setbacks and proposed location of the tower places the tower in the R-25 Zoning District, necessitating the need for the variance. Attorney Brennan explained that if the cell tower could be located closer to the residential structures, the tower height would be lower given the topography of the project site, but locating the tower 750 feet away from existing residential structures results in an increased tower height. In addition, if the tower were located even further away from existing residential structures, a tower of even greater height would be necessitated to meet the needed propagation range. The proposed location was arrived at as a result of considering distance from residential structures, topography, propagation needs, and Zoning District considerations. There was discussion regarding placement of telecommunication antennae on existing power lines, with attorney Brennan explaining that that concept and option was reviewed but that it will not work at this location despite the existence of high-tension power lines, and that a propagation study has been included in the project materials explaining this conclusion. Attorney Brennan explained that he was present before the Planning Board merely to seek initial comments

from the Planning Board on planning related issues, but that the application will now proceed before the Zoning Board of Appeals on the special use permit application. This matter is adjourned pending action by the Zoning Board of Appeals on the special use permit and variance applications.

The index for the September 15, 2016 meeting is as follows:

1. Brunswick Design Group - Site plan - 10/6/2016 (public hearing to commence at 7:00pm);
2. Reiser Builders Inc. - Brook Hill Subdivision - Recommendation to be made to Brunswick Town Board.
3. Schmidt - Waiver of Subdivision - Approved with conditions;
4. Bank of America - Brunswick Square PDD Amendment application - 10/6/2016;
5. Verizon Wireless - Site plan - Adjourned without date pending action by Zoning Board of Appeals on special use permit and variance applications.

The proposed agenda for the October 6, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan (public hearing to commence at 7:00pm)
2. Bank of America - Brunswick Square PDD Amendment application - deliberation on recommendation;
3. Referral by Brunswick Town Board of proposed new Brunswick Zoning Law and Zoning Map - deliberation to prepare comments.