

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 19, 2017**

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

ABSENT was TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda for the meeting.

The draft minutes of the January 5, 2017 meeting were reviewed. Upon motion of Member Mainello, seconded by Member Esser, the minutes of the January 5, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the referral from the Brunswick Zoning Board of Appeals for a recommendation on the special use permit application submitted by Stewart's Shops for property located at 1001 Hoosick Road. Stewart's Shops is seeking approval to construct a 3,900 square foot Stewart's convenience store with a four-pump fuel island at 1001 Hoosick Road. A special use permit is required with regard to the 4-pump fuel island. Chad Fowler of Stewart's Shops was present, and informed the Planning Board members that the matter is on the agenda for the Zoning Board of Appeals meeting to be held January 23 at which time he is hoping the Zoning Board will schedule a public hearing on the special use permit application for the Zoning Board's February meeting. Mr. Fowler updated the Board in terms of the moving of the

house and barn structure on the site, stating that bids had been received by the property owner for moving the house, and an engineering firm had been hired in connection with the house move, and further that the property owner is coordinating with National Grid on relocating a pole which must be completed in order to move the structures. Mr. Fowler stated that Stewart's Shops had not received any comments from NYSDOT on the traffic assessment report, and that Creighton Manning had left both email and voicemail messages with NYSDOT. Chairman Oster noted that a recommendation had been received from the Rensselaer County Department of Economic Development and Planning on the proposal, and the Planning Board and Mr. Fowler generally reviewed the comments received from the County Planning office. The Planning Board members generally deliberated on the recommendation for the special use permit in connection with the four-pump fuel island, and determined that the recommendation should be consistent with the recommendation it provided with respect to the Cumberland Farms store, which is also currently under review before the Zoning Board of Appeals. The Planning Board members indicated that the comments of the County Planning Department should likewise be referenced in the Planning Board's recommendation. The Planning Board members directed Attorney Gilchrist to draft a written recommendation using the format of the Cumberland Farms special use permit recommendation, and forward that recommendation to the Planning Board members for review and consideration at the February 2 meeting.

The next item of business on the agenda was the completion of a recommendation to the Brunswick Town Board on the application submitted by Nigro Companies to amend the Brunswick Plaza Planned Development District. Gregg Ursprung of Bergmann Associates and Steve Powers of Nigro Companies were present for the applicant. Also present was Lindsey Kestner of Kestner Engineering, review engineers retained by the Town Board on this application. Mr. Ursprung

stated that while the application to amend the Brunswick Plaza PDD originally sought the division of 0.33 acres to add to a separate commercial outparcel in front of the plaza, after discussion with the Planning Board members, the applicant was in agreement that the two commercial outparcels should be added to the Brunswick Plaza PDD as a viable alternative. The Planning Board members noted that this is consistent with the Planning Board deliberation, and consistent with the draft recommendation which had been prepared. The Planning Board then reviewed the draft recommendation to the Town Board, and finalized that recommendation in the form attached to these minutes. The Planning Board directed Attorney Gilchrist to forward the recommendation to the Brunswick Town Board. Mr. Ursprung asked about procedure, in light of the applicant's agreement to revise the proposal to now seek addition of the two commercial outparcels to the Brunswick Plaza PDD. Attorney Gilchrist stated that rather than amending the application at this point, which would necessitate an additional referral from the Brunswick Town Board, the applicant should inform the Town Board upon completion of the Planning Board recommendation and Zoning Board of Appeals recommendation that it seeks to pursue the alternative proposed in these recommendations and include the two outparcels within the Brunswick Plaza PDD, and that the Town Board could thereafter hold its public hearing to consider the alternative as recommended by the Planning Board and Zoning Board of Appeals. All parties were in agreement with this procedure.

The next item of business on the agenda was the referral from the Brunswick Town Board for a recommendation on the application submitted by Capital District Properties LLC to amend the Hudson Hills Planned Development District. The Planning Board members reviewed a draft recommendation, but had a series of amendments to the recommendation that needed to be

prepared by Attorney Gilchrist. This matter is placed on the agenda for the February 2 meeting for adoption of a final recommendation on this application.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Robert and Kathleen Alber for property located at 670 Tamarac Road. Robert and Kathleen Alber were present. The applicants explained that they currently have a 15.61-acre parcel located at 670 Tamarac Road, and that they are seeking to break up the property for transfer of sections to adjoining property owners, while retaining 7.70 acres for their home. The specific proposal is to divide 6.86 acres for transfer to the adjoining owner Daley, and to divide 1.05 acres for transfer to the adjoining property owner Oppedisano. Each of these adjacent property owners would then merge this acreage into their existing parcels. The Albers explained that they are not seeking to create any additional building lots, but are only seeking to divide sections of the land for transfer to adjoining property owners and to have those areas merged into the adjoining property owners' lots. The Planning Board members reviewed this matter with Attorney Gilchrist, and it was determined that this application is in the nature of a lot line adjustment given that no new building lots will be created as a result of the action. The Planning Board determined that the waiver of subdivision application was the proper form of application in this instance. The Planning Board members reviewed the proposed layout of the remaining 7.70-acre parcel to be retained by Alber, and also the resulting lots owned by Daley and Oppedisano. Planning Board members had no further questions regarding the proposal. Thereupon, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision subject to the condition that the 6.86-acre section to

be transferred to Daley be legally merged into the existing Daley lot, and the 1.05-acre section to be transferred to Oppedisano be legally merged into the existing Oppedisano lot, with proof of merger as filed in the Rensselaer County Clerk's Office to be copied to the Brunswick Building Department. Member Czornyj 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 index for the January 19, 2017 meeting is as follows:

1. Stewart's Shops - Recommendation on special use permit application - February 2, 2017;
2. Nigro Companies - Recommendation to Town Board on Brunswick Plaza PDD Amendment - Completed;
3. Capital District Properties - Recommendation to Town Board on Hudson Hills PDD Amendment- February 2, 2017;
4. Alber - Waiver of subdivision - Approved subject to conditions.

The proposed agenda for the February 2, 2017 meeting currently is as follows:

1. Stewart's Shops - Recommendation on special use permit application;
2. Capital District Properties - Recommendation to Town Board on Hudson Hills PDD Amendment.

**TOWN OF BRUNSWICK PLANNING BOARD  
REGULAR MEETING**

**January 19, 2017**

**RESOLUTION ADOPTING A RECOMMENDATION ON THE BRUNSWICK PLAZA  
PLANNED DEVELOPMENT DISTRICT AMENDMENT APPLICATION**

**WHEREAS**, the Town Board of the Town of Brunswick (“Town Board”) has received an application from Nigro Companies for an amendment to the Brunswick Plaza Planned Development District (“PDD”) located at 720 Hoosick Road; and

**WHEREAS**, the application for an amendment to the Brunswick Plaza PDD seeks approval to allow the division of 0.33 acres from the Brunswick Plaza for transfer and merger into a separate commercial lot located in front of the Brunswick Plaza and adjacent to Hoosick Road; and

**WHEREAS**, the Town Board has referred the Brunswick Plaza PDD amendment application to the Town of Brunswick Planning Board (“Planning Board”) for its review and recommendation; and

**WHEREAS**, the applicant was present at Planning Board meetings held December 15, 2016 and January 5, 2017, and discussed the proposed PDD amendment with the Planning Board members; and

**WHEREAS**, the Planning Board members have had adequate opportunity to review the application materials and discuss the proposed PDD amendment;

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

1. The Planning Board makes the following findings concerning the Brunswick Plaza PDD amendment application:
  - a. The owner of the Brunswick Plaza recently acquired title to a separate commercial parcel located in front of the Brunswick Plaza and adjacent to Hoosick Road, which includes a residential structure and commercial building which has been used for several retail businesses (Tax Map Parcel No. 91.00-6-2);
  - b. The owner of the Brunswick Plaza also owns a separate parcel immediately adjacent and to the east of the recently-acquired commercial parcel, on which there currently is located paved parking spaces and a portion of the ATM kiosk structure formerly used by KeyBank, a tenant in the Brunswick Plaza (Tax Map Parcel No. 91.00-6-3.2);

c. Both Tax Map Parcel Nos. 91.00-6-2 and 91.00-6-3.2 are located in the B-15 Zoning District;

d. Neither Tax Map Parcel Nos. 91.00-6-2 nor 91.00-6-3.2 are included in the Brunswick Plaza PDD;

e. The owner of the Brunswick Plaza now seeks to divide 0.33 acres from the Brunswick Plaza PDD parcel for transfer and merger into a new, separate commercial lot, which will consist of Tax Map Parcel Nos. 91.00-6-2, 91.00-6-3.2, and the 0.33-acre area; this will form a separate, stand-alone commercial out-parcel in the B-15 Zoning District adjacent to Hoosick Road but separate from the Brunswick Plaza PDD;

f. While Tax Map Parcel No. 91.00-6-2 currently has a curb cut and direct access onto Hoosick Road, redevelopment of the resulting commercial out-parcel will likely result in the New York State Department of Transportation seeking to eliminate curb cuts along Hoosick Road that are in close proximity to existing traffic lights, including the traffic light currently located at the entrance to the Brunswick Plaza. The owner of the Brunswick Plaza PDD concurs in this observation;

g. The owner of the Brunswick Plaza seeks to access the resulting commercial out-parcel through the Brunswick Plaza entrance, through the creation of cross-easements between the Brunswick Plaza PDD and the commercial out-parcel;

h. In the event the commercial out-parcel remains separate from the Brunswick Plaza PDD, the Planning Board also notes that cross-easements may also be required for parking, utilities, and stormwater based on the final site design for the commercial out-parcel;

i. The Planning Board discussed with the owner of the Brunswick Plaza PDD a possible alternative which provides for the merger of the two existing, separate commercial parcels (Tax Map Parcel Nos. 91.00-6-2 and 91.00-6-3.2) into the Brunswick Plaza PDD, thereby eliminating the necessity of potential cross-easements for access, parking, utilities and stormwater. The owner of the Brunswick Plaza PDD had no objection to this alternative and concurred this would eliminate the need for potential cross-easements between the Brunswick Plaza and the separate commercial out-parcel.

2. Based on these findings and deliberations, the Planning Board recommends that the Town Board consider the alternative of merging the two existing commercial parcels (Tax Map Parcel Nos. 91.00-6-2 and 91.00-6-3.2) into the Brunswick Plaza PDD, thereby eliminating the necessity of potential cross-easements for access,

parking, utilities, and stormwater based upon final site design for this commercial area. The Planning Board issues a positive recommendation on such alternative. The Planning Board has concern that approval of the division of 0.33 acres from the Brunswick Plaza PDD and merger of the 0.33-acre area into a separate commercial out-parcel unnecessarily complicates the land use in this location by the potential necessity of the cross-easements for access, parking, utilities, and stormwater.

The foregoing Resolution, offered by Member Czornyj and seconded by Member Wetmiller was duly put to a roll call vote as follows:

<b>PLANNING BOARD CHAIRMAN OSTER</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER CZORNYJ</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER ESSER</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER CASEY</b>	<b>VOTING <u>absent</u></b>
<b>MEMBER TARBOX</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER WETMILLER</b>	<b>VOTING <u>aye</u></b>
<b>MEMBER MAINELLO</b>	<b>VOTING <u>aye</u></b>

The foregoing Resolution was thereupon declared duly adopted.

January 19, 2017