

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 2, 2017

PRESENT were KEVIN MAINELLO, MICHAEL CZORNYJ, DAVID TARBOX, and VINCE WETMILLER.

ABSENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, and TIMOTHY CASEY.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board. Member Wetmiller served as acting Chair.

Member Wetmiller reviewed the agenda for the meeting.

The first item on the agenda was the public hearing for the site plan application submitted by Cumberland Farms for property located at 630 Hoosick Road, at the intersection of Hoosick Road and Hillcrest Avenue. Member Wetmiller reviewed the rules of the public hearing. Attorney Tingley read the notice of public hearing into the record and noted that it had been posted on the Town website, placed on the Town signboard, published in the Troy Record, and mailed to owners of adjacent property. Stefanie DiLallo Bitter appeared on behalf of the applicant. Attorney Bitter reviewed the site plan application. She noted that this was phase 2 of the previously-approved project that included the Advance Auto Parts store. She noted that a special use permit had been granted by the Zoning Board of Appeals on January 23, 2017 for the 6-pump self-serve gasoline island. Attorney Bitter noted that there had been no changes to the site plan since the last

submission. Member Wetmiller then asked if there were any public comments. Jim Tkacik, 387 Brunswick Road, asked the Board to provide background on other projects that were being proposed in the same area. Mr. Tkacik stated that the Board should consider approving projects pursuant to a comprehensive review of all projects, not on a piecemeal, one-by-one project basis. Mr. Tkacik stated that the piecemeal approval of single projects does not account for traffic generated by other projects that are proposed for the area, and that the projects should coordinate with each other to develop the best access plan to Route 7. He stated that traffic will be worse as a result of the project, especially during the day and during rush hour. Mr. Tkacik inquired whether a traffic light had been approved nearby. Member Wetmiller responded that no traffic light had been approved yet, and that the Board is not in a position to delay one property owner due to a broader traffic plan review where the project satisfies the conditions of approval. Michelle Fennel of 9 Mellon Avenue stated that she lives behind the Advance Auto Parts store. She indicated that the current fencing for the Advance Auto Parts store is not adequate and does not comply with the prior site plan approval. She also asked the Board why the Town of Brunswick needs another gas station on Route 7. She indicated that the traffic on Route 7 is already too congested and this project will increase the congestion. Code Enforcement Office Golden asked where the snow would be plowed. The applicant reviewed the locations on the site where snow would be pushed and explained that the snow would not be plowed to the front of the site near Hoosick Road. The applicant further stated that, in the event too much snow was on the site and was causing circulation problems, the applicant would truck the snow off the site. Betty Jean Kauffman of 269 Hillcrest Avenue stated that she heard a reference at a previous meeting that a study of the Hillcrest Avenue/Hoosick Road intersection found that there was an average of 22 second delay in turning movements from Hillcrest onto Hoosick Road. She stated that study is not accurate and that, in

her personal experience, she waits much longer. She also indicated that she likes to cross Hoosick Road to walk her dogs, but it is at some points during the day impossible to cross Hoosick Road even at the crosswalk. Member Wetmiller then asked the applicant whether it wanted to respond to comments on the record or provide a written response. The applicant decided to provide responses on the record. Attorney Bitter indicated that the traffic study takes into account approved projects that have not yet been built. With respect to fencing, the applicant indicated that the fencing issue raised by the commenter related to the Advance Auto Parts store which was not part of this project and indicated that there would be a significant amount of natural buffer between the Cumberland Farms site and the property owners to the rear. The applicant also reviewed the other landscaping features including the additional shrubs and evergreen trees that would be planted in various areas. The applicant's traffic engineer explained that when the traffic study was prepared it did take into consideration both existing conditions and future conditions based on the other projects in the area that had been approved. She further indicated that the vehicles accessing the Cumberland Farms site would primarily be pass-by traffic given the nature of the use at the site, and would actually calm traffic due to the turning movements that would be made there. The Planning Board closed the public hearing.

The Planning Board members then reviewed the draft minutes of the February 16, 2017 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes of the February 16, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application for the Cumberland Farms project proposed for 630 Hoosick Road at the intersection of Hoosick Road and Hillcrest Avenue. Member Wetmiller stated that the public hearing had been opened, that public comments had been responded to on the record, and the hearing had been closed earlier that evening. Mr.

Bonesteel indicated that he had reviewed the plans and had deemed them complete and that he had also reviewed the drainage design and found it to be adequate. He stated that he is still in the process of reviewing the stormwater pollution prevention plan. The Board indicated that it did not believe it needed any additional information from the applicant and that it would consider the application at the March 16, 2017 meeting. The item was placed on the agenda for March 16, 2017.

The next item of business on the agenda was the request by Les McDermott to amend the conditions attached the prior site plan application approval for the gun shop with indoor gun range on property located at 807 Hoosick Road. Steven Dean, P.E. was present on behalf of the applicant. Mr. Dean explained that the applicant was requesting that the Planning Board approve an amendment to the conditions for the approval consistent with the as-built conditions. He indicated that he, along with some Planning Board members and the Town Engineer, conducted a walk-through of the site recently. Mr. Bonesteel indicated that he had attended the walk-through of the site and had made a written report of his findings. He reviewed his findings with the Board. He indicated that he had reviewed the guidelines set forth by the NRA and the requirements of the Planning Board, and he found that the applicant's proposals with respect to the issues raised by the Building Department concerning the project's compliance with site plan approval conditions were satisfactory. Mr. Bonesteel indicated that the firing range directs shooters in a westerly direction; the rubberized material is of adequate depth in the firing range and is supplemented by a ¼ inch steel plate which is angled to deflect projectiles downward into the rubber and is backed by a 4-inch reinforced concrete wall; instead of CMU wall in-filled with concrete, the applicant constructed a 4-inch reinforced concrete wall supplemented with a ¼ inch steel plate; instead of concrete-filled CMU walls on the remaining three walls, the applicant elected to construct 4-inch

thick panels on the north and south walls with the remaining east wall to be backed by a ten-gauge steel plate, fastened to the CMU wall top to bottom. He indicated that the work was not yet completed at the time of the inspection but that the applicant had agreed to complete the work prior to issuance of a Certificate of Occupancy. Mr. Bonesteel noted that the east end of the building has two more CMU walls before the exterior of the building. Mr. Bonesteel indicated that the roof of the building is protected by angled nine-gauge steel plates in the firing range. The NRA guidelines have been provided to the Building Department. Mr. Bonesteel indicated the sound survey has been completed and is acceptable. On the date of his inspection, the applicant fired a 45-caliber handgun while Mr. Bonesteel and the Planning Board members stood outside in the parking lot. Mr. Bonesteel indicated that the sound was audible, but it was not objectionable. He related the sound to that of someone hammering inside or the sound of a nail gun being used inside the building. Mr. Bonesteel indicated that the owner must be required to submit a record of maintenance of the rubberized material in the shooting range. Mr. Bonesteel further indicated that the applicant agrees to the hours of operation that were set forth in the original site plan approval, and that the gate will be closed when the facility is closed. Mr. Bonesteel further indicated that the archery facility is not installed but remains as an option and the owner agreed to face the facility in a westerly direction. Mr. Bonesteel found that his inspection of existing conditions and the applicant's proposal with respect to wall construction were satisfactory. The Board inquired about the maximum caliber to be used within the firing range and Mr. Dean indicated that it was only pistol calibers. The Board then discussed the NRA requirements and the applicant noted that shooters would not be permitted to use reloads. Member Mainello asked whether the Board should consider restricting use of the storage and garage areas on the east end of the building. Mr. Bonesteel indicated the guidelines indicate that ten-gauge steel is sufficient to prevent projectiles

from entering the other rooms, and therefore it was likely unnecessary to restrict the use of the garage/storage areas. Member Czornyj made a motion to amend the prior site plan approval conditions as follows:

1. The firing range must direct shooters in a westerly direction.
2. The rubberized material utilized in the firing range must be of an adequate depth and supplemented by a ¼ inch steel plate, angled to deflect projectiles downward into the rubber and backed by a 4-inch reinforced concrete wall.
3. The wall shall be a 4-inch reinforced concrete wall supplemented with ¼ inch steel.
4. The north and south walls shall be constructed of 4-inch thick panels. The east wall (the wall behind shooters) must be backed by ten-gauge steel fastened to the CMU wall top to bottom. The completion of the walls as required by these conditions must be done prior to issuance of a Certificate of Occupancy.
5. The roof of the building must be protected by angled nine-gauge steel plates in the firing range.
6. The NRA standards must be submitted to the Brunswick Building Department.
7. The sound generated by firing within the building shall not be objectionable. The sound survey has been completed and is acceptable currently.
8. The owner must submit a record of maintenance of the rubberized material in the shooting range.

9. The facility hours of operation shall be limited to 9:00am–9:00pm, 7 days a week.
10. The gate at the fence line for this facility shall be closed during all times when the facility is not in operation.
11. The facility signage shall comply with the Town sign standards.
12. The archery facility, if installed, shall be directed in a westerly direction at all times.

Member Mainello seconded the motion, and the motion was unanimously approved subject to the stated conditions.

The first item of new business on the agenda was the request by Oakwood Property Management, LLC that the Planning Board permit selective tree cutting limited to certain specified areas in order to permit felling of trees that have been identified by North Country Ecological Services to be roosting habitat for the Northern Long-Eared Bat. Robert Osterhoudt, of Bohler Engineering, appeared on behalf of the applicant. Mr. Osterhoudt indicated that 44 locations had been identified by North Country Ecological Services where trees existed that could serve as roosting habitat for the Northern Long-Eared Bat. Such trees must be felled before March 31, or after October 1 each year. Mr. Osterhoudt reviewed the locations identified and clarified that the request was to remove trees at 44 locations, not to remove 44 trees. Mr. Osterhoudt indicated that the request was that they be permitted only to fell the trees, and that there would be no skidders or other equipment brought in that would be used for removing the trees. Member Wetmiller asked whether there was any issue associated with disturbing wetlands in certain areas by felling the trees. Mr. Osterhoudt responded that the wetland permits were in hand, and that—because the trees are only being felled—there will be no disturbance, but if it is considered a disturbance it

would be permissible under the permits. The Board then discussed scheduling issues, with Mr. Osterhoudt explaining that the trees could not be felled after March 31, and the project applicant was expecting to begin construction during this upcoming construction season. Attorney Tingley asked Mr. Osterhoudt if he was aware of any limitations within the wetlands permit that would require completion of the disturbance of the wetlands within a specific period of time following the commencement of activities within the wetlands. Mr. Osterhoudt indicated that he is not aware of any such timeframe, but stated that the trees that were being felled would not be removed, and therefore there would be no disturbance of the wetlands. The Board clarified with Mr. Osterhoudt that any approval by the Board allowing felling of the trees would not constitute a commencement of the project, but more of an accommodation to permit commencement of the project once the project was ready to begin construction. Member Mainello asked how the applicant planned to access the areas of trees near North 40. Mr. Osterhoudt indicated that because they were not removing the trees, the applicant would have workers with chainsaws likely walk to the areas rather than bringing in heavy equipment to those areas. Member Czornyj then made a motion to approve the request of Oakwood Property Management, LLC to permit felling of trees in 44 locations with the following conditions:

1. The applicant must submit a letter confirming the understanding that by allowing this work to proceed, the Planning Board is in no way waiving any other conditions required for the project to progress.
2. Although a SWPPP is not required for this type of work, the applicant will use basic erosion control methods where clearing equipment may have disturbed the ground enough to generate sediment laden runoff to the adjacent creek and wetlands.

3. North Country Environmental must certify to the Town that the trees felled were indeed Northern Long-Eared Bat habitat and that no other trees were felled.

The motion was seconded by Member Mainello and was unanimously approved subject to the stated conditions.

The next item of new business discussed was the site plan application submitted by Price Chopper/Market 32 for property located at 716 Hoosick Road. Phil Koziol of Laberge Group was present for the applicant. Mark Kestner, P.E., the Town's consulting engineer on this project, was also present. Mr. Koziol explained that the project seeks approval for a prescription pharmacy drive-thru at the existing Market 32 location. The proposed drive-thru would be located on the eastern side of the existing building and would remove 16 parking spaces, three of which would be replaced in a nearby area. He indicated that the proposal was to provide for one-way circulation in the area of the drive-thru. The proposal includes addition of the pharmacy drive-thru, a smoker's shelter located near the current CDTA bus stop, and related parking improvements. Member Czornyj asked where the bus would stop to pick up passengers. He indicated that currently the bus does not use the designated truck route but instead takes a more direct path through the parking lot and would be turning in the area of the pharmacy drive-thru. The Board and the applicant then discussed the possibility of designating the existing truck route as being the designated CDTA bus route. Member Czornyj asked where the passengers would be picked up for the CDTA bus route in light of the pharmacy drive-thru proposal and the applicant responded that it was really up to CDTA to decide that. The Board then discussed that the Planning Board has the ability to impose conditions on site plans and those conditions could impact CDTA's location for picking up passengers or its designated route. Mr. Bonesteel asked how many times per day the CDTA bus

picks up passengers at the site. The representative from Price Chopper/Golub Corporation indicated that a CDTA bus is fairly regularly at the site picking up and discharging passengers. He explained that the route was such that the bus travels east on Hoosick Road, stops to pick up and discharge passengers at the Price Chopper site then continues east on Hoosick Road and terminates at Walmart. Then, on the way back west on Hoosick Road, the bus again stops at the Price Chopper site. The Board discussed with the applicant how many cars could stack in the pharmacy drive-thru area before sticking out into the proposed bus route. The applicant estimated that approximately 4 cars could stack in the area before sticking out into the bus route. Member Mainello asked whether there would be parking adjacent to the bus shelter and Member Tarbox asked whether the area would be signed for one-way traffic circulation. The applicant responded that the area would be signed with directional signs, stop signs and similar signage. The Planning Board generally expressed their preference for the CDTA bus to use the designated truck route for its route to pick up passengers. Mr. Kestner reviewed some of his concerns with the proposal, including the location of a small fence to prevent pedestrians from stepping out into the pharmacy drive-thru area too close to the building, as well as adding curbing or bollards to protect the smokers' shelter from vehicular traffic. The Board then discussed that the lighting in the area needs to be analyzed given that there will be a smokers' shelter that will attract pedestrians to that area whereas currently there is no such area. Mr. Kestner then discussed the turning movements of vehicles in the area of the pharmacy drive-thru and indicated that there is a stop sign and a crosswalk that may need to be adjusted. The Board indicated that the applicant should send the application materials to Brunswick No. 1 Fire Company and the applicant agreed to do so. Mr. Bonesteel asked whether the separation between the drive-thru area and the travel way in the parking lot would be curbed or whether it would simply be striped. The applicant indicated that it

was be striped, and that it is approximately 16 feet wide. Member Wetmiller suggested that the applicant discuss with CDTA the designation of the bus route to be consistent with the truck route. The applicant requested that the Board schedule a public hearing on the application for March 16. Attorney Tingley suggested that the Board await receipt of a site plan application incorporating the changes that would be made prior to scheduling the public hearing, which would necessitate consideration of the application at the March 16 meeting for purposes of scheduling the public hearing, which could be scheduled thereafter at the first meeting in April. The applicant indicated that it would be willing to provide the revised site plan materials to the Building Department on an expedited basis in order to facilitate a public hearing for March 16. Attorney Tingley explained that the scheduling of a public hearing was with the discretion of the Board, but the materials need to be available for public inspection once the notice of public hearing is published and distributed. If the plans are not in on time, then the public hearing, if scheduled for March 16, 2017, would necessarily have to continue until the next meeting. The Board discussed the possibility of scheduling the public hearing in light of the fact that the site plan application is only with respect to the pharmacy drive-thru, smokers' shelter, and that particular area of the site, and determined that the application could be scheduled for public hearing for March 16 on the condition that the applicant agrees to file plans with the Building Department on or before Monday, March 6, 2017. In the event the plans are not filed on time, the Planning Board will be required to continue the public hearing to the first meeting in April. The Board determined based thereon to schedule the public hearing for March 16, 2017 commencing at 7:00pm.

The next item of new business discussed was the request by Robert Osterhoudt of Bohler Engineering concerning the old Spiak's garage for guidance concerning whether a site plan amendment was necessary in light of changes required by the County Health Department with

respect to location of the septic system for the property located at 1163 Hoosick Road. Mr. Osterhoudt explained that the site plan had been approved in 2014 and the property owner at that time was Alta East. As a condition of the approval, the applicant was required to get the County Health Department's approval of the septic system, and the County Health Department has required certain changes to the location of the septic system that require changes to the site plan. The 2014 approved site plan included a 3,740 square foot building, four fueling islands with eight fueling stations, parking in the front and side of the site, and a drive-thru around the building. Mr. Osterhoudt indicated that there would be no change in the location of the building, the access, or the fueling stations. The change required by the change in the location of the septic system would be with respect to how vehicles exit the drive-thru from around the building. Under the revised plan, the drive-thru would exit vehicles closer to the building than previously approved. Member Czornyj asked whether the perc tests that were done for the septic system were done within the area of the existing garage. Mr. Osterhoudt indicated that a number of perc tests had been done throughout the site and the County Health Department had determined that the location of the septic system as represented on the plans shown at the meeting would be the proper location for the septic system. Member Mainello indicated that he would prefer to review the site plan showing the location of the septic, the final location of the drive-thru exit, and the internal circulation with respect to vehicular movements and with respect to pedestrians in light of the change. The Board generally discussed that they viewed the changes as requiring a site plan amendment, but that the changes did not appear to be significant enough to require an additional public hearing. The Board inquired whether Mr. Osterhoudt would like the matter placed on the March 16, 2017 agenda. Mr. Osterhoudt indicated that in light of the Board's determination to review it as a site plan amendment rather than an administrative change that could be handled by the Building

Department, he would prefer to get final approval from the County Health Department on a location so that whatever is reviewed by the Planning Board at this juncture would be the site plan that would be approved and constructed without the need to potentially once again seek an amendment. In light of that, Mr. Osterhoudt indicated that he would not expect to be ready by March 16, 2017 and would submit a formal site plan application for the amendment once he gets final guidance from the County Health Department concerning the septic system.

The next item of new business discussed was the application by Thomas Murley for a 3-lot minor subdivision for property located at 100 Farrell Road. Mr. Murley explained that he was seeking a 3-lot subdivision to create a lot that would encompass the Diamond Rock site plan approval that had previously been granted, another lot for the former Troy Municipal Landfill site, and a third lot which would include the access road that services the Mulinio paintball facility. The Board discussed with Mr. Murley the application and determined that it appeared to be a complete and confirmed with Mr. Murley that an application had been formally filed with the Building Department. The Board then confirmed with Mr. Murley that Lot #1, which would contain the Diamond Rock Plaza site plan, would have lot lines that were the same lines as shown on the boundary of the approved site plan, and that the Diamond Rock Plaza project would comply with all necessary setbacks in light of the new lot lines. Mr. Murley indicated that he believes that the Diamond Rock Plaza site would in fact comply with all necessary setbacks. The Board determined that the application was sufficiently complete to schedule a public hearing. The matter was scheduled for public hearing for March 16, 2017.

The index for the March 2, 2017 meeting is as follows:

1. Cumberland Farms - Site plan (public hearing held) - 3/16/2017;

2. McDermott - Indoor gun range site plan (807 Hoosick Road) - Approved with conditions (amendment to conditions of approval);
3. Oakwood Property Management, LLC - Tree cutting request - Approved with conditions;
4. Golub Corporation/Nigro Companies - Site plan - 3/16/2017 (public hearing to commence at 7:00pm);
5. Robert Osterhoudt/Alta East/Spiak's Garage - Site plan amendment - adjourned without date, pending receipt of application; and
6. Matopato/Thomas Murley - Minor subdivision - 3/16/2017 (public hearing to commence at 7:15pm).

The proposed agenda for the March 16, 2017 meeting currently is as follows:

1. Cumberland Farms - Site plan;
2. Golub Corporation/Nigro Companies - Site plan (public hearing to commence at 7:00pm);
3. Matopato/Thomas Murley - Minor subdivision (public hearing to commence at 7:15pm).