

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 7, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, FRANK ESSER, KEVIN MAINELLO, VINCE WETMILLER, DAVID TARBOX, and 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 Planning Board continued the public hearing concerning the site plan application submitted by Stewart's Shops for property located at 1001 Hoosick Road and opened the public hearing concerning the special use permit application for such project. Chairman Oster reviewed the procedure that applied to public hearings. Attorney Tingley read the notice of public hearing into the record, and noted that it was posted on the Town website, published in the Troy Record, posted on the Town signboard, and mailed to owners of adjacent properties. Chad Fowler of Stewart's Shops was present for the application. Mr. Fowler indicated that answers to public comments had been submitted but that, due to an administrative error, certain comments and responses had been deleted from the copy provided to the Town. Mr. Fowler indicated that he would provide the deleted comments to the Planning Board as soon as possible. Chairman Oster asked Mr. Fowler to review the new roadway plan, which was submitted previously and which involved no infringement on the south side of Hoosick Road. Mark Nadolny, P.E. of Creighton

Manning, traffic engineers for Stewart's Shops on the project, presented an overview of the new roadway plan, indicating that all road widening would occur on the north side of Route 7. Mr. Nadolny indicated that the revised roadway plan would require grading releases on the north side of the roadway. Mr. Nadolny also reviewed the applicant's responses to comments as they pertained to traffic issues. Among other things, Mr. Nadolny reviewed comments and the applicant's responses with respect to volume increases on Sweetmilk Creek Road, the widening of Route 7, the two-way turn lane, church traffic issues, the accident history in the vicinity, requests for additional traffic improvements, truck traffic and parking, and pedestrian accessibility. The Planning Board then invited comments from the public. Chairman Oster indicated that the Planning Board had received a letter from Bonnie Howe of 22 Sweetmilk Creek Road dated August 18, 2017 and which was marked received by the Town on September 7, 2017. Chairman Oster indicated that the letter would be included in the record on this application. Bill Heffernan, 2429 Lavin Court, Troy, indicated that he is in the business of performing historical renovation and repairs and has been in that business for many years. He stated that there were questions raised regarding the historic registration of the project but that those had not yet been addressed by the applicant. He indicated that Stewart's consultants and the Division of Historic Preservation both concluded that the property was eligible for registration on the National Register. Mr. Heffernan indicated that he objects to the mitigation plan for the building and that destroying the buildings does not equate to preservation of the buildings. He stated that the Planning Board minutes reflected that the owner was pursuing options for relocation, but that there has been no information concerning what options were pursued. Mark McCarty, 1001 Hoosick Road, stated that he owns the house and barn at issue. He stated that he and his wife looked into moving the house and that it was prohibitively expensive. He also indicated that there is no place to move it, and that moving

it would cost between \$300,000 and \$400,000 whereas the house itself is likely worth much less than that. He stated that he has offered to sell the house for \$1 if the purchaser would incur the expense to move it, but that he has received no offers to purchase the house under those terms. He stated that the problem is that the house is located on what has become a commercial corner. He stated that he had a difficult time deciding to sell the property to Stewart's, having raised his kids in that home and having invested substantially in the home. He stated that there was limited commercial development in the area when they moved into the home, but that things have changed since then. Mr. McCarty stated that they had received several offers to purchase the property, but all such offers were made by commercial operations. He stated that there is truck traffic along Route 7 that impacts the house and he finds Stewart's to be a good neighbor and a local company. Alicia Saunders, 1002 Hoosick Road, stated that the traffic plan proposes to end the two-way left turn lane before her home's driveway, which would make it difficult for her to turn left. She also stated that she was concerned about lights from the Stewart's impacting her property. Alice Grimsley, from the Brunswick Grange, asked where trucks will park since no truck parking would be allowed in the Stewart's parking lot. Sharon Zankel, 734 Pinewoods Avenue, Eagle Mills, Town Historian, stated that she had reviewed materials dated December 2016 prepared by Hudson Valley Consultants, and she indicated that there were inaccuracies stated; including that Eagle Mills is north of Center Brunswick and that the house is referred to as the Snyder house. She stated that the mitigation plan proposed includes a display of historic panels and she inquired whether the local historian would be consulted with respect to the panels displayed in order to ensure accuracy. Victoria Crowell, 376 Bald Mountain Road, stated that she enters Route 7 at Sweetmilk Creek Road and sought clarification as to whether the stop bar would be relocated. She also stated that a traffic light would be a nice improvement. Chairman Oster invited any other members of

the public who were interested to comment. Hearing none, Chairman Oster indicated that the public hearing on this project had been continuing over several meetings and he believed all interested parties had an opportunity to be heard. The Planning Board then closed the public hearing on both the site plan application and the special use permit application.

The Planning Board opened the public hearing concerning the amendment to site plan application and special use permit submitted by Stewart's Shops for property located at 2 Brick Church Road. Chad Fowler appeared on behalf of the applicant. Mr. Fowler reviewed the application with the Board and indicated that the proposal is for one additional light, along with a 1,000 gallon above-ground kerosene tank to be added to the existing Stewart's location. The Planning Board offered an opportunity for any interested members of the public to comment on the application. Hearing none, the Planning Board closed the public hearing.

The Planning Board then opened the regular business meeting.

The draft minutes of the August 17, 2017 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the August 17, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application and special use permit application for the Stewart's Shops to be located at 1001 Hoosick Road. Chairman Oster noted that partial responses had been received to previously submitted written comments on the site plan application, and that the applicant had indicated during the public hearing that additional responses to those comments would be submitted. The applicant indicated that it will also provide written responses to comments received at this evening's public hearing over the course of the next few days. Chairman Oster indicated that the letter submitted by Bonnie Howe during the public hearing had been provided for the record and the applicant acknowledged that it had received a copy of

the letter during the public hearing. Chairman Oster asked Attorney Tingley to review the Planning Board's jurisdiction concerning the special use permit. Attorney Tingley indicated that, under the newly adopted Brunswick Zoning Law, any special use permit applications pending before the Zoning Board of Appeals at the time of the adoption of the new Zoning Law were required to be reviewed and decided by the Zoning Board of Appeals. He indicated that a special use permit application for a filling station had been submitted and was pending prior to the adoption of the new Zoning Law and that the Zoning Board of Appeals, in compliance with the new Zoning Law, continued to hear and decided that application and granted a special use permit for the filling station. Under the new Brunswick Zoning Law, there is also a requirement for a special use permit for a convenience store-retail, and although the filling station aspect of the project had been authorized by the Zoning Board of Appeals special use permit, the Planning Board had before it a special use permit with respect to the remainder of the project which consists of the convenience store-retail. Member Casey asked whether there were any conditions placed by the Zoning Board Appeals on its approval of the special use permit application. Attorney Tingley indicated that he would obtain a copy and provide that to the Planning Board members. Mr. Bonesteel asked the applicant what the total width of the road widening was to the north side of Route 7 under the revised widening plan. The applicant indicated that it was approximately 8 feet. Mr. Bonesteel asked whether the applicant had discussed the revised widening plan with the Department of Transportation and the applicant indicated that the revised widening plan had not yet been reviewed by DOT. Mr. Bonesteel stated that the revised asymmetrical widening plan might be a better solution than the previous symmetrical plan in light of the changes in alignment, but indicated that DOT had not reviewed the revised plan. Chairman Oster asked whether there would be any regrading required of Sweetmilk Creek Road and the applicant indicated that there would

be no regrading required. Chairman Oster asked whether there would be changes in the driveway slopes on the north side of Hoosick Road. The applicant stated that only the first two driveways adjacent to the site would have a grading change and that a grading release would need to be obtained from the property owners. The applicant also indicated that there would be a grade change entering into the site. The Planning Board discussed with the applicant the curb cut on Hoosick Road and asked whether it could be opened up further. The applicant stated that DOT will review that issue and will determine the extent of the curb cut. Member Tarbox asked where the fuel tanks would be located and the applicant identified the location on the map. Chairman Oster asked the applicant to address the concern raised by the Brunswick Grange related to truck parking. The applicant indicated that it will address the comment in its written response. Chairman Oster asked the applicant to address the comments raised regarding the historical significance of the house in relation to the listing on the National Register of Historic Places. The applicant indicated that the house was not ever listed on the National Register, but that it was deemed “eligible”. The applicant indicated that there are many homes in the area that are “eligible”. Chairman Oster stated that he had reviewed the architectural renderings of the proposed Stewart’s and stated that, to him, it appeared that the primary difference between a standard Stewart’s store and the proposed project is the color. The applicant stated that there were a number of other differences as well, including the proposed dormers, the barn cupola, and the weathervane. The applicant stated that the State Historic Preservation Office had accepted the revised architectural design of the proposed Stewart’s in mitigation of the impact on the historic significance of the existing house and barn. The Planning Board asked if the applicant objected to involving the Town Historian in deciding the panel displays. Mr. Fowler indicated that he will discuss that issue with Stewart’s Shops. The Planning Board asked whether fuel trucks were intended to enter the site

from Sweetmilk Creek Road and then exit on to Route 7. The applicant indicated that the plan provides for entry of fuel trucks onto the site from Route 7 and exit onto Route 7. The applicant further indicated that the fuel trucks could enter from Route 7 and then exit out onto Sweetmilk Creek Road. The applicant stated that there had been a question raised concerning the permissible height of the building, and the building height as measured under the Town Zoning Code was, at worst case scenario, 28 feet, whereas the maximum permissible height is 30 feet. The applicant stated that with respect to concerns regarding lighting, a lighting plan had been provided and the documents submitted indicated the lighting would consist of LED down-lighting. Mr. Casey stated that the kerosene tank would be visible given its location on the property. He inquired whether the kerosene tank could be relocated. The applicant indicated that the proposed tank is approximately 4 feet tall and would not create a visual impact. Member Casey asked questions concerning whether the existing stop bar could be relocated and whether or not a signal could be installed to assist in traffic flow from and to Sweetmilk Creek Road. The applicant responded that DOT's general position on relocating the stop bar in that manner would likely be prohibited because it would permit entry into an intersection, and that adding a signal would extend the queues on Route 7. The Planning Board discussed the traffic issues on Hoosick Road and the prospect of proposing to extend the two-way left turn lane further while the construction was ongoing. The applicant responded that there was already a substantial cost associated with constructing the turn lane as proposed. Member Wetmiller suggested that the applicant consider use of a lighted "No Blocking" sign to assist in preventing the blocking of Sweetmilk Creek Road by vehicles on Hoosick Road. Member Czornyj stated that Sweetmilk Creek Road is periodically blocked during the morning and evening hours. Mr. Bonesteel asked whether the existing "No Blocking" sign was potentially undersized. The applicant's traffic engineer responded that the sign could be

relocated and the vegetation in the area could be cleared to make the sign more visible and potentially more effective. Chairman Oster stated that the blocking of Sweetmilk Creek Road may result from vehicles seeking to turn right onto Route 142 while the light is red. The Planning Board discussed the possibilities of paving, sidewalk construction, and curbing which could alleviate the issue. Member Wetmiller also suggested that a no right turn on red may also be helpful. The applicant stated also that the DOT had conceptually approved the two-way left turn lane proposed by the applicant, and that the symmetrical widening plan versus the asymmetrical widening plan was a detail that would be reviewed by DOT later. The applicant also stated that the underground storage tanks on the site of the existing Stewart's would be removed. Member Casey stated that he had concerns regarding truck parking. Member Casey also stated that he had questions concerning the slope of the driveway into Stewart's which would be created by the asymmetrical widening plan. The applicant indicated that the maximum slope of the driveway would be 6% to the highway boundary and Mr. Bonesteel stated that he believed the maximum grade allowable was 8%. Member Casey asked whether the driveway could be lengthened and the applicant responded that the physical dimensions of the property constrained the ability to lengthen the driveway. Member Czornyj asked whether there would be a fence along the back property line. The applicant indicated that it will coordinate with the owner of the property to the rear in light of the owner's need to access the back property. Member Wetmiller stated that the architectural renderings and the mitigation plan designed to preserve the historic feel of the site appeared to him to be appropriate, and that any more additional changes may be excessive. Chairman Oster then stated that the Board would evaluate the application record and would have a proposal prepared for discussion at the next meeting. The applicant asked whether the Board would consider approving the applications conditioned on DOT approval and the Planning Board

responded that it was required to await DOT approval prior to issuing approval of the plan. Member Esser asked whether there would be a ditch gutter, and the applicant responded that there would be a concrete gutter on either side of the curb cut, with a catch basin on the west side. Attorney Tingley stated that the County referral and recommendation response had been received and it included two comments and a determination that local consideration shall prevail. The applicant indicated that its responses to the comments submitted at this evening's public hearing would be provided to the Board by Monday, September 11, 2017. The matter was placed on the agenda for the September 21, 2017 meeting for further discussion.

The next item of business on the agenda was the application for site plan approval and special use permit submitted by Stewart's Shops for property located at 2 Brick Church Road. Chad Fowler of Stewart's Shops was present. Mr. Fowler indicated that the proposal was to install an above-ground 1,000-gallon kerosene tank at the existing Stewart's. He indicated that the plan called for six bollards surrounding the proposed tank. The Planning Board asked whether the applicant was proposing to stripe the area in front of the tank. The applicant stated that no striping was proposed. Attorney Tingley stated that the County referral and recommendation response had been received and it indicated that local consideration shall prevail. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Wetmiller, and was unanimously approved. Member Wetmiller then made a motion to approve the special use permit application, which was seconded by Member Czornyj, and was unanimously approved. Member Czornyj then made a motion to approve the site plan amendment, which was seconded by Member Wetmiller, and was unanimously approved.

The next item of business on the agenda was the utility-scale solar farm proposal submitted by Borrego Solar for property located at 138 Brick Church Road. Dean Smith, P.E., project

engineer, Ed Fitzgerald, Esq., project attorney, and Rob Garrity, project developer were present for Borrego Solar. The applicant indicated that it had submitted additional information including a visual EAF, visual exhibits, a letter regarding the need for separate parcels for the project, correspondence relating to the utility internet connection, as well as a revised page two for the Environmental Assessment Form. The applicant indicated that the utility was requiring that the first three poles in from the road be above-ground, but that some equipment previously thought to be pole-mounted can be ground-mounted. The applicant discussed the visual exhibits submitted with the Planning Board and indicated that there was no view corridor that will have a clear view of the site. The applicant further indicated that, given the topography and the vegetation in the area, it would be asking for relief from the otherwise required landscaping plan. Chairman Oster asked the applicant whether the original plan consisted of six total poles or two sets of six poles. The applicant responded that the original plan consisted of two sets of six poles. The applicant stated that the requirement for two sets of poles was a result of the site consisting of two separate solar farms. Member Czornyj asked the applicant what the typical distance between poles would be and the applicant responded that they are usually approximately 30 feet apart. Member Wetmiller asked whether the vegetation to be cleared along the sides of the driveway were located on the subject parcel. The applicant indicated that most of the vegetation was located on the subject parcel. A motion was made by Member Czornyj to commence the SEQRA lead agency coordination process and to indicate to involved agencies that the Planning Board was seeking lead agency status, which motion was seconded by Member Casey, and was unanimously approved. The Planning Board then discussed whether it could schedule a public hearing on the application. Attorney Tingley noted that the application required an area variance with respect to the property line that was proposed between the two solar farms. This would require action by the Zoning

Board of Appeals. The Planning Board then discussed whether the application before the Planning Board was sufficiently complete to schedule a public hearing, and also the prospect of holding a joint public hearing with the Zoning Board of Appeals. Attorney Tingley stated that the Zoning Board of Appeals would have an opportunity to schedule a public hearing at its upcoming September meeting, and if it desired to join in a public hearing with the Planning Board then it could schedule its public hearing for the same date and time as the Planning Board's. The Planning Board considered the application sufficiently complete for purposes of scheduling a public hearing. The Board scheduled the public hearing for October 5, 2017 commencing at 7:00pm. The Board indicated that it was open to the Zoning Board of Appeals scheduling its public hearing on any variance application or applications before it for the same date and time and that the public hearings could be joined. Chairman Oster asked whether any members of the public had any questions or comments on the proposal. Sarah Lennox indicated that she was supportive of the project. This matter was placed on the October 5, 2017 Planning Board agenda for public hearing at 7:00pm.

The next item on the agenda was the site plan application submitted by Christine Hadsell for property located at 377 Tamarac Road. Ms. Hadsell was present. Ms. Hadsell indicated that since the last meeting, she has spoken with the fire department regarding the size of the driveway and was told that 12 feet would be sufficient. The Planning Board discussed with Ms. Hadsell the security of the building and the various options available. Ms. Hadsell reviewed the proposed project with the Planning Board. She indicated that she proposed to have electrical utilities installed underground and that, to start, she expected to be boarding one horse. The Planning Board advised Ms. Hadsell that the application needs to be referred to the County for referral and recommendation. The Planning Board asked Attorney Tingley whether an Agricultural Data statement would be required. Attorney Tingley indicated that he would review the issue. The

Planning Board then indicated that, because the driveway was longer than 150 feet, it may require a 16-foot width. Following discussion, the applicant agreed to revise the plan to provide for a sufficiently wide driveway, consisting of 16 feet of travel way and 2-foot shoulders. The Planning Board then discussed whether it intended to hold a public hearing. Mr. Bonesteel indicated that the plan submitted is not a formal site plan and that the applicant should consult with Mr. Holbitter to submit a formal site plan rather than the survey that has been submitted. Member Mainello indicated that the plan should show fencing if it is to be included. Ms. Hadsell indicated that Mr. Holbitter would be appearing at the next meeting and that she would have him prepare and submit a formal site plan showing both a widened road and also showing any fencing. The Planning Board determined to hold a public hearing on the application and scheduled it for 7:00pm on September 21, 2017.

The next item of business on the agenda was the application to amend the site plan of the Ace Hardware for its property located on Hoosick Road. Thomas Dingley appeared on behalf of the applicant. Chairman Oster noted the application consisted of a site plan amendment and that the location of the property on Route 7 would require referral and recommendation by the County. Mr. Dingley questioned why the application would need to be sent to the County. The Planning Board discussed extensively why the site plan application required referral and recommendation from the County. Mr. Dingley stated that the proposal does not propose any significant changes, and that he was hoping that the Board would approve the modification of allowing the paint sales to be located in the area of the former dance studio. Attorney Tingley explained that the prior approval of the site plan indicated that the dance studio was a dance studio and that any changes would need to be approved by an amendment to the site plan approval. Attorney Tingley further stated that the applicant had submitted a site plan application which, given its location, required

referral to the County. The Planning Board then discussed whether there would be any exterior changes and the applicant indicated that there would be some changes in the storefront given the removal of the dance studio and replacement with the paint sales. The Planning Board then discussed whether the amendment application was complete enough for purposes of referring it to the County and for purposes of scheduling a public hearing. Mr. Dingley questioned whether the referral to the County would delay action on the application in light of the fact that the County has 30 days to respond. Attorney Tingley explained that the Board was without jurisdiction to approve the application without first referring it to the County and receiving a recommendation or after the expiration of the 30 day period. Attorney Tingley explained that a recommendation may be received sooner than 30 days. The Planning Board then reminded the applicant that the matter was on the agenda for the prior meeting, which was held 3 weeks prior to this meeting, but that there was no representative in attendance on behalf of the applicant to present the application. The Planning Board then concluded that the application was complete enough to refer it to the County and to schedule the public hearing. The public hearing was scheduled for September 21, 2017 commencing at 7:15pm.

There were no items of new business to be discussed.

Chairman Oster then indicated that it was the last meeting at which Member Wetmiller would be in attendance in light of the fact that he was resigning from his position. Chairman Oster and the Planning Board expressed their gratitude to Member Wetmiller and commended him for his longtime service to the Planning Board and to the Town of Brunswick.

The index for the September 7, 2017 meeting is as follows:

1. Stewart's Shops - Site plan and special use permit (1001 Hoosick Road) -
September 21, 2017;

2. Stewart's Shops - Amendment to site plan and special use permit (2 Brick Church Road) - Granted;
3. Borrego Solar - Special use permit/site plan/minor subdivision - October 5, 2017 (public hearing to commence at 7:00pm);
4. Hadsell - Site plan - September 21, 2017 (public hearing to commence at 7:00pm);
5. Ace Hardware - Amendment to site plan - September 21, 2017 (public hearing to commence at 7:15pm).

The proposed agenda for the September 21, 2017 meeting currently is as follows:

1. Stewart's Shops - Site plan/special use permit (1001 Hoosick Road);
4. Hadsell - Site plan - Public hearing to commence at 7:00pm;
5. Ace Hardware - Amendment to site plan - Public hearing to commence at 7:15pm).