

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 16, 2017**

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, TIMOTHY CASEY, MICHAEL CZORNYJ, and DAVID TARBOX.

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

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

Chairman Oster reviewed the agenda for the meeting.

A public hearing was opened on the site plan application submitted by Nigro Companies and Golub Corporation for a proposed drive-thru pharmacy on the east side of the existing Price Chopper/Market 32 building located in the Brunswick Plaza. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Philip Koziol, P.E., of Laberge Engineers, representing the applicants, was present. Representatives of Golub Corporation and Steven Powers of Nigro Companies were also present. Mr. Koziol presented an overview of the proposed project, highlighting the area of the proposed drive-thru pharmacy located on the eastern side of the Price Chopper/Market 32 Building, reviewed the elimination of 17 parking spaces for the addition of the drive-thru pharmacy, reviewed additional pavement striping and crosswalks, identified the location of a smokers'/employee shelter as well as the CDTA bus stop shelter, reviewed signage proposed for the drive-thru pharmacy lanes, and

also reviewed a revised CDTA bus route and stopping area, which did require the removal of one additional parking space for a total of 17 spaces being removed, highlighted the addition of bollards to the site in the location of the CDTA bus stop, reviewed the site lighting, addressed the vehicle queue at the pharmacy which is capable of handling a line of five cars including the car at the drive-thru window, and confirmed that photographs of the exterior lighting were provided to the Planning Board. The Planning Board members confirmed that the CDTA bus route had been modified, and that there was a slight modification to an existing curb and parking area to provide for the alternate bus route. The CDTA bus schedule was reviewed, with a bus run occurring every 15–20 minutes, from 6:00am until 10:00pm daily. Chairman Oster confirmed that comments had been received from the Brunswick No. 1 Fire Department, which will be reviewed during the discussion on the site plan application. Chairman Oster also noted that Mark Kestner, review engineer on this project, had the opportunity to review the revised site plan showing the revised CDTA bus route and other site modifications. Chairman Oster then opened the floor for receipt of public comment. No members of the public wished to comment on this application. The Planning Board then closed the public hearing on the Nigro Companies/Golub Corporation site plan.

The Planning Board then opened a second public hearing on the minor subdivision application submitted by Matopato, LLC for property located at 100 Farrell Road. The notice of public hearing was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Tom Murley, 32 Hialeah Drive, Troy, New York, representing Matopato, LLC, was present, and generally reviewed the proposed 3-lot subdivision, which seeks to divide 56+/- acres into three lots as follows: Lot #1 will include the area of the approved

Diamond Rock Plaza site plan on Oakwood Avenue; Lot #2 will include open space; and Lot #3 will include the entrance road to the existing paintball facility located off Farrell Road. Mr. Murley explained that Lot #3 would eventually be part of a future proposed residential project on the adjacent lands owned by Topatoma, LLC, which totals approximately 85 acres, and that Lot #3 could eventually be merged into that project site and represent the last phase of that project which would allow a second entrance into the future residential project off Farrell Road. Mr. Murley confirmed that his proposed future residential project on the lands of Topatoma would initially have access off Liberty Road, and that Lot #3 of this proposed subdivision would be the last phase of construction for the future residential project and allow a secondary access onto Farrell Road. Mr. Murley confirmed that Lot #3 would continue to be used as the access road to the existing paintball facility off Farrell Road, with no plans to change that use in place at this time. Chairman Oster then opened the floor for receipt of public comment. No members of the public wished to comment on this application. The Planning Board then closed the public hearing on the minor subdivision application of Matopato, LLC.

The Planning Board then opened the regular meeting.

The draft minutes of the March 2, 2017 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Tarbox, the draft minutes of the March 2, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan submitted by Cumberland Farms for a proposed Cumberland Farms convenience store together with a six-pump fuel island at the intersection of Hoosick Road and Hillcrest Avenue. Cumberland Farms, Inc. is the applicant. Stefanie Bitter, Esq., project attorney, was present. Chairman Oster noted that the public hearing on the site plan had been held, and that public comments received during the public hearing had

been addressed by the applicant at the March 2 meeting. Attorney Bitter confirmed that the public comments received at the public hearing had been addressed. Chairman Oster noted for the record that on the issue of traffic impacts, the Town of Brunswick had met with the New York State Department of Transportation concerning traffic issues on Hoosick Road, and confirmed that traffic impact assessment reports prepared on specific land use applications have been forwarded to NYSDOT for review, and that in particular a proposal to install a traffic signal at the Hoosick Road/Lord Avenue intersection had not been approved by NYSDOT as NYSDOT concludes there is no need for a traffic signal at that location, and that with regard to the Cumberland Farms use, Cumberland Farms is proposing to use an existing access point on Hoosick Road with no new curb cut being proposed. Chairman Oster also noted that public comments were received on the Cumberland Farms site plan stating that the wait times for pulling onto Hoosick Road were different from that reported in the traffic engineering assessment reports, but that the Planning Board must look at the expert engineering data submitted by applicants and reviewed by NYSDOT, particularly in light of the fact that NYSDOT owns and controls Hoosick Road. Chairman Oster also noted that a public comment received during the Cumberland Farms site plan public hearing concerning the fence to the rear of the auto parts store at this site will be addressed by the Brunswick Building Department. Attorney Bitter reviewed the past procedure on the review of the Cumberland Farms project, which has included special use permit review and approval by the Brunswick Zoning Board of Appeals as well as site plan review pending before the Brunswick Planning Board. Concerning comments from the Brunswick No. 1 Fire Department, attorney Bitter stated that the fire department comments concerning installation of a knox box at the Cumberland Farms store, provision of a copy of the fire suppression system for the building, as well as a walk-through of the building before the Cumberland Farms store is open for business are

all acceptable to Cumberland Farms, and as to the comment concerning the hydrant proposed for the project, the applicant will work with the Brunswick Water Department and the Brunswick No. 1 Fire Department to address that issue. Chairman Oster noted that the application was complete, the public hearing has been held, and asked the Planning Board members if there were any further questions or comments. Hearing none, Chairman Oster inquired whether the Planning Board was ready to proceed to act on the application. The Planning Board concurred that the application was ready for action. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. It was noted that concerning potential traffic impacts, the Planning Board has relied upon the traffic engineering data submitted by the applicant and reviewed by NYSDOT. The motion to adopt a SEQRA negative declaration was unanimously approved. Thereupon, Member Czornyj made a motion to approve the Cumberland Farms site plan subject to the following conditions:

1. The entrance to the site off Hillcrest Avenue must be in compliance with all requirements of the Town of Brunswick Highway Department, including but not limited to a 2% back pitch for the first ten feet of the commercial driveway off Hillcrest Avenue.
2. Complaints regarding the sound level of any music or other audio at the gas pump island are to be directed to the on-site store manager to be addressed. Written notice of any such complaints and response thereto by the Cumberland Farms store manager must be provided to the Town of Brunswick Building Department.
3. Installation of a knox box in the Cumberland Farms building, a copy of the fire suppression system provided to the Brunswick No. 1 Fire Department, and a walk-

through of the building for the Brunswick No. 1 Fire Department before the building opens to the general public.

4. Coordination with the Town of Brunswick Water Department, Brunswick No. 1 Fire Department, and the applicant concerning the hydrant located on the project site.
5. Final comments of the Planning Board engineer and Brunswick Water Department on the site stormwater plan.
6. Tractor-trailer and delivery truck ingress and egress is restricted to the identified truck delivery route in the site plan set of documents.
7. Parking in front of the dumpster on the site is restricted to employee parking only.
8. Snow cannot be plowed to the front of the site; in the event snow storage on the site in causing traffic circulation or parking problems, snow must be trucked off the site.
9. The existing natural vegetative buffer between the Cumberland Farms store and the property owners to the rear must be maintained.
10. The site must be in compliance with the landscaping plan included in the site plan set of documents.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Cumberland Farms site plan approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Nigro Companies and Golub Corporation for the proposed drive-thru pharmacy on the east side of the existing Price Chopper/Market 32 building at the Brunswick plaza. Chairman Oster noted that the public hearing on this site plan had been completed, and no public comments were received.

Chairman Oster did note that comments had been submitted by the Brunswick No. 1 Fire Department raising the issue of exterior lighting, which had been addressed by the applicant through the provision of additional information on site lighting and photographs of the same. Chairman Oster then noted that the Brunswick No. 1 Fire Department also raised the issue of CDTA busses turning from Hoosick Road onto McChesney Avenue, and raised the issue concerning adequate turning radius at that intersection, and inquired whether the CDTA busses can use the main entrance to the Brunswick Plaza as opposed to the entrance off of McChesney Avenue. Mark Kestner, review engineer on this site plan, reviewed the history of the Route 7 improvements, including improvements to the Route 7/McChesney Avenue intersection, and that NYSDOT elected the current intersection design and turning radius. Mr. Kestner acknowledged that a turning radius issue does exist, but that it is not directly related to this specific site plan. Mr. Kestner also observed that the turning radius issue at this intersection is also related to several other land use projects in town, and that it is not particular to this site plan application. Member Czornyj concurred that this was an existing condition on the Hoosick Road/McChesney Avenue intersection. Chairman Oster concurred, stating that it was his opinion this issue is not particular to Price Chopper/Market 32 drive-thru pharmacy site plan, but is a general road infrastructure issue applicable to many projects in the Town of Brunswick. Mr. Bonesteel noted that he had been contacted by CDTA in the past concerning moving the stop bar at this intersection further back onto McChesney Avenue, and that when he coordinated with NYSDOT on the issue, it is the position of NYSDOT that the intersection, including the stop bar on McChesney Avenue, is under the exclusive jurisdiction of NYSDOT. Mr. Bonesteel suggested that CDTA contact NYSDOT directly, but is not aware of any current status on that issue. Member Tarbox noted that the Brunswick No. 1 Fire Department had made a suggestion that the bus enter this site through the

main entrance off Route 7, but having busses go in front of the Price Chopper store is not feasible, and inquired whether the busses could go to the rear of the Price Chopper store. The Price Chopper representatives indicated that that is problematic due to loading docks and other uses along the rear of the Price Chopper store. The Planning Board generally stated that comments it had raised had been adequately addressed by the applicant through revisions to the site plan. Chairman Oster asked whether there would be any parking or travel lane issues on the site if the CDTA bus stops at the bus shelter for an extended period of time, and whether this would block any travel lanes near the drive-thru pharmacy. The applicants responded by stating that the travel lane is now single direction in the area of the drive-thru pharmacy, and that the width of that travel lane is 24 feet which would allow for adequate room to go around a bus in the event it would stop for any period of time at that location. Member Czornyj stated that it is his observation that the CDTA bus does not stop at this location for any extended periods of time. Chairman Oster again confirmed that the comments raised by the Planning Board had been adequately addressed through revision to the CDTA bus route, inclusion of one-way travel lane on the eastern side of the building adjacent to the drive-thru pharmacy lane, and installation of bollards in the area of the CDTA bus shelter. Mr. Kestner stated that an issue was raised as to whether bollards should be added near the employee shelter. The applicant stated that in that location, a six-inch curb is provided, and that should provide additional protection for the employee shelter whereas the area of the CDTA bus shelter did not have the six-inch curb which prompted installation of the bollards. Member Tarbox noted that if parking becomes an issue in this location in the future, additional parking spots could be added in the area of the storage units given the relocation of the CDTA bus route. Chairman Oster inquired whether there were any further comments or questions on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA for



the site plan, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, the Planning Board proceeded to action on the site plan. It is noted that a letter had been submitted by Laberge Group dated March 6, 2017 which describes the amended CDTA bus route, but that the Planning Board should require a map to be submitted as part of the site plan set clearly delineating the required CDTA bus route. All members concurred. Thereupon, Member Tarbox made a motion to approve the site plan subject to the condition that a map be submitted to the Brunswick Building Department depicting the revised CDTA bus route on the site, which motion was seconded by Member Esser. The motion was unanimously approved, and the site plan approved subject to the stated condition.

The third item of business on the agenda was the minor subdivision application submitted by Matopato, LLC for property located at 100 Farrell Road. Chairman Oster noted that the public hearing on this minor subdivision application had been held, and no public comments had been received. Tom Murley of Matopato, LLC was present. Chairman Oster inquired whether there were any questions concerning the application. There was one question concerning the Lot #3 road leading to the adjacent paintball facility. Mr. Murley stated that the paintball facility operator had installed the access road, and that the paintball facility is on a separate parcel and has been approved through a Planned Development District and site plan approval. Planning Board members had no further questions or comments on the application. Thereupon, 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. Member Czornyj then made a motion to approve the three-lot minor subdivision as depicted on the submitted subdivision plat, which motion was seconded by Member Casey. The motion was unanimously approved, and the three-lot minor subdivision application approved.

There were no new items of business.

The Planning Board stated that the site plan of Brunswick Design Group, seeking to construct self-storage units on a 20-acre parcel located at 74 Farrell Road, will tentatively be placed on the April 6 agenda, subject to review of the proposed stormwater plan by Planning Board Engineer Bonesteel.

The index for the March 16, 2017 meeting is as follows:

1. Cumberland Farms - Site plan - Approved subject to conditions;
2. Golub Corporation/Nigro Companies - Site plan - Approved subject to condition;
3. Matopato, LLC - Minor subdivision - Approved.

The proposed agenda for the April 6, 2017 meeting currently is as follows:

1. Brunswick Design Group - Site plan (tentative).