

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 19, 2019**

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, LINDA STANCLIFFE, J. EMIL KREIGER, and DONALD HENDERSON.

ABSENT were ANDREW PETERSEN and KEVIN MAINELLO.

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 as posted on the Town website and the Town signboard. Chairman Oster noted that the first item on the agenda, Trifocal Brewing, was removed from the agenda pursuant to the applicant's request and tentatively rescheduled to January 2, 2020, dependent on receipt from the applicant of a response to comments.

The draft minutes of the December 5, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the minutes of the December 5, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the special use permit and site plan application submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless for property located off Creek Road. Allyson Phillips, Esq., from Young Sommer appeared on behalf of the applicant. Attorney Phillips stated that the Zoning Board of Appeals had agreed at its last meeting to schedule a joint public hearing with the Planning Board to be held on January 16, 2020. Chairman Oster discussed with the applicant's representative the purpose of the public hearing, stating that the purpose would include discussion of the balloon test. Ms. Phillips agreed and stated

further that the public hearing was to receive any other public comment on either the Zoning Board of Appeals or the Planning Board applications. Chairman Oster noted that there was a suggestion that the applicant consider a fourth option, which would provide for a tower height of 199 feet so as to avoid the requirement to include tower lighting. Attorney Phillips stated that the request had been provided to the applicant and that the RF consultants for Verizon were looking at it and that, dependent on the assessment they also expected to undertake a propagation study for this fourth option. Chairman Oster stated that the applicant should consider providing that information prior to the public hearing so that the public has as much information as possible. Attorney Phillips indicated that the applicant would hope to have more RF information prior to the public hearing but could not guarantee it. She further stated that the applicant would like to hear all of the public comment and provide a response to all public comment in one submission. Mr. Henderson stated that the application provided for three locations, and that now there was a fourth one being considered, and the public should have as much information as possible prior to the public hearing. Attorney Phillips responded that the application that was submitted seeks a tower height of 150 feet, with two alternative options of 80-foot and 240-foot. She indicated that the applicant did not propose the fourth option, but agreed to look at it in response to a comment. Attorney Phillips stated that the applicant agreed to look into it, but would also like to receive the public comment at the public hearing and to provide a response to all public comment in one submission. Mr. Henderson asked whether the analysis of a fourth option would require a new public hearing. Attorney Phillips responded that it was her understanding that a member of the public or potentially a Planning Board member had stated that moving the tower away and reducing the height to under the 200-foot threshold should be considered, but that the applicant did not present that as part of the proposal. Attorney Phillips does not believe that an additional public hearing would be required. Attorney Phillips indicated that the applicant would like to address all public comments

received on the application in one submission. Chairman Oster asked how the applicant determined the three options that would be considered. Attorney Phillips responded that during the initial site assessment, the consultants reviewed the existing conditions including vegetation, structures, topography, existing zoning, wetlands, and other features that either support or inhibit locating a tower in various places on the site. Attorney Phillips indicated that the analysis of those existing features, along with the needs of the carriers, determine the various spots that will work and that the applicant looks for the “sweet spot” on the site. The Board confirmed that the application was ready for public hearing and agreed that the public hearing should be held jointly with the Zoning Board of Appeals. The Planning Board scheduled the public hearing on the special use permit and site plan application for January 16, 2020 at 7:00pm, to be held jointly with the Zoning Board of Appeals. The applicant agreed to prepare the public hearing notices in compliance with the Town’s code. The applicant further agreed to submit proof of mailing of the notices prior to the public hearing.

The next item of business on the agenda was the site plan amendment application submitted by Walmart for its Supercenter location on Hoosick Road to provide for an online order pickup area. Kevin Pennock, from Dewberry Engineering, appeared on behalf of the applicant. Mr. Golden asked whether the propane tank area would need to be relocated to accommodate the site plan amendment. Mr. Pennock responded that the propane tank area would be generally in the same location, although moved slightly to allow for the door that is proposed for use by the associates to bring the order from the store to the customer in the designated area. Mr. Henderson asked the applicant to explain how the online order pickup area would operate, in light of the various areas designated on the plan as “pickup”. Mr. Pennock responded by showing the location of the actual parking area designated for the pickup, and indicated that the various identifications on the plan for “pickup” were wayfinding signs to direct customers to that area. Mr. Bonesteel

stated that the East Greenbush Walmart has a similar online order pickup area. Chairman Oster indicated that he had received representative photos of the proposed canopy and he distributed those photos among the Board. Chairman Oster stated that he had questions concerning whether there were existing violations on the site by virtue of the storage of cargo units on the north side of the building along a parking area and also against the wall of the building. Mr. Pennock agreed to discuss that with the applicant. Chairman Oster asked the applicant's representative to present the Board with a narrative of how the online pickup area would operate. Chairman Oster also asked about security, lighting, traffic flow, and whether there would be additional security cameras in that area. Mr. Pennock stated that an order would be placed online or would be called in, the associates in the store would shop for those items for the customer, and store the items in a locker or refrigerated section within the store near the online order pickup door. Once the customer arrives at the store, the customer would park in the designated area and would notify the store that they were there to pick up their order. The associate would then bring the order out to their car and would load it into the car for them with the goal being that the customer never has to leave their vehicle to shop at the store. Mr. Pennock indicated that customers using this service would only be at the site for a very limited amount of time and that the items that could be purchased could include anything that was in the store. Mr. Henderson asked how the applicant would enforce the parking restriction for online order pickup only. Mr. Pennock indicated that the applicant has never encountered any issue where enforcement was needed. He stated that the signage and the specially designated spots are typically sufficient, but if it turned out to be a problem, the applicant would simply tow the vehicles. Ms. Stancliffe asked the applicant to consider providing additional traffic circulation measures and details in the area of the striped traffic island. She indicated that currently the area is used as a two-lane exit point which permits efficient egress for vehicles leaving the main parking area. She indicated that the area as proposed

would appear to prevent customers from using two lanes as they exit the main parking area. She requested that the applicant consider additional measures, such as painted arrows. Member Stancliffe asked what the canopy would be made of. Mr. Pennock indicated that it is a metal frame with stretched fabric. He indicated that the design is sufficient for snow loads in the northeast, as the applicant had to reinforce the structure for other stores in the northeast and that the reinforced design is now sufficient. Chairman Oster asked whether there would be additional lighting under the canopy. Mr. Pennock indicated that the plan was not to include additional lighting under the canopy as there was no electric service in that particular area of the parking lot. Member Tarbox asked whether the online order pickup service would have the same hours as the store. Mr. Pennock indicated that it would. Mr. Bonesteel asked the applicant to describe the extent of excavating that would be needed. Mr. Pennock indicated that it would be limited to installing the footers for the canopy and therefore would not be very extensive. The applicant stated that there would be a net loss of approximately five parking spaces from the project. Member Stancliffe asked whether the canopy structure would be located in both areas of the online order pickup parking. Mr. Pennock indicated that the canopy would only be located over the parking that is adjacent to the grassed island, and would not be located in the center aisle parking area. Chairman Oster asked the applicant to consider providing additional lighting under the canopy. Member Tarbox stated that Walmart had requested extensive parking beyond what was needed during its prior application, and that in his view, losing five parking spaces would not be significant. The Board asked whether there was any minimum requirement for parking for this use. Mr. Golden stated that the parking is based on the use, not the square footage, and that it was a matter to be determined between the Planning Board and the applicant. The Planning Board then discussed whether a public hearing would be necessary for the application. Attorney Tingley stated that the site plan regulations do not mandate a public hearing, but that in the case of most new site plan

applications along Hoosick Road, the Planning Board as a practice holds public hearings. Attorney Tingley further stated that this is not a new site plan application but is rather an amendment to an existing approved site plan. Chairman Oster stated that it was his opinion that no public hearing would be needed, and the remainder of the Board agreed. The Board decided not to hold a public hearing on this particular application. The Board then acknowledged that the application had to be referred to the County. Member Henderson asked whether this type of online order pickup is done elsewhere. Mr. Pennock responded that it is done elsewhere and that it works very well and that Walmart is now expanding this option into this region. In addition, the Board discussed that the East Greenbush store has an online order pickup area. Chairman Oster instructed the applicant to ensure that the site plan amendment is provided to the fire company (Brunswick No. 1). Mr. Golden indicated that if the applicant provides him with an additional copy of the site plan he will make sure it gets to the Brunswick No. 1 Fire Company for review. Mr. Henderson requested that the applicant provide lighting under the canopy area. Chairman Oster asked whether the area would have additional security cameras. The applicant responded that there was no proposal for additional security cameras, and that the site currently has security cameras on some of the light poles and on the building. The Board then discussed whether to put this matter on the agenda for January 2, 2020. Attorney Tingley explained to the applicant that because the application had to be referred to the County, the Planning Board was not able to act on the application until the County comments were received or until 30 days expired after it was referred to the County, whichever is earlier. In light of the holiday schedule, and the fact that the applicant's representative may have to travel, the Board decided that it would be prudent to schedule the matter for the January 16, 2020 Planning Board meeting, in the hopes that the County referral comments would have been received by then. The matter was placed on the agenda for the January 16, 2020 Planning Board meeting.

Chairman Oster then stated that he had a few minor items of old business to discuss. He indicated that the Shudt subdivision application, which had been originally scheduled for the January 2, 2020 Planning Board meeting, was being rescheduled for February 6, 2020 at the request of the applicant. Chairman Oster also noted that the Trifocal Brewing matter had been rescheduled from this evening's meeting to the January 2, 2020 meeting, provided that the applicant provides responses to the public hearing comments prior to that date.

There were no items of new business discussed.

The index for the December 19, 2019 meeting is as follows:

1. Trifocal Brewing Inc - Special use permit and site plan - Adjourned to January 2, 2020 (tentative);
2. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - January 16, 2020 (public hearing to commence at 7:00pm);
3. Walmart - Site plan amendment - January 16, 2020.

The proposed agenda for the meeting to be held January 2, 2019 currently is as follows:

1. Trifocal Brewing Inc. - Special use permit and site plan (tentative).

The proposed agenda for the meeting to be held January 16, 2020 currently is as follows:

1. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan (Joint public hearing with Zoning Board of Appeals to commence at 7:00pm);
2. Walmart - Site plan amendment.

The proposed agenda for the meeting to be held February 6, 2020 currently is as follows:

1. Shudt - Minor subdivision.