

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 20, 2018

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DONALD HENDERSON, DAVID TARBOX, MICHAEL CZORNYJ and LINDA STANCLIFFE.

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 as posted on the Town signboard and Town website.

The Planning Board opened a public hearing on the special use permit application submitted by Frederick Ring for property located at 31 Woodward Avenue. Chairman Oster reviewed the rules concerning public hearings before the Planning Board. 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 properties located within 300 feet of the project site. Frederick Ring was present for the application. Chairman Oster requested Mr. Ring to present a brief overview. Mr. Ring explained that he is in the process of constructing a home at the property located at 31 Woodward Avenue, and also intends to build a two-car garage with an apartment on the second floor within the roofline of the garage. Mr. Ring stated the two-car garage will be 24 feet by 30 feet, with an apartment in the smaller second floor living space. The apartment will have a separate rear entrance. Mr. Ring stated that the apartment is intended for a nurse, family member, or other person who can assist

him in helping to maintain the lot to live independently, as he utilizes a wheelchair. Chairman Oster opened the floor for receipt of public comment. After initially having no members of the public wishing to offer any comments, Adam Coonrad, 30 Killock Road, stated that he supports the application, looks forward to Mr. Ring completing the construction, and thinks the accessory apartment is a good idea in this case. Hearing no further comments from the public, the public hearing on this application was closed. Chairman Oster noted that this public hearing was originally intended to be held September 6, but due to an error in the notice of hearing publication, the public hearing was delayed until the September 20 meeting, and apologized on the record for the delay in considering the application.

The Planning Board then opened the business portion of its meeting.

The draft minutes of the September 6, 2018 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Henderson, the minutes of the September 6, 2018 meeting were unanimously approved without amendment.

The first item of business on the agenda was the special use permit application submitted by Frederick Ring for property located at 31 Woodward Avenue. Chairman Oster noted that there had been no negative or adverse public comments received during the public hearing, and therefore no comments to which the applicant would need to respond. Member Czornyj asked whether the parcel at 31 Woodward Avenue currently had two driveways. Mr. Ring explained that one of the roads at the site is used as an access road and will not serve as a driveway in the future, and that only one driveway will be servicing the lot. Member Czornyj asked whether a driveway permit had been obtained, and Mr. Ring stated that a driveway permit had been obtained. Mr. Bonesteel asked about the status of the septic system review at the Rensselaer County Department of Health. Mr. Ring reported that the Rensselaer County Department of Health has approved a septic system

with a capacity for six bedrooms, which is more capacity than is needed but would allow for future expansion of the home if desired. Mr. Bonesteel asked whether there was public water servicing the lot. Mr. Ring stated that public water will be connected. Member Czornyj stated that he was familiar with the site, and that the current work being undertaken by Mr. Ring cleans up the area and will be an improvement over prior conditions. Chairman Oster inquired whether the Board had any further questions or comments. Hearing none, the Board determined to proceed and act on the application. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. Attorney Gilchrist then reviewed the special use permit review standards in the Brunswick Zoning Law with the Board members. Based upon the consideration of the review standards, Member Czornyj made a motion to approve the special use permit for an accessory apartment at 31 Woodward Avenue on the following conditions:

1. Final Rensselaer County Department of Health approval for septic; and
2. The special use permit is limited to allowing one accessory apartment, with the accessory apartment to be located on the second floor of the detached garage within the existing roofline, and is limited to one bedroom.

Member Henderson seconded the motion subject to the stated conditions. The motion was unanimously approved, and the special use permit for 31 Woodward Avenue to allow an accessory apartment is granted subject to the stated conditions.

The second item of business on the agenda was the waiver of subdivision application submitted by John Knauer for property located on Sharpe Road (Tax Map No. 113.-6-15). John Knauer was present for the application. Chairman Oster noted that an agricultural data statement for this application had been submitted and sent in compliance with the Agriculture and Markets

Law. Chairman Oster also noted that a letter had been sent to the Town of North Greenbush advising them of this application as the property also extended into the Town of North Greenbush. Chairman Oster noted that the notification to North Greenbush was a courtesy, and no response from North Greenbush had been received. Chairman Oster also noted that while referral to the Rensselaer County Planning Department was discussed at the September 6 meeting, this application was not required to be referred to the County Planning Department as the Rensselaer County Planning Department does not review subdivision applications. The Planning Board members again reviewed the proposed subdivision map. Attorney Gilchrist stated that the Planning Board had jurisdiction only over the land situated in the Town of Brunswick, but could act on the application to divide the land located in the Town of Brunswick on Sharpe Road from the remaining land of Knauer also located in the Town of Brunswick. Member Czornyj noted that he is familiar with this area, and also finds that dividing this large lot along Sharpe Road is a logical division. Chairman Oster asked whether there were any further questions or comments of the Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Stancliffe made a motion to approve the waiver of subdivision subject to the requirement that a County driveway permit be obtained in the event a driveway is sought to be installed on Sharpe Road, and that this subdivision approval is limited to the lands located in the Town of Brunswick and has no applicability to any lands located in North Greenbush. Member Czornyj seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision approved subject to the stated conditions. It is noted that the size of the remaining parcels are all above five acres, and this application constitutes a non-realty subdivision.

The next item of business on the agenda was the application to amend an existing site plan submitted by 1011 Hoosick Road Properties, LLC and Fred and Dana Fowler for property located at 1011 Hoosick Road. This matter had been discussed at the September 6 meeting. At the September 6 meeting, the Planning Board determined that the proposed amendment was not significant and that a public hearing would not be required. Chairman Oster noted that the recommendation from the Rensselaer County Planning Department had been received, indicating that the application does not conflict with County plans and that local consideration shall prevail. Chairman Oster also noted that a comment letter had been received from the Center Brunswick Volunteer Fire Company, recommending that a hinged recess knock box for the building at the main entrance be installed. Dana Fowler was present for the applicant, and agreed that this was a good idea and that a knock box will be installed in compliance with the fire company recommendation. Chairman Oster inquired whether there were any further questions or comments from the Planning Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Stancliffe made a motion to approve the amendment to the site plan for this property subject to the following conditions:

1. A hinged recess knock box for the building at the main entrance must be installed; and
2. The parking lot (which has recently been re-sealed) must be restriped for parking, including appropriate striping for handicap parking and installation of a handicap parking sign.

Member Henderson seconded the motion subject to the stated conditions. The motion was unanimously approved, and the amendment to the site plan approval allowing for on-premises retail sale and consumption was approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Stewart's Shops for property now identified as 10 Sweetmilk Creek Road. Member Stancliffe recused herself from consideration of this application, and left the meeting room. Travis Rosencranse of Creighton Manning was present for the applicant. Mr. Rosencranse first identified that the street address for this site was changed from 1001 Hoosick Road to 10 Sweetmilk Creek Road, and that this had been approved by the Rensselaer County 911 system. Mr. Rosencranse went through changes which had been made to the plan since last presented, including the address change already noted, as well as adding a 5-foot concrete sidewalk on the east side of Sweetmilk Creek and addition of pedestrian crosswalks on Route 7 and Route 142 as noted on the updated traffic plan. Mr. Rosencranse stated that the New York State Department of Transportation was now reviewing final plan details, including the additional crosswalk striping and proposed sidewalk. Mr. Rosencranse did state that Stewart's was seeking final approval of the project at this meeting. Chairman Oster noted that a comment letter had been received from the Center Brunswick Volunteer Fire Company. Michael Drinkwine, Chief of the Center Brunswick Fire Company was present to review the comment letter. Mr. Drinkwine started by emphasizing that the letter contained recommendations only, that the items listed were recommended but not required, and should not be viewed as conditions. Mr. Drinkwine confirmed that if the recommendations could not be met, the project could still proceed and not present a public safety risk. Mr. Drinkwine did review the comment letter, noting that the fire department recommended that a hydrant be located near the entranceway on Sweetmilk Creek Road, which was agreed to by

Stewart's and indicated that the hydrant will be added to the plan; that a hinged recess knock box be installed for the main entrances, which was agreed to by Stewart's; that the fire department recommendation that a fire apparatus access road be constructed around the building at a minimum width of 30 feet was a recommendation only, and that the fire department does recommend fire apparatus roads so that access to all four sides of the building is available, but does note that one side yard setback of 11.4 feet is all that is available, and that the road cannot be built to a 30-foot wide width, and stated that the 11-foot width was adequate as long as it was paved and individual firefighters would have access to that side of the building, noting that full fire apparatus access was available on three sides of the building; and that the fire department would like a walk-through of the building after construction and prior to the building being open to the public, which was agreed to by Stewart's. Mr. Drinkwine confirmed that there would not be a sprinkler system installed at the building; that a fire alarm monitored by Rensselaer County will be installed; that fire suppression systems for the gas pump canopy will be installed in compliance with fire regulations, and that if those regulations change, the canopy fire suppression system may require retro-fitting. Chairman Oster thanked Chief Drinkwine for clarifying the letter from the Center Brunswick Volunteer Fire Company, and stated that the access road around the building had been adequately addressed on the record. Chairman Oster requested Mr. Bonesteel to review his comment letter on the plans. Mr. Bonesteel stated that he had reviewed the project plans, submitted a review memorandum dated September 13, and was in receipt of a response letter to his comments from Creighton Manning dated September 14. Mr. Bonesteel reviewed his comment letter, including comments concerning setbacks on the property; that Brunswick Water Department comments must be addressed (Creighton Manning indicated that Water Department comments were addressed in March 2018); detail on the stone fill for the site; status of Rensselaer County

Department of Health approval for the septic design (Creighton Manning stated that Rensselaer County Department of Health had granted approval for the septic plan conditioned on Planning Board approval of the project); and also additional silt fence requirements in the erosion and sediment control plan. Mr. Bonesteel then reviewed the status of the off-site highway improvements on NYS Route 7 at NYSDOT. Anthony Christian of Creighton Manning addressed the status of the NYSDOT review, and generally discussed the proposed road improvements, including the installation of a two-way turn lane, widening NYS Route 7 on the north side of Route 7, installation of pedestrian access across NYS Route 7 and Route 142, plus installation of sidewalk. Mr. Bonesteel asked about the approximate length of the road widening proposed for the north side of Route 7. Mr. Christian stated that it was approximately 500 feet in length. Mr. Bonesteel asked whether all grading requirements associated with the road widening had been addressed. Mr. Christian stated that the full grading associated with the road widening project has been addressed by Stewart's. Mr. Bonesteel asked whether there was an agreement in place for the installation of a retaining wall located off the NYS Route 7 right of way. Mr. Christian stated that an agreement was in place and that the retaining wall would be installed. Mr. Bonesteel asked about the road work directly in front of the Fowler property, noting that this was an area proposed for fill. Mr. Christian stated that activity is staying within the NYSDOT right of way, and the side slope is proposed to be one half on one. Mr. Bonesteel asked whether Creighton Manning thought they would be able to hold that slope in front of the Fowler property. Mr. Christian stated that plantings are proposed to be included, and that the vegetation will assist in holding that slope. Mr. Bonesteel also stated that while he had generally reviewed the stormwater pollution prevention plan for the project and agrees in concept, he does need to complete his detailed review. Member Tarbox asked the applicant's current plan was for the Stewart's Store. Chuck Marshall of Stewart's

Shops stated they have no current plan, that the lot's size presents certain constraints, that the existing underground petroleum storage tanks would be removed, that the fuel pumps would also be removed, and that section of the site repaved; Mr. Marshall also stated that Stewart's would likely put the building up for sale or lease, with a deed restriction that no competing convenience store or gas station could be located on the site. Member Henderson asked whether any soil remediation would be undertaken. Mr. Marshall stated that Stewart's would comply with all applicable NYSDEC regulations concerning removal of the petroleum underground storage tanks. The Planning Board noted that the current underground storage tanks at this site were relatively new, likely installed within the last ten years. Chairman Oster asked whether NYSDOT had granted final approval for the project. Mr. Bonesteel explained that NYSDOT had granted concept approval for the project, and that NYSDOT was currently reviewing advanced detailed plans. Mr. Christian confirmed that the advanced detailed plans had been submitted to NYSDOT on September 4, and were currently under review. Mr. Christian also noted that the current NYSDOT repaving of Route 7 did not include the area proposed to be widened as part of the Stewart's construction, and that NYSDOT will require Stewart's to complete all required road improvements and re-pavement of this section of Route 7. Mr. Bonesteel did confirm that NYSDOT had granted concept approval to this plan in writing in July 2018. Mr. Bonesteel did ask whether Creighton Manning had submitted the stormwater pollution prevention plan to NYSDOT for review, since the stormwater plan does propose to discharge stormwater into the state drainage system along Route 7. Mr. Christian will follow up on that issue. The Planning Board members, Creighton Manning, and Mr. Bonesteel had an extended discussion concerning the status of the NYSDOT review and approval process. Member Mainello stated that he was not prepared to act on the application at this meeting, and wanted further time to review issues including truck parking on

the site, traffic impacts on Route 7, impacts to Springbrook via Sweetmilk Creek Road, emergency access around the building, and did need more time to refresh himself on the entire application materials given the amount of time the application has been pending before the Planning Board. Member Henderson had questions concerning the status of review by the State Historic Preservation Office. Mr. Marshall of Stewart's Shops stated that SHPO had granted a variance allowing for the demolition of the building, subject to several conditions including offering architectural features for removal, adding architectural features to the proposed Stewart's Shop, and installing signage within the Stewart's Shop in conjunction with the Town Historian concerning the history of the building. Member Henderson asked if the building would be dismantled and what was the ultimate disposition of the house. Mr. Marshall explained that Stewart's was working with a firm to dismantle the building for historical and architectural salvage, and that Stewart's would work in conjunction with the Town Historian, but that ultimately the building will be demolished and the new Stewart's store constructed on the site incorporating architectural features required by SHPO. Chairman Oster asked whether Stewart's had acquired title to the property yet. Mr. Marshall stated they had not closed with the property owners as of this date. Member Czornyj stated that he wanted to see final NYSDOT approval before he would act on the application. Mr. Bonesteel again reviewed the NYSDOT review and approval process, stating that NYSDOT had granted concept approval to the plan in July 2018 and that advanced detailed plans were now under review, and that Mr. Bonesteel did not anticipate a separate NYSDOT approval for the project. Chairman Oster stated that the Planning Board members had just received updated plans this week, and that the Planning Board members should be afforded time to review the current plan set. Mr. Bonesteel also stated that he would complete his review of the stormwater pollution prevention plan, and that Creighton Manning should confirm that the

SWPPP had been sent to NYSDOT. This matter is placed on the October 4 agenda for further discussion.

Member Stancliffe then returned to the meeting room.

One item of new business was discussed.

A sketch plan conference had been requested by St. Peter's Health Partners for a proposed outpatient therapy center at the Walmart Plaza located at 740 Hoosick Road. Michael Tierney, project manager at St. Peter's Health Partners, was present to review the sketch plan. Mr. Tierney stated that St. Peter's Health Partners is seeking approval to relocate the Troy outpatient therapy center to 740 Hoosick Road, intending to lease the vacant space between the existing Empire Visionworks and Family Footwear Center stores in the plaza; that the current location of the outpatient therapy center is at the Massry Center, 147 Hoosick Street; that the outpatient therapy center provides therapy services including physical, occupational, and speech therapy; and that if the facility is approved for 740 Hoosick Road, the same therapy services would be provided. Mr. Tierney explained that the Troy outpatient therapy center currently averages about 18,000 patient visits per year, and would anticipate the same patient volume at the new Brunswick location; that the therapy center averages 8–10 patients per hour during peak hours, which are generally between 7am and 9am in the morning and from 4pm to 6pm in the evening; that the therapy center anticipates operating Monday through Thursday, 7am to 7pm; Friday 7am to 5pm; and closed on weekends and major holidays. Mr. Tierney stated that there are typically 5–6 employees at the therapy center each day. Mr. Tierney explained that the current location at the Massry Center is approximately 6,929 square feet, which is too large for their operation, and that the proposed location at 740 Hoosick Road is for 6,000 square feet which is ideal for the St. Peter's therapy program. Mr. Tierney explained that St. Peter's is working with the plaza owner to add more

handicap parking spaces, and will be attempting to have six additional handicap parking spaces available for patients; that the Walmart plaza would continue to have adequate parking, and that the St. Peter's employees would park along the parking area adjacent to Route 7 where the CDTA bus pickup is located. Member Stancliffe asked whether there were any x-ray or MRI services. Mr. Tierney explained that there are no x-ray or MRI services, no needles, no medical waste, no blood products; and that the services are limited to physical therapy, occupational therapy, and speech therapy. Member Mainello asked about the proposed entrance for staff. Mr. Tierney stated that the proposal would be to have St. Peter's staff enter in the door to the rear of the premises. Member Mainello noted that this would require employees to walk along the access roadway behind the lease space. Mr. Tierney acknowledged that employees would need to walk along this access roadway, and that there is no sidewalk in that location, but that St. Peter's would be investigating additional lighting and other safety features for their employees with the plaza owner. Chairman Oster inquired about the number of additional handicap parking spaces St. Peter's was seeking, and whether that would impact parking for the adjacent retail stores and restaurant. Mr. Tierney explained that the handicap parking spaces were still being negotiated with the plaza owner, and that six additional handicap spaces may not be provided. Mr. Tierney stated that three standard parking spaces are required for two handicap spaces, and so nine standard parking spaces would be lost if six additional handicap parking spaces are provided. Chairman Oster noted that research will need to be done on the overall parking space requirements for this plaza. Member Czornyj asked whether there were cross easements between the Walmart parcel and the remaining plaza parcel for parking, and the Board indicated this would need to be researched. Member Tarbox noted that the sketch plan provided shows an existing lease space being broken up to provide for the 6,000 square foot St. Peter's space, but also an additional 2,000 square foot new

retail space. Mr. Tierney confirmed that the vacant space is 8,000 square feet, and that St. Peter's only needs 6,000 square feet, and that 2,000 square feet would be remaining for future retail use. Chairman Oster asked whether there were physical therapy operations at Samaritan Hospital. Mr. Tierney confirmed physical therapy was provided at Samaritan Hospital, but that the program proposed for the Brunswick Plaza is a different program catering to different patients. Member Henderson was concerned about the impact of this proposal on overall parking at the Brunswick Walmart Plaza. Chairman Oster repeated that research would need to be done on that issue, also noting that the plaza owner is aware of the parking requirements when negotiating with St. Peter's on this issue. Chairman Oster confirmed that a complete site plan application will need to be submitted, and Mr. Tierney noted that he had been provided a copy of the full site plan regulations in the Brunswick Code, and would be preparing the application in compliance with the site plan requirements. Chairman Oster stated that when the application was ready, he should advise the Town and the matter will be placed on a Planning Board agenda, and that the materials should be submitted 7–10 days before the meeting. A timeline was discussed, and this matter is tentatively placed on the October 18 meeting agenda.

It was determined that additional copies of the traffic reports, SHPO review documents, and Creighton Manning response to public comments will be circulated to the Planning Board members on the pending Stewart's application.

The Planning Board members also generally discussed parking requirements associated with the Walmart Plaza, noting that the plaza was a planned development district but also reviewing the parking requirements under the current Brunswick Zoning Law standards.

Member Czornyj wanted to discuss one item associated with the pending Leon special use permit application. Chairman Oster recused himself from the meeting. Member Czornyj raised

the issue of retaining an independent traffic engineer for review of the traffic information associated with the application, and what would be required to be analyzed in the Environmental Impact Statement. This issue was discussed between the Planning Board members and Mr. Bonesteel, with Attorney Gilchrist stating that the special use permit review standards did allow the Planning Board to retain necessary consultants in review of the application, and the SEQRA regulations also provided for retention of review consultants and charging the applicant for the cost of those services. This matter will be further discussed upon submission of the draft scope by the applicant on the Leon special use permit application.

The index for the September 20, 2018 meeting is as follows:

1. Ring - Special use permit - Approved with conditions;
2. Knauer - Waiver of subdivision - Approved with conditions;
3. Fowler - Amendment to site plan - Approved with conditions;
4. Stewart's Shops - Site plan - 10/4/2018;
5. St. Peter's Health Partners - Sketch plan - 10/18/2018 (tentative).

The proposed agenda for the October 4, 2018 meeting currently is as follows:

1. Stewart's Shops - Site plan.