

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 16, 2017

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

The Planning Board members reviewed the draft minutes of the February 2, 2017 meeting. Upon motion of Member Czornyj, seconded by Member Casey, the minutes of the February 2, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Stewart's Shops project proposed for 1001 Hoosick Road. The matter is before the Planning Board on referral from the Brunswick Zoning Board of Appeals concerning the special use permit application for operation of the 4-pump fuel island at this location. Chad Fowler of Stewart's Shops, and Alanna Moran of Creighton Manning, were present for the applicant. Chairman Oster noted that the Planning Board was in receipt of a copy of a letter from the NYS Department of Transportation dated February 15, 2017 concerning the traffic engineering plan and proposed Route 7 improvements in connection with the Stewart's Shop proposal. Ms. Moran proceeded to review the NYSDOT comment letter dated February 15, with particular attention to item number 3 which provided that NYSDOT concurs with the proposal to widen Route 7 to provide a two-way left turn lane for left turning vehicles entering and exiting

the proposed Stewart's Shops location. Ms. Moran indicated that Creighton Manning will be preparing a reply letter to NYSDOT concerning the specific comments, and will be providing the specific design criteria for the proposed Route 7 improvements. Chairman Oster indicated that the Planning Board had been waiting to receive the comments from NYSDOT on the Route 7 improvement and overall traffic engineering plan for this project, before proceeding with completion of the recommendation to the Zoning Board of Appeals on the special use permit application. Having now received the NYSDOT comments, the Planning Board proceeded to deliberate on a recommendation for the special use permit application. Upon review and deliberation, the Planning Board unanimously adopted the following recommendation, which will be forwarded to the Brunswick Zoning Board of Appeals:

WHEREAS, Stewart's Shops, has proposed the construction of a Stewart's Shops convenience store to be located at 1001 Hoosick Road (Tax Map No. 91.2-4-12.12); and

WHEREAS, the Stewart's Shops proposal is to construct a 3,675 square foot convenience store together with a four-pump fuel island on a 1.068-acre site, with both frontage on Hoosick Road/Route 7 and Sweet Milk Creek Road; and

WHEREAS, in connection with the proposal, Stewart's Shops has submitted a site plan application to the Brunswick Planning Board and a special use permit application with the Brunswick Zoning Board of Appeals; and

WHEREAS, a special use permit is required for this proposal to allow for the construction and operation of the four-pump fuel island as a "filling station" under the Brunswick Zoning Ordinance; and

WHEREAS, the Brunswick Zoning Board of Appeals has requested a recommendation from the Brunswick Planning Board in connection with such special use permit application; and

WHEREAS, the Brunswick Planning Board has considered the special use permit matter at its meetings held February 2, 2017 and February 16, 2017; and

WHEREAS, in particular, the Brunswick Planning Board has received and reviewed a traffic evaluation report dated November 16, 2016 submitted by Creighton Manning for the proposed Stewart's Shops; and

WHEREAS, the Brunswick Planning Board has received and reviewed the

correspondence from the New York State Department of Transportation dated February 15, 2017 concerning this project; and

WHEREAS, the Brunswick Planning Board has duly deliberated and considered the special use permit application, including the issue of traffic as analyzed in the Creighton Manning traffic evaluation report, and the correspondence from the New York State Department of Transportation, and hereby makes the following recommendation to the Brunswick Zoning Board of Appeals on the special use permit application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Brunswick Planning Board makes the following findings regarding the specific criteria for a special use permit for a “filling station” found at Section 7(D) of the Brunswick Zoning Ordinance:
 - a. The width of the lot meets the minimum lot width of 85 feet for a corner lot;
 - b. One pump island is proposed, with four pumps included, and is located over 25 feet from the highway right-of-way;
 - c. The proposed Stewart’s Shops convenience store building is located in excess of 50 feet from the highway right-of-way;
 - d. The proposed location of the pump island does not create any sight line or visibility concerns;
 - e. Adequate landscaping will be included on the project site; and
 - f. No automobile repair work is proposed.

2. The Brunswick Planning Board makes the following findings regarding the general special use permit criteria found at Section 7(C) of the Brunswick Zoning Ordinance:
 - a. The proposed Stewart’s Shops convenience store is consistent with commercial uses on and along the Hoosick Road corridor and is replacing an existing Stewart’s Shop located at the intersection of Hoosick Road and NYS Route 142;
 - b. The proposed use includes adequate transportation facilities, water facilities, sewer facilities (on-site septic is proposed, subject to review and approval of the Rensselaer County Department of Health), fire protection availability, and adequate waste disposal; and
 - c. The proposed use will not create a significant negative traffic impact on Hoosick Road, noting that the Brunswick Planning Board has reviewed and considered the traffic evaluation report prepared by Creighton Manning for the proposed Stewart’s Shops facility, and expressly relies on the professional conclusions contained therein, and has also considered the correspondence of the New York State Department of Transportation dated February 15, 2017 concerning proposed improvements to Hoosick Road, including construction of a two-way left turn lane.

3. In light of these findings, the Brunswick Planning Board adopts a positive recommendation to the Brunswick Zoning Board of Appeals on the Stewart's Shops application for a special use permit in connection with the "filling station" for the proposed Stewart's Shops at 1001 Hoosick Road.

Chairman Oster then confirmed that the Brunswick Zoning Board of Appeals has scheduled a public hearing on the special use permit application for February 27. Chairman Oster inquired of Planning Board engineer Bonesteel as to the status of his review of the site plan. Mr. Bonesteel confirmed he had completed a review letter on the site plan, and that the applicant is preparing responses to those comments. The Planning Board determined to tentatively place the Stewart's Shops site plan on the March 2 agenda for further discussion, contingent on action by the Brunswick Zoning Board of Appeals on the special use permit application. Member Casey did note that the Planning Board had received comment from Wayne Howe concerning a waterline easement across the proposed Stewart's Shops site, and that continuation of water supply to the Howe property would need to be addressed by Stewart's. Mr. Fowler stated that he will certainly address that issue, and that Stewart's will work with Mr. Howe to ensure that water supply is not cut off to the property. This matter is tentatively placed on the March 2 agenda for consideration of the site plan.

The next item of business on the agenda was the site plan application submitted by Cumberland Farms for a proposed Cumberland Farms convenience store together with a 6-pump fuel island at the intersection of Hoosick Road and Hillcrest Avenue. Stefanie Bitter, Esq., project attorney, was present for the applicant, together with Jim Gillespie of Bohler Engineering. Attorney Bitter stated that the applicant had submitted a copy of Cumberland Farms' response to comments received at the Zoning Board of Appeals public hearing on the special use permit, which was delivered to the Planning Board on February 3, 2017; that the applicant had met with Planning

Board engineer Bonesteel to review comments on the site plan; that the site Phase 1 Environmental Site Assessment and geotechnical report had been supplied to Mr. Bonesteel, and will be supplied to the Planning Board; and that full plan sets for the site plan application were delivered to the Town on February 3, 2017. Chairman Oster stated he had questions concerning the proposed parking plan, which shows a total of 24 parking spaces on the site, with 21 spaces around the perimeter of the convenience store building and 3 spaces in the location of the underground fuel tanks. Chairman Oster's question concerned the parking space denominated as 21, which is located directly in the travel way to the on-site dumpster location. Mr. Gillespie stated that this was a common parking plan for Cumberland Farms stores, and that the space located in front of the dumpster area is generally used for employee parking only. Mr. Bonesteel confirmed that this is a common parking plan for Cumberland Farms, but it would be up to the Brunswick Planning Board as to whether this would be allowable in this case. Chairman Oster asked how the parking space was designated for employee parking only. Mr. Gillespie stated that designating the space as employee parking only is generally not done, as the customer turnover is very quick at Cumberland Farms, and even if a customer is parking in that space, the duration of the parking is very short and would allow the employee to park without long delay. Chairman Oster asked about the peak staffing period for employees. Mr. Gillespie stated that at peak, 3-4 employees will be on staff. Chairman Oster asked whether the employee parking was included in the required parking for this facility, or if the required parking is limited to customers only. Mr. Gillespie stated that under the zoning requirements, there is no distinction between employee and customer parking, and that the required number of parking spaces is based on square footage of the structure. Mr. Gillespie stated that this plan does meet the requisite number of parking spaces based on square footage analysis. Attorney Bitter added that the Brunswick Code does allow consideration of

parking spaces at the gas pumps, but that this facility meets the parking spaces requirement without including the parking option at the gas pumps. Chairman Oster asked whether the Brunswick No. 1 Fire Department had the opportunity to review the site plan. Attorney Bitter stated that the site plan had been forwarded to the Brunswick No. 1 Fire Department, and that comments had been received in October of 2016 which had been addressed. Chairman Oster asked whether the application materials were complete for setting the public hearing on the site plan. Mr. Bonesteel stated that he deemed the site plan materials complete for public hearing, including the general site plan layout, information concerning traffic, the geotechnical report, the Phase 1 Environmental Site Assessment report, and while the full stormwater pollution prevention plan had not yet been filed, the general stormwater plan for the facility is shown on the site plan and that the concept for stormwater management on the site is acceptable at this point. Member Mainello had a question concerning the truck delivery route on the site. Mr. Gillespie reviewed the truck delivery route as denoted in the site plan set, noting that a standard fuel delivery truck for Cumberland Farms had been used to determine turning radius requirements on the site. The Planning Board noted that an appropriate condition on this site plan action would be mandatory compliance with the delivery route as identified on the site plan set. Member Esser had a question concerning containment for potential spills at the gas pumps. Mr. Gillespie stated that NYSDEC regulations apply to both the underground storage tanks and fuel pumps at the site. Member Mainello had a question concerning the grade of the driveway onto Hillcrest Avenue in relation to stormwater management. Mr. Gillespie reviewed the stormwater management facilities in that location. The Planning Board members determined that the site plan materials were complete for public hearing, and scheduled a public hearing on the Cumberland Farms site plan for the March 2 meeting to commence at 7:00pm.

There were no new items of business.

Two items of old business were discussed.

The first item of old business discussed was the submission of a letter by Stephen Dean, P.E., concerning the indoor gun range facility located at 807 Hoosick Road. The Dean letter, date-stamped as received on February 13, 2017, addressed the conditions attached to site plan approval for this facility (July 17, 2014). Condition Number 4 of the site plan approval required the north, south, and east walls of the facility to be block walls filled with a minimum of 4 inches of concrete, and Condition Number 5 required the roof over the firing range to be either concrete or crushed stone. It does not appear from the record that these conditions have been met, and the owner is requesting modification of these conditions. The Planning Board members reviewed the Dean letter, and had questions concerning the information that was presented. The Planning Board directed Engineer Bonesteel to review the letter, coordinate with Mr. Dean, and perform a site inspection if necessary, and provide opinion to the Planning Board on this matter. This matter is placed on the March 2 agenda for further discussion.

The second item of old business discussed was the PF Management site plan approval concerning the Aldi grocery store and Taco Bell restaurant site plan approval for property located immediately east of the existing Planet Fitness facility. Chairman Oster reported to the Planning Board that he had attended a meeting at the NYS Department of Transportation, and that NYSDOT stated that the standards required for installation of a traffic signal at the Lord Avenue/Planet Fitness entrance/Route 7 intersection have not been met, and that a traffic light will not be installed at that location. Chairman Oster noted that it was his understanding that the Aldi grocery store construction would proceed even in the event a traffic signal was not installed at this location, but that the applicant will need to request an amendment to the site plan approval to address the

condition imposed concerning traffic signal installation. The Planning Board members discussed whether this would be deemed a substantial modification to the site plan warranting reopening of the public hearing. That matter will be further discussed upon submittal of a request for site plan approval modification by the applicant.

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

1. Stewart's Shops - Recommendation on special use permit application - completed.
2. Cumberland Farms - Site plan - 3/2/17 (public hearing to commence at 7:00pm);
3. McDermott - Indoor gun range site plan (807 Hoosick Road) - 3/2/17; and
4. PF Management - Aldi/Taco Bell site plan - Adjourned without date.

The proposed agenda for the March 2, 2017 meeting currently is as follows:

1. Cumberland Farms - Site plan (public hearing to commence at 7:00pm);
2. Stewart's Shops - Site plan (tentative); and
3. McDermott - Indoor gun range site plan (807 Hoosick Road).