

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

**MINUTES OF THE PLANNING BOARD MEETING HELD January 15, 2015**

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

ABSENT were TIMOTHY CASEY, VINCE WETMILLER.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster noted that there was no formal agenda posted for the meeting as there was no old business to address.

The draft minutes of the December 4, 2014 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the December 4, 2014 meeting were unanimously approved without amendment.

The first item of new business was the application of Sean Gallivan seeking a waiver of subdivision for property located on the westerly side of Deepkill Road, northerly of Smith Hill. Brian Holbriiter appeared on behalf of the applicant. The size of the original parcel is 51.57 acres. Mr. Holbriiter explained that the applicant is seeking to divide the 51.57 acre parcel into two lots, one consisting of 24.09 acres on which the existing home and improvements are situated, and the other lot consisting of approximately 27 acres, upon which there are currently existing three farm buildings. The Planning Board inquired whether this application was a second application for a waiver of subdivision given that the Board had approved a waiver of

subdivision application for the Lewis Parcel in December 2014. Mr. Holbriiter explained that the prior application amounted to a lot line adjustment, and that the Lewis Parcel was not a new parcel created from this lot. The Lewis Parcel was previously existing and was approved sometime in the mid 2000's, perhaps 2004 or 2005. The application approved in December 2014 merely increased the size of the existing Lewis Parcel. The Board then asked whether the applicant had any specific plans for the proposed 27 acre parcel, which includes three accessory farm buildings without a principal structure. Mr. Holbriiter explained that he would need to check with the applicant. Mr. Kreiger asked Mr. Holbriiter whether he intended to merge the proposed 27 acre parcel with the applicant's other parcel located across the street, on which the applicant's home is located. Mr. Holbriiter indicated that it was not his understanding that the applicant intended to do that. Member Tarbox explained that typically the Planning Board requires accessory buildings to be torn down as a condition of approving a new lot where no principal building is located on the lot, or to require the applicant to obtain a building permit for a principal structure on the lot within a particular period of time following approval, typically one year. The Board then discussed various options with Mr. Holbriiter concerning the proposed 27 acre parcel, including conditioning any approval of the application on merger of the 27 acre parcel with the applicant's residential property located across the street, or requiring the applicant to secure a building permit for a principal structure on the 27 acre parcel within a period of time after approval, or requiring removal of the accessory farm buildings on the 27 acre parcel. Attorney Tingley explained that these conditions may be appropriate from a legal perspective, but from a practical perspective could create an enforcement issue in the future if the approval is granted and the applicant then does not take any steps to make the lot conforming. The Board then discussed the issue of the 27-acre parcel and its farm buildings further with the applicant. Mr. Holbriiter and the Board also discussed the option of applying for a minor

subdivision. Chairman Oster noted that the applicant must address the issue of the accessory farm buildings located on the proposed 27 acre parcel in some way, either by adding a principal structure through construction or merger, or removing the accessory farm buildings. Mr. Holbriiter agreed that he would discuss the various options with his client and would provide more information to the Board. The matter was placed on the agenda for the February 5, 2015 Planning Board meeting.

The next item of new business was the application of Susan Bruno seeking a waiver of subdivision for property located at 337 Bulson Road. Brian Holbriiter appeared on behalf of the applicant. The size of the existing parcel is 5.4 acres. The adjoining property is owned by Joseph Bruno, and the application seeks to adjust the lot line so that the house located at 337 Bulson Road is located on a 0.92 acre parcel with the remainder of the parcel (consisting of approximately 4.45 acres) to be conveyed and merged into the adjoining lands of Joseph Bruno. The merger of the 4.45 acres into the lands of Joseph Bruno would result in a lot of approximately 17.5 acres. Mr. Bonesteel asked questions concerning the location of the septic and the well on the house property. Mr. Holbriiter explained that he estimated the separation distance between the septic and the well to be approximately 150 feet and that the septic system was down gradient from the well. Mr. Holbriiter also explained that the septic system was approximately 40 feet away from the proposed lot line. Member Mainello pointed out that there appeared to be a family cemetery located on the proposed 0.92 acre parcel. The Board generally discussed the family cemetery with Mr. Holbriiter who explained that the stones appear to be in excess of 100 years old. Member Tarbox made a motion to adopt a negative declaration under SEQRA for the application, which was seconded by Member Mainello, and was unanimously approved. Member Tarbox then made a motion to approve the application on the condition that the subdivision map be filed in the County Clerk's Office and provided to the Town Building

Department. Member Mainello seconded the motion, and the motion was unanimously approved.

The next item of new business was the major subdivision application of Charles and Jean Rebhun for property located at 68 Norman Lane. This property is part of a larger parcel that previously received approval to create a number of lots on which residences had been constructed without approval. The applicant seeks to create a lot for the home that they have been living in. Mr. Kreiger explained that Attorney Gilchrist, Mr. Kreiger, and the applicant had met and discussed the application and determined that the application required major subdivision approval given the number of lots that had previously been approved. Mr. Kreiger also indicated that the applicant was requested to show that the proposed lot would have sufficient road frontage to construct a driveway if necessary. Mr. Kreiger indicated that there should be two flag lots created by the application to ensure that each lot has sufficient road frontage. Chairman Oster advised the applicant that because the application was a major subdivision application there would be a recreation fee of \$500.00 per lot. Chairman Oster then asked whether this application needed to be a major subdivision application or instead would qualify for a waiver of subdivision or a minor subdivision. Mr. Kreiger explained that the prior approval for this overall site created a number of lots, but that sometime between 2010 and 2012, a new lot line appeared on a tax map, purportedly creating another lot. The Building Department will confirm whether this application must be filed as a major subdivision application, rather than as either a waiver of subdivision or a minor subdivision application. Attorney Tingley also agreed to discuss this application with Attorney Gilchrist. The applicant was advised to work with the Building Department to put together the information necessary to have a complete application. The application was placed on the February 5, 2015 agenda.

Chairman Oster asked whether there was any new business or old business that was not addressed. Mr. Kreiger indicated that he was leaving the employment of the Town Building Department effective January 28, 2015 for a new position with the State as an agency fire inspector. The Board thanked Mr. Kreiger for his service.

The index for the January 15, 2015 meeting is as follows:

1. Gallivan – waiver of subdivision – February 5, 2015.
2. Bruno – waiver of subdivision – approved with condition.
3. Rebhun – subdivision – February 5, 2015.

The tentative agenda for the February 5, 2015 meeting is follows:

1. Gallivan – waiver of subdivision.
2. Rebhun – subdivision.

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**MINUTES OF THE PLANNING BOARD MEETING HELD February 5, 2015,**

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

ALSO PRESENT was DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda as posted on the Town website and on the Town sign board.

The draft minutes of the January 15, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the motion was unanimously approved, and the minutes of the January 15, 2015 meeting were approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Sean Gallivan for property located on the westerly side of Deepkill Road, northerly of Smith Hill Road. Brian Holbriter was present for the applicant. Mr. Holbriter reviewed with the Board that the issue concerning this application was the barn and other out buildings remaining on one of the proposed lots without any principal structure being included on that lot. To address that, the applicant has now shown a proposed house location to be added to the lot with the barn and other out buildings, and the applicant requests the period of one year in which to apply for a building permit for a house on that lot or to remove the barn and other out buildings. Mr. Holbriter stated that he submitted a map showing the proposed house location, which does include utilizing an existing driveway off of Deepkill Road. Chairman Oster stated that the option of showing a

house location and having a period of time in which to apply for building permit was available to the applicant, and that if the building permit was not sought within that time period, then the buildings would need to be removed. Chairman Oster then generally inquired with Attorney Gilchrist as to whether there was any variance procedure available in order to allow the farm buildings to remain on the lot even if the house is not constructed. Attorney Gilchrist stated that the issue was that the barn and other out buildings were accessory structures without the presence of a principal structure on the lot, which raises a Zoning Code compliance issue for which a variance could be pursued, but that the particular type of variance would require further research. The members of Planning Board generally reviewed the proposed subdivision map, which does now show a proposed house location and utilization of the existing driveway. The Planning Board members noted that if the driveway exceeded 150 feet in length, then the driveway must be 16 feet wide and that it appeared there was adequate room to construct the required driveway. The Planning Board determined that a map note should be added to the plat stating that a driveway permit would be required from the Town of Brunswick Highway Department. Chairman Oster asked whether there were any further questions or comments from the Planning Board. Hearing none, 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 a waiver of subdivision map, subject to the following conditions:

1. Addition of a map note stating that a driveway permit was required from the Town of Brunswick Highway Department for the lot showing a new house location with existing barn and out buildings.

2. A building permit for the proposed new house on the lot on which currently the barn and out buildings are located must be obtained within 1 year from the date of the approval, and if such a building permit is not obtained, then the barn and other outbuildings must be removed from the lot.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Gallivan waiver of subdivision application approved subject to the stated conditions.

The second item of business on the agenda was the application by Rebhun for a subdivision of property located at 68 Norman Lane. Charles and Jean Rebhun were present on the application. Chairman Oster stated that after further discussion and consideration, it was his opinion that the application should be treated as a waiver of subdivision application rather than as a major subdivision. Attorney Gilchrist reviewed the history of the subdivision of property located at Norman Lane, and also reviewed the discretion which the Planning Board had with respect to treating the current application as a waiver of subdivision application. The Planning Board generally concurred that this application will be accepted and treated as a waiver of subdivision application, and that the applicants would need to fill out the correct application form and a correction on the application fees should be addressed. Attorney Gilchrist then reviewed the Building Code compliance issues which had previously been addressed by the Planning Board concerning the prior subdivision of property at this Norman Lane location. Attorney Gilchrist stated that the prior owner, Provost, had obtained Certificates of Occupancy for existing structures at this location through submission of engineering reports to the Building Department that analyzed the residential structures at this location and concluded that the structures were constructed and existed in compliance with State Building Code requirements. Based on these



engineering reports, the Brunswick Building Department had issued Certificates of Occupancy for the structures located at Norman Lane. However, it was determined that the structure in which the Rebhun's are currently living, located at 68 Norman Lane, was identified in the prior engineering reports and described in the Certificate of Occupancy issued by the Brunswick Building Department for 68 Norman Lane, as a 3-car garage with storage, not as a residential structure. The Planning Board Members recalled that while this structure had previously been used by Provost for residential purposes, Mr. Provost had stated he would convert that structure back into a 3-car garage and for storage. This clearly was not complied with, as Rebhun is currently living in that structure. To address that issue, the Planning Board will require Rebhun to coordinate with the Brunswick Building Department to obtain the necessary Certificate of Occupancy for residential purposes for this structure. Attorney Gilchrist stated that the Planning Board could proceed with consideration of the waiver of subdivision application, noting that any action by the Planning Board would need to be conditioned upon the applicants coordinating with Brunswick Building Department and obtaining a Certificate of Occupancy for the structure for residential purposes. The Planning Board also generally reviewed the subdivision map, and stated that the proposed lot for 68 Norman Lane will need to show a minimum of 15 feet of road frontage along the cul-de-sac at the end of Norman Lane, and that this could be achieved through the use of a flag lot. After further discussion, the applicant stated that would coordinate with her surveyor to have the subdivision map revised. This matter is placed on the February 19, 2015 agenda for further discussion.

One item of new business was discussed.

Rob Osterhault of Bohler Engineering presented a sketch site plan to the Planning Board concerning the Oakwood Property Management Planned Development District. Mr. Osterhault stated that the sketch site plan presented a slightly different layout than the conceptual PDD map, but that the sketch site plan layout places the apartment buildings further away from the North 40 subdivision. Mr. Osterhault stated that the proposal set forth in the PDD application documents had a mix of buildings, including 8-unit buildings, 12-unit buildings, and 14-unit buildings. The owners of the Oakwood Property Management PDD have been working with a builder, and the sketch site plan presents a single 11-unit building type for the entire site. The total number of bedrooms approved by the Town Board through the PDD was 254, but included 27 buildings. Mr. Osterhault stated that the sketch site plan has a total of 23 buildings, for a total of 253 bedrooms. Mr. Osterhault stated that the access to Oakwood Avenue is similar, and the sketch site plan provides an emergency access road connecting to the North 40 subdivision. Mr. Osterhault stated that the emergency access road was described in the PDD application documents, although it was not shown on the PDD map. Member Czornyj had a question concerning setbacks, and whether the sketch site plan maintained the same setbacks as the PDD map. Mr. Osterhault stated that all of the setbacks on the sketch site plan were compliant with the minimum setbacks on the PDD map, including setbacks from property lines as well as setbacks between buildings, although the sketch site plan has a slightly different layout. Mr. Osterhault generally reviewed utility connections, including a proposed looped water system to the North 40 subdivision, and a gravity fed sewer system to a pump station to be located on Oakwood Avenue, with sewage pumped to the Farrell Road area, for connection and transportation through the Stoneledge Project in Troy. Mr. Osterhault stated that the proposal was for the Town to take title to the water main system and also the sewage pump station.

Chairman Oster asked about current potable water supply for the garage and office at the Oakwood property site. Mr. Osterhautd stated that the current garage and office get their potable water from onsite wells. Chairman Oster then asked whether the owners of the site had any plans to connect to public water if the project moves forward. Mr. Osterhautd stated that the owners would likely connect to the public water and to public sewer. The Planning Board inquired as to the applicable fire department that covers this site. This site is in the jurisdiction of the Center Brunswick Fire Department. Chairman Oster asked whether the plans have been submitted to that fire department yet. Mr. Osterhautd stated that he had not yet forwarded any plans to the fire department, but rather just to the Planning Board to get initial feedback on the sketch site plan. Mr. Osterhautd will forward the plans to the fire department, and also to Rensselaer County for review. Mr. Osterhautd generally reviewed the proposed stormwater plan for the site, and discussion regarding on site freshwater wetlands occurred. Member Mainello confirmed the internal roadways to the project would remain private. Mr. Osterhautd stated that the road system will remain private. Member Mainello then asked about the school districts, and whether buses would be going into the site. Mr. Osterhautd stated that he will need to coordinate with both the Troy School District and the Lansingburgh School District on that issue. Member Casey asked whether the proposed build out for the project was a single phase or a multi-phase plan. Mr. Osterhautd stated that a single phase construction was likely. Chairman Oster asked about the proposed project schedule. Mr. Osterhautd stated that the builder with which the owner is working would like to start construction this summer, and therefore he is working toward having all the applications and fees together with detailed site plans submitted to the Town in about a month or so. Chairman Oster tentatively placed this matter on the March 5, 2015 agenda, with flexibility to move this to the March 19, 2015 agenda if Mr. Osterhautd needs more time. The

Planning Board then generally asked about proposed building type for the apartments. Mr. Osterhault stated that the building type is two story with 11 units and 8 garages per building, with a combination of 1, 2, and 3 bedroom units in each building. Mr. Osterhault stated that he would provide building elevations with the site plan application. The Planning Board also had a question concerning projected traffic from the project, and whether a traffic study will be required. Mr. Osterhault stated that a traffic study had been completed as part of the PDD review through the SEQRA process. The Planning Board asked whether an additional traffic light at the project driveway would be required. Mr. Osterhault stated that the traffic study did not support or require an additional traffic light at the entrance driveway, and that the traffic study performed for this project did take into account the fact that a traffic light would be installed at the intersection of Oakwood Avenue and Farrell Road. Mr. Osterhault stated that he would revisit the traffic information with the Planning Board. This matter is tentatively placed in the March 5, 2015 agenda.

The index for the February 5, 2015 meeting is as follows:

1. Gallivan – waiver of subdivision – approved with conditions.
2. Rebhun – waiver of subdivision – February 19, 2015.
3. Oakwood Property Management PDD Site Plan – March 5, 2015.

The proposed Agenda for the February 19, 2015 meeting is currently as follows:

1. Rebhun – waiver of subdivision.

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**MINUTES OF THE PLANNING BOARD MEETING HELD February 19, 2015,**

PRESENT were RUSSELL OSTER, CHAIRMAN, TIMOTHY CASEY, KEVIN MAINELLO, DAVID TARBOX, and VINCE WETMILLER.

ABSENT were MICHAEL CZORNYJ and FRANK ESSER.

ALSO PRESENT was DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda as posted on the Town website and on the Town sign board.

The draft minutes of the February 5, 2015 meeting were reviewed. Upon motion of Member Mainello, seconded by Member Wetmiller, the minutes of the February 5, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Charles and Jean Rebhun for subdivision of property located at 68 Norman Lane. Jean Rebhun was present on the application. Chairman Oster confirmed that a revised subdivision waiver map had been submitted now depicting a flag lot for 68 Norman Lane, thus providing for the required 15 foot of frontage on a public road. Chairman Oster also noted that the metes and bounds description for the lot was also submitted to the Planning Board. Chairman Oster confirmed with Mr. Bruns that all building code compliance issues will be followed up by the Building Department and the applicants. Attorney Gilchrist noted for the record that while the metes and bounds description had been submitted by the applicant and is part of the Planning Board file, the

Planning Board has not reviewed the metes and bounds description for accuracy and is not acting in any way to confirm the accuracy of the metes and bounds description. Attorney Gilchrist stated that the Planning Board should limit the review to the proposed subdivision map. Member Wetmiller stated that the metes and bounds description provided by the applicant did make reference to a number of easements. Attorney Gilchrist stated that the property description includes easements that are already of record, having been identified by the book and page number from the Rensselaer County Clerk's Office, but again reiterated that the Planning Board should rely on the subdivision map in consideration of the application. Chairman Oster asked the Planning Board members whether they had any further questions concerning the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Casey. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Mainello made a motion to approve the waiver of subdivision map subject to the condition that the applicant must coordinate with the Brunswick Building Department on building code compliance matters and Rensselaer County Health Department compliance matters for existing structures on the lot and existing water and septic facilities. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the Rehun waiver of subdivision application was approved subject to the stated condition.

Mr. Bruns reported that there were no new items of business.

The index for the February 19, 2015 meeting is as follows:

1. Rehun/Waiver of Subdivision-approved with condition.

The proposed agenda for the March 5, 2015 meeting currently is as follows:

1. Oakwood Property Management Planned Development District – Site Plan

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**MINUTES OF THE PLANNING BOARD MEETING HELD March 5, 2015,**

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DAVID TARBOX, MICHAEL CZORNYJ, FRANK ESSER, and VINCE WETMILLER.

ABSENT was TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda posted for the March 5 meeting. Chairman Oster noted that the only agenda item was the Oakwood Property Management PDD Site Plan, and that he had been informed that the applicant was still preparing its full site plan application submittal and requested that the matter be placed on the March 19 agenda. The Oakwood Property Management PDD Site Plan application will be placed on the March 19 agenda for discussion.

The Planning Board Members reviewed the draft minutes of the February 19, 2015 meeting. Upon motion of Member Mainello, seconded by Member Esser, the draft minutes of the February 19, 2015 planning board meeting were unanimously approved without amendment.

One item of new business was discussed.

ADD Leasing presented a sketch plan for a minor subdivision of property located at 795 Hoosick Road. Ray Darling of Erdman Anthony was present for ADD Leasing. Mr. Darling stated that the applicant is seeking to divide 795 Hoosick Road so as to divide off a fifteen thousand plus or minus square foot parcel, on which an existing cell tower is located, from the remaining area of 795 Hoosick Road. Mr. Darling stated that 795 Hoosick Road is the site of the former Carbone

Subaru location prior to its move into its new dealership site. Mr. Darling reviewed the general subdivision layout, in which the fifteen thousand plus or minus square foot cell tower parcel would include a fifteen foot strip leading from the parcel in a southerly direction and connecting to Hoosick Road, providing the required fifteen foot of frontage on a public road. Mr. Darling explained that ADD Leasing has a potential buyer for the remaining 795 Hoosick Road lot, and that it was intended that the future owner of 795 Hoosick Road would retain an easement or other right to use the fifteen foot frontage strip area, but that ownership of the fifteen foot frontage strip would be with the new cell tower parcel. Member Czornyj asked whether a fifteen foot strip is wide enough for the construction of a driveway to the new cell tower parcel, if necessary. Member Czornyj stated that the length of this driveway would require the Town's private road standards to apply. Attorney Gilchrist reviewed the standards for a legal building lot under the New York Town Law, and also the requirements under the Town code for private roads. After further discussion, it was proposed that Mr. Darling revise the proposed lot line to provide adequate width to construct a driveway pursuant to the Town's private road standards on the cell tower lot, with final requirements to be reviewed between the applicant's engineers and the Brunswick Building Department. Mr. Darling stated that he would work with the Building Department on required width, and prepare the minor subdivision plat with the required width for the frontage strip. Chairman Oster confirmed that the applicant is not seeking any new construction, and that the application merely seeks the division of one lot into two lots with no new construction or proposed land use. Mr. Darling confirmed this. Chairman Oster asked Mr. Bonesteel as to whether there were any issues he saw on the lot layout. Mr. Bonesteel confirmed that there would be no new proposed curb cuts, and that the owner would not be constructing a driveway at this time. Mr. Darling said that no driveways are proposed at this time, as the cell tower parcel continues to utilize



an easement over the existing driveway to the east of the Rensselaer Honda used car dealership location. Mr. Bonesteel suggested that the entire length of the frontage strip for the cell tower parcel be at the required width, so that there would be no issues regarding turning radius for any trucks or other equipment accessing the cell tower parcel in the event this driveway is constructed in the future. The Planning Board then discussed the timeline for submission of the minor subdivision plat and date for the required public hearing. It was determined that this matter will be placed on the March 19 agenda for review of the minor subdivision plat, and if the application is complete at that time, the public hearing would be scheduled for the first meeting of the Planning Board in April. This matter is placed on the March 19 agenda for further discussion.

The index for the March 5, 2015 meeting is as follows:

1. Oakwood Property Management PDD Site Plan – March 19, 2015.
2. ADD Leasing – Minor Subdivision – March 19, 2015.

The proposed agenda for the March 19, 2015 meeting currently is as follows:

1. Oakwood Property Management PDD Site Plan; and
2. ADD Leasing - Minor Subdivision.

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**MINUTES OF THE PLANNING BOARD MEETING HELD March 19, 2015,**

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

ABSENT were KEVIN MAINELLO, FRANK ESSER, and VINCE WETMILLER.

ALSO PRESENT were DAN BRUNS and MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the March 19 meeting as posted on the Town website.

The draft minutes of the March 5, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Casey, the minutes of the March 5, 2015 meeting were unanimously approved without correction.

The first item of business on the agenda was the Oakwood Property Management Planned Development District (PDD) Site Plan application. Rob Osterhault, of Bohler Engineering, was present for the applicant. Mr. Osterhault reviewed that he had been before the Planning Board at a prior meeting to review a sketch plan for the Oakwood Property Management PDD Site, and that since that meeting, he has been able to advance the site plans and provide additional detail to begin substantive review of the site plan. Mr. Osterhault then reviewed the plan set with the Planning Board members. Mr. Osterhault reviewed an aerial photograph of current site conditions, and then reviewed the proposed site plan layout. Mr. Osterhault reviewed the location of the commercial office and garage buildings, which are not part of the PDD site and will remain. The balance of

the Oakwood Property Management property is covered by the PDD and is presented as the proposed apartment layout on the site plan. Mr. Osterhault reviewed the area proposed for buildings and amenities as well as the areas on the site to remain undisturbed. Mr. Osterhault reviewed a layout showing 23 buildings, 11 units per building, for a total of 253 units, substantially proposed for the areas of previous disturbance on the site, with only very minor deviation. Mr. Osterhault reviewed the existing vegetative buffer to the east, adjacent to the North 40 subdivision, which will remain, as well as additional buffer along the Oakwood property frontage. Mr. Osterhault reviewed the access plan, which includes a main access drive located to the south, with a secondary access drive located to the north, connecting in an internal road system. Mr. Osterhault informed the Planning Board members that he had provided a set of the site plans and is coordinating with the Brunswick No. 1 and Center Brunswick Fire Departments, the school district, the Brunswick Water Department, and the Rensselaer County Planning Department. He is anticipating comments back from these agencies, and will incorporate those comments into the site plan review. Mr. Osterhault also generally reviewed the drainage plan, stating that the site generally drains in a westerly direction to Oakwood Avenue, and generally reviewed the on-site stormwater management plan, which includes six stormwater management areas for on-site treatment. Mr. Osterhault confirmed that the stormwater plan will comply with NYSDEC regulations, both in terms of water quality and water quantity requirements. Mr. Osterhault reviewed the proposed public water and public sewer plans. Mr. Osterhault stated that the plan proposes to loop the public water system to the North 40 subdivision, with access points at North Star Drive and Naples Court, and that this would also provide redundancy for homeowners in North 40. Mr. Osterhault stated that the public sewer will not be connected to the North 40 subdivision, but rather will be fed in a gravity system to a proposed pump station adjacent to

Oakwood Avenue toward the north portion of the site, to be pumped to the Oakwood Avenue/Farrell Road intersection with proposed discharge through the Stoneledge project into the county sewer system. Mr. Osterhautt stated that wetlands on the site will not be impacted, and that with respect to one internal wetland crossing, the project has already obtained an Army Corps permit for upgrade to a culvert. Mr. Osterhautt generally stated that the grades and existing vegetation on the eastern portion of the property adjacent to North 40 will be maintained to provide a vegetative barrier. Chairman Oster inquired about the proposed water line connection to North 40 along the southern portion of the property. Mr. Osterhautt stated that the proposal is to install a water line along the southern area of the property to connect to an existing water line in North 40, and also to create a service road for the water line, that the service road would be gated at both ends, and that the service road would allow access by the Town for water line maintenance and also possibly emergency access. Mr. Osterhautt stated that the location of the water line and service road were identified based primarily on existing grades. The service road is proposed to be a 12 foot wide gravel road. Mr. Osterhautt stated that he would be reviewing the specifications of the service road, and also Town requirements for the water line, as the site plan review proceeded. A member of the public commented about the grades in the area of this proposed water line and service road. Chairman Oster noted that this meeting did not constitute a public hearing, but that a public hearing would be held at a later date on this site plan application. Member Czornyj stated that in his opinion, the grades for this water line and service road in the southern portion of the site were not realistic for emergency use. Mr. Osterhautt stated that the Fire Department was currently reviewing the site plans, and that he would be working through details with both the Fire Department and the Planning Board. Member Czornyj asked whether a traffic light was being proposed for the main entrance drive to this project. Mr. Osterhautt stated that during the PDD

review before the Town Board, a traffic assessment was completed and it was determined that a traffic signal was not warranted at this location. Chairman Oster asked about the areas of the site that have been previously disturbed but are now outside the proposed building areas, and whether the applicant would be proposing any additional plantings for these locations. Mr. Osterhautt stated that the building areas were predominantly in areas of previous disturbance, and in those limited areas where the site had been previously disturbed but are not within the current building area, the applicant would be looking to seed those areas, but that there is existing dense treed and brush vegetation surrounding the building site and located between the building site and the North 40 subdivision. Chairman Oster asked about proposed building height for the apartment buildings. Mr. Osterhautt stated that the buildings are generally two-story, but with the grade changes on the site the height would be approximately 30 to 32 feet depending on specific locations. Member Casey asked about plans for ownership of the utilities. Mr. Osterhautt stated that the builder would be constructing the water lines, and then offering the water lines to the Town, so that the Town had control over the water system and the hydrants. Mr. Osterhautt stated that all internal sewer lines on the project site would be continued to be owned by the site owner, but that the pump station and sewer line to be constructed along Oakwood Avenue would be offered for dedication to the Town. Member Czornyj inquired about the proximity of this project to an existing subdivision near Humiston Avenue. Mr. Osterhautt stated that the project was bounded on St. Peter's Cemetery, and was not adjacent to the Humiston Avenue homes. Member Tarbox asked whether the water line to be constructed in the southern portion of the site and connected to the North 40 water system needed to go across private property. Mr. Osterhautt stated that the current property owner did hold an easement for utility connections, but that they were looking at a sliver of property between the easement area and the public road right-of-way that may currently be in

private ownership, and are working out the details on that issue. Chairman Oster stated that the Planning Board members should have access to the site for site visits as the site plan review continues. Mr. Osterhault stated that he would review that with his client. Member Czornyj asked whether any field markers have been placed to locate road, utility, and building proposed sites on the property. Mr. Osterhault stated that such markers had not been installed in the field, but he would review that with his client. Chairman Oster asked whether there were any architectural renderings of the apartment buildings in the site plan set. Mr. Osterhault stated that the site plan set did not include architectural renderings, but that Peter Amato was present with him at this meeting, and that Mr. Amato's company would be building this proposed project, and that the buildings would resemble the apartments currently being constructed at the Duncan Meadows PDD which are likewise being constructed by Mr. Amato's company. Member Casey asked whether this project was proposed to be built in phases. Mr. Osterhault stated that the project did not have a specific phasing plan, but would be built out based on market conditions. Member Czornyj asked whether there would be sidewalks in this project. Mrs. Osterhault stated there was a proposed internal sidewalk system to connect the buildings. Member Casey asked whether the traffic assessment performed for this project provided for any turning lane on Oakwood Avenue, even though a traffic light is not warranted. Mr. Osterhault stated that the traffic assessment did not warrant any off-site improvements, and that a turning lane is not warranted. The Planning Board members generally discussed the access from the project site to Oakwood Avenue. The Planning Board also generally discussed the option of holding a public hearing under the Town's site plan regulations. The Planning Board generally concurred that a public hearing will be noticed and held on this site plan. The Board members also received a comment concerning stormwater impacts to off-site properties and indicated that it would accept any written comments that any

members of the public had on that issue. Attorney Gilchrist stated that he would circulate the conditions attached to the PDD approval imposed by the Town Board for use by the Planning Board during site plan review. This matter is tentatively placed on the April 2 agenda, subject to rescheduling to the April 16 meeting based upon receipt of comments from other public agencies and possible amendments to the site plan based on those comments.

The second item of business on the agenda was the minor subdivision application submitted by ADD Leasing for property located at 795 Hoosick Road. Ray Darling, of Erdman Anthony, presented an updated minor subdivision plat for the Board to review. Mr. Darling stated that he had incorporated changes to the minor subdivision plat based upon the Planning Board's previous comments, and that the current plat shows Lot #1, which is the prior Action Chevrolet/Carbone Subaru dealership site, being approximately two acres in size, and Lot #2, which is the lot on which the existing wireless communication tower is located, now being approximately 0.65 acres, including a twenty-foot wide strip leading to Hoosick Road to provide necessary legal frontage, and that the access strip has been kept at a uniform width to provide for adequate turning radius for vehicles to the cellular tower lot. Mr. Darling also stated that the setbacks for the existing buildings on Lot #1 have been provided, and that all buildings are compliant with Town's setback requirements. Mr. Darling also stated that the owner was working on language for an easement in favor of Lot #1 to be able to use the access strip on Lot #2 for storage or display, but not for construction of any buildings in the event a future driveway does need to be constructed for the benefit of Lot #2. Chairman Oster stated that the applicant had responded to the Planning Board's prior comments, and made appropriate changes to the subdivision plat. Member Czornyj asked about the relocation of the fence near the wireless communications tower. Mr. Darling stated that the owner knows the fence must be relocated, and is planning to do so once the winter weather

breaks. Chairman Oster asked whether the Planning Board felt the minor subdivision plat was now adequate for public hearing. The Planning Board members generally concurred the plat was ready for public hearing. Chairman Oster noted that at the prior meeting, it was stated that once the minor subdivision plat was complete, the Planning Board must schedule and hold a public hearing on this application. The Planning Board will hold a public hearing on this application at its April 2 meeting, commencing at 7 p.m.

Two items of new business were discussed.

The first item of new business discussed was a site plan application submitted by Skyworks, LLC for property located at 795 Hoosick Road. This parcel is the parcel identified as Lot #1 on the ADD Minor Subdivision application discussed at this meeting. The applicant is in the business of leasing, selling, and otherwise maintaining tools and equipment, and explained that there are no proposed changes to the buildings, any structural additions, or any changes to parking, or any other changes to this site. The Planning Board members generally inquired about the types of equipment to be stored and displayed. The applicant stated that the equipment includes fork lifts, towers, and general construction equipment for rental or sale. The Planning Board members generally discussed the location for outside storage and display, and informed the applicant that it will need to identify areas of storage and display on the site plan. The Planning Board members directed the applicant to work with the Building Department on the submission of a site plan in compliance with the Town's site plan regulations. This matter is placed on the April 2 agenda for further discussion.

The second item of new business discussed was a discussion concerning additional equipment installation at the garden center located at the existing ACE Hardware Store on Hoosick Road. Tom Dingley was present for ACE Hardware. Mr. Dingley handed up a schematic of the



garden center area of the ACE Hardware Store, and reviewed with the Planning Board members the current proposal to locate a gazebo and shelving units for display. Mr. Dingley also noted that a greenhouse location was on the schematic, but that it was indicated to be a site of a future greenhouse, since the owner was still in the process of determining the size of the greenhouse, which in turn will dictate whether a permanent foundation will be required or whether the greenhouse would simply be temporary and portable in nature. Mr. Dingley stated that he did not want Town approval of the gazebo and shelving units to be held up while the greenhouse particulars were being determined, and requested that the Planning Board consider only the gazebo and shelving at this time. Chairman Oster noted that there was no change in the site itself, that the use is consistent with the approved garden center, and that the gazebo and shelving equipment would be located entirely within the fence locating the garden center. Chairman Oster asked whether the shelving or gazebo would be permanently affixed to the ground. Mr. Dingley stated that neither the gazebo nor the shelving would be permanent. Mr. Dingley did state that a potting station and register area will remain in place permanently. The Planning Board asked whether the owner of ACE Hardware was proposing to sell gazebos, and whether there would be any storage of gazebos or kits on the site. Mr. Dingley stated that the gazebo was for display of flowers and vegetation only, and that if gazebo sales did occur, they would only be online and the gazebo would be for display only. Mr. Dingley confirmed that there would only be this one single gazebo on the site for display purposes only. The Planning Board members generally discussed the future proposed greenhouse. The Planning Board determined that if the greenhouse was of a size requiring a permanent foundation, an amendment to the site plan should be sought since this will be adding a permanent structure to the site; however, if the greenhouse was smaller in size and not requiring a permanent foundation but rather was portable or movable, then the matter would not

require a site plan amendment but would require coordination and permit issuance by the Brunswick Building Department. The Planning Board members generally concurred that since the gazebo and shelving were not permanent but rather temporary or movable equipment, an amendment to the site plan for these items was not required, but that the owner of ACE Hardware must coordinate with the Brunswick Building Department on necessary permits.

The index for the March 19, 2015 meeting is as follows:

1. Oakwood Property Management PDD Site Plan – April 2, 2015 (tentative).
2. ADD Leasing – Minor Subdivision – April 2, 2015 (Public hearing to commence at 7 p.m.).
3. Skyworks LLC – Site Plan – April 2, 2015.
4. ACE Hardware – Equipment Installation in Garden Center – Coordination with Brunswick Building Department Required.

The proposed agenda for the April 2, 2015 meeting currently is as follows:

1. ADD Leasing - Minor Subdivision (Public hearing to commence at 7 p.m.);
2. Oakwood Property Management PDD Site Plan (tentative); and
3. Skyworks LLC – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD April 2, 2015,**

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

ABSENT was VINCE WETMILLER.

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

Chairman Oster reviewed the tentative agenda for the April 2, 2015 meeting.

The first item of business on the agenda was the public hearing for the ADD Leasing minor subdivision application for property located at 795 Hoosick Road. Chairman Oster asked Attorney Tingley to read into the record the Notice of Public Hearing for the application. Following the reading of the Notice of Public Hearing, Chairman Oster noted that the Notice was posted on the website, published in the Troy Record, and posted on the Town sign board. Ray Darling was present for the applicant. Mr. Darling reviewed the proposal, which consists of subdividing a 4.4+/- acre parcel into two lots, one consisting of 3.814 acres on which sits an existing commercial building, and the other consisting of 0.652 acres, on which sits an existing wireless communications tower. Mr. Darling indicated that an updated map that included all easements, including the existing stormwater management easement, had been submitted to the Planning Board. The applicant discussed the proposed twenty-five foot wide strip of property that would front on Hoosick Road to ensure ingress, egress, and maintenance access for the wireless communications tower parcel from Hoosick Road. Chairman Oster asked the applicant to clarify

whether the twenty-five foot strip was a part of the cell tower parcel or part of the commercial building parcel. The applicant confirmed that the twenty-five foot strip of property is part of the cell tower parcel, with an easement to be granted to the commercial building parcel to allow storage/display, without construction of any structures thereon. There was comment from one member of the public. Gus Scifo, representing Brunswick Fire Company No. 1, inquired whether the fire company would still have access to the cell tower site through the existing driveway. The applicant confirmed that it would. Chairman Oster asked if there were any additional public comments, and there were none. The Planning Board then closed the public hearing on the ADD Leasing minor subdivision application.

Chairman Oster then called the regular business meeting of the Planning Board to order. The draft minutes of the March 19, 2015 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Casey, the minutes of the March 19, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the ADD Leasing minor subdivision application for property located at 795 Hoosick Road. The applicant seeks approval to divide 795 Hoosick Road into two commercial lots, one consisting of an existing building and parking areas, and the other consisting of an existing wireless communications tower. Chairman Oster noted that the public hearing was opened and closed earlier in the evening. Member Czornyj commented that the applicant has done everything that the Board had asked it to do. Chairman Oster noted that the application did not require a recommendation from the County. Mr. Bonesteel asked the applicant whether the stormwater management easement located on the east side of the property near Hoosick Road was intended to benefit the neighboring property owner, Capital Communications Federal Credit Union. The applicant responded that the stormwater management easement was

given in 2009 for the purpose of managing stormwater on the Capital Communications site by diverting flow to stormwater management facilities located at Route 7. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Tarbox and was approved unanimously. Member Czornyj then made a motion to approve the minor subdivision application, which was seconded by Member Casey and was approved unanimously.

The next item of business on the agenda was the Oakwood Property Management Planned Development District Site Plan Application. Chairman Oster noted that although the application was listed on the tentative agenda for this evening's meeting, the applicant was not in attendance. Chairman Oster noted that the applicant may be continuing to receive comments from other agencies and may be working on incorporating those comments into the site plan application.

Chairman Oster also noted that he had received by email a letter from Michael Drinkwine, Jr., the assistant chief of the Volunteer Fire Company of Center Brunswick, providing a list of recommendations for the project. Chairman Oster asked Mr. Drinkwine, who was in attendance, to review the recommendations. Mr. Drinkwine briefly reviewed the list of recommendations for the Board. The Planning Board also noted that it had been provided a letter from Michael Schongar related to the project. Attorney Tingley explained to the Board and to Mr. Schongar, who was in attendance, that any comments on the project should be submitted during the public hearing, and that if Mr. Schongar wants the letter to be included in the public hearing record, he should appear at the public hearing and formally request that it be included. The Planning Board determined to await further correspondence from the applicant before proceeding.

The next item of business on the agenda was the site plan application of Skyworks, LLC for property located at 795 Hoosick Road. Joe Raziano and Susan Cerone appeared on behalf of the applicant. The Board acknowledged that a map had been submitted that had roughly identified

thereon an area for outside equipment storage. The area was identified on the site plan by marker and had been hand-drawn. Member Czornyj asked if the outside equipment storage would be fenced. The applicant indicated that it likely would be fenced, given the value of the equipment that would be stored there. Member Czornyj requested that the applicant show the fencing on the site plan. The Board also asked questions concerning whether the concrete pads at the front of the site would be used for storage or display. The applicant indicated that it intended to possibly use those concrete pads for small equipment, such as RTVs or golf carts. The Board advised the applicant to show that on the plan if they were seeking approval for that in this application. Member Czornyj also asked whether the applicant intended to display equipment on the east side of the property in the parking area. The applicant responded that the west side of the property would be used for storage and display, whereas the east side of the property would be used for employee parking. The applicant expects to employ between fourteen and twenty-five employees. The Board explained to the applicant that the parking area for the employees and for customers must be identified on the site plan. Chairman Oster asked the applicant to again describe the type of business that would be operating at the site. The applicant advised that it was in the equipment service, sale and rental business, with about 90% of its business by rental. The applicant further explained that the largest equipment that it rents are aerial lifts and 100ft boom lifts. Member Tarbox requested that the site plan indicate where the delivery trucks would travel and asked the applicant what types of trucks would be accessing the site. The applicant explained that the trucks that would access the site included tractor trailers and a straight truck. The applicant also indicated that it currently has ten locations and that the current proposal for the Brunswick site is for the purpose of relocating the applicant's site from Colonie. Member Czornyj reiterated that the applicant should show on the site plan everything that it plans to do on the site so that the applicant

does not need to reapply for modifications in the future. He also indicated that the site plan should show parking and it should also show handicap parking. The Planning Board suggested to the applicant that it meet with the Building Department to determine what should be added to the site plan to make it a complete application. Member Esser also indicated that the applicant should consult with the Fire Department. Chairman Oster asked whether a public hearing could be scheduled. Attorney Tingley explained that the Board should get a complete site plan application prior to scheduling a public hearing. The Board also asked the applicant to show on the site plan the area that would be gated in the fenced storage/display area to allow for the circulation of trucks. Mr. Bonesteel indicated that the applicant should also show on the site plan any outside lighting that will be on the site. Mr. Bonesteel asked whether there would be any changes in the drainage at the site. The applicant indicated that there would not be any changes. Mr. Bonesteel further advised the applicant that it should show truck circulation on the site plan. The Board agreed to place the matter on its agenda for the April 16 Planning Board meeting, with the hope of scheduling a public hearing for the May 7 meeting if a complete application was submitted in time for review at the April 16 meeting.

Two items of new business were discussed.

The first item of new business discussed was the minor subdivision application of Sean Gallivan for property located on the easterly side of Deepkill Road, northerly of Smith Hill. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter explained that the current application is a different application than that which was previously approved a few months ago for property located on the westerly side of Deepkill Road. The application seeks to create four lots from an existing 20.61 acre parcel: one lot around the principal residence of Sean Gallivan, two new building lots, and a vacant lot. The Board asked Attorney Tingley whether this would constitute a

minor subdivision or a major subdivision. Mr. Tingley consulted the definition of minor subdivision in the Town's subdivision regulations. Based on the definitions of minor subdivision and major subdivision in the Town's subdivision regulations, it was determined that the application would be a minor subdivision. Mr. Holbriiter indicated that the Rensselaer County Health Department has not yet had an opportunity to do soil testing, but that it should be able to do so in the near future. Mr. Bonesteel asked what the topography is in that area. Mr. Holbriiter indicated that one proposed lot is steep, but a road can be graded and pitched to allow access while properly managing stormwater. Member Tarbox discussed with the applicant the need to back-pitch any such road on the steep lot. Mr. Bonesteel asked whether the subdivision would alter drainage patterns. Mr. Holbriiter indicated that the proposal may require a swale to manage the stormwater, but that has not been determined for certain yet. The applicant expects to be able to submit additional information in time for review at the May 7 meeting. The Board agreed to place the application on its May 7 agenda tentatively.

The next item of new business on the agenda was the site plan application for the Diamond Rock Plaza for property located at 289-299 Oakwood Avenue. The size of the parcel is 56.47 acres. Thomas Murley appeared on behalf of the applicant. Mr. Murley explained that the property is located in an industrial zoning district and proposes to use public water and public sewer. The proposal seeks to construct a 9,500 square foot retail plaza with a gas station and car wash on approximately 2.7 acres. Currently, the site is vacant. Mr. Murley indicated that the application would require a special use permit and a variance. Mr. Murley explained that he did not foresee a problem securing public water. There is a sixteen-inch water line near the site that the project could tap into using (most likely) an eight-inch line. In terms of sewer, Mr. Murley acknowledged that the City of Troy was currently requiring its approval to connect to the County sewer system. The



proposal would seek to connect to the County sewer system by crossing the existing National Grid easement and connecting to an existing line in the Miami Beach subdivision. The site in general was formerly used as part of the old Troy municipal landfill and incinerator that has been closed since 1965. The 2.7 acres sought to be developed is not part of the landfilling site. The site plan proposes twelve fueling stations covered by a canopy, four retail store spaces totaling 9,500 square feet, and a 3,936 square foot car wash facility. The applicant proposes four underground fuel tanks and an oil-water separator that would be in compliance with all applicable regulations. One of the retail store spaces would consist of a fast-food restaurant with drive-thru area. The car wash facility would have four bays and three vacuum stations. The convenience store and gas station would be 24 hours. The fast-food restaurant would have hours of operation of 7am to 11pm with a drive-thru open until 1am. The other retail stores would have hours of 7am to 11pm, and the car wash would have hours of 7am to 9pm. The plan currently proposes twelve parking spaces at the fueling stations, four handicapped parking spaces, thirty-one parking spaces for customer use for the stores, and parking for two large tractor trailers. The site plan includes 27% green space on the 2.7 acre parcel, but the rest of the 56 acre site will remain undeveloped. The nearest neighbor is located in the City of Troy. The Planning Board and the applicant discussed the traffic flows at the site and the proposed site driveways. Member Czornyj asked whether the applicant was seeking to subdivide the 2.7 acre parcel from the remainder of the 56 acre parcel. The applicant responded that the plan right now is to simply develop the 2.7 acre portion of the overall 56 acre site. The applicant explained that the remainder of the 56 acre site is considered a Class 3 environmental site. There are monitoring wells located on the site. The applicant agreed to provide a site plan that shows the proposed project area in relation to the overall property. The applicant then discussed with the Planning Board the stormwater management features and drainage pattern. Chairman

Oster asked whether the water service would be sufficient for the car wash. The applicant responded that the car wash was expected to use approximately 5,000 gallons of water per day and the existing water line should provide sufficient volume and pressure to supply the car wash. The applicant noted that a water district and a sewer district would need to be formed. The Planning Board asked whether the car wash would recycle the water. The applicant was unsure at this juncture, but pointed out that the car wash would be similar to the Wet Willy's Car Wash located on Route 9 in Latham. The applicant further indicated that the City of Troy has been notified of the proposal, as has the Rensselaer County Planning Office. The matter is also scheduled to be in front of the Zoning Board of Appeals on a special use permit and variance application. The Planning Board indicated that it will be required to do a recommendation to the Zoning Board of Appeals. Chairman Oster asked questions concerning the vegetative buffer between the site and the existing Miami Beach subdivision. The applicant explained that there are rock outcroppings that will need to be leveled between the building site and the Miami Beach subdivision. The rear of the site is all vegetative buffer. The applicant would be willing to install a vinyl fence to prevent lights at the site from impacting neighbors. The applicant further indicated that the zoning code is ambiguous in terms of the parking that is required for this particular project. The applicant is seeking guidance on how many parking spots are required. Chairman Oster asked whether the parking area immediately to the south of the car wash was intended for use by customers. The applicant responded that that particular parking area was most likely to be used by employees. The applicant also indicated that the application had been sent to the Speigletown Fire Department for review. The applicant then discussed the architecture of the structures and the floor plan of the convenience store. The applicant noted that there may be an outstanding question concerning what type of variance is required for this project. Chairman Oster then discussed with the applicant the

process by which the Planning Board makes recommendations to the Zoning Board of Appeals. The Board also discussed how the SEQRA process would occur, including whether the Planning Board or Zoning Board of Appeals should be lead agency. The applicant advised the Planning Board that the application was on the ZBA agenda for April 20, 2015. The matter was placed on the tentative agenda for the April 16 Planning Board meeting.

The index for the April 2, 2015 meeting is as follows:

1. ADD Leasing – Minor Subdivision – Public Hearing.
2. ADD Leasing – Minor Subdivision – approved.
3. Oakwood Property Management PDD Site Plan – adjourned pending receipt of additional information from applicant.
4. Skyworks LLC – Site Plan – April 16, 2015 (tentative); applicant to coordinate with Building Department.
5. Sean Gallivan – Minor Subdivision – May 7, 2015 (tentative).
6. Diamond Rock Plaza - Site Plan/ZBA Recommendation – April 16, 2015 (tentative).

The proposed agenda for the April 16, 2015 meeting currently is as follows:

1. Skyworks LLC – Site Plan (tentative); and
2. Diamond Rock Plaza - Site Plan/ZBA Recommendation.

The proposed agenda for the May 7, 2015 meeting currently is as follows:

1. Sean Gallivan – Minor Subdivision (tentative).

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

**MINUTES OF THE PLANNING BOARD MEETING HELD April 16, 2015,**

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

ABSENT was VINCE WETMILLER.

ALSO PRESENT were DAN BRUNS and MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the April 16, 2015 meeting as posted on the Town website.

The draft minutes of the April 2, 2015 were reviewed. Upon motion of Member Czornyj, seconded by Member Tarbox, the draft minutes of the April 2, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Skyworks, LLC for property located at 795 Hoosick Road. Joe Raziano and Susan Cerone appeared on behalf of the applicant. The applicant reviewed with the Planning Board members the revised and updated site plan to respond to the prior Planning Board comments. The applicant noted that the site plan map now includes location of fencing, a delineated parking and equipment storage/display area, added handicapped parking, and also provided information on lighting. Member Czornyj asked whether the entire site would be fenced. The applicant stated that the entire site would now be fenced, with the use of rolling gates for traffic flow. Chairman Oster asked whether only existing lighting would be utilized. The applicant stated that it would be utilizing

only the existing lighting on the site, and no changes were planned. Chairman Oster noted that the site plan had been revised to address previous comments of the Planning Board. Chairman Oster also reviewed with the applicant the requirement to send the site plan, as revised, to the Rensselaer County Department of Economic Development and Planning for review and recommendation. Chairman Oster also reviewed with the applicant the fact that a public hearing would be held by the Planning Board on the site plan application. The applicant understood these requirements. Member Tarbox asked whether any of the larger lifts planned for this location would remain extended in the air. The applicant stated that some of the larger lifts would remain extended in the air, but it is primarily done for safety purposes so that children cannot get into the bucket of the lift. Member Esser asked whether the paving on the site would extend all the way to the lot line. The applicant stated that the pavement on the site was not proposed to be changed, and that these were existing conditions. The Planning Board members generally discussed the general requirement that pavement not be located directly adjacent to the property line, but that this was an existing site and an existing condition. The Planning Board generally concurred that this application was now complete, and set a public hearing on the site plan application for the May 7 meeting to commence at 7 p.m. Chairman Oster also directed the Brunswick Building Department to forward the updated site plan to the Rensselaer County Department of Economic Development and Planning for review and recommendation. Attorney Gilchrist noted for the record that the Planning Board could not act on the site plan application until such time as the County recommendation had been received, and that the County has thirty days in which to forward that recommendation. This matter is placed on the May 7 agenda for public hearing to commence at 7 p.m.

The second item of business on the agenda was the site plan submittal by Matopato, LLC for property located at 289-299 Oakwood Avenue. Thomas Murley, P.E., was present on behalf of the applicant. Mr. Murley provided the Planning Board with the applicant's response to the initial comments raised by the Spiegletown Fire Department, and also noting that he was informed at this evening's meeting that the Spiegletown Fire Department will have additional comments to which the applicant will respond. Mr. Murley also reviewed a map which was provided by the applicant in response to a question of the Planning Board members as to how close this project is located to the Miami Beach Estates homes. Mr. Murley reviewed the aerial map provided, showing the layout of this proposed site plan as well as its proximity to the Miami Beach Estates homes. Chairman Oster had a question in regards to stormwater management in relation to the Miami Beach Estates homes. Mr. Murley generally reviewed the stormwater plan, noting that the full stormwater pollution prevention plan is still in preparation. Mr. Murley also provided an aerial photograph depicting the relationship of the area of this specific commercial site plan to the overall 56 acre parcel. Chairman Oster noted that the specific commercial site plan area noted green space of 27% of the project site, and inquired whether it could be increased through a larger commercial site plan area so that the green space reached the 35% requirement under the site plan regulations. Mr. Murley stated that he could increase the size of the commercial site plan area on the entire 56 acre parcel, but that the applicant had initially limited the commercial site plan area to those areas which had been tested and reviewed by the New York State Department of Environmental Conservation as having been "clean" and removed from the listing maintained by NYSDEC concerning the old Troy incinerator and landfill area. Mr. Murley also provided the Planning Board members with correspondence which had been submitted to NYSDEC regarding the elimination of this area from the NYSDEC listing. Attorney Gilchrist stated that the Planning Board did have the authority under

the site plan regulations to reduce the required green space percentage, and that in the event the Planning Board wished to exercise that discretion, it could note that this commercial site plan area is not a separate lot but rather part of a much larger 56 acre parcel, the remainder of which is currently undeveloped and green and which the applicant states he has no plans for development. Chairman Oster noted that a special permit application has also been made by the applicant to the Brunswick Zoning Board of Appeals in connection with the “filling station” aspect of the proposed site plan, and inquired whether the Planning Board could complete its recommendation on that special permit. Attorney Gilchrist stated that while the Planning Board could start their deliberations on that recommendation, the Planning Board should wait to provide a formal written recommendation until a referral and request for the recommendation had been made by the Brunswick Zoning Board of Appeals. Thereupon, the Planning Board members generally discussed the “filling station” aspect of the project, concluding that the Planning Board had no objection to the construction of a gas station with underground petroleum storage tanks at this location, that such facilities are generally sited at the areas of major intersections and that the Oakwood Avenue/Route 142 intersection provided that opportunity, that this was not out of character with the general area given the commercial development generally north of this location on Oakwood Avenue, that this would serve a need for northbound vehicles for gas station and convenience store purposes on Oakwood Avenue, and that the location of a convenience store at this site was appropriate and may be particularly convenient for residents within the High Pointe project. The Planning Board also noted that it was unlikely that this property would ever be used for residential purposes. Chairman Oster then raised the possibility of providing a cross-walk from the High Pointe project across Oakwood Avenue to this commercial site plan entrance, and provide a sidewalk along the entranceway for pedestrian use. Mr. Bonesteel, as Planning Board Review

Engineer, stated that he is generally not in favor of cross-walks across public highways unless installed at an intersection controlled by a signal, and that in this case, the cross-walk would need to go across four lanes of traffic, and concluded that he would not recommend the installation of a cross-walk at this location. Mr. Murley confirmed that there was not much pedestrian traffic along Oakwood Avenue in this area at the present time. Member Tarbox asked whether the installation of a sidewalk on the side of Oakwood Avenue adjacent to the commercial site plan entrance would be advisable. Mr. Bonesteel stated that the construction of the sidewalk would be acceptable, but that he would not recommend the cross-walk without a signalized intersection. Mr. Murley stated that he could review the option of including a sidewalk adjacent to the applicant's project on Oakwood Avenue. This matter will be placed on the May 7 agenda for a project update.

One item of new business was discussed.

A sketch plan presentation was made by William Bradley on behalf of Brunswick Design Group for property located at 74 Farrell Road. The proposal is to construct self-storage units on a 20 acre parcel. Mr. Bradley reviewed a sketch plan of the total build-out area, which will include both storage buildings as well as outside storage areas. Only 20% of the project site would be subject to buildings and storage area. Mr. Bradley generally reviewed a written submittal concerning the project, reviewing the zoning for the site, projected traffic volumes based on the use of the property for storage, site lighting, utilities, stormwater, and emergency services. The written submittal also included photographs of the type of storage units proposed for this site, taken from a facility located in Lee, Massachusetts. Mr. Bradley stated that the project had been designed to preserve as much buffer around the storage units as possible for the benefit of the surrounding property owners. Mr. Bradley did note that the roofs of the self-storage units would be used for installation of solar panels for power generation at the site. The project will continue to use the



existing entrance off Farrell Road. The Planning Board members generally discussed the types of storage units being proposed, as well as site lighting. Mr. Bradley stated that the business plan is to market the facility for commercial use, not necessarily residential self-storage units. Member Tarbox asked whether the site would include fencing. Mr. Bradley stated that fencing was proposed for the front of the site adjacent to Farrell Road, but that fencing the entire site was not being proposed; rather, Mr. Bradley stated that for security, the use of cameras and site lighting is being proposed. This matter is placed on the May 7 agenda for further discussion.

The index for the April 16, 2015 meeting is as follows:

1. Skyworks LLC – Site Plan – May 7, 2015 (Public Hearing to commence at 7 p.m.).
2. Diamond Rock Plaza – Site Plan – May 7, 2015.
3. Brunswick Design Group – Site Plan – May 7, 2015.

The proposed agenda for the May 7, 2015 meeting currently is as follows:

1. Skyworks LLC – Site Plan (Public Hearing to commence at 7 p.m.); and
2. Sean Gallivan – Minor Subdivision; and
3. Diamond Rock Plaza - Site Plan; and
4. Brunswick Design Group – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD MAY 7, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, VINCE WETMILLER and DAVID TARBOX.

ABSENT were FRANK ESSER, KEVIN MAINELLO, and TIMOTHY CASEY.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the May 7, 2015 meeting as posted on the Town website.

The first item of business on the agenda was the public hearing for the Skyworks, LLC site plan application for property located at 795 Hoosick Road. Chairman Oster reviewed the procedures of the public hearing. Chairman Oster asked Attorney Tingley to read into the record the notice of public hearing for the application. Attorney Tingley read the notice of public hearing into the record and noted that it had been published in the Troy Record, posted on the Town sign board, posted on the Town website, and sent to owners of property within 500 feet of the project site. Joe Raziano and Susan Cerone appeared on behalf of the applicant. Ms. Cerone indicated that no changes had been made to the site plan since the applicant's prior submission. Chairman Oster reviewed the characteristics of the site plan application. There was comment from one member of the public. Gus Scifo, representing Brunswick Fire Company No. 1, indicated that he had provided a copy of an e-mail that he had sent to the applicant concerning the fire company's questions and recommendations. Mr. Scifo indicated that he had discussed the questions with the

applicant and had been provided answers. Among the recommendations made on behalf of the Brunswick Fire Company No. 1, included that the applicant provide a Knox box with swing-open door providing fire department access to keys to the lockable gate and to the building. Also the fire company indicated it would like to upgrade the fire hydrant to the left of the first driveway to a 5-inch Storz fitting. Currently, it is a 4-inch Storz fitting. The fire company also requested copies of the schematics of the building for pre-planning purposes as well as a walk through of the building before opening the building to the public. Chairman Oster indicated that the copy of the e-mail submitted would be included as part of the public hearing record. Chairman Oster then asked if there were any additional public comments, and there were none. The Planning Board then closed the public hearing on the Skyworks, LLC site plan application.

Chairman Oster then called the regular business meeting of the Planning Board to order. The draft minutes of the April 16, 2015 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the April 16, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Skyworks, LLC for property located at 795 Hoosick Road. Joe Raziano and Susan Cerone appeared on behalf of the applicant. The applicant indicated that it intended to include an outdoor on-site diesel refueling station. Member Czornyj pointed out that the refueling station was not included on the site plan and was not currently part of the application. Member Czornyj indicated that if the applicant intended to include the refueling station, it must revise the site plan to indicate the location and the characteristics. Member Czornyj indicated that there would be certain containment requirements associated with the refueling station and that the applicant should coordinate with its fueling station installer for more guidance. Attorney Tingley asked the size of

the diesel tank. The applicant indicated that the diesel tank would be a 500-gallon tank. The Planning Board asked whether there was a tank inside the building previously. The applicant believes there was a tank inside the building, but the proposal is to have the diesel refueling station located outside the building, most likely in the rear of the property. The Planning Board referred the applicant to a number of nearby properties that also had refueling stations for guidance. Chairman Oster then reviewed the comments and recommendations of the Brunswick Fire Company No. 1. With respect to the first question concerning whether the fire alarm system has been updated to the current code, Chairman Oster indicated that he believed that this was a building department issue. Ms. Nann-Smith indicated that the building department will research the requirements. With respect to whether the gates would be locked or just closed, the Planning Board noted that the applicant intended to lock the gates and that the fire department and applicant agreed that a Knox box would be supplied. Concerning the fire department's question whether there were any fire department connections on the building, the fire department indicated that the applicant agreed to look into the issue. Chairman Oster asked the applicant whether the diesel refueling station was intended strictly for rental equipment. The applicant confirmed that it was. Chairman Oster asked Ms. Nann-Smith whether a County recommendation had been received back. Ms. Nann-Smith reviewed the building department file and concluded that the County recommendation had been received and she provided a copy. The County recommendation indicated that local consideration shall prevail. The Board then discussed with the applicant the issue of whether or not the site plan could be approved without it showing the location of the onsite diesel refueling station. The Board presented the option to the applicant of moving forward with approval of the site plan as is, which would not permit the onsite refueling station, with the ability of the applicant to submit a further application either for an amendment or modification to the site

plan to include such refueling station, or the applicant could revise the site plan application now and be placed on the agenda for the May 21, 2015 Planning Board Meeting. Member Czornyj asked the applicant whether the applicant intended to use the 25 foot strip located on the easterly side of the property, and the applicant indicated that there was no intention to use that strip. Following discussion concerning the various options available to the applicant with respect to the onsite refueling station, the applicant determined that it would like to seek approval of the site plan as is, without the onsite refueling station, so that they could proceed to closing on the property. The applicant indicated that it intended to return to the planning board in the event the refueling station was pursued. Attorney Tingley explained to the applicant that the application to add the refueling station may be considered a new site plan application or an amendment of the site plan, subject to the same procedures that applied to this application. Chairman Oster commented that it may also be viewed as a minor modification, in which case the process may be more streamlined. Chairman Oster then noted for the record that an onsite diesel refueling station was not permitted as part of any approval of this particular site plan if the Board were to act tonight. Member Czornyj made a motion to adopt a negative declaration under SEQR, which was seconded by Member Wetmiller, and was unanimously approved. Member Czornyj then made a motion to approve the site plan on the following conditions:

1. That a Knox box with a swing-open door containing a key for both the gate and the building be installed;
2. That copies of any schematics of the building be provided to Brunswick Fire Department No. 1 for pre-planning purposes; and
3. That the fire department be permitted to conduct a walk through of the building before opening to the public.

The motion was seconded by Member Tarbox, and was unanimously approved.

Chairman Oster instructed the applicant to coordinate with the building department when it was ready to proceed with the onsite refueling station as part of its site plan application in the future.

The next item of business on the agenda was the minor subdivision application made by Sean Gallivan seeking to create four lots from an existing 20.61 acre parcel located on the easterly side of Deepkill Road, northerly of Smith Hill. No one appeared on behalf of the applicant. Chairman Oster indicated that the matter would be postponed to the May 21, 2015 Planning Board Meeting.

The next item of business on the agenda was the site plan application and recommendation for the Diamond Rock Plaza project proposal, which seeks to construct a 9,500 square foot retail plaza on approximately 2.7 acres located at 289-299 Oakwood Avenue. Tom Murley appeared on behalf of the applicant. Chairman Oster raised the issue of whether the Planning Board had been asked to prepare a written recommendation to the Zoning Board of Appeals with respect to the special use permit application for the filling station. The applicant indicated that the ZBA was scheduled to hold a public hearing on the area variance and special use permit application for the project on May 18, 2015. Attorney Tingley advised that the Board should consider deliberating on a proposed recommendation to the Zoning Board of Appeals on the special use permit application at this evening's meeting, and that the Board had previously begun deliberating on that aspect of the application at its last meeting, held on April 16, 2015. Attorney Tingley then read from the April 16, 2015 Minutes the portion relating to the Board's comments on the special use permit application currently before the Zoning Board of Appeals. The Board indicated that the comments noted at the April 16, 2015 Planning Board Meeting with respect to the Planning

Board's recommendation for the special use permit application was sufficient and that no additional comments need be noted. Chairman Oster asked Attorney Tingley what the process would be for completing recommendation. Attorney Tingley indicated that it was his understanding that the practice on recommendations for special use permit applications for filling stations was that the Planning Board would identify the comments that it wished to include a recommendation, and that it would direct the Planning Board Attorney to draft a recommendation for the Board. Attorney Tingley indicated that the Board could authorize the Planning Board Attorney to draft a recommendation based on the discussion and to submit the recommendation to the Zoning Board of Appeals following submission of the recommendation to the Planning Board Members, assuming that no requested changes were sought by any of the Planning Board Members. In the event that any Planning Board Members did wish to seek to make changes to the draft recommendation, then the Board would need to review the proposed recommendation at its next meeting and vote on it then.

Member Czornyj then made a motion to authorize the Planning Board Attorney to draft a recommendation based upon the discussion in the Minutes of the April 16, 2015 meeting, and directed the Planning Board Attorney to send a proposed recommendation to each of the Planning Board Members and if no changes were requested to submit the recommendation to the Zoning Board of Appeals. As part of the motion, Member Czornyj indicated that in the event changes were requested, then the recommendation would be on the agenda for the May 21, 2015 Planning Board Meeting to be voted on by the Planning Board. Member Wetmiller seconded the motion, and the motion was approved unanimously.

The Board then proceeded to review the site plan aspect of the application. Chairman Oster indicated that a public hearing would be held on the site plan application but that the application

must be complete in order to schedule the public hearing. Chairman Oster pointed out that the ZBA had not yet acted or commented in any way on the special use permit or area variance application, and that it was scheduled to have a public hearing on the matter at its May 18, 2015 meeting. The Planning Board's next meeting is scheduled for May 21, 2015. Attorney Tingley explained that the Board had two options available to it in terms of scheduling the public hearing on the site plan application. First, the Board could schedule a public hearing at this meeting for the May 21, 2015 meeting, but that would present issues on the application if the Zoning Board of Appeals either did not approve the special use permit or the area variance application, or if it required changes to the project associated with those approvals. Alternatively, the Planning Board could wait to see whether the Zoning Board of Appeals acted at its May 18, 2015 meeting, and the Board could then determine whether to schedule the public hearing at its May 21, 2015 meeting for some meeting date in the future. The Board determined that it would place this matter on the agenda for the May 21, 2015 meeting for the purposes of determining whether and when to schedule the public hearing.

Attorney Tingley asked the applicant whether the property was located in an agricultural district. The applicant confirmed that that project site was not located in any agricultural district. The applicant also indicated that it had received comments from the Spiegeltown Fire District and that the applicant was in the process of addressing those and had submitted an email from the applicant's representative to the Fire Chief of the Spiegeltown Fire District. In general, the comments of the Spiegeltown Fire District relating to this project included the size and pressure of the water service to the site, the provision of a Knox box to allow access for the fire department, and that the applicant provide plans showing that the fire district's apparatus could adequately access and circulate through the site given the turning radius and the size of the fire district's



responding emergency apparatus. The applicant indicated that the storm water plan for the project has not yet been finalized but will be provided to the Board and Mr. Bonesteel upon completion. Mr. Bonesteel asked whether the plan showed existing contours or proposed final contours. The applicant indicated that the plan currently shows existing contours and that once the storm water plan is complete, the final contours will be shown. Mr. Bonesteel asked whether the rock outcroppings that would be leveled would be re-used onsite or taken off-site. The applicant indicated that all rock would be used onsite. The applicant further explained that the drainage of the site would be to the front of the site at which point it would be collected, and then piped to the rear of the site. Mr. Bonesteel asked what the status of the water and sewer approvals were. The applicant indicated that it had provided project information to the City of Troy in connection with the City of Troy's requirement that new connections be analyzed with respect to their effect on combined sewer overflows. The applicant indicated that he had received verbal comments back, but nothing in writing from the City. The applicant has been informed that the City of Troy will require the applicant to undertake the modeling necessary and if the modeling shows it to be appropriate, to perform mitigation to facilitate the connection. Mr. Bonesteel also pointed out to the applicant that the road was a County route, not a state route. The applicant indicated also that it was not planning on providing any culverts at the driveways to the site.

Chairman Oster then reviewed the procedural status of the application indicating that the Zoning Board of Appeals was scheduled to meet and hold a public hearing on the application on May 18, 2015, that the Planning Board would be sending a recommendation to the Zoning Board of Appeals, and that this site plan application would be placed on the agenda for the May 21, 2015 Planning Board Meeting.

The next item of business on the agenda was the site plan application of the Brunswick Design Group seeking to construct self-storage units on a 20 acre parcel located at 74 Farrell Road. The applicant was not in attendance and the matter was postponed to the May 21, 2015 Planning Board Meeting.

Two items of new business were discussed.

The first item of new business was the application of Ace Hardware for property located at 831 Hoosick Road. Thomas Dingley appeared on behalf of the applicant. Mr. Dingley indicated that the current site plan application being submitted seeks to use the existing building located on the westerly portion of the site for tool rental and repair. The applicant indicated that the application seeks to use a portion of the existing building for tool rental, storage, and repair of tools. The applicant intends to leave the façade as it currently exists and the tools that would be rented included small concrete cutters and floor strippers, among other small power tools. Member Czornyj asked whether the applicant intended to store any of the rental tool equipment outdoors. The applicant responded that in the future the proposal might include storing scaffolding and ladders on the back side of the building, but there is no definitive plan in that respect. The applicant's representative indicated that he will discuss the issue with the owner. Chairman Oster noted that it was his recollection that when the site plan was first approved for this site, Phase II was intended to include demolition of the existing building and construction of a distribution warehouse. He asked the applicant whether the current amendment application was simply temporary, with the long term goal of demolishing the building and constructing the new warehouse. Mr. Dingley indicated that the warehouse proposal was currently no longer being pursued at this point, and that there were some traffic issues associated with pursuing the prior plan. Chairman Oster commented that it was his view that the current proposal is a major change

to the site plan application that was previously reviewed and approved. Mr. Wetmiller indicated that there is no parking shown for the proposed amendment, but that the proposed change would require parking. The applicant responded that the existing parking would be sufficient for both the Ace Hardware store and the tool rental building. The tool rental building would be mostly comprised of storage, with a small portion allocated to tool rental and repair. Chairman Oster indicated that he had not received a complete site plan showing all of the elements of the proposal. The applicant indicated that the plan submitted shows the changes that are proposed. The applicant further stated that the site characteristics are largely not changing. Member Wetmiller responded that the use of the building on the westerly portion of the site is changing from vacant to retail. The applicant responded that it was his belief that the layout of the site as it currently exists is sufficient for the change in the use. Member Tarbox asked whether the building would stay as shown. The applicant responded that no changes were proposed to the building. The applicant commented that the tool rental portion of the business would generate about 10 to 12 customers per day. Member Tarbox asked Ms. Nann-Smith to review the plan to confirm the number of parking spots required. The applicant responded that the calculation for parking was shown on the plan. Member Czornyj commented that he has been at the site at times when the parking has been nearly full, presumably due to additional vehicles associated with the dance studio. The applicant confirmed that there have been some issues with parking with respect to the dance studio and also some issues with the little league, but that the issues with the little league have been under discussion. The issues relating to parking at the dance studio are most often when there are ceremonies held at the studio. Member Wetmiller questioned whether the proposal adequately provided for drainage. It was his recollection that once Phase II was begun, there would be a need to address drainage relating to that phase of that project. Mr. Bonesteel confirmed that this was

also his recollection. The applicant responded that all of the drainage for Phase II had already been installed in connection with Phase I. Member Wetmiller asked Mr. Bonesteel to review the drainage for the project. Mr. Bonesteel asked the applicant to provide an as-built plan. The applicant responded that in undertaking site improvements in connection with Phase I they encountered some changes that were necessary during build out. The applicant agreed to show an as-built plan to Mr. Bonesteel. The applicant further indicated that in performing the site improvements for Phase I it had corrected a drainage issue on the site and that currently all water is retained on the site. The Board asked whether everything on the prior site plan had been approved and completed in accordance with the approval. The applicant indicated that the building department inspected the site and a certificate of occupancy was issued. With respect to the proposed amendment, the applicant indicated that everything that is currently existing on the site would work for the additional phase.

Chairman Oster asked the applicant to confirm whether the Phase II as intended in the prior approval was now formally no longer a part of the plan, and the applicant confirmed that the Phase II as previously proposed was not going to be pursued. Member Wetmiller commented that the fire department should have an opportunity to look at the proposed use of the new building since it will involve customers entering and using the new building. Chairman Oster indicated that the plan should show parking as it will exist, and the applicant again responded that the existing parking will be sufficient. Chairman Oster indicated that the building department will review the parking requirements and calculate the required number of parking spots. Member Wetmiller asked whether there would be handicapped parking provided for the tool rental building. The applicant asked whether handicapped parking would be required for the tool rental building even though it would be operated by the same entity as was operating the existing Ace Hardware store.

The Board discussed the requirements of whether the building had to be handicapped accessible and the number of parking spaces and handicapped parking required for the tool rental building. Ms. Nann-Smith agreed to research the issue to determine what exactly was required. The matter was placed on the agenda for the May 21, 2015 Planning Board Meeting.

Chairman Oster pointed out that the Board would not be able to proceed with the application until a complete application was received and that the Board would need to comply with the County referral and recommendation requirement prior to acting.

The next item of new business on the agenda was the application of Fred Fowler for site plan approval for property located at 1011-1015 Hoosick Road. Attorney Bill Doyle and Fred Fowler appeared on behalf of the applicant. Mr. Doyle indicated that the site was the former location of Mr. Fowler's law office and that following the merger of Mr. Fowler's law firm with Mr. Doyle's law firm, Mr. Fowler attempted to sell the building but was not successful in doing so. Mr. Fowler now intends to move into the building as his residence and one of his daughters intends to use a portion of the building as a commercial kitchen. The portion of the building that will be used as a commercial kitchen is the front portion of the building consisting of approximately 400 square feet, of which approximately 150 square feet would be the actual kitchen area and much of the remainder would be storage and refrigeration. Mr. Doyle indicated that no exterior changes were proposed, other than changes associated with installing a ventilation/air exchanger system, a requirement of the health department for commercial kitchens. The applicant then reviewed the general layout of the site plan including the portion located towards the east which included the garage. The applicant indicated that nothing on the site is proposed to be changed except that there will be a white vinyl fence installed in two areas to shield the ventilation system from view. The applicant indicated that the commercial kitchen would have its own access

door at the front of the building, and that the residential portion of the building would be accessed from the rear. The applicant indicated that the business proposed for the site was simply to cook and bake for sale off site, including at farmer's markets. The applicant indicated that there may be periodically some incidental traffic to the site if customers preferred to pick up the wholesale baked goods rather than having them delivered. The applicant further indicated that if the business is successful, it may in the future seek to expand into retail, potentially including a café or coffee shop, but that the applicant would return to the Planning Board for approval at that time. The applicant confirmed that there would be a small sign posted at the front of the site to identify the location of the business. The applicant further indicated that the County has approved the installation of a new septic system at the site. Member Czornyj asked whether the site still consisted of two lots, or whether the lots were merged into one lot as he believes was previously required in connection with the prior application. Mr. Fowler indicated that they had deeded the two lots together as one lot to themselves, but that the tax map still shows two separate tax map parcels. Member Wetmiller asked whether the parking would be sufficient for the proposed commercial use. Mr. Fowler indicated that the commercial kitchen was approximately 150 +/- square feet with much of the remainder being storage and refrigeration. The applicant indicated that the use that is proposed at this time is not a retail use, but instead a wholesale bakery, with most of the goods to be delivered off site and sold off site with only incidental traffic to the site for periodic customer pick-ups. Mr. Fowler asserted that the traffic to the site would be less than what it was when this site was used for his law office. Chairman Oster noted that there is a change in use from a professional office to a residential/commercial use. Member Tarbox asked whether the ventilation system/air exchanger creates noise. The applicant responded that the vinyl fence would buffer any noise produced. Mr. Fowler indicated that a taller fence would be installed at

the portion of the air exchanger system where the piping enters the building in order to obscure the piping from view.

Member Wetmiller asked whether there were fire suppression improvements necessary for a commercial kitchen. The applicant indicated that a commercial kitchen requires installation of an Ansul system. Mr. Bonesteel asked whether the system is alarmed and the applicant was not sure but indicated that it probably was alarmed. The matter was placed on the agenda for the May 21, 2015 Planning Board Meeting. Chairman Oster indicated that the application would require County referral and recommendation. He also indicated that a public hearing would be held on the application.

The index for the May 7, 2015 meeting is as follows:

1. Skyworks LLC – Site Plan – Public Hearing.
2. Skyworks LLC – Site Plan – Approved with Conditions.
3. Sean Gallivan – Minor Subdivision – Adjourned to May 21, 2015.
4. Diamond Rock Plaza – Site Plan/ZBA Recommendation – May 21, 2015.
5. Brunswick Design Group – Site Plan – Adjourned to May 21, 2015.
6. Ace Hardware – Site Plan Application – May 21, 2015.
7. Fred Fowler – Site Plan – May 21, 2015.

The proposed agenda for the May 21, 2015 meeting currently is as follows:

1. Sean Gallivan – Minor Subdivision;
2. Diamond Rock Plaza – Site Plan/ZBA Recommendation;
3. Brunswick Design Plaza – Site Plan;
4. Ace Hardware – Site Plan;
5. Fowler – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD MAY 21, 2015**

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

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda items as posted on the Town website.

The draft Minutes of the May 7, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft Minutes of the May 7, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application submitted by Sean Gallivan for property located on Deepkill Road. Brian Holbriter was present for the applicant. Mr. Holbriter stated that the engineering for the septic system design for this subdivision is still ongoing, and wants to confirm the final proposed lot line locations once that engineering work is complete. Mr. Holbriter requested that this matter be adjourned and placed on the June 4 agenda. This matter is placed on June 4 agenda for further discussion.

The second item of business on the agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza, a 9,500 sq. ft. retail plaza on approximately 2.7 acres located on Oakwood Avenue. Tom Murley was present for the applicant. Mr. Murley informed the Board that the stormwater plan for the project had been completed and submitted to

Mr. Bonesteel for review. Mr. Murley also stated that in response to Planning Board comments, additional information is being added to the site plan, including contours and turning radius information. Mr. Murley provided an update to the Planning Board regarding the pendency of the special use permit application before the Zoning Board of Appeals, stating that the Zoning Board of Appeals has kept the public hearing open on the special use permit application and will be further addressing that application at the Zoning Board meeting on June 15. Chairman Oster confirmed that the Planning Board's written recommendation on the special use permit application had been sent to the Zoning Board of Appeals. Mr. Murley confirmed that the recommendation had been received by the Zoning Board of Appeals. Mr. Murley also handed up a revision to Exhibit "D" of the Engineering Report in support of the site plan and special use permit applications. Chairman Oster noted that the Board had a question whether this project site was located in an agricultural district. Mr. Murley confirmed that the property is not in an agricultural district. Mr. Murley requested that this matter be placed on the Planning Board June 4 agenda for continued site plan review, with particular regard to the stormwater plan as well as the updated information on the site plan. This matter is placed on the June 4 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by Brunswick Design Group for the construction of self-storage units on a 20 acre parcel located at 74 Farrell Road. The applicant is continuing to complete its engineering on the formal site plan application, and accordingly, this matter is adjourned without date pending submission of additional site plan information by the applicant.

The next item of business on the agenda was the site plan application submitted by ACE Hardware for its facility located at 831 Hoosick Road, with particular regard to the use of the existing building located on the westerly side of the project site for tool rental and repair. Thomas

Dingley was present for the applicant. Mr. Dingley handed up to the Planning Board a revised site plan, which includes information on revised parking as well as a new location for the greenhouse, which is now proposed to be located behind the storage building on the western portion of the site rather than within the fenced area adjacent to the ACE Hardware building. Mr. Dingley confirmed that the greenhouse would not be for customer use, but only for production purposes only. Member Czornyj had a question regarding the size of the proposed parking spaces on the site plan. Following discussion about the location of the parking spaces, Mr. Dingley stated that the parking spaces have a proposed size of 9 feet by 18 feet, with a travel lane of approximately 20 feet in width. Chairman Oster asked whether any curbing is being proposed near the parking area, or only striping for the parking spots. Mr. Dingley stated that only striping is being proposed. The Board and Mr. Dingley generally discussed the location of the parking spaces, traffic flow on the site, as well as pedestrian walkway areas. Chairman Oster inquired whether the Fire Department had visited the proposed tool rental and repair building. Mr. Dingley stated that the Fire Department had not visited the site. Chairman Oster asked whether any flammables would be stored in this building. Mr. Dingley did say that if flammables were stored in the building, they can be segregated within a particular flammables storage closet or area. Member Czornyj stated that the Fire Department will need to review the proposed use of this storage building. Member Czornyj then asked about the driveway leading to the Brunswick Little League Field. Mr. Dingley stated that the driveway was located on the ACE Hardware property, and that the Little League may have an easement for access. Member Czornyj raised questions regarding adequate parking, both for the Little League as well as the dance studio located at this site, particularly at times of Little League events or on Saturday mornings when both the dance studio and Little League were operating. Mr. Dingley did state that he has coordinated with the President of the Brunswick Little

League as well as the owner of the dance studio on parking issues. Mr. Dingley stated that the applicant has calculated that a total of 53 or 54 parking spaces are required for the ACE Hardware site, including the proposed tool storage and rental use, and that the site has a total of 79 parking spaces provided. Mr. Dingley stated that the site can accommodate overflow parking from the Little League near the tool rental and repair building, but that he will continue to coordinate with the Brunswick Little League President on that issue. Member Czornyj reiterated that based on his observation, there is a parking shortage on Saturday mornings when both the Brunswick Little League and the dance studio are operating. Chairman Oster raised a practical issue of how the Brunswick Little League is going to control parking by parents in the ACE Hardware parking lot when the Little League fields were in operation. Mr. Dingley stated that he was coordinating with the Brunswick Little League President on that issue. Chairman Oster stated that the original Phase II concept plan for this site called for a regional storage and distribution facility, but wanted confirmation from Mr. Dingley that a regional storage and distribution facility is no longer being pursued. Mr. Dingley did confirm that the regional storage and distribution use is now no longer being pursued. Chairman Oster then confirmed that the original Phase II concept plan has been changed, and has now been replaced with this proposed use of the existing building for tool rental and repair. Mr. Dingley did confirm that the current proposal for this building constitutes a revised and new plan for the second phase of this site. Chairman Oster inquired whether the Planning Board must hold a public hearing on this application. Attorney Gilchrist stated that the second phase of this site development was always subject to full site plan review by the Planning Board, and that with any site plan application, the Planning Board has the discretion to hold a public hearing. Chairman Oster stated that in his opinion, the Planning Board should conduct a public hearing on this current application. The members of the Planning Board generally concurred, and

a public hearing will be held on the current site plan application. Member Tarbox asked whether the applicant had completed a green space calculation on the current site plan. Member Tarbox stated that it was his recollection that the original site plan showed certain areas in the Phase II location to have pavement removed and replaced with grass to meet certain green space requirements, but that on the current site plan those areas designated for grass are now shown to be paved parking. Mr. Dingley stated that it was not his understanding that these areas were required to be green space, and stated that the applicant was only seeking to continue the existing site conditions when using the current building for the tool rental and repair. Member Tarbox stated that this green space issue needs to be researched, to determine what the Planning Board required in terms of green space during the first site plan review and what was depicted on the currently – approved site plan. Member Tarbox then asked whether the current site plan needs to be referred to the Rensselaer County Planning Department for recommendation. Attorney Gilchrist confirmed that the current application, once complete, does need to be forwarded to the County Planning Department for review and recommendation. Member Esser raised questions regarding access to the tool repair and rental building. There was discussion concerning the general layout, including the use of the existing overhead doors and access doors. Member Czornyj noted that the site plan had not been stamped by a licensed professional engineer, and that the site plan will need to be reviewed and stamped by a licensed professional engineer. There was further discussion concerning the green space requirements on the site plan. Member Tarbox then requested that the applicant simply calculate the green space on the current site plan, so both the applicant and the Planning Board were all using the same data to determine green space requirements. Mr. Bonesteel then stated that he would need additional detail on the site plan on the proposed parking space areas, traffic flow, and pedestrian walkways to determine whether the

site is properly functioning as a whole. Mr. Bonesteel also stated he needed to make sure that the entire site worked for purposes of drainage and stormwater regulatory compliance. To determine this, Mr. Bonesteel requested that an as-built plan be prepared to show exactly what was built as part of the Phase I construction. Mr. Dingley stated that the only change to the stormwater plan during construction was the culvert located under the access road to the Brunswick Little League, and that all other stormwater facilities were built according to the approved plan specifications. Mr. Bonesteel repeated that he would like to review an as-built drawing. The schedule on the review of this application was discussed. It was determined that this matter was placed on the June 4 agenda to review the final site plan submittal, including the as-built drawing, with plans stamped by a licensed professional engineer, for completeness. The application will be forwarded to the Rensselaer County Planning Department for review and recommendation. If the Planning Board determines the site plan application to be complete at its June 4 meeting, the Planning Board will conduct the public hearing on this application at its June 18 meeting.

The next item of business on the agenda was the site plan application submitted by Fred Fowler, for property located at 1011-1015 Hoosick Road. William Doyle, Esq. was present for the applicant. Mr. Doyle confirmed that the site plan had previously been submitted to the Planning Board for review, and proceeded to provide the Planning Board with a letter from the New York State Office of Parks, Recreation & Historic Preservation that this project presents no impact to any historic or archeological resources. Attorney Doyle also submitted to the Planning Board information concerning the commercial kitchen equipment specifications, including ventilation and fire suppression system. Chairman Oster asked whether there was any external alarm in connection with the fire suppression system. Attorney Doyle stated that he would provide that information to the Planning Board. Attorney Doyle did state he had confirmed that the

sheetrock which exists in the area of the proposed commercial kitchen is fire-rated and will be compliant for use as a commercial kitchen. Attorney Doyle confirmed that Mr. Fowler will be using the rear portion of the structure for residential use, and that the proposed commercial kitchen area, totaling approximately 400 sq. ft., will be segregated and located in the front of the building. Attorney Doyle confirmed that the proposed use as a commercial kitchen is for wholesale and off-site purposes only, with no sit-down services provided. Attorney Doyle did confirm that if any sit-down services were proposed in the future, it will require an amendment to the site plan and review by the Planning Board. Attorney Doyle confirmed that the only exterior change to the site would be the installation of a vinyl fence to shield the ventilation equipment used in connection with the commercial kitchen space. Member Czornyj wanted to confirm that the two lots constituting this site had been merged, and that this site was now one single lot. Attorney Doyle stated that the lots had been legally merged, and it is identified as one parcel on the tax roll. Chairman Oster raised a question regarding the number of parking spaces required for the commercial use. Attorney Doyle stated that there is an adequate number of parking spaces on the site for the commercial use, and that there are adequate parking spaces for the residential use located in the front of the detached garage. Attorney Doyle did confirm that a handicap space will be designated in the front parking lot, which may require taking up two spaces for the one handicap space, but that there was still adequate number of parking spaces for the proposed commercial use. Attorney Doyle did confirm that the building will be connected to a new septic system, which will replace the existing septic system on the site. Attorney Doyle also confirmed that the site will be connected to public water and gas. Member Czornyj noted that the environmental assessment form for the application stated that the building will be connected to an existing septic system. Attorney Doyle confirmed that the building is currently connected to an existing septic system, but

that a replacement septic system is proposed. Chairman Oster stated that the site plan application and the specific site plan looks complete, except for the change for the handicap parking space in the front parking lot. The Planning Board confirmed that the application will now be sent to the Rensselaer County Planning Department for review and recommendation. The Planning Board determined to hold a public hearing on this application, and set the public hearing for its June 4 meeting at 7:00 p.m. Ms. Nann-Smith asked what percentage of the structure will be used for commercial use, and what percentage will be devoted to residential use. Attorney Doyle stated that the total building is approximately 1,600 sq. ft., and about 400 sq. ft., or 25%, will be devoted to the commercial kitchen area, and the remaining 1,200 sq. ft., or about 75% of the total area, will be used for residential purposes. Ms. Nann-Smith also asked what will be needed to convert the existing building to the proposed residential use. Attorney Doyle stated that there will not be much change required to use the structure for residential purposes, and that the existing layout will be predominantly used. Attorney Doyle confirmed that in connection with his prior law practice, Mr. Fowler did have a kitchen and bathroom which will be used for the residential portion of the site, and there will not be much of any physical renovation for conversion to residential use. Attorney Doyle did confirm that there are two existing entrances that will be dedicated for the residential use, and one existing entrance that will be dedicated for the commercial use. This matter is placed on the June 4 agenda for public hearing to commence at 7:00 p.m.

Two items of new business were discussed.

The first item of new business discussed was a concept site plan presented by Patrick Mitchell of Creighton Manning on behalf of Arax Properties, for property located on Hoosick Road between Hillcrest Avenue and Coolidge Avenue. Mr. Mitchell explained that the project site currently includes four adjacent parcels, totaling approximately 3 acres. Currently, there are



six houses situated on these parcels, with one existing garage and one existing car port. This proposal will include the demolition of five of the houses and the car port, and maintain one house and the garage located on the easterly portion of the site. The proposal calls for the construction of two commercial buildings, one as retail space and a second building utilized for either a restaurant or retail space. Mr. Mitchell explained that the building dedicated solely to retail space will be for a dedicated tenant, and that the owner is currently in negotiations with that proposed tenant. It is likely that such building will be built to the tenant's specifications, although that has not yet been finalized. The second building does not have any proposed tenant at this time, and could be used for either retail or restaurant space. Mr. Mitchell explained that the site plan application and environmental assessment form will designate the second building for restaurant use, so that the maximum need for water and sewer will be calculated, even though that maximum usage may not be required in the event the space is used for retail purposes. Mr. Mitchell generally reviewed the access to Hoosick Road, and the general stormwater plan for the site. Mr. Mitchell also noted that public water and public sewer are available. Chairman Oster noted that the western side of the project site had a low spot, and asked whether this low spot would be filled prior to construction. Mr. Mitchell stated that this area is being proposed for stormwater retention, and therefore would not be subject to filling. Chairman Oster asked whether the house and garage located on the eastern portion of project site adjacent to Hillcrest Avenue would be maintained. Mr. Mitchell stated that this house and garage would be maintained at this time. Mr. Mitchell explained that four separate parcels would be merged into one parcel, and that a new proposed lot line segregating the eastern portion of the project site would be included. This will require a subdivision application. Member Mainello asked why the site would be split into two parcels, and why one turnaround area in connection with the commercial site extended on to the proposed

eastern parcel. Mr. Mitchell stated that the applicant was looking to keep the house and garage on a separate parcel, and have the commercial use on its own parcel. Attorney Gilchrist stated that these types of projects are often divided for commercial financing purposes, and that the turnaround area located on the proposed eastern parcel would need to be addressed through an easement. Member Czornyj asked about the proposed green space on the commercial site. Mr. Mitchell stated that the green space calculations still needed to be performed and will be included in the full site plan submittal. Member Mainello asked about the road elevations for the proposed travel lanes on the commercial site in relation to the residential uses on Coolidge Avenue. Mr. Mitchell did confirm that the road elevations would be consistent with the residential yard elevations. Member Czornyj asked about the proposed sewer connection. Attorney Gilchrist stated that the issue of sewer extensions in the Town of Brunswick as it relates to the Rensselaer County Sewer District and City of Troy remains in litigation, and that this matter will need to be further analyzed in connection with the full site plan submittal. Chairman Oster asked Mr. Mitchell as to the proposed timeframe for this submission of the site plan and subdivision applications. Mr. Mitchell stated that he expected that the full application to be submitted in approximately 6 to 8 weeks. Chairman Oster asked whether any traffic study had yet been performed. Mr. Mitchell stated that a traffic count is currently underway, and that a traffic study in terms of total traffic counts had not yet been performed but that an access analysis had been completed and that the proposal would be eliminating a number of existing curb cuts in favor of a single curb cut to the site. This matter was presented for concept purposes only. This matter is adjourned without date pending submission of a full site plan and subdivision application.

The next item of business on the agenda was a sketch plan preview by Rifenberg Construction for property located on Route 278, at the existing Rifenberg facility. Member Casey

formally recused himself from consideration of this application, and left the Planning Board table. Chris Boyea and Josh Conner of Bohler Engineering were present for Rifenberg Construction. Mr. Boyea stated that what Rifenberg wanted to present to the Planning Board was a very preliminary plan to update and upgrade their office and facility located on Route 278, to get any initial comment or feedback from the Planning Board members before detailed site design was undertaken. The general proposal is to renovate and expand the existing Rifenberg office to add approximately 12,000 sq. ft. office space, which will include a two story office building with a walkout basement. Mr. Boyea stated that there was an existing gas connection, and public water, but that the facility exists on private septic. M. Boyea generally presented the proposed layout of the new office space, which will provide more cohesive and functional office space for Rifenberg. Mr. Boyea explained that the area of proposed construction is toward the front of the Rifenberg property near Route 278, and will total approximately 1 acre. Mr. Boyea stated that the total site owned by Rifenberg is approximately 16 acres, but that the proposed project site is limited to about 1 acre. Mr. Boyea stated that a stormwater plan will be prepared for the proposed project site. Mr. Boyea explained that Rifenberg owns two parcels at this location, and that one of the parcels located adjacent to Route 278 on which the existing house is located is zoned as residential, with the remaining property zoned for commercial use. However, Mr. Boyea did explain that the small residential parcel on which the house and a garage is located has been used for commercial purposes for decades, with Mr. Rifenberg having started commercial operations out of the house and garage as far back as the 1940s. Attorney Gilchrist stated that he would review the issue of non-conforming use status of this parcel with the Building Department. The Planning Board Members were generally receptive and had a positive response to the proposal, and felt that an office expansion was clearly needed for the Rifenberg Companies. The Planning Board Members were encouraged

that Rifenberg Construction sought to expand and stay in the Town of Brunswick. Mr. Boyea stated that his office will continue with the detailed design, and will be submitting a full site plan application in the near future.

Member Casey then returned to the Planning Board table.

Chairman Oster noted that Mr. Holbriter was still in attendance at the meeting. Mr. Holbriter requested the opportunity to present a new proposed subdivision in the nature of a pre-application sketch review to get the Planning Board's initial feedback before final engineering is completed. Chairman Oster stated that he would entertain the presentation. Mr. Holbriter stated he was representing the Clemson Group, who will be submitting a proposed minor subdivision application for property located at the intersection of Camel Hill Road and Coons Road. The property currently is 13.92 acres, and the owner seeks to divide the property into four lots, with each lot being approximately 3.5 to 4 acres in size. Mr. Holbriter stated that three of the lots would have access onto Coons Road, and one lot would have access directly on to Camel Hill Road. Mr. Holbriter raised the Town Code limitation on the number of lots on a dead end road, noting that Coons Road is a dead end road. The Planning Board confirmed that the total number of lots on a dead end road is limited to twelve. Mr. Holbriter stated that there were six current lots on Coons Road, and that this proposal is to add three lots to Coons Road, which would be a total of nine. The Planning Board Members did not raise any significant comment or objection to the proposed lot layout. Mr. Holbriter stated that he was waiting for the final engineering design for the proposed septic systems, so that he could confirm the proposed lot lines. Mr. Holbriter requested that this matter be placed on the June 4 agenda, in anticipation of having the minor subdivision application submitted by that time. The Planning Board will place this matter on its June 4 agenda.

The index for the May 21, 2015 meeting is as follows:

1. Sean Gallivan – Minor Subdivision – June 4, 2015.
2. Diamond Rock Plaza – Site Plan – June 4, 2015.
3. Brunswick Design Group – Site Plan – Adjourned without date.
4. Ace Hardware – Site Plan – June 4, 2015.
5. Fred Fowler – Site Plan – June 4, 2015 (public hearing to commence at 7:00 p.m.).
6. Arax Properties – Concept Site Plan – adjourned without date pending submission of complete site plan and subdivision application.
7. Rifenberg Construction – Concept Site Plan – adjourned without date pending submission of complete site plan application.
8. Clemson Group – Minor Subdivision – June 4, 2015.

The proposed agenda for the June 4, 2015 meeting currently is as follows:

1. Fred Fowler – Site Plan (public hearing to commence at 7:00 p.m.).
2. Sean Gallivan – Minor Subdivision.
3. Clemson Group – Minor Subdivision.
4. Diamond Rock Plaza – Site Plan.
5. Ace Hardware – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 4, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, VINCE WETMILLER, KEVIN MAINELLO and TIMOTHY CASEY.

ABSENT were FRANK ESSER and DAVID TARBOX.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda items as posted by the Town on the sign board and Town website.

The Planning Board opened the public hearing on the site plan application submitted by Fred Fowler for property located at 1011-1015 Hoosick Road. The Notice of Public Hearing was read into the record, and the public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of property within 500 feet of the project site. Chairman Oster noted that the Planning Board is in receipt of the recommendation from the Rensselaer County Department of Economic Development and Planning, which indicated that the project does not have a major impact on County plans and that local consideration shall prevail, but did inquire as to whether the septic system on the site would be able to handle the needs of both the residential use and proposed commercial use as a kitchen/bakery. William Doyle, Esq. and Fred Fowler, Esq. were present for the applicant. Chairman Oster requested Attorney Doyle to update the Planning Board as to any additional information or changes to the project, as well as address the question raised by the Rensselaer

County Planning Department. Attorney Doyle stated that the Rensselaer County Health Department has issued a permit to update the on-site septic system, and that the septic plan and work permit includes projected septic flows for both the two-bedroom residence and commercial kitchen. Attorney Doyle also stated that public water is being connected to this building, coming off the public water supply in the Springbrook neighborhood, and that the owner is coordinating with the Brunswick Water Department on that public water connection. Attorney Doyle stated that identified handicapped parking has been added to the site plan. Attorney Doyle also stated that calculations for required parking for this site has been added, noting that four (4) parking spaces are required, whereas twelve (12) parking spaces have been provided, including two (2) in front of the garage that will be used for residential purposes. Attorney Doyle generally overviewed the site plan, which calls for use of 400 square feet of existing space in the building for a commercial kitchen/bakery, with the remaining 1,200 square feet being used for residential purposes. Attorney Doyle stated that there would be no exterior changes to the building, except for the installation of a vinyl fence to cover the ventilation equipment in the front of the building, as well as installing a gate to separate the commercial entrance from the remaining residential entrances. Attorney Doyle reiterated that the on-site septic system is being upgraded pursuant to Rensselaer County Health Department approval, and public water is being provided to the building. Chairman Oster then opened the floor for receipt of public comment. No members of the public were in attendance at the meeting, and no public comments were offered. It is noted that no written comments have been received from the public on this site plan application. Hearing no public comments, Chairman Oster closed the public hearing on the Fowler site plan application.

The Planning Board then opened the regular business meeting.

The Planning Board reviewed the draft minutes of the May 21, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the May 21, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Fred Fowler for property located at 1011-1015 Hoosick Road. Attorney Doyle was present, and reiterated that the site plan application is fully submitted, and the public hearing has now been held on the application. Attorney Doyle did confirm that the fire safety equipment to be installed in connection with the commercial equipment will include chemical treatment for fire suppression, and that the fire suppression equipment will be installed after the cooking equipment has been installed, and stated that after the fire suppression equipment is installed, it will be available for inspection by the Town. Attorney Doyle confirmed that the proposed commercial kitchen/bakery will be offering baked goods for off-site consumption only, that there are no plans for on-site consumption at this time, and that if on-site consumption is proposed in the future then an amended site plan will be submitted and that use will need to be reviewed by the Planning Board. Chairman Oster stated that the facility would then basically be used for wholesale purposes. This issue was clarified, in that the baked goods will include both wholesale sale as well as on-site retail sale directly to customers but without any on-site consumption permitted, and there will be no tables or other on-site consumption amenities. Chairman Oster understood this, and reiterated on the record that if Ms. Fowler seeks to add any amenities for on-site consumption, she will need to come back to the Planning Board for amendment to the site plan. All parties understood this condition. Member Czornyj also noted that the two (2) parcels at issue here, 1011 and 1015 Hoosick Road, had been legally merged through recording of a merger Deed in the County Clerk's office, and that the Rensselaer County Tax Map had now been corrected, and there was only one



tax identification number for this location. Chairman Oster asked whether Mr. Bonesteel had any remaining technical issues. Mr. Bonesteel said that there are no outstanding technical issues. Chairman Oster confirmed that all requisite application fees had been paid. Chairman Oster also confirmed that the Planning Board is in receipt of the recommendation from the Rensselaer County Department of Economic Development and Planning. The Planning Board determined that it was ready to proceed with action on the application. Member Czornyj then made a motion to adopt a negative declaration under SEQR, which motion was seconded by Member Mainello. The motion was unanimously approved, and a SEQR negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the site plan subject to Rensselaer County Health Department approval for the on-site septic system work and coordination with the Town of Brunswick Water Department on the public water connection to the building. Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application submitted by Sean Gallivan for property located on Deepkill Road. Brian Holbriiter, licensed land surveyor, had informed Chairman Oster that he would be delayed in attending the meeting, and requested that this matter be placed at the end of the agenda.

The next item of business on the agenda was the minor subdivision application submitted by Clemson Group for property located on Camel Hill Road and Coons Road. Again, this applicant is represented by Mr. Holbriiter, and this application is placed at the end of the agenda.

The next item of business on the agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza, located on Oakwood Avenue. Chairman Oster had been informed by the applicant that the updated plans are still being prepared by the

applicant's surveyor and engineers, and requested that this matter be adjourned to the June 18, 2015 meeting. This matter is placed on the June 18 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by ACE Hardware for use of the existing building located at 831 Hoosick Road, on the westerly portion of the site, for tool rental and repair. No one was present at the meeting for this application. The Building Department and Planning Board confirmed that there have been no new submissions, that no site plan had been submitted stamped by a licensed professional engineer, and no as-built drawings had been submitted concerning the current facility use. This matter is tentatively placed on the June 18, 2015 agenda for further discussion, pending submission of additional site plan information.

As Mr. Holbriiter arrived at the meeting, the Planning Board then addresses the Gallivan and Clemson Group minor subdivision applications.

On the Gallivan minor subdivision application, Mr. Holbriiter updated the Planning Board, stating that the soils engineering work had been completed for the on-site septic systems, and that the lot lines as originally configured are now final. It was confirmed that the last submitted minor subdivision plat, which does include well and septic locations for each proposed lot, has a last revision date of 5-28-15, and that such subdivision plot is now complete. Mr. Holbriiter also confirmed that the project engineer had submitted the plans for water and septic to the Rensselaer County Health Department for review and approval. Member Casey did have a question concerning access to an existing home on Deepkill Road, the driveway for which crosses an access parcel leading to the remaining land of the applicant. Mr. Holbriiter stated that this was an existing condition, that this was historically used as a farm road, and that the existing house driveway had utilized the farm road, but that the existing house parcel does have adequate frontage on its own

along Deepkill Road to construct a driveway if necessary in the future. It was confirmed that an environmental assessment form has been completed on the application and is on file. The question arose as to whether the property is located in an Agricultural District. Mr. Holbriiter stated that he would investigate that issue, and complete an Agricultural Data Statement if the property is located in an Agricultural District. Mr. Bonesteel stated that a full storm water pollution prevention plan is not required on the application, but that an erosion and sediment control plan will need to be prepared prior to any construction on the individual lots. Further, in the event all four (4) lots are built out at once, then Mr. Bonesteel states a full stormwater pollution prevention plan will need to be prepared at that time for review by the Building Department prior to building permit issuance. The Planning Board determined the application to be complete, and scheduled a public hearing on this minor subdivision application for June 18, 2015 commencing at 7:00 p.m.

Regarding the minor subdivision application submitted by the Clemson Group for property located at the intersection of Camel Hill Road and Coons Road, Mr. Holbriiter again confirmed that the soils engineering had been completed for septic purposes, and that the proposed lot lines are now final. Mr. Holbriiter stated that on the minor subdivision plat, he has added the water and septic locations, and also proposed house locations. Mr. Holbriiter has also added 2 foot contours onto the subdivision plat for each lot in the locations of the proposed house and septic. Again, the current minor subdivision plat that is being reviewed by the Planning Board has a last revision date of 5-28-2015. Chairman Oster had a question regarding the grades in the area of the septic system on Lots 1 and 4. Mr. Holbriiter stated that both these areas had gradual slope, but that they would be adequate for septic purposes. Mr. Bonesteel stated that it appeared to him that substantial fill would be required for the septic systems. Mr. Holbriiter confirmed that all of the proposed septic systems for this project are fill systems. Mr. Holbriiter confirmed that an application is presently

pending before the Rensselaer County Health Department for water and septic on this application. Chairman Oster inquired about adequate sight distances on Coons Road and Camel Hill Road. Mr. Holbriiter confirmed that adequate sight distances exist, with 400-500 foot sight distances provided. It was confirmed that an environment assessment form had been completed and is on file on this application. Mr. Holbriiter will investigate the Agricultural District issue on this application, and complete an Agricultural Data Statement if the property is located in an Agricultural District. Mr. Bonesteel confirmed that a full stormwater pollution prevention plan is not required on this application, but that an erosion and settlement control plan will need to be prepared prior to building permit issuance. Mr. Bonesteel did note that if all four (4) lots are built out at once, then a stormwater pollution prevention plan will be required. This will need to be monitored by the building department upon applications for building permits. Mr. Holbriiter did state that this applicant is proposing to sell individual lots for development by the lot purchaser. The Planning Board determined that the application is complete for commencement of the public hearing. This matter is scheduled for the June 18, 2015 meeting, with a public hearing to commence at 7:15 p.m.

One item of old business was discussed.

The Planning Board is in receipt of a letter dated June 2, 2015 (incorrectly dated 2014) from Martin Wolfson, P.E., on behalf of the Brunswick Animal Hospital and Dr. Nicole LaMora. This facility was recently constructed pursuant to an approved site plan. The letter indicates that the owner of the Brunswick Animal Hospital is requesting to have the parking lot for this facility remain unpaved, with the use of a gravel or crusher run parking area. The letter does indicate that concrete paving has been provided for the handicapped parking area. Chairman Oster inquired of Attorney Gilchrist as to how this matter should be handled. Attorney Gilchrist stated that the first

issue for the Building Department and Planning Board to review is whether the approved site plan, and the approved stormwater pollution prevention plan for this site, included the paving of the parking area. Second, Attorney Gilchrist stated that the specific request of the owner as set forth in the Wolfson letter was not clear, and that if the owner is merely seeking to extend the time that the parking lot pavement will be completed, that is a matter that can be handled through the building department through site plan compliance oversight; however, if the owner is requesting that the parking lot remain in gravel or crusher run permanently, and no pavement is now being proposed, then an amended site plan and amended stormwater pollution prevention plan would be required. Member Mainello asked what is depicted on the approved site plan. Ms. Nann-Smith stated that the plans did provide driveway area specifications, including the pavement details. The Planning Board requested Ms. Nann-Smith to determine if the approved site plan showed the parking area being paved. Mr. Bonesteel stated that he would also look at the site plan as well as the stormwater pollution prevention plan. Member Wetmiller stated that this issue goes beyond stormwater run-off issues, and the Planning Board should consider whether it should allow a commercial facility to have a gravel or crusher run parking lot, which Member Wetmiller said raises questions regarding maintenance and safety, particularly during the winter season. Mr. Bonesteel also stated that the curb cut authorized by NYSDOT also should be reviewed, as there are different specifications for curb cut permits to a paved parking lot as opposed to a gravel parking lot. The Planning Board directed Ms. Nann-Smith to confirm whether the owner is seeking additional time to pave the parking lot, or whether the owner is seeking to keep the parking lot in gravel permanently. The Building Department will provide additional information to the Planning Board on this matter.

The index for the June 4, 2015 meeting is as follows:

1. Fowler – Site Plan – approved with conditions.
2. Sean Gallivan – Minor Subdivision – June 18, 2015 (Public Hearing to commence at 7:00 p.m.).
3. Clemson Group – Minor Subdivision – June 18, 2015 (Public Hearing to commence at 7:15 p.m.).
4. Diamond Rock Plaza – Site Plan – June 18, 2015.
5. Ace Hardware – Site Plan – June 18, 2015 (tentative).
6. Brunswick Animal Hospital – Further information to be provided on parking area.

The proposed agenda for the June 18, 2015 meeting currently is as follows:

1. Sean Gallivan – Minor Subdivision (Public Hearing to commence at 7:00 p.m.).
2. Clemson Group – Minor Subdivision (Public Hearing to commence at 7:15 p.m.).
3. Diamond Rock Plaza – Site Plan.
4. Ace Hardware – Site Plan (Tentative).

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

**MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 18, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, VINCE WETMILLER, KEVIN MAINELLO, FRANK ESSER and DAVID TARBOX.

ABSENT were TIMOTHY CASEY.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda items as posted by the Town on the sign board and Town website.

The Planning Board opened a public hearing on the minor subdivision application submitted by Sean Gallivan for property located on the easterly side of Deepkill Road, northerly of Smith Hill Road. The Notice of Public Hearing was read into the record, with that notice having been published in The Record, placed on the Town sign board, posted on the Town website, and mailed to owners of property within 500 feet of the project site. Brian Holbitter, licensed land surveyor, was present for the applicant. Chairman Oster reviewed the public hearing guidelines, and then requested Mr. Holbitter to generally review the application. Mr. Holbitter stated that Mr. Gallivan is seeking to divide a 20.6 acre parcel into four (4) lots, consisting of two (2) new building lots, a lot on which an existing home is situated, and have a lot of 15.9 acres to remain vacant land. The existing house lot will be 1.45 acre in size. The two new building lots will be 2.03 acres and 1.20 acres in size. Mr. Holbitter confirmed that the Rensselaer County Health Department had approved the water and septic plan for the two new building lots, denominated as

lots 1 and 3. Chairman Oster then opened the floor for receipt of public comment. No one present wished to make any comment on the application. Thereupon, the Planning Board closed the public hearing on the Gallivan minor subdivision application.

The Planning Board next reviewed the draft Minutes of the June 4, 2015 meeting while waiting for the next scheduled public hearing to commence at 7:15 p.m. Upon motion of Member Czornyj, seconded by Member Mainello, the draft Minutes of the June 4, 2015 meeting were unanimously approved without amendment.

At 7:15 p.m., the Planning Board opened a public hearing on the minor subdivision application submitted by Clemson Group for property located at the intersection of Camel Hill Road and Coons Road. The Notice of Public Hearing was read into the record, with that notice having been published in The Record, placed on the Town sign board, posted on the Town website, and mailed to owners of property within 500 feet of the project site. Brian Holbriiter, licensed land surveyor, was present for the applicant. Chairman Oster reviewed the public hearing guidelines, and requested Mr. Holbriiter to generally review the application. Mr. Holbriiter stated that the applicant is seeking to divide an existing 13.92 acre parcel into four (4) new building lots, with the new lots being 3.42 acres, 3.2 acres, 3.5 acres, and 3.8 acres in size. Mr. Holbriiter confirmed that three (3) of the proposed building lots will have access directly off Coons Road, and the proposed building lot at the corner of Camel Hill Road and Coons Road is proposed to have access directly off Camel Hill Road. Mr. Holbriiter stated that the engineering plans for water and septic for these lots remains pending with the Rensselaer County Health Department. Chairman Oster then opened the floor for receipt of public comment. John Nemjo, 68 Coons Road, stated that this area is a very quiet and peaceful neighborhood, and the homeowners want it to stay that way. Mr. Nemjo asked questions regarding the proposed square footage of the homes, as well



as the value of the homes. Mr. Holbriiter briefly responded that the applicant is not proposing to build homes, but rather offer the approved building lots for sale, but that he has provided a building envelope on the proposed lots for house location that are approximately 30 feet by 50 feet in size. Mr. Nemjo asked about any plans for deforestation. Mr. Holbriiter briefly responded that the applicant is proposing a minimal amount of clearing in order to construct a driveway and a home on each building lot. Mr. Nemjo inquired whether there were any restrictions being imposed on the amount of clearing that can take place on the building lot. Chairman Oster stated that the Planning Board is reviewing the subdivision of the land only, and that there are no present plans for building on the subdivided lots at the present time. Attorney Gilchrist stated that the Town Code will require a grading permit before any grading is started on these building lots, and compliance with all drainage and erosion and sediment control requirements under State and Town law and regulation must be met. These issues will be reviewed by the Building Department upon application for grading permits, and stormwater management compliance will also be reviewed by the Town at that time in compliance with New York State and Town Code requirements. Mr. Nemjo then stated that there are significant ravines on the property, and that the drainage will be a significant issue on the site. Mr. Nemjo stated that there are natural drainage ways through this property, including what appeared to him to be the areas of proposed septic. Mr. Holbriiter stated that all septic had been located outside of the natural drainage ways on the property, and that the Rensselaer County Health Department had been on the site as well. Mike Trinkala, 45 Coons Road, stated that he had the same concerns as Mr. Nemjo, particularly with regard to the existing ravines and drainage on the site, but was interested to review the comments of the Rensselaer County Health Department on the water and septic plan. Mr. Nemjo then had an additional question about the size of the septic area for each of the lots. Mr. Holbriiter briefly responded,

stating that the size of the septic area depends in part on the topography of the lot, but in general, the septic areas for these building lots will be approximately 85 feet by 100 feet, and that the septic systems will be “built up” systems because the soils do not drain well, and also that the size of the septic systems have been designed to accommodate a four (4) bedroom home for each lot. Mr. Nemjo asked about the amount of fill required. Mr. Holbriiter briefly responded that 4 feet of fill will be required for the septic systems, which will then taper off to the existing grade. Mr. Nemjo asked whether the well and septic for each lot would be constructed by the current owner. Mr. Holbriiter briefly responded that each lot will have an approved well and septic design and location, but that the current owner will simply be offering these lots for sale, and any subsequent purchaser must build on the lot in compliance with the approved water and septic plan. Chairman Oster asked if there was any further public comments. Hearing none, the Planning Board closed the public hearing on the Clemson Group minor subdivision application.

The Planning Board then opened the regular business meeting.

The first item of business on the agenda was the minor subdivision application submitted by Sean Gallivan for property located on the easterly side of Deepkill Road, northerly of Smith Hill Road. Chairman Oster noted that the public hearing had been held, and no comments had been made. Chairman Oster also confirmed that there were no written comments submitted for the Planning Board’s consideration. It is also noted for the record that an Agricultural Data Statement had been prepared on this application, and sent to owners of agricultural property as listed on the Agricultural Data Statement, and that no comments had been received by the Town. Member Wetmiller stated that a condition requiring negative back pitch on the driveways leading onto Deepkill Road will be important, that the applicant had been required to also provide negative back pitch on driveways for other lots in this general area but that the driveways had not included

adequate back pitch, and that this requirement must be strictly complied with in this case. Member Czornyj also stated that for proposed building lot no. 1, it also appears that a culvert will need to be installed at the end of the driveway along an existing drainage ditch. Chairman Oster asked whether Mr. Bonesteel had any remaining comments. Mr. Bonesteel concurred that negative back pitch must be completed for the new driveways onto Deepkill Road. Mr. Bonesteel had a question as to the proposed grade for the driveway on lot no. 1. Mr. Holbriiter stated that the driveway will be at a 10% grade. Mr. Bonesteel reiterated that required back pitch and proper drainage at the bottom of these driveways will be important. It was noted that the driveway for lot no. 1 is approximately 450 feet, and Mr. Holbriiter stated that final length may be a little bit longer depending on final driveway placement. Member Czornyj stated that a map note should be added to the subdivision plat that compliance with the Town of Brunswick private roadway specifications for this driveway must be met. The Planning Board also stated that a condition should be added that the builders of lot no. 1 and lot no. 3 must coordinate with the Town Highway Department on driveway construction in terms of required back pitch and culvert construction. Chairman Oster confirmed that all fees had been paid on the application. Chairman Oster asked whether the Planning Board had any remaining questions or comments. 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. Member Czornyj then made a motion to approve the minor subdivision application subject to the following conditions:

1. Two (2%) percent back pitch for 10 feet off the public right-of-way is mandatory on all new driveway construction for lots 1 and 3.

2. A map note must be on the subdivision plat stating that the driveway construction must comply with all Town of Brunswick requirements.
3. Rensselaer County Health Department approval for water and septic for lots 1 and 3.
4. Builders of lots 1 and 3 must coordinate with the Town of Brunswick Highway Department on driveway construction and culvert installation.

Member Oster seconded the motions subject to the stated conditions. The motion was unanimously approved, and the Gallivan minor subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application submitted by Clemson Group for property located at the intersection of Camel Hill Road and Coons Road. Chairman Oster noted that comments had been received at the public hearing, most particularly regarding existing ravines on the property as well as drainage on this property. Mr. Holbriiter stated that the subdivision plat does include topography, and shows the area of the existing ravines, and reviewed those locations with the Planning Board. Mr. Holbriiter stated that there were four (4) different ravines on the property, but that this is not unusual for this general location, and that all site features, including driveway location, proposed house location as well as septic location had been set to avoid location of these ravines. Chairman Oster asked whether there was just surface drainage, or whether there were any existing culverts in this location which must be addressed. Mr. Holbriiter reviewed the location of culverts at and around this property, and indicated the culvert locations had been taken into account in terms of lot design as well as driveway location. Member Czornyj asked whether the purchaser of any of these individual building lots could change the grade or attempt to relocate any of the natural drainage areas. Attorney Gilchrist stated that the subsequent lot owner would need to obtain a grading permit from

the Town of Brunswick, and that in conjunction with the application for grading permit, the Town will need to review whether the grading will affect drainage in the area to ensure that the grading does not affect any surrounding properties. Chairman Oster wanted to confirm that there were no immediate building plans. Mr. Holbritter confirmed that the current owner is simply seeking approval for new building lots, which he will then offer for sale. Chairman Oster stated that the Planning Board generally looks at the proposed lot locations, proposed house locations, and that the Rensselaer County Health Department will review the plans for well and septic location and design. Chairman Oster also stated that any subsequent owner of the lots who intend to build on these lots will need to comply with the approved well and septic plans from the Rensselaer County Health Department, and consider the approved well and septic locations when determining final driveway and house location. Chairman Oster also noted that the Planning Board does not regulate the size of the homes for the building lots nor their value, and that the Brunswick Town Code does not mandate particular house size. Mr. Bonesteel also stated that while there is no immediate building plan, one well will need to be drilled for purposes of Health Department review and approval. Chairman Oster also confirmed that the property is in the R-40 zoning district, noting that lots as small as 40,000 square feet in size are approvable in this location, and that these proposed lots are over 3 acres in size each. Mr. Holbritter did state that the current owner may seek to do some clearing on one of the lots in terms of driveway and house location, to be able to market these lots for future residential construction, but that any such clearing would be minimal and leave as much mature vegetation and forest as possible. It was confirmed that a grading permit will be required before any such work can be completed. There was one question from the audience concerning location of an existing rock wall. Mr. Holbritter confirmed that the existing rock wall was placed at the lot line for proposed lot no. 1. Chairman Oster confirmed that all

application fees had been paid. Chairman Oster then asked whether there were any further comments or questions by the Planning Board. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the minor subdivision application subject to the following conditions:

1. Two (2%) percent back pitch for 10 feet off the public right-of-way is mandatory on all new driveway construction.
2. A map note must be on the subdivision plat stating that driveway construction must comply with all Town of Brunswick requirements.
3. Rensselaer County Health Department approval for water and septic.
4. Any person building on the approved lots must coordinate with the Town of Brunswick Highway Department on driveway construction and culvert installation.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Clemson Group minor subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza located on Oakwood Avenue. Chairman Oster requested Attorney Gilchrist to review the procedural status of the application. Attorney Gilchrist stated that the applicant had submitted an application to the Brunswick Zoning Board of Appeals for Special Use Permit for the filling station, as well as two (2) area variances for the number of bays in the car wash as well as a side yard setback variance for the car wash building. The Brunswick Zoning Board of Appeals had held a public hearing on those applications over two

successive meetings, had closed the public hearing, and at its meeting held on June 15, 2015, the Brunswick Zoning Board of Appeals had approved this special use permit and two (2) variances for this application. Attorney Gilchrist also noted that this is an unlisted action under SEQRA, that an uncoordinated review was being undertaken between the Brunswick Zoning Board of Appeals and Brunswick Planning Board, and that the Brunswick Zoning Board of Appeals had adopted a SEQRA negative declaration on the action before it. Thomas M. Murley, P.E., was present for the applicant. Mr. Murley handed up to the Planning Board an updated site plan, and reviewed with the Planning Board the updated site plan, including addition of turning radius information onto Oakwood Avenue, location of a sign for the plaza along Oakwood Avenue, reviewed modifications to the turning radius near the proposed restaurant area which now includes an area for outdoor picnic tables, additional parking for employees, additional information concerning catch basins on the site which then direct stormwater to the stormwater management area to the rear of the property, cross walk area added to the site plan, addition of bio-retention areas off of the paved surfaces pursuant to the stormwater plan for the project, and information concerning 911 addresses for the retail buildings. Mr. Murley confirmed that the site now includes sixty-five (65) parking spaces plus two (2) parking areas for trucks. Chairman Oster had a question concerning the truck parking area, which appears to accommodate 18 wheel trucks, and asked what is the proposed truck route through the property. Mr. Murley stated that the trucks would leave the site by going around the back of the buildings and exiting through the main entrance area onto Oakwood Avenue. The Planning Board then discussed the area for employee parking in relation to the remaining retail buildings, and discussed the addition of a cross walk to the plan. The Planning Board then had an extended discussion concerning internal traffic flow on the site, with particular regard to the car wash area as well as the drive-thru window being proposed for the

restaurant use. Member Czornyj also stated that a barrier should be included where the picnic tables are now proposed in relation to the restaurant use, similar to what was required for the Pancho's Restaurant in the Walmart Plaza. Mr. Murley stated that the appropriate ballards would be added to the site plan. Member Tarbox requested that the green space calculation for the project site be added to the site plan. Mr. Murley stated that the green space information will be updated in light of the most recent changes to the site plan, and the green space information will be stated on the site plan. Mr. Bonesteel then commented on the stormwater pollution prevention plan, and making sure that the maps for stormwater management facilities included in the stormwater pollution plan must be made consistent with the site plan, and that he would like the ability to review the final stormwater pollution prevention plan, including full size maps, in relation to the proposed final site plan, and noting that the final proposed site plan should include all proposed stormwater management facilities for the site. The Planning Board discussed a schedule for this application, including a public hearing. It was determined that the stormwater pollution prevention plan and final proposed site plan would be reviewed by Mr. Bonesteel, that this matter will be placed on the July 2, 2015 Agenda for discussion concerning completeness, and if found to be complete, then a public hearing could be scheduled for the July 16, 2015 meeting. There was further discussion regarding the location of the underground storage tanks for the gas pumps, and how delivery trucks would access the site for filling the underground storage tanks, and how those trucks would exit the site. Mr. Bonesteel will review the turning radius requirements for trucks on the site. Member Mainello asked whether the updated site plan had been sent to the Fire Department for review. Mr. Murley stated that he had not done so yet, but he will forward the updated site plan to the Fire Department for review. This matter is placed on the July 2, 2015 Agenda for further discussion.



The next item of business on the Agenda was the site plan application submitted by Ace Hardware, seeking to use the existing building located at 831 Hoosick Road, on the westerly portion of the site, for tool rental and repair. No one was present for the applicant. The Planning Board noted that a site plan map had been prepared by Bohler Engineering, but that this site plan only addressed half of the site, and did not include the building on the westerly side of the site. The Planning Board reiterated that it was requesting an updated site plan in the nature of an “as-built” map to show what had been constructed on the site to date, and how that existing site improvement related to the proposed use of the building on the westerly portion of the project site, and how the overall site worked in terms of parking, traffic flow, as well as stormwater compliance. The Building Department will contact Bohler Engineering concerning the site plan, and direct that Bohler Engineering contact Mr. Bonesteel to review these issues. Member Czornyj also noted that this project site was not one single parcel, but that there were two separate tax parcels for this one project site, and that these parcels had not been legally merged. Attorney Gilchrist stated that one site plan could encompass two separate tax parcels, but that this raised additional issues concerning shared parking and utilities, and that appropriate cross easements would need to be submitted to the Town for review if two separate tax parcels are maintained. It was determined that additional information is required for this matter, that Mr. Bonesteel will review this matter with Bohler Engineering, and that this matter is placed on the July 2 meeting Agenda for further discussion.

The Planning Board addressed one item of old business. The owner of the Brunswick Animal Hospital, Dr. Lamora, was present, together with the project manager for this site, Brendan Stryhn, and also Jason Dell of Lansing Engineering, the engineers who had prepared the stormwater plan for this project. Chairman Oster noted that the approved site plan for the veterinary hospital included paving of the parking lot with the installation of a wing gutter and that

the paved parking lot was also included within the stormwater management plan for the site. Mr. Stryhn stated to the Board that this project did originally call for paving of the parking lot, but that construction costs and budget issues did not allow for paving of the parking lot at this time. Jason Dell reviewed his letter to the Planning Board dated June 18, 2015, in which he concludes that the stormwater pollution prevention plan for the site will provide appropriate stormwater management whether the parking lot is paved or remains in crusher run. Mr. Bonesteel stated that he agrees that the crusher run surface can be considered an impervious surface, and that generally the stormwater plan for this site will be compliant even if the parking area remains in crusher run, but that he did have concern that the drainage was not currently being directed into the catch basins and in turn getting to the stormwater ponds to be treated. Mr. Dell did concur based on his site review that the crusher run in the parking lot does need to be shaped better in order to provide for better drainage to the catch basins and overall stormwater management compliance. Mr. Bonesteel stated that the pavement with wing gutters was done in a way to direct the stormwater flow to the catch basins, and that the site needed to be shaped better to achieve the same purpose with the crusher run surface. Mr. Bonesteel also had other comments concerning compliance with the stormwater plan, which must be addressed by the owner before the open stormwater permit can be terminated for this project. Chairman Oster wanted to ask that once these corrections on the site are completed, from a stormwater standpoint, the stormwater plan will work whether the parking lot is paved or crusher run parking lot. Mr. Bonesteel stated that the stormwater plan will be compliant if the proper reshaping and grading of the crusher run in the parking area is completed. Chairman Oster then raised the issue regarding ongoing maintenance of the crusher run parking area, including winter maintenance. Mr. Bonesteel stated that a crusher run parking area will need at least annual, and possibly semi-annual, maintenance to ensure that the grades are appropriately

maintained for stormwater compliance. Chairman Oster then stated that the issue for the Planning Board was whether the owner still planned on paving the parking lot, but needed additional time based on budgetary reasons to get the paving completed, or whether her intent was to have the parking lot remain crusher run permanently. Dr. Lamora stated that her plan continues to have the parking lot paved, and wishes she could to that right away, but cannot do so due to budgetary reasons. Dr. Lamora did confirm that it was her intent to have the parking lot paved at some point, but cannot definitively state when that will be done due to economic issues. The Planning Board generally concurred that they did not have any issue with allowing additional time for the owner to complete the paving, without the need for an immediate amendment to the site plan given the owner's intent to ultimately pave the parking lot. The Planning Board directed Attorney Gilchrist to coordinate with the Building Department on this issue.

Three items of new business were discussed.

The first item of new business discussed was a site plan application submitted by Brad Stevens, seeking to locate a portable barbeque food trailer in the parking lot of the Ace Hardware facility located at 831 Hoosick Road. Mr. Stevens was present, and stated that the trailer was 8 feet by 36 feet overall, and that his proposal was to locate this trailer on the Ace parking lot site for several months during the year, but have the ability to remove the trailer during certain parts of that season so that he could transport it to other festivals for weekends or extended periods of time, and have this location to return the food trailer and set up for food sales while other festivals are not being conducted. Mr. Stevens said that he operates the food trailer from around April through October. Mr. Stevens stated that the trailer did have holding tanks for both fresh water and waste water. The Planning Board immediately stated that Mr. Stevens should coordinate with the Rensselaer County Health Department concerning water and waste water issues for his

proposal. Further, the Planning Board stated that the location proposed by Mr. Stevens for this food trailer was the same location that Ace Hardware is currently proposing for either parking or green space for the tool rental building, which is currently before the Planning Board in site plan review status. In addition, the Planning Board needed to review this matter in terms of appropriate review procedure, as the proposal, while temporary in nature, does not appear to comply with the Town's temporary license procedure, nor does the proposal seek any permanent structures in the traditional site plan review sense. This matter has been placed on the July 2 Agenda for further discussion with particular regard to the Rensselaer County Health Department involvement, Town Code review requirements, as well as discussion with the engineers for the Ace Hardware site plan in terms of how the food trailer would be incorporated into the site plan proposal.

A site plan application has been received by the Town from Arax Properties, LLC for the proposed Hillcrest Plaza located at 616-630 Hoosick Road. This matter had previously been before the Planning Board for concept review. The Planning Board members stated they would need to review the site plan application materials, and have placed this matter on the July 2 Agenda for further discussion.

A site plan application has been received by the Town from Amerit Fleet Solutions for use of the existing building located at 853 Hoosick Road, at the intersection of Hoosick Road and Betts Road. The applicant is operating that facility for truck fleet maintenance purposes. The Planning Board members will review the application materials, and this matter is placed on the July 2 Agenda for further discussion.

The index for the June 18, 2015 meeting is as follows:

1. Sean Gallivan – Minor Subdivision – approved with conditions.
2. Clemson Group – Minor Subdivision – approved with conditions.

3. Diamond Rock Plaza – Site Plan – July 2, 2015.
4. Ace Hardware – Site Plan – July 2, 2015.
5. Brunswick Animal Hospital – Site Plan – Matter referred to Building Department.
6. Stevens – Site Plan – July 2, 2015.
7. Arax Properties, LLC – Site Plan – July 2, 2015.
8. Amerit Fleet Solutions – Site Plan – July 2, 2015.

The proposed agenda for the July 2, 2015 meeting currently is as follows:

1. Diamond Rock Plaza – Site Plan.
2. Ace Hardware – Site Plan.
3. Stevens – Site Plan.
4. Arax Properties, LLC – Site Plan.
5. Amerit Fleet Solutions – Site Plan.
6. Oakwood Property Management, LLC – Planned Development District Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD JULY 2, 2015**

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

ABSENT were TIMOTHY CASEY and VINCE WETMILLER.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda items as posted by the Town on the sign board and Town website. Chairman Oster noted that an Amended Agenda had been posted that had removed the Oakwood Property Management matter, which has been postponed at the request of the applicant. Chairman Oster noted that it is not likely that the Oakwood Property Management matter will be on the Agenda for July 16, 2015, as the applicant is waiting for technical reports to be completed and anticipates completion of those reports sometime after the July 16, 2015 Planning Board Meeting.

The Planning Board reviewed the draft Minutes of the June 18, 2015 meeting. Member Czornyj indicated that three corrections were necessary on Page 10 of the Minutes to correct dates from 2014 to 2015. Upon motion by Member Czornyj, seconded by Member Esser, the draft Minutes of the June 18, 2015 meeting were unanimously approved with the noted amendment.

The first item of business on the agenda was the Diamond Rock Plaza site plan application made by Matopato, LLC for construction of a 9,500 sq. ft. retail plaza with car wash on approximately 2.7 acres located at 289-299 Oakwood Avenue. Thomas Murley appeared on behalf

of the applicant. Chairman Oster reviewed the procedural history of the application, noting that the ZBA had granted a special use permit for the filling station and two (2) variances necessary for the site plan. Chairman Oster also noted that there were previous comments from the Board seeking additional detail with respect to crosswalks, bollards, and stormwater features. Mr. Murley identified the changes that had been made to the site plan in response to the Board's comments. Mr. Murley commented that he provided Mr. Bonesteel with the stormwater pollution prevention plan with all appendices and maps. Mr. Murley also indicated that the site plan now includes a schematic of a sign, an indication of bio-retention areas on the south, west, and north areas of the site, crosswalks to the proposed picnic area along with bollards surrounding the picnic area, the street address on the car wash facility, the location of the drive-thru sign and ordering kiosk, additional traffic circulation signage within the site, minor detail changes on the dumpster areas, and the pick-up window for the drive-thru restaurant. Mr. Murley also indicated that they had relocated the tractor trailer parking farther to the south to accommodate additional traffic circulation around the south and east side of the retail building. Mr. Murley indicated that the sign schematic shown on the site plan is for demonstrative purposes and the final sign design will comply with Town regulations, or if a variance is necessary, the applicant will seek a variance. Chairman Oster asked whether the stormwater pollution prevention plan had been provided to Mr. Bonesteel. Mr. Bonesteel indicated that he did receive the stormwater pollution prevention plan the day of this meeting, and he confirmed with the applicant that the applicant did not change the report but instead added the necessary appendices and more readable maps. The applicant indicated that he had not yet forwarded the final plans to the fire company, but that he would do so. Member Czornyj indicated that the changes made to the plan with respect to traffic circulation and the picnic area were consistent with the Board's comments. Chairman Oster asked whether

the changes affected the green space calculation. Mr. Murley commented that the green space calculation would change minimally, but given the size of the entire site, the plan would still be in compliance with the code. Attorney Tingley indicated that the final plans should be sent to the County for review. The board scheduled a public hearing on the application for July 16, 2015 beginning at 7:00 p.m.

The next item of business on the agenda was the application for site plan approval made by Ace Hardware for property located at 831 Hoosick Road. Josh O'Connor from Bohler Engineering appeared on behalf of the applicant. Mr. O'Connor reviewed the updated plans provided to the Planning Board. He briefly reviewed the purpose of the application, which was to facilitate Ace Hardware's use of the existing building located on the western portion of the site for tool rental and repair, as well as for accessory storage for the Ace Hardware. Mr. O'Connor noted that the Planning Board had questions concerning the parking, and stated that the changes to the site plan addressed those comments. Member Czornyj commented that there was one parking space that appeared situated such that a car backing out of the space would be backing into the crosswalk. The applicant agreed to address that issue. The applicant indicated that the site plan regulations require eleven (11) parking spaces, and twenty-four (24) parking spaces were provided on the plan. The Board questioned whether there were two (2) parcels involved, and whether there was a need for cross-easements. The applicant confirmed that there were two (2) separate parcels, but they are owned by the same entity and both sites will be operated by Ace Hardware. Attorney Tingley commented that a property owner typically cannot provide an easement to itself for another property that it also owns, and therefore cross-easements at this juncture would probably not be appropriate. The Board then discussed whether the properties should be merged. Attorney Tingley commented that the site plan application can encompass more than one property. Member



Tarbox asked whether the newly proposed development for the use of the western parcel would affect the overall green space calculation on the entire site plan, inclusive of both the western parcel currently under review and the eastern parcel, previously reviewed and approved for the Ace Hardware. The applicant agreed to confirm that the overall site would continue to comply with the green space requirements taking into consideration the current development proposed for the western site. Attorney Tingley asked whether the proposed greenhouse shown on the plan is currently there or if it is proposed as part of the site plan. The applicant indicated that the green house is not currently there, but is proposed as part of this plan, and that initially the green house had been proposed for a location on the eastern parcel of the site. The applicant indicated that he could provide updated plans and confirm the green space calculations by Monday, July 6<sup>th</sup>. The Board determined that the application was sufficiently complete for purposes of scheduling the public hearing. The Board scheduled a public hearing for July 16, 2015 beginning at 7:15 p.m. Attorney Tingley indicated that once the final plans were received by the Building Department, they should be sent to the County for County review.

The next item of business on the Agenda was the Stevens site plan, initially proposed for 831 Hoosick Road. Robert Moore appeared on behalf of the applicant. Mr. Moore indicated that the proposal was relocated from 831 Hoosick Road to 740 Hoosick Road. Mr. Moore indicated that he had provided information to the Planning Board which included pictures of the trailer, a copy of the Health Department Permit, copy of the insurance certificate, and a schematic showing the proposed location of the trailer on the property site. He indicated that the plaza in which he proposed to locate the trailer was Paul Engster's plaza and that he would provide a copy of the owner's written consent to the application. Mr. Moore indicated that the proposal included the trailer as well as some picnic tables proposed to be located in front of the trailer. Chairman Oster

asked whether the property at which the trailer would be located and the adjoining property shared parking spots, rights of way, and truck routes. The Board generally discussed the approved truck route for the adjoining property. The applicant commented that the parking area is a designated park-and-ride site, but that very few people actually use it. The Board noted that the trailer would be a seasonal, semi-permanent addition to the plaza's site. The Board then discussed the role of the Planning Board on this application. Attorney Tingley indicated that because the proposal was to add a long-term change to the site, even though not a permanent improvement, the site plan previously approved for the plaza would need to be approved with the location of the trailer and the picnic table before operations begin. The Board asked whether the application needed to be sent to the County and whether they would be required to hold a public hearing. Attorney Tingley commented that the application was a site plan application, and therefore would need to be sent to the County, and that the Board's past practice on site plan applications located along Hoosick Street was to subject them to a public hearing, although the Board has discretion under the site plan regulations as to whether or not a public hearing is necessary. The Board then discussed whether the proposal would impact the parking or traffic circulation at the site. The applicant also confirmed that during the off-season, the trailer would not be located on the site. The Board indicated that the applicant must submit a formal site plan identifying the location of the trailer as well as the picnic tables, in order for the process to proceed. The Board instructed the applicant to provide the formal site plan application as well as the written consent of the owner. The matter will be placed on the Agenda of July 16, 2015.

The next item of business on the Agenda was the site plan application by Arax Properties, LLC to construct a retail plaza located at 616-630 Hoosick Road. Charles Tutunjian, part owner of the project and Pat Mitchell from Creighton Manning appeared on behalf of the applicant. Mr.

Tutunjian first presented the project, identified as the Hillcrest Plaza, as a phased project. Phase I would consist of the western half of the parcel (approximately 1.5 acres) of the overall 3.0 acre site. Currently there are four (4) parcels involved, and the plan is to merge those four parcels into two parcels. The western half of the site (Phase I) is proposed to consist of a 6,900 sq. ft. retail building to house an Advance Auto Part store, as well as a 4,000 sq. ft. retail or restaurant building, and the occupant of that building has not yet been determined. Phase II of the project is anticipated to consist of a 4,700 sq. ft. convenience store with gas pumps. Currently there is no arrangement in place with an occupant for Phase II, but it is expected that the applicant will be pursuing that aspect of the project by year-end. Currently they are not seeking approval for that aspect of the project. Chairman Oster and Member Czornyj discussed with the applicant the fact that there are several other gas stations in that vicinity. Mr. Mitchell then reviewed the demolition plan with the Board as well as the layout, and noted that no waivers or variances were necessary. Mr. Mitchell indicated that the Erosion and Sediment Control Plan and the Stormwater Pollution Prevention Plan comply with State requirements. The proposal is to collect the stormwater runoff and to infiltrate into the soil beneath the pavement, with any overflow going into the DOT drainage system. Mr. Mitchell indicated that in designing the stormwater features for the western portion of the site (Phase I), they took into account the proposed development of the eastern phase in order to design a system that would handle stormwater from both phases. Mr. Mitchell indicated that there would be a single water connection and two (2) sanitary sewer connections, along with landscaping and lighting in accordance with the code. He also indicated that he had a traffic study performed and submitted a copy of the traffic study to the Building Department at the meeting. Chairman Oster asked whether they would need to fill portions of the site. Mr. Mitchell responded that they would have to fill portions, as well as cut portions. In terms of a particular low spot on

one part of the site, Mr. Mitchell indicated that the subsurface infiltration system would be located in that area to avoid unnecessary excavation. Member Czornyj asked whether the grade would be level with the sidewalk. Mr. Mitchell indicated that the grade of the project would be slightly higher than the sidewalk. Chairman Oster noted that the parking spaces in the front of the site would pose the potential for headlights to shine into residences across Hoosick Street and possibly affect traffic along Route 7. The applicant indicated that they are willing to address that issue with some additional or different landscaping or alternative plan. Mr. Bonesteel asked whether any test pits or percolation tests were performed. Mr. Mitchell indicated that Dente Engineering did the testing and the tests revealed infiltration at a rate of 2 inches per hour and 1.5 inches per hour. Mr. Mitchell indicated that the tests were done in the area in which the proposed subsurface infiltration system is to be located. While the 1.5 inches per hour infiltration rate does indicate poor soils, it satisfies DEC's requirement of a minimum of 0.5 inches per hour. Mr. Bonesteel asked whether the applicant had discussed connections to water and sewer with the Town. The applicant indicated that it would coordinate with the Building Department in that respect. Mr. Bonesteel asked whether the project included green infrastructure. The applicant responded that the infiltration system has a 100% runoff reduction value. The Board indicated that it would like to review the plans in more detail, and it placed the matter on the agenda for the upcoming meeting on July 16. Chairman Oster indicated that the applicant should contact the Brunswick Fire Company and provide copies of the application for their review and comment. The matter was placed on the agenda for the July 16, 2015 meeting.

The next item of business on the agenda was the site plan application of Amerit Fleet Solutions seeking approval to use an existing building located at 853 Hoosick Road at the intersection of Hoosick Road and Betts Road for a fleet truck maintenance facility. Jason

Dolmetsch appeared on behalf of the applicant. Mr. Dolmetsch indicated that the applicant was seeking approval to authorize the currently operating use of the facility as a fleet vehicle maintenance facility. The prior use was the Thompson's Garage, which was an auto body facility. The property was vacant for a few years following the Thompson's Garage closing. The facility employs three (3) people and all work is completed inside the building. The business does not engage in any retail activities, but instead has contracts to maintain fleet vehicles with particular companies. The proposal does not include any changes to the site. Member Czornyj asked a question concerning parking of tractor trailers on the site. The applicant responded that periodically there are trucks parked outside the building but only for a short period of time while waiting to bring the truck inside the building to perform maintenance or while the vehicle is awaiting pick-up by a customer. Member Czornyj asked whether the use was the same as the prior use. The applicant indicated that the prior use was a body shop, and that this particular use was a maintenance and repair facility. Chairman Oster asked questions concerning fuel storage and used and new fluid storage. The applicant responded that there would be no fuel storage, and all used and new fluid would be stored inside the building. The applicant indicated that its operations would comply with a No Exposure Exclusion from the Multi-Sector General Permit given the manner in which all used and new fluids would be stored. Member Mainello asked whether there were any additional requirements by DEC. The applicant responded that he was not aware of additional permitting requirements beyond the Notice of No Exposure under the Multi-Sector General Permit. Member Mainello also indicated that the plan must show handicapped parking and employee parking. The applicant responded that the plan does currently show the existing parking spaces on the site although no handicapped spots are dedicated. The applicant also indicated that there were no public customers visiting the site. Member Mainello commented that

it would still require an identification of what parking spots would be designated for handicapped use. Member Czornyj asked if the building is served by propane or natural gas given the indication on the plan of a propane entrance to the building. The applicant agreed that it was likely intended to say natural gas and he would follow-up. Member Mainello asked whether there were any grease traps associated with the prior facility as he expected they would be required for a body shop use. If so, Member Mainello asked the applicant to indicate the location of those grease traps. Member Tarbox asked whether the company maintains vehicles for just one company or has multiple contracts with other companies. The applicant indicated that it was his understanding that the business serviced vehicles for multiple companies. Member Czornyj then discussed whether a public hearing would be required on the application. The Board discussed that this particular application, although it proposes no permanent exterior site changes, is a permanent site plan approval. The general consensus of the Board was that a public hearing would be held on the application. Chairman Oster instructed the applicant to provide updated drawings taking into account the comments of the Board at the meeting, and to notify the Fire Department and provide a copy for its review and comment. Mr. Bonesteel also asked the applicant to indicate on the revised drawings the location of the water and sewer. The matter was placed on the July 16, 2015 Agenda for purposes of reviewing the revised plans received from the applicant for completeness, and if the application was complete for purposes of scheduling the public hearing and referring the application to the County.

Three items of new business were discussed. The first item of new business discussed was a site plan application submitted by BBL Construction Services for property located at 730 Hoosick Road for construction of an urgent care facility. Chairman Oster disclosed that he had previously served on the Board of NorthEast Health, which was later merged to become St. Peter's

Health Partners. He no longer serves on the Board, but does now serve on the St. Peter's Health Partners Acute Care Committee. Chairman Oster indicated that he wanted to disclose these facts to the applicant and the applicant indicated they had no objection to Chairman Oster participating as Chairman of the Board during the Board's discussion of the project under new business. Kevin Moore and Eric Landry from BBL Construction Services appeared on behalf of the applicant. They indicated that the proposal was to use two (2) of the interior spaces of the existing plaza to operate an Urgent Care Facility on behalf of Albany Med. Primarily interior renovations would occur, merging two interior spaces into one. Among the exterior changes are signage in the front of the facility and at the back of the building; the installation of an ADA compliant sidewalk ramp; in-filling two existing entrances and creating a new entrance; and a proposed ambulance exit and awning. The Board discussed what the parking requirements were for this facility, taking into account the other businesses in the same plaza. The other businesses consist of an H&R Block and a Metro Mattress store. The applicant estimated that the Urgent Care Facility would see 20 to 40 customers per day, and the maximum number at any one time would be limited by the number of exam rooms and the size of the waiting room. The proposal is to have eight (8) exam rooms. The applicant indicated that the facility would employ twelve (12) full-time employees and six (6) part-time employees, and the hours of operation would be between 7:00 a.m. and 8:00 p.m. The Board reviewed the site plan regulation requirements for parking spaces and taking into account the H&R Block (general office), the Metro Mattress (retail), and the Urgent Care Facility (office-professional medical), approximately 30 spaces were required as a minimum under the site plan regulations. The current proposal indicates that there are 48 parking spaces provided. The Board discussed whether the Urgent Care would require an additional dumpster and the applicant indicated that most of the waste generated was stored indoors and removed off site by a medical

waste disposal company. The Board discussed with the applicant the fact that the site plan needed to be a formal site plan, rather than an overlay on the prior site plan. The applicant inquired whether the site plan needed to be stamped by a P.E., or instead could be stamped by an architect. Attorney Tingley agreed to review that question and to contact the applicant with an answer. The Board then noted that the plaza may be the subject of a PDD approval and the PDD approval should be reviewed to insure that this use complies with the PDD approval. The project is located along Hoosick Street and therefore the Board discussed the fact that it would likely hold a public hearing on the application. The Board also indicated that once a site plan application was received and was deemed complete by the Planning Board, it would be sent to the County for review and recommendation. The matter was placed on the agenda for the July 16, 2015 meeting.

The next item of new business discussed was an application by Brunswick Properties, LLC for property located at 720 Hoosick Road seeking approval to change two mini-storage buildings previously approved for merchandise storage to allow for public storage. Robert Pollock appeared on behalf of the applicant. Mr. Pollock indicated that the approval previously granted in 2004 for the two mini-storage buildings that are on the site was conditioned on the buildings being limited to use by the Pollock Home Center only and that a map note be added to the site plan limiting the use of the self-storage buildings accordingly. The applicant is currently using the buildings to store construction material associated with the plaza and is allowing one business to use one of the units for storage without compensation. Mr. Pollock seeks to lease the storage units out to the public. Member Esser asked whether there would be a fence and a gate around the storage units. The applicant indicated that it prefers not to have install a fence and a gate, and that there is sufficient security lighting in the area and a gate would not be necessary. He also indicated that he used the storage facility for over 10 years, and never had any security issues. The Board then



discussed the difference between the home center's use of the storage versus the public's use of the storage buildings. Attorney Tingley indicated that the Minutes from the 2004 approval seemed to indicate that the Board typically required certain items of information with respect to storage buildings that were intended to be leased to the public and that this information apparently was not required from the applicant when these storage buildings were reviewed and approved. Attorney Tingley suggested that the Board review the minutes and review its prior practice with respect to storage units and determine whether any additional information would be necessary. The applicant indicated that he has a form lease that he would be willing to provide to the Board for its review. The Board agreed to accept the lease and to review it in conjunction with the application. The matter was placed on the agenda for the July 16, 2015 meeting.

The next item of new business discussed was the waiver of subdivision application made by Richard and Jackie Witbeck for property located at the corner of Kreiger Lane, 2,000 +/- feet north of Lockrow Road. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter indicated that in 2006 or 2007 the applicant had subdivided two lots from the original parcel, and now was seeking to subdivide another lot consisting of approximately 2.5 acres from the original parcel of 48.18 acres. Mr. Holbriiter indicated that soil testing has been done for the septic system. Chairman Oster asked where the proposed driveway would be located. Mr. Holbriiter indicated that the driveway would likely be located on the north side of the proposed lot (south side of Kreiger Lane). The proposed well would be located in the front of the parcel, and the septic system would be located in the rear. Mr. Holbriiter indicated that the final plans for the building and the location of well and septic would be the responsibility of the proposed purchaser but that he anticipated that the well would be located in the front of the parcel and the septic would be located in the rear. The Board discussed with Mr. Holbriiter the fact that Health Department approval

would be required for the well and septic, and that the location of the driveway would require the coordination with the Town Highway Superintendent given that Kreiger Lane is a Town road-by-use. The Board also indicated that the driveway would require a 2 percent back pitch for 10 feet off the public right of way as is required for all new driveway construction. Member Czornyj made a motion to adopt a negative declaration on the application, which was seconded by Member Esser, and was unanimously approved. Member Czornyj then made a motion to approve the application subject to the following conditions:

1. Rensselaer County Health Department approval for water and septic;
2. The 2% back pitch for 10 feet off the public right of way is mandatory on all new driveway construction;
3. A map note must be added stating that the driveway construction must comply with all Town of Brunswick requirements;
4. The builder must coordinate with the Town of Brunswick Highway Department on driveway construction; and
5. Copies of plans showing the final location of the well, septic and building must be submitted to the Building Department.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Witbeck waiver of subdivision application approved subject to the stated conditions.

The index for the July 2, 2015 meeting is as follows:

1. Diamond Rock Plaza – Site Plan Application – Public Hearing, July 16, 2015 at 7:00 p.m.
2. Ace Hardware – Site Plan Application – Public Hearing, July 16, 2015 at 7:15 p.m.

3. Stevens - Site Plan – July 16, 2015.
4. Arax Properties, LLC – Site Plan – July 16, 2015.
5. Amerit Fleet Solutions – Site Plan – July 16, 2015.
6. BBL Construction Services – Urgent Care Facility – Site Plan – July 16, 2015.
7. Brunswick Properties, LLC – Site Plan – July 16, 2015.
8. Witbeck – Waiver of Subdivision – approved with conditions.

The proposed agenda for the July 16, 2015 meeting currently is as follows:

1. Diamond Rock Plaza – Site Plan – Public Hearing beginning at 7:00 p.m.
2. Ace Hardware – Site Plan – Public Hearing beginning at 7:15 p.m.
3. Stevens – Site Plan.
4. Arax Properties, LLC – Site Plan.
5. Amerit Fleet Solutions – Site Plan.
6. BBL Construction Services – Urgent Care Facility – Site Plan.
7. Brunswick Properties, LLC – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD JULY 16, 2015**

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board opened the Public Hearing on the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza located at 289-291 Oakwood Avenue. The Notice of Public Hearing was read into the record, with that Notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. It was also noted that a Notice had been sent to the City of Troy concerning this public hearing. Chairman Oster requested the applicant to present a brief overview of the proposed project. John Mainello was present for the applicant, and presented an overview of the project. Mr. Mainello stated that the site plan had incorporated the comments and recommendations of the Brunswick Zoning Board of Appeals, the Spieglestown Fire Department, and the Planning Board. Mr. Mainello reviewed updates to the site plan concerning turning radius, stop signs, concrete bollards, stormwater bio-retention areas, fire hydrants, location of the water main, and agreement to install a knox box and allow the Spieglestown Fire Department to perform a walk-thru upon completion of construction and prior to occupancy. Mr. Mainello requested that the Planning Board consider granting conditional approval, noting that the applicant still needed

to coordinate with the City of Troy on the water and sewer connections. Chairman Oster then opened the floor for receipt of public comment. Bill Mahoney, Chief of the Spiegletown Fire Department, stated that he appreciated notice of this application from the Planning Board, and further appreciated that the applicant had been cooperative and had addressed the comments raised by the Spiegletown Fire Department. Mr. Mahoney noted that he submitted a letter dated July 16 for the file. Chairman Oster inquired whether there were any further comments from the public. Hearing none, the Planning Board closed the Public Hearing on the Diamond Rock Plaza site plan.

The Planning Board then opened the regular meeting of the Planning Board for purposes of review of the draft Minutes of the July 2, 2015 meeting. Chairman Oster reviewed the discussion of the BBL Construction Services site plan application noted at pages 9 through 11, and requested that the Minutes reflect that he had been personally involved in the merger between the Board of Northeast Health and St. Peter's Health Partners, and that he did subsequently serve on the Board of St. Peter's Health Partners. Chairman Oster also noted that he does now serve on the St. Peter's Health Partners Acute Care Committee, which oversees Samaritan Hospital and ST. Mary's Hospital in Troy. Chairman Oster also requested that it be noted that the site plan application submitted by BBL Construction Services was on behalf of Albany Medical Center which seeks to operate the Urgent Care Facility at this location. The Planning Board Members generally concurred with the noted additions and clarifications to the July 2 Minutes. Member Czornyj then made a motion to approve the July 2 Minutes subject to the additional discussion concerning the site plan application submitted by BBL Construction Services, which motion was seconded by Member Esser. The motion was unanimously approved and the July 2 Minutes approved with the noted changes.

Thereupon, the Planning Board adjourned the regular business portion of the meeting to open a Public Hearing on the site plan application submitted by Ace Hardware for property located at 825 Hoosick Road. The Notice of Public Hearing was read into the record, noting that the Notice had been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Josh O'Connor of Bohler Engineering was present for the applicant. Mr. O'Connor generally reviewed the proposed site plan of the western portion of 831 Hoosick Road, which the applicant seeks to use an existing building for tool repair and rental. Mr. O'Connor reviewed the location of the existing structure, the proposed parking for the tool rental and repair building as well as overflow for the existing Ace Hardware store, the total square footage of existing pavement, as well as a discussion of the overall green space on the site. Mr. O'Connor noted that one parking stall had been eliminated and a specific green space calculation table had been provided on the site plan after the July 2 meeting. Chairman Oster then opened the floor for receipt of public comment. Steve Wilson, residing at 27 Oak Tree Lane and Chief of the Brunswick No. 1 Fire Department, stated that the Fire Department would request that an updated Knox box be installed at this building, that safety cabinets for flammables be used in this building, that a schematic of the layout of the building be provided upon construction and that the Brunswick No. 1 Fire Department be provided with a walk-thru before that building is open to the public. Chairman Oster inquired whether there was any further public comment. Hearing none, the Planning Board closed the Public Hearing on the Ace Hardware site plan.

Thereupon, the Planning Board continued the regular business meeting of the Board.

The first item of business on the agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza at 289-291 Oakwood Avenue. Chairman

Oster noted that the Public Hearing has now been held on this application, and that the only comments received were from the Spiegletown Fire Department, and that the applicant has already addressed these comments on the site plan. Chairman Oster inquired whether the recommendation for the Rensselaer County Planning Department had been received. Monica Nann-Smith reported that the application had been sent to the County, but that comments have not yet been received back from the County and the 30 day period for the County recommendation has not expired. Attorney Gilchrist stated that the Planning Board could not act on the site plan until either the recommendation from Rensselaer County Planning Department has been received, or the 30 days provided to the County to make that recommendation has expired. Chairman Oster asked whether there were any further questions or comments from the Planning Board. There were none. Mr. Bonesteel stated that all his comments concerning the site plan had been addressed, and that there were only minor edits that needed to be made to the stormwater pollution prevention plan that could be made prior to construction, and that the final stormwater pollution prevention plan must be stamped by a professional engineer. All comments concerning the site plan have been addressed by the applicant. Chairman Oster stated that this matter will be set down for the August 6 agenda pending receipt of the recommendation from the Rensselaer County Planning Department.

The next item of business on the agenda was the site plan application submitted by Ace Hardware for use of the existing building located at 825 Hoosick Road, on the westerly portion of the site, for tool rental and repair. Chairman Oster noted that the Planning Board's request for the green space calculation table was addressed, and that the green space calculations have been provided on the site plan. Chairman Oster also noted that the comment of the Planning Board concerning parking spaces had also been addressed by the applicant. Chairman Oster inquired whether this application had been sent to the Rensselaer County Planning Department. Josh

O'Connor of Bohler Engineering stated that there was some miscommunication with the Brunswick Building Department, and that he did not advise the Building Department that there were no further changes to the site plan, which he understood the Building Department was waiting for further communication from his office before sending the final site plan to the County Planning Department for review and recommendation. Accordingly, Chairman Oster directed that the final site plan be sent to the Rensselaer County Planning Department for review and recommendation. Chairman Oster asked whether the applicant had any objection to complying with the comments of the Brunswick No. 1 Fire Department. The applicant has no objection to complying with these requests of the Brunswick No. 1 Fire Department. Member Tarbox asked for further clarification on the calculation of green space for the entire project site, including the existing Ace Hardware store and now the tool rental and repair building. Mr. O'Connor of Bohler Engineering stated that the original site plan that was approved in June of 2014 provided for 22% green space, whereas the current proposal which includes the Phase II portion of the project now provided 23.1% green space on the overall project site. Chairman Oster noted that the applicant is not proposing to add any additional paving on the site, but the paving having been in place at this location for a number of years. Chairman Oster also noted that under the Planning Board's Site Plan Regulations, the Planning Board does have the jurisdiction to waive the 35% green space requirement if the facts of the particular application justify it. Chairman Oster stated that in this case, since this site has historically been paved and that no new areas of paving are being proposed, the Planning Board should consider a waiver of the 35% green space requirement. Mr. Bonesteel did note that the limited additional green space being provided on the project site within Phase II does help the stormwater control for the entire site. Member Czornyj noted a particular drainage pattern to the rear of the project site, noting that there was a fairly significant drop off, and that some curbing



should be added at the edge of pavement. The Planning Board noted that this site does not constitute one single parcel, but it has been determined that there are two tax parcels constituting this project site. The applicant has indicated that it does not intend to merge these parcels together, but rather retain the two separate tax parcels. Attorney Gilchrist stated that since the Planning Board was moving forward with action on the Phase II site plan for the western portion of the site, any action by the Planning Board would need to be conditioned on cross-easements for traffic, parking, and drainage if these parcels remain as two separate tax parcels, and that a map note to this effect should be added to the site plan. Chairman Oster again stated that the site plan should be sent to the Rensselaer County Department of Planning for review and recommendation. This matter is placed on the August 6 Agenda for further discussion.

The next item of business on the Agenda was the site plan application submitted by Brad Stevens to locate a portable barbeque food trailer in the parking lot of Brunswick Plaza located at 740 Hoosick Road. Chairman Oster noted that the owner of this site had filed a letter with the Planning Board indicating that it was consenting to the site plan application being submitted by Stevens. Chairman Oster noted that this Plaza was approved as a Planned Development District by the Town Board, and that the Planning Board must review the Planned Development District approval to determine if there are any restrictions to this type of proposed use on the project site. Chairman Oster noted that the site plan review can continue, but with the understanding that the Planned Development District conditions must be reviewed. Stevens provided an update to the proposed site plan, which now seeks to locate the portable barbeque food trailer in the parking lot of the Brunswick Plaza. Stevens stated that the barbeque trailer is 36 feet long, and he proposes using four parking places for the trailer, plus an additional two parking spaces for use for picnic tables, so that a total of six spaces will be effected. Chairman Oster inquired as to approval by the

Rensselaer County Health Department. Stevens had provided a copy of a permit issued by the Rensselaer County Health Department, but Chairman Oster inquired whether this permit was for this particular location and proposal to locate the trailer for an extended period of time at that location, or was the County permit a general permit for various locations in Rensselaer County. Stevens stated that the Rensselaer County Health Department is aware of his proposal to locate the barbeque trailer at the Brunswick Plaza for an extended period of time, and that it is covered under the Rensselaer County Health Department current permit. Chairman Oster asked whether there was any time limitation in the County Health Department permit about being in one location for any extended period of time. Stevens stated that there was no such restriction, and that the current County permit allows the food trailer to be located anywhere within Rensselaer County. Member Esser asked whether the food service side of the trailer would be located adjacent to the parking lot or adjacent to the Hoosick Road side. Steven stated that the food service side of the truck would be located adjacent to Hoosick Road, so that people would not be standing in a travel lane when ordering food. Member Esser also noted that there did not appear to be much space around the picnic tables for customer use, and asked whether any additional parking spaces would be used. Stevens stated that the plaza owner had agreed to the use of additional parking spaces. Chairman Oster asked if the business met with success, would more tables be added. Stevens added that if successful, he could be adding additional picnic tables. Attorney Gilchrist stated that if additional parking spaces were anticipated to be used for picnic tables, it must be shown on the site plan. Member Esser stated that the total area proposed to be used, including parking spaces for all picnic tables, should be put on the site plan now for discussion. Member Casey asked about the proposed days and hours of operation. Stevens stated that he anticipated operating at this location Monday through Friday from 10:00 a.m. to around 7:00 p.m., and would try to operate on some weekends

when he was not using the trailer at another location. Chairman Oster stated that the barbeque trailer would then be in operation for 8 to 10 hours a day, and asked how bathroom facilities would be provided. Stevens stated that he would be bringing a porta pottie onto the site. Mr. Bonesteel noted that the proposed location for the food trailer was in the front corner of the parking lot where it appeared that stormwater drainage was collected. Mr. Bonesteel stated that in periods of heavy rain, this could present an issue concerning standing water in that location. Chairman Oster stated that in his opinion, both the Town Board and the Planning Board spend a lot of time in reviewing Planned Development Districts and site plans, such as the Brunswick Plaza, in terms of esthetics, parking, landscaping and overall project use. Chairman Oster continued that, in his opinion, the use of a parking lot in this plaza was not anticipated for a portable food trailer, picnic tables, and bathroom facilities. Chairman Oster continued that, while he was certain Stevens operates a very good and clean food service, this was not the type of use anticipated for this location, and potentially sets a very dangerous precedent for allowing these types of portable businesses to operate in parking lots at commercial locations in the Town. Chairman Oster also noted that this was the Hoosick Road corridor, one of the main roads through the Town of Brunswick, and that the Planning Board needs to be sensitive to land uses that are allowing along Hoosick Road. Stevens stated that he had put a lot of time into this proposal, that he had approached the Brunswick Building Department several months ago and was never told that this was not an approvable use, that he had done everything he had been asked, and that he should have been told this by the Brunswick Building Department much earlier in that he would not have put in the time or effort on this proposal. Chairman Oster replied that his comments represented only his personal opinion, and that his site plan proposal would be up to the full members of the Planning Board. Discussion concerning the total number of parking spaces that Stevens would be utilizing for this proposal

was discussed. Stevens stated that he would like to add two more spaces to his proposal, so that a total of eight spaces would be utilized by this food trailer and accessory picnic tables. Mr. Bonesteel then stated that the proposed use was getting larger, and he briefly stated his concern regarding surface water during periods of heavy rain. Member Tarbox stated that this was a site plan use along Hoosick Road, and that this site plan application would need to be sent to the Rensselaer County Planning Department for review and recommendation. Chairman Oster restated that the conditions of the Planned Development District approval must be reviewed, that a revised site plan should be submitted showing the final location and total number of parking spaces being proposed for this use, that the site plan would then be sent to the County Planning Department for review and recommendation. This matter was placed on the August 6 Agenda for further discussion.

The next item of business on the Agenda was the site plan application submitted by Arax Properties, LLC for a proposed retail plaza located at 616-630 Hoosick Road. Pat Mitchell of Creighton Manning was present for the applicant. Mr. Mitchell generally reviewed the proposed site plan, stating that the Planning Board comments concerning potential light impacts to homes located on the opposite side of Hoosick Road are being addressed but that no specific revision to the site plan to address that comment had yet been made, but it is anticipated that landscaping will be added to shield any light impacts. Mr. Mitchell stated that he had met with Mr. Bonesteel, and will be addressing comments raised during that meeting. Mr. Mitchell indicated that comments had been received from the Brunswick No. 1 Fire Department, and that they will be addressed in an updated site plan submitted. Mr. Mitchell also stated that the New York State Department of Transportation has been contacted concerning this project, and they are waiting for feedback from NYSDOT. Chairman Oster asked about the proposed development on the easterly side of the

project site, which is identified as Phase II and showing a potential convenience store with gas station. Mr. Mitchell stated that the concept plan for Phase II of the project on the easterly side of the site had been presented for concept review only for purposes of SEQRA review, so that the SEQRA review for the entire project could be completed at this time, even though the applicant is moving forward with a detailed site plan for Phase I only. Member Czornyj asked whether a traffic light is being proposed for the entrance on Hoosick Street. Mr. Mitchell stated that a light is not being proposed, but NYSDOT is reviewing the proposal and will be providing feedback. Member Czornyj noted that it is very difficult to make a westerly turn out of the project site, which is similar to the problems of people leaving the Planet Fitness and trying to make a left turn in a westerly direction. Member Wetmiller asked about snow removal, since the site seems very tight and fire truck access may be difficult. Member Wetmiller thought there should be areas shown on the site plan for snow storage. Mr. Mitchell stated that this can be addressed on the updated site plan. Chairman Oster noted that he would like to get this application to public hearing as soon as possible, to start receiving comments from the public. Mr. Bonesteel commented that the site plan was substantially complete and adequate for opening the public hearing, and that the stormwater plan was likewise available for public review. Chairman Oster noted that it would be likely that the public hearing would be kept open, but that the Planning Board was interested to receive public comments as early as possible rather than later in the review of this project. The applicant was in agreement, and consented to keeping the public hearing open. This matter is placed on the August 6 Agenda for opening of the public hearing on this site plan application at 7:00 p.m.

The next item of business on the Agenda was the site plan application submitted by Amerit Fleet Solutions for use of an existing building located at 853 Hoosick Road for truck maintenance. Jason Doling was present for the applicant, stating that an updated site drawing had been submitted

to the Planning Board. Mr. Doling reviewed the updated site plan. Mr. Doling noted that an updated entrance area had been shown on the site plan, and that two spaces compliant with the Americans with Disabilities Act are shown. Mr. Doling noted that the site was serviced by natural gas, not propane. Mr. Doling confirmed that a grease and oil/water separator is located within the building. Regarding the comment concerning NYSDEC requirements concerning hazardous materials, Mr. Doling stated that based on the total amount of fluids in connection with the business, that the facility is conditionally exempt as a small quantity generator, and that the waste fluids are primarily oil and are hauled off the site by a certified waste handler. Mr. Doling also stated that the facility was in compliance with the multi-sector general permit for industrial activities. Mr. Doling confirmed that there were water and sewer lines in the center of the existing building, but could not locate the exact location unless the Planning Board required him to use radar to locate the lines. Mr. Doling stated that the Fire Departments had not yet been contacted, but he would do so. Steve Wilson, Chief of the Brunswick No. 1 Fire Department, was present, and Mr. Oster allowed him to provide comments. Mr. Wilson stated that a knox box must be installed and the Fire Department reimbursed for the cost, that a safety cabinet should be used for all flammables inside the building, and also discussed certain fire alarm system requirements. Mr. Doling stated that the facility would coordinate with the Brunswick No. 1 Fire Department. Monica Nann-Smith requested a copy of Mr. Doling's comments as well as the comments of the Brunswick No. 1 Fire Department. Mr. Bonesteel stated that the exact location of the water and sewer lines was requested but not critical on this application, and Member Czornyj suggested that the owner coordinate with the Water Department on the location of these lines. Chairman Oster noted that a public hearing should be held on this application, as it is located adjacent to Hoosick Road. Chairman Oster also directed that the application be sent to the Rensselaer County Planning

Department for review and recommendation. This matter is placed on the August 6 Agenda for a public hearing to commence at 7:15 p.m.

The next item of business on the Agenda was the site plan application submitted by BBL Construction Services on behalf of Albany Medical Center for an Urgent Care Facility proposed for 730 Hoosick Road. Chairman Oster recused himself from participation in the review of this application. Kevin Moore and Eric Landrew of BBL Construction Services were present for the applicant. Mr. Moore generally reviewed the proposal by Albany Medical Center to operate an Urgent Care Facility at 730 Hoosick Road. Mr. Moore stated that the parking for this proposed use is adequate as currently configured. Mr. Moore stated that a site plan had been submitted stamped by a licensed design professional. Member Czornyj stated that the site plan looked more like a construction drawing rather than a site plan. Mr. Moore stated that there was no exterior work being proposed at this location, and that only an internal fit up is being proposed. The application is in the nature of a change of use, without any structural alterations. Mr. Moore did indicate that a handicapped ramp would be added, and that a canopy would be installed to the rear exit area. The Planning Board noted that this application must likewise be forwarded to the Rensselaer County Planning Department for review and recommendation as it is located within 500 feet of a State highway. The Planning Board also noted that the Planned Development District approval for this location must be reviewed to determine if there were any restrictions or conditions that would prohibit this proposed use. This matter is placed on the August 6 Agenda for further discussion.

Chairman Oster returned to the Planning Board.

The next item of business on the Agenda was the site plan application submitted by Brunswick Properties, LLC for use of existing storage buildings located at 720 Hoosick Road for

public use. Robert Pollock was present on the application. Mr. Pollock reviewed a sample Rental Agreement with members of the Planning Board. Chairman Oster noted that the standard restrictions for self-storage units were included in the Rental Agreement. Chairman Oster asked whether the owner would be allowed to inspect the storage units for compliance with the conditions of the Rental Agreement. Mr. Pollock stated that the owner would be allowed to inspect the storage units, and that was included in the Rental Agreement. Mr. Pollock stated that there were a total of 24 units existing at the site, and no new construction was being proposed, and that this application sought to eliminate the restriction on the use of these storage units to tenants at the existing plaza, and allow use of the storage units by the public. Chairman Oster stated that, in his opinion, this was a minor modification to the site. A question was raised as to handicapped access. Mr. Pollock stated that the site was handicapped accessible in compliance with building code and American with Disabilities Act requirements. The Planning Board determined that a public hearing on this site plan application was not required, and proceeded to deliberate on the application. Following discussion, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the condition that the site be in compliance with the Americans with Disabilities Act as applicable. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the site plan approved subject to the stated condition.

One item of new business was discussed. Verizon Wireless has submitted an application to the Brunswick Zoning Board of Appeals for special permit, and to the Brunswick Planning Board for a site plan, in connection with an antenna installation on the roof of the new Stewarts located at the intersection of Brick Church Road and Tamarac Road. The Planning Board noted



that the site plan had been submitted, but review of that site plan is adjourned pending action by the Brunswick Zoning Board of Appeals on this special permit application.

Member Tarbox had questions concerning the construction of a barn and garage on Route

7. The matter will be investigated by the Brunswick Building Department.

The index for the July 16, 2015 meeting is as follows:

1. Diamond Rock Plaza – Site Plan – August 6, 2015.
2. Ace Hardware – Site Plan – August 6, 2015.
3. Stevens - Site Plan – August 6, 2015.
4. Arax Properties - Site Plan – August 6, 2015 (Public Hearing to commence at 7:00 p.m.)
5. Amerit Fleet Solutions – Site Plan – August 6, 2015 (Public Hearing to commence at 7:15 p.m.).
6. BBL Construction Services – Urgent Care Facility – Site Plan – August 6, 2015.
7. Brunswick Properties, LLC – Site Plan – approved with conditions.

The proposed Agenda for the August 6, 2015 meeting currently is as follows:

1. Arax Properties, LLC – Site Plan (Public Hearing to commence at 7:00 p.m.).
2. Amerit Fleet Solutions – Site Plan (Public Hearing to commence at 7:15 p.m.).
3. Diamond Rock Plaza – Site Plan.
4. Ace Hardware - Site Plan.
5. Stevens – Site Plan.
6. BBL Construction Services – Urgent Care Facility – Site Plan.
7. Oakwood Property – PDD – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 6, 2015**

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

ABSENT was VINCE WETMILLER and MICHAEL CZORNYJ.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board opened a Public Hearing on the site plan application submitted by Arax Properties, LLC for property located at 616-630 Hoosick Road. The applicant is proposing two (2) phases of construction for commercial use. The applicant has submitted a site plan application for Phase I, consisting of a 6,900 sq. ft. retail building and a 4,000 sq. ft. retail/restaurant building. The Notice of Public Hearing was read into the record, with that notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website and mailed to owners of adjacent properties. Chairman Oster reviewed the procedure for public hearings, and requested that the applicant present an overview of the site plan proposal. Charles Tutunjian of Arax Properties, LLC, owner and applicant, presented a brief overview of the proposal. Mr. Tutunjian stated that the project was proposed for two separate phases, and that only Phase I of the project is being pursued at this time. The area of Phase II, which is the eastern portion of the property, will remain in its current use, and the existing buildings located on the eastern portion of the property adjacent to Hillcrest Avenue will remain in place. The Phase I of the portion of the project is located on the westerly portion of the property, and will consist of two

(2) commercial buildings. The first commercial building is a 6,900 sq. ft. commercial building, which will be an Advanced Auto Parts store. The second proposed commercial building is 4,000 sq. ft., and no tenant is proposed at this time. Mr. Tutunjian explained that this commercial building is listed as retail or restaurant, since no tenant is yet identified, and the applicant wanted to proposed the restaurant use since it is in the nature of a “worse case” proposal in terms of traffic, water, and sewer use. Mr. Tutunjian reiterated that there was no tenant yet identified for the 4,000 sq. ft. building. Mr. Tutunjian stated that five (5) existing residential buildings and a car port located on the western side of the property will be demolished, that four (4) existing curb cuts on Hoosick Road will be eliminated and replaced with one common commercial driveway to line up with Leonard Avenue. Mr. Tutunjian stated that the applicant is seeking site plan review and SEQRA review for Phase I only, as Phase II is speculative and not even known if it will be pursued at this time. Mr. Tutunjian generally reviewed the proposed building layout for Phase I, including parking areas, travel lanes, and vegetation plan. Mr. Tutunjian stated that part of the site needs to be filled in order to provide a level topography for building. Mr. Tutunjian stated that the Planning Board’s initial comments included depicting additional landscaping as a buffer along Hoosick Road as well as showing an area for snow storage location on the site. Mr. Tutunjian stated that both of these have now been shown on the site plan. Mr. Tutunjian also stated that in response to comments from the Fire Department, a knox box will be installed on each building. Mr. Tutunjian stated that it is his understanding that the Rensselaer County Department of Economic Development & Planning has provided its comments, which include comments on drainage as well as vegetative buffer. Mr. Tutunjian stated that the applicant has prepared a stormwater plan for the site to address the drainage comments, and has proposed vegetative buffers along Hoosick Road and additional screening to the rear of the project site. Mr. Tutunjian stated that the State

Historic Preservation Office has determined that there is no impact from this project on any historic resources. Chairman Oster then opened the floor for receipt of public comment. Karen Groudas, 7 Mellon Avenue, stated that she was concerned regarding the traffic on Hoosick Road, and especially on Coolidge Avenue; that her backyard would now be facing commercial parking lots, and that she had concerns regarding lights, noise and property values; that she felt an auto parts store was fine but she was opposed to any restaurant use, as she did not want dumpsters, food waste, and rats right next to her backyard. Pam Harbour, 14 Leonard Avenue, stated that she was opposed to having a restaurant with a bar in that location; that she had significant concern regarding stormwater runoff on to Leonard Avenue, and that water runoff from Hoosick Road is already a major issue during periods of heavy rain; that turning in and out of Leonard Avenue on to Hoosick Road is already an issue, and it will become a disaster if this project is allowed to be built; that at a minimum, better signage indicating that Leonard Avenue is a dead end should be required, so that Leonard Avenue is not impacted by people trying to use Leonard Avenue as a cut-thru road. Rick Stephens, 5 Film Avenue, stated that two (2) commercial buildings backing up to a residential area would result in negative impacts from lighting, odors, noise; and that it is already hard to get in and out of Hoosick Road and that this project will only make it worse; and that a traffic study for Hoosick Road is needed. Sharon Wager, 9 Coolidge Avenue, stated that she has lived in her home for 36 years; that she should have received direct written notice of this meeting; that she has concerns regarding traffic; and that Coolidge Avenue cannot handle any more traffic since people already use Coolidge Avenue as a cut-thru road because of the amount of traffic on Hoosick Road. Linda Motzer, 12 Green Street, stated she had significant concerns regarding traffic; that a restaurant would result in odor, noise, and pollution problems; that cars already use the surrounding streets as a cut-thru because of the amount of traffic on Hoosick Road, and that the

traffic is unbearable. Debbie Nichols, 249 Hillcrest Avenue, stated that Hoosick Road is a terrible mess; that the traffic is terrible; that she is very concerned about this project because it will only result in more traffic problems; that Hoosick Road is becoming too commercial; and that we do not need this project on Hoosick Road. Susan Dunson, 15 Leonard Avenue, stated this project will have a negative impact on property values, and that her property value will decline; that she has paid her taxes for a number of years, and now her property value will decline; and that commercial projects like this should be moved to areas where there are no houses in the back. Michelle Fennell, 9 Mellon Avenue, stated that this project was right in her backyard; that she was opposed to this project; and that there was terrible traffic on Hoosick Road all the way from Walgreens to Walmart, and that this project would only make things worse. Lynn Overacker, 9 Film Avenue, stated that she was opposed to this project, and that this should not be a “done deal”; that there were already several accidents on Hoosick Road, and that this would only raise additional safety concerns for cars on Hoosick Road; that property values would go down because of this project; that there would be terrible impacts from a restaurant at this location; and that she was concerned about the lack of privacy to surrounding property owners. Bryan Dunson, 15 Leonard Avenue, asked why his taxes keep going up with all the new business going in along Hoosick Road; and that additional traffic lights are needed because of the traffic problems. Rosemary Waytkus, 33 Coolidge Avenue, stated she had concerns regarding traffic; and that it was unfair to hold a public hearing when the residents did not have access to any report from the NYS Department of Transportation or any environmental reports. Vicky Shahinian, 30 Coolidge Avenue, asked whether there would be any blasting associated with the construction; asked why there was only a 6 ft. high fence being proposed to the rear of the commercial project site, and that the fence needs to be higher to provide privacy. Paul Engster, principal of Fore Realty Group,

LLC, 777 Hoosick Road, stated that he was the owner of apartments directly across the street from the project site, and that he has concern regarding the layout of green space; stated that the Planning Board should require the green space to be located more to the front of the project site, and not to the rear, which would provide more of a green buffer between Hoosick Road and the commercial project; that while the applicant was proposing vegetation for an area directly adjacent to Hoosick Road, there would still be light impacts that negatively affect the apartments directly across the street located at 617-619 Hoosick Road; that the entire project, including whatever is being conceptually proposed for Phase II, should be reviewed currently; that it was not fair to the public to have to comment on a proposed site plan that includes a building when the end use of that building is not known, as it provides no definition for the commercial use for the public to comment on; and that the Planning Board should keep the public hearing open to get more specifics regarding the 4,000 sq. ft. commercial building, particularly if it will be used as a restaurant. Joan Power, 218 Hillcrest Avenue, stated that traffic was terrible in this area and she was concerned about safety. Sal Mele, 220 Hillcrest Avenue, stated traffic was terrible and he was concerned about more traffic on Hoosick Road. Chairman Oster stated that there were a number of comments received from the public, and that he would require the applicant to respond to these comments, and further that the Planning Board would keep the public hearing open and reconvene the public hearing after the applicant has had a chance to respond to these initial comments. The public hearing on the Arax Properties, LLC site plan is adjourned, and will be reconvened upon notice at a later date.

The Planning Board opened a public hearing on the site plan application submitted by Amerit Fleet Solutions for property located at 853 Hoosick Road. The applicant seeks to use an existing building at 853 Hoosick Road for truck repair and maintenance. The Notice of Public

Hearing was read into the record, with that public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of adjacent properties. Chairman Oster again reviewed the procedure for public hearings, and requested that the applicant provide a brief overview of the proposal. Jason Dolmetsch, P.E., of MSK Engineering, presented a brief overview of the project. Amerit Fleet Solutions provides truck maintenance services, that all service activities will occur inside the existing building, and that there are no changes to the exterior of the site. Mr. Dolmetsch stated that in response to comments from the Fire Department, the building is monitored for emergency calls, that there are two safety cabinets located inside the building for flammables, and that a knox box will be installed at the site and the Fire Department reimbursed for the cost of the knox box. Mr. Dolmetsch also stated that the water and sewer lines serving the building have been located, and that Town Water Department did mark out those facilities on the site. Chairman Oster then opened the floor for receipt of public comment. Norman Fivel, Wilrose Lane, stated that he had concerns regarding any impacts to the adjacent wetlands, most particularly with regard to hazardous substances from the project including gas, oil, hydraulics, fluids, antifreeze and similar fluids that have the potential to run off to the wetland; that periodic monitoring should be required to ensure that any procedures in place to handle such fluids are being followed; that the hours of operation for the facility should be restricted; that impact to traffic on Hoosick Road and Betts Road should be reviewed; and asked whether the operation was industrial or commercial in nature, and whether this presented any zoning compliance issues since the property is located in a commercial zone and not an industrial zone; and inquired why site plan review was required if there are no permanent changes to the site. Chairman Oster asked whether there were any further public comments. Hearing none, the Planning Board closed the public hearing on the Amerit Fleet Solutions site plan application.

The Planning Board then opened its general business meeting.

The Planning Board reviewed the draft Minutes of the July 16, 2015 meeting. Ms. Nann-Smith stated that addresses needed to be corrected in the Minutes; that with respect to the Diamond Rock site plan matter, the address is 289-291 Oakwood Avenue; and that for the current Ace Hardware site plan application for the tool rental and repair building located on the western portion of the site, the address is 825 Hoosick Road. Hearing no further corrections or additions, Member Casey made a motion to approve the Minutes of the July 16, 2015 meeting, subject to the corrections for the addresses listed above, which motion was seconded by Member Esser. The motion was unanimously approved, and the Minutes of the July 16, 2015 Planning Board Meeting were approved.

The first item of business on the Agenda was the site plan application submitted by Arax Properties, LLC for property located at 616-630 Hoosick Road. Charles Tutunjian of Arax Properties, LLC, owner and applicant, was present. Chairman Oster stated that there were a number of comments received during the public hearing, and that the applicant would need to respond to these comments. Mr. Tutunjian stated that the proposed 4,000 sq. ft. building which is identified as either retail or restaurant did not have any tenant at this time, and that the applicant had identified a potential restaurant use in order to present a “worse case” scenario for traffic, water and sewer needs, but that the applicant would limit the use of this building to retail to address the concerns regarding a restaurant use, and that if a restaurant were to be proposed at any time in the future, the owner would need to re-apply to the Planning Board for an amendment to the site plan. Mr. Tutunjian stated that there was no restaurant tenant being proposed at this time, and that the applicant would limit the use of the second building to retail. Attorney Gilchrist stated that the applicant can propose a specific use for the second building, that it can be limited to retail, and that



if any different use was being proposed by the owner in the future, an application to amend the site plan would need to be made at that time. Chairman Oster stated that the potential restaurant use did generate a lot of comments at the public hearing, including concerns regarding odor, noise, and garbage, among others, and that the applicant limiting the use of the 4,000 sq. ft. building to retail was a step in the right direction. Chairman Oster also stated that there were comments regarding stormwater runoff from the site, and could the applicant initially comment on that issue. Pat Mitchell of Creighton Manning was also present for the applicant and responded to the comment regarding stormwater runoff. Mr. Mitchell stated that all the stormwater from the site is captured on the site, and that any overflow from the project site is discharged directly into an existing stormwater sewer located at Hoosick Road, and that stormwater overflow will not get to Leonard Avenue. Mr. Mitchell further stated that the project does need to comply with current stormwater regulations, which prohibit any increase in offsite stormwater flow from pre-construction conditions. Mr. Bonesteel did comment that the applicant is required to design a stormwater system to eliminate any additional runoff from the project site, and that the current stormwater regulations address both quantity and quality of stormwater runoff. Mr. Bonesteel commented that a stormwater report has been prepared on the application, and that he has reviewed it and finds it acceptable. Mr. Bonesteel further commented that regarding the stormwater plan for the site, the total amount of stormwater runoff from the site will actually be reduced from present volumes. Mr. Bonesteel did comment that the applicant will need the approval of NYSDOT to discharge stormwater to the existing storm sewer on Hoosick Road. Chairman Oster also said there was a comment from the public regarding increasing the amount of green space in the front of the project site, and moving the commercial buildings more to the rear of the site. Mr. Mitchell stated that the owner had looked into that option of moving the commercial buildings more to the

rear of the site, but this would result in encountering a significant amount of rock which would need to be removed, and also the grades of the site inhibit moving the commercial buildings more toward the rear. Mr. Tutunjian commented that there was no blasting proposed during the construction, and that the project actually needed fill brought into the site to bring the construction grade to proper level. Chairman Oster also inquired as to any proposals for the Phase II portion of the project. Mr. Tutunjian reiterated that there is no current plan for construction in the Phase II area, and that the existing house and garage located on the Phase II portion of the project adjacent to Hillcrest Avenue will remain and the current uses will remain, and that if Phase II does move forward at some point in the future, a further application for site plan approval will need to be made. Mr. Tutunjian also concurred that if a future site plan application is submitted for Phase II, all of the environmental impacts from this project, including those impacts from Phase I, will need to be analyzed during the Phase II review on a cumulative impact basis. Chairman Oster also stated there was a comment from the public regarding the height of the fence to the rear of the project site, between the commercial site and the residences to the rear. Mr. Tutunjian stated that he was not opposed to increasing the height of the fence to address those concerns. Member Casey asked whether there were any renderings of the commercial buildings available. Mr. Tutunjian handed up a preliminary rendering for the Advanced Auto Parts building. Member Tarbox asked whether there were any doors located on the rear of the commercial buildings. Mr. Tutunjian stated that there was one overhead door on the rear of the Advanced Auto Parts building. Chairman Oster requested that information on the number of deliveries, types of trucks making deliveries, and the days and hours when deliveries would be made, be submitted to the Planning Board. Mr. Tutunjian also stated that regarding the several comments on traffic, that the applicant did complete a traffic study and that it was submitted to the Town and is part of the application documents.

Chairman Oster requested that the applicant respond to all of the comments submitted at the public hearing. This matter is scheduled for the August 20, 2015 meeting for review of the applicant's response to public comments, and that the public hearing on this application will be re-opened at some point after the August 20 meeting upon due notice.

The second item of business on the Agenda was the site plan application submitted by Amerit Fleet Solutions for property located at 853 Hoosick Road. Jason Dolmetsch, P.E., of MSK Engineering, was present for the applicant. Chairman Oster noted there were a few comments received at the public hearing on this application, including a comment regarding potential impacts to wetlands from hazardous substances. Mr. Dolmetsch stated that the owner will conduct all activities regarding fleet maintenance inside the building, and that the generation of any oils, lubricants, or other fluids will be contained within the building and not co-mingled in stormwater. Mr. Dolmetsch further stated that the State Stormwater Regulations do provide for a multi-sector general permit for industrial activities, but also provides that if all activities occur within an enclosed building, then the operation qualifies for a "no exposure" classification and no further mitigation for runoff is required. Mr. Bonesteel stated that the Town of Brunswick is an MS4 community, that the Town has staff that monitors illicit discharges, and that if there are any illicit discharges resulting in runoff from the site, the Town will take enforcement action against the operation. Mr. Dolmetsch did confirm there was an oil/water separator in the building, and that all maintenance activities will be performed only within the building. Regarding any oils, greases, or other fluids stored as a result of the fleet maintenance activities, Mr. Dolmetsch stated that these were properly stored by the owner and picked up by a permitted hazardous waste hauler for off-site disposal. Chairman Oster asked about the hours of operation regarding the project. Mr. Dolmetsch confirmed that the facility will operate only Monday through Friday from 7:00 a.m. to

6:00 p.m., and that there were a total of three (3) employees at the facility. Chairman Oster noted there was a comment regarding traffic impacts. Mr. Dolmetsch stated that the use is consistent with the prior use of the property, and that no additional traffic will result from the fleet maintenance operations. Member Mainello noted that he does think this use is consistent with the prior use of the site, and does not anticipate any additional traffic impacts. Chairman Oster stated there was a comment regarding whether this use is commercial or industrial. Attorney Gilchrist stated that the reference to industrial activities as part of the NYSDEC multi-sector general permit for stormwater compliance has a different legal meaning than an industrial activity for zoning purposes, and that the Brunswick Building Department has determined that the use of the property as proposed by Amerit Fleet Solutions does constitute a commercial activity and is in compliance with the zoning district, and that the site plan had moved forward for review before the Planning Board. Chairman Oster noted that the recommendation from the Rensselaer County Department of Economic Development and Planning had been received, and that the County commented there were no changes to this site, had no comments, and that local consideration shall prevail. Chairman Oster stated that the comments received during the public hearing had been addressed, and asked whether the Planning Board Members had any further questions or comments. Hearing none, Member Mainello 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. Thereupon, Member Tarbox made a motion to approve the site plan application subject to compliance with the comments of the Fire Department in terms of Knox box installation and reimbursement, and also the condition that the Brunswick Building Department perform a walk-thru of the building. That motion was seconded by Member Casey. The motion was unanimously approved, and the site plan application approved subject to the stated conditions.

The next item of business on the Agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza located at 289-291 Oakwood Avenue. Tom Murley of Matopato, LLC was present. Mr. Murley stated that he was in receipt of the recommendation from the Rensselaer County Department of Economic Development & Planning, and that the County commented that the existing sidewalk on Highpoint Drive is on the north side of the roadway while the proposed sidewalk on the main entrance to the commercial site across from Highpoint Drive is on the south side of the driveway. Mr. Murley stated that the proposed sidewalk for the Diamond Rock Plaza will be moved to the north to line up with the walkway for the Highpoint Drive, complying with the comment from Rensselaer County. Chairman Oster noted that the public hearing had been held, that the recommendation from Rensselaer County had been received and addressed by the applicant, and asked Mr. Bonesteel if he had any technical comments on the site plan. Mr. Bonesteel had no further comments, stating that the applicant had responded to all prior review comments. Chairman Oster asked whether the Planning Board Members had any further questions or comments. Hearing none, Member Mainello 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. Thereupon, Member Casey made a motion to approve the Diamond Rock Plaza site plan subject to the following conditions:

1. Compliance with relocation of the proposed sidewalk in compliance with the comment from the Rensselaer County Department of Economic Development & Planning;
2. County Highway Work Permit for the entrance driveway onto Oakwood Avenue; and
3. All necessary permits and/or approvals for potable water and sewer connections must be obtained prior to the issuance of any building permit for any structure to which public water and/or public sewer will be connected.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimous approved, and the Diamond Rock Plaza site plan approved subject to the stated conditions.

The next item of business on the Agenda was the site plan application submitted by Ace Hardware for property located at 825 Hoosick Road, proposing to utilize an existing building for tool rental and repair adjacent to the Ace Hardware store. Rob Osterhault of Bohler Engineering was present for the applicant. Chairman Oster noted that the recommendation from the Rensselaer County Department of Economic Development & Planning had been received, which provided only one comment concerning the location of the greenhouse and access to sunlight during certain periods of time during the year, and that no further comments were raised and that local consideration shall prevail. Chairman Oster noted that the public hearing had been held on this application. Chairman Oster further confirmed for the record that the issue of required green space on the site had been addressed by the Planning Board, and that the 35% green space requirement had been waived given the fact that this was an existing improved site and that no decrease in currently existing green space is being proposed. Chairman Oster inquired as to the issue of cross easements for this project, given that the project site does consist of two (2) parcels, 825 and 831 Hoosick Road. Attorney Gilchrist stated that at the last meeting, it was determined that a condition of approval will include the necessity of creating cross easements for parking, traffic circulation, and stormwater prior to the transfer of any individual parcel to a third-party, and that a map note be added to the site plan specifically requiring such cross easements. The site plan was reviewed, and a map note added to the site plan did note the requirements for cross easements for traffic circulation and stormwater, but did not include the requirement for cross easement for parking. This will need to be added to the site plan map note. Chairman Oster asked whether there were

any further questions or comments from the Planning Board Members. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. A motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the site plan for 825 Hoosick Road for the use of the existing building for tool rental and repair subject to the following conditions:

1. The site plan map note must be amended to include the requirement for cross easement for parking between 825 and 831 Hoosick Road;
2. The Town of Brunswick Building Department to perform a walk-thru of the existing building; and
3. Compliance with Fire Department comments concerning knox box installation.

The motion was seconded by Member Mainello. The motion was unanimously approved, and the Ace Hardware site plan application approved subject to the stated conditions.

The next item of business on the Agenda was the site plan application submitted by Brad Stevens for property located at 740 Hoosick Road. The applicant had sought to locate a portable barbeque food trailer in the parking lot of the Brunswick Plaza located at 740 Hoosick Road. The applicant has withdrawn this application.

The next item of business on the Agenda was the site plan application submitted by BBL Construction Services, LLC on behalf of Albany Medical Center for a proposed Urgent Care Facility to be located in the Pollock Plaza located at 730 Hoosick Road. Chairman Oster recused himself from consideration of the application, and Member Casey will lead the discussion on this application at this meeting. Kevin Moore and Eric Landry of BBL Construction Services were present for the applicant. Mr. Moore stated that the site plan was before the Planning Board because of the proposed change in use for the existing space, that the application had been sent to

the Rensselaer County Department of Economic Development & Planning for recommendation and that the County had no comments and local consideration shall prevail, and that the Planning Board was to have reviewed the Planned Development District approvals to determine whether the proposed use was consistent with the PPD approval. Attorney Gilchrist stated that the Town had obtained the Brunswick Town Board approval for the Pollock Plaza PDD, which is set forth at Resolution No. 75 of 1995. Attorney Gilchrist stated that the Pollock Plaza PDD action was described in that Resolution as consisting of 152,000 sq. ft. of building space, including a 63,500 sq. ft. Price Chopper Supermarket, an expanded Pollock Home Center, and additional mixed retail space. Attorney Gilchrist further stated that pursuant to the SEQRA Findings Statement adopted by the Brunswick Town Board in connection with the Pollock Plaza PDD, the action was described as the expansion and construction of a shopping center with grocery store, home center, and mixed retail space totaling approximately 152,000 sq. ft. Further, Attorney Gilchrist stated that the SEQRA Findings also described the action as the construction of a shopping center which will include an expansion of the existing Pollock Home Center, the construction of 63,500 sq. ft. Price Chopper Supermarket, and the addition of mixed retail space. Attorney Gilchrist stated that a determination must be made as to whether the proposed Urgent Care Facility use in the Pollock Plaza was consistent with the uses allowable in the approval documents for the Pollock Plaza PDD, and that the Department to make that initial determination is the Brunswick Building Department. Attorney Gilchrist stated that the initial zoning determination must be made by the Brunswick Building Department prior to any further action by the Planning Board, as the Planning Board does not have the jurisdiction to make an interpretation of zoning compliance issues and does not have the jurisdiction to entertain a site plan application until that zoning determination had been completed by the Brunswick Building Department. Member Casey stated that he understood the



issue, and requested that the Brunswick Building Department make that determination as soon as possible. Member Casey also asked whether there were any outstanding technical issues identified by Mr. Bonesteel that could be addressed while the Building Department is completing its determination of zoning compliance. Mr. Bonesteel stated that the application does not include any structural changes or any changes to the site giving rise to any technical issues, and that the application was limited solely to a change in use for the space. The issue of a public hearing on the application was discussed. The Planning Board Members concluded that a public hearing would be required by the Planning Board in connection with the application. Mr. Moore stated that the applicant would like the public hearing scheduled as soon as possible to keep the project moving forward. Member Casey stated that the Brunswick Building Department's determination must be completed first, and that the issue of scheduling a public hearing could be further discussed at the August 20 meeting. Member Tarbox suggested that the public hearing might be scheduled for the August 20 meeting, subject to being cancelled in the event the Brunswick Building Department determines that the proposed use is not consistent with the allowable uses for the Pollock Plaza PDD, but that the public hearing could go forward on August 20<sup>th</sup> in the event that the Brunswick Building Department does determine that the proposed use is consistent with the allowable uses in the Pollock Plaza PDD. The Planning Board generally concurred with this approach. Accordingly, this matter is scheduled for public hearing to be held at the August 20 meeting at 7:00 p.m. subject to the determination by the Brunswick Building Department as to whether the proposed use is allowable in the Pollock Plaza PDD, and further subject to cancellation in the event the Brunswick Building Department determines that the proposed use is not consistent with the allowable uses in the Pollock Plaza PDD.

Chairman Oster then returned to the Board for further Agenda items.

The next item of business on the Agenda was the site plan application submitted by Oakwood Property Management in connection with the Oakwood Property Management Planned Development District located at 215 Oakwood Avenue. Rob Osterhautt of Bohler Engineering was present for the applicant. Mr. Osterhautt reviewed a map showing existing conditions on the site, and also the previous general layout map reviewed by the Planning Board that was dated March 19, 2015. Mr. Osterhautt then reviewed a revised layout site plan, which shows specific footprints for the proposed buildings, addresses Planning Board engineering comments, addresses comments of the Town Water Department, and addresses comments from the Center Brunswick Fire Department and Brunswick No. 1 Fire Department. Mr. Osterhautt also stated that comments from the owners of Ross Valve concerning stormwater runoff had been addressed by the Planning Board, and that it was his understanding that the representatives of the Planning Board had met with Mr. Ross at his property, that his comments were addressed, and that it was generally concurred that the stormwater runoff impacting the Ross Valve property was not originating at the Oakwood Property Management site. Mr. Osterhautt reviewed the current site plan layout, which does depict a gravel access road connecting to Northstar Drive in the area where the proposed waterline is located. Mr. Osterhautt inquired whether the site plan application had been forwarded to the Rensselaer County Department of Economic Development & Planning for review and recommendation, and the Brunswick Building Department will follow-up on that issue. Chairman Oster began a discussion concerning the utility easements, and specifically the waterlines proposed to connect to Northstar Drive and also to Naples Court. Mr. Osterhautt confirmed that the utility easements on the site plan that run from the project site to Northstar Drive and to Naples Court were general utility easements, but that only waterlines were being proposed for installation. The waterline installations in these utility easements will provide water service for the project, but also

provide a looped water service for the North Forty subdivision. Chairman Oster then asked about the access road in the area of the waterline leading to Northstar Drive. Mr. Osterhautt stated that the site plan does depict a proposed 20 foot wide gravel access road that was included with particular regard to comments by the Fire Departments for use as an emergency access drive. Chairman Oster stated that the issue is the need for an emergency access road connecting to Northstar Drive, and acknowledged that the residents in the North Forty subdivision had already stated publicly that they were opposed to having any access road connecting this project to the North Forty subdivision. Chairman Oster asked whether the access road was required for the waterline maintenance, or was it included as a result of the comments of the Fire Departments. Mr. Osterhautt stated that the applicant was responding to comments of the Fire Department regarding the emergency access road. Chairman Oster asked whether the area of the waterline could simply be maintained with a bush hog a few times during the year, or whether a formal maintenance road was required. Mr. Bonesteel stated that the area of the waterline should be maintained for access in terms of eliminating any trees or any other vegetation, but that a full gravel access road generally is not required. Monica Nann-Smith commented that the Fire Departments' comments state that the emergency access road should be 26 feet wide to accommodate their equipment. Mr. Osterhautt stated that the roads internal to the project site are 26 feet wide, but that the emergency access road proposed to connect to Northstar Drive is being proposed at 20 feet. Chairman Oster then raised the issue of the need for an emergency access road, and specifically the difference in emergency response times from the Brunswick No. 1 Fire Department going through the North Forty subdivision and through the proposed emergency access road as compared to utilizing the existing public streets through Frear Park and Oakwood Avenue. Chairman Oster stated he wanted additional information for the Planning Board to

consider in terms of this comparison of emergency response times. The Planning Board also had concerns regarding the winter maintenance of any emergency access road, and the potential use of this emergency access road by motorcycles, ATVs, or other vehicles in the future. Member Tarbox asked how the emergency access road would actually connect to Northstar Drive, since the owner's property line does not meet the existing Northstar Drive. Mr. Osterhault did confirm that a third-party property owner does own property between the Oakwood Property Management Site and Northstar Drive, and that the owners of Oakwood Property Management were currently in discussions with this third-party property owner to obtain an easement over that third-party land. Chairman Oster also noted that in his prior discussions with volunteer firefighters, the Fire Departments require emergency access roads to be paved since the departments will not take the emergency vehicles off of the paved surface, and that the applicant was proposing only a gravel surface for the emergency access road. The other members of the Planning Board concurred with these comments regarding the proposed emergency access road, noting that this site already includes two points of access directly off Oakwood Avenue. Member Tarbox noted that the issue of the emergency access road arose only because a looped waterline was being proposed, and that access to the waterline was then discussed, which somehow led to the proposal that a full emergency access road be included. Chairman Oster confirmed that additional information regarding comparison of response times for emergency purposes needs to be provided to the Planning Board. Member Mainello asked whether all of the emergency apparatus used by Brunswick No. 1 Fire Department was able to get through Frear Park, particularly the traffic circle located in Frear Park close to Oakwood Avenue. The Planning Board Members noted that there was also a cul-de-sac at the end of Northstar Drive, and that the Planning Board needed information regarding the emergency vehicle access through these cul-de-sacs as well. The Planning Board

Members also asked about the grade of the proposed emergency access road leading to Northstar Drive. Mr. Osterhault stated that the grade was approximately 10%. Chairman Oster stated that the Planning Board needs to get the additional information regarding this emergency access road as well as comparison of emergency response times in order to address this issue of the emergency access road. It was determined that the Brunswick Building Department and Planning Board would coordinate with the Brunswick No. 1 Fire Department to obtain this information prior to the next Planning Board Meeting. Member Casey asked about the diameter of the waterlines for the project. Mr. Osterhault stated that 8 inch diameter waterlines would be installed. Member Casey asked whether the waterlines would be installed using directional drilling to avoid disturbance. Mr. Osterhault said that the owner had looked at the option of directional drilling, but that the area of the waterline would need to be cleared for existing vegetation and allow for future waterline maintenance. Chairman Oster also confirmed on the record that both he and Mr. Bonesteel had met with Andrew Ross of Ross Valve regarding the stormwater runoff issue, and it was generally determined that the stormwater impact in the Ross Valve site in the City of Troy was not originating from the Oakwood Property Management project site. A discussion was held concerning the timing of a public hearing, and it was ultimately determined that this matter would be put on the August 20 Agenda for further discussion, at which point the additional information from the Fire Departments concerning emergency access road requirements as well as comparison of emergency response times would be available, and that the Planning Board and Brunswick Building Department would coordinate with the Fire Department on that information. It was also determined that the review engineer for this PDD site plan project, Laberge Engineering, should review the current site plan layout to determine whether the current plan addressed prior engineering review comments, and also finalize the plan for stormwater management on the site.

Those issues would also be discussed at the August 20 meeting. The Planning Board entertained the option of scheduling the Public Hearing on this matter for the September 3 meeting, pending the discussion to be held at the August 20 meeting. Member Tarbox asked about compliance with setbacks from property lines for the buildings. Mr. Osterhautt stated that the building locations were all approved as part of the PDD approval by the Brunswick Town Board. This matter is placed on the August 20 Agenda for further discussion.

There were no new items of business discussed. Ms. Nann-Smith did state that her Department was investigating the issues previously raised by Member Tarbox regarding the construction of a barn and garage on Route 7, and that her Department's investigation was ongoing.

The Index for the August 6, 2015 meeting is as follows:

1. Arax Properties, LLC – Site Plan – August 20, 2015.
2. Amerit Fleet Solutions – Site Plan – approved with conditions.
3. Diamond Rock Plaza – Site Plan – approved with conditions.
4. Ace Hardware – Site Plan – approved with conditions.
5. Stevens – Site Plan – application withdrawn.
6. BBL Construction Services/Albany Medical Center – Urgent Care Facility – August 20, 2015 (Public hearing to commence at 7:00 p.m.);
7. Oakwood Property Management Planned Development District – Site Plan – August 20, 2015.

The proposed Agenda for the August 20, 2015 meeting currently is as follows:

1. BBL Construction Services/Albany Medical Center – Urgent Care Facility – Site Plan (Public hearing to commence at 7:00 p.m.).
2. Arax Properties, LLC – Site Plan.
3. Oakwood Property Management Planned Development District – Site Plan.

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

**MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 20, 2015**

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the Agenda for the August 20 meeting.

The Planning Board has noticed a Public Hearing to be held on the site plan application submitted by BBL Construction Services, LLC on behalf of Albany Medical Center for a proposed urgent care facility. Chairman Oster had previously recused himself from consideration of this application, repeated that he is recused from considering this application, and left the Planning Board desk. Member Czornyj took the position of Acting Chair for this site plan application. Member Czornyj reviewed the procedures for Planning Board public hearings. The Notice of Public Hearing was read into the record, with that Notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of adjacent properties. Member Czornyj requested that the applicant present a brief overview of the project. Kevin Moore and Eric Landry of BBL Construction Services, LLC were present for the applicant. Mr. Moore stated that the project entailed the interior renovation of approximately 4,500 square feet of existing space located at the Brunswick Plaza to be fit up as an urgent care facility for Albany Medical Center. Mr. Moore explained that the only exterior renovations included the

addition of an ADA ramp, attachment of an awning over the back entrance for use of ambulance pick-up (if necessary), and the relocation of the entrance door. Member Czornyj opened the floor for receipt of public comment. Debbie Nichols, 249 Hillcrest Avenue, stated that this use was a wonderful idea, that there was a need for this facility in the community, and this would provide a value to Brunswick. Hearing no further public comments, Member Czornyj and the Planning Board closed the Public Hearing on this site plan application.

The Planning Board then opened the regular business meeting.

Member Czornyj then asked the Planning Board Members to review the draft Minutes of the August 6, 2015 meeting. Upon motion of Member Tarbox, seconded by Member Casey, the Minutes of the August 6, 2015 meeting were unanimously approved without amendment (Chairman Oster remained recused from the meeting).

The first item of business on the Agenda was the site plan application submitted by BBL Construction Services, LLC on behalf of Albany Medical Center. Member Czornyj wanted the applicant to confirm that there were no changes to the proposed site plan. The applicant confirmed there were no changes to the proposed site plan. Member Czornyj also wanted to confirm that the Brunswick Building Department had made a determination that this proposed use of the space in the Brunswick Plaza, consisting of an urgent care facility, was consistent with the permitted uses within the Brunswick Plaza Planned Development District. Ms. Nann-Smith confirmed that it was the determination of the Brunswick Building Department that this use is consistent with the uses allowable in the Brunswick Plaza Planned Development District. It was confirmed that the Rensselaer County Department of Planning referral had been received, and that the County Planning Department had no comments and that local consideration shall prevail. Member Czornyj wanted to confirm that there was no proposed use for this facility as an emergency room



or emergency care facility. The applicant stated that the proposed use is for urgent care only, and not for emergency room – type use. Regarding the potential use for ambulance, the applicant explained that this was limited to the situation where a patient came into the urgent care facility with what he presumed was a minor issue, but needed transport to a hospital; in this case, an ambulance would be called and the patient would be picked up via the back door by the ambulance for transport to a hospital facility. Member Czornyj wanted to confirm that the Planning Board was reviewing only the site plan to the extent of providing urgent care facility – type use, and not emergency room – type use; and further, that if any uses in addition to the urgent care facility – type use are proposed, then the applicant will need to apply for an amendment to the site plan which will then need to be reviewed by the Planning Board. The applicant concurred with that statement. Member Tarbox asked which hospital would be used to transport patients. The applicant stated that the choice of hospital was patient-determined. Member Czornyj asked whether any of the Board Members had further questions or comments. Hearing none, Member Casey made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the site plan subject to the condition that if there were any services in addition to the urgent care facility – type use, then an amended site plan would need to be submitted to be reviewed by the Planning Board. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the site plan approved subject to the stated condition.

Chairman Oster then returned to the Planning Board desk for the additional Agenda items.

The next item of business on the Agenda was the site plan application submitted by Arax Properties, LLC for property located at 616-630 Hoosick Road. Chairman Oster noted that there

were members of the public present who were interested in the application, but that the meeting tonight is limited to hearing responses to public comments submitted by the applicant, that additional public comment will not be taken at this meeting, and that the Public Hearing will be continued on notice at a later Planning Board Meeting. Linda Stancliff, RLA of Creighton Manning, was present for the applicant. Ms. Stancliff generally reviewed the site plan, which includes two (2) proposed retail buildings, one being 6,900 square feet and the second being 4,000 square feet; providing a total of 66 parking spaces with single access off Hoosick Road opposite Leonard Avenue. Ms. Stancliff stated that the current site plan submittal has a last revision date of June 18; that the Public Hearing on this site plan was opened on August 6, 2015; and that Creighton Manning had submitted to the Planning Board a written response to the public comments through letter dated August 18, 2015. Ms. Stancliff also confirmed that the applicant was preparing its submission to NYSDOT for its work permit for the driveway entrance off Hoosick Road. Chairman Oster requested that Ms. Stancliff review the August 18, 2015 letter by Creighton Manning. Ms. Stancliff stated that the second retail building, being approximately 4,000 square feet in size, was now limited to retail use and that no restaurant or bar use is being proposed; the hours of operation for this retail plaza will be Monday through Saturday, 7:30 a.m. to 9:00 p.m., and Sunday from 9:00 a.m. to 7:00 p.m.; that deliveries to this retail plaza would be made by tractor trailer and small truck, to be done during regular business hours, and will include approximately two-three deliveries per week; that the proposed use is in compliance with the Brunswick Zoning Ordinance for the B-15 Zoning District; that no blasting was being proposed for the project construction; that stormwater would leave the site via an existing pipe connection to the New York State drainage system along Hoosick Road, and would not be discharged to Leonard Avenue; that the stormwater plan included an underground chamber for stormwater

maintenance, and that the post-construction run off rate will be less than the current pre-construction run off rate; that a traffic evaluation had been performed for the project, which included traffic trips based on a restaurant use because that was the highest use/most trips generated, even though a restaurant has been eliminated from the application, and the existing traffic evaluation will continue to be used as a worst case scenario; that the traffic evaluation showed an additional 28 trips during the A.M. peak, and 36 new trips during the P.M. peak; that these additional trips compute to two new trips every 2 minutes, which is less than a 2% increase concerning the current volume on Hoosick Road, which is significantly below the threshold criteria to warrant a more detailed traffic evaluation by NYSDOT; that an existing left turn lane exists for Leonard Avenue at the location of the proposed entrance driveway; that this site redevelopment reduces the existing curb cuts at this area of Hoosick Road from 4 to 1, which represents an improvement to the total number of curb cuts at this location; that the project does not meet the signal warrant requirements for the addition of a traffic signal at this location; and that NYSDOT has reviewed the proposed location and configuration of the proposed driveway and found it to be acceptable. Chairman Oster wanted to confirm that the August 18, 2015 response letter prepared by Creighton Manning is part of the application record. Chairman Oster noted that since the restaurant use has been eliminated, the comments concerning odors, dumpsters, and potential vermin have been addressed; that the issue of light spillage has also been addressed in the Creighton Manning August 18 letter; that concerns regarding stormwater runoff have been addressed by Creighton Manning in the August 18 letter; and that as to the issue of impact on property values, Chairman Oster noted that this property has been zoned commercial B-15 since the adoption of zoning in the Town of Brunswick in the late 1950s, and that this proposed use is a permitted use in the B-15 zone, and that this commercial use is in compliance with the

comprehensive plan recently adopted by the Town of Brunswick which seeks to develop the Route 7 corridor for commercial purposes. As to traffic, Chairman Oster noted that traffic on Hoosick Road/Route 7 is an issue for NYSDOT and not the Town, since the highway is a State highway under the jurisdiction of NYSDOT. Attorney Gilchrist stated that while Chairman Oster was correct concerning NYSDOT jurisdiction, the Planning Board is responsible for reviewing traffic issues under the State Environmental Quality Review Act, but that the Planning Board should take into account the traffic evaluation performed by the applicant as well as comments by NYSDOT which has primary jurisdiction over Hoosick Road. Member Czornyj asked whether the traffic evaluation was limited to the two retail buildings in Phase I only, or whether any potential use for Phase II of the project had also been included in the traffic evaluation. Ms. Stancliff stated that the traffic evaluation was based on the commercial uses in Phase I only, and that if any use in Phase II is pursued in the future, which is speculative at this time, then a further traffic evaluation will need to be undertaken for Phase II which will include the traffic generated through Phase I on a cumulative basis. Chairman Oster felt that the public comments had been addressed by the applicant, and that the matter should proceed to re-opening the public hearing on this application for the September 3 meeting to commence at 7:00 p.m. The Planning Board Members concurred in this procedure. Ms. Stancliff stated that the current site plan with last revision date of June 18 did not include the increase of the privacy fence from 6 feet to 8 feet, nor did it include the installation of the replacement of the post mounted lights along the western drive with bollard style lights, even though these issues were addressed in the August 18 letter. Ms. Stancliff said that the site plan would be updated accordingly, and filed with the Town. Member Czornyj had a question concerning a pie-shaped piece of this site located to the rear, which he thought may be zoned residential R-9. Both the applicant and the Building Department will check this site plan in relation

to the zoning map to confirm that all commercial uses are located within the B-15 Zoning District. This site plan application has been referred to the County Planning Department, and the recommendation has already been received. Chairman Oster wanted to confirm that the site plan had also been forwarded to the Brunswick No. 1 Fire Department. Ms. Stancliff confirmed that the site plan had been provided to the Brunswick No. 1 Fire Department, and that the comments of the Fire Department are being addressed. This matter is placed on the September 3 Agenda for the re-opening of the public hearing to commence at 7:00 p.m.

The next item of business on the Agenda was the site plan submitted by Oakwood Property Management for the Oakwood Property Management Planned Development District. Rob Osterhoudt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster stated that the Planning Board had previously requested an analysis on the issue of the proposed emergency access route located on the utility right-of-way from this proposed project to Northstar Drive within the North 40 subdivision. Chairman Oster noted that this PDD site is divided between two fire district areas, including Brunswick No. 1 and the Center Brunswick Fire Company. Chairman Oster noted that he had received information on mileage from both the Center Brunswick Fire House and the Brunswick No. 1 Fire House to the project site, using different access routes. Chairman Oster also noted for the record that while the issues of having this PDD site in one fire company district, as well as the fact that the Spiegletown Fire Company seemed to be the closest fire company to this project site, have been raised, he in no way was suggesting or directing that fire district boundary lines be changed or various fire department jurisdictions be amended as part of the review of this Oakwood Property Management PDD site plan. Gus Scifo of the Brunswick No. 1 Fire Company was present, and Chairman Oster asked him to review the calculations he prepared together with Michael Lewis, the Assistant Chief for the Center Brunswick Fire

Company, both in terms of mileage and time from the Center Brunswick Fire House and Brunswick No. 1 Fire House to the project site over various routes. Mr. Scifo reviewed that information, which is part of the project review record. Mr. Scifo made the point that the times listed in the submission to the Planning Board do not include time for volunteers to leave their homes and arrive at the respective fire houses. Member Wetmiller asked about the typical response time for volunteer firefighters to get from their homes to the fire house. Mr. Scifo stated that this varied greatly, depending on the time of day and the particular day of the week. On the issue of two (2) fire companies servicing the project site, Chairman Oster noted that the northern portion of this project site is within the Center Brunswick Fire Company district, and that the southern portion of the project site is within the Brunswick No. 1 Fire Company district. Mr. Scifo explained the difference between a “fire district” and a “fire protection district”, noting that both the Center Brunswick Fire Company and the Brunswick No. 1 Fire Company are fire protection districts. Mr. Scifo also stated that the Spiegletown Fire Company is a fire district, which raises separate tax issues. Mr. Scifo also stated that while the Spiegletown Fire Company has a ladder truck, it does not have a bucket together with the ladder truck, and that the Brunswick No. 1 Fire Company has the ladder truck with a bucket. Chairman Oster asked Mr. Scifo to explain what would happen at this site in the event of a structure fire. Mr. Scifo stated that a call would go into Rensselaer County, the address of the structure would be entered, and the particular company that covers that address would automatically be identified. Mr. Scifo did say that in connection with a structure fire for an apartment complex, there would be an automatic mutual aid call. In this case, Mr. Scifo stated that a mutual aid call would be automatic because the Center Brunswick Fire Company does not have a ladder truck, and Brunswick No. 1 does have the ladder truck with bucket, and the Spiegletown Fire Company has a ladder truck. Chairman Oster thanked Mr. Scifo

for that explanation, and repeated that both he and the members of the Planning Board have respect for the volunteer firefighters, and that the inquiries of the Planning Board are merely to generate the data on which the Planning Board must rely to make its determination regarding the emergency access road for this project. Chairman Oster stated that both he and Member Czornyj had also driven the various routes identified in the Fire Company submission, and concur with the distances. Member Czornyj also noted that the times set forth in the Fire Company submission were very close to the times noted by Chairman Oster and Member Czornyj. Chairman Oster reiterated that in relation to any comment regarding the location of Fire Company district boundary lines and which company should be responding to this project site, he was in no way implying that districts needed to be changed, but was raising questions regarding information needed by the Planning Board to make its determination in this case. Chairman Oster asked about the type of emergency gate the Fire Department was proposing for the emergency access road in this application. Mr. Scifo stated that it would be the same type of emergency gate which was required for the Duncan Meadows Apartment Project. Chairman Oster then raised the issue of the surface of the emergency access road, and the Fire Department's request that it be a 26 foot wide paved roadway. Mr. Scifo stated that the Brunswick No. 1 Fire Company was not authorized to take its emergency equipment off pavement. Chairman Oster asked whether this was a New York State regulation or just a Fire Company policy. Mr. Scifo stated that it was primarily a company policy, and that both Brunswick No. 1 and the Center Brunswick Fire Company generally did not take equipment off pavement. Member Tarbox asked what happens when a fire is located along a dirt road, and said that there are a few dirt roads within the Town. Michael Drinkwine, Assistant Chief of the Center Brunswick Fire Company, was in attendance, and stated that in a case of a fire at a structure on an existing dirt road, the company would take the equipment onto the dirt road, but it is recommended that the

equipment not go off pavement. Mr. Drinkwine firmly stated that the Center Brunswick Fire Company would respond to the emergency call, even if it is on a dirt road. Member Tarbox then asked about the distance from the Northstar Drive cul-de-sac to the project site, which Mr. Osterhoudt confirmed was about 1,100 feet. Further discussion was held concerning the response times as noted on the Fire Department submission. Chairman Oster then raised the issue of the proposed emergency access road for this project, which will be at a substantial grade, and the Fire Departments are proposing that it be a 26 foot wide paved roadway. Chairman Oster noted that the construction of such a roadway is a substantial expense, but that it must be reviewed in relation to impact on response times for emergency vehicles. Mr. Drinkwine stated that the emergency access road would be gated at both ends. Chairman Oster stated that the Planning Board should also consider whether this road would be used by other vehicles, including motorcycles, ATVs, or other vehicles. Chairman Oster stated that the Planning Board needed to consider the impact to response times for emergency vehicles, and whether the change was in the nature of 30 seconds or several minutes. Mr. Drinkwine stated that the emergency access road should be included even if it saves 30 seconds, and asked whether 30 seconds was important to the Planning Board Members if there was an emergency at their homes. Attorney Gilchrist then counseled the Board that it must make any determination concerning the need for this emergency access road on reliable data, and that any determination must be based on reliable and substantial evidence in the record. Attorney Gilchrist further counseled the Board that in order to obtain that data, the Planning Board should consider retaining an expert, a technical consultant that could provide both reliable data and expert opinion on the need for an emergency access road on this project as it relates to emergency response times and overall public safety. Attorney Gilchrist suggested that the Planning Board coordinate with Laberge Engineering, and retain a consultant with expertise in the field of



emergency response and emergency planning, who could review the application documents, data prepared by the Fire Departments as submitted through their memorandum, analysis of the Fire District maps, the road layout within the North 40 subdivision, and provide both data and guidance to the Planning Board on this issue. The Planning Board concurred that retaining an expert consultant on this issue was appropriate. Chairman Oster did state that the issue of emergency response times is important to the Planning Board, even if it is 30 seconds, and that is why the Planning Board is retaining a consultant to provide reliable data and expert opinion on this issue for assessment by the Planning Board. Member Casey raised the issue about the relative distances of the Center Brunswick Fire House, Brunswick No. 1 Fire House, and the Spiegletown Fire House in relation to the project site. There was additional discussion regarding the fire districts, mutual aid, and the equipment available in each department to address an emergency situation at the project site. Chairman Oster asked were there any personal vehicles of volunteer firefighters who would be using the access road. Mr. Scifo and Mr. Drinkwine stated that only trucks and chief vehicles would use the access road, and possibly fire police, and not individual firefighters responding to a call. Mr. Osterhoudt concurred that Laberge Engineering would be retaining a technical consultant on the issue of the emergency access road, and would coordinate with Mr. Laberge on that issue. Mr. Osterhoudt also confirmed that he would provide to Mr. Laberge the most up-to-date site plan for review by Mr. Laberge. Mr. Osterhoudt also stated that he was continuing to review the stormwater plan for the project site, and would be meeting with Mr. Laberge shortly to further review this stormwater plan. Mr. Osterhoudt confirmed that he understood the technical consultant on the emergency access issue would be at the applicant's cost, but requested that he be provided with a quote for the technical consultant to review with his client. Mr. Osterhoudt also confirmed that there were no changes to the site plan since the last Planning

Board Meeting. Member Czornyj asked whether this site plan application should be forwarded to the County Planning Department at this time for review, given the outstanding issue of the emergency access road. Attorney Gilchrist stated that the application should be forwarded to the County Planning Department at this time, and that the County Planning Department could also provide any comment it wished on the emergency access road. Mr. Bonesteel asked about the general stormwater plan. Mr. Osterhoudt reviewed the stormwater plan in general, which includes seven (7) stormwater detention areas to treat run-off as close as possible to the source, that these detention areas had been conceptually sized and that further geotechnical investigation would need to be performed for final design, that the details must be worked out on final layout and design and that he would be meeting with Mr. Laberge. Mr. Osterhoudt did confirm that all NYSDEC stormwater requirements must be met. Member Casey had questions regarding the specific soil conditions, and whether any calculations had been made for specific buildings. Mr. Osterhoudt stated that further geo-technical work would be performed in connection with specific construction plans. This matter is placed on the September 3 Agenda for further discussion, including the issue of the emergency access road.

Two items of new business were discussed.

The first item of new business discussed was a minor subdivision application submitted by Robert Pollock, requesting a 2 lot subdivision at 720 Hoosick Road. Greg Bessler, of Creighton Manning, was present for the applicant. Robert Pollack was also present. Mr. Bessler explained the proposed 2 lot subdivision, which seeks to divide the existing commercial lot located at 720 Hoosick Road, which currently is the location of the Pioneer Savings Bank as well as a detached commercial building with individual retail spaces. Mr. Bessler explained that the proposed subdivision divides off the Pioneer Savings Bank parcel, identified as lot no. 1, with the balance

of the parcel including the detached commercial building with retail spaces being a separate lot, identified as lot no. 2. Mr. Bessler stated that this parcel is located in the B-15 Zoning District, and is not part of the Brunswick Plaza Planned Development District. Mr. Bessler stated that two waivers are requested in connection with the application. The first waiver concerns the requirement that there be a 7 foot offset from the property line for pavement, and that this waiver is necessary because there is an existing parking lot and the proposed lot line goes through the parking lot. The second waiver requested is for the green space requirement. Mr. Bessler explained that the current lot, housing all of these commercial buildings, has 36.99 percent green space; when subdivided as proposed, the resulting lot no. 1 has 44 percent green space, while the proposed lot 2 has only 31.52 percent green space. Since the site plan regulations require 35 percent green space, the applicant is seeking a waiver of the green space based on existing conditions for proposed lot no. 2. Mr. Bessler said that the issues regarding access, traffic circulation, parking, and utilities between the two lots are being addressed through a proposed cross-easement agreement, which has been submitted to the Town for review. Chairman Oster confirmed that the Planning Board does have jurisdiction to consider the waivers for the pavement offset as well as green space. Member Czornyj asked whether this application should be reviewed as a minor subdivision or as a waiver. Member Wetmiller asked whether a commercial subdivision could be treated as a waiver under the Town's subdivision regulations. Attorney Gilchrist reviewed with the Planning Board Members the provisions for waiver of subdivision, which provide that any request for a waiver of subdivision for the purpose of constructing other than one single-family dwelling must meet with the unanimous approval of the membership of the Planning Board present and constituting a quorum. Member Czornyj thought that this application should be treated as a waiver even though it is a commercial application, and made a motion to treat the

application as a waiver of subdivision. That motion was seconded by Member Wetmiller. The motion was unanimously approved by the Board Members present, and therefore this application will be treated as a waiver of subdivision. Member Casey inquired as to the reason for the subdivision. Mr. Bessler explained that Pioneer Savings Bank is looking to purchase the property on which the Bank branch is located. Member Czornyj confirmed that this site is not part of the Brunswick Plaza PDD, but does constitute a separate lot located in the B-15 Zone. Member Czornyj asked whether this application needed to be referred to the County Planning Department. Attorney Gilchrist stated that this subdivision does not need to be referred to the County Planning Agency, and that the Rensselaer County Planning Department has elected not review subdivision applications under the General Municipal Law. Member Tarbox had a question concerning the location of the proposed lot line. Mr. Bessler explained that there is an existing grinder pump located within the parking lot area, and that Mr. Pollock wanted the grinder pump to remain with proposed lot no. 2, and that this utility issue would be addressed within the cross-easement agreement. The Planning Board Members had a question regarding the cross-easement agreement, and the applicant confirmed that the easement agreement would address access, traffic circulation, parking, and utilities. Member Wetmiller asked about ongoing maintenance responsibilities for the access, traffic circulation, and parking areas, and what happens if lot no. 2 fails to maintain those areas. Attorney Gilchrist stated that these issues will need to be addressed in the cross-easement agreement, which he will review. The Planning Board Members also generally discussed the two (2) requested waivers, and were in favor of granting those waivers as part of the action on the waiver of subdivision. Chairman Oster asked whether there were any further questions or comments. Hearing none, 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. Thereupon, Member Casey made a motion to approve the waiver of subdivision application subject to the following:

1. A waiver is provided in relation to the green space requirements for lot no. 2, with lot no. 2 maintaining 31.52 percent green space;
2. A waiver is provided for the requirement for a 7 foot offset for pavement from lot lines, given that this is an existing parking lot area; and
3. Review and acceptance of the proposed cross-easement agreement by the Brunswick Building Department and Planning Board Attorney, which must address the issues of access, traffic circulation, parking, and utilities.

Member Czornyj made a motion subject to the stated conditions. The motion was unanimously approved, and a waiver of subdivision approved, together with the waivers for green space and pavement offset as noted.

The second item of business on the Agenda was a subdivision application submitted by the Patton Family Trust for property located on Pinewoods Avenue Extension. The Planning Board Members generally reviewed the proposed subdivision. Attorney Gilchrist noted that he had received a letter from William Doyle, Esq., attorney for the applicant, requesting that this matter be placed on the September 3 Agenda. After further discussion, the Planning Board Members observed that while the application sought to create three lots, one of those lots would be merged into a separate, existing homestead parcel, and could the application be viewed as proposing to create only two new lots. The Planning Board also discussed whether the application, even though creating two new lots, could be viewed as a waiver of subdivision application, since each of the resulting lots would be 13 acres in size, this would be a non-realty subdivision, and that the applicant is not proposing any construction at this time. Attorney Gilchrist stated that he would

review that issue with Attorney Doyle. This matter is placed on the September 3 Agenda for further discussion.

The Index for the August 20, 2015 meeting is as follows:

1. BBL Construction Services, LLC/Albany Medical Center – Site Plan – approved.
2. Arax Properties, LLC – Site Plan – September 3, 2015 (Public Hearing to continue at 7:00 p.m.).
3. Oakwood Property Management Planned Development District – Site Plan – September 3, 2015.
4. Pollock – Waiver of Subdivision – Approved with conditions.
5. Patton Family Trust – Subdivision – September 3, 2015.

The proposed Agenda for the September 3, 2015 meeting currently is as follows:

1. Arax Properties, LLC – Site Plan (Public Hearing to continue at 7:00 p.m.).
2. Oakwood Property Management Planned Development District – Site Plan.
3. Patton Family Trust – Subdivision.

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 3, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DAVID TARBOX, TIMOTHY CASEY, VINCE WETMILLER and MICHAEL CZORNYJ.

ABSENT was FRANK ESSER.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the town website. Chairman Oster noted that the site plan application for the Oakwood Property Management Planned Development District has been taken off the September 3 agenda, and is tentatively placed on the September 17 agenda.

The Planning Board continued the public hearing concerning the site plan application submitted by Arax Properties LLC, for property located at 616-630 Hoosick Road. Chairman Oster reviewed the procedure for the public hearing. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the town sign board, posted on the town website, and mailed to owners of adjacent properties. Chairman Oster noted that the public hearing had been opened on this site plan application on August 6, at which time public comments were received by the Planning Board. Chairman Oster also noted that the applicant had submitted a written response to the public comments received at the August 6 public hearing, and had submitted a letter dated August 18, setting forth its written

response to public comments. Chairman Oster noted that the August 18 submittal by the applicant is part of the public record. Chairman Oster requested the applicant to present a brief update on the site plan. Linda Stancliff, Registered Landscape Architect with Creighton Manning, was present for the applicant. Ms. Stancliff stated that the property is located in the B-15 zoning district, which allows for the use of retail on a project site. Ms. Stancliff reiterated that her office had submitted a letter dated August 18, 2015, to the Planning Board to provide response to public hearing comments from the August 6 public hearing date. Concerning the site plan, Ms. Stancliff stated that there were a few minor modifications, including the removal of six parking spaces, since the removal of a proposed restaurant use from the site plan resulted in a reduced number of parking spaces needed for the site plan when limited solely to retail use, so that the total number of parking spaces is now 60, rather than the previously-provided 66 spaces; that the lighting fixtures had been reduced on the west side of the project site, now providing for bollard lighting with wall packs; that the proposed stockade fence to the rear of the development site has been increased from six feet to eight feet in height; and that the site plan now does show the B-15 zoning district boundary line. Regarding the B-15 zoning district boundary line, Ms. Stancliff stated that the site plan provides two zoning district boundary lines; one district boundary line was scaled off from the Town of Brunswick zoning map, and the second zoning district boundary line has been included pursuant to the provisions of the Brunswick zoning ordinance itself, which states that the B-15 zoning district extends 250 feet from the Hoosick Road right of way. Ms. Stancliff stated that the applicant will use the more conservative zoning district boundary line taken from the Town of Brunswick zoning map, but that the Brunswick zoning ordinance itself does state that the B-15 zoning district boundary line extends 250 feet off the Hoosick Road right of way. Ms. Stancliff also stated that a traffic expert is in attendance from Creighton Manning, and will be available to



respond to any public comments concerning traffic following the public hearing. Chairman Oster then opened the floor for receipt of public comment. Susan Trudell, 3 Mellon Avenue, stated that it was her understanding that there were petroleum underground storage tanks located on the project site near Hillcrest Avenue, and that she intended to get the New York State Department of Environmental Conservation involved; that her property line extends at least two to three feet behind the fence located at the rear of her property at 3 Mellon Avenue; that Mr. Tutunjian owned an apartment house at this location for several years, that it was the subject of continual transients, that it was in terrible condition, and that there was a drug raid at this location only a few months ago, and that the neighbors on Mellon Avenue should not be exposed to this; that since Mr. Tutunjian did not care about the apartments on his property, he will not care about this retail use, either. Pat Germain, 18 Coolidge Avenue, stated that her property was in close proximity to the project site; asked what exactly is included in the definition of “retail”; that traffic will impact her neighborhood, and that it is bumper to bumper every day on Hoosick Road; asked whether the Planning Board members lived in this area, because it is terrible in terms of traffic; that any business must be conducive to the residential neighborhood to the rear, and not just any “retail,” and feels that she should have the right to know exactly what retail use is being proposed before it is approved. Ernie Berkhart, 9 Leonard Avenue, stated that the entrance to this commercial use is located directly across from Leonard Avenue, and asked what happens if someone is seeking to make a left-hand turn into the retail plaza at the same time someone is trying to make a left-hand turn into Leonard Avenue, and stated this looked like it would be a problem. Karen Groudis, 7 Mellon Avenue, thanked the Planning Board for the continuation of the public hearing; realized that this is commercially zoned; felt that the property would be better used as professional office or apartments; and did not like that an auto parts or other retail use would be at this location;

questioned the traffic study in terms of the morning and evening peak numbers, stating that they seemed very low, and asked whether auto parts deliveries were included in the calculations; and stated that mature evergreens should be required at the rear of the commercial site to avoid pollution and noise. Roger Trudell, 3 Mellon Avenue, stated that there were wetlands on the project site 21 or 23 years ago, because the wetlands defeated another commercial project proposed for this location. Michelle Fennell, 9 Mellon Avenue, asked whether this commercial plaza was needed, since there were six empty spaces in the Brunswick Plaza already; that there were other empty commercial places in the Town of Brunswick; that this would become an eye sore, that the owner does not take care of the property now and would not take care of the property in the future; that this project did not make sense and was not needed; and that the traffic calculations were ridiculous. Susan Trudell, 3 Mellon Avenue, stated that the owner was laughing when the comment was made that he is not taking care of his property now, and would not take care of this commercial property in the future. Maureen Maloney, 19 Mellon Avenue, stated that there was not the need for another retail plaza in the town; that there were empty spots in other plazas currently in the town; that this seems like a done deal; and asked when a phase two site plan would be made. Chairman Oster stated that the Planning Board was in receipt of all of these public comments, and asked whether any members of the public had any different or additional comments for the record. Chairman Oster stated that the Planning Board would consider closing the public hearing, and again requested any different or additional comments to be made part of the record. Hearing none, the Planning Board closed the public hearing on the Arax Properties site plan application.

The Planning Board then opened the regular meeting.

The Planning Board members reviewed the draft minutes of the August 20, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the August 20, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Arax Properties for property located at 616-630 Hoosick Road. The Planning Board reviewed the updated site plan, last revised 8-26-15. Linda Stancliff, Registered Landscape Architect of Creighton Manning, was again present and addressed the Board on behalf of the applicant. Ms. Stancliff stated that the Brunswick Site Plan Review Act provides for the types of retail uses allowed within the B-15 zoning district, and again stated that the 4,000 square foot retail building had no current tenant planned. Ms. Stancliff stated that if use other than retail is proposed for the 4,000 square foot building in the future, then an amended site plan would need to be submitted and a further public hearing held. Ms. Stancliff stated that Advanced Auto Parts is a potential tenant for the 6,900 square foot building, but that the tenant is not secured. Chairman Oster stated that once the tenant is secured, Advanced Auto Parts will be constructing and have control of the building. Ms. Stancliff confirmed this. Ms. Stancliff also stated that the six spaces removed from the site plan due to the elimination of a restaurant use were located closest to the western side of the project site. Ms. Stancliff stated that there was no record of wetlands on the project site, and the issue of drainage is addressed in the stormwater plan. The applicant stated that he had owned the property for 30 years, and that there had been no project proposed for this site 21 or 23 years ago. Attorney Gilchrist stated that the New York State Freshwater Wetlands maps could be checked for any state-regulated wetlands, and that any information concerning federal wetlands on the project site should be reviewed by the Planning Board. Mr. Bonesteel confirmed this. Ms. Stancliff stated that there are no records concerning underground storage tanks at the project

site. The applicant stated that he had a Phase 1 environmental site assessment completed, that no petroleum underground storage tanks were noted, and that he would supply a copy of the Phase 1 environmental site assessment to the Planning Board. The owner confirmed that the Phase 1 environmental site assessment was completed for the entire site, not just the Phase I site plan area. Elaina Bran of Creighton Manning was present to address traffic issues. Ms. Bran stated that a traffic assessment had been completed for the project. Ms. Bran stated that the issue of two left turns at the same time, both into the commercial site and into Leonard Avenue, actually was the best design from a traffic standpoint, as the driveway and Leonard Avenue provide a direct offset and there is adequate space in the turning lane to make both turns. Ms. Bran stated that the proposed site plan does not generate much commercial traffic, and that Leonard Avenue is a dead-end road and, likewise, does not generate much traffic, but with regard to the two contemporaneous left-hand turns, the turn lane has adequate room and the commercial site has been designed to adequately meet any need for two-way left turns. Regarding the trip generation numbers, Ms. Bran stated that the AM and PM peak numbers have been provided, and that the AM peak number generally addresses 7:00 a.m. to 8:00 a.m., and the PM peak number generally addresses 4:30 p.m. to 5:30 p.m. Ms. Bran confirmed that projected deliveries were included in the trip generation numbers for these peak hours. Chairman Oster questioned whether the traffic assessment was presented to NYSDOT. Ms. Bran confirmed that the traffic assessment was provided to NYSDOT, and that NYSDOT did approve the location of the proposed entrance driveway and was supportive of the limitation of curb cuts on Hoosick Road. Chairman Oster asked how many apartment units previously existed on the project site. The owner said approximately ten apartment units. Chairman Oster stated that these apartment units would also generate traffic from the site, and whether Creighton Manning had taken advantage of the offset resulting from the elimination of

the apartments. Creighton Manning did confirm that this would be an offset, but that their trip generation numbers and traffic assessment did not give any credit to this offset. Member Tarbox asked whether the trip generation numbers were for both retail buildings, or just from the proposed auto parts building. Ms. Bran stated that the trip generation numbers took into account both retail buildings. The Planning Board then generally discussed the trees located to the rear of the property and whether this existing landscape acted as a buffer. Ms. Stancliff stated that the rear of the site is currently wooded, but that evergreens would be added along the western property line to add to a vegetative buffer. Member Tarbox asked about the elevation of the retail building relative to the homes on Mellon Avenue. There was extended discussion concerning the relative elevations, the location of property lines, the location of existing fences and retaining walls on the property, with Member Tarbox stating that the owner would need to work with the homeowners on Mellon Avenue to address this common property line. Chairman Oster stated that with respect to the public comments that this plaza was not needed and that there were numerous plazas that were vacant in the town, the Planning Board does not consider the business aspect of the land use proposal, but rather reviews the site plan in relation to the town's zoning regulations and Site Plan Review Act. Member Czornyj asked about the height of the proposed retail buildings. Ms. Stancliff stated that the 6,900 square foot retail building is approximately 21 feet in height, but that there was no final design for the 4,000 square foot building. Member Mainello asked about the roof structure, and whether the buildings would have a flat roof. Ms. Stancliff stated that the buildings would have a flat roof. Member Mainello asked whether the mechanical equipment would be located on the roof. Ms. Stancliff stated that there would be mechanical equipment located on the roof. Member Mainello stated that the mechanical equipment did need to be screened, and that a building elevation should be provided for review. Regarding the equipment

located on the roof of the retail buildings, Member Czornyj asked about noise generation. Member Czornyj stated that specifications for the proposed equipment of the roofs should be provided so that noise generation measured at the property boundary line could be made, because this project site is in close proximity to homes. Chairman Oster agreed with this. Member Tarbox also stated that there were four or five houses located on Mellon Avenue that would be most affected by this project, that some are single story and that some are two story, and that given the relative elevations of the properties, noise generation as well as drainage must be reviewed. Member Tarbox asked whether modifications to the exterior of the buildings were possible, to have a better design. Attorney Gilchrist stated that the Town of Brunswick did not have any architectural design standards in its town code. The Planning Board and the applicant then discussed the proposed fence along the western boundary of the project site in relation to any existing retaining walls, sheds, and other features located in the backyards of the homes on Mellon Avenue, and the relative elevations of the properties at this location. Ms. Stancliff stated that a submission would be made to the Planning Board, showing profiles and elevations in this location. Member Mainello also commented that garbage pickup at dumpsters was a concern, and that the Planning Board should consider limiting dumpster pickups to certain times of day. After further discussion, the Planning Board required the applicant to submit the following additional information on the site plan application:

1. A copy of the owner's Phase 1 environmental site assessment for the project site;
2. Information concerning any potential state or federal wetlands on the property;
3. All correspondence from NYSDOT concerning review of the traffic assessment for the project;

4. Noise data concerning any mechanical equipment to be located on the roof of any retail building, and projected noise data at the property line;
5. Further proposals for vegetative screening along the western property line;
6. Top of fence elevations and profiles to be located along the western boundary of the project site.

Chairman Oster also requested the applicant to respond to the public comments received at this meeting in writing. Attorney Gilchrist noted that the review by the Rensselaer County Department of Economic Development and Planning had been received. This matter was placed on the September 17 agenda for further discussion.

The second item of business on the agenda was the subdivision application submitted by the Patton Family Trust for property located at 244 Pinewoods Avenue Extension. William Doyle, Esq., was present for the applicant. Members of the Patton family were also in attendance. Mr. Doyle explained that the property sought to be divided is approximately 40 acres, is currently vacant land, is held by a family trust and that the trust is now ready to distribute trust assets. Mr. Doyle explained that the trust assets would go to three Patton brothers, each receiving approximately 13 acres of land. One of the Patton brothers receiving the approximate 13 acres of land is Tom Patton, who, with his wife, Catherine Patton, owns an existing homestead parcel directly adjacent to the 13 acres which will be transferred to him, and that this 13 acres would then be merged into the existing homestead parcel owned by Tom and Catherine Patton. Chairman Oster understood this, and said that the Planning Board would look at this application as a lot line adjustment for the existing Tom and Catherine homestead parcel, and the subdivision would result in the creation of two new 13-acre parcels, each over five acres an area and not proposed for development. The Planning Board had discussed this matter at the August 20

meeting, and determined that applying the waiver of subdivision regulations in this matter is appropriate. Attorney Gilchrist confirmed that under the Town Subdivision Regulations, the Planning Board did have the discretion to treat this matter as a waiver of subdivision application or require a full minor subdivision application. The Planning Board members determined that a waiver of subdivision review was appropriate as long as the 13 acres was merged into the adjacent homestead parcel of Tom and Catherine Patton. Mr. Doyle confirmed that he would provide the deed of merger of the 13 acres into the existing Tom and Catherine Patton homestead parcel to the Planning Board and Town Building Department for their files. Member Tarbox inquired whether an agricultural data statement was required on this application. After research, the Planning Board determined that an agricultural data statement was not required on this application. Chairman Oster asked whether there was any further discussion concerning the application. The Planning Board members generally concurred that treating the application as a waiver of subdivision was appropriate, and that the two resulting 13-acre parcels were appropriate in terms of size, location, and road frontage. Member Czornyj then 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. Member Wetmiller then made a motion to approve the waiver of subdivision application subject to the condition that the 13-acre parcel adjacent to the existing homestead parcel of Tom and Catherine Patton be merged into the homestead parcel of Tom and Catherine Patton, with the merger deed provided to the Town Building Department for its records. Member Czornyj seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition. It is noted that the resulting two, new 13-acre parcels represents a non-realty subdivision.



Three items of new business were discussed.

The first item of new business discussed was the proposal by JT Pippert to use one of the existing retail spaces in the DeVito strip mall located off Route 7 in Sycaway for use as a hair salon. The Planning Board confirmed that there were no structural changes being proposed for the site, and that Pippert sought to utilize one of the existing retail spaces in the existing plaza for retail-type use. The Planning Board further confirmed that a hair salon was an allowable retail use under the Brunswick zoning ordinance. After reviewing this information, the Planning Board determined that a site plan application was not required, as no structural alterations or change in use are being proposed.

The second item of new business discussed as a waiver of subdivision application submitted by Henry Reiser for property located on Farm-to-Market Road (10 Plante Lane). The applicant seeks to divide a 22-acre area from an existing parcel to transfer to a third party. The Planning Board generally reviewed the project layout, and also noted that the existing deed, which includes this 22-acre area, is included in one tax parcel number, and further that the 22-acre area had previously had its own separate description, but had subsequently been included in one single deed. Mr. Reiser now seeks to divide off the 22-acre area pursuant to the existing description, and transfer that 22-acre area to a third party. The Planning Board also noted that the balance of this property is located on the opposite side of Farm-to-Market Road, with this single, 22-acre area located by itself on the other side of Farm-to-Market Road. This matter was placed on the agenda for the September 17 meeting.

The third item of new business discussed was a concept plan submitted by PF Management Group for a property located on Hoosick Road between the existing Planet Fitness facility and the Hoffman Car Wash facility. The proposal, in concept, is to remove existing buildings and to

construct a restaurant and grocery store. The property owner is reportedly currently working with NYSDOT concerning traffic issues on Hoosick Road, with the potential for installation of a traffic light being investigated. Member Czornyj reports that no formal site plan application has been submitted yet, and this matter is therefore adjourned without date.

Chairman Oster updated the Planning Board on the effort to secure a consultant on the issue of necessity of an emergency access road on the Oakwood Property Management PDD site plan.

Attorney Gilchrist also provided a copy of the fully-executed, recorded easement, which was required in connection with the Pollock subdivision for the Brunswick Plaza. A copy of the fully-executed, recorded easement is provided to the Building Department and also to Chairman Oster for the Planning Board file.

The index for the September 3, 2015 meeting is as follows:

1. Arax Properties LLC – site plan – 9-17-2015
2. Oakwood Property Management PDD – site plan – adjourned to 9-17-2015  
(tentative)
3. Patton Family Trust – subdivision – approved with condition
4. Reiser – waiver of subdivision – 9-17-2015
5. PF Management Corp. – concept site plan – adjourned without date.

The proposed agenda for the September 17, 2015 meeting currently is as follows:

1. Reiser – waiver of subdivision
2. Arax Properties LLC – site plan
3. Oakwood Property Management PDD – site plan (tentative)

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 17, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER, VINCE WETMILLER and MICHAEL CZORNYJ.

ABSENT was TIMOTHY CASEY.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the meeting, noting that the applicant on the Oakwood Property Management Planned Development District Site Plan has requested that the matter be adjourned, as review of the project's stormwater plan is continuing and the issue of the emergency access road is subject to further review, including the Planning Board retaining a consultant. Chairman Oster stated that he would update the Planning Board members during the meeting on the status of retaining a consultant to analyze the necessity of an emergency access road for the Oakwood Property Management project.

The Planning Board members reviewed the draft Minutes of the September 3, 2015, meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the Minutes of the September 3, 2015, meeting were unanimously approved without amendment.

The first item of business on the agenda was a waiver of subdivision application submitted by Henry Reiser for property located along Farm-to-Market Road (NY Route 351) and Plante Lane. Henry Reiser was present. Mr. Reiser reviewed the proposed subdivision, which seeks

approval to divide off a 22+/- acre area from an existing property located on both sides of NY Route 351. Mr. Reiser explained that the 22+/- acre area on one side of NY Route 351, which he seeks to divide from the remainder of the property on the opposite side of NY Route 351, was once in a separate deed, has a separate survey map, and has a separate metes and bounds description. Mr. Reiser further explained that this 22+/- acre area was once a separate lot, but was acquired by the owner of the remaining property on the opposite side of NY Route 351, and placed within one deed. He is seeking an approval to divide off the 22+/- acre area for transfer to an adjacent property owner. It is Mr. Reiser's understanding that the adjacent property owner will not be merging the 22+/- acre area into his existing property, but that there are no plans for any development of the 22+/- acre area other than use for agricultural purposes. Mr. Reiser did state that the adjacent property owner uses the majority of his remaining property as a pasture and horse farm. Chairman Oster inquired whether any Planning Board members had any questions or comments on the application. Member Wetmiller asked whether an agricultural data statement is required. Attorney Gilchrist stated that an agricultural data statement is required for any proposed non-agricultural use within 500 feet of an agricultural district. As this application does not seek approval for a non-agricultural use, but merely the subdivision for transfer to an adjacent property owner with no plans for development, an agricultural data statement is not required in this case. Attorney Gilchrist also noted for the record that, given the proposed subdivision is for a lot in excess of five acres with no planned construction, the application is for a non-realty subdivision and approval of the Rensselaer County Health Department is not required. Further, Attorney Gilchrist confirmed that with respect to a waiver of subdivision application, a public hearing is not required. Chairman Oster again confirmed that the Planning Board members had no further questions or comments. 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 Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Esser. The motion was unanimously approved, and the waiver of subdivision application approved.

The next item of business on the agenda was the site plan application submitted by Arax Properties, LLC, for property located at 616-630 Hoosick Road. Linda Stancliff, Registered Landscape Architect, of Creighton Manning, was present for the applicant. Ms. Stancliff generally overviewed the project. Ms. Stancliff also confirmed that the applicant, through Creighton Manning, had submitted a letter to the Planning Board, dated September 10, 2015, responding to public comments received at the September 3 meeting, and also providing the information requested by the Planning Board at its September 3 meeting. Ms. Stancliff also reviewed four minor modifications to the site plan, including a revision to the location of the B-15 zoning district boundary line, the reduction of the total number of parking spaces on the site plan from 60 to 57, minor revisions to the drainage plan for the site, and provision of additional plantings on the western boundary line, adjacent to the backyards of residences located on Mellon Avenue. Member Esser had a question regarding the width of the space between the proposed commercial buildings. Ms. Stancliff stated that width was approximately ten feet. Member Esser asked whether the area would remain in grass or would be gravel or paved. Ms. Stancliff stated that the area was proposed to remain in grass. Member Esser suggested that a fence be provided toward the front and rear of this area, so as to eliminate any alley way or dark area between the buildings. Ms. Stancliff did not have any objection to adding a fence or other barrier in this area between the buildings. Member Esser asked whether there were any emergency exits planned within this area between the buildings. Ms. Stancliff stated that there is not an emergency exit proposed on the

western side of the 6,900 square foot building proposed for the auto parts company, and that the design of the other 4,000 square foot retail building is not yet final. Member Esser stated that there should not be an emergency exit included in the 4,000 square foot building adjacent to the area between these two commercial buildings, but rather, the emergency exit should be placed on one of the other three sides of the 4,000 square foot building. Chairman Oster then confirmed that the B-15 zoning district boundary line had been changed on the site plan, and that this reduced the total number of parking spaces from 60 to 57 spaces. Ms. Stancliff confirmed this. Chairman Oster also noted that this changed the alignment of certain parking spaces to provide for parallel parking. Ms. Stancliff also confirmed this. Chairman Oster asked whether the reduction in parking spaces increased the total green space on the project site. Ms. Stancliff confirmed that the total green space on the project site has been increased due to the reduction of total parking spaces. Chairman Oster also raised the issue of NYSDOT performing resurfacing and repair work on Hoosick Road, from the Collar City Bridge east to the Planet Fitness location, and that this commercial site plan was along that Hoosick Road corridor and if any changes are going to be approved for the new curb cut and elimination of existing curb cuts, this should be coordinated with NYSDOT, as the Hoosick Road work was already underway and projected to go through the end of November. Chairman Oster also wanted to address the changes to the site plan that had been reviewed by Ms. Stancliff, and whether this required the re-opening of the public hearing. Attorney Gilchrist stated that the Planning Board needed to determine whether it felt these changes were significant, or were only minor modifications. Attorney Gilchrist stated that in the event the Planning Board determined that the changes were significant, then the public hearing should be re-opened, whereas if the Planning Board determined that the changes were only minor, then the Planning Board did not need to re-open the public hearing. Chairman Oster stated that he felt the

changes to the site plan reduced the extent of the project in terms of total parking spaces and associated lighting, increased the green space on the project, and did, in fact, slightly reduce the overall impact of the project, and felt the changes were not significant. Member Czornyj concurred, stating that with the revised parking areas, including the provision of parallel parking, lights from the cars parking no longer shined into neighbors' yards, and felt that this was an improvement to the site plan, and also agreed that the changes to the site plan were not significant. The remaining Planning Board concurred with these comments. The Planning Board determined that the modifications to the site plan are not significant, and there is no requirement to re-open the public hearing on the application. Chairman Oster noted that the Planning Board Review Engineer Bonesteel had only received the updated site plan materials, as well as the applicant's response to comments, on Tuesday of this week, and had not had adequate opportunity to review those materials prior to this meeting. Chairman Oster asked Mr. Bonesteel to update the Planning Board on his review of these materials. Mr. Bonesteel stated that he did have the opportunity to review the applicant's responses to the public hearing comments, and also to review the applicant's responses to NYSDOT comments on the traffic assessment report for the project, but did not have an opportunity to fully review the Phase 1 environmental site assessment, and needed further time to review the environmental site assessment in full. Mr. Bonesteel did report that he reviewed the fence profiles that have been provided by the applicant for the fence to be located on the western side of the project site, and that the fence profiles looked acceptable. As to the environmental site assessment, Mr. Bonesteel's initial review did note the possible presence of underground storage tanks, but that it appeared the environmental site assessment report was not conclusive. Ms. Stancliff did state that the environmental site assessment identified potential areas for underground storage facilities, and that ground-penetrating radar had been used, and that the

ground-penetrating radar did find anomalies which could give rise to the presence of underground facilities on the site. Ms. Stancliff did state that there was not excavation in the area of the site anomalies, but rather, a recommendation that prior to any excavation or construction in the areas of the identified anomalies, further investigation be undertaken at that time. Chairman Oster asked whether the anomalies were in an area that was reported to have been a gas station on the site. Ms. Stancliff did state that the area of a gas station on the site was located toward Hillcrest Avenue, but that the areas of the anomalies appeared to be associated with residential use, and could either be a fuel oil tank or a septic tank. Charles Tutunjian of Arax Properties, LLC, stated that while there was not excavation in the area of the identified anomalies, soil borings were taken and sampled, with no evidence of site contamination being found in the soil borings. Mr. Bonesteel also stated that he wanted more time to review the changes to the stormwater plan for the site. Ms. Stancliff stated that the stormwater plan was also still being reviewed by NYSDOT. Mr. Bonesteel asked what NYSDOT was looking for in the stormwater plan for the project. Ms. Stancliff stated that, in general, NYSDOT was requiring no further offsite increases in stormwater from the project site, and that the stormwater plan was designed to provide for no increase in offsite discharges, but that NYSDOT has not provided their written approval of that stormwater plan yet, and that she would follow up with NYSDOT and seek to have that written approval within the next two weeks. Chairman Oster reviewed the applicant's responses to public comments, and the Planning Board generally finds the responses to be complete. Chairman Oster did raise the public comment concerning pest and rodent infestation in the existing homes that are on the property. Charles Tutunjian stated that there were no issues concerning pest or rodent infestation, that there is no evidence of rodents or insects, and that the Department of Health has never been required to inspect the building. Attorney Gilchrist stated that at the time the buildings



are sought to be demolished, a demolition permit will be required from the Town, and at that point the Town could inspect the buildings to determine whether there were any issues concerning pests or rodents that needed to be addressed prior to building demolition. Chairman Oster felt that this was an appropriate position. Member Mainello asked whether the Brunswick No. 1 Fire Department had reviewed the site plan. Ms. Stancliff stated that the fire department had reviewed the application, and that she had received e-mail comments from the Brunswick No. 1 Fire Department. Gus Scifo of the Brunswick No. 1 Fire Department was in attendance, and confirmed that the fire department was looking for the installation of knox boxes on each of these commercial buildings, and that the buildings were not in excess of 30 feet, so there were no issues regarding fire code compliance regarding building height. Chairman Oster stated that this matter will be placed on the October 1 agenda to allow Planning Board Review Engineer Bonesteel to complete his review of the application materials.

The next item of business on the agenda was the Oakwood Property Management Planned Development District site plan, and Chairman Oster stated that he had spoken with the project engineer, Rob Osterhaut, and confirmed that an appearance by the applicant was not required, since there are still engineering review comments concerning the stormwater plan that need to be addressed, and the Planning Board was continuing to work on retaining a consultant for the emergency access road issue. Attorney Gilchrist generally reviewed a legal issue surrounding the stormwater plan, and Chairman Oster reviewed his efforts to retain a consultant on the emergency access road issue. This matter is adjourned without date, pending the resolution of the stormwater plan issues, as well as a consultant review of the emergency access road issue.

One item of new business was discussed. A concept site plan was presented on behalf of Cellco Partnership dba Verizon Wireless by Attorney Laura Bomyea, for property located at

2 Brick Church Road, which is the location of the new Stewart's building on Brick Church Road and Tamarac Road. Cellco Partnership dba Verizon Wireless has an application pending before the Brunswick Zoning Board of Appeals for a special permit, pursuant to the Town Telecommunications Law, and Ms. Bomyea had requested the opportunity to present the concept plan to the Planning Board prior to final action of the Brunswick Zoning Board of Appeals, in light of the fact that subsequent site plan approval is required for this facility in the event the Zoning Board of Appeals approves the special permit. The Planning Board allowed Ms. Bomyea to present the concept plan. Ms. Bomyea reviewed the project in general, identifying the proposal to install a small cell antenna, concealed within a cupola, to be constructed on the roof of the Stewart's building. Ms. Bomyea explained that this cell antenna is approximately 24" by 15", is entirely concealed within a cupola structure on the roof of the building, and is designed to provide a hot spot cell coverage as an in-fill facility for cell coverage. Ms. Bomyea further explained that there is base equipment in conjunction with these cell antennas, which will be located to the rear of the Stewart's building. Ms. Bomyea stated that the base cabinets are approximately 4' 5" by 8', and will be enclosed within a fenced area at the rear of the building. Ms. Bomyea stated that the base equipment will not be visible from Route 278, since the equipment will be situated behind existing refrigeration equipment, and will further not be visible from Tamarac Road because it will be behind the Stewart's building. Ms. Bomyea stated that the county review has been completed, and determined that local consideration shall prevail. Member Czornyj asked whether there were any other existing Stewart's shops that have the cupola with the antenna located in the Capital District area. Ms. Bomyea stated that there are not any other facilities like this in the Capital District. Chairman Oster asked whether there were any issues concerning fire code compliance, given that the panels will have electric power associated with them. Mr. Bonesteel reviewed the

specifications, which show that the electricity for this unit is housed in the base equipment and that the antennae themselves do not operate in high voltage. There was discussion concerning the electrical connections from the base equipment to the cupola. The total height of the cupola was discussed, and the cupola looks to be about 31 feet in height at its peak. The Planning Board will need to coordinate on any fire code compliance issues concerning height of the structure with the fire department. The building specifications for the cupola were discussed. This matter is placed on the October 1 agenda for further discussion.

One item of old business was discussed. Member Czornyj and Mr. Bonesteel reviewed with the Planning Board the Rensselaer County Health Department review of water and septic for the four lot subdivision previously approved for property located on the intersection of Camel Hill Road and Coons Road, owned by the Clemson Group. Mr. Bonesteel explained that the Rensselaer County Department of Health had raised certain concerns regarding existing drainage ways in relation to review and approval of the septic plan for the property. Several meetings occurred regarding the issue, including onsite. It was determined that a revision to the location of one of the septic systems was designed, and a map note to be added to the subdivision plat was discussed and agreed upon by the Health Department, the Town, and the owner. As the Planning Board's approval of the subdivision was conditioned on Health Department approval for the water and septic plan, these issues need to be resolved prior to the plat being stamped and signed by the Planning Board. It was determined that the Town would do a final review of the subdivision plat note, and once it is determined to be acceptable, the Planning Board can proceed to stamp and sign the subdivision plat.

Member Tarbox raised an issue regarding the need for the Town Board to address whether portable food trailers, or portable commercial trailers in general, were allowable in the Town of

Brunswick in light of the Planning Board's review of the recent proposal for a barbecue food trailer to be located in the Walmart Plaza parking lot. There currently is no provision within the Town Code to address these portable food or commercial trailers. It was determined that a letter will be prepared by the Planning Board to send to the Town Board to identify the issue for Town Board consideration.

The index to the September 17, 2015, meeting is as follows:

1. Reiser – waiver of subdivision-approved
2. Arax Properties, LLC – site plan – 10/1/2015
3. Oakwood Property Management Planned Development District – site plan – adjourned without date
4. Cellco Partnership dba Verizon Wireless – site plan – 10/1/2015
5. Clemson Group – subdivision – discussion re Rensselaer County Health Department's review and approval of water and septic plan

The proposed agenda for the October 1, 2015, meeting currently is as follows:

1. Arax Properties, LLC – site plan
2. Cellco Partnership dba Verizon Wireless – site plan

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 1, 2015**

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

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the October 1 meeting.

The draft Minutes of the September 17, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the Minutes of the September 17, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Arax Properties, LLC for property located at 616-630 Hoosick Road. Linda Stancliff, Registered Landscape Architect, of Creighton Manning, was present for the applicant. Chairman Oster reviewed the discussion at the September 17 meeting, where Miss Stancliff reviewed the minor modifications made to the site plan in response to comments, and also noted that the final plans and other submissions needed to be reviewed by Planning Board Review Engineer Bonesteel. Miss Stancliff confirmed that there were no changes to the site plan since the September 17 meeting. Miss Stancliff did state that the New York State Department of Transportation had reviewed the final traffic plans as well as stormwater plan, and had sent an email communication

to the applicant dated October 1. The NYSDOT October 1 communication was reviewed by Miss Stancliff, noting that NYSDOT is requiring that the width of the entrance driveway, which had been proposed as 14 foot wide travel/turn lanes, be reduced to 12 foot wide travel/turn lanes consistent with NYSDOT policy and standards; and also that after review of the stormwater retention/management system elements and stormwater management report, NYSDOT is requiring that the proposed 18 inch pipe connection to the existing state stormwater system along Hoosick Street be included. Miss Stancliff handed up a copy of the NYSDOT email dated October 1 for the record. Chairman Oster asked whether the reduction of the entrance driveways to 12 foot width will be adequate for truck and tractor trailer deliveries. Miss Stancliff indicated that her calculations indicate that the width will be adequate for truck deliveries, even if a truck does temporarily enter into one of the other turning lanes. Mr. Bonesteel stated that the curb cut width is within the jurisdiction of NYSDOT, and that the width required by NYSDOT is consistent with NYSDOT policy and standards. Member Wetmiller asked whether there was any issue with the 18 inch pipe for stormwater management on the site leading to the NYSDOT storm drain system on Hoosick Road. Mr. Bonesteel stated that an 18 inch pipe will not present any issue. Chairman Oster asked Mr. Bonesteel to review his comments on the final plans and other submissions. Mr. Bonesteel reviewed his comments on the site plan, which included a comment on the corner of the proposed 4,000 square foot retail building and the access driveway around that building, noting that the access driveway is only approximately two feet from the corner of the building. Mr. Bonesteel commented that this distance from the driveway should be increased on the final design of the 4,000 square foot retail building. Chairman Oster also commented that bollards should be added in this location, and not just curbing between the driveway and the building. Attorney Gilchrist suggested that a site plan note be added indicating that final design of the 4,000 square

foot retail building, particularly with regard to the distance between the building and the access driveway, must be reviewed and approved by the Town of Brunswick Building Department prior to issuance of any work permit or building permit. Mr. Bonesteel stated that he had reviewed the stormwater plan for the site, and had no issues. Mr. Bonesteel stated he had fully reviewed the Phase 1 environmental site assessment report, and did confirm that a limited Phase 2 assessment was performed which found the two anomalies giving rise to the possibility of underground storage tanks on the site. Mr. Bonesteel did confirm that the limited Phase 2 site assessment conclusions and recommendations stated that additional investigation of the two areas of anomalies should be undertaken prior to any construction activities in that location, which Mr. Bonesteel concurs with. Mr. Bonesteel did note that the owner did have soil borings taken in the areas of the two anomalies, and no petroleum-based substances were found in any of the soil borings. Chairman Oster also noted that the assessment reports determined that the anomalies could be the presence of underground storage tanks, or could be the presence of septic tanks or other underground structures. Mr. Bonesteel concurred. Mr. Bonesteel stated that upon review of the Phase 1 and limited Phase 2 environmental site assessment, the owner did perform due diligence on this environmental issue. Mr. Bonesteel also noted that the applicant had responded to the comments received at the public hearing, as well as the comments of the Planning Board members. Chairman Oster concurred. Mr. Bonesteel stated that he had no further comments on the application documents. Chairman Oster asked whether any Planning Board members had further questions. Member Czornyj had a question concerning the grade on the western side of the project site. This issue was reviewed, and Miss Stancliff confirmed that the grade along Hoosick Road on the project site will be consistent with the grade of the off-site property to the west, and that the remaining project site in a southerly direction will be raised slightly to maintain the existing grade with the

western properties. There were no further questions or comments from the Planning Board members. Chairman Oster noted that the Planning Board had held its public hearing on the site plan application, and it had also received the recommendation from the Rensselaer County Department of Economic Development and Planning. The Planning Board proceeded to act on the application. First, the Planning Board reviewed environmental impact issues under SEQRA. Based upon a review of the site plan application documents and additional submittals reviewed by the Planning Board Members and Planning Board Review Engineer Bonesteel, the Planning Board found that there are no significant adverse environmental impacts on land, as the action includes minimal grading, no blasting, no existence of steep slopes, and no significant geological features; the action will not have a significant adverse impact on water resources, as there are no rivers, streams, or other surface waters on the project site, and that while the issue of wetlands was raised, there are no identified federal or state wetlands on the project site, and further that stormwater management has been adequately addressed, and that there will be no impact to groundwater and no flooding potential; the Planning Board found that there will be no significant adverse impacts on air resources, noting that there are no air emissions from the proposed site plan uses, and that no air permits are required for the project; that there are no significant adverse impacts on plants or animals, noting that there are no identified endangered or protected plant or animal species on the project site, and no existing agricultural resources are on the project site; the Planning Board found that there will not be any significant adverse impacts on visual resources, as there are no significant aesthetic resources on the project site; that there will not be any significant adverse impact to historic or archeological resources, and that a letter from the State Historic Preservation Office is in the project file; the Planning Board found that there will not be any significant adverse impact on open space or recreational resources, or critical environmental areas; the Planning Board



found that there will not be any significant adverse impact on transportation resources, noting that a traffic study had been prepared and reviewed, and also accepted, by the New York State Department of Transportation pertaining to traffic issues on the Hoosick Road corridor; the Planning Board found that there will not be any significant adverse impacts due to noise, having reviewed noise specifications from roof equipment in conjunction with the proposed buildings on the site plan, and the Planning Board will further restrict hours of operation per the application documents; the Planning Board found that there are no significant adverse impacts from odors, noting that the potential for odors associated with a restaurant use had been eliminated by removing any potential restaurant use from the project application; that potential light impacts had been addressed through installation of vegetation as well as reconfiguration of parking spaces; that the project will not result in a significant energy use; that the project will not result in any adverse impact upon human health, noting that the Planning Board had reviewed the full Phase 1 environmental site assessment and limited Phase 2 environmental site assessment for the project site; and that the action is consistent with The Town's comprehensive plan, noting that the project site had been zoned for business use since the late 1950's. Based upon these findings and deliberations, Member Tarbox made a motion to adopt a negative declaration pursuant to SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Mature trees must be planted on the western portion of the project site where noted on the site plan, which will include five foot – six foot arborvitae/evergreen trees to be planted in the center of the vegetation row, with a combination of spruce and oak planted in the front and rear of the vegetation row, all to be planted in front of the fence to be installed, which will be eight feet in height.
2. During construction, in the areas noted as anomalies in the Phase 1 and Phase 2 environmental site assessment reports, in the event any petroleum underground

storage tanks are encountered, the owner shall comply with all applicable NYSDEC regulations pertaining to tank closure and removal, and shall place the Town of Brunswick on notice.

3. Solid waste pickup and removal for all buildings on the project site shall be limited to the operational hours as noted below in condition number 12.
4. All roof equipment for which noise data had been submitted shall be the equipment to be installed on the buildings for this project.
5. All specifications for the required fence at the rear of the project site shall be strictly complied with.
6. The owner shall coordinate with the Town of Brunswick Building Department on the demolition of existing buildings, and if vermin is encountered during such demolition, notice and coordination with the Rensselaer County Department of Health is required.
7. A knox box shall be installed on each building in coordination with the Brunswick #1 Fire Department.
8. No blasting is allowed during construction.
9. No restaurant use is permitted on the project site without site plan amendment, and that the approved 4,000 square foot retail building is limited to the retail uses allowed under the Brunswick Town Code.
10. The owner shall coordinate with the Brunswick Town Water Department on all water and sewer connections.
11. The site plan shall be amended to incorporate the comments of NYSDOT as set forth in the NYSDOT email dated October 1, 2015 included in the project file.
12. Construction hours for this project are limited to 7AM to 7PM Monday through Saturday with no Sunday construction permitted; and operational hours for the buildings on the project site are restricted to 7:30AM to 9PM Monday through Saturday and 9AM to 7PM on Sunday.
13. A site plan note will be added which will require the final design of the 4,000 square foot retail building must be reviewed and approved by the Town of Brunswick Building Department for purposes of access driveway width and distance from the building to the driveway, with the installation of bollards for safety purposes.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Arax Properties, LLC site plan approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Cellco Partnership d/b/a Verizon Wireless for property located at 2 Brick Church Road. The applicant seeks site plan approval in connection with the installation of a small cell antenna within a proposed cupola on the roof of the Stewarts building located at 2 Brick Church Road. Laura Bomyea, Esq. was present for the applicant. Chairman Oster noted for the record that the special use permit required for this installation under the Town's Telecommunications Law was approved by the Brunswick Zoning Board of Appeals at its meeting held September 21, 2015. Chairman Oster also noted that the Zoning Board of Appeals had held a public hearing on the application, and that no public comments were received at the public hearing. Ms. Bomyea confirmed that there were no changes to the proposal. Ms. Bomyea did confirm that, in response to a question that the Planning Board had at its last meeting, the wire connecting the antenna within the cupola on the roof of the building is a fiber wire, with very low power. Review Engineer Bonesteel asked whether that cabling will be located on the exterior of the roof or inside the roof through the roof trusses. Ms. Bomyea confirmed that the cable will be interior, inside the roof trusses. Chairman Oster inquired of the Planning Board members as to whether they felt a public hearing was necessary in connection with the site plan. The Planning Board members concurred that a public hearing is not required on this application, noting that a public hearing had been held at the Zoning Board of Appeals meeting on September 21, 2015. Chairman Oster confirmed that the height of the cupola was in compliance with the Brunswick Town Code concerning height measurements. Member Czornyj confirmed that the height of the cupola is in compliance with Brunswick Town

Code. Chairman Oster asked whether there were any further questions or comments on the application. 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 Czornyj made a motion to approve the site plan, subject to the condition that the applicant coordinate with the Brunswick Building Department on the installation of the cupola and small cell antenna. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the site plan approved subject to the stated condition.

There were no items of new business.

The Planning Board generally discussed the issue of portable food trailers or other commercial trailers being located in parking areas, including issues concerning sanitation, safety, solid waste, as well as real property tax issues. The Planning Board noted that the Town Code currently provides for a temporary vendor's permit or site plan review for permanent structures, but that the Town Code does not directly address the issue of portable structures being used for commercial or retail use on sites. The Planning Board also discussed the issue of architectural standards for new commercial buildings. The Planning Board will prepare a letter to the Town Board to raise these issues for Town Board consideration.

The index for the October 1, 2015 meeting is as follows:

1. Arax Properties, LLC – site plan – approved with conditions.
2. Cellco Partnership d/b/a Verizon Wireless – site plan – approved with condition.

There are currently no agenda items for the October 15 meeting.

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 5, 2015**

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

ABSENT were TIMOTHY CASEY and VINCE WETMILLER.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board members reviewed the draft minutes of the October 1, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the minutes of the October 1, 2015 meeting were unanimously approved without amendment. There was no meeting held on October 15, 2015.

There were no regular business agenda items for this meeting.

There were two new items of business discussed.

The first item of new business discussed was a site plan application submitted by PF Management Group for property located at 666-668 Hoosick Road. Chris Kambar of APD Engineers was present for the applicant, and presented the site plan proposal. Chairman Oster noted that the Planning Board was in receipt of a referral from the Brunswick Zoning Board of Appeals concerning a requested variance on the number of parking spaces required for this project. Mr. Kambar confirmed that the applicant had made the variance application to the Zoning Board of Appeals to reduce the required total number of parking spaces at this site, and that the Zoning

Board was seeking the recommendation of the Planning Board on that variance. Mr. Kamar then generally reviewed the proposed site plan, noting that the location of the site plan is east of the existing Planet Fitness facility, west of the existing Hoffman's Carwash, and located on the south side of Hoosick Road. Currently on these properties are the former screen printing business, and also Evolution Auto. The applicant proposes to demolish both the former Screen It building as well as the Evolution Auto building, and construct two new commercial buildings. The first commercial building is proposed to be 17,800 square feet, and will be an Aldi grocery store. The second building is proposed to be 2,200 square feet, and will be a Taco Bell restaurant with drive-thru service. Mr. Kamar stated that the plan shows shared parking for both the Aldi store and the Taco Bell restaurant, and also provides for cross-easements for traffic circulation and parking with the Planet Fitness facility. Mr. Kamar also stated that the applicant is working with NYSDOT for roadway improvements, which include a proposed traffic signal at the existing Planet Fitness entrance directly opposite Lord Avenue, as well as proposed ingress and egress for a second access directly to the Taco Bell/Aldi parking area. Mr. Kamar stated that NYSDOT has completed its preliminary review, but was awaiting SEQRA lead agency coordination before it continued with its review on this project. Mr. Kamar briefly reviewed the lighting plan for the site, loading dock locations, dumpster locations, and discussed hours of operation. For the Aldi store, the proposed hours of operation are 9am to 8pm Monday through Saturday, and 10am to 7pm on Sunday. For the Taco Bell restaurant, the hours will be approximately 10am to 1 am on all days. Mr. Kamar reviewed the proposed parking plan, stating that under the Town Code for these proposed uses, a total of 126 parking spaces are required, whereas the plan is proposing to include 106 parking spaces to be shared by Taco Bell and Aldi, with cross access to additional parking in the Planet Fitness facility. Mr. Kamar did say that based on business assessment, both Aldi and Taco Bell

need only a combined 106 spots. Mr. Kamar did inform the Planning Board that there were additional variances pending in front of the Zoning Board, including a number of sign variances. Mr. Kamar then stated that in addition to the total number of parking spaces, the applicant is proposing to provide parking spaces that will be 9 feet by 18 feet in size, whereas the Town Code requires a parking space of 10 feet by 20 feet. The Planning Board inquired with attorney Gilchrist as to whether the Planning Board had the jurisdiction to modify the size of parking spaces under the Town Code, or whether this required a variance application with the Zoning Board of Appeals. Attorney Gilchrist and Member Czornyj reviewed the Town Code on this issue. The Brunswick Zoning Code defines a parking space as being 200 square feet in size. The Town of Brunswick Site Plan Review Act provides that the site plan applicant must propose a parking plan, including the size of each parking space which is to be in accordance with that specified in the latest addition of the Transportation and Traffic Engineering Handbook. Member Czornyj and attorney Gilchrist will further research the issue regarding parking space size under the Brunswick Town Code, and the jurisdiction to modify parking space size. The Planning Board also noted that part of the parking area for the Taco Bell/Aldi site was located on the Planet Fitness site, and specifically parts of several parking spaces proposed for the Aldi/Taco Bell are physically located on the Planet Fitness site. Mr. Kamar stated that there are already cross-easements in place between these properties for traffic circulation and parking, which addresses the location of these parking spaces. Attorney Gilchrist requested that copies of all existing cross-easements for these properties be provided to the Planning Board for review. Chariman Oster asked whether the applicant had any intention of combing these lots into one parcel, which would eliminate this issue concerning parking spaces on two lots. David Leon of Planet Fitness, and owner of PF Management Group, stated that there are actually three lots in play, one lot on which the Planet Fitness facility is located,

one lot that currently has the screen printing building located on it and the proposed Aldi, and a third lot that currently has Evolution Auto and is planned for the Taco Bell restaurant. Mr. Leon explained that there were already cross-easements in place between the Planet Fitness lot and the proposed Aldi lot, and his plan is to keep these lots as separate lots and maintain the current cross-easements for traffic circulation and parking. There will also be cross-easements between the Aldi lot and the Taco Bell lot. With regard to the size of the parking spaces, Chairman Oster asked what the total reduction in parking spaces would be if a 10 foot by 20 foot space was required as opposed to the proposed 9 foot by 18 foot space. Mr. Kamar estimated that plan would lose approximately 13 to 14 parking spaces. Mr. Leon added that there were approximately 128 parking spaces on the Planet Fitness facility, and that the Planet Fitness building requires only 90, which provides for additional parking for the Aldi/Taco Bell plan through the cross-easements for traffic circulation and parking. Chairman Oster said that the Planning Board should first address the issue of the size of the parking space, and include in its recommendation discussion concerning the parking space size in the event a variance is required at the Zoning Board. Member Esser stated that in his experience, a parking space of 9 feet by 18 feet is standard, and that he would approve a 9 foot by 18 foot parking space in this case. Chairman Oster asked for Mr. Bonesteel's opinion. Mr. Bonesteel also concurred that a 9 foot wide parking space is fairly standard. The Planning Board members generally concurred that a 9 foot by 18 foot parking space would be sufficient for this project. Mr. Leon stated that the existing parking spaces at the Planet Fitness facility were 9 feet by 18 feet. Chairman Oster then asked for comments on the requested variance reducing the required parking from 126 spaces to 106 spaces. The Planning Board generally commented that the existing cross-easements for traffic circulation and parking on the Planet Fitness facility was significant, in that there were additional parking spaces available on the Planet Fitness site for the



Taco Bell/Aldi site plan; and that the recommendation should also support a 9 foot by 18 foot parking space as being adequate for this site, as this would allow for the 106 parking spaces as opposed to a reduced number of spaces if 10 foot by 20 foot parking space was required. Chairman Oster then noted that if the additional 20 parking spaces were required on the Taco Bell/Aldi site plan, this would result in additional impervious surface through additional pavement, which would then increase the volume of stormwater generated from the project, which would need to be addressed on the site, and would also reduce greenspace on the site. The Planning Board members concurred that these factors were significant as well. Chairman Oster then asked whether a stormwater plan has been prepared for the project. Mr. Kamar stated that some preliminary stormwater work had been completed, but that the specific calculations for the site and more detailed design for stormwater facilities had not been completed, as the applicant wanted to present the initial plans for both Zoning Board and Planning Board review. Chairman Oster then inquired whether NYSDOT had informed the applicant whether it had any plans to widen Hoosick Road in the future, and whether that would impact the project design or setbacks from Hoosick Road. Mr. Kamar stated that NYSDOT did not inform them of any plans to widen Route 7 or Hoosick Road. The Planning Board then inquired about the proposed parking and pavement plan as it related to location of property lines, and whether the Planning Board had jurisdiction to waive the general requirement regarding setback of pavement and parking areas from lot lines. Attorney Gilchrist reviewed the Site Plan Review Act on this issue, which does provide the Planning Board the jurisdiction to modify the pavement setback requirements on a case-by-case basis. This issue will need to be further reviewed by the Planning Board during site plan review. The Planning Board determined to refer this application to the Rensselaer County Department of Economic Development and Planning immediately for recommendation. It was determined that SEQRA lead

agency coordination would be addressed at the November 19 meeting, after Mr. Bonesteel and attorney Gilchrist had a chance to review the environmental assessment form submitted with the site plan application. The Planning Board directed attorney Gilchrist to prepare a draft recommendation on the parking space variance based on the deliberations at this meeting for review at the November 19 meeting. This matter is placed on the November 19 agenda for further discussion.

The next item of new business discussed was a concept review for a proposed major subdivision submitted by Butch Farrell for property located on Pinewoods Avenue. Brian Holbriiter and Mr. Farrell were present on the application. Mr. Holbriiter explained that Farrell had previously obtained a four lot subdivision approval for a large piece of property located between Pinewoods Avenue and Route 2. That four lot subdivision was approved by the Planning Board, resulting in the following four lots:

- Lot #1: An existing home, located adjacent to Route 2;
- Lot #2: An existing home and barns located adjacent to Route 2;
- Lot #3: Vacant land located adjacent to Pinewoods Avenue;
- Lot #4: Vacant land located adjacent to Pinewoods Avenue.

Mr. Holbriiter stated that Lots 1, 2, and 3 have been sold by Mr. Farrell to third parties. The proposal now is to further subdivide Lot #4 into five lots, four of which will be approximately one acre in size, with a remainder lot of approximately nine acres. Mr. Holbriiter stated that each of the four lots proposed adjacent to Pinewoods Avenue would be approximately one acre in size, have 150 foot of road frontage, and be 350 feet in depth, all in compliance with the R-15 Zoning District requirements. Mr. Holbriiter stated that the nine acre remainder lot would be a flag lot, having approximately 68 foot of frontage on Pinewoods Avenue. The Planning Board stated that the application will be for a major subdivision, as five lots are being proposed. Further, the Planning Board stated that any further re-subdivision of Lot #4 would be considered a major

subdivision at any rate, as the prior subdivision approval creating four lots would be considered in connection with any further re-subdivision of Lot 4, resulting in five lots for any proposed re-subdivision. This matter will be considered a major subdivision. Mr. Holbritten stated that he considered the application to be a major subdivision. Mr. Holbritten stated that he would also prepare a long environmental assessment form, and attorney Gilchrist stated that he would review the SEQRA regulations to determine whether the proposal would be an unlisted or Type 1 action. Chairman Oster stated that when Mr. Farrell was before the Planning Board on the prior four lot subdivision, he stated that there were no plans to further subdivide any of these lots. Chairman Oster did state that there was no condition prohibiting further subdivision, since the property is located in an R-15 Zoning District, and each of the prior four lots were significantly in excess of 15,000 square feet. However, Chairman Oster did state that when a public hearing is held on this matter, there may be public comments complaining about the further subdivision of Lot #4. Chairman Oster did note that the Zoning District is R-15, and the size of the proposed lots would comply even with the R-40 Zoning District. The Planning Board stated that drainage will be an issue on this proposal, as the land slopes at a fairly significant grade from Pinewoods Avenue proceeding to Route 2. Mr. Holbritten stated that drainage will need to be addressed, and there would likely be both swales and basins considered to address drainage issues. Mr. Bonesteel stated that the four proposed 1-acre lots had septic systems located on the lot, and that given the grade of the lot and potential drainage issues, septic design will be a primary issue and should be considered prior to full major subdivision application. Mr. Holbritten stated that additional soils investigation needs to be completed in relation to the septic design, and he was hoping to have the additional soils investigation completed this year. Mr. Farrell stated that he was proposing one-story homes on the four 1-acre lots, to be consistent with the character of the surrounding neighborhood.

Chairman Oster raised the issue of driveway locations and the grades of the property off Pinewoods Avenue. Discussion was also held concerning an easement along the western boundary of the property granted by Farrell to the Town for purposes of water line installation in the future, and how the easement area related to the proposed remainder flag lot. This issue will need to be further addressed. Mr. Holbriiter stated he wanted to present the concept plan to the Planning Board to determine if there were any significant issues that needed to be addressed before further designing the subdivision and preparing the major subdivision application. The Planning Board generally stated that the plans seemed to be compliant with Zoning District requirements, and reserved any further comment until the full major subdivision application was submitted. This matter is adjourned without date.

One item of old business was discussed. The Clemson Group minor subdivision, approved on June 18, 2015, and thereafter discussed on September 17, 2015 concerning Rensselaer County Health Department review and approval of septic design as well as addition of a subdivision plat note regarding the septic requirements was addressed. Attorney Gilchrist stated that the Planning Board should consider amending the subdivision approval to require the deeds for each of the four approved lots to recite that it is a lot approved as part of the Clemson Group subdivision, and that the plat is filed in the Rensselaer County Clerk's Office. Attorney Gilchrist stated that by adding the requirement that the deeds recite reference to the subdivision plat, New York case law supports the proposition that the plat note concerning the septic design will be binding on all future lot owners. Member Czornyj then made a motion to amend the Clemson Group subdivision approval to add a fifth condition to the subdivision approval as follows:

5. Each deed transferring title to the four approved lots must recite that the lot is part of the approved Clemson Group subdivision, and that the Clemson Group subdivision plat is recorded in the Rensselaer County Clerk's Office.

Member Mainello seconded the motion. The motion was unanimously approved, and the Clemson Group minor subdivision approval amended to retroactively add a fifth condition to the subdivision approval.

The index for the November 5, 2015 meeting is as follows:

1. PF Management Group – site plan 11/19/2015;
2. Farrell – major subdivision – adjourned without date; and
3. Clemson Group – minor subdivision – amendment of subdivision approval conditions.

The proposed agenda for the November 19, 2015 meeting currently is as follows:

1. PF Management Group – Site plan.

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 19, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, TIMOTHY CASEY, MICHAEL CZORNYJ, KEVIN MAINELLO, DAVID TARBOX, and VINCE WETMILLER

ABSENT was FRANK ESSER.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the November 5, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the November 5, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by PF Management Group for property located at 668 Hoosick Road. Chris Kambar of APD Engineers was present for the applicant, together with David Leon of PF Management Group. The applicant proposes to demolish both the former Screen It building as well as the Evolution Auto building, and construct two new commercial buildings. The first commercial building is proposed to be 17,800 square feet, and will be an Aldi grocery store. The second building is proposed to be 2,200 square feet, and will be a Taco Bell restaurant with drive-thru service. In connection with the project, the applicant has also filed several variance applications with the Brunswick Zoning Board of Appeals, including a variance seeking the reduction of the required total number of parking spaces at this site. The Zoning Board of Appeals had referred the parking space variance

application to the Planning Board for recommendation. The Planning Board had deliberated on the parking space variance issue at its November 5 meeting, and a proposed written recommendation was prepared for review at this November 19 meeting. David Leon of PF Management Group stated that he had confirmed the total number of parking spaces at the existing Planet Fitness building, and that the Planet Fitness site has a total of 121 parking spaces, and under the Town Code requirements, only 81 spaces are required for the Planet Fitness use. Also, Mr. Leon stated that the parking spaces are 9 feet by 18 feet in the Planet Fitness parking lot. Mr. Leon confirmed that there was an existing 50-foot cross-easement between 668 Hoosick Road and the Planet Fitness site for vehicular access. The Planning Board reviewed a draft written recommendation on the parking space variance issue. One additional finding was included in the draft recommendation, to expressly identify the existence of an existing cross-easement for utilities and drainage as well as for vehicular access, and that the drainage cross-easement was relevant with respect to stormwater compliance issues. With that addition to the draft recommendation, which supports the issuance of the variance for parking space requirements, Member Czornyj made a motion to adopt the written recommendation, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the written recommendation adopted. The written recommendation will be forwarded to the Brunswick Zoning Board of Appeals for consideration in connection with the parking space variance application. The applicant also requested that the Planning Board consider SEQRA lead agency designation. Attorney Gilchrist stated that he recommends that the Planning Board send out lead agency coordination notices to the other involved agencies on this action, indicating that the Planning Board sought to be SEQRA lead agency on the application. The Planning Board members concurred, stating that coordination of lead agency should be undertaken and that the Planning Board did seek to assume lead agency

status. This application is an unlisted action under SEQRA. There was discussion concerning the Zoning Board of Appeals being able to act on the variance applications prior to continuation of consideration of the site plan by the Planning Board. The Planning Board determined that the Zoning Board should conduct their own SEQRA review in an uncoordinated fashion given that the action is unlisted under SEQRA, but the Planning Board should coordinate with the remaining involved agencies. Mr. Bonesteel also stated that he requested the applicant to complete the long form environmental assessment form, and provide all supporting environmental reports in the possession of the applicant. This matter is placed on the January 7, 2016 Planning Board agenda for further discussion.

One item of new business was discussed.

A waiver of subdivision application was submitted by Kevin and Erin Murphy for property located at 45 Norman Lane. Matthew Turner, Esq. was present for the applicants. Mr. Turner explained that the requested waiver covered a 0.19-acre area that the adjacent property owner, Provost, was proposing to transfer to Murphy. The 0.19-acre area would become part of the lot owned by Murphy. The Planning Board members reviewed the proposed waiver of subdivision map, and had no further questions. Member Czornyj then 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 Tarbox made a motion to approve the waiver of subdivision application, subject to the condition that the 0.19-acre area be merged into the Murphy lot. Member Mainello seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.



The Planning Board generally discussed development issues along the Hoosick Road corridor, including greenspace requirements, parking area requirements, as well as parking space size requirements. These matters will be further discussed by the Planning Board members for possible recommendation to the Brunswick Town Board.

There were no additional items of new business discussed.

The index for the November 19, 2015 meeting is as follows:

1. PF Management Group – site plan – recommendation on parking space variance adopted; matter placed on January 7, 2016 agenda; and
2. Murphy – waiver of subdivision – approved with condition.

There are currently no agenda items for the December 3, 2015 meeting.