

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 15, 2012

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

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The draft minutes of the March 1, 2012 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the March 1, 2012 meeting were approved as drafted.

The first item of business on the agenda was the site plan application of McCauley, who seeks to conduct a seasonal ice cream concession trailer to be located at the Tamarac Plaza on Route 2. Charles McCauley was present on the application. Mr. McCauley stated that he has submitted a site plan prepared by a licensed engineer, which shows the proposed layout of the concession trailer, including a gravel/crusher run 4' walkway from the parking lot to the concession trailer, and an 8' gravel/crusher run area in front of the trailer for customer use. The site plan also depicts a location for 3 picnic tables, although Mr. McCauley stated that there could be up to 4-5 picnic tables. The Planning Board noted that the site plan should show the total area designated for picnic table use, which may include 3 to 5 tables. Mr. McCauley also reviewed the proposed lighting and security camera system to be installed, and further described the electrical service hookup with available separate electric meter. Mr. McCauley also stated

that the trailer was self-contained, and that there would not be any septic system proposed. Rather, Mr. McCauley states that all wastewater will be collected and held in a holding tank, to be periodically pumped out. Mr. McCauley stated that there would be no public bathroom available, and that water would be available in the concession trailer for washing dishes and utensils, and for general cleaning, and that a bathroom would be available for employees only within the trailer. Mr. McCauley stated that he has analyzed the potential water use at the facility, and is of the opinion that a holding tank with periodic pumping will be adequate. Chairman Oster reviewed the recommendation received from the Rensselaer County Department of Economic Development and Planning on this application. While the County stated that the proposal does not have a major impact on County plans and that local consideration shall prevail, it did provide comments on the application. Chairman Oster reviewed the comments of the County Planning office, which provided that since many of the customers will be coming from the playing fields to the east and will be required to cross the entrance driveway to the Tamarac Plaza, accommodation for the pedestrian access should be made or the trailer site moved to the east of the access driveway. The County suggested that pedestrian access could include sidewalks or a cross walk area across the entrance driveway that is lit during evening business hours. Mr. McCauley stated that placing the trailer on the east side of the entrance driveway is problematic since there is no electric service available in that location. Mr. McCauley did state that he was in agreement with painting a cross walk across the entrance driveway, and that the cross walk should be appropriately lit, and that the lighting on the trailer could be positioned to adequately light the cross walk area. Mr. McCauley did question why this would be a requirement for his application when it was not a requirement for the Subway shop that is located in the Tamarac Plaza. The Planning Board generally responded that the Subway shop was

located in one of the existing retail spots in the strip mall, and thus did not require any Planning Board site plan review nor County recommendation. In this case, the Planning Board stated that site plan review is required since the plaza owner is proposing to have an additional retail location off the parking lot. This also requires County Planning Department review. The Planning Board accepted the County Planning Department comment as an issue of public safety, with which the Planning Board concurs. Mr. McCauley was in agreement. Member Czornyj raised the issue of the fence separating the Tamarac Plaza from the recreation fields to the east, noting that children may seek to go to the ice cream concession at the Tamarac Plaza from the recreation fields, which would require them to go around the fence and be in close proximity to Route 2. Member Czornyj recommended that Mr. McCauley look at the concept of adding a gate or other opening in the fence to eliminate the issue of children going around the fence in proximity to Route 2. Mr. McCauley questioned who owned the fence, and if the fence was not owned by the plaza owner, Mr. McCauley questioned how he could address that issue. The Planning Board directed Mr. Kreiger to coordinate with Mr. McCauley on that issue. Mr. McCauley then also added with respect to the cross walk across the entrance driveway, in addition to adding the cross walk and making sure it was appropriately lit during evening hours, Mr. McCauley thought that adding signage for a pedestrian cross walk would be a good idea. The Planning Board concurred. Chairman Oster inquired whether Mr. McCauley had investigated the option of locating this commercial venture in one of the existing vacant retail spaces in the plaza. Mr. McCauley responded that he had investigated that issue with the plaza owner, but that the plaza owner would require a one year lease even though the proposed business is seasonal. As an alternative, the landlord is willing to enter into a seasonal lease for this location off the parking lot rather than in one of the existing retail spaces in the plaza. The

Planning Board noted for the record that the Town should carefully consider all applications seeking to place retail uses in or directly off of parking lot areas. Member Wetmiller again raised a concern regarding the wastewater generated from the concession trailer, and questioned how a holding tank would work given the volume of water he anticipated would be used. Mr. McCauley stated he had analyzed the total volume of water to be used, and was of the opinion that a holding tank would be more than adequate and would require only periodic pumping by a septic service. Mr. McCauley stated that he would personally monitor the water use, and also that there would be a gauge on the holding tank which will be monitored for pumping. Member Wetmiller noted for the record that this issue did need to be closely monitored by Mr. McCauley, and that in his opinion the holding tank would need to be pumped very frequently. Member Mainello asked Mr. Kreiger about the total number of parking spaces required for the plaza, including this concession trailer. Mr. Kreiger did subsequently investigate that issue, and determined that there were currently a total of 93 parking spaces for the Tamarac Plaza, with 8 being dedicated to the used car display associated with the used car sales. This leaves 85 total spaces available for parking for the remaining retail uses. Mr. Kreiger then looked at the current tenants of the plaza, plus similar uses to the former tenants located at the plaza, and also added the required parking for the proposed concession trailer, and determined that the plaza required 78 parking spaces, and that a total of 85 were available. The Applicant will be informed about the parking statistics. Mr. McCauley then stated he was under the impression that the public hearing would be held at the March 15 meeting, and questioned the Planning Board as to why the application could not be approved at this meeting. Chairman Oster reviewed the minutes of the February 16 meeting, and after further discussion, it was confirmed that a public hearing will be required for this site plan application, that a public hearing has not yet been noticed, and that the

public hearing will be held on April 5th commencing at 7:00 p.m. The Planning Board confirmed that issues requiring resolution on this application include written confirmation from the plaza owner authorizing Mr. McCauley to submit the site plan, written confirmation from the plaza owner concerning installation of the pedestrian cross walk and signage near the entrance driveway, and further investigation regarding a gate or other opening in the fence between the Tamarac Plaza and the recreation fields to the east. Mr. McCauley was also directed to bring a picture or façade of the trailer for the public hearing. This matter is scheduled for public hearing on April 5 commencing at 7:00 p.m.

The next item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for property located at the intersection of NYS Route 2 and NYS Route 278. Scott Reese was present for the Applicant, together with Henry Reiser and John Reiser of Reiser Bros. Inc. Mr. Reese confirmed the layout of the proposed 3 lot subdivision, and the Applicant was currently seeking site plan approval for commercial uses on two of these lots. Mr. Reese generally reviewed the information which had been previously presented at the March 1 meeting, emphasizing that each lot now has its own private water and private septic system. Mr. Reese explained that since the March 1 meeting, he has prepared and submitted additional detail drawings regarding drainage and lighting, and had also submitted a project narrative. Mr. Reese confirmed that the use of proposed lot 1 is for the convenience store and gas station use, which is also currently pending before the Zoning Board of Appeals for a special permit as a “filling station”, and that there was a proposed commercial building for lot 2. Mr. Reese confirmed that there is no current site plan submitted for the third commercial lot at the intersection of NYS Route 2 and Langmore Lane. Mr. Kestner asked whether the commercial use on lot 2, which had previously been described as a restaurant, would have a drive-thru area.

Mr. Reese stated that no final tenant had been identified, but that the layout had been designed to leave room for a drive-thru area although one is not being currently proposed. Henry Reiser stated that he was hoping to have two uses going to this commercial building similar to an existing commercial building at the end of Oakwood Avenue, and is trying to identify a bank for one side of the commercial building and a restaurant or sports bar for the other side of the building, and that the bank would have a drive-thru teller availability. Mr. Kestner noted that both he and Mr. Kreiger had met with Mr. Reese to discuss the project generally. Mr. Kestner did inquire as to the total amount of material to be extracted and removed from the site in connection with construction activities. Mr. Reese stated that approximately 50,000 cubic yards of material needed to be cut from the site, that approximately 8,200 cubic yards would then remain onsite for berm construction, with the remainder of the material to be removed from the site. Mr. Reese and Mr. Reiser both confirmed that the original plan called for approximately 130,000 cubic yards of material to be removed, but due to changes in the site plan as a result of in-ground septic systems, the amount of that material had been reduced to 50,000 cubic yards of cut, with only approximately 42,000 yards to be removed from the site. Mr. Reese did confirm that this is a single phase project, both with respect to the material removal as well as the commercial building construction on lots 1 and 2. Mr. Kestner wanted to confirm that NYSDOT had given preliminary approval for curb cuts on Route 278 and Route 2 for all of these 3 proposed lots, including lot 3 even though a final site plan is not yet submitted. Mr. Reese confirmed that NYSDOT has granted preliminary approval for all curb cuts to Route 2 and Route 278, including a curb cut for proposed lot 3. Mr. Kestner asked for additional detail concerning the retaining wall to the rear of lot 1. Mr. Reese handed up additional information concerning the proposed “ready rock” retaining wall, noting that there was still engineering to be completed

on the retaining wall installation. Attorney Gilchrist then reviewed the procedural status of the application. The Planning Board is serving as SEQRA Lead Agency on this action, and that a SEQRA determination needs to be made by the Planning Board prior to any final action by either the Zoning Board of Appeals concerning the special permit on the “filling station”, and any action by the Planning Board on the commercial subdivision and site plan applications. The Planning Board will allow additional public comment on the revisions to this commercial proposal prior to making a SEQRA determination, and inquired whether there was adequate information to continue the public hearing. Mr. Kestner stated that he felt there was adequate information submitted on the project revisions to allow the continuation of the public hearing and get public input for consideration by the Planning Board, and would concur on continuing the public hearing at the next Planning Board meeting. Mr. Kestner did note that some additional detailed plans are being prepared by Mr. Reese, and is of the understanding that these additional detailed plans will be submitted by March 26, but that the application materials currently on file with the Town are adequate for continuation of the public hearing. Member Tarbox asked whether the proposed building elevations and façade will remain the same as previously described to Mr. Reiser. Mr. Reiser stated that he was still looking to have the same façade to the buildings. Member Tarbox stated that Mr. Reiser should have the building elevations showing the proposed façade available at the continuation of the public hearing. The Planning Board then generally discussed the layout of the proposed parking spaces and pump island on the “filling station” lot, and the potential for relocating parking spaces to assist in vehicle movement through the lot. There is also general discussion regarding stormwater management on this project, particularly with respect to lot 2. The public hearing on this application will be continued and noticed for the April 5 meeting commencing at 7:15 p.m.

The next item of business on the agenda was the site plan application by Johnston Associates, seeking to amend the existing site plan for the Brunswick Square Plaza located at Hoosick Road to add a storage shed at the rear of the existing structure and an ATM machine in the parking area adjacent to Hoosick Road. Paul Engster, Esq. of Johnston Associates was present on the application. Mr. Engster handed up additional information concerning the proposed ATM. Mr. Engster generally reviewed information concerning total greenspace on the Johnston Associates portion of the Brunswick Square Plaza. Mr. Engster then described the location of the proposed storage shed, which is being proposed to be 24' x 24' in size. Mr. Kestner then stated he had gone to the site to measure the area of the proposed storage shed, and specifically the distance between the existing blacktop travel lane and the stockade fence located near the property line. Mr. Kestner stated that the distance between the pavement edge and the stockade fence is approximately 31'. Mr. Kestner noted that there was additional blacktop installed to make the travel lane wider, which is not depicted on the submitted site plan. Mr. Engster confirmed that the travel lane was widened as a result of the drive-thru area for the Trustco Bank. Mr. Kestner stated that based on his measurement, installing a 24' building in a 31' area would be tight, particularly considering necessary setback areas which would require the building to be approximately 2' off of the paved area. Mr. Engster noted that initially he had proposed a 10' x 20' building, but that his engineer had recommended a larger building based on the site plan. After further discussion, Member Czornyj suggested relocating the shed to a different area, which could accommodate the 24' x 24' building without any impact to the travel lane. There was then general discussion concerning setback requirements and code requirements for side yard and rear yard accessory buildings, which will be further investigated by Mr. Kreiger and Attorney Gilchrist. Chairman Oster then raised the issue concerning the ATM proposal, and

whether this would require an amendment to the existing Planned Development District approval since it would be adding an additional retail area to the plaza. The Planning Board noted that while the storage shed is deemed an accessory building to the existing retail space, the installation of an additional freestanding ATM is deemed to be an addition of a retail use to the plaza which may require an amendment to the PDD approval. Mr. Engster agreed that the ATM installation may require an amendment to the PDD approval. Chairman Oster inquired whether this proposed ATM tenant could simply use the existing ATM structure located in the former SEFCU tenant location, which would not require any additional review or approval by the Planning Board. Mr. Engster will investigate that option. Mr. Engster concurred that it would be a better approach to separate the installation of the utility building from the proposal to add an ATM to the parking lot area, and pursue those options separately. The Planning Board stated that in the event this proposed ATM tenant were to simply use the existing ATM facilities at the former SEFCU location, that use could immediately commence without any further Town review, whereas the proposal to install a freestanding ATM facility in the parking lot may require review by both the Town Board and the Planning Board. Mr. Engster will continue to work with his engineer and Mr. Kestner concerning the proposed utility building location, after consultation with Mr. Kreiger concerning required setbacks. This matter is placed on the April 5 agenda for further discussion.

Mr. Kreiger reported that there was no new matters to discuss.

The index for the March 15, 2012 meeting is as follows:

1. McCauley – site plan – 4/5/12 (public hearing to commence at 7:00 p.m.);
2. Reiser Bros. Inc. – commercial subdivision and site plan – 4/5/12 (public hearing to continue at 7:15 p.m.);

3. Johnston Associates, Inc. – site plan – 4/5/12.

The proposed agenda for the April 5, 2012 meeting currently is as follows:

1. McCauley – site plan – 4/5/12 (public hearing to commence at 7:00 p.m.);
2. Reiser Bros. – commercial subdivision and site plan – 4/5/12 (public hearing to continue at 7:15 p.m.);
3. Johnston Associates, Inc. – site plan – 4/5/12.