

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 18, 2013

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

ABSENT was DAVID TARBOX.

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

The Planning Board opened a public hearing regarding the site plan application submitted by Anthony Famiano for property located at 575 Hoosick Road. The Notice of Public Hearing was read into record, noting that the notice had been published in the Troy Record, placed on the Town Sign Board, placed on the Town website, and mailed to owners of all adjacent properties. Anthony Famiano and Joe Metzger were present for the Applicant. Mr. Metzger generally reviewed the proposal, which generally seeks to renovate the former Mobil Gas Station site located at 575 Hoosick Road into a convenience store with retail gasoline sales to be operated by Red-Kap Sales, Inc. Chairman Oster opened the floor for the receipt of public comments. John Mainello of Cortland-Oneida, LLC, stated that he was the owner of property to the rear of this project site, and that he had no opposition to this proposal. The owner of the Valley Gas Station located at 566 Hoosick Street commented that this proposal does change the property from its existing use since a convenience store will be added, and that the Planning Board should require appropriate setbacks and greenspace which were required in connection with the Valley Gas Station. Chief Steve Wilson of the Brunswick No. 1 Fire Department also commented that the

Fire Department would request that a Knox box be installed in connection with the renovation of the building to a convenience store. Anthony Famiano immediately responded that it was the company's practice to install Knox boxes if requested by the local Fire Department. Hearing no further public comment, Chairman Oster closed the public hearing with respect to the Famiano site plan application.

Thereupon, the Planning Board opened its regular business meeting. The draft minutes of the June 20, 2013 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the June 20, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Famiano site plan application concerning property located at 575 Hoosick Road. Chairman Oster reiterated that public comments were received regarding setback and greenspace requirements for this property. Initially, Chairman Oster inquired of Attorney Gilchrist as to the setback and greenspace requirements for this existing site. Attorney Gilchrist stated that it was his understanding from the Building Department that there were no setback issues concerning the proposed expansion to the existing structure. Mr. Kreiger confirmed that there were no setback issues associated with the proposed building expansion. With regard to greenspace requirements, Attorney Gilchrist stated that this site was an existing commercial site, and that the area of the proposed building expansion was already used as a paved surface, so that the building expansion would not result in reduced greenspace. Attorney Gilchrist stated that given the site is currently in commercial use, and that the greenspace currently is at approximately 21%, the Planning Board did not need to require compliance with the 35% greenspace requirement, but that the Planning Board could consider adding greenspace to the site. Attorney Gilchrist advised the Planning Board that while it could

work with the Applicant to increase greenspace on the site, there was no requirement under the Town Code to mandate a minimum of 35% greenspace for this location given its current commercial use. With respect to the Planning Board requirements for greenspace in connection with the Valley Gas Station at 566 Hoosick Street, the Planning Board members noted that the Valley Gas Station site proposed a significant building expansion into green areas, including expanded parking areas, expanded building footprint, and an expanded gasoline island area. This proposal for the former Mobil Gas Station is much more limited, and is utilizing existing pump location and proposes only a minor condition to the existing building footprint. Mr. Famiano stated on the record that he understood the greenspace issue, and does prepare his sites to look attractive, and is proposing to add vegetation to the front of the building and to add planters to the site where appropriate. Chairman Oster then reviewed issues which were raised at the June 20 meeting. These included moving the location of a handicap parking spot, proposed lighting at this location, a curb issue along Oneida Avenue, a fence located toward the rear lot line of this site, and the exterior colors proposed for the building. Mr. Metzger said that the Applicant was still working on relocation of a handicap spot, and that the site lighting will be addressed, most likely through the use of a wall pack light fixture, as a light pole is not being proposed because of a concern regarding glare. Mr. Metzger stated that these issues would be addressed through a further submittal. Mr. Famiano and Mr. Metzger were also continuing to work out the issue of the fence in the rear of the site with the adjoining neighbor, and will be able to further address this with the Planning Board. As to the curb cut/entrance to the site from Oneida Avenue, Mr. Famiano stated that he needed to maintain that entrance off Oneida Avenue for purposes of fuel delivery trucks. Member Czornyj and Member Mainello had considered the issue of eliminating the curb cut to prevent cut through traffic from Oneida Avenue, but that the Planning Board

understood the need to maintain the existing curb cut to accommodate fuel deliveries to the site. The Planning Board raised the proposed hours of operation for the facility. The Planning Board noted that the Applicant had stated that the proposed hours for the facility were 6:00 a.m. to 11:00 p.m. initially, but that if the location proves successful, the facility may move to a 24/7 operation. Attorney Gilchrist stated that if the proposal was for a 24/7 operation, then the Planning Board needed to consider all of the potential impacts regarding night operation. Mr. Famiano stated that he is now seeking approval for only 6:00 a.m. to 11:00 p.m. operation only, and if the facility proves successful, then he would reapply to the Planning Board to amend the site plan to allow for a 24/7 operation. Member Czornyj raised the issue of maintaining the existing fence on the west side of the site to address any light spillage from cars onto the adjoining property. Mr. Famiano stated that he would maintain that fence, and if there were any complaint by the adjoining property owner, he would address that complaint as he is seeking to be a good neighbor. Member Esser raised the issue that the application documents state that 11 spaces are provided for parking, but that the site plan shows only 8 parking spaces. Mr. Kreiger noted that per code, the areas provided for the gas pumps can be used toward the total parking spaces provided, and that in that case a total of 11 spaces are provided. On the issue of the colors of the proposed building, there was general discussion between the Planning Board members and the Applicant regarding proposed colors for the building, given its location as one of the entrances into the Town of Brunswick. The Planning Board members did note that with respect to architectural issues and color requirements, there is currently nothing in our Town Code to address that, but that the Planning Board is looking to discuss this issue with Applicants to work with the Town on certain colors and styles of buildings, particularly with respect to entrance ways into the Town. Mr. Famiano understood the issue, stated that he would work with the

Town on that issue, and further color schemes were discussed. Mr. Famiano will present a proposal to the Planning Board at the next meeting. The Applicant will provide the amendments to the site plan as discussed at this meeting, and this matter is placed on the August 1 agenda for action.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Hill Road Properties, LLC for a 36.9 acre parcel located on Hill Road, Tax Map #81-3-11.1. The Applicant seeks to divide 10± acres from the existing 36.9 acre parcel for sale to a third party for construction of a single family residence. The Planning Board members generally reviewed the map of the proposed subdivision waiver, and has placed this matter on the August 1 agenda for further discussion.

Two items of pending business were discussed.

First, an application has been submitted to the Town of Brunswick Town Board to amend the Duncan Meadows Planned Development District. That application has been referred by the Town Board to the Planning Board for review and recommendation. Peter Yetto, of Ingalls & Associates, together with Peter Amato and Dr. Parn Edwards presented the proposed PDD amendment to the Planning Board. Mr. Yetto stated that he has reviewed the proposal with the Town Board's Consulting Engineer on this application, Kestner Engineering. Mr. Yetto then generally reviewed the proposed amendment with the Planning Board, which seeks to amend the prior PDD approval to allow for the construction of apartment units in place and instead of condominium units, and also to reduce the total number of buildings for such units from 11 buildings to a total of 8 buildings, and maintaining the total number of 88 units. Mr. Yetto stated that all other aspects of the project, including projected traffic, water/sewer requirements, school impacts, economics, and stormwater, remained unchanged with respect to the proposed

amendment. Mr. Yetto stated that he would have a full set of plans to Mr. Kestner within a week for review. Dr. Edwards reiterated that the proposal was to eliminate three buildings located to the rear of the project site, to add additional boulevard to the project roadway, and to add a loop to the end of the roadway to provide for a loop road system. Mr. Yetto also stated that he has eliminated proposed parking spots off the main road, and added those parking spots to the rear of the project site along the loop road. Chairman Oster wanted to confirm that the proposal was to remove three building locations of the rear of the project site only. Mr. Yetto reiterated that the three buildings which had been proposed to the rear of the project site had been eliminated, and that there were no other building locations being moved. Mr. Yetto and Dr. Edwards then discussed that the footprint of the new building was smaller, and fit within the building envelope of the prior building sites. Mr. Kestner was present at the meeting, and stated that he had went to see a similar apartment project constructed by Mr. Amato and Dr. Edwards in the Halfmoon area called the Halfmoon Heritage Project located on Fellows Road, and that he recommended that the Planning Board members likewise do a site visit to see the proposed buildings. Mr. Amato stated that the Halfmoon Heritage Project is much more dense than this proposal for Brunswick, and that the Brunswick project has significantly more greenspace and space between buildings. Following further discussion about the project proposal, Chairman Oster summarized by saying the proposal appeared to increase greenspace and reduce the total number of buildings on the project site, move parking off the main boulevard road to the rear loop road area, and that there did not appear to be any other project changes from the previously approved plan. Chairman Oster did reiterate the general concern of the Planning Board regarding the total number of apartment units in the Town versus the total number of owner occupied or single family homes in the Town. Chairman Oster stated that this would likely be part of the recommendation to the

Town Board, but that this would ultimately be a Town Board determination concerning the total number of apartment units for the Town of Brunswick. Chairman Oster confirmed that the project road would remain private, and would not be maintained or owned by the Town of Brunswick. The Planning Board will continue its work on preparing its recommendation on this proposed amendment to the Duncan Meadows Planned Development District.

The next pending item of business was a Planned Development District application which has been submitted by Oakwood Property Management, LLC for property located at 215 Oakwood Avenue. Robert Osterhaut, of Bohler Engineering, was present for the Applicant. Attorney Gilchrist initially reviewed the status of the property, which had been the subject of prior litigation. Attorney Gilchrist also stated that as a result of the prior litigation, the industrial operations which were the subject of the prior litigation have been removed from the site, and that it was his understanding that the five acre parcel which is zoned industrial at this location is also proposed to be reduced in size in the event this PDD is approved. Mr. Osterhaut confirmed that the office building and garage currently utilized by Oakwood Property Management at this site would continue to be used, and that the back part of this parcel would actually be merged into and become part of the proposed apartment project. In this regard, Mr. Osterhaut stated that the Applicant would need to address an appropriate buffer and transition between the office/garage use, and the apartment use on the balance of the project site. Mr. Osterhaut generally reviewed the proposal, which has not been significantly altered from the presentation made at the June 20 meeting. Mr. Osterhaut confirmed that the project site was limited to the previously graded areas, and that all remaining parts of the property would be maintained as buffers and vegetation. Chairman Oster noted that the concept has merit, and given the controversial historical uses at this site, it was his opinion that this was an excellent use of the

property, and that the concept land use was appropriate for this area. Chairman Oster did reiterate his concern, as well as the concern of the Planning Board members, as to the total number of apartment units in the Town of Brunswick, and the ratio between rental units and single family/owner occupied units in the Town. Member Czornyj inquired as to a setback issue concerning the area of the existing auto shop along Oakwood Avenue. Attorney Gilchrist and the Applicant responded that this matter would need to be addressed through a lot line adjustment, which would also address rezoning issues. Member Czornyj noted that the proposed pool, clubhouse, and tennis area were identified as “optional” on the concept site plan. Mr. Osterhaut stated that the current owners, Oakwood Property Management, LLC, would not be building at the site, but rather would be transferring this project site to a builder. Upon transfer to a builder, the details of the site plan would then be confirmed, including a potential pool, clubhouse, and tennis area. Mr. Osterhaut stated that the current owners are in the process of talking to several builders, and that the building design and details for the project site would be determined shortly. The Planning Board members asked whether the building locations would change dependent upon a specific builder. Mr. Osterhaut stated that the building locations would not change, and that the general layout for the project would remain the same. Member Mainello inquired whether the build-out of this project would be phased. Mr. Osterhaut stated that this would be contingent upon the particular builder who takes over the site, but that the current plan is to build this project out in a single phase. Member Wetmiller noted that the Applicant should focus on stormwater, including the offsite discharge points for stormwater. Mr. Osterhaut stated that the project site does include significant areas for stormwater retention, and that the discharge areas would be addressed. Member Casey wanted to confirm that the former Hasslinger parcel, currently zoned industrial, is proposed to be included in the PDD area. Mr. Osterhaut confirmed

that the former Hasslinger parcel is proposed to be included in the PDD area. Member Casey asked whether traffic had been considered. Mr. Osterhaut stated that traffic had been addressed in the environmental assessment form, which is currently being reviewed by the Town Board's Consulting Engineer, Laberge Engineering. Mr. Osterhaut did state that there was not a significant traffic impact anticipated, since the prior use of this site included a significant number of trucks entering and exiting the facility. The municipal boundary between the Town of Brunswick and the City of Troy was discussed, with a very small portion of the property owned by Oakwood Property Management, LLC along Oakwood Avenue being situated within the City of Troy, but that no proposed activities were being proposed for that area. Attorney Gilchrist stated that the Town of Brunswick would need to refer the PDD application to the City of Troy for review and recommendation, but that the City of Troy would have no approval jurisdiction over the project. Following further deliberation, the Planning Board indicated that it would continue its deliberation in preparation of a recommendation to the Town Board on this matter.

The index for the July 18, 2013 meeting is as follows:

1. Famiano – site plan – 8/1/13;
2. Hill Road Properties, LLC – waiver of subdivision – 8/1/13;
3. Duncan Meadows Planned Development District amendment – referral and recommendation;
4. Oakwood Property Management Planned Development District – referral and recommendation.

The proposed agenda for the August 1, 2013 meeting currently is as follows:

1. Famiano – site plan.
2. Hill Road Properties, LLC – waiver of subdivision.