# Planning Board

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

**MINUTES OF THE PLANNING BOARD MEETING HELD February 20, 2014**

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

ABSENT were TIMOTHY CASEY and FRANK ESSER.

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

The draft minutes of the February 6, 2014 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the February 6, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Monarch Design Group for renovation of the existing Feathers Furniture store located at 831 Hoosick Road to an Ace Hardware store. Edward Esposito of Monarch Design Group was present for the Applicant. Chairman Oster indicated that the Planning Board members and Mr. Bonesteel had just received the full, large set of revised plans. Mr. Esposito also handed up to the Planning Board a proposed floor layout for the hardware store portion of the building. Mr. Esposito acknowledged that the existing dance studio, encompassing 3,126 square feet, will remain as part of the structure and site use, and reviewed a two way exit for that space. Mr. Esposito also discussed the proposed retaining wall detail, but indicated to the Planning Board that the Applicant was still working with the adjacent property owner to either reduce or eliminate the need for the retaining wall by way of grading a slope on the adjacent property. Mr.

Esposito also discussed the parking spaces provided on the plan, both in front of the building, to the east side of the building, and to the rear of the building. Mr. Esposito also discussed the product display area in front of the building. Member Czornyj asked for clarification regarding the display area. Mr. Esposito ultimately explained that the product display area would be located under the canopy directly adjacent to the building, with the pedestrian walkway area in front of the product display area. Mr. Esposito then discussed the use of the existing shed located on the east side of the project site, but noted that the Applicant was fine with either removing that existing shed or being allowed to maintain it after the elevation had been reduced by grading, whichever the Town preferred. On that issue, Chairman Oster and Member Czornyj asked whether the shed was currently in violation of set back requirements from the parcel lot line. Attorney Gilchrist stated that the Building Department would need to investigate that issue in terms of when the shed was constructed and whether it had any nonconforming use protection, or whether the Zoning Board of Appeals had granted an area variance for that shed at any time in the past. Member Tarbox asked whether the shed could be relocated. Attorney Gilchrist stated that in the event the shed had nonconforming use protection or was the subject of an area variance, then the location could not be changed as that would affect its legal status. However, the shed could be relocated in a manner which came into compliance with all required setback provisions. Attorney Gilchrist reviewed the Town area and bulk requirements for this B-15 Zoning District, which require all accessory structures to be located 25 feet from the rear property line. Member Tarbox asked whether the shed could be reconstructed in the event it falls apart when it is lifted while the site is being graded. Attorney Gilchrist stated that in the event the shed is damaged, and in the event it is either grandfathered or the subject of an area variance, the shed could be reconstructed. Mr. Esposito then held an extended discussion regarding the

required number of parking spaces for the dance studio, retail, and warehouse uses for this site. Member Mainello asked about the hours of operation for the dance studio, as the issue of peak time parking requirements had been raised. Mr. Esposito stated that the dance studio hours were Monday through Thursday, 4:00 p.m. to 9:00 p.m., and Saturday from 8:00 a.m. to 3:00 p.m. Mr. Esposito did state that private lessons were held at the dance studio on Friday, from 4:00 p.m. generally until later in the evening. In terms of class size, the peak class was 35 students which occurred on Saturday, with the dance studio estimating that one half of the students were dropped off, and one half of the parents stayed at the dance studio while their children were in class and therefore parked at the site. Based on that peak time with 35 students, Mr. Esposito estimated that a total of 18 cars parked at the dance studio at the peak time. Mr. Esposito stated that he had provided for 19 spots dedicated for the dance studio, which met even the peak demand time. Further, Mr. Esposito stated that the owners of the Ace Hardware did not feel parking was an issue at this site, even considering the dance studio use. Mr. Esposito stated that based on the requirements of the Brunswick Code, and given the uses on the site including the dance studio, retail, and warehouse use, a total of 66 parking spaces are required, whereas he has provided 89 parking spaces on the site plan. Mr. Esposito stated that there are more parking spaces on the site plan than required under the Town Code, and given that, the Applicant may seek to revise its proposal for the warehouse space in Phase 2 to provide for additional warehouse area. Chairman Oster stated that the Applicant could propose additional warehouse area when it submits its detailed site plan for Phase 2 of the project, but that the Planning Board is looking at Phase 2 on a concept level at this point only. The Planning Board discussed the pedestrian crosswalk on the site plan, stating that the area could merely be striped or painted on the pavement surface, without the need for any curb. Member Wetmiller wanted to confirm that

there were no plans for rental of any light construction equipment. Mr. Esposito confirms that there would be no rental of light construction equipment. Chairman Oster asked Mr. Bonesteel whether there were any additional engineering issues on the site plan. Mr. Bonesteel stated that he was generally in agreement with the site layout, parking, and traffic circulation, but that he did want to take a closer look at the stormwater plan. Mr. Bonesteel did confirm he was in general agreement with the stormwater management concept for the site, but did want to complete his detailed review. Mr. Esposito did confirm he had follow-up discussions with Mr. Bradley concerning water and sewer connections. Mr. Bonesteel and Planning Board members had further discussion with Mr. Esposito regarding stormwater facilities, including drywells, infiltration areas, and stormwater basins. Mr. Bonesteel concluded that in general, any stormwater facility to be used on the site should be of the nature that allows for ease of future maintenance so that the facilities worked in the future. Member Tarbox asked questions regarding existence of public bathrooms in the Ace Hardware store, parking requirements for the Phase 2 warehouse area if that were to be changed to retail in the future, and confirming that the front display area was to be used only for merchandise for sale, and not for any stock or storage of items. Member Tarbox also raised the issue of snow removal, and that he was not in favor of piling snow in the area of the road leading to the little league field, but that the site needed to provide for an area of snow storage. Member Mainello inquired about site lighting. Mr. Esposito stated that all lights would be down lighting, with downward shields provided. Member Czornyj asked about the retaining wall, and the option that the owners wanted to either reduce or eliminate the retaining wall if the adjacent property owner allowed grading on the adjacent property. Mr. Esposito stated that the owner had already spoke with the owner of the adjacent property, and there was a verbal understanding that some grading of the adjacent property would

be allowed so as to reduce or eliminate the need for the retaining wall. The Planning Board discussed this as a site plan feature, and determined, with counsel for Mr. Kreiger and Attorney Gilchrist, that the site plan should provide for the option of site grading, and that any change in the field would simply be a field adjustment regulated through the Building Department. However, before any grading on the adjacent property was allowed, the owner would need to file with the Building Department either a written permanent easement or other written title document allowing for such grading on the adjacent property. Chairman Oster inquired whether the existing submittal, including the full set of revised plans, were adequate for purposes of scheduling the public hearing. Mr. Bonesteel stated that in his opinion, the information was adequate to hold a public hearing. The Planning Board members agreed. Chairman Oster set a public hearing on this site plan for the March 6 meeting, to commence at 7:00 p.m. Mr. Kreiger confirmed that the site plan had been referred to the Rensselaer County Department of Economic Development and Planning for review. The Planning Board members confirmed that the full plan set needed to be reviewed for consistency, noting that some of the sheets still listed "Phase 3", where there are only two phases to this site plan at this time. Mr. Esposito stated that he would review the full site plan set for consistency.

The second item of business on the agenda was a site plan concept review upon application by Alta East, Inc. for redevelopment of the property located at 1163 Hoosick Road, the former Spiak's Mobil Gas Station, seeking to redevelop the site to a convenience store with retail gasoline sales. This application requires site plan review, but will also require a special use permit and area variance from the Zoning Board of Appeals. Chairman Oster reviewed with the Applicant all consultant review fee requirements. Rob Osterhaudt of Bohler Engineering was present for the Applicant, together with two representatives of Alta East. Mr. Kreiger confirmed

that all application fees had been paid. Mr. Osterhaudt reviewed the concept site plan, focusing on the location of the property line, which notes that the state highway right-of-way is very wide at this location, and that the property line is actually very close to the existing gasoline canopy at this site. Mr. Osterhaudt reviewed the three existing structures on the site, including the service station, the gasoline canopy area, and the residential home. The Applicant seeks to redevelop the site to a convenience store with drive-thru facility, and retail gasoline sales. Mr. Osterhaudt explained that the site would maintain the existing three curb cut areas along Route 7, would be maintaining the area in the state highway right-of-way as it exists today, would push the canopy area for gasoline sales further into the site so that it was located approximately 5 feet off the front property line, would include 4 fueling islands to include 8 fueling positions, that there would be an access driveway in front of the store for two way directional traffic, that parking spaces would be provided for in front of the building, that a 3800 square foot convenience store building is being proposed with a driveway to the rear for drive-thru sales. Mr. Osterhaudt stated he is providing for 27 parking spaces on the site, which include 19 standalone parking spaces plus the 8 fueling station positions which the Brunswick Code allows for computation of available parking areas. Mr. Osterhaudt stated that the greenspace on the parcel itself, not including the state highway right-of-way area in the front of the site, to be just under 36%. Mr. Osterhaudt confirmed that the fueling station will require a special use permit from the Zoning Board of Appeals, together with an area variance regarding the canopy area off the front property line. Mr. Osterhaudt stated that a private septic system is being proposed to the rear of the proposed convenience store building, and that public water is available to this site but that issue is still being investigated by the Town and the Applicant. Mr. Osterhaudt generally reviewed the concept stormwater management for the site, noting that the site is only 0.91 acres and therefore

a full SWPPP is not required but that an Erosion and Sediment Control Plan will be prepared. Member Wetmiller inquired whether the Applicant had tested the site for the septic system. Mr. Osterhaudt stated that the site had not yet been tested for septic purposes, but that it must do so in the future in coordination with the Rensselaer County Health Department. Member Mainello asked whether the Applicant had coordinated with NYSDOT. Mr. Osterhaudt stated that he had already reached out to NYSDOT, that the Department had no problem with the concept for this site, but would work with the Applicant going forward on the site details. Chairman Oster wanted to confirm that the existing underground petroleum storage tank would be maintained at the site. The Applicant stated that it is proposes to use the existing petroleum underground storage tank at the site, and to add a new underground storage tank as well. Member Czornyj inquired whether the drive-thru sales areas was being proposed currently, or would just be a future addition. The Applicant stated that the drive-thru is part of the current site plan. The Planning Board generally discussed coordination with NYSDOT in terms of traffic circulation and any striping or painting on the pavement within the state highway right-of-way and also concerning maintenance of the paved area within the state highway right-of-way. Mr. Bonesteel confirmed that the private owner must maintain the driveway entrance onto a state highway, and that NYSDOT will not maintain that. Mr. Bonesteel also inquired regarding signage. Mr. Osterhaudt said that the Applicant was proposing a freestanding sign located approximately 15 feet off the front property line on the east side of the site, which will be well back from the travel way of Route 7. Member Mainello inquired as to the façade of the proposed building. Mr. Osterhaudt showed a typical elevation. Upon inquired by the Planning Board, Mr. Osterhaudt stated that the site would be branded under Mobil Gas, and that there could be possible diesel fuel sale as well, which would then result in three of the four gasoline islands being for sale of

regular gas, and one of the pump islands being dedicated to diesel sale. The Alta representative confirmed that this would not be designed for tractor trailer diesel fueling. The procedure and coordination between the Zoning Board of Appeals and Planning Board was discussed, noting that an application is submitted to the Zoning Board of Appeals for a special use permit and area variance, and that the Zoning Board of Appeals will require a recommendation from the Planning Board concerning the special use permit application. Accordingly, this matter has been placed on the March 6 agenda for further discussion, including the preparation of a recommendation upon referral from the Zoning Board concerning the special use permit.

Two items of new business were discussed.

The first item of new business discussed was an application by Farrell concerning the four lot subdivision previously approved on the former Welch Farm property located between Pinewoods Avenue and NYS Route 2. Brian Holbritter was present for the Applicant. Mr. Holbritter explained that this was the previously approved four lot subdivision, but that the owner was now seeking to revise the lot line for the two lots adjacent to NYS Route 2. The proposal is to increase one of the lots by about one acre, resulting in a 2.5 acre lot on which only the single residence would be located, and decreasing the remaining large lot adjacent to NYS Route 2 by about one acre, resulting in one large lot of 17.5 acres on which all of the agricultural buildings would be located. Mr. Holbritter confirmed that there were no setback issues regarding any of the existing buildings on the site regarding the revised lot lines, and that there were no issues regarding septic location for the home. Mr. Holbritter did confirm that new wells had been drilled for each of these lots adjacent to Route 2, and that the public water connections that previously existed had been disconnected. Mr. Holbritter did provide to Mr. Kreiger and to Mr. Bonesteel well logs for the two new wells for these lots adjacent to NYS Route 2, and water

testing results. Mr. Holbritter will also provide a copy of that information to the Town Water Department. Attorney Gilchrist stated that this was in the nature of an amendment to the previously approved subdivision, and also noted that the final subdivision plat had not yet been stamped or recorded in the Rensselaer County Clerk's Office since a condition to the prior approval was the disconnection of public water and provision of private water supplies for these two lots adjacent to NYS Route 2. It was determined that this was a minor modification to the previous approval for this site, and therefore no additional SEQRA review is required. Upon motion of Member Tarbox, seconded by Member Czornyj, the amendment to the lot lines for the two lots adjacent to NYS Route 2 for the Farrell four lot subdivision is approved subject to the prior conditions for subdivision approval, which motion was seconded by Member Czornyj. The motion was unanimously approved, and the minor revision to the subdivision lot lines was approved. It was confirmed that the waterline easement for this project must be recorded in the Rensselaer County Clerk's Office, with a copy being provided to the Town. It was also confirmed that the disconnection of the public water and provision of private water supplies for the two lots adjacent to NYS Route 2 would be reviewed by the Town Water Department.

The second item of new business discussed was a site plan application submitted by Stewarts Shops Corp. for its existing store located at NYS Route 2 and NYS Route 278. Mr. Kreiger reports that Stewarts has contracted to purchase the property located adjacent to the existing Stewarts Shop on NYS Route 278, and is seeking to construct a new store and relocate gas pumps for this location. The Application will require site plan review, but will also require a special use permit for the renovated filling station from the Zoning Board of Appeals. Mr. Kreiger reports that this special use permit application will also be on the Zoning Board of Appeals agenda for its February 24 meeting, and will likely also require a recommendation from

the Planning Board in connection with the special use permit application. Accordingly, Chairman Oster placed this matter on the March 6 agenda for consideration of a recommendation on the special use permit application.

The index for the February 20, 2014 meeting is as follows:

1. Monarch Design Group – site plan – 3/6/2014 (public hearing to commence at 7:00 p.m.).

2. Alta East, Inc. – concept site plan review – 3/6/2014.

3. Farrell – Welch Farm Subdivision – modification to subdivision lot lines approved subject to conditions.

4. Stewarts Shops Corp. – site plan – 3/6/2014.

The proposed agenda for the March 6, 2014 meeting currently is as follows:

1. Monarch Design Group – site plan – public hearing to commence at 7:00 p.m.

2. Alta East, Inc. – site plan/special use permit recommendation.

3. Stewarts Shops Corp. – site plan/special use permit recommendation.