

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 6, 2014

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

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

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

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

The Planning Board opened a public hearing concerning the site plan application submitted by Monarch Design Group concerning the proposed renovation of the existing Feathers Furniture Store located at 831 Hoosick Road to a hardware store, with the demolition of an adjacent residential structure to the east for an additional parking area. The notice of public hearing was read into the record, noting that such 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. Edward Esposito of Monarch Design Group was present for the Applicant. Chairman Oster requested Mr. Esposito to present an overview of the proposal. Mr. Esposito gave an overview of the project, including the renovation of the Feathers Furniture Store to a hardware store, generally reviewed the parking for the hardware store, the maintenance of the dance studio with dedicated parking for the dance studio use, and generally reviewed the proposed grading and drainage for the site, and stated that the Applicant was pursuing an easement with the owner of the property immediately to the east for the purposes of obtaining

permission to grade that site which would reduce the height of the proposed retaining wall on the east side of the project site from 6' to 3'. Chairman Oster requested Mr. Esposito to also generally review the concept site for Phase II of the project. Mr. Esposito stated that Phase II would include the redevelopment of the existing building located on the western portion of the site to general warehouse, with additional parking for that use, while maintaining the access road to the ballfields. Chairman Oster then opened the floor for receipt of public comment. No members of the public wished to present comment on the application. After allowing adequate time for the receipt of public comment, and hearing no public comment offered, the Planning Board closed the public hearing on the Monarch Design Group site plan.

The Planning Board then opened the regular business meeting.

The Planning Board reviewed the draft minutes of the February 20, 2014 Planning Board meeting. Upon motion of Member Czornyj, seconded by Member Casey, the minutes of the February 20, 2014 Planning Board 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 the renovation of the existing Feathers Furniture store located at 831 Hoosick Road. Edward Esposito was present for the Applicant. Chairman Oster inquired whether there were any additional changes on the site plan submittal. Mr. Esposito stated that there were no substantive changes to the site plans already submitted, and that the only corrections were made for typographical errors on the prior plans. Mr. Esposito did hand up some new information, consisting of an email from the owners of the property adjacent to the east, concerning the proposal to obtain an easement for grading purposes which would allow the reduction in height of the proposed retaining wall on the east side of the project site from 6' to 3' in height. The Planning Board generally discussed how to handle this issue, since it was not

determined at this time whether there would be a grading easement granted or not. Upon further discussion, it was determined that the site plan currently indicates a 6' retaining wall, with requisite detail, but also notes that in the event a grading easement is obtained from the owner of the property adjacent to the east, then the height of the retaining wall would be reduced. Since the Planning Board is aware of that option, any action by the Planning Board approving the site plan would allow for either the 6' high retaining wall or 3' high retaining wall dependent on obtaining a grading easement, and that the final grading easement would be subject to review by the Building Department, and the final design would be a Building Department issue during construction and build-out activities. Member Czornyj wanted to confirm that the current plans showed the display area for merchandise as being under the canopy in front of the store. Mr. Esposito confirmed that the display area is under the canopy immediately adjacent to the front of the store building, and that there is a 5' wide area for display as well as a 5' area for sidewalk noted on the site plans for in front of the building. The Planning Board then entertained discussions regarding the existing shed located on the adjacent residential parcel, and whether that shed could be maintained as part of the final site redevelopment. The Planning Board observed that the shed in its current location does not comply with setback requirements under the Brunswick Zoning Code, and it would need to be determined whether the shed in its current location was compliant, either through the prior issuance of an area variance or in the event the shed's location was grandfathered and constituted a non-conforming use. In the event the shed was legally compliant in its current location, the issue arose as to whether that shed could be temporarily removed, have the elevation of that site lowered, and have the shed replaced in that location, even though the elevation will have been reduced by several feet. Upon reviewing this specific issue of lowering the elevation in that location, it became apparent to the Planning Board

that the proposed shed would be relocated directly adjacent to a significant retaining wall, and that the shed would be very close to the retaining wall. Further, with the reduction in elevation, the roof of the shed would be in the same general height as the elevation of the ground adjacent to the shed, given the grading and retaining wall construction. Mr. Bonesteel and the Planning Board members then discussed the ability to maintain the shed in the future given its proposed proximity to a retaining wall, and also health and safety issues associated with the shed being in close proximity to a retaining wall and elevation of the adjacent property. Upon further deliberation, and acknowledging that several issues would need to be addressed concerning the shed, the Applicant agreed to the demolition and removal of the shed, and the removal of the shed from the site plan. Member Tarbox asked Mr. Bonesteel about stormwater compliance. Mr. Bonesteel stated that the area of the proposed grading was under the requirements for the preparation of a full Stormwater Pollution Prevention Plan, but that the Applicant had submitted drainage calculations which had been reviewed. Mr. Bonesteel concluded that the proposed stormwater facilities as designed were acceptable, and that the final site plan submittal must be updated to show all proposed stormwater facilities that he reviewed with Mr. Esposito. Chairman Oster then inquired of the Planning Board members whether there were any further questions or comments concerning the site plan. Hearing none, Chairman Oster inquired as to procedural status with Attorney Gilchrist. Attorney Gilchrist stated that the Planning Board had held and completed its public hearing concerning the site plan; that the Planning Board had referred the application to the Rensselaer County Department of Economic Development and Planning, and the County had not raised any objection or comment on the application; that the Planning Board must make a determination of environmental significance under SEQRA, and upon making that SEQRA determination, the Planning Board could entertain action on the site

plan application. Chairman Oster then indicated he would entertain a motion to adopt a SEQRA determination. Member Czornyj then made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan application subject to the following conditions:

1. Submission of a final site plan set to be reviewed by the Town Building Department and Town Planning Board Engineer, which at a minimum must show the removal of the shed on the residential partial located on the east side of the project site, and also all stormwater facilities reviewed by Mr. Bonesteel.

2. The retaining wall on the east side of the project site is to be built according to the specifications showing a 6' high retaining wall; however, in the event a grading easement is obtained from the owner of the property to the east, and subject to review of that easement by the Town Building Department and Planning Board Attorney, then the specifications for the retaining wall can be reduced to a 3' high retaining wall, and such change will be noted as a construction and build-out modification.

3. Site plan approval is for Phase I of the project only; while the Planning Board has reviewed the concept site plan for the entire site, a further detailed site plan submittal will be required for Phase II of the concept plan, constituting the redevelopment of the existing building on the western side of the project site for warehouse space.

4. The owner/Applicant must coordinate with the Town Water Department on all water and sewer connections.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval was granted on Monarch Design Group application.

The second item of business on the agenda was the site plan application by Alta East, Inc. for the proposed redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenience store with retail gasoline sales. Rob Osterhoudt, P.E. of Bohler Engineering was present for the Applicant. Mr. Osterhoudt explained that a special use permit application and area variance application for front yard setback had been submitted to the

Brunswick Zoning Board of Appeals, and that he had been before the Brunswick Zoning Board of Appeals at its meeting held February 24, 2014. Mr. Osterhoudt stated that the proposed redevelopment had been well received by the Zoning Board members. Mr. Osterhoudt did note that the Zoning Board members requested that he reach out to NYSDOT regarding the proposed site redevelopment, including the requested special use permit and area variance, and that he had contacted NYSDOT on the project and that NYSDOT had no concerns with the conceptual site redevelopment, directing Mr. Osterhoudt to work directly with the NYSDOT residency for the necessary work permit. Mr. Osterhoudt also reported that he had discussed with NYSDOT the proposed curb cuts in the front of the site, with the proposal to modify the curbs from existing asphalt to grass, and that NYSDOT had no objection. Chairman Oster inquired whether NYSDOT had sent anything in writing. Mr. Osterhoudt stated that he had received an email from NYSDOT, and that he would file the same with the Town. Chairman Oster noted he had received correspondence from the Brunswick Zoning Board of Appeals, requesting a recommendation from the Brunswick Planning Board on the special use permit application. Thereupon, the Planning Board members deliberated on the proposed redevelopment of the site in order to prepare a recommendation on the special use permit. As a result of such deliberation, the Planning Board prepared the following recommendation:

**RECOMMENDATION ON SPECIAL USE PERMIT
APPLICATION BY ALTA EAST, INC. FOR THE
REDEVELOPMENT OF PROPERTY LOCATED
AT 1163 HOOSICK ROAD (NY ROUTE 7)**

Alta East, Inc. has filed an application for special use permit with the Town of Brunswick Zoning Board of Appeals for the redevelopment of the former Spiak's Garage, located at 1163 Hoosick Road (NY Route 7), to a convenience store with retail gasoline sales. The Brunswick Zoning Board of Appeals has referred the special use permit application to the Brunswick Planning Board for recommendation.

It is noted that this proposed redevelopment also requires site plan review by the Brunswick Planning Board. A concept site plan for the proposed site has been submitted and reviewed by the Brunswick Planning Board, and further detailed site plan review will be required upon action by the Brunswick Zoning Board of Appeals on the special use permit application.

The matter of the special use permit application referral by the Brunswick Zoning Board of Appeals was considered by the Brunswick Planning Board at its meeting held March 6, 2014. After due deliberation, the Brunswick Planning Board made the following findings:

1. The project site has been utilized for several decades as a service station with retail gasoline sales, and the continuation of retail gasoline sales at this location is consistent with previous use.

2. The proposed redevelopment of the site does discontinue the use of the site as a service station, and proposes to redevelop the site as a convenience store with retail gasoline sales. However, the Planning Board does not find that this is a significant change of use, and does include the maintenance of retail sale of gasoline at this location.

3. The current redevelopment proposal does increase the amount of greenspace on the site, which the Planning Board views as a positive aspect of the redevelopment proposal.

4. While there will be an increase in the total number of pumps and fuel dispensing areas under the proposed redevelopment concept, there appears to be adequate area on the project site to accommodate the increased number of pumps and fuel dispensing areas and to maintain adequate and safe traffic circulation.

5. The former Spiak's Garage generally maintained hours of operation of 7:00 a.m. - 7:00 p.m. Monday through Saturday, with no operation on Sunday; under the proposed redevelopment, Alta East, Inc. is proposing to reserve the ability to operate 24 hours a day, 7 days a week. On this issue, the Planning Board finds that the increased days and hours of operation is not significant for this location, based upon the following considerations:

- a. There are no adjacent residences to this commercial site.
- b. Most of the surrounding lands are already in commercial and/or professional office use.
- c. The site is located directly on NY Route 7 with significant vehicular and truck traffic.
- d. Lighting for night operation will not be inconsistent with current use, since lighting did exist overnight at the former Spiak's Garage for security purposes, and that lighting does exist overnight at the adjacent Park East Ventures facility as well as the Fowler Doyle law office on the opposite side of NY Route 7.
- e. Lighting under the pump area canopy and the convenience store building will be down-lighting only, so that off-site light spillage will not occur.

While the Planning Board does not find the increased hours of operation or days of operation to be significant, the Zoning Board of Appeals should consider any comments received during the public hearing on this issue.

Based on such findings, the Brunswick Planning Board adopts a favorable recommendation concerning the issuance of a special use permit to Alta East, Inc. for the proposed redevelopment at this location. The Planning Board members did note, however, that given proposed 24-hour/7-day operation, and given that the traffic signal at the intersection of NY Route 7 and NY Route 278 is on a flashing caution during overnight hours, appropriate signage may be required for vehicles entering and exiting the Alta East site so that customers are cognizant of tractor trailers or other large vehicles moving at increased speed during overnight hours at this location.

Mr. Osterhoudt also noted for the record that the Brunswick Zoning Board of Appeals noted that the proposed redevelopment of the site is an unlisted action under SEQRA, and that the Zoning Board would be undertaking an uncoordinated review. Attorney Gilchrist explained to the Planning Board that an uncoordinated review under SEQRA for this project is consistent with the SEQRA regulations, and would require the Zoning Board of Appeals and the Planning Board to make their own SEQRA determinations. The Planning Board concurred that the uncoordinated SEQRA review was appropriate, and the Applicant consented to that as well. Mr. Kreiger noted that he had referred the application to the Rensselaer County Department of Economic Development and Planning, but that no response had yet been received. It was noted that the Applicant would be before the Zoning Board of Appeals on March 17, 2014 for its public hearing concerning the requested special use permit and area variance. After further discussion, it was determined that the Alta East site plan would be tentatively placed on the March 20 Planning Board agenda in the event there required any changes to the concept site plan as a result of public comments at the March 17 Zoning Board of Appeals meeting, and if no such changes were required, then the Applicant would contact Mr. Kreiger and indicate that appearance on March 20 at the Planning Board is not required. This matter has been placed on the April 17

Planning Board agenda for further consideration of a detailed site plan submittal, which the Applicant plans on submitting on or before April 3.

The next item of business on the agenda was the site plan application submitted by Stewarts Shops Corp. for the proposed redevelopment of its existing store and relocation of gas pumps on properties located at NYS Route 278 and Tamarac Road. Chris Fodder of Stewarts Shops Corp. was present for the Applicant. Mr. Fodder explained that Stewarts was looking to redevelop its store located at Route 278 and Tamarac Road, increase the size of the store to a total of 3,537 square feet, which will include 3,417 square feet of store plus a 120 square foot walk-in freezer section. Mr. Fodder explained that there will be a proposed new gas canopy and fuel dispensing area, increasing the number of fuel islands to two, and total fuel dispensers to six. Mr. Fodder explained that the existing petroleum underground storage tank will remain, and that an additional 12,000 gallon underground storage tank will be installed. The new tank will have a 6,000 gallon chamber for diesel fuel, and a 6,000 gallon chamber for gasoline. The redeveloped site would increase the number of parking spaces from 20 to 35 spaces. The access off Tamarac Road to the store would remain largely unchanged. The access to the store from NYS Route 278 would be moved approximately 55 feet to the north, which Mr. Fodder explains NYSDOT has already given conceptual approval. The site lighting will remain LED lighting, with recessed down-lighting to eliminate any offsite light spillage. One single freestanding sign is proposed, 44 square feet in area, with one building sign being proposed, with a total area of 10 square feet. The project will be connected to municipal water, and a new septic system is proposed which will need to be approved by the Rensselaer County Department of Health. Mr. Fodder explained that a site plan review is required by the Planning Board, but also a special use permit from the Brunswick Zoning Board of Appeals. There was some discussion regarding the location of the

public watermain feeding the Stewarts Shop, and that the location of that line must be identified in relation to the proposed septic field area. Mike Rodriguez, owner of 32 Brick Church Road, which is the parcel to be purchased by Stewarts for part of the project redevelopment site, was present, and added some information concerning the location of the waterline on the property. This matter will be further researched by the Town Water Department. Chairman Oster noted that he was in receipt of a request from the Brunswick Zoning Board of Appeals for a recommendation on the special use permit application. The Planning Board members then deliberated on the proposed site redevelopment, for purposes of preparing its recommendation on the special use permit application. Following that deliberation, the Planning Board prepared the following recommendation:

**RECOMMENDATION ON SPECIAL USE PERMIT
APPLICATION BY STEWARTS SHOPS CORP. FOR
REDEVELOPMENT OF PROPERTY LOCATED
AT NYS ROUTE 278 AND TAMARAC ROAD**

Stewarts Shops Corp. has filed an application for special use permit with the Town of Brunswick Zoning Board of Appeals for the redevelopment of its existing store to provide for a new store and relocation of gas pumps on properties located at NYS Route 278 and Tamarac Road. The Brunswick Zoning Board of Appeals has referred the special use permit application to the Brunswick Planning Board for recommendation.

It is noted that this proposed redevelopment of this existing Stewarts Shop is also subject to site plan review by the Brunswick Planning Board. A concept site plan has been submitted and reviewed by the Brunswick Planning Board, and further detailed site plan review will be required following action by the Brunswick Zoning Board of Appeals on the special use permit application.

The matter of the special use permit application referral by the Brunswick Zoning Board of Appeals was considered by the Brunswick Planning Board at its meeting held March 6, 2014. After due deliberation, the Brunswick Planning Board made the following findings:

1. The redevelopment concept was viewed very positively, and the Planning Board considered the proposal to be an improvement over existing conditions, and will help to mitigate parking and traffic flow issues seen at the current Stewarts Shop at that location.

2. The proposal to increase the number of gasoline fueling stations from 2 dispensers to 6 dispensers is consistent with the current use of the property, and with the additional area now included in the overall project site, adequate area appears to exist for fuel dispensing and traffic flow.

3. The proposed relocation of the access to the Stewarts Shop off NY Route 278, to be moved approximately 55 feet to the north, is viewed very positively by the Planning Board members. It is noted that the Applicant stated that NYSDOT has conceptually approved this relocated access point.

4. While the proposal is to add a diesel pump to the retail gasoline sales, such use is consistent with past use of this site and does not result in any significant change.

5. The days of operation and hours of operation are not proposed to be changed, and will remain consistent with past use.

6. Overall, the Planning Board finds that the proposed redevelopment is a significant improvement over current conditions, particularly with respect to traffic flow and parking. The proposal does not change the character of the current site use.

Based on such findings, the Brunswick Planning Board adopts a favorable recommendation concerning the issuance of a special use permit to Stewarts Shops Corp. for the proposed filling station as part of the store redevelopment at this location.

For this matter, Chairman Oster asked the Planning Board members whether there were any additional questions or comments at this point on the concept site plan. Hearing none, Chairman Oster placed this matter on the April 3 agenda to review a detailed site plan submission, which Mr. Fodder anticipates submitting to the Town during the last week of March.

One item of new business was discussed.

An application for waiver of subdivision has been submitted by Alderman for property located on NY Route 142, Tax Map #91.-2-10.14. The application states that the waiver seeks the creation of a 2-acre building lot for residential use. The Planning Board members generally discussed this location, noting that this site had been subject to prior filling, and the Planning Board members discussed the nature of that fill, which included concrete and asphalt materials as well as possible metal materials. The Planning Board members generally had concern regarding

the ability to construct a home on that fill material, and also the ability to locate an approvable septic system. The Planning Board members had questions regarding the ability to require a plat note concerning the prior fill of the site, for purposes of notification to future owners concerning the fill material. Attorney Gilchrist noted that he would research that issue, and report back to the Planning Board. This matter has been adjourned without date, pending research of legal issues.

The index for the March 6, 2014 meeting is as follows:

1. Monarch Design Group – site plan – conditional site plan approval.
2. Alta East, Inc. – site plan – recommendation to Brunswick Zoning Board of Appeals.
3. Stewarts Shops Corp. – site plan – recommendation to Brunswick Zoning Board of Appeals.

The tentative agenda for the March 20, 2014 Planning Board meeting currently is as follows:

1. Alta East, Inc. – site plan (tentative).