

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 1, 2014

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

ABSENT was TIMOTHY CASEY.

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

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

The Planning Board reviewed the draft minutes of the April 17, 2014 Planning Board meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 17, 2014 Planning Board meeting were unanimously approved without amendment.

The first item of business on the agenda was the application to amend the site plan submitted by Carbone Auto Group for property located at 800 Hoosick Road. Jeff Hilenbrandt, Plumley Engineering, appeared on behalf of the Applicant. Jeff Hilenbrandt briefly reviewed the application with the Board. Mr. Hilenbrandt noted that the design of the underground stormwater management system proposed for the DOT parcel had been preliminarily approved by DOT technical staff, and the proposal was currently being reviewed by DOT's real property staff. The Planning Board generally discussed whether the proposed DOT use and occupancy permit would be sufficient to support a site plan application. Attorney Tingley explained to the Board that DOT had provided a form of the use and occupancy permit, which recites that the use and occupancy right granted thereunder could be revoked by DOT at any time, upon 30 days

advance notice. Attorney Tingley explained that the use and occupancy permit was similar to a month to month tenancy in this regard. The Board generally discussed and agreed that the use and occupancy permit would grant sufficient interest to Carbone Auto Group for purposes of making a site plan application for the DOT parcel, as long as the right to use that parcel was conditioned on continued maintenance of the DOT use and occupancy permit. Chairman Oster also noted that it was his understanding that the Brunswick Town Code did not provide a time within which a site plan must be completed before it expired. Chairman Oster commented that it was his understanding that this permitted the Board to consider an amendment to the prior site plan approval. The Planning Board generally discussed that the modifications to the prior site plan approval appeared to be of lesser impact than the original approval. Member Czornyj asked the Applicant whether the modification would result in a service door being installed on the northwest side of the building, to which Mr. Hilenbrandt responded that the plan was to use the northwest end of the building as a service area and would require construction of a service door. Member Mainello asked whether there was any change to the prior site plan approval that would require consideration by the local fire department, and Mr. Kreiger explained that the amendment actually appeared to lessen the impacts as compared to the original approval. Mr. Bonesteel asked the Applicant whether the Town would have any responsibility for owning and maintaining the underground stormwater management system. Mr. Hilenbrandt explained that DOT would have exclusive responsibility for ownership and maintenance of the stormwater system, since DOT is considered its own MS4 entity and the stormwater that would be entering the system would exclusively come from the DOT right-of-way, and no stormwater from the Carbone site would be entering the DOT stormwater facility. Mr. Bonesteel also asked the Applicant what the size of the existing detention pond was, and Mr. Hilenbrandt explained that the total area would be approximately 0.03 acres. The Board generally discussed the revised

plans, including the changed elevation plans, with Member Czornyj commenting that the proposed front of the building seemed to fit in with the surrounding neighborhood, and Member Wetmiller commenting that the changes do not appear to be significant. Member Mainello asked what the color scheme would be of the front of the building, and Mr. Hilenbrandt explained that he expected that it would be similar to the color scheme of the auto dealership across Route 7, but that he was not sure at this time. Chairman Oster asked what the surface of the front would be, and Mr. Hilenbrandt explained that it would be comprised of aluminum material. Member Mainello asked whether the new drawings would supersede the previous site plan approval, and Attorney Tingley explained that the new drawings and new site plan, if approved, would supersede the prior approval. Mr. Kreiger noted that the application had been sent to the County and that the County responded that local consideration should prevail, with a comment that the underground stormwater management system should be sufficient to provide the same amount of storage and treatment that the stormwater detention pond had been designed for, in addition to any new stormwater that would flow from the new areas to be paved. The Board determined that a public hearing on the site plan amendment application would not be required. Member Czornyj then made a motion to adopt a negative declaration pursuant to SEQRA, seconded by Member Mainello, and which was unanimously approved. Member Czornyj then made a motion to approve the application for an amendment to the site plan subject to any conditions that were imposed on the original site plan approval from October, 2012, and subject to the condition that the Applicant secure the DOT use and occupancy permit prior to beginning work and occupying the DOT parcel, and that throughout the Applicant's use of the property, the DOT use and occupancy permit be continuously maintained and in effect. The motion was seconded by Member Mainello, and was unanimously approved.

The next item of business on the agenda was the Mulinio proposed amendment to Planned Development District, upon referral from the Town Board for review and recommendation. Mr. Mulinio was present on the application. Chairman Oster noted that he had received a report from Laberge Engineering providing comment on the noise analysis that had been performed by the Applicant's consultant. Chairman Oster noted that the Laberge Group's letter report noted that increases of less than 5dBA are generally unnoticeable, and the report estimates that the projected noise levels at the nearest residential property will be approximately 3.6dBA, thus indicating no adverse impacts in noise generated from the proposed activities. Chairman Oster also noted that the Board had considered the lighting at the site and determined that the height of the lights plus the fact that they were pointing down would result in no significant impact from lighting. Chairman Oster asked the Applicant whether there had been any traffic study performed. Mr. Mulinio explained that there would be no traffic issues as there is a traffic control light at the nearest intersection and that property has a sign that requires car exiting the site to turn right towards Oakwood Avenue, rather than turning left. The Board asked the Applicant whether there was any paving that had been done or planned for the site, and the Applicant had indicated there had been no paving done and none was planned. The Applicant also explained that the site could accommodate 400 cars parked properly. The Board then deliberated generally on the application, and confirmed with the Applicant that the application sought an expansion of hours during the evening for 5 weekends per year in the Fall and the Applicant also indicated that they had posted approximately 200 no hunting posters around the site to prevent hunters from accidentally entering the site. The Board requested that Attorney Tingley's office draft a written recommendation for the Board's review prior to the May 15, 2014 Planning Board meeting. The Board also requested that the draft recommendation include an explanation concerning the extent of the application in terms of the hours of operation to be

added, as well as an explanation that a letter had been received from TOPATOMA, LLC giving permission to Mr. Mulinio acting on behalf of Capital Combat Zone, LLC to apply for the amendment to the existing Mulinio PDD. The matter was placed on the agenda for the May 15, 2014 meeting.

The next item of business on the agenda was the site plan application of Alta East, Inc. Mr. Kreiger explained that he had not yet received from the Applicant a final detailed site plan. The Applicant was not present at the meeting. The Board decided to table the application until the next meeting. The matter was placed on the agenda for the May 15, 2014 meeting.

The next item of business on the agenda was the site plan application by Stewarts Shops Corp. for property located at NYS Route 278 and Tamarac Road. Chris Potter from Stewarts Shops Corp. was present on the application on behalf of the Applicant. Mr. Potter explained to the Board that the Applicant had addressed the concern regarding headlights shining into a neighbor's yard by proposing construction of a 6' tall white vinyl stockade fence for 140' between the Stewarts property and the neighbor's property. Mr. Potter also explained that Stewarts had received comments from DOT and had sent revised plans addressing those comments. Mr. Potter generally reviewed those revisions. Member Mainello asked the Applicant whether it had determined the depth of the existing public waterline that runs through the project site. Mr. Potter explained that the depth of the waterline had not yet been determined and that it would not be necessary given that the waterline would be replaced. Mr. Potter explained that the Applicant and the Town Water Department had been in discussions with respect to constructing a new waterline up Tamarac Road to service 3 houses that are currently served by the line that runs through the project site. Mr. Potter explained that currently the proposal being discussed involves a 1.5" waterline with the Town Water Department and the Applicant agreeing on the type of line. Mr. Potter also explained that Stewarts was proposing to

contribute \$15,000 towards construction of the line and connection to the 3 homes, with any excess costs being borne by the Town. The Planning Board generally discussed the existence of the waterline through the site and the proposal to construct a new waterline up Tamarac Road including the manner by which the new waterline would be connected to the homes. Some members of the public that attended the Planning Board meeting asked questions of the Applicant with the Board permission concerning the proposed new waterline including the manner by which it would be connected to the homes. The Applicant explained that the proposal was to no longer connect to the one home in which the T is currently located, but rather to have a direct connection from the waterline to each individual home. The Board next discussed whether or not it should hold a public hearing on the application, particularly in light of the fact that the ZBA held a public hearing on the special use permit application. Mr. Bonesteel indicated that he had not had an opportunity yet to review the latest set of plans and has some minor comment on the stormwater management system. Mr. Kreiger asked whether the local fire company had yet received copies of the site plans, and it was determined that it had not. Attorney Tingley recommended to the Board that given the project proposal to undertake construction on a site through which a public waterline runs, the Board should attempt to get some written recommendation or review letter from the Town Water Department concerning that issue. The Board then revisited the issue of whether a public hearing should be held, and discussed the fact that it was probably not prepared to act on the application at this meeting. Member Czornyj made a motion to hold a public hearing on the application and to schedule it for 7:00 p.m. on May 15, 2014 at Brunswick Town Hall, which motion was seconded by Member Mainello. The motion was passed by a vote of 5/1, with Member Wetmiller voting against the motion. Member Czornyj then asked whether DOT's comments had been addressed, and the Applicant indicated that they had either revised the plans and/or submitted written responses to DOT's comments.

The Applicant explained that it would not necessarily know whether DOT was satisfied with the responses, but that if it wasn't, DOT would not grant the Applicant a Highway Work Permit. Mr. Kreiger read the comments on the application that had been submitted with the response provided by the County Planning. One such comment concerned whether the applications should provide for sidewalks or other amenities given that customers may walk from the school or the nearby truck parking lot into the Stewarts site. The Board generally agreed that sidewalks were probably both unnecessary and inappropriate in light of the fact that they may actually encourage pedestrians to walk along the road in that area, where no other sidewalks exist. The matter was placed on the agenda for the May 15, 2014 Planning Board meeting for purposes of holding a public hearing and continuing reviewing the application.

The first item of new business was the waiver of subdivision application filed by Jacob Broderick for property located at 528 Garfield Road. Mr. Broderick was present on the application. Mr. Broderick explained that the purpose of the application was to divide a single 9.13 acre lot into two lots, with the intent that the lots support residential construction in the future. Mr. Broderick indicated that he currently plans to construct a home on that portion of the lot to which he would receive title, and he expected that his brother, who would receive the other parcel, may be interested in constructing a residence on the other portion at some point in the future. Mr. Broderick confirmed however that neither had any specific plans for construction at this time, but that he wanted to file the application in order to be in the process. Mr. Broderick noted that he had not yet had a survey done or a plan drawing showing precisely where the lot line would be drawn, but he generally discussed that he expected the lot line would travel along a row of trees that exists on the existing lot. Chairman Oster explained that in drawing the proposed two lots, the Applicant should take into account that each lot must show sufficient access to a public road, needing at least 30'. The Applicant inquired whether a shared driveway

would be sufficient. The Board discussed with the Applicant that a shared driveway could be used, but that each individual lot must still obtain approval to have a driveway to access the public road on its own, even if the lots shared one driveway. The Board then discussed whether the proposal would create two lots or three lots. It was ultimately determined that the application sought to create two lots out of one single existing lot. The Board asked the Applicant whether he would be prepared with a proposed plan for the May 15, 2014 Planning Board meeting. The Applicant explained that he had not yet hired a surveyor, but was looking for one at this time, and did not expect to have a plan available for the Board's review before the May 15, 2014 meeting. Chairman Oster suggested that the application be put on the agenda for the June 5, 2014 meeting, with the understanding that if the Applicant was not able to provide a plan at least one week before the meeting, then the matter could be adjourned until the following meeting. The matter was placed on the June 5, 2014 agenda.

The next item of new business on the agenda was the proposal by Ace Hardware to modify a phasing plan approved as part of a recently approved site plan application. Mr. Kreiger explained that the Applicant had represented that the plan proposed to defer the construction of the central dock area to phase 2 of the site plan, whereas under the current approval, the central dock area was proposed to be constructed in phase 1. The Board discussed the proposal generally, and receipt from Mr. Kreiger of an 11" x 17" plan showing the revised phase 1 development plan. The Board asked Mr. Kreiger to retrieve the site plan approval for purposes of determining the difference between phase 1 as approved and the currently proposed phase 1. Mr. Kreiger retrieved the original site plan approval, and the Board compared the proposed phase 1 against the approved phase 1, and noted that the proposal appeared to involve a number of other changes in addition to merely deferring the construction of the central dock area to phase 2. Among the changes that appear to be made were the construction of a fenced outdoor display

area and the relocation of 7 car parking spots to an area near the existing building on the western side of the site. The Board then discussed whether they had the authority to approve such a modification which involved more than merely a phasing modification, and concluded that the Applicant should appear at the next Planning Board meeting in order to discuss the proposal. Mr. Kreiger agreed to advise the Applicant of the Board's request that the Applicant appear at the May 15, 2014 meeting to discuss the proposal.

The index for the May 1, 2014 meeting is as follows:

1. Carbone Auto Group – amendment to site plan – approved with conditions.
2. Mulinio – amendment to Planned Development District – 5/15/14.
3. Alta East, Inc. – site plan – 5/15/14.
4. Stewarts Shops Corp. – site plan – 5/15/14 (public hearing to commence at 7:00 p.m.).
5. Broderick – waiver of subdivision – 6/5/14.
6. Ace Hardware – site plan – 5/15/14.

The proposed agenda for the May 15, 2014 meeting currently is as follows:

1. Stewarts Shops Corp – site plan – public hearing.
2. Mulinio – amendment to Planned Development District – review of draft recommendation.
3. Alta East, Inc. – site plan.
4. Ace Hardware – site plan.
5. Brunswick Veterinary – site plan.

The proposed agenda for the June 5, 2014 meeting currently is as follows:

1. Broderick – waiver of subdivision.