

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

**MINUTES OF THE PLANNING BOARD MEETING HELD June 5, 2014**

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

ABSENT was DAVID TARBOX.

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

The Planning Board opened a public hearing on the site plan application submitted by TWC, Inc. for the construction of a 3,400 square foot veterinary hospital located at 1632 Route 7. The notice of public hearing was read into the record, with that public hearing notice having 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. Present for the Applicant was Marty Wolfson, P.E., and Tim Parsons from TWC, Inc. Mr. Wolfson presented a general overview of the proposed site plan. The veterinary clinic building has been designed by TWC, Inc. which specializes in designing veterinary hospitals. The site is 9.66 acres with slopes at the rear approximating 15% and decreasing to 6%-10% as they approach the road. The proposal will use the existing entrance to Route 7. The soils on the site are classified as being marginally accepted for septic and an alternative septic system has been designed and approved by the County Health Department. The building is approximately 3,400 square feet and there will be parking for 16 vehicles, two of which will be designated handicapped parking spots. The driveway will be approximately 300 feet long and there will be a small stormwater detention area and drainage

ditch. The nearest offsite well is approximately 300 feet away. The onsite well is not within the zone of influence of the septic system. Mr. Wolfson generally discussed the lighting that was proposed for the site and explained that there would be two fenced in walking areas, plus additional unfenced walking areas. A stormwater pollution prevention plan has been prepared. Chairman Oster thanked Mr. Wolfson for the presentation and opened the floor to receive public comments. No members of the public provided any comments. After allowing due time for the receipt of public comments, hearing no public comments, Chairman Oster closed the public hearing on the TWC, Inc. site plan application.

Thereupon, the regular business meeting of the Brunswick Planning Board was opened.

The draft minutes of the May 15, 2014 Planning Board meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Casey, the draft minutes of the May 15, 2014 meeting were unanimously approved without amendment or addition.

The first item of business on the agenda was the site plan application of TWC, Inc. for property located at 1632 Route 7. Chairman Oster asked Mr. Bonesteel whether he had any questions with respect to engineering of the site. Mr. Bonesteel indicated that the Stormwater Pollution Prevention Plan did not identify a water quality volume, nor did it include an operation and maintenance plan. Mr. Wolfson indicated that it was not intended to provide such detail as it did not appear necessary given the site size and proposed project. Mr. Wolfson further noted that although the site soils are classified as a "C", much of the topsoil has been stripped. Nonetheless he used the "C" classification of the soil in engineering the system. Mr. Bonesteel indicated that the application would need to address stormwater running off the impervious areas, including the parking lot and building roof. Mr. Wolfson indicated that he could provide the numbers sought by Mr. Bonesteel, but such information would be academic. Mr. Bonesteel responded that the application does not satisfy the stormwater regulations because it does not address water quality.

Mr. Bonesteel and Mr. Wolfson also discussed stormwater runoff from the roof. Mr. Wolfson indicated that stormwater runoff from the roof would not be directed into gutters, but would run off into a landscaped/mulched area. Mr. Bonesteel indicated that the site still needs to treat water before it leaves the site. Mr. Wolfson responded that no project fully treats every quart of water before it runs off the site. Mr. Bonesteel responded that the stormwater regulations require that the stormwater runoff be collected from paved areas and treated prior to a discharge. Mr. Bonesteel and Mr. Wolfson continued discussion concerning whether or not stormwater regulations required the project site to treat the stormwater runoff before discharge. Member Mainello stated to Mr. Wolfson that a project could never have sheets of stormwater runoff from a parking lot discharge into a ditch without treatment. Mr. Kestner was in attendance and generally discussed the MS4 requirements. Mr. Bonesteel also explained that the Stormwater Pollution Prevention Plan needs an operation and maintenance plan. Mr. Wolfson agreed to amend the Stormwater Pollution Prevention Plan to address the concerns raised by Mr. Bonesteel both with respect to water quality volume and operation and maintenance plan. Mr. Wolfson requested that the Board take action tonight, with the understanding that the Stormwater Pollution Prevention Plan would be amended to satisfy Mr. Bonesteel's comments. Attorney Tingley indicated that the County recommendation had not yet been received nor had the time for the County to respond expired, and that therefore the Planning Board was not in a position to act at this meeting. The Board also discussed with Mr. Wolfson whether or not the project design would be able to meet ADA requirements given the finished elevations as noted on the site plan. After reviewing the site plan contours with the Planning Board, Mr. Wolfson agreed that the plans would be revised and that he would take a look at the contours. The Board agreed to place the site plan application on the agenda for the June 19, 2014 meeting, and the Applicant

indicated that he would attempt to work with Mr. Bonesteel to get the fully revised and final plans to the Board in advance of the meeting.

The next item of business on the agenda was the site plan application of Alta East, Inc. for redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenience store with retail gasoline sales. Mr. Kreiger indicated that he had spoken with the Applicant and that the Applicant estimated that it would be ready to proceed at the Planning Board in July. The Planning Board placed the Alta East, Inc. site plan application on the agenda for the July 17, 2014 meeting.

The next item of business on the agenda was the application by the Monarch Design Group for an amendment to a previously approved site plan with respect to the renovation of the existing Feathers Furniture Store located at 831 Hoosick Road into an Ace Hardware Store. Chairman Oster noted that the Planning Board had received new drawings from the Applicant. Mr. Bonesteel identified a concern with respect to the driveway area in the rear of the site and sought confirmation from the Applicant as to whether it would continue to be a one-way pattern or two-way pattern. The Applicant confirmed that the circulation pattern in the site was not changed in that area and that the site will maintain the one-way direction of truck traffic in that area of the site. The Planning Board discussed with the Applicant the proposal for the pavement throughout the site. The Applicant indicated that he did not propose heavy duty pavement in the rear because he did not anticipate that trucks would be using that area frequently. The Applicant also indicated that a pedestrian walkway would be identified on the site connecting the Ace Hardware retail building to the building located to the west, which during Phase I would continue to be used as storage. The Applicant provided rendering of the front of the retail building which showed a canopy extending out above the walkway. The Applicant clarified that while the rendering showed the canopy extending beyond the walkway, the plans actually

proposed to extend the canopy only over the walkway and no further. The canopy material would be painted steel. The Applicant further noted that the owner was currently working on obtaining an easement agreement from the neighboring property owner to the east to allow grading, so the plan depicts both a retaining wall and alternatively grading at the eastern edge of the site. The Applicant indicated that once the site is 100% newly paved, the line striping for the parking spaces and all the walkways, including the pedestrian crosswalk, would be painted. The Board asked the Applicant to confirm whether the Ace Hardware store would be storing anything in the retail building. The Applicant indicated that all storage would be in the secondary building to the west, except some minor storage near the dock area in the retail building since the removal of the previously proposed central dock area eliminated some of the floor space. The Board asked the Applicant whether he had sought any guidance from the Fire Department with respect to the existing sprinkler access which would be within the fenced area where outdoor garden storage is planned. The Applicant had not coordinated with the Fire Department as of yet, but the Water and Building Department have requested that the existing sprinkler access be relocated to the front. The Applicant agreed that he would coordinate with the Fire Department as well in order to insure access to the exterior sprinkler system including if applicable and necessary, a Knox Box entry system. The Applicant then addressed the grading at the eastern part of the site, and indicated that the proposal was to install an erosion mat if the grading easement was obtained and grading undertaken. The Applicant indicated that while the plans do show a retaining wall and alternatively grading, the Applicant was interested in avoiding having to build a retaining wall due to the expense. The graded area would be covered by an erosion mat and would in essence be a sloped green area. Mr. Kreiger indicated that Rensselaer County had returned its recommendation indicating that local consideration should prevail. Mr. Tingley asked whether there would still be a Phase II of this project, to which the Applicant answered

affirmatively, and the Planning Board indicated that the Applicant would be required to return to the Planning Board for approval of Phase II. Member Wetmiller asked whether there was any local requirement with respect to the set back of the proposed propane tank area. Mr. Kreiger indicated that the setback from the property line for such items must be at least the height of the structure, and that such details would be addressed by the Building Department during build-out. Chairman Oster asked whether the Board was comfortable with moving forward on the application. Mr. Tingley explained that the Board should act on the application only if it is comfortable that all of the required aspects discussed at the last meeting were shown on the most recently provided plans. Chairman Oster indicated that he had compared the most recently provided plans with the minutes of the last meeting and that it appeared to him that all items had been included on the plans. A motion was made by Member Czornyj to adopt a negative declaration pursuant to SEQRA for the application, which was seconded by Member Mainello, and was approved unanimously. A motion was then made by Member Czornyj, seconded by Member Wetmiller to approve the application to amend the previously approved site plan subject to the following conditions:

1. The Applicant must get Fire Department confirmation that the design is acceptable including with respect to the sprinkler system access.
2. With respect to whether a retaining wall or grading will be done on the eastern end of the site, the Applicant will be required to coordinate with the Building Department prior to beginning construction of either, and to undertake construction of the wall or grading only in accordance with the Building Department's requirements.
3. The Applicant must coordinate with the Town Water Department on all water and sewer connections.
4. As-built plans must be submitted to the Building Department.

The motion was approved unanimously and the site plan application amendment by Monarch Design Group was approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application made by Jacob Broderick for property located at 528 Garfield Road. Mr. Kreiger indicated that the Applicant was not ready to proceed at the Planning Board at this meeting and the matter was placed on the agenda for the July 17, 2014 Planning Board meeting.

The next item of business on the agenda was the site plan application of Les McDermott proposing to operate a retail gun shop with a classroom and indoor gun range at 807 Hoosick Road, the former Verizon building. Les McDermott was present on the application. Chairman Oster explained to Mr. McDermott that the Applicant would be responsible for any consulting professional fees that the Planning Board incurred. Mr. McDermott acknowledged and understood that the Planning Board's consulting professional fees would be the responsibility of the Applicant. Mr. Kreiger indicated that all application fees required to date have been paid. Mr. McDermott presented the application to the Planning Board. He is the owner of the Veterans Gun Depot in Green Island, New York which will be relocating to the proposed location. The proposed location consists of 6.56 acres, and the business will use existing site lighting and existing fencing around the site. The proposal is to use the existing building with indoor renovations. The Applicant does not own the access driveway but does have an access/utility easement over the existing driveway. The indoor gun range will consist of five lanes, each 25 yards long with mechanical retrievers. There will be sound-deadening foam installed. The classroom area will accommodate approximately 25 students. The two-bay garage will be used as a lease space, and the Applicant does not have any firm current plans as to what kind of tenant will lease that space. He anticipates that a landscaping company may lease that space or he may use that space as an area for a farm co-op. Chairman Oster indicated that he had visited the Green Island site and was impressed with the facility. The Applicant explained that he currently offers and will offer at this site safety classes and the proposal provides a safe place

for lawful gun owners to shoot. The Applicant indicated that it is safer for gun owners to shoot at an indoor range rather than, e.g., outside in their backyard. The Applicant explained that there would be a chief range officer that monitors the indoor gun range. He also indicated that he would be offering memberships which would allow members to use the indoor gun range periodically, but with limits. Chairman Oster asked whether this use was permitted in the Zoning District. Mr. Kreiger indicated that the Building Department's determination is that the use is permitted in the B-15 Zoning District. The Board then discussed with the Applicant the close proximity of the facility to the youth athletic fields. The Applicant indicated that by law, such facility is not permitted to be located within 500 feet of an occupied structure. The site is somewhat remotely located in relation to the surrounding uses, and there is an existing fence around it, and the Applicant's proposal would provide a safe place for pistol owners to shoot their guns. The Applicant further indicated that the indoor range would be constructed so that all rounds would be kept within the structure including a 3-foot deep rubber berm area at the end of the range which area would have approximately 8" thick concrete walls on each side. The Applicant further explained that reloaded ammunition is not always as safe as newly manufactured ammunition, and for that reason the Applicant does not permit users of the firing range to bring in their own ammunition. All users of the firing range must purchase ammunition from the gun store, and the gun store does not purchase reloaded or used ammunition from manufacturers. The only ammunition sold at the store is newly manufactured. The Board then discussed with the Applicant the outdoor archery range that appeared to be shown on the plan and whether or not the location of the archery range was safe. The Applicant indicated that there is a significant grade behind the hay bales. The archery range would be used for bows and crossbows, which have been recently permitted by the DEC. The Applicant confirmed that there would be no outdoor firearm shooting. The Board then asked the Applicant why the indoor

range is proposed to be facing toward the two-bay garage area. The Applicant indicated that the design of the range in this way was the most cost effective and is safe, but that the Applicant would be open to reversing the range if the Planning Board deems it necessary. The Applicant provided a sample of the rubber that would be within the 3' rubber berm to the Planning Board. The gun shop would be approximately 20' x 80', and the gun shop, the classroom, and the firing range would be smaller than the Applicant's current site in Green Island. The Applicant indicated that the current site in Green Island will be discontinued by the end of this month and they are currently in the process of deconstructing the retail portion of that site. The Applicant indicated that the proposal for 8" concrete walls down the sides of the firing range might also be composed of timber with crushed stone or preformed concrete panels. He may also install bullet proof glass looking into the range. The Applicant is seeking permissible operating hours of 9:00 a.m. to 9:00 p.m., similar to his current location in Green Island, with availability to operate 7 days per week. However, he stated that the actual operating hours of the Green Island site do not include early morning or late evening hours. From time to time in Green Island, the range is open until 8:00 p.m. The Board generally discussed that they would request from the Applicant that there be some information provided on what kind of noise impacts there would be at the property line. The Applicant indicated that there would be very little noise outside of the building, and likely no noise impacts at all at the property line. The Applicant based his statement concerning noise impacts on his experience with his current location in Green Island. The Board then reviewed the drawings and noted that basically everything on the drawings are existing features except the addition of a new shed, two HVAC structures, and new signage near the road. The Board asked the Applicant how the safety officer for the firing range and also the customers would enter the indoor firing range. The Applicant confirmed that every person will be required to go through the gun shop's main entrance to get to the shooting area. The

Applicant indicated that he is considering relocating the classroom nearer to the two-bay garage and shifting the gun shop down towards the entrance to the firing range so that users of the firing range do not need to walk through the classroom to get to the firing range. The Applicant further explained that the exterior door indicated on the drawing in the area of the firing range is an emergency exit. The Board then generally discussed and agreed that it was appropriate to hold a public hearing on this application and scheduled the public hearing for June 19, 2014 beginning at 7:00 p.m.

The next item of business on the agenda was the application of BPP II, LLC, mistakenly identified on the agenda as PE&PA Associates, Inc., for the recommendation on the Duncan Meadows Planned Development District amendment. The Applicant noted that the Applicant should be reflected as being BPP II, LLC, not PE&PA Associates, Inc., which was the Applicant on an earlier, related application. Peter Yetto was present for the Applicant. Mr. Yetto generally explained that the application sought to amend the PDD approval to change 78 condominium units, some of which were proposed for Phase II and some for Phase III, to 77 rental apartment units all of which would be located in the Phase II area. The proposal envisions using the same type of buildings for the 77 apartment units as are used for the 88 apartment phase that was previously approved. The proposal would preserve the area that was previously designated for Phase III as greenspace. The Applicant provided for the Board's review the prior approvals and the current proposal so that the Board could compare the two. Chairman Oster asked the Applicant to describe the changes to the road. The Applicant indicated that the PDD approval only required one main entrance to this area of the site with the other access to this particular area being only for emergency purposes. Also the Applicant indicated that whereas the PDD approval provided for a cul-de-sac at the termination of the access road, the proposal now was to provide a turn-around area appropriately sized for emergency apparatus. The Applicant stated

that the number of school aged children projected would decrease slightly due to the units being apartments rather than condominiums. The Applicant further stated that there would also be a slight decrease on the demand for other services, such as sewer. Member Wetmiller asked whether the Fire Department has looked at the proposal particularly with respect to the change of the cul-de-sac to a turnaround. The Applicant indicated that the Fire Department has not yet opined on the change. Mr. Kreiger stated that the plans have been sent to the Fire Department. Chairman Oster asked what would become of the Phase III area and the Applicant indicated that it was flexible with respect to any condition that the Planning Board or the Town Board sought to impose on that area. Another representative of the Applicant indicated that they had suggested to the Town Board that they preserve that area as open space, but the Town Board did not seem necessarily in favor of a permanent restriction on that area. Chairman Oster also noted that the ratio of apartments to single family homes within the Town has seemed to increase rapidly in the past several years. He further indicated that a new comprehensive plan has been adopted and that a new zoning code is currently in development. He further stated that in past recommendations, the Planning Board has requested that the Town Board examine the sudden increase in the number of apartments and whether or not the additional increase in the number of apartments was appropriate for the Town. Chairman Oster stated that the recommendation may request that the Town Board somehow restrict development on the third parcel. He noted that his suggestion would be that the area of property known as Phase III would remain undeveloped until the Town Board completes its rezoning process. Mr. Kestner, the Town's consulting engineer on the application, generally discussed the change in density associated with the amendment. The Applicant indicated that the previously approved condominium units approximated 2,200 square feet per unit, whereas the apartments would each range from 900 square feet to 1,700 square feet. The Board then discussed property tax issues. It was the

understanding of the Board that the manner in which condominium units are taxed under New York State law made the tax revenue generated by condominiums to be comparable to the tax revenue generated by apartment units. Member Esser has questions concerning whether the buildings would be three-stories. The Applicant indicated that the buildings would only be two-stories, and that there are no other three-story buildings proposed and that the sole three-story building that currently exists is a previously constructed building in a prior phase. Mr. Kestner indicated, with respect to property tax issues, that the economics of the project are typically looked at during the SEQRA process. The Planning Board then generally discussed that the 77 units that were proposed to the area of Phase II would all be using the same access road that was proposed for Phase II, rather than using the access roads that had been proposed for Phase II and Phase III. The Applicant indicated that the traffic on McChesney Avenue Extension would not be impacted because both access roads entered McChesney Avenue Extension. The only impact, if any, according to the Applicant would be on the access road itself. Member Wetmiller indicated that he would like to know more about the tax impacts and believes that the Town Board should analyze that aspect. He would like to make a condition of the recommendation that the Town investigate the impacts to tax revenues that the change would have. Member Wetmiller also expressed concern regarding the number of apartments that have been approved over the last several years, particularly in relation to the number of single family residences. The Applicant indicated that with respect to tax impacts, the apartments will get built immediately, whereas condominium units might not get built immediately, and may never be built depending on the market. The change from the condominium units according to the Applicant will generate immediate tax revenue. Chairman Oster asked the Applicant what the target market would be. The Applicant responded that they are currently leasing to RPI graduates and some retired individuals, but that the target market is really a mix of people. The Applicant further indicated

that the apartments were luxury apartments, and that the lowest monthly rental was \$1,000 per month. He also indicated that currently the most expensive monthly rental is approximately \$1,800 per month. The Planning Board also discussed that the recommendation it would be making should closely mirror the recommendation that was made with respect to the 88 apartment units that the Planning Board had made approximately 1 to 1 ½ years ago. It should also address traffic issues and should request that the Town Board require the Applicant to get the Fire Department approval for the access road turnaround and location of any fire hydrants. The Board then discussed that the Phase III area is currently used for agricultural use and although the recommendation should include a condition that requires that area to remain undeveloped until the Town has completed its new Zoning Code, the recommendation should also permit continued agricultural use in that area. The Board indicated that the process would be the Planning Board attorney would draft a recommendation for their review and would submit the draft to the members prior to the next meeting, and at the next meeting the Planning Board could make changes if necessary and vote on the recommendation. The matter was placed on the agenda for the June 19, 2014 meeting.

There was one new item of business, which was a waiver of subdivision application of Ruth Colman for a 36± acre parcel located at the southerly end of Grandview Drive and the westerly side of Creek Road. It was Mr. Kreiger's understanding that the Applicant sought to divide the lots for purposes of estate planning type reasons, and the application indicates that one lot will be approximately 16.39 acres and the second lot would be approximately 19.6 acres. Currently, the lots consist of some fields, with no houses. A portion of the lot appears may have been farmed or may continue to be farmed. Neither parcel is landlocked, as they both have access to public roads. One would have an entrance onto Grandview Drive and the other would

have an entrance onto Creek Road. The matter was placed on the agenda for the June 19, 2014 meeting.

Chairman Oster then pointed out that the first meeting in July would fall on July 3, 2014. He indicated that some members of the Planning Board would be out of town on that date, and that it may be appropriate for the Board to consider cancelling the meeting in light of the holiday weekend. The Board discussed the matter and agreed that the July 3, 2014 meeting would be cancelled.

The Planning Board then generally discussed a broader issue raised by the earlier application concerning apartment units within the Town. Chairman Oster explained that the Planning Board might consider proposing to the Town Board that it take a hard look at the sudden increase over the past few years of apartment units in the Town and that it consider adoption of a moratorium on new apartment applications until the Town has an opportunity to fully develop and make a decision on a new Zoning Code. The Board generally discussed the various aspects related to apartment developments and the increase in apartments over the last several years.

The index for the June 5, 2014 meeting is as follows:

1. TWC, Inc. – site plan – 6/19/14.
2. Alta East, Inc. – site plan – 7/17/14.
3. Monarch Design Group – site plan amendment – approved with conditions.
4. Broderick – waiver of subdivision – 7/17/14.
5. McDermott – site plan – 6/19/14 (public hearing to commence at 7:00 p.m.).
6. PE&PA Associates, Inc./BPP II, LLC – Duncan Meadows Planned Development District amendment – recommendation on proposed amendment - 6/19/14.
7. Colman – waiver of subdivision – 6/19/14.

The proposed agenda for the June 19, 2014 meeting currently is as follows:

1. McDermott – site plan (public hearing to commence at 7:00 p.m.).
2. TWC, Inc. – site plan.
3. BPP II, LLC – Duncan Meadows Planned Development District proposed amendment – recommendation.
4. Colman – waiver of subdivision.

The proposed agenda for the July 17, 2014 meeting (July 3, 2014 meeting cancelled) currently is as follows:

1. Alta East, Inc. – site plan.
2. Broderick – waiver of subdivision.