

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 4, 2014

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

ABSENT was VINCE WETMILLER.

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

Chairman Oster reviewed the posted agenda for the meeting.

The Planning Board opened the public hearing regarding the site plan application submitted by Alta East, Inc. for property located at 1163 Hoosick Road, the former Spiak's Garage. Alta East, Inc. proposes to redevelop the property to a convenience store with retail gasoline sales. Chairman Oster first reviewed the procedure for the public hearing. Attorney Tingley then read the notice of public hearing into the record, and indicated that it had been published and mailed to owners of all adjacent properties. Chairman Oster requested that the Applicant present a brief overview of the project. Rob Osterhautt from Bohler Engineering, presented the application on behalf of the Applicant. Mr. Osterhautt described the proposed project site, including the proposal to maintain existing curb cuts on Route 7, but replacing the currently paved curb islands with vegetated curb islands. Mr. Osterhautt also indicated that the site would be serviced by a septic system, and would include a drive-thru around the rear of the building, as well as being serviced by a private water line that would be installed from the Town water main and would run through private property on the opposite side of Route 7 underneath

Route 7 into the proposed site. Mr. Osterhautd indicated that the easement necessary to locate the private water line through the private property on the opposite side of Route 7 had been finalized, executed, and filed in the County Clerk's Office. Mr. Osterhautd also indicated that he had provided a stormwater report to Mr. Bonesteel, and that Mr. Bonesteel had no significant comments. Mr. Osterhautd informed the Board that the proposal will reduce stormwater runoff. Frank Brenenstuhl, 27 Dusensberry Lane, stated that he was generally in favor of the proposed redevelopment of the site, although he was requesting that the Applicant include a plaque or some other type of commemorative sign recognizing the history of the site as being the former Spiak's Garage. Mr. Brenenstuhl also stated that it was his understanding that the owner had agreed to put some type of commemorative plaque or sign either on or in the building. Chairman Oster then stated that the Planning Board would consider closing the public hearing and requested any additional comments to be placed on the record. No additional members of the public provided any comments. The Planning Board thereafter closed the public hearing on the Alta East, Inc. site plan application.

The Planning Board then reviewed the draft minutes of the August 21, 2014 meeting. Upon motion by Member Czornyj, seconded by Member Casey, the minutes of the August 21, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Alta East, Inc. for property located at 1163 Hoosick Road. Chairman Oster confirmed that the comment at the public hearing concerned the placement of a plaque at the site commemorating the historic use of the property for the Spiak's Garage. Mr. Osterhautd responded that he would provide the comment to Applicant for consideration. Chairman Oster then confirmed with Mr. Bonesteel that the stormwater report had been reviewed and found acceptable by Mr. Bonesteel as sufficient. Mr. Kreiger confirmed that the recommendation from the County had been

received and that it indicated that local consideration shall prevail, although it commented that a stormwater report would need to be prepared. Mr. Bonesteel confirmed that the stormwater report had been prepared. The Board then discussed the various conditions of any potential approval that might be granted. Member Czornyj made a motion to adopt a negative declaration pursuant to SEQRA, which was seconded by Member Tarbox, and was unanimously approved. Member Czornyj then made a motion to approve the site plan application with the following conditions:

1. That the Applicant provide proof of the relinquishment by the County and New York State DOT of that portion of the right-of-way as indicated on the plan, once secured;
2. That the Applicant coordinate with and address any comments of the Town Water Department with respect to the water service to the property;
3. That the Applicant provide a copy of the recorded easement for the water line that runs through the private property on the opposite side of Route 7;
4. That the Applicant secure Rensselaer County Health Department approval for the onsite septic system; and
5. That the Applicant secure any necessary DOT Highway Work Permits.

The motion was seconded by Member Mainello and was approved unanimously. Chairman Oster also noted for the record that the Planning Board supports the request of Mr. Brenenstuhl that a commemorative plaque or sign be located at the site and requested that Mr. Osterhaut advise the Applicant.

The next item of business on the agenda was the site plan application submitted by David Mulinio for the Capital Combat Zone paintball facility, which received PDD amendment approval from the Town Board to add additional hours of operation for an additional seasonal attraction for the Fall. David Mulinio was present on the application. Chairman Oster clarified the procedure that the Board was required to follow with respect to PDD amendments, including the fact that the Board was required to receive and review the site plan. Mr. Mulinio indicated that he had provided a site plan to the Board since the last meeting. Mr. Mulinio also reviewed the site plan components as they relate to the existing conditions on the site. There were

available for display aerial imagery of the site dated September 2013 and Mr. Mulinio confirmed that the conditions as shown on those images were accurate today, except that the wood scrap pile shown on the aerial image is no longer there. Mr. Mulinio stated that this year, the haunted ride would not include paintball activities due to timing of the trailer manufacturing, but that future years would include paintball as described in the PDD amendment approval. Member Esser asked questions to clarify how the haunted hayride attraction would be operated, which Mr. Mulinio answered. Chairman Oster indicated that there had been some question concerning compliance with the approved hours of operation in the original PDD approval. Mr. Mulinio indicated that they had discontinued the activity that was outside their approved hours of operation and now lock the gate at 5:00 p.m., only allowing State and County law enforcement training to occur during the week. Mr. Tingley asked Mr. Mulinio to clarify for the Board whether the trailers would be manufactured with guns on both sides of the trailers, and if so whether the path of the trailers shown on the site plan submitted would allow participants on both sides of the trailers to participate, given that the site plan appears to show that the trailers would travel around the outside of the fields. Mr. Mulinio stated that the path of the trailers will be slightly inside the boundaries of the field and there are movable props, façades and actors that will be on the outside of the trailer path. Mr. Tingley also informed Mr. Mulinio that the PDD amendment approval contained the rules for operating the extended hours of operation and the activities that could occur, and that in operating the seasonal attraction he should refer to that approval for any limitations including with respect to the hay maze. The Board then confirmed that the project had undergone a coordinated SEQRA review, and the Town Board had adopted a negative declaration on this project. Member Czornyj then made a motion to approve the site plan application, which was seconded by Member Esser, and was unanimously approved.

The next item of business on the agenda was the site plan application submitted by American Housing Foundation for property located at 112 McChesney Avenue, on a parcel that is approximately 4± acres in size on which the Applicant proposes to construct a three-story, 86 unit senior apartment building. Chairman Oster informed the Board that the Building Department had determined that the project requires 9,000 square feet of lot area per dwelling unit under the Zoning Code. The Applicant has been notified of that requirement. Chairman Oster indicated that the 9,000 square foot lot area requirement per dwelling unit would limit the number of apartments that could be approved on that particular site to far fewer than the 86 that were proposed. The application has been tabled indefinitely pending a decision by the Applicant as to whether and how it wished to proceed.

The next item of business on the agenda was the waiver of subdivision application on behalf of Keith Duncan and Sycaway Creamery involving parcels 90.-2-9.1 and 90.-2-9.2, for premises located at 15 Norfolk Street and 64 Duncan Lane. Present on behalf of the Applicant was Mark Danskin of Danskin Land Surveying, LLC. Mr. Danskin indicated that he had worked on obtaining some additional information that had been requested at the prior meeting, but that the property owners had not yet agreed on the details concerning the proposed waiver of subdivision, and therefore he does not yet have the consent of all of the property owners. He further indicated that the sewer line has been, and runs through the property, but that the water line needs to be traced. The garage on 64 Duncan is not movable as it is on a foundation. The Board generally discussed the location of the lot lines. Mr. Danskin requested that the Planning Board table the application without date, until the property owners could come to some final agreement. The Planning Board tabled the application indefinitely.

There was one item of new business that was discussed.

A waiver of subdivision application has been submitted by Troy City Garage, Inc. for property located on Hoosick Road that abuts Crescent Lane and over which runs Skyview Drive. The parcel is currently 23.37± acres and is vacant. Mark Danskin of Danskin Land Surveying, LLC was present on behalf of the Applicant. Mr. Danskin explained the general layout of the parcel and indicated that Skyview Drive is a highway-by-use and that the area of Lot 2 would be 18.11± acres and would be on both sides of Skyview Drive. The other lot to be created would be Lot 1, consisting of 5.26± acres along Route 7. Mr. Danskin indicated that the Applicant was interested in selling Lot 2 for residential use, while retaining Lot 1 for potential future commercial use if commercial uses are allowed if and when the Zoning Code amendments are adopted. Mr. Danskin also explained that the depth of Lot 1 along Route 7 was approximately 525 feet. Member Czornyj indicated that it was his understanding that if someone was looking to build on Lot 2 that the Skyview Drive would need to be asphalt. Currently Skyview Drive is a gravel. Mr. Danskin indicated that the intent of the waiver of subdivision application was to make the property more marketable by allowing Lot 2 to be sold without Lot 1. Mr. Danskin indicated that there was no current curb cut on Route 7 and there was a steep slope at Route 7. He also indicated that it may be difficult to get a curb cut on Route 7 and may be able to get a driveway to Lot 1 off of Crescent Lane if Lot 1 remains residential. The Planning Board discussed in detail the various access issues to both lots, but primarily with respect to Lot 1. Attorney Tingley indicated that it was his recollection that in most waiver of subdivision applications, the Board preferred each lot to have its own driveway. Chairman Oster indicated that the practice of the Planning Board has been to allow the Applicants to indicate the location of the driveway on the newly created lots to show that an acceptable driveway can be constructed if necessary. Chairman Oster also indicated that typically the lot that is being retained in a waiver of subdivision application is currently improved and that typically a driveway already

exists. Ultimately, after further extensive discussion concerning available driveway access to each of the lots, the Board was informed by Mr. Danskin that he could show a driveway onto Lot 1 from Route 7 for purpose of the application, which would require some regrading and cutting if pursued. The Board requested that Mr. Danskin submit a plan showing a driveway to each of the lots. Mr. Danskin also indicated that there was no public sewer available to the site, but that there was public water. The Planning Board determined to place the matter on the agenda for the September 18, 2014 meeting.

Mr. Kreiger indicated that he had received notification that the Broderick waiver of subdivision application was ready to move forward and that the Applicant had requested the matter to be placed on the September 18, 2014 meeting agenda. He also indicated that the Rensselaer Honda site plan application had been scheduled at the August 21, 2014 meeting to be on the September 18, 2014 Planning Board meeting agenda.

The index for the September 4, 2014 meeting is as follows:

1. Alta East – site plan – approved with conditions.
2. Mulinio – site plan – approved.
3. American Housing Foundation – site plan – adjourned without date.
4. Duncan – 51 Norfolk Street – waiver of subdivision – adjourned without date.
5. Troy City Garage, Inc. – waiver of subdivision – 9/18/14.

The proposed agenda for the September 18, 2014 meeting currently is as follows:

1. Rensselaer Honda – site plan.
2. Troy City Garage – waiver of subdivision.
3. Broderick – waiver of subdivision.