

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 2, 2015,

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

ABSENT was VINCE WETMILLER.

ALSO PRESENT were DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the tentative agenda for the April 2, 2015 meeting.

The first item of business on the agenda was the public hearing for the ADD Leasing minor subdivision application for property located at 795 Hoosick Road. Chairman Oster asked Attorney Tingley to read into the record the Notice of Public Hearing for the application. Following the reading of the Notice of Public Hearing, Chairman Oster noted that the Notice was posted on the website, published in the Troy Record, and posted on the Town sign board. Ray Darling was present for the applicant. Mr. Darling reviewed the proposal, which consists of subdividing a 4.4+/- acre parcel into two lots, one consisting of 3.814 acres on which sits an existing commercial building, and the other consisting of 0.652 acres, on which sits an existing wireless communications tower. Mr. Darling indicated that an updated map that included all easements, including the existing stormwater management easement, had been submitted to the Planning Board. The applicant discussed the proposed twenty-five foot wide strip of property that would front on Hoosick Road to ensure ingress, egress, and maintenance access for the wireless communications tower parcel from Hoosick Road. Chairman Oster asked the applicant to clarify

whether the twenty-five foot strip was a part of the cell tower parcel or part of the commercial building parcel. The applicant confirmed that the twenty-five foot strip of property is part of the cell tower parcel, with an easement to be granted to the commercial building parcel to allow storage/display, without construction of any structures thereon. There was comment from one member of the public. Gus Scifo, representing Brunswick Fire Company No. 1, inquired whether the fire company would still have access to the cell tower site through the existing driveway. The applicant confirmed that it would. Chairman Oster asked if there were any additional public comments, and there were none. The Planning Board then closed the public hearing on the ADD Leasing minor subdivision application.

Chairman Oster then called the regular business meeting of the Planning Board to order. The draft minutes of the March 19, 2015 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Casey, the minutes of the March 19, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the ADD Leasing minor subdivision application for property located at 795 Hoosick Road. The applicant seeks approval to divide 795 Hoosick Road into two commercial lots, one consisting of an existing building and parking areas, and the other consisting of an existing wireless communications tower. Chairman Oster noted that the public hearing was opened and closed earlier in the evening. Member Czornyj commented that the applicant has done everything that the Board had asked it to do. Chairman Oster noted that the application did not require a recommendation from the County. Mr. Bonesteel asked the applicant whether the stormwater management easement located on the east side of the property near Hoosick Road was intended to benefit the neighboring property owner, Capital Communications Federal Credit Union. The applicant responded that the stormwater management easement was

given in 2009 for the purpose of managing stormwater on the Capital Communications site by diverting flow to stormwater management facilities located at Route 7. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Tarbox and was approved unanimously. Member Czornyj then made a motion to approve the minor subdivision application, which was seconded by Member Casey and was approved unanimously.

The next item of business on the agenda was the Oakwood Property Management Planned Development District Site Plan Application. Chairman Oster noted that although the application was listed on the tentative agenda for this evening's meeting, the applicant was not in attendance. Chairman Oster noted that the applicant may be continuing to receive comments from other agencies and may be working on incorporating those comments into the site plan application.

Chairman Oster also noted that he had received by email a letter from Michael Drinkwine, Jr., the assistant chief of the Volunteer Fire Company of Center Brunswick, providing a list of recommendations for the project. Chairman Oster asked Mr. Drinkwine, who was in attendance, to review the recommendations. Mr. Drinkwine briefly reviewed the list of recommendations for the Board. The Planning Board also noted that it had been provided a letter from Michael Schongar related to the project. Attorney Tingley explained to the Board and to Mr. Schongar, who was in attendance, that any comments on the project should be submitted during the public hearing, and that if Mr. Schongar wants the letter to be included in the public hearing record, he should appear at the public hearing and formally request that it be included. The Planning Board determined to await further correspondence from the applicant before proceeding.

The next item of business on the agenda was the site plan application of Skyworks, LLC for property located at 795 Hoosick Road. Joe Raziano and Susan Cerone appeared on behalf of the applicant. The Board acknowledged that a map had been submitted that had roughly identified

thereon an area for outside equipment storage. The area was identified on the site plan by marker and had been hand-drawn. Member Czornyj asked if the outside equipment storage would be fenced. The applicant indicated that it likely would be fenced, given the value of the equipment that would be stored there. Member Czornyj requested that the applicant show the fencing on the site plan. The Board also asked questions concerning whether the concrete pads at the front of the site would be used for storage or display. The applicant indicated that it intended to possibly use those concrete pads for small equipment, such as RTVs or golf carts. The Board advised the applicant to show that on the plan if they were seeking approval for that in this application. Member Czornyj also asked whether the applicant intended to display equipment on the east side of the property in the parking area. The applicant responded that the west side of the property would be used for storage and display, whereas the east side of the property would be used for employee parking. The applicant expects to employ between fourteen and twenty-five employees. The Board explained to the applicant that the parking area for the employees and for customers must be identified on the site plan. Chairman Oster asked the applicant to again describe the type of business that would be operating at the site. The applicant advised that it was in the equipment service, sale and rental business, with about 90% of its business by rental. The applicant further explained that the largest equipment that it rents are aerial lifts and 100ft boom lifts. Member Tarbox requested that the site plan indicate where the delivery trucks would travel and asked the applicant what types of trucks would be accessing the site. The applicant explained that the trucks that would access the site included tractor trailers and a straight truck. The applicant also indicated that it currently has ten locations and that the current proposal for the Brunswick site is for the purpose of relocating the applicant's site from Colonie. Member Czornyj reiterated that the applicant should show on the site plan everything that it plans to do on the site so that the applicant

does not need to reapply for modifications in the future. He also indicated that the site plan should show parking and it should also show handicap parking. The Planning Board suggested to the applicant that it meet with the Building Department to determine what should be added to the site plan to make it a complete application. Member Esser also indicated that the applicant should consult with the Fire Department. Chairman Oster asked whether a public hearing could be scheduled. Attorney Tingley explained that the Board should get a complete site plan application prior to scheduling a public hearing. The Board also asked the applicant to show on the site plan the area that would be gated in the fenced storage/display area to allow for the circulation of trucks. Mr. Bonesteel indicated that the applicant should also show on the site plan any outside lighting that will be on the site. Mr. Bonesteel asked whether there would be any changes in the drainage at the site. The applicant indicated that there would not be any changes. Mr. Bonesteel further advised the applicant that it should show truck circulation on the site plan. The Board agreed to place the matter on its agenda for the April 16 Planning Board meeting, with the hope of scheduling a public hearing for the May 7 meeting if a complete application was submitted in time for review at the April 16 meeting.

Two items of new business were discussed.

The first item of new business discussed was the minor subdivision application of Sean Gallivan for property located on the easterly side of Deepkill Road, northerly of Smith Hill. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter explained that the current application is a different application than that which was previously approved a few months ago for property located on the westerly side of Deepkill Road. The application seeks to create four lots from an existing 20.61 acre parcel: one lot around the principal residence of Sean Gallivan, two new building lots, and a vacant lot. The Board asked Attorney Tingley whether this would constitute a

minor subdivision or a major subdivision. Mr. Tingley consulted the definition of minor subdivision in the Town's subdivision regulations. Based on the definitions of minor subdivision and major subdivision in the Town's subdivision regulations, it was determined that the application would be a minor subdivision. Mr. Holbritter indicated that the Rensselaer County Health Department has not yet had an opportunity to do soil testing, but that it should be able to do so in the near future. Mr. Bonesteel asked what the topography is in that area. Mr. Holbritter indicated that one proposed lot is steep, but a road can be graded and pitched to allow access while properly managing stormwater. Member Tarbox discussed with the applicant the need to back-pitch any such road on the steep lot. Mr. Bonesteel asked whether the subdivision would alter drainage patterns. Mr. Holbritter indicated that the proposal may require a swale to manage the stormwater, but that has not been determined for certain yet. The applicant expects to be able to submit additional information in time for review at the May 7 meeting. The Board agreed to place the application on its May 7 agenda tentatively.

The next item of new business on the agenda was the site plan application for the Diamond Rock Plaza for property located at 289-299 Oakwood Avenue. The size of the parcel is 56.47 acres. Thomas Murley appeared on behalf of the applicant. Mr. Murley explained that the property is located in an industrial zoning district and proposes to use public water and public sewer. The proposal seeks to construct a 9,500 square foot retail plaza with a gas station and car wash on approximately 2.7 acres. Currently, the site is vacant. Mr. Murley indicated that the application would require a special use permit and a variance. Mr. Murley explained that he did not foresee a problem securing public water. There is a sixteen-inch water line near the site that the project could tap into using (most likely) an eight-inch line. In terms of sewer, Mr. Murley acknowledged that the City of Troy was currently requiring its approval to connect to the County sewer system. The

proposal would seek to connect to the County sewer system by crossing the existing National Grid easement and connecting to an existing line in the Miami Beach subdivision. The site in general was formerly used as part of the old Troy municipal landfill and incinerator that has been closed since 1965. The 2.7 acres sought to be developed is not part of the landfilling site. The site plan proposes twelve fueling stations covered by a canopy, four retail store spaces totaling 9,500 square feet, and a 3,936 square foot car wash facility. The applicant proposes four underground fuel tanks and an oil-water separator that would be in compliance with all applicable regulations. One of the retail store spaces would consist of a fast-food restaurant with drive-thru area. The car wash facility would have four bays and three vacuum stations. The convenience store and gas station would be 24 hours. The fast-food restaurant would have hours of operation of 7am to 11pm with a drive-thru open until 1am. The other retail stores would have hours of 7am to 11pm, and the car wash would have hours of 7am to 9pm. The plan currently proposes twelve parking spaces at the fueling stations, four handicapped parking spaces, thirty-one parking spaces for customer use for the stores, and parking for two large tractor trailers. The site plan includes 27% green space on the 2.7 acre parcel, but the rest of the 56 acre site will remain undeveloped. The nearest neighbor is located in the City of Troy. The Planning Board and the applicant discussed the traffic flows at the site and the proposed site driveways. Member Czornyj asked whether the applicant was seeking to subdivide the 2.7 acre parcel from the remainder of the 56 acre parcel. The applicant responded that the plan right now is to simply develop the 2.7 acre portion of the overall 56 acre site. The applicant explained that the remainder of the 56 acre site is considered a Class 3 environmental site. There are monitoring wells located on the site. The applicant agreed to provide a site plan that shows the proposed project area in relation to the overall property. The applicant then discussed with the Planning Board the stormwater management features and drainage pattern. Chairman

Oster asked whether the water service would be sufficient for the car wash. The applicant responded that the car wash was expected to use approximately 5,000 gallons of water per day and the existing water line should provide sufficient volume and pressure to supply the car wash. The applicant noted that a water district and a sewer district would need to be formed. The Planning Board asked whether the car wash would recycle the water. The applicant was unsure at this juncture, but pointed out that the car wash would be similar to the Wet Willy's Car Wash located on Route 9 in Latham. The applicant further indicated that the City of Troy has been notified of the proposal, as has the Rensselaer County Planning Office. The matter is also scheduled to be in front of the Zoning Board of Appeals on a special use permit and variance application. The Planning Board indicated that it will be required to do a recommendation to the Zoning Board of Appeals. Chairman Oster asked questions concerning the vegetative buffer between the site and the existing Miami Beach subdivision. The applicant explained that there are rock outcroppings that will need to be leveled between the building site and the Miami Beach subdivision. The rear of the site is all vegetative buffer. The applicant would be willing to install a vinyl fence to prevent lights at the site from impacting neighbors. The applicant further indicated that the zoning code is ambiguous in terms of the parking that is required for this particular project. The applicant is seeking guidance on how many parking spots are required. Chairman Oster asked whether the parking area immediately to the south of the car wash was intended for use by customers. The applicant responded that that particular parking area was most likely to be used by employees. The applicant also indicated that the application had been sent to the Speigletown Fire Department for review. The applicant then discussed the architecture of the structures and the floor plan of the convenience store. The applicant noted that there may be an outstanding question concerning what type of variance is required for this project. Chairman Oster then discussed with the applicant the

process by which the Planning Board makes recommendations to the Zoning Board of Appeals. The Board also discussed how the SEQRA process would occur, including whether the Planning Board or Zoning Board of Appeals should be lead agency. The applicant advised the Planning Board that the application was on the ZBA agenda for April 20, 2015. The matter was placed on the tentative agenda for the April 16 Planning Board meeting.

The index for the April 2, 2015 meeting is as follows:

1. ADD Leasing – Minor Subdivision – Public Hearing.
2. ADD Leasing – Minor Subdivision – approved.
3. Oakwood Property Management PDD Site Plan – adjourned pending receipt of additional information from applicant.
4. Skyworks LLC – Site Plan – April 16, 2015 (tentative); applicant to coordinate with Building Department.
5. Sean Gallivan – Minor Subdivision – May 7, 2015 (tentative).
6. Diamond Rock Plaza - Site Plan/ZBA Recommendation – April 16, 2015 (tentative).

The proposed agenda for the April 16, 2015 meeting currently is as follows:

1. Skyworks LLC – Site Plan (tentative); and
2. Diamond Rock Plaza - Site Plan/ZBA Recommendation.

The proposed agenda for the May 7, 2015 meeting currently is as follows:

1. Sean Gallivan – Minor Subdivision (tentative).