

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

May 13, 2015

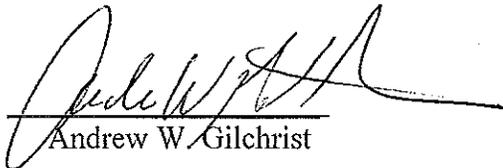
Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: Town of Brunswick Planning Board Meeting Minutes (May 7, 2015)

Dear Russell:

Enclosed herein please find a draft of the minutes of the Planning Board Meeting held on May 13, 2015 for your review.

Respectfully yours,

By:   
Andrew W. Gilchrist

AWG:mkm  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Martin Steinbach  
E. John Schmidt  
William Shover  
Caroline Trzcinski  
Ann Clemente  
Philip Herrington  
Dan Casale  
James Sullivan  
Mark Balistreri  
Gordon Christian  
Thomas Cioffi, Esq.

William Lewis  
Monica Nann-Smith  
Wayne Bonesteel, P.E.  
Stephen Rooney  
Patrick Poletto  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

**Planning Board**  
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336 Town Office Road  
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**MINUTES OF THE PLANNING BOARD MEETING HELD MAY 7, 2015**

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, VINCE WETMILLER and DAVID TARBOX.

ABSENT were FRANK ESSER, KEVIN MAINELLO, and TIMOTHY CASEY.

ALSO PRESENT were MONICA NANN-SMITH, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the May 7, 2015 meeting as posted on the Town website.

The first item of business on the agenda was the public hearing for the Skyworks, LLC site plan application for property located at 795 Hoosick Road. Chairman Oster reviewed the procedures of the public hearing. Chairman Oster asked Attorney Tingley to read into the record the notice of public hearing for the application. Attorney Tingley read the notice of public hearing into the record and noted that it had been published in the Troy Record, posted on the Town sign board, posted on the Town website, and sent to owners of property within 500 feet of the project site. Joe Raziano and Susan Cerone appeared on behalf of the applicant. Ms. Cerone indicated that no changes had been made to the site plan since the applicant's prior submission. Chairman Oster reviewed the characteristics of the site plan application. There was comment from one member of the public. Gus Scifo, representing Brunswick Fire Company No. 1, indicated that he had provided a copy of an e-mail that he had sent to the applicant concerning the fire company's questions and recommendations. Mr. Scifo indicated that he had discussed the questions with the

applicant and had been provided answers. Among the recommendations made on behalf of the Brunswick Fire Company No. 1, included that the applicant provide a Knox box with swing-open door providing fire department access to keys to the lockable gate and to the building. Also the fire company indicated it would like to upgrade the fire hydrant to the left of the first driveway to a 5-inch Storz fitting. Currently, it is a 4-inch Storz fitting. The fire company also requested copies of the schematics of the building for pre-planning purposes as well as a walk through of the building before opening the building to the public. Chairman Oster indicated that the copy of the e-mail submitted would be included as part of the public hearing record. Chairman Oster then asked if there were any additional public comments, and there were none. The Planning Board then closed the public hearing on the Skyworks, LLC site plan application.

Chairman Oster then called the regular business meeting of the Planning Board to order. The draft minutes of the April 16, 2015 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the April 16, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Skyworks, LLC for property located at 795 Hoosick Road. Joe Raziano and Susan Cerone appeared on behalf of the applicant. The applicant indicated that it intended to include an outdoor on-site diesel refueling station. Member Czornyj pointed out that the refueling station was not included on the site plan and was not currently part of the application. Member Czornyj indicated that if the applicant intended to include the refueling station, it must revise the site plan to indicate the location and the characteristics. Member Czornyj indicated that there would be certain containment requirements associated with the refueling station and that the applicant should coordinate with its fueling station installer for more guidance. Attorney Tingley asked the size of

the diesel tank. The applicant indicated that the diesel tank would be a 500-gallon tank. The Planning Board asked whether there was a tank inside the building previously. The applicant believes there was a tank inside the building, but the proposal is to have the diesel refueling station located outside the building, most likely in the rear of the property. The Planning Board referred the applicant to a number of nearby properties that also had refueling stations for guidance. Chairman Oster then reviewed the comments and recommendations of the Brunswick Fire Company No. 1. With respect to the first question concerning whether the fire alarm system has been updated to the current code, Chairman Oster indicated that he believed that this was a building department issue. Ms. Nann-Smith indicated that the building department will research the requirements. With respect to whether the gates would be locked or just closed, the Planning Board noted that the applicant intended to lock the gates and that the fire department and applicant agreed that a Knox box would be supplied. Concerning the fire department's question whether there were any fire department connections on the building, the fire department indicated that the applicant agreed to look into the issue. Chairman Oster asked the applicant whether the diesel refueling station was intended strictly for rental equipment. The applicant confirmed that it was. Chairman Oster asked Ms. Nann-Smith whether a County recommendation had been received back. Ms. Nann-Smith reviewed the building department file and concluded that the County recommendation had been received and she provided a copy. The County recommendation indicated that local consideration shall prevail. The Board then discussed with the applicant the issue of whether or not the site plan could be approved without it showing the location of the onsite diesel refueling station. The Board presented the option to the applicant of moving forward with approval of the site plan as is, which would not permit the onsite refueling station, with the ability of the applicant to submit a further application either for an amendment or modification to the site

plan to include such refueling station, or the applicant could revise the site plan application now and be placed on the agenda for the May 21, 2015 Planning Board Meeting. Member Czornyj asked the applicant whether the applicant intended to use the 25 foot strip located on the easterly side of the property, and the applicant indicated that there was no intention to use that strip. Following discussion concerning the various options available to the applicant with respect to the onsite refueling station, the applicant determined that it would like to seek approval of the site plan as is, without the onsite refueling station, so that they could proceed to closing on the property. The applicant indicated that it intended to return to the planning board in the event the refueling station was pursued. Attorney Tingley explained to the applicant that the application to add the refueling station may be considered a new site plan application or an amendment of the site plan, subject to the same procedures that applied to this application. Chairman Oster commented that it may also be viewed as a minor modification, in which case the process may be more streamlined. Chairman Oster then noted for the record that an onsite diesel refueling station was not permitted as part of any approval of this particular site plan if the Board were to act tonight. Member Czornyj made a motion to adopt a negative declaration under SEQR, which was seconded by Member Wetmiller, and was unanimously approved. Member Czornyj then made a motion to approve the site plan on the following conditions:

1. That a Knox box with a swing-open door containing a key for both the gate and the building be installed;
2. That copies of any schematics of the building be provided to Brunswick Fire Department No. 1 for pre-planning purposes; and
3. That the fire department be permitted to conduct a walk through of the building before opening to the public.

The motion was seconded by Member Tarbox, and was unanimously approved.

Chairman Oster instructed the applicant to coordinate with the building department when it was ready to proceed with the onsite refueling station as part of its site plan application in the future.

The next item of business on the agenda was the minor subdivision application made by Sean Gallivan seeking to create four lots from an existing 20.61 acre parcel located on the easterly side of Deepkill Road, northerly of Smith Hill. No one appeared on behalf of the applicant. Chairman Oster indicated that the matter would be postponed to the May 21, 2015 Planning Board Meeting.

The next item of business on the agenda was the site plan application and recommendation for the Diamond Rock Plaza project proposal, which seeks to construct a 9,500 square foot retail plaza on approximately 2.7 acres located at 289-299 Oakwood Avenue. Tom Murley appeared on behalf of the applicant. Chairman Oster raised the issue of whether the Planning Board had been asked to prepare a written recommendation to the Zoning Board of Appeals with respect to the special use permit application for the filling station. The applicant indicated that the ZBA was scheduled to hold a public hearing on the area variance and special use permit application for the project on May 18, 2015. Attorney Tingley advised that the Board should consider deliberating on a proposed recommendation to the Zoning Board of Appeals on the special use permit application at this evening's meeting, and that the Board had previously begun deliberating on that aspect of the application at its last meeting, held on April 16, 2015. Attorney Tingley then read from the April 16, 2015 Minutes the portion relating to the Board's comments on the special use permit application currently before the Zoning Board of Appeals. The Board indicated that the comments noted at the April 16, 2015 Planning Board Meeting with respect to the Planning

Board's recommendation for the special use permit application was sufficient and that no additional comments need be noted. Chairman Oster asked Attorney Tingley what the process would be for completing recommendation. Attorney Tingley indicated that it was his understanding that the practice on recommendations for special use permit applications for filling stations was that the Planning Board would identify the comments that it wished to include a recommendation, and that it would direct the Planning Board Attorney to draft a recommendation for the Board. Attorney Tingley indicated that the Board could authorize the Planning Board Attorney to draft a recommendation based on the discussion and to submit the recommendation to the Zoning Board of Appeals following submission of the recommendation to the Planning Board Members, assuming that no requested changes were sought by any of the Planning Board Members. In the event that any Planning Board Members did wish to seek to make changes to the draft recommendation, then the Board would need to review the proposed recommendation at its next meeting and vote on it then.

Member Czornyj then made a motion to authorize the Planning Board Attorney to draft a recommendation based upon the discussion in the Minutes of the April 16, 2015 meeting, and directed the Planning Board Attorney to send a proposed recommendation to each of the Planning Board Members and if no changes were requested to submit the recommendation to the Zoning Board of Appeals. As part of the motion, Member Czornyj indicated that in the event changes were requested, then the recommendation would be on the agenda for the May 21, 2015 Planning Board Meeting to be voted on by the Planning Board. Member Wetmiller seconded the motion, and the motion was approved unanimously.

The Board then proceeded to review the site plan aspect of the application. Chairman Oster indicated that a public hearing would be held on the site plan application but that the application

must be complete in order to schedule the public hearing. Chairman Oster pointed out that the ZBA had not yet acted or commented in any way on the special use permit or area variance application, and that it was scheduled to have a public hearing on the matter at its May 18, 2015 meeting. The Planning Board's next meeting is scheduled for May 21, 2015. Attorney Tingley explained that the Board had two options available to it in terms of scheduling the public hearing on the site plan application. First, the Board could schedule a public hearing at this meeting for the May 21, 2015 meeting, but that would present issues on the application if the Zoning Board of Appeals either did not approve the special use permit or the area variance application, or if it required changes to the project associated with those approvals. Alternatively, the Planning Board could wait to see whether the Zoning Board of Appeals acted at its May 18, 2015 meeting, and the Board could then determine whether to schedule the public hearing at its May 21, 2015 meeting for some meeting date in the future. The Board determined that it would place this matter on the agenda for the May 21, 2015 meeting for the purposes of determining whether and when to schedule the public hearing.

Attorney Tingley asked the applicant whether the property was located in an agricultural district. The applicant confirmed that that project site was not located in any agricultural district. The applicant also indicated that it had received comments from the Spiegeltown Fire District and that the applicant was in the process of addressing those and had submitted an email from the applicant's representative to the Fire Chief of the Spiegeltown Fire District. In general, the comments of the Spiegeltown Fire District relating to this project included the size and pressure of the water service to the site, the provision of a Knox box to allow access for the fire department, and that the applicant provide plans showing that the fire district's apparatus could adequately access and circulate through the site given the turning radius and the size of the fire district's

responding emergency apparatus. The applicant indicated that the storm water plan for the project has not yet been finalized but will be provided to the Board and Mr. Bonesteel upon completion. Mr. Bonesteel asked whether the plan showed existing contours or proposed final contours. The applicant indicated that the plan currently shows existing contours and that once the storm water plan is complete, the final contours will be shown. Mr. Bonesteel asked whether the rock outcroppings that would be leveled would be re-used onsite or taken off-site. The applicant indicated that all rock would be used onsite. The applicant further explained that the drainage of the site would be to the front of the site at which point it would be collected, and then piped to the rear of the site. Mr. Bonesteel asked what the status of the water and sewer approvals were. The applicant indicated that it had provided project information to the City of Troy in connection with the City of Troy's requirement that new connections be analyzed with respect to their effect on combined sewer overflows. The applicant indicated that he had received verbal comments back, but nothing in writing from the City. The applicant has been informed that the City of Troy will require the applicant to undertake the modeling necessary and if the modeling shows it to be appropriate, to perform mitigation to facilitate the connection. Mr. Bonesteel also pointed out to the applicant that the road was a County route, not a state route. The applicant indicated also that it was not planning on providing any culverts at the driveways to the site.

Chairman Oster then reviewed the procedural status of the application indicating that the Zoning Board of Appeals was scheduled to meet and hold a public hearing on the application on May 18, 2015, that the Planning Board would be sending a recommendation to the Zoning Board of Appeals, and that this site plan application would be placed on the agenda for the May 21, 2015 Planning Board Meeting.

The next item of business on the agenda was the site plan application of the Brunswick Design Group seeking to construct self-storage units on a 20 acre parcel located at 74 Farrell Road. The applicant was not in attendance and the matter was postponed to the May 21, 2015 Planning Board Meeting.

Two items of new business were discussed.

The first item of new business was the application of Ace Hardware for property located at 831 Hoosick Road. Thomas Dingley appeared on behalf of the applicant. Mr. Dingley indicated that the current site plan application being submitted seeks to use the existing building located on the westerly portion of the site for tool rental and repair. The applicant indicated that the application seeks to use a portion of the existing building for tool rental, storage, and repair of tools. The applicant intends to leave the façade as it currently exists and the tools that would be rented included small concrete cutters and floor strippers, among other small power tools. Member Czornyj asked whether the applicant intended to store any of the rental tool equipment outdoors. The applicant responded that in the future the proposal might include storing scaffolding and ladders on the back side of the building, but there is no definitive plan in that respect. The applicant's representative indicated that he will discuss the issue with the owner. Chairman Oster noted that it was his recollection that when the site plan was first approved for this site, Phase II was intended to include demolition of the existing building and construction of a distribution warehouse. He asked the applicant whether the current amendment application was simply temporary, with the long term goal of demolishing the building and constructing the new warehouse. Mr. Dingley indicated that the warehouse proposal was currently no longer being pursued at this point, and that there were some traffic issues associated with pursuing the prior plan. Chairman Oster commented that it was his view that the current proposal is a major change

to the site plan application that was previously reviewed and approved. Mr. Wetmiller indicated that there is no parking shown for the proposed amendment, but that the proposed change would require parking. The applicant responded that the existing parking would be sufficient for both the Ace Hardware store and the tool rental building. The tool rental building would be mostly comprised of storage, with a small portion allocated to tool rental and repair. Chairman Oster indicated that he had not received a complete site plan showing all of the elements of the proposal. The applicant indicated that the plan submitted shows the changes that are proposed. The applicant further stated that the site characteristics are largely not changing. Member Wetmiller responded that the use of the building on the westerly portion of the site is changing from vacant to retail. The applicant responded that it was his belief that the layout of the site as it currently exists is sufficient for the change in the use. Member Tarbox asked whether the building would stay as shown. The applicant responded that no changes were proposed to the building. The applicant commented that the tool rental portion of the business would generate about 10 to 12 customers per day. Member Tarbox asked Ms. Nann-Smith to review the plan to confirm the number of parking spots required. The applicant responded that the calculation for parking was shown on the plan. Member Czornyj commented that he has been at the site at times when the parking has been nearly full, presumably due to additional vehicles associated with the dance studio. The applicant confirmed that there have been some issues with parking with respect to the dance studio and also some issues with the little league, but that the issues with the little league have been under discussion. The issues relating to parking at the dance studio are most often when there are ceremonies held at the studio. Member Wetmiller questioned whether the proposal adequately provided for drainage. It was his recollection that once Phase II was begun, there would be a need to address drainage relating to that phase of that project. Mr. Bonesteel confirmed that this was

also his recollection. The applicant responded that all of the drainage for Phase II had already been installed in connection with Phase I. Member Wetmiller asked Mr. Bonesteel to review the drainage for the project. Mr. Bonesteel asked the applicant to provide an as-built plan. The applicant responded that in undertaking site improvements in connection with Phase I they encountered some changes that were necessary during build out. The applicant agreed to show an as-built plan to Mr. Bonesteel. The applicant further indicated that in performing the site improvements for Phase I it had corrected a drainage issue on the site and that currently all water is retained on the site. The Board asked whether everything on the prior site plan had been approved and completed in accordance with the approval. The applicant indicated that the building department inspected the site and a certificate of occupancy was issued. With respect to the proposed amendment, the applicant indicated that everything that is currently existing on the site would work for the additional phase.

Chairman Oster asked the applicant to confirm whether the Phase II as intended in the prior approval was now formally no longer a part of the plan, and the applicant confirmed that the Phase II as previously proposed was not going to be pursued. Member Wetmiller commented that the fire department should have an opportunity to look at the proposed use of the new building since it will involve customers entering and using the new building. Chairman Oster indicated that the plan should show parking as it will exist, and the applicant again responded that the existing parking will be sufficient. Chairman Oster indicated that the building department will review the parking requirements and calculate the required number of parking spots. Member Wetmiller asked whether there would be handicapped parking provided for the tool rental building. The applicant asked whether handicapped parking would be required for the tool rental building even though it would be operated by the same entity as was operating the existing Ace Hardware store.

The Board discussed the requirements of whether the building had to be handicapped accessible and the number of parking spaces and handicapped parking required for the tool rental building. Ms. Nann-Smith agreed to research the issue to determine what exactly was required. The matter was placed on the agenda for the May 21, 2015 Planning Board Meeting.

Chairman Oster pointed out that the Board would not be able to proceed with the application until a complete application was received and that the Board would need to comply with the County referral and recommendation requirement prior to acting.

The next item of new business on the agenda was the application of Fred Fowler for site plan approval for property located at 1011-1015 Hoosick Road. Attorney Bill Doyle and Fred Fowler appeared on behalf of the applicant. Mr. Doyle indicated that the site was the former location of Mr. Fowler's law office and that following the merger of Mr. Fowler's law firm with Mr. Doyle's law firm, Mr. Fowler attempted to sell the building but was not successful in doing so. Mr. Fowler now intends to move into the building as his residence and one of his daughters intends to use a portion of the building as a commercial kitchen. The portion of the building that will be used as a commercial kitchen is the front portion of the building consisting of approximately 400 square feet, of which approximately 150 square feet would be the actual kitchen area and much of the remainder would be storage and refrigeration. Mr. Doyle indicated that no exterior changes were proposed, other than changes associated with installing a ventilation/air exchanger system, a requirement of the health department for commercial kitchens. The applicant then reviewed the general layout of the site plan including the portion located towards the east which included the garage. The applicant indicated that nothing on the site is proposed to be changed except that there will be a white vinyl fence installed in two areas to shield the ventilation system from view. The applicant indicated that the commercial kitchen would have its own access

door at the front of the building, and that the residential portion of the building would be accessed from the rear. The applicant indicated that the business proposed for the site was simply to cook and bake for sale off site, including at farmer's markets. The applicant indicated that there may be periodically some incidental traffic to the site if customers preferred to pick up the wholesale baked goods rather than having them delivered. The applicant further indicated that if the business is successful, it may in the future seek to expand into retail, potentially including a café or coffee shop, but that the applicant would return to the Planning Board for approval at that time. The applicant confirmed that there would be a small sign posted at the front of the site to identify the location of the business. The applicant further indicated that the County has approved the installation of a new septic system at the site. Member Czornyj asked whether the site still consisted of two lots, or whether the lots were merged into one lot as he believes was previously required in connection with the prior application. Mr. Fowler indicated that they had deeded the two lots together as one lot to themselves, but that the tax map still shows two separate tax map parcels. Member Wetmiller asked whether the parking would be sufficient for the proposed commercial use. Mr. Fowler indicated that the commercial kitchen was approximately 150 +/- square feet with much of the remainder being storage and refrigeration. The applicant indicated that the use that is proposed at this time is not a retail use, but instead a wholesale bakery, with most of the goods to be delivered off site and sold off site with only incidental traffic to the site for periodic customer pick-ups. Mr. Fowler asserted that the traffic to the site would be less than what it was when this site was used for his law office. Chairman Oster noted that there is a change in use from a professional office to a residential/commercial use. Member Tarbox asked whether the ventilation system/air exchanger creates noise. The applicant responded that the vinyl fence would buffer any noise produced. Mr. Fowler indicated that a taller fence would be installed at

the portion of the air exchanger system where the piping enters the building in order to obscure the piping from view.

Member Wetmiller asked whether there were fire suppression improvements necessary for a commercial kitchen. The applicant indicated that a commercial kitchen requires installation of an Ansul system. Mr. Bonesteel asked whether the system is alarmed and the applicant was not sure but indicated that it probably was alarmed. The matter was placed on the agenda for the May 21, 2015 Planning Board Meeting. Chairman Oster indicated that the application would require County referral and recommendation. He also indicated that a public hearing would be held on the application.

The index for the May 7, 2015 meeting is as follows:

1. Skyworks LLC – Site Plan – Public Hearing.
2. Skyworks LLC – Site Plan – Approved with Conditions.
3. Sean Gallivan – Minor Subdivision – Adjourned to May 21, 2015.
4. Diamond Rock Plaza – Site Plan/ZBA Recommendation – May 21, 2015.
5. Brunswick Design Group – Site Plan – Adjourned to May 21, 2015.
6. Ace Hardware – Site Plan Application – May 21, 2015.
7. Fred Fowler – Site Plan – May 21, 2015.

The proposed agenda for the May 21, 2015 meeting currently is as follows:

1. Sean Gallivan – Minor Subdivision;
2. Diamond Rock Plaza – Site Plan/ZBA Recommendation;
3. Brunswick Design Plaza – Site Plan;
4. Ace Hardware – Site Plan;
5. Fowler – Site Plan.

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