

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

**MINUTES OF THE PLANNING BOARD MEETING HELD JULY 2, 2015**

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

ABSENT were TIMOTHY CASEY and VINCE WETMILLER.

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

Chairman Oster reviewed the meeting agenda items as posted by the Town on the sign board and Town website. Chairman Oster noted that an Amended Agenda had been posted that had removed the Oakwood Property Management matter, which has been postponed at the request of the applicant. Chairman Oster noted that it is not likely that the Oakwood Property Management matter will be on the Agenda for July 16, 2015, as the applicant is waiting for technical reports to be completed and anticipates completion of those reports sometime after the July 16, 2015 Planning Board Meeting.

The Planning Board reviewed the draft Minutes of the June 18, 2015 meeting. Member Czornyj indicated that three corrections were necessary on Page 10 of the Minutes to correct dates from 2014 to 2015. Upon motion by Member Czornyj, seconded by Member Esser, the draft Minutes of the June 18, 2015 meeting were unanimously approved with the noted amendment.

The first item of business on the agenda was the Diamond Rock Plaza site plan application made by Matopato, LLC for construction of a 9,500 sq. ft. retail plaza with car wash on approximately 2.7 acres located at 289-299 Oakwood Avenue. Thomas Murley appeared on behalf

of the applicant. Chairman Oster reviewed the procedural history of the application, noting that the ZBA had granted a special use permit for the filling station and two (2) variances necessary for the site plan. Chairman Oster also noted that there were previous comments from the Board seeking additional detail with respect to crosswalks, bollards, and stormwater features. Mr. Murley identified the changes that had been made to the site plan in response to the Board's comments. Mr. Murley commented that he provided Mr. Bonesteel with the stormwater pollution prevention plan with all appendices and maps. Mr. Murley also indicated that the site plan now includes a schematic of a sign, an indication of bio-retention areas on the south, west, and north areas of the site, crosswalks to the proposed picnic area along with bollards surrounding the picnic area, the street address on the car wash facility, the location of the drive-thru sign and ordering kiosk, additional traffic circulation signage within the site, minor detail changes on the dumpster areas, and the pick-up window for the drive-thru restaurant. Mr. Murley also indicated that they had relocated the tractor trailer parking farther to the south to accommodate additional traffic circulation around the south and east side of the retail building. Mr. Murley indicated that the sign schematic shown on the site plan is for demonstrative purposes and the final sign design will comply with Town regulations, or if a variance is necessary, the applicant will seek a variance. Chairman Oster asked whether the stormwater pollution prevention plan had been provided to Mr. Bonesteel. Mr. Bonesteel indicated that he did receive the stormwater pollution prevention plan the day of this meeting, and he confirmed with the applicant that the applicant did not change the report but instead added the necessary appendices and more readable maps. The applicant indicated that he had not yet forwarded the final plans to the fire company, but that he would do so. Member Czornyj indicated that the changes made to the plan with respect to traffic circulation and the picnic area were consistent with the Board's comments. Chairman Oster asked whether

the changes affected the green space calculation. Mr. Murley commented that the green space calculation would change minimally, but given the size of the entire site, the plan would still be in compliance with the code. Attorney Tingley indicated that the final plans should be sent to the County for review. The board scheduled a public hearing on the application for July 16, 2015 beginning at 7:00 p.m.

The next item of business on the agenda was the application for site plan approval made by Ace Hardware for property located at 831 Hoosick Road. Josh O'Connor from Bohler Engineering appeared on behalf of the applicant. Mr. O'Connor reviewed the updated plans provided to the Planning Board. He briefly reviewed the purpose of the application, which was to facilitate Ace Hardware's use of the existing building located on the western portion of the site for tool rental and repair, as well as for accessory storage for the Ace Hardware. Mr. O'Connor noted that the Planning Board had questions concerning the parking, and stated that the changes to the site plan addressed those comments. Member Czornyj commented that there was one parking space that appeared situated such that a car backing out of the space would be backing into the crosswalk. The applicant agreed to address that issue. The applicant indicated that the site plan regulations require eleven (11) parking spaces, and twenty-four (24) parking spaces were provided on the plan. The Board questioned whether there were two (2) parcels involved, and whether there was a need for cross-easements. The applicant confirmed that there were two (2) separate parcels, but they are owned by the same entity and both sites will be operated by Ace Hardware. Attorney Tingley commented that a property owner typically cannot provide an easement to itself for another property that it also owns, and therefore cross-easements at this juncture would probably not be appropriate. The Board then discussed whether the properties should be merged. Attorney Tingley commented that the site plan application can encompass more than one property. Member

Tarbox asked whether the newly proposed development for the use of the western parcel would affect the overall green space calculation on the entire site plan, inclusive of both the western parcel currently under review and the eastern parcel, previously reviewed and approved for the Ace Hardware. The applicant agreed to confirm that the overall site would continue to comply with the green space requirements taking into consideration the current development proposed for the western site. Attorney Tingley asked whether the proposed greenhouse shown on the plan is currently there or if it is proposed as part of the site plan. The applicant indicated that the green house is not currently there, but is proposed as part of this plan, and that initially the green house had been proposed for a location on the eastern parcel of the site. The applicant indicated that he could provide updated plans and confirm the green space calculations by Monday, July 6<sup>th</sup>. The Board determined that the application was sufficiently complete for purposes of scheduling the public hearing. The Board scheduled a public hearing for July 16, 2015 beginning at 7:15 p.m. Attorney Tingley indicated that once the final plans were received by the Building Department, they should be sent to the County for County review.

The next item of business on the Agenda was the Stevens site plan, initially proposed for 831 Hoosick Road. Robert Moore appeared on behalf of the applicant. Mr. Moore indicated that the proposal was relocated from 831 Hoosick Road to 740 Hoosick Road. Mr. Moore indicated that he had provided information to the Planning Board which included pictures of the trailer, a copy of the Health Department Permit, copy of the insurance certificate, and a schematic showing the proposed location of the trailer on the property site. He indicated that the plaza in which he proposed to locate the trailer was Paul Engster's plaza and that he would provide a copy of the owner's written consent to the application. Mr. Moore indicated that the proposal included the trailer as well as some picnic tables proposed to be located in front of the trailer. Chairman Oster

asked whether the property at which the trailer would be located and the adjoining property shared parking spots, rights of way, and truck routes. The Board generally discussed the approved truck route for the adjoining property. The applicant commented that the parking area is a designated park-and-ride site, but that very few people actually use it. The Board noted that the trailer would be a seasonal, semi-permanent addition to the plaza's site. The Board then discussed the role of the Planning Board on this application. Attorney Tingley indicated that because the proposal was to add a long-term change to the site, even though not a permanent improvement, the site plan previously approved for the plaza would need to be approved with the location of the trailer and the picnic table before operations begin. The Board asked whether the application needed to be sent to the County and whether they would be required to hold a public hearing. Attorney Tingley commented that the application was a site plan application, and therefore would need to be sent to the County, and that the Board's past practice on site plan applications located along Hoosick Street was to subject them to a public hearing, although the Board has discretion under the site plan regulations as to whether or not a public hearing is necessary. The Board then discussed whether the proposal would impact the parking or traffic circulation at the site. The applicant also confirmed that during the off-season, the trailer would not be located on the site. The Board indicated that the applicant must submit a formal site plan identifying the location of the trailer as well as the picnic tables, in order for the process to proceed. The Board instructed the applicant to provide the formal site plan application as well as the written consent of the owner. The matter will be placed on the Agenda of July 16, 2015.

The next item of business on the Agenda was the site plan application by Arax Properties, LLC to construct a retail plaza located at 616-630 Hoosick Road. Charles Tutunjian, part owner of the project and Pat Mitchell from Creighton Manning appeared on behalf of the applicant. Mr.

Tutunjian first presented the project, identified as the Hillcrest Plaza, as a phased project. Phase I would consist of the western half of the parcel (approximately 1.5 acres) of the overall 3.0 acre site. Currently there are four (4) parcels involved, and the plan is to merge those four parcels into two parcels. The western half of the site (Phase I) is proposed to consist of a 6,900 sq. ft. retail building to house an Advance Auto Part store, as well as a 4,000 sq. ft. retail or restaurant building, and the occupant of that building has not yet been determined. Phase II of the project is anticipated to consist of a 4,700 sq. ft. convenience store with gas pumps. Currently there is no arrangement in place with an occupant for Phase II, but it is expected that the applicant will be pursuing that aspect of the project by year-end. Currently they are not seeking approval for that aspect of the project. Chairman Oster and Member Czornyj discussed with the applicant the fact that there are several other gas stations in that vicinity. Mr. Mitchell then reviewed the demolition plan with the Board as well as the layout, and noted that no waivers or variances were necessary. Mr. Mitchell indicated that the Erosion and Sediment Control Plan and the Stormwater Pollution Prevention Plan comply with State requirements. The proposal is to collect the stormwater runoff and to infiltrate into the soil beneath the pavement, with any overflow going into the DOT drainage system. Mr. Mitchell indicated that in designing the stormwater features for the western portion of the site (Phase I), they took into account the proposed development of the eastern phase in order to design a system that would handle stormwater from both phases. Mr. Mitchell indicated that there would be a single water connection and two (2) sanitary sewer connections, along with landscaping and lighting in accordance with the code. He also indicated that he had a traffic study performed and submitted a copy of the traffic study to the Building Department at the meeting. Chairman Oster asked whether they would need to fill portions of the site. Mr. Mitchell responded that they would have to fill portions, as well as cut portions. In terms of a particular low spot on

one part of the site, Mr. Mitchell indicated that the subsurface infiltration system would be located in that area to avoid unnecessary excavation. Member Czornyj asked whether the grade would be level with the sidewalk. Mr. Mitchell indicated that the grade of the project would be slightly higher than the sidewalk. Chairman Oster noted that the parking spaces in the front of the site would pose the potential for headlights to shine into residences across Hoosick Street and possibly affect traffic along Route 7. The applicant indicated that they are willing to address that issue with some additional or different landscaping or alternative plan. Mr. Bonesteel asked whether any test pits or percolation tests were performed. Mr. Mitchell indicated that Dente Engineering did the testing and the tests revealed infiltration at a rate of 2 inches per hour and 1.5 inches per hour. Mr. Mitchell indicated that the tests were done in the area in which the proposed subsurface infiltration system is to be located. While the 1.5 inches per hour infiltration rate does indicate poor soils, it satisfies DEC's requirement of a minimum of 0.5 inches per hour. Mr. Bonesteel asked whether the applicant had discussed connections to water and sewer with the Town. The applicant indicated that it would coordinate with the Building Department in that respect. Mr. Bonesteel asked whether the project included green infrastructure. The applicant responded that the infiltration system has a 100% runoff reduction value. The Board indicated that it would like to review the plans in more detail, and it placed the matter on the agenda for the upcoming meeting on July 16. Chairman Oster indicated that the applicant should contact the Brunswick Fire Company and provide copies of the application for their review and comment. The matter was placed on the agenda for the July 16, 2015 meeting.

The next item of business on the agenda was the site plan application of Amerit Fleet Solutions seeking approval to use an existing building located at 853 Hoosick Road at the intersection of Hoosick Road and Betts Road for a fleet truck maintenance facility. Jason

Dolmetsch appeared on behalf of the applicant. Mr. Dolmetsch indicated that the applicant was seeking approval to authorize the currently operating use of the facility as a fleet vehicle maintenance facility. The prior use was the Thompson's Garage, which was an auto body facility. The property was vacant for a few years following the Thompson's Garage closing. The facility employs three (3) people and all work is completed inside the building. The business does not engage in any retail activities, but instead has contracts to maintain fleet vehicles with particular companies. The proposal does not include any changes to the site. Member Czornyj asked a question concerning parking of tractor trailers on the site. The applicant responded that periodically there are trucks parked outside the building but only for a short period of time while waiting to bring the truck inside the building to perform maintenance or while the vehicle is awaiting pick-up by a customer. Member Czornyj asked whether the use was the same as the prior use. The applicant indicated that the prior use was a body shop, and that this particular use was a maintenance and repair facility. Chairman Oster asked questions concerning fuel storage and used and new fluid storage. The applicant responded that there would be no fuel storage, and all used and new fluid would be stored inside the building. The applicant indicated that its operations would comply with a No Exposure Exclusion from the Multi-Sector General Permit given the manner in which all used and new fluids would be stored. Member Mainello asked whether there were any additional requirements by DEC. The applicant responded that he was not aware of additional permitting requirements beyond the Notice of No Exposure under the Multi-Sector General Permit. Member Mainello also indicated that the plan must show handicapped parking and employee parking. The applicant responded that the plan does currently show the existing parking spaces on the site although no handicapped spots are dedicated. The applicant also indicated that there were no public customers visiting the site. Member Mainello commented that

it would still require an identification of what parking spots would be designated for handicapped use. Member Czornyj asked if the building is served by propane or natural gas given the indication on the plan of a propane entrance to the building. The applicant agreed that it was likely intended to say natural gas and he would follow-up. Member Mainello asked whether there were any grease traps associated with the prior facility as he expected they would be required for a body shop use. If so, Member Mainello asked the applicant to indicate the location of those grease traps. Member Tarbox asked whether the company maintains vehicles for just one company or has multiple contracts with other companies. The applicant indicated that it was his understanding that the business serviced vehicles for multiple companies. Member Czornyj then discussed whether a public hearing would be required on the application. The Board discussed that this particular application, although it proposes no permanent exterior site changes, is a permanent site plan approval. The general consensus of the Board was that a public hearing would be held on the application. Chairman Oster instructed the applicant to provide updated drawings taking into account the comments of the Board at the meeting, and to notify the Fire Department and provide a copy for its review and comment. Mr. Bonesteel also asked the applicant to indicate on the revised drawings the location of the water and sewer. The matter was placed on the July 16, 2015 Agenda for purposes of reviewing the revised plans received from the applicant for completeness, and if the application was complete for purposes of scheduling the public hearing and referring the application to the County.

Three items of new business were discussed. The first item of new business discussed was a site plan application submitted by BBL Construction Services for property located at 730 Hoosick Road for construction of an urgent care facility. Chairman Oster disclosed that he had previously served on the Board of NorthEast Health, which was later merged to become St. Peter's

Health Partners. He no longer serves on the Board, but does now serve on the St. Peter's Health Partners Acute Care Committee. Chairman Oster indicated that he wanted to disclose these facts to the applicant and the applicant indicated they had no objection to Chairman Oster participating as Chairman of the Board during the Board's discussion of the project under new business. Kevin Moore and Eric Landry from BBL Construction Services appeared on behalf of the applicant. They indicated that the proposal was to use two (2) of the interior spaces of the existing plaza to operate an Urgent Care Facility on behalf of Albany Med. Primarily interior renovations would occur, merging two interior spaces into one. Among the exterior changes are signage in the front of the facility and at the back of the building; the installation of an ADA compliant sidewalk ramp; in-filling two existing entrances and creating a new entrance; and a proposed ambulance exit and awning. The Board discussed what the parking requirements were for this facility, taking into account the other businesses in the same plaza. The other businesses consist of an H&R Block and a Metro Mattress store. The applicant estimated that the Urgent Care Facility would see 20 to 40 customers per day, and the maximum number at any one time would be limited by the number of exam rooms and the size of the waiting room. The proposal is to have eight (8) exam rooms. The applicant indicated that the facility would employ twelve (12) full-time employees and six (6) part-time employees, and the hours of operation would be between 7:00 a.m. and 8:00 p.m. The Board reviewed the site plan regulation requirements for parking spaces and taking into account the H&R Block (general office), the Metro Mattress (retail), and the Urgent Care Facility (office-professional medical), approximately 30 spaces were required as a minimum under the site plan regulations. The current proposal indicates that there are 48 parking spaces provided. The Board discussed whether the Urgent Care would require an additional dumpster and the applicant indicated that most of the waste generated was stored indoors and removed off site by a medical

waste disposal company. The Board discussed with the applicant the fact that the site plan needed to be a formal site plan, rather than an overlay on the prior site plan. The applicant inquired whether the site plan needed to be stamped by a P.E., or instead could be stamped by an architect. Attorney Tingley agreed to review that question and to contact the applicant with an answer. The Board then noted that the plaza may be the subject of a PDD approval and the PDD approval should be reviewed to insure that this use complies with the PDD approval. The project is located along Hoosick Street and therefore the Board discussed the fact that it would likely hold a public hearing on the application. The Board also indicated that once a site plan application was received and was deemed complete by the Planning Board, it would be sent to the County for review and recommendation. The matter was placed on the agenda for the July 16, 2015 meeting.

The next item of new business discussed was an application by Brunswick Properties, LLC for property located at 720 Hoosick Road seeking approval to change two mini-storage buildings previously approved for merchandise storage to allow for public storage. Robert Pollock appeared on behalf of the applicant. Mr. Pollock indicated that the approval previously granted in 2004 for the two mini-storage buildings that are on the site was conditioned on the buildings being limited to use by the Pollock Home Center only and that a map note be added to the site plan limiting the use of the self-storage buildings accordingly. The applicant is currently using the buildings to store construction material associated with the plaza and is allowing one business to use one of the units for storage without compensation. Mr. Pollock seeks to lease the storage units out to the public. Member Esser asked whether there would be a fence and a gate around the storage units. The applicant indicated that it prefers not to have install a fence and a gate, and that there is sufficient security lighting in the area and a gate would not be necessary. He also indicated that he used the storage facility for over 10 years, and never had any security issues. The Board then

discussed the difference between the home center's use of the storage versus the public's use of the storage buildings. Attorney Tingley indicated that the Minutes from the 2004 approval seemed to indicate that the Board typically required certain items of information with respect to storage buildings that were intended to be leased to the public and that this information apparently was not required from the applicant when these storage buildings were reviewed and approved. Attorney Tingley suggested that the Board review the minutes and review its prior practice with respect to storage units and determine whether any additional information would be necessary. The applicant indicated that he has a form lease that he would be willing to provide to the Board for its review. The Board agreed to accept the lease and to review it in conjunction with the application. The matter was placed on the agenda for the July 16, 2015 meeting.

The next item of new business discussed was the waiver of subdivision application made by Richard and Jackie Witbeck for property located at the corner of Kreiger Lane, 2,000 +/- feet north of Lockrow Road. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter indicated that in 2006 or 2007 the applicant had subdivided two lots from the original parcel, and now was seeking to subdivide another lot consisting of approximately 2.5 acres from the original parcel of 48.18 acres. Mr. Holbriiter indicated that soil testing has been done for the septic system. Chairman Oster asked where the proposed driveway would be located. Mr. Holbriiter indicated that the driveway would likely be located on the north side of the proposed lot (south side of Kreiger Lane). The proposed well would be located in the front of the parcel, and the septic system would be located in the rear. Mr. Holbriiter indicated that the final plans for the building and the location of well and septic would be the responsibility of the proposed purchaser but that he anticipated that the well would be located in the front of the parcel and the septic would be located in the rear. The Board discussed with Mr. Holbriiter the fact that Health Department approval

would be required for the well and septic, and that the location of the driveway would require the coordination with the Town Highway Superintendent given that Kreiger Lane is a Town road-by-use. The Board also indicated that the driveway would require a 2 percent back pitch for 10 feet off the public right of way as is required for all new driveway construction. Member Czornyj made a motion to adopt a negative declaration on the application, which was seconded by Member Esser, and was unanimously approved. Member Czornyj then made a motion to approve the application subject to the following conditions:

1. Rensselaer County Health Department approval for water and septic;
2. The 2% back pitch for 10 feet off the public right of way is mandatory on all new driveway construction;
3. A map note must be added stating that the driveway construction must comply with all Town of Brunswick requirements;
4. The builder must coordinate with the Town of Brunswick Highway Department on driveway construction; and
5. Copies of plans showing the final location of the well, septic and building must be submitted to the Building Department.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Witbeck waiver of subdivision application approved subject to the stated conditions.

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

1. Diamond Rock Plaza – Site Plan Application – Public Hearing, July 16, 2015 at 7:00 p.m.
2. Ace Hardware – Site Plan Application – Public Hearing, July 16, 2015 at 7:15 p.m.

3. Stevens - Site Plan – July 16, 2015.
4. Arax Properties, LLC – Site Plan – July 16, 2015.
5. Amerit Fleet Solutions – Site Plan – July 16, 2015.
6. BBL Construction Services – Urgent Care Facility – Site Plan – July 16, 2015.
7. Brunswick Properties, LLC – Site Plan – July 16, 2015.
8. Witbeck – Waiver of Subdivision – approved with conditions.

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

1. Diamond Rock Plaza – Site Plan – Public Hearing beginning at 7:00 p.m.
2. Ace Hardware – Site Plan – Public Hearing beginning at 7:15 p.m.
3. Stevens – Site Plan.
4. Arax Properties, LLC – Site Plan.
5. Amerit Fleet Solutions – Site Plan.
6. BBL Construction Services – Urgent Care Facility – Site Plan.
7. Brunswick Properties, LLC – Site Plan.