

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 16, 2015

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board opened the Public Hearing on the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza located at 289-299 Oakwood Avenue. The Notice of Public Hearing was read into the record, with that 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. It was also noted that a Notice had been sent to the City of Troy concerning this public hearing. Chairman Oster requested the applicant to present a brief overview of the proposed project. John Mainello was present for the applicant, and presented an overview of the project. Mr. Mainello stated that the site plan had incorporated the comments and recommendations of the Brunswick Zoning Board of Appeals, the Spieglestown Fire Department, and the Planning Board. Mr. Mainello reviewed updates to the site plan concerning turning radius, stop signs, concrete bollards, stormwater bio-retention areas, fire hydrants, location of the water main, and agreement to install a knox box and allow the Spieglestown Fire Department to perform a walk-thru upon completion of construction and prior to occupancy. Mr. Mainello requested that the Planning Board consider granting conditional approval, noting that the applicant still needed

to coordinate with the City of Troy on the water and sewer connections. Chairman Oster then opened the floor for receipt of public comment. Bill Mahoney, Chief of the Spiegletown Fire Department, stated that he appreciated notice of this application from the Planning Board, and further appreciated that the applicant had been cooperative and had addressed the comments raised by the Spiegletown Fire Department. Mr. Mahoney noted that he submitted a letter dated July 16 for the file. Chairman Oster inquired whether there were any further comments from the public. Hearing none, the Planning Board closed the Public Hearing on the Diamond Rock Plaza site plan.

The Planning Board then opened the regular meeting of the Planning Board for purposes of review of the draft Minutes of the July 2, 2015 meeting. Chairman Oster reviewed the discussion of the BBL Construction Services site plan application noted at pages 9 through 11, and requested that the Minutes reflect that he had been personally involved in the merger between the Board of Northeast Health and St. Peter's Health Partners, and that he did subsequently serve on the Board of St. Peter's Health Partners. Chairman Oster also noted that he does now serve on the St. Peter's Health Partners Acute Care Committee, which oversees Samaritan Hospital and ST. Mary's Hospital in Troy. Chairman Oster also requested that it be noted that the site plan application submitted by BBL Construction Services was on behalf of Albany Medical Center which seeks to operate the Urgent Care Facility at this location. The Planning Board Members generally concurred with the noted additions and clarifications to the July 2 Minutes. Member Czornyj then made a motion to approve the July 2 Minutes subject to the additional discussion concerning the site plan application submitted by BBL Construction Services, which motion was seconded by Member Esser. The motion was unanimously approved and the July 2 Minutes approved with the noted changes.

Thereupon, the Planning Board adjourned the regular business portion of the meeting to open a Public Hearing on the site plan application submitted by Ace Hardware for property located at 831 Hoosick Road. The Notice of Public Hearing was read into the record, noting that the Notice had 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. Josh O'Connor of Bohler Engineering was present for the applicant. Mr. O'Connor generally reviewed the proposed site plan of the western portion of 831 Hoosick Road, which the applicant seeks to use an existing building for tool repair and rental. Mr. O'Connor reviewed the location of the existing structure, the proposed parking for the tool rental and repair building as well as overflow for the existing Ace Hardware store, the total square footage of existing pavement, as well as a discussion of the overall green space on the site. Mr. O'Connor noted that one parking stall had been eliminated and a specific green space calculation table had been provided on the site plan after the July 2 meeting. Chairman Oster then opened the floor for receipt of public comment. Steve Wilson, residing at 27 Oak Tree Lane and Chief of the Brunswick No. 1 Fire Department, stated that the Fire Department would request that an updated Knox box be installed at this building, that safety cabinets for flammables be used in this building, that a schematic of the layout of the building be provided upon construction and that the Brunswick No. 1 Fire Department be provided with a walk-thru before that building is open to the public. Chairman Oster inquired whether there was any further public comment. Hearing none, the Planning Board closed the Public Hearing on the Ace Hardware site plan.

Thereupon, the Planning Board continued the regular business meeting of the Board.

The first item of business on the agenda was the site plan application submitted by Matopato, LLC for the proposed Diamond Rock Plaza at 289-299 Oakwood Avenue. Chairman

Oster noted that the Public Hearing has now been held on this application, and that the only comments received were from the Spiegletown Fire Department, and that the applicant has already addressed these comments on the site plan. Chairman Oster inquired whether the recommendation for the Rensselaer County Planning Department had been received. Monica Nann-Smith reported that the application had been sent to the County, but that comments have not yet been received back from the County and the 30 day period for the County recommendation has not expired. Attorney Gilchrist stated that the Planning Board could not act on the site plan until either the recommendation from Rensselaer County Planning Department has been received, or the 30 days provided to the County to make that recommendation has expired. Chairman Oster asked whether there were any further questions or comments from the Planning Board. There were none. Mr. Bonesteel stated that all his comments concerning the site plan had been addressed, and that there were only minor edits that needed to be made to the stormwater pollution prevention plan that could be made prior to construction, and that the final stormwater pollution prevention plan must be stamped by a professional engineer. All comments concerning the site plan have been addressed by the applicant. Chairman Oster stated that this matter will be set down for the August 6 agenda pending receipt of the recommendation from the Rensselaer County Planning Department.

The next item of business on the agenda was the site plan application submitted by Ace Hardware for use of the existing building located at 831 Hoosick Road, on the westerly portion of the site, for tool rental and repair. Chairman Oster noted that the Planning Board's request for the green space calculation table was addressed, and that the green space calculations have been provided on the site plan. Chairman Oster also noted that the comment of the Planning Board concerning parking spaces had also been addressed by the applicant. Chairman Oster inquired whether this application had been sent to the Rensselaer County Planning Department. Josh

O'Connor of Bohler Engineering stated that there was some miscommunication with the Brunswick Building Department, and that he did not advise the Building Department that there were no further changes to the site plan, which he understood the Building Department was waiting for further communication from his office before sending the final site plan to the County Planning Department for review and recommendation. Accordingly, Chairman Oster directed that the final site plan be sent to the Rensselaer County Planning Department for review and recommendation. Chairman Oster asked whether the applicant had any objection to complying with the comments of the Brunswick No. 1 Fire Department. The applicant has no objection to complying with these requests of the Brunswick No. 1 Fire Department. Member Tarbox asked for further clarification on the calculation of green space for the entire project site, including the existing Ace Hardware store and now the tool rental and repair building. Mr. O'Connor of Bohler Engineering stated that the original site plan that was approved in June of 2014 provided for 22% green space, whereas the current proposal which includes the Phase II portion of the project now provided 23.1% green space on the overall project site. Chairman Oster noted that the applicant is not proposing to add any additional paving on the site, but the paving having been in place at this location for a number of years. Chairman Oster also noted that under the Planning Board's Site Plan Regulations, the Planning Board does have the jurisdiction to waive the 35% green space requirement if the facts of the particular application justify it. Chairman Oster stated that in this case, since this site has historically been paved and that no new areas of paving are being proposed, the Planning Board should consider a waiver of the 35% green space requirement. Mr. Bonesteel did note that the limited additional green space being provided on the project site within Phase II does help the stormwater control for the entire site. Member Czornyj noted a particular drainage pattern to the rear of the project site, noting that there was a fairly significant drop off, and that some curbing

should be added at the edge of pavement. The Planning Board noted that this site does not constitute one single parcel, but it has been determined that there are two tax parcels constituting this project site. The applicant has indicated that it does not intend to merge these parcels together, but rather retain the two separate tax parcels. Attorney Gilchrist stated that since the Planning Board was moving forward with action on the Phase II site plan for the western portion of the site, any action by the Planning Board would need to be conditioned on cross-easements for traffic, parking, and drainage if these parcels remain as two separate tax parcels, and that a map note to this effect should be added to the site plan. Chairman Oster again stated that the site plan should be sent to the Rensselaer County Department of Planning for review and recommendation. This matter is placed on the August 6 Agenda for further discussion.

The next item of business on the Agenda was the site plan application submitted by Brad Stevens to locate a portable barbeque food trailer in the parking lot of Brunswick Plaza located at 740 Hoosick Road. Chairman Oster noted that the owner of this site had filed a letter with the Planning Board indicating that it was consenting to the site plan application being submitted by Stevens. Chairman Oster noted that this Plaza was approved as a Planned Development District by the Town Board, and that the Planning Board must review the Planned Development District approval to determine if there are any restrictions to this type of proposed use on the project site. Chairman Oster noted that the site plan review can continue, but with the understanding that the Planned Development District conditions must be reviewed. Stevens provided an update to the proposed site plan, which now seeks to locate the portable barbeque food trailer in the parking lot of the Brunswick Plaza. Stevens stated that the barbeque trailer is 36 feet long, and he proposes using four parking places for the trailer, plus an additional two parking spaces for use for picnic tables, so that a total of six spaces will be effected. Chairman Oster inquired as to approval by the

Rensselaer County Health Department. Stevens had provided a copy of a permit issued by the Rensselaer County Health Department, but Chairman Oster inquired whether this permit was for this particular location and proposal to locate the trailer for an extended period of time at that location, or was the County permit a general permit for various locations in Rensselaer County. Stevens stated that the Rensselaer County Health Department is aware of his proposal to locate the barbeque trailer at the Brunswick Plaza for an extended period of time, and that it is covered under the Rensselaer County Health Department current permit. Chairman Oster asked whether there was any time limitation in the County Health Department permit about being in one location for any extended period of time. Stevens stated that there was no such restriction, and that the current County permit allows the food trailer to be located anywhere within Rensselaer County. Member Esser asked whether the food service side of the trailer would be located adjacent to the parking lot or adjacent to the Hoosick Road side. Steven stated that the food service side of the truck would be located adjacent to Hoosick Road, so that people would not be standing in a travel lane when ordering food. Member Esser also noted that there did not appear to be much space around the picnic tables for customer use, and asked whether any additional parking spaces would be used. Stevens stated that the plaza owner had agreed to the use of additional parking spaces. Chairman Oster asked if the business met with success, would more tables be added. Stevens added that if successful, he could be adding additional picnic tables. Attorney Gilchrist stated that if additional parking spaces were anticipated to be used for picnic tables, it must be shown on the site plan. Member Esser stated that the total area proposed to be used, including parking spaces for all picnic tables, should be put on the site plan now for discussion. Member Casey asked about the proposed days and hours of operation. Stevens stated that he anticipated operating at this location Monday through Friday from 10:00 a.m. to around 7:00 p.m., and would try to operate on some weekends

when he was not using the trailer at another location. Chairman Oster stated that the barbeque trailer would then be in operation for 8 to 10 hours a day, and asked how bathroom facilities would be provided. Stevens stated that he would be bringing a porta pottie onto the site. Mr. Bonesteel noted that the proposed location for the food trailer was in the front corner of the parking lot where it appeared that stormwater drainage was collected. Mr. Bonesteel stated that in periods of heavy rain, this could present an issue concerning standing water in that location. Chairman Oster stated that in his opinion, both the Town Board and the Planning Board spend a lot of time in reviewing Planned Development Districts and site plans, such as the Brunswick Plaza, in terms of esthetics, parking, landscaping and overall project use. Chairman Oster continued that, in his opinion, the use of a parking lot in this plaza was not anticipated for a portable food trailer, picnic tables, and bathroom facilities. Chairman Oster continued that, while he was certain Stevens operates a very good and clean food service, this was not the type of use anticipated for this location, and potentially sets a very dangerous precedent for allowing these types of portable businesses to operate in parking lots at commercial locations in the Town. Chairman Oster also noted that this was the Hoosick Road corridor, one of the main roads through the Town of Brunswick, and that the Planning Board needs to be sensitive to land uses that are allowing along Hoosick Road. Stevens stated that he had put a lot of time into this proposal, that he had approached the Brunswick Building Department several months ago and was never told that this was not an approvable use, that he had done everything he had been asked, and that he should have been told this by the Brunswick Building Department much earlier in that he would not have put in the time or effort on this proposal. Chairman Oster replied that his comments represented only his personal opinion, and that his site plan proposal would be up to the full members of the Planning Board. Discussion concerning the total number of parking spaces that Stevens would be utilizing for this proposal

was discussed. Stevens stated that he would like to add two more spaces to his proposal, so that a total of eight spaces would be utilized by this food trailer and accessory picnic tables. Mr. Bonesteel then stated that the proposed use was getting larger, and he briefly stated his concern regarding surface water during periods of heavy rain. Member Tarbox stated that this was a site plan use along Hoosick Road, and that this site plan application would need to be sent to the Rensselaer County Planning Department for review and recommendation. Chairman Oster restated that the conditions of the Planned Development District approval must be reviewed, that a revised site plan should be submitted showing the final location and total number of parking spaces being proposed for this use, that the site plan would then be sent to the County Planning Department for review and recommendation. This matter was placed on the August 6 Agenda for further discussion.

The next item of business on the Agenda was the site plan application submitted by Arax Properties, LLC for a proposed retail plaza located at 616-630 Hoosick Road. Pat Mitchell of Creighton Manning was present for the applicant. Mr. Mitchell generally reviewed the proposed site plan, stating that the Planning Board comments concerning potential light impacts to homes located on the opposite side of Hoosick Road are being addressed but that no specific revision to the site plan to address that comment had yet been made, but it is anticipated that landscaping will be added to shield any light impacts. Mr. Mitchell stated that he had met with Mr. Bonesteel, and will be addressing comments raised during that meeting. Mr. Mitchell indicated that comments had been received from the Brunswick No. 1 Fire Department, and that they will be addressed in an updated site plan submitted. Mr. Mitchell also stated that the New York State Department of Transportation has been contacted concerning this project, and they are waiting for feedback from NYSDOT. Chairman Oster asked about the proposed development on the easterly side of the

project site, which is identified as Phase II and showing a potential convenience store with gas station. Mr. Mitchell stated that the concept plan for Phase II of the project on the easterly side of the site had been presented for concept review only for purposes of SEQRA review, so that the SEQRA review for the entire project could be completed at this time, even though the applicant is moving forward with a detailed site plan for Phase I only. Member Czornyj asked whether a traffic light is being proposed for the entrance on Hoosick Street. Mr. Mitchell stated that a light is not being proposed, but NYSDOT is reviewing the proposal and will be providing feedback. Member Czornyj noted that it is very difficult to make a westerly turn out of the project site, which is similar to the problems of people leaving the Planet Fitness and trying to make a left turn in a westerly direction. Member Wetmiller asked about snow removal, since the site seems very tight and fire truck access may be difficult. Member Wetmiller thought there should be areas shown on the site plan for snow storage. Mr. Mitchell stated that this can be addressed on the updated site plan. Chairman Oster noted that he would like to get this application to public hearing as soon as possible, to start receiving comments from the public. Mr. Bonesteel commented that the site plan was substantially complete and adequate for opening the public hearing, and that the stormwater plan was likewise available for public review. Chairman Oster noted that it would be likely that the public hearing would be kept open, but that the Planning Board was interested to receive public comments as early as possible rather than later in the review of this project. The applicant was in agreement, and consented to keeping the public hearing open. This matter is placed on the August 6 Agenda for opening of the public hearing on this site plan application at 7:00 p.m.

The next item of business on the Agenda was the site plan application submitted by Amerit Fleet Solutions for use of an existing building located at 853 Hoosick Road for truck maintenance. Jason Doling was present for the applicant, stating that an updated site drawing had been submitted

to the Planning Board. Mr. Doling reviewed the updated site plan. Mr. Doling noted that an updated entrance area had been shown on the site plan, and that two spaces compliant with the Americans with Disabilities Act are shown. Mr. Doling noted that the site was serviced by natural gas, not propane. Mr. Doling confirmed that a grease and oil/water separator is located within the building. Regarding the comment concerning NYSDEC requirements concerning hazardous materials, Mr. Doling stated that based on the total amount of fluids in connection with the business, that the facility is conditionally exempt as a small quantity generator, and that the waste fluids are primarily oil and are hauled off the site by a certified waste handler. Mr. Doling also stated that the facility was in compliance with the multi-sector general permit for industrial activities. Mr. Doling confirmed that there were water and sewer lines in the center of the existing building, but could not locate the exact location unless the Planning Board required him to use radar to locate the lines. Mr. Doling stated that the Fire Departments had not yet been contacted, but he would do so. Steve Wilson, Chief of the Brunswick No. 1 Fire Department, was present, and Mr. Oster allowed him to provide comments. Mr. Wilson stated that a knox box must be installed and the Fire Department reimbursed for the cost, that a safety cabinet should be used for all flammables inside the building, and also discussed certain fire alarm system requirements. Mr. Doling stated that the facility would coordinate with the Brunswick No. 1 Fire Department. Monica Nann-Smith requested a copy of Mr. Doling's comments as well as the comments of the Brunswick No. 1 Fire Department. Mr. Bonesteel stated that the exact location of the water and sewer lines was requested but not critical on this application, and Member Czornyj suggested that the owner coordinate with the Water Department on the location of these lines. Chairman Oster noted that a public hearing should be held on this application, as it is located adjacent to Hoosick Road. Chairman Oster also directed that the application be sent to the Rensselaer County Planning

Department for review and recommendation. This matter is placed on the August 6 Agenda for a public hearing to commence at 7:15 p.m.

The next item of business on the Agenda was the site plan application submitted by BBL Construction Services on behalf of Albany Medical Center for an Urgent Care Facility proposed for 730 Hoosick Road. Chairman Oster recused himself from participation in the review of this application. Kevin Moore and Eric Landrew of BBL Construction Services were present for the applicant. Mr. Moore generally reviewed the proposal by Albany Medical Center to operate an Urgent Care Facility at 730 Hoosick Road. Mr. Moore stated that the parking for this proposed use is adequate as currently configured. Mr. Moore stated that a site plan had been submitted stamped by a licensed design professional. Member Czornyj stated that the site plan looked more like a construction drawing rather than a site plan. Mr. Moore stated that there was no exterior work being proposed at this location, and that only an internal fit up is being proposed. The application is in the nature of a change of use, without any structural alterations. Mr. Moore did indicate that a handicapped ramp would be added, and that a canopy would be installed to the rear exit area. The Planning Board noted that this application must likewise be forwarded to the Rensselaer County Planning Department for review and recommendation as it is located within 500 feet of a State highway. The Planning Board also noted that the Planned Development District approval for this location must be reviewed to determine if there were any restrictions or conditions that would prohibit this proposed use. This matter is placed on the August 6 Agenda for further discussion.

Chairman Oster returned to the Planning Board.

The next item of business on the Agenda was the site plan application submitted by Brunswick Properties, LLC for use of existing storage buildings located at 720 Hoosick Road for

public use. Robert Pollock was present on the application. Mr. Pollock reviewed a sample Rental Agreement with members of the Planning Board. Chairman Oster noted that the standard restrictions for self-storage units were included in the Rental Agreement. Chairman Oster asked whether the owner would be allowed to inspect the storage units for compliance with the conditions of the Rental Agreement. Mr. Pollock stated that the owner would be allowed to inspect the storage units, and that was included in the Rental Agreement. Mr. Pollock stated that there were a total of 24 units existing at the site, and no new construction was being proposed, and that this application sought to eliminate the restriction on the use of these storage units to tenants at the existing plaza, and allow use of the storage units by the public. Chairman Oster stated that, in his opinion, this was a minor modification to the site. A question was raised as to handicapped access. Mr. Pollock stated that the site was handicapped accessible in compliance with building code and American with Disabilities Act requirements. The Planning Board determined that a public hearing on this site plan application was not required, and proceeded to deliberate on the application. Following discussion, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the condition that the site be in compliance with the Americans with Disabilities Act as applicable. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the site plan approved subject to the stated condition.

One item of new business was discussed. Verizon Wireless has submitted an application to the Brunswick Zoning Board of Appeals for special permit, and to the Brunswick Planning Board for a site plan, in connection with an antenna installation on the roof of the new Stewarts located at the intersection of Brick Church Road and Tamarac Road. The Planning Board noted

that the site plan had been submitted, but review of that site plan is adjourned pending action by the Brunswick Zoning Board of Appeals on this special permit application.

Member Tarbox had questions concerning the construction of a barn and garage on Route

7. The matter will be investigated by the Brunswick Building Department.

The index for the July 16, 2015 meeting is as follows:

1. Diamond Rock Plaza – Site Plan – August 6, 2015.
2. Ace Hardware – Site Plan – August 6, 2015.
3. Stevens - Site Plan – August 6, 2015.
4. Arax Properties - Site Plan – August 6, 2015 (Public Hearing to commence at 7:00 p.m.)
5. Amerit Fleet Solutions – Site Plan – August 6, 2015 (Public Hearing to commence at 7:15 p.m.).
6. BBL Construction Services – Urgent Care Facility – Site Plan – August 6, 2015.
7. Brunswick Properties, LLC – Site Plan – approved with conditions.

The proposed Agenda for the August 6, 2015 meeting currently is as follows:

1. Arax Properties, LLC – Site Plan (Public Hearing to commence at 7:00 p.m.).
2. Amerit Fleet Solutions – Site Plan (Public Hearing to commence at 7:15 p.m.).
3. Diamond Rock Plaza – Site Plan.
4. Ace Hardware - Site Plan.
5. Stevens – Site Plan.
6. BBL Construction Services – Urgent Care Facility – Site Plan.
7. Oakwood Property – PDD – Site Plan.