

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 3, 2015**

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

ABSENT was FRANK ESSER.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the town website. Chairman Oster noted that the site plan application for the Oakwood Property Management Planned Development District has been taken off the September 3 agenda, and is tentatively placed on the September 17 agenda.

The Planning Board continued the public hearing concerning the site plan application submitted by Arax Properties LLC, for property located at 616-630 Hoosick Road. Chairman Oster reviewed the procedure for the public hearing. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the town sign board, posted on the town website, and mailed to owners of adjacent properties. Chairman Oster noted that the public hearing had been opened on this site plan application on August 6, at which time public comments were received by the Planning Board. Chairman Oster also noted that the applicant had submitted a written response to the public comments received at the August 6 public hearing, and had submitted a letter dated August 18, setting forth its written

response to public comments. Chairman Oster noted that the August 18 submittal by the applicant is part of the public record. Chairman Oster requested the applicant to present a brief update on the site plan. Linda Stancliff, Registered Landscape Architect with Creighton Manning, was present for the applicant. Ms. Stancliff stated that the property is located in the B-15 zoning district, which allows for the use of retail on a project site. Ms. Stancliff reiterated that her office had submitted a letter dated August 18, 2015, to the Planning Board to provide response to public hearing comments from the August 6 public hearing date. Concerning the site plan, Ms. Stancliff stated that there were a few minor modifications, including the removal of six parking spaces, since the removal of a proposed restaurant use from the site plan resulted in a reduced number of parking spaces needed for the site plan when limited solely to retail use, so that the total number of parking spaces is now 60, rather than the previously-provided 66 spaces; that the lighting fixtures had been reduced on the west side of the project site, now providing for bollard lighting with wall packs; that the proposed stockade fence to the rear of the development site has been increased from six feet to eight feet in height; and that the site plan now does show the B-15 zoning district boundary line. Regarding the B-15 zoning district boundary line, Ms. Stancliff stated that the site plan provides two zoning district boundary lines; one district boundary line was scaled off from the Town of Brunswick zoning map, and the second zoning district boundary line has been included pursuant to the provisions of the Brunswick zoning ordinance itself, which states that the B-15 zoning district extends 250 feet from the Hoosick Road right of way. Ms. Stancliff stated that the applicant will use the more conservative zoning district boundary line taken from the Town of Brunswick zoning map, but that the Brunswick zoning ordinance itself does state that the B-15 zoning district boundary line extends 250 feet off the Hoosick Road right of way. Ms. Stancliff also stated that a traffic expert is in attendance from Creighton Manning, and will be available to

respond to any public comments concerning traffic following the public hearing. Chairman Oster then opened the floor for receipt of public comment. Susan Trudell, 3 Mellon Avenue, stated that it was her understanding that there were petroleum underground storage tanks located on the project site near Hillcrest Avenue, and that she intended to get the New York State Department of Environmental Conservation involved; that her property line extends at least two to three feet behind the fence located at the rear of her property at 3 Mellon Avenue; that Mr. Tutunjian owned an apartment house at this location for several years, that it was the subject of continual transients, that it was in terrible condition, and that there was a drug raid at this location only a few months ago, and that the neighbors on Mellon Avenue should not be exposed to this; that since Mr. Tutunjian did not care about the apartments on his property, he will not care about this retail use, either. Pat Germain, 18 Coolidge Avenue, stated that her property was in close proximity to the project site; asked what exactly is included in the definition of “retail”; that traffic will impact her neighborhood, and that it is bumper to bumper every day on Hoosick Road; asked whether the Planning Board members lived in this area, because it is terrible in terms of traffic; that any business must be conducive to the residential neighborhood to the rear, and not just any “retail,” and feels that she should have the right to know exactly what retail use is being proposed before it is approved. Ernie Berkhart, 9 Leonard Avenue, stated that the entrance to this commercial use is located directly across from Leonard Avenue, and asked what happens if someone is seeking to make a left-hand turn into the retail plaza at the same time someone is trying to make a left-hand turn into Leonard Avenue, and stated this looked like it would be a problem. Karen Groudin, 7 Mellon Avenue, thanked the Planning Board for the continuation of the public hearing; realized that this is commercially zoned; felt that the property would be better used as professional office or apartments; and did not like that an auto parts or other retail use would be at this location;

questioned the traffic study in terms of the morning and evening peak numbers, stating that they seemed very low, and asked whether auto parts deliveries were included in the calculations; and stated that mature evergreens should be required at the rear of the commercial site to avoid pollution and noise. Roger Trudell, 3 Mellon Avenue, stated that there were wetlands on the project site 21 or 23 years ago, because the wetlands defeated another commercial project proposed for this location. Michelle Fennell, 9 Mellon Avenue, asked whether this commercial plaza was needed, since there were six empty spaces in the Brunswick Plaza already; that there were other empty commercial places in the Town of Brunswick; that this would become an eye sore, that the owner does not take care of the property now and would not take care of the property in the future; that this project did not make sense and was not needed; and that the traffic calculations were ridiculous. Susan Trudell, 3 Mellon Avenue, stated that the owner was laughing when the comment was made that he is not taking care of his property now, and would not take care of this commercial property in the future. Maureen Maloney, 19 Mellon Avenue, stated that there was not the need for another retail plaza in the town; that there were empty spots in other plazas currently in the town; that this seems like a done deal; and asked when a phase two site plan would be made. Chairman Oster stated that the Planning Board was in receipt of all of these public comments, and asked whether any members of the public had any different or additional comments for the record. Chairman Oster stated that the Planning Board would consider closing the public hearing, and again requested any different or additional comments to be made part of the record. Hearing none, the Planning Board closed the public hearing on the Arax Properties site plan application.

The Planning Board then opened the regular meeting.

The Planning Board members reviewed the draft minutes of the August 20, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the August 20, 2015 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Arax Properties for property located at 616-630 Hoosick Road. The Planning Board reviewed the updated site plan, last revised 8-26-15. Linda Stancliff, Registered Landscape Architect of Creighton Manning, was again present and addressed the Board on behalf of the applicant. Ms. Stancliff stated that the Brunswick Site Plan Review Act provides for the types of retail uses allowed within the B-15 zoning district, and again stated that the 4,000 square foot retail building had no current tenant planned. Ms. Stancliff stated that if use other than retail is proposed for the 4,000 square foot building in the future, then an amended site plan would need to be submitted and a further public hearing held. Ms. Stancliff stated that Advanced Auto Parts is a potential tenant for the 6,900 square foot building, but that the tenant is not secured. Chairman Oster stated that once the tenant is secured, Advanced Auto Parts will be constructing and have control of the building. Ms. Stancliff confirmed this. Ms. Stancliff also stated that the six spaces removed from the site plan due to the elimination of a restaurant use were located closest to the western side of the project site. Ms. Stancliff stated that there was no record of wetlands on the project site, and the issue of drainage is addressed in the stormwater plan. The applicant stated that he had owned the property for 30 years, and that there had been no project proposed for this site 21 or 23 years ago. Attorney Gilchrist stated that the New York State Freshwater Wetlands maps could be checked for any state-regulated wetlands, and that any information concerning federal wetlands on the project site should be reviewed by the Planning Board. Mr. Bonesteel confirmed this. Ms. Stancliff stated that there are no records concerning underground storage tanks at the project

site. The applicant stated that he had a Phase 1 environmental site assessment completed, that no petroleum underground storage tanks were noted, and that he would supply a copy of the Phase 1 environmental site assessment to the Planning Board. The owner confirmed that the Phase 1 environmental site assessment was completed for the entire site, not just the Phase I site plan area. Elaina Bran of Creighton Manning was present to address traffic issues. Ms. Bran stated that a traffic assessment had been completed for the project. Ms. Bran stated that the issue of two left turns at the same time, both into the commercial site and into Leonard Avenue, actually was the best design from a traffic standpoint, as the driveway and Leonard Avenue provide a direct offset and there is adequate space in the turning lane to make both turns. Ms. Bran stated that the proposed site plan does not generate much commercial traffic, and that Leonard Avenue is a dead-end road and, likewise, does not generate much traffic, but with regard to the two contemporaneous left-hand turns, the turn lane has adequate room and the commercial site has been designed to adequately meet any need for two-way left turns. Regarding the trip generation numbers, Ms. Bran stated that the AM and PM peak numbers have been provided, and that the AM peak number generally addresses 7:00 a.m. to 8:00 a.m., and the PM peak number generally addresses 4:30 p.m. to 5:30 p.m. Ms. Bran confirmed that projected deliveries were included in the trip generation numbers for these peak hours. Chairman Oster questioned whether the traffic assessment was presented to NYSDOT. Ms. Bran confirmed that the traffic assessment was provided to NYSDOT, and that NYSDOT did approve the location of the proposed entrance driveway and was supportive of the limitation of curb cuts on Hoosick Road. Chairman Oster asked how many apartment units previously existed on the project site. The owner said approximately ten apartment units. Chairman Oster stated that these apartment units would also generate traffic from the site, and whether Creighton Manning had taken advantage of the offset resulting from the elimination of

the apartments. Creighton Manning did confirm that this would be an offset, but that their trip generation numbers and traffic assessment did not give any credit to this offset. Member Tarbox asked whether the trip generation numbers were for both retail buildings, or just from the proposed auto parts building. Ms. Bran stated that the trip generation numbers took into account both retail buildings. The Planning Board then generally discussed the trees located to the rear of the property and whether this existing landscape acted as a buffer. Ms. Stancliff stated that the rear of the site is currently wooded, but that evergreens would be added along the western property line to add to a vegetative buffer. Member Tarbox asked about the elevation of the retail building relative to the homes on Mellon Avenue. There was extended discussion concerning the relative elevations, the location of property lines, the location of existing fences and retaining walls on the property, with Member Tarbox stating that the owner would need to work with the homeowners on Mellon Avenue to address this common property line. Chairman Oster stated that with respect to the public comments that this plaza was not needed and that there were numerous plazas that were vacant in the town, the Planning Board does not consider the business aspect of the land use proposal, but rather reviews the site plan in relation to the town's zoning regulations and Site Plan Review Act. Member Czornyj asked about the height of the proposed retail buildings. Ms. Stancliff stated that the 6,900 square foot retail building is approximately 21 feet in height, but that there was no final design for the 4,000 square foot building. Member Mainello asked about the roof structure, and whether the buildings would have a flat roof. Ms. Stancliff stated that the buildings would have a flat roof. Member Mainello asked whether the mechanical equipment would be located on the roof. Ms. Stancliff stated that there would be mechanical equipment located on the roof. Member Mainello stated that the mechanical equipment did need to be screened, and that a building elevation should be provided for review. Regarding the equipment

located on the roof of the retail buildings, Member Czornyj asked about noise generation. Member Czornyj stated that specifications for the proposed equipment of the roofs should be provided so that noise generation measured at the property boundary line could be made, because this project site is in close proximity to homes. Chairman Oster agreed with this. Member Tarbox also stated that there were four or five houses located on Mellon Avenue that would be most affected by this project, that some are single story and that some are two story, and that given the relative elevations of the properties, noise generation as well as drainage must be reviewed. Member Tarbox asked whether modifications to the exterior of the buildings were possible, to have a better design. Attorney Gilchrist stated that the Town of Brunswick did not have any architectural design standards in its town code. The Planning Board and the applicant then discussed the proposed fence along the western boundary of the project site in relation to any existing retaining walls, sheds, and other features located in the backyards of the homes on Mellon Avenue, and the relative elevations of the properties at this location. Ms. Stancliff stated that a submission would be made to the Planning Board, showing profiles and elevations in this location. Member Mainello also commented that garbage pickup at dumpsters was a concern, and that the Planning Board should consider limiting dumpster pickups to certain times of day. After further discussion, the Planning Board required the applicant to submit the following additional information on the site plan application:

1. A copy of the owner's Phase 1 environmental site assessment for the project site;
2. Information concerning any potential state or federal wetlands on the property;
3. All correspondence from NYSDOT concerning review of the traffic assessment for the project;

4. Noise data concerning any mechanical equipment to be located on the roof of any retail building, and projected noise data at the property line;
5. Further proposals for vegetative screening along the western property line;
6. Top of fence elevations and profiles to be located along the western boundary of the project site.

Chairman Oster also requested the applicant to respond to the public comments received at this meeting in writing. Attorney Gilchrist noted that the review by the Rensselaer County Department of Economic Development and Planning had been received. This matter was placed on the September 17 agenda for further discussion.

The second item of business on the agenda was the subdivision application submitted by the Patton Family Trust for property located at 244 Pinewoods Avenue Extension. William Doyle, Esq., was present for the applicant. Members of the Patton family were also in attendance. Mr. Doyle explained that the property sought to be divided is approximately 40 acres, is currently vacant land, is held by a family trust and that the trust is now ready to distribute trust assets. Mr. Doyle explained that the trust assets would go to three Patton brothers, each receiving approximately 13 acres of land. One of the Patton brothers receiving the approximate 13 acres of land is Tom Patton, who, with his wife, Catherine Patton, owns an existing homestead parcel directly adjacent to the 13 acres which will be transferred to him, and that this 13 acres would then be merged into the existing homestead parcel owned by Tom and Catherine Patton. Chairman Oster understood this, and said that the Planning Board would look at this application as a lot line adjustment for the existing Tom and Catherine homestead parcel, and the subdivision would result in the creation of two new 13-acre parcels, each over five acres an area and not proposed for development. The Planning Board had discussed this matter at the August 20

meeting, and determined that applying the waiver of subdivision regulations in this matter is appropriate. Attorney Gilchrist confirmed that under the Town Subdivision Regulations, the Planning Board did have the discretion to treat this matter as a waiver of subdivision application or require a full minor subdivision application. The Planning Board members determined that a waiver of subdivision review was appropriate as long as the 13 acres was merged into the adjacent homestead parcel of Tom and Catherine Patton. Mr. Doyle confirmed that he would provide the deed of merger of the 13 acres into the existing Tom and Catherine Patton homestead parcel to the Planning Board and Town Building Department for their files. Member Tarbox inquired whether an agricultural data statement was required on this application. After research, the Planning Board determined that an agricultural data statement was not required on this application. Chairman Oster asked whether there was any further discussion concerning the application. The Planning Board members generally concurred that treating the application as a waiver of subdivision was appropriate, and that the two resulting 13-acre parcels were appropriate in terms of size, location, and road frontage. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Wetmiller then made a motion to approve the waiver of subdivision application subject to the condition that the 13-acre parcel adjacent to the existing homestead parcel of Tom and Catherine Patton be merged into the homestead parcel of Tom and Catherine Patton, with the merger deed provided to the Town Building Department for its records. Member Czornyj seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition. It is noted that the resulting two, new 13-acre parcels represents a non-realty subdivision.

Three items of new business were discussed.

The first item of new business discussed was the proposal by JT Pippert to use one of the existing retail spaces in the DeVito strip mall located off Route 7 in Sycaway for use as a hair salon. The Planning Board confirmed that there were no structural changes being proposed for the site, and that Pippert sought to utilize one of the existing retail spaces in the existing plaza for retail-type use. The Planning Board further confirmed that a hair salon was an allowable retail use under the Brunswick zoning ordinance. After reviewing this information, the Planning Board determined that a site plan application was not required, as no structural alterations or change in use are being proposed.

The second item of new business discussed as a waiver of subdivision application submitted by Henry Reiser for property located on Farm-to-Market Road (10 Plante Lane). The applicant seeks to divide a 22-acre area from an existing parcel to transfer to a third party. The Planning Board generally reviewed the project layout, and also noted that the existing deed, which includes this 22-acre area, is included in one tax parcel number, and further that the 22-acre area had previously had its own separate description, but had subsequently been included in one single deed. Mr. Reiser now seeks to divide off the 22-acre area pursuant to the existing description, and transfer that 22-acre area to a third party. The Planning Board also noted that the balance of this property is located on the opposite side of Farm-to-Market Road, with this single, 22-acre area located by itself on the other side of Farm-to-Market Road. This matter was placed on the agenda for the September 17 meeting.

The third item of new business discussed was a concept plan submitted by PF Management Group for a property located on Hoosick Road between the existing Planet Fitness facility and the Hoffman Car Wash facility. The proposal, in concept, is to remove existing buildings and to

construct a restaurant and grocery store. The property owner is reportedly currently working with NYSDOT concerning traffic issues on Hoosick Road, with the potential for installation of a traffic light being investigated. Member Czornyj reports that no formal site plan application has been submitted yet, and this matter is therefore adjourned without date.

Chairman Oster updated the Planning Board on the effort to secure a consultant on the issue of necessity of an emergency access road on the Oakwood Property Management PDD site plan.

Attorney Gilchrist also provided a copy of the fully-executed, recorded easement, which was required in connection with the Pollock subdivision for the Brunswick Plaza. A copy of the fully-executed, recorded easement is provided to the Building Department and also to Chairman Oster for the Planning Board file.

The index for the September 3, 2015 meeting is as follows:

1. Arax Properties LLC – site plan – 9-17-2015
2. Oakwood Property Management PDD – site plan – adjourned to 9-17-2015  
(tentative)
3. Patton Family Trust – subdivision – approved with condition
4. Reiser – waiver of subdivision – 9-17-2015
5. PF Management Corp. – concept site plan – adjourned without date.

The proposed agenda for the September 17, 2015 meeting currently is as follows:

1. Reiser – waiver of subdivision
2. Arax Properties LLC – site plan
3. Oakwood Property Management PDD – site plan (tentative)