

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 17, 2015**

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

ABSENT was TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda for the meeting, noting that the applicant on the Oakwood Property Management Planned Development District Site Plan has requested that the matter be adjourned, as review of the project's stormwater plan is continuing and the issue of the emergency access road is subject to further review, including the Planning Board retaining a consultant. Chairman Oster stated that he would update the Planning Board members during the meeting on the status of retaining a consultant to analyze the necessity of an emergency access road for the Oakwood Property Management project.

The Planning Board members reviewed the draft Minutes of the September 3, 2015, meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the Minutes of the September 3, 2015, meeting were unanimously approved without amendment.

The first item of business on the agenda was a waiver of subdivision application submitted by Henry Reiser for property located along Farm-to-Market Road (NY Route 351) and Plante Lane. Henry Reiser was present. Mr. Reiser reviewed the proposed subdivision, which seeks

approval to divide off a 22+/- acre area from an existing property located on both sides of NY Route 351. Mr. Reiser explained that the 22+/- acre area on one side of NY Route 351, which he seeks to divide from the remainder of the property on the opposite side of NY Route 351, was once in a separate deed, has a separate survey map, and has a separate metes and bounds description. Mr. Reiser further explained that this 22+/- acre area was once a separate lot, but was acquired by the owner of the remaining property on the opposite side of NY Route 351, and placed within one deed. He is seeking an approval to divide off the 22+/- acre area for transfer to an adjacent property owner. It is Mr. Reiser's understanding that the adjacent property owner will not be merging the 22+/- acre area into his existing property, but that there are no plans for any development of the 22+/- acre area other than use for agricultural purposes. Mr. Reiser did state that the adjacent property owner uses the majority of his remaining property as a pasture and horse farm. Chairman Oster inquired whether any Planning Board members had any questions or comments on the application. Member Wetmiller asked whether an agricultural data statement is required. Attorney Gilchrist stated that an agricultural data statement is required for any proposed non-agricultural use within 500 feet of an agricultural district. As this application does not seek approval for a non-agricultural use, but merely the subdivision for transfer to an adjacent property owner with no plans for development, an agricultural data statement is not required in this case. Attorney Gilchrist also noted for the record that, given the proposed subdivision is for a lot in excess of five acres with no planned construction, the application is for a non-realty subdivision and approval of the Rensselaer County Health Department is not required. Further, Attorney Gilchrist confirmed that with respect to a waiver of subdivision application, a public hearing is not required. Chairman Oster again confirmed that the Planning Board members had no further questions or comments. Hearing none, Member Czornyj 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. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Esser. The motion was unanimously approved, and the waiver of subdivision application approved.

The next item of business on the agenda was the site plan application submitted by Arax Properties, LLC, for property located at 616-630 Hoosick Road. Linda Stancliff, Registered Landscape Architect, of Creighton Manning, was present for the applicant. Ms. Stancliff generally overviewed the project. Ms. Stancliff also confirmed that the applicant, through Creighton Manning, had submitted a letter to the Planning Board, dated September 10, 2015, responding to public comments received at the September 3 meeting, and also providing the information requested by the Planning Board at its September 3 meeting. Ms. Stancliff also reviewed four minor modifications to the site plan, including a revision to the location of the B-15 zoning district boundary line, the reduction of the total number of parking spaces on the site plan from 60 to 57, minor revisions to the drainage plan for the site, and provision of additional plantings on the western boundary line, adjacent to the backyards of residences located on Mellon Avenue. Member Esser had a question regarding the width of the space between the proposed commercial buildings. Ms. Stancliff stated that width was approximately ten feet. Member Esser asked whether the area would remain in grass or would be gravel or paved. Ms. Stancliff stated that the area was proposed to remain in grass. Member Esser suggested that a fence be provided toward the front and rear of this area, so as to eliminate any alley way or dark area between the buildings. Ms. Stancliff did not have any objection to adding a fence or other barrier in this area between the buildings. Member Esser asked whether there were any emergency exits planned within this area between the buildings. Ms. Stancliff stated that there is not an emergency exit proposed on the

western side of the 6,900 square foot building proposed for the auto parts company, and that the design of the other 4,000 square foot retail building is not yet final. Member Esser stated that there should not be an emergency exit included in the 4,000 square foot building adjacent to the area between these two commercial buildings, but rather, the emergency exit should be placed on one of the other three sides of the 4,000 square foot building. Chairman Oster then confirmed that the B-15 zoning district boundary line had been changed on the site plan, and that this reduced the total number of parking spaces from 60 to 57 spaces. Ms. Stancliff confirmed this. Chairman Oster also noted that this changed the alignment of certain parking spaces to provide for parallel parking. Ms. Stancliff also confirmed this. Chairman Oster asked whether the reduction in parking spaces increased the total green space on the project site. Ms. Stancliff confirmed that the total green space on the project site has been increased due to the reduction of total parking spaces. Chairman Oster also raised the issue of NYSDOT performing resurfacing and repair work on Hoosick Road, from the Collar City Bridge east to the Planet Fitness location, and that this commercial site plan was along that Hoosick Road corridor and if any changes are going to be approved for the new curb cut and elimination of existing curb cuts, this should be coordinated with NYSDOT, as the Hoosick Road work was already underway and projected to go through the end of November. Chairman Oster also wanted to address the changes to the site plan that had been reviewed by Ms. Stancliff, and whether this required the re-opening of the public hearing. Attorney Gilchrist stated that the Planning Board needed to determine whether it felt these changes were significant, or were only minor modifications. Attorney Gilchrist stated that in the event the Planning Board determined that the changes were significant, then the public hearing should be re-opened, whereas if the Planning Board determined that the changes were only minor, then the Planning Board did not need to re-open the public hearing. Chairman Oster stated that he felt the

changes to the site plan reduced the extent of the project in terms of total parking spaces and associated lighting, increased the green space on the project, and did, in fact, slightly reduce the overall impact of the project, and felt the changes were not significant. Member Czornyj concurred, stating that with the revised parking areas, including the provision of parallel parking, lights from the cars parking no longer shined into neighbors' yards, and felt that this was an improvement to the site plan, and also agreed that the changes to the site plan were not significant. The remaining Planning Board concurred with these comments. The Planning Board determined that the modifications to the site plan are not significant, and there is no requirement to re-open the public hearing on the application. Chairman Oster noted that the Planning Board Review Engineer Bonesteel had only received the updated site plan materials, as well as the applicant's response to comments, on Tuesday of this week, and had not had adequate opportunity to review those materials prior to this meeting. Chairman Oster asked Mr. Bonesteel to update the Planning Board on his review of these materials. Mr. Bonesteel stated that he did have the opportunity to review the applicant's responses to the public hearing comments, and also to review the applicant's responses to NYSDOT comments on the traffic assessment report for the project, but did not have an opportunity to fully review the Phase 1 environmental site assessment, and needed further time to review the environmental site assessment in full. Mr. Bonesteel did report that he reviewed the fence profiles that have been provided by the applicant for the fence to be located on the western side of the project site, and that the fence profiles looked acceptable. As to the environmental site assessment, Mr. Bonesteel's initial review did note the possible presence of underground storage tanks, but that it appeared the environmental site assessment report was not conclusive. Ms. Stancliff did state that the environmental site assessment identified potential areas for underground storage facilities, and that ground-penetrating radar had been used, and that the

ground-penetrating radar did find anomalies which could give rise to the presence of underground facilities on the site. Ms. Stancliff did state that there was not excavation in the area of the site anomalies, but rather, a recommendation that prior to any excavation or construction in the areas of the identified anomalies, further investigation be undertaken at that time. Chairman Oster asked whether the anomalies were in an area that was reported to have been a gas station on the site. Ms. Stancliff did state that the area of a gas station on the site was located toward Hillcrest Avenue, but that the areas of the anomalies appeared to be associated with residential use, and could either be a fuel oil tank or a septic tank. Charles Tutunjian of Arax Properties, LLC, stated that while there was not excavation in the area of the identified anomalies, soil borings were taken and sampled, with no evidence of site contamination being found in the soil borings. Mr. Bonesteel also stated that he wanted more time to review the changes to the stormwater plan for the site. Ms. Stancliff stated that the stormwater plan was also still being reviewed by NYSDOT. Mr. Bonesteel asked what NYSDOT was looking for in the stormwater plan for the project. Ms. Stancliff stated that, in general, NYSDOT was requiring no further offsite increases in stormwater from the project site, and that the stormwater plan was designed to provide for no increase in offsite discharges, but that NYSDOT has not provided their written approval of that stormwater plan yet, and that she would follow up with NYSDOT and seek to have that written approval within the next two weeks. Chairman Oster reviewed the applicant's responses to public comments, and the Planning Board generally finds the responses to be complete. Chairman Oster did raise the public comment concerning pest and rodent infestation in the existing homes that are on the property. Charles Tutunjian stated that there were no issues concerning pest or rodent infestation, that there is no evidence of rodents or insects, and that the Department of Health has never been required to inspect the building. Attorney Gilchrist stated that at the time the buildings

are sought to be demolished, a demolition permit will be required from the Town, and at that point the Town could inspect the buildings to determine whether there were any issues concerning pests or rodents that needed to be addressed prior to building demolition. Chairman Oster felt that this was an appropriate position. Member Mainello asked whether the Brunswick No. 1 Fire Department had reviewed the site plan. Ms. Stancliff stated that the fire department had reviewed the application, and that she had received e-mail comments from the Brunswick No. 1 Fire Department. Gus Scifo of the Brunswick No. 1 Fire Department was in attendance, and confirmed that the fire department was looking for the installation of knox boxes on each of these commercial buildings, and that the buildings were not in excess of 30 feet, so there were no issues regarding fire code compliance regarding building height. Chairman Oster stated that this matter will be placed on the October 1 agenda to allow Planning Board Review Engineer Bonesteel to complete his review of the application materials.

The next item of business on the agenda was the Oakwood Property Management Planned Development District site plan, and Chairman Oster stated that he had spoken with the project engineer, Rob Osterhaut, and confirmed that an appearance by the applicant was not required, since there are still engineering review comments concerning the stormwater plan that need to be addressed, and the Planning Board was continuing to work on retaining a consultant for the emergency access road issue. Attorney Gilchrist generally reviewed a legal issue surrounding the stormwater plan, and Chairman Oster reviewed his efforts to retain a consultant on the emergency access road issue. This matter is adjourned without date, pending the resolution of the stormwater plan issues, as well as a consultant review of the emergency access road issue.

One item of new business was discussed. A concept site plan was presented on behalf of Cellco Partnership dba Verizon Wireless by Attorney Laura Bomyea, for property located at

2 Brick Church Road, which is the location of the new Stewart's building on Brick Church Road and Tamarac Road. Cellco Partnership dba Verizon Wireless has an application pending before the Brunswick Zoning Board of Appeals for a special permit, pursuant to the Town Telecommunications Law, and Ms. Bomyea had requested the opportunity to present the concept plan to the Planning Board prior to final action of the Brunswick Zoning Board of Appeals, in light of the fact that subsequent site plan approval is required for this facility in the event the Zoning Board of Appeals approves the special permit. The Planning Board allowed Ms. Bomyea to present the concept plan. Ms. Bomyea reviewed the project in general, identifying the proposal to install a small cell antenna, concealed within a cupola, to be constructed on the roof of the Stewart's building. Ms. Bomyea explained that this cell antenna is approximately 24" by 15", is entirely concealed within a cupola structure on the roof of the building, and is designed to provide a hot spot cell coverage as an in-fill facility for cell coverage. Ms. Bomyea further explained that there is base equipment in conjunction with these cell antennas, which will be located to the rear of the Stewart's building. Ms. Bomyea stated that the base cabinets are approximately 4' 5" by 8', and will be enclosed within a fenced area at the rear of the building. Ms. Bomyea stated that the base equipment will not be visible from Route 278, since the equipment will be situated behind existing refrigeration equipment, and will further not be visible from Tamarac Road because it will be behind the Stewart's building. Ms. Bomyea stated that the county review has been completed, and determined that local consideration shall prevail. Member Czornyj asked whether there were any other existing Stewart's shops that have the cupola with the antenna located in the Capital District area. Ms. Bomyea stated that there are not any other facilities like this in the Capital District. Chairman Oster asked whether there were any issues concerning fire code compliance, given that the panels will have electric power associated with them. Mr. Bonesteel reviewed the

specifications, which show that the electricity for this unit is housed in the base equipment and that the antennae themselves do not operate in high voltage. There was discussion concerning the electrical connections from the base equipment to the cupola. The total height of the cupola was discussed, and the cupola looks to be about 31 feet in height at its peak. The Planning Board will need to coordinate on any fire code compliance issues concerning height of the structure with the fire department. The building specifications for the cupola were discussed. This matter is placed on the October 1 agenda for further discussion.

One item of old business was discussed. Member Czornyj and Mr. Bonesteel reviewed with the Planning Board the Rensselaer County Health Department review of water and septic for the four lot subdivision previously approved for property located on the intersection of Camel Hill Road and Coons Road, owned by the Clemson Group. Mr. Bonesteel explained that the Rensselaer County Department of Health had raised certain concerns regarding existing drainage ways in relation to review and approval of the septic plan for the property. Several meetings occurred regarding the issue, including onsite. It was determined that a revision to the location of one of the septic systems was designed, and a map note to be added to the subdivision plat was discussed and agreed upon by the Health Department, the Town, and the owner. As the Planning Board's approval of the subdivision was conditioned on Health Department approval for the water and septic plan, these issues need to be resolved prior to the plat being stamped and signed by the Planning Board. It was determined that the Town would do a final review of the subdivision plat note, and once it is determined to be acceptable, the Planning Board can proceed to stamp and sign the subdivision plat.

Member Tarbox raised an issue regarding the need for the Town Board to address whether portable food trailers, or portable commercial trailers in general, were allowable in the Town of

Brunswick in light of the Planning Board's review of the recent proposal for a barbecue food trailer to be located in the Walmart Plaza parking lot. There currently is no provision within the Town Code to address these portable food or commercial trailers. It was determined that a letter will be prepared by the Planning Board to send to the Town Board to identify the issue for Town Board consideration.

The index to the September 17, 2015, meeting is as follows:

1. Reiser – waiver of subdivision-approved
2. Arax Properties, LLC – site plan – 10/1/2015
3. Oakwood Property Management Planned Development District – site plan – adjourned without date
4. Cellco Partnership dba Verizon Wireless – site plan – 10/1/2015
5. Clemson Group – subdivision – discussion re Rensselaer County Health Department's review and approval of water and septic plan

The proposed agenda for the October 1, 2015, meeting currently is as follows:

1. Arax Properties, LLC – site plan
2. Cellco Partnership dba Verizon Wireless – site plan