

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 1, 2015**

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

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

Chairman Oster reviewed the agenda for the October 1 meeting.

The draft Minutes of the September 17, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the Minutes of the September 17, 2015 meeting were unanimously approved without amendment.

The first 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. Chairman Oster reviewed the discussion at the September 17 meeting, where Miss Stancliff reviewed the minor modifications made to the site plan in response to comments, and also noted that the final plans and other submissions needed to be reviewed by Planning Board Review Engineer Bonesteel. Miss Stancliff confirmed that there were no changes to the site plan since the September 17 meeting. Miss Stancliff did state that the New York State Department of Transportation had reviewed the final traffic plans as well as stormwater plan, and had sent an email communication

to the applicant dated October 1. The NYSDOT October 1 communication was reviewed by Miss Stancliff, noting that NYSDOT is requiring that the width of the entrance driveway, which had been proposed as 14 foot wide travel/turn lanes, be reduced to 12 foot wide travel/turn lanes consistent with NYSDOT policy and standards; and also that after review of the stormwater retention/management system elements and stormwater management report, NYSDOT is requiring that the proposed 18 inch pipe connection to the existing state stormwater system along Hoosick Street be included. Miss Stancliff handed up a copy of the NYSDOT email dated October 1 for the record. Chairman Oster asked whether the reduction of the entrance driveways to 12 foot width will be adequate for truck and tractor trailer deliveries. Miss Stancliff indicated that her calculations indicate that the width will be adequate for truck deliveries, even if a truck does temporarily enter into one of the other turning lanes. Mr. Bonesteel stated that the curb cut width is within the jurisdiction of NYSDOT, and that the width required by NYSDOT is consistent with NYSDOT policy and standards. Member Wetmiller asked whether there was any issue with the 18 inch pipe for stormwater management on the site leading to the NYSDOT storm drain system on Hoosick Road. Mr. Bonesteel stated that an 18 inch pipe will not present any issue. Chairman Oster asked Mr. Bonesteel to review his comments on the final plans and other submissions. Mr. Bonesteel reviewed his comments on the site plan, which included a comment on the corner of the proposed 4,000 square foot retail building and the access driveway around that building, noting that the access driveway is only approximately two feet from the corner of the building. Mr. Bonesteel commented that this distance from the driveway should be increased on the final design of the 4,000 square foot retail building. Chairman Oster also commented that bollards should be added in this location, and not just curbing between the driveway and the building. Attorney Gilchrist suggested that a site plan note be added indicating that final design of the 4,000 square

foot retail building, particularly with regard to the distance between the building and the access driveway, must be reviewed and approved by the Town of Brunswick Building Department prior to issuance of any work permit or building permit. Mr. Bonesteel stated that he had reviewed the stormwater plan for the site, and had no issues. Mr. Bonesteel stated he had fully reviewed the Phase 1 environmental site assessment report, and did confirm that a limited Phase 2 assessment was performed which found the two anomalies giving rise to the possibility of underground storage tanks on the site. Mr. Bonesteel did confirm that the limited Phase 2 site assessment conclusions and recommendations stated that additional investigation of the two areas of anomalies should be undertaken prior to any construction activities in that location, which Mr. Bonesteel concurs with. Mr. Bonesteel did note that the owner did have soil borings taken in the areas of the two anomalies, and no petroleum-based substances were found in any of the soil borings. Chairman Oster also noted that the assessment reports determined that the anomalies could be the presence of underground storage tanks, or could be the presence of septic tanks or other underground structures. Mr. Bonesteel concurred. Mr. Bonesteel stated that upon review of the Phase 1 and limited Phase 2 environmental site assessment, the owner did perform due diligence on this environmental issue. Mr. Bonesteel also noted that the applicant had responded to the comments received at the public hearing, as well as the comments of the Planning Board members. Chairman Oster concurred. Mr. Bonesteel stated that he had no further comments on the application documents. Chairman Oster asked whether any Planning Board members had further questions. Member Czornyj had a question concerning the grade on the western side of the project site. This issue was reviewed, and Miss Stancliff confirmed that the grade along Hoosick Road on the project site will be consistent with the grade of the off-site property to the west, and that the remaining project site in a southerly direction will be raised slightly to maintain the existing grade with the

western properties. There were no further questions or comments from the Planning Board members. Chairman Oster noted that the Planning Board had held its public hearing on the site plan application, and it had also received the recommendation from the Rensselaer County Department of Economic Development and Planning. The Planning Board proceeded to act on the application. First, the Planning Board reviewed environmental impact issues under SEQRA. Based upon a review of the site plan application documents and additional submittals reviewed by the Planning Board Members and Planning Board Review Engineer Bonesteel, the Planning Board found that there are no significant adverse environmental impacts on land, as the action includes minimal grading, no blasting, no existence of steep slopes, and no significant geological features; the action will not have a significant adverse impact on water resources, as there are no rivers, streams, or other surface waters on the project site, and that while the issue of wetlands was raised, there are no identified federal or state wetlands on the project site, and further that stormwater management has been adequately addressed, and that there will be no impact to groundwater and no flooding potential; the Planning Board found that there will be no significant adverse impacts on air resources, noting that there are no air emissions from the proposed site plan uses, and that no air permits are required for the project; that there are no significant adverse impacts on plants or animals, noting that there are no identified endangered or protected plant or animal species on the project site, and no existing agricultural resources are on the project site; the Planning Board found that there will not be any significant adverse impacts on visual resources, as there are no significant aesthetic resources on the project site; that there will not be any significant adverse impact to historic or archeological resources, and that a letter from the State Historic Preservation Office is in the project file; the Planning Board found that there will not be any significant adverse impact on open space or recreational resources, or critical environmental areas; the Planning Board

found that there will not be any significant adverse impact on transportation resources, noting that a traffic study had been prepared and reviewed, and also accepted, by the New York State Department of Transportation pertaining to traffic issues on the Hoosick Road corridor; the Planning Board found that there will not be any significant adverse impacts due to noise, having reviewed noise specifications from roof equipment in conjunction with the proposed buildings on the site plan, and the Planning Board will further restrict hours of operation per the application documents; the Planning Board found that there are no significant adverse impacts from odors, noting that the potential for odors associated with a restaurant use had been eliminated by removing any potential restaurant use from the project application; that potential light impacts had been addressed through installation of vegetation as well as reconfiguration of parking spaces; that the project will not result in a significant energy use; that the project will not result in any adverse impact upon human health, noting that the Planning Board had reviewed the full Phase 1 environmental site assessment and limited Phase 2 environmental site assessment for the project site; and that the action is consistent with The Town's comprehensive plan, noting that the project site had been zoned for business use since the late 1950's. Based upon these findings and deliberations, Member Tarbox made a motion to adopt a negative declaration pursuant to SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Mature trees must be planted on the western portion of the project site where noted on the site plan, which will include five foot – six foot arborvitae/evergreen trees to be planted in the center of the vegetation row, with a combination of spruce and oak planted in the front and rear of the vegetation row, all to be planted in front of the fence to be installed, which will be eight feet in height.
2. During construction, in the areas noted as anomalies in the Phase 1 and Phase 2 environmental site assessment reports, in the event any petroleum underground

storage tanks are encountered, the owner shall comply with all applicable NYSDEC regulations pertaining to tank closure and removal, and shall place the Town of Brunswick on notice.

3. Solid waste pickup and removal for all buildings on the project site shall be limited to the operational hours as noted below in condition number 12.
4. All roof equipment for which noise data had been submitted shall be the equipment to be installed on the buildings for this project.
5. All specifications for the required fence at the rear of the project site shall be strictly complied with.
6. The owner shall coordinate with the Town of Brunswick Building Department on the demolition of existing buildings, and if vermin is encountered during such demolition, notice and coordination with the Rensselaer County Department of Health is required.
7. A Knox box shall be installed on each building in coordination with the Brunswick #1 Fire Department.
8. No blasting is allowed during construction.
9. No restaurant use is permitted on the project site without site plan amendment, and that the approved 4,000 square foot retail building is limited to the retail uses allowed under the Brunswick Town Code.
10. The owner shall coordinate with the Brunswick Town Water Department on all water and sewer connections.
11. The site plan shall be amended to incorporate the comments of NYSDOT as set forth in the NYSDOT email dated October 1, 2015 included in the project file.
12. Construction hours for this project are limited to 7AM to 7PM Monday through Saturday with no Sunday construction permitted; and operational hours for the buildings on the project site are restricted to 7:30AM to 9PM Monday through Saturday and 9AM to 7PM on Sunday.
13. A site plan note will be added which will require the final design of the 4,000 square foot retail building must be reviewed and approved by the Town of Brunswick Building Department for purposes of access driveway width and distance from the building to the driveway, with the installation of bollards for safety purposes.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Arax Properties, LLC site plan approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Cellco Partnership d/b/a Verizon Wireless for property located at 2 Brick Church Road. The applicant seeks site plan approval in connection with the installation of a small cell antenna within a proposed cupola on the roof of the Stewarts building located at 2 Brick Church Road. Laura Bomyea, Esq. was present for the applicant. Chairman Oster noted for the record that the special use permit required for this installation under the Town's Telecommunications Law was approved by the Brunswick Zoning Board of Appeals at its meeting held September 21, 2015. Chairman Oster also noted that the Zoning Board of Appeals had held a public hearing on the application, and that no public comments were received at the public hearing. Ms. Bomyea confirmed that there were no changes to the proposal. Ms. Bomyea did confirm that, in response to a question that the Planning Board had at its last meeting, the wire connecting the antenna within the cupola on the roof of the building is a fiber wire, with very low power. Review Engineer Bonesteel asked whether that cabling will be located on the exterior of the roof or inside the roof through the roof trusses. Ms. Bomyea confirmed that the cable will be interior, inside the roof trusses. Chairman Oster inquired of the Planning Board members as to whether they felt a public hearing was necessary in connection with the site plan. The Planning Board members concurred that a public hearing is not required on this application, noting that a public hearing had been held at the Zoning Board of Appeals meeting on September 21, 2015. Chairman Oster confirmed that the height of the cupola was in compliance with the Brunswick Town Code concerning height measurements. Member Czornyj confirmed that the height of the cupola is in compliance with Brunswick Town

Code. Chairman Oster asked whether there were any further questions or comments on the application. Hearing none, member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan, subject to the condition that the applicant coordinate with the Brunswick Building Department on the installation of the cupola and small cell antenna. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the site plan approved subject to the stated condition.

There were no items of new business.

The Planning Board generally discussed the issue of portable food trailers or other commercial trailers being located in parking areas, including issues concerning sanitation, safety, solid waste, as well as real property tax issues. The Planning Board noted that the Town Code currently provides for a temporary vendor's permit or site plan review for permanent structures, but that the Town Code does not directly address the issue of portable structures being used for commercial or retail use on sites. The Planning Board also discussed the issue of architectural standards for new commercial buildings. The Planning Board will prepare a letter to the Town Board to raise these issues for Town Board consideration.

The index for the October 1, 2015 meeting is as follows:

1. Arax Properties, LLC – site plan – approved with conditions.
2. Cellco Partnership d/b/a Verizon Wireless – site plan – approved with condition.

There are currently no agenda items for the October 15 meeting.