

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 5, 2015**

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

ABSENT were TIMOTHY CASEY and VINCE WETMILLER.

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

The Planning Board members reviewed the draft minutes of the October 1, 2015 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the minutes of the October 1, 2015 meeting were unanimously approved without amendment. There was no meeting held on October 15, 2015.

There were no regular business agenda items for this meeting.

There were two new items of business discussed.

The first item of new business discussed was a site plan application submitted by PF Management Group for property located at 666-668 Hoosick Road. Chris Kambar of APD Engineers was present for the applicant, and presented the site plan proposal. Chairman Oster noted that the Planning Board was in receipt of a referral from the Brunswick Zoning Board of Appeals concerning a requested variance on the number of parking spaces required for this project. Mr. Kambar confirmed that the applicant had made the variance application to the Zoning Board of Appeals to reduce the required total number of parking spaces at this site, and that the Zoning

Board was seeking the recommendation of the Planning Board on that variance. Mr. Kamar then generally reviewed the proposed site plan, noting that the location of the site plan is east of the existing Planet Fitness facility, west of the existing Hoffman's Carwash, and located on the south side of Hoosick Road. Currently on these properties are the former screen printing business, and also Evolution Auto. The applicant proposes to demolish both the former Screen It building as well as the Evolution Auto building, and construct two new commercial buildings. The first commercial building is proposed to be 17,800 square feet, and will be an Aldi grocery store. The second building is proposed to be 2,200 square feet, and will be a Taco Bell restaurant with drive-thru service. Mr. Kamar stated that the plan shows shared parking for both the Aldi store and the Taco Bell restaurant, and also provides for cross-easements for traffic circulation and parking with the Planet Fitness facility. Mr. Kamar also stated that the applicant is working with NYSDOT for roadway improvements, which include a proposed traffic signal at the existing Planet Fitness entrance directly opposite Lord Avenue, as well as proposed ingress and egress for a second access directly to the Taco Bell/Aldi parking area. Mr. Kamar stated that NYSDOT has completed its preliminary review, but was awaiting SEQRA lead agency coordination before it continued with its review on this project. Mr. Kamar briefly reviewed the lighting plan for the site, loading dock locations, dumpster locations, and discussed hours of operation. For the Aldi store, the proposed hours of operation are 9am to 8pm Monday through Saturday, and 10am to 7pm on Sunday. For the Taco Bell restaurant, the hours will be approximately 10am to 1 am on all days. Mr. Kamar reviewed the proposed parking plan, stating that under the Town Code for these proposed uses, a total of 126 parking spaces are required, whereas the plan is proposing to include 106 parking spaces to be shared by Taco Bell and Aldi, with cross access to additional parking in the Planet Fitness facility. Mr. Kamar did say that based on business assessment, both Aldi and Taco Bell

need only a combined 106 spots. Mr. Kamar did inform the Planning Board that there were additional variances pending in front of the Zoning Board, including a number of sign variances. Mr. Kamar then stated that in addition to the total number of parking spaces, the applicant is proposing to provide parking spaces that will be 9 feet by 18 feet in size, whereas the Town Code requires a parking space of 10 feet by 20 feet. The Planning Board inquired with attorney Gilchrist as to whether the Planning Board had the jurisdiction to modify the size of parking spaces under the Town Code, or whether this required a variance application with the Zoning Board of Appeals. Attorney Gilchrist and Member Czornyj reviewed the Town Code on this issue. The Brunswick Zoning Code defines a parking space as being 200 square feet in size. The Town of Brunswick Site Plan Review Act provides that the site plan applicant must propose a parking plan, including the size of each parking space which is to be in accordance with that specified in the latest addition of the Transportation and Traffic Engineering Handbook. Member Czornyj and attorney Gilchrist will further research the issue regarding parking space size under the Brunswick Town Code, and the jurisdiction to modify parking space size. The Planning Board also noted that part of the parking area for the Taco Bell/Aldi site was located on the Planet Fitness site, and specifically parts of several parking spaces proposed for the Aldi/Taco Bell are physically located on the Planet Fitness site. Mr. Kamar stated that there are already cross-easements in place between these properties for traffic circulation and parking, which addresses the location of these parking spaces. Attorney Gilchrist requested that copies of all existing cross-easements for these properties be provided to the Planning Board for review. Chariman Oster asked whether the applicant had any intention of combing these lots into one parcel, which would eliminate this issue concerning parking spaces on two lots. David Leon of Planet Fitness, and owner of PF Management Group, stated that there are actually three lots in play, one lot on which the Planet Fitness facility is located,

one lot that currently has the screen printing building located on it and the proposed Aldi, and a third lot that currently has Evolution Auto and is planned for the Taco Bell restaurant. Mr. Leon explained that there were already cross-easements in place between the Planet Fitness lot and the proposed Aldi lot, and his plan is to keep these lots as separate lots and maintain the current cross-easements for traffic circulation and parking. There will also be cross-easements between the Aldi lot and the Taco Bell lot. With regard to the size of the parking spaces, Chairman Oster asked what the total reduction in parking spaces would be if a 10 foot by 20 foot space was required as opposed to the proposed 9 foot by 18 foot space. Mr. Kamar estimated that plan would lose approximately 13 to 14 parking spaces. Mr. Leon added that there were approximately 128 parking spaces on the Planet Fitness facility, and that the Planet Fitness building requires only 90, which provides for additional parking for the Aldi/Taco Bell plan through the cross-easements for traffic circulation and parking. Chairman Oster said that the Planning Board should first address the issue of the size of the parking space, and include in its recommendation discussion concerning the parking space size in the event a variance is required at the Zoning Board. Member Esser stated that in his experience, a parking space of 9 feet by 18 feet is standard, and that he would approve a 9 foot by 18 foot parking space in this case. Chairman Oster asked for Mr. Bonesteel's opinion. Mr. Bonesteel also concurred that a 9 foot wide parking space is fairly standard. The Planning Board members generally concurred that a 9 foot by 18 foot parking space would be sufficient for this project. Mr. Leon stated that the existing parking spaces at the Planet Fitness facility were 9 feet by 18 feet. Chairman Oster then asked for comments on the requested variance reducing the required parking from 126 spaces to 106 spaces. The Planning Board generally commented that the existing cross-easements for traffic circulation and parking on the Planet Fitness facility was significant, in that there were additional parking spaces available on the Planet Fitness site for the

Taco Bell/Aldi site plan; and that the recommendation should also support a 9 foot by 18 foot parking space as being adequate for this site, as this would allow for the 106 parking spaces as opposed to a reduced number of spaces if 10 foot by 20 foot parking space was required. Chairman Oster then noted that if the additional 20 parking spaces were required on the Taco Bell/Aldi site plan, this would result in additional impervious surface through additional pavement, which would then increase the volume of stormwater generated from the project, which would need to be addressed on the site, and would also reduce greenspace on the site. The Planning Board members concurred that these factors were significant as well. Chairman Oster then asked whether a stormwater plan has been prepared for the project. Mr. Kamar stated that some preliminary stormwater work had been completed, but that the specific calculations for the site and more detailed design for stormwater facilities had not been completed, as the applicant wanted to present the initial plans for both Zoning Board and Planning Board review. Chairman Oster then inquired whether NYSDOT had informed the applicant whether it had any plans to widen Hoosick Road in the future, and whether that would impact the project design or setbacks from Hoosick Road. Mr. Kamar stated that NYSDOT did not inform them of any plans to widen Route 7 or Hoosick Road. The Planning Board then inquired about the proposed parking and pavement plan as it related to location of property lines, and whether the Planning Board had jurisdiction to waive the general requirement regarding setback of pavement and parking areas from lot lines. Attorney Gilchrist reviewed the Site Plan Review Act on this issue, which does provide the Planning Board the jurisdiction to modify the pavement setback requirements on a case-by-case basis. This issue will need to be further reviewed by the Planning Board during site plan review. The Planning Board determined to refer this application to the Rensselaer County Department of Economic Development and Planning immediately for recommendation. It was determined that SEQRA lead

agency coordination would be addressed at the November 19 meeting, after Mr. Bonesteel and attorney Gilchrist had a chance to review the environmental assessment form submitted with the site plan application. The Planning Board directed attorney Gilchrist to prepare a draft recommendation on the parking space variance based on the deliberations at this meeting for review at the November 19 meeting. This matter is placed on the November 19 agenda for further discussion.

The next item of new business discussed was a concept review for a proposed major subdivision submitted by Butch Farrell for property located on Pinewoods Avenue. Brian Holbriiter and Mr. Farrell were present on the application. Mr. Holbriiter explained that Farrell had previously obtained a four lot subdivision approval for a large piece of property located between Pinewoods Avenue and Route 2. That four lot subdivision was approved by the Planning Board, resulting in the following four lots:

- Lot #1: An existing home, located adjacent to Route 2;
- Lot #2: An existing home and barns located adjacent to Route 2;
- Lot #3: Vacant land located adjacent to Pinewoods Avenue;
- Lot #4: Vacant land located adjacent to Pinewoods Avenue.

Mr. Holbriiter stated that Lots 1, 2, and 3 have been sold by Mr. Farrell to third parties. The proposal now is to further subdivide Lot #4 into five lots, four of which will be approximately one acre in size, with a remainder lot of approximately nine acres. Mr. Holbriiter stated that each of the four lots proposed adjacent to Pinewoods Avenue would be approximately one acre in size, have 150 foot of road frontage, and be 350 feet in depth, all in compliance with the R-15 Zoning District requirements. Mr. Holbriiter stated that the nine acre remainder lot would be a flag lot, having approximately 68 foot of frontage on Pinewoods Avenue. The Planning Board stated that the application will be for a major subdivision, as five lots are being proposed. Further, the Planning Board stated that any further re-subdivision of Lot #4 would be considered a major

subdivision at any rate, as the prior subdivision approval creating four lots would be considered in connection with any further re-subdivision of Lot 4, resulting in five lots for any proposed re-subdivision. This matter will be considered a major subdivision. Mr. Holbritten stated that he considered the application to be a major subdivision. Mr. Holbritten stated that he would also prepare a long environmental assessment form, and attorney Gilchrist stated that he would review the SEQRA regulations to determine whether the proposal would be an unlisted or Type 1 action. Chairman Oster stated that when Mr. Farrell was before the Planning Board on the prior four lot subdivision, he stated that there were no plans to further subdivide any of these lots. Chairman Oster did state that there was no condition prohibiting further subdivision, since the property is located in an R-15 Zoning District, and each of the prior four lots were significantly in excess of 15,000 square feet. However, Chairman Oster did state that when a public hearing is held on this matter, there may be public comments complaining about the further subdivision of Lot #4. Chairman Oster did note that the Zoning District is R-15, and the size of the proposed lots would comply even with the R-40 Zoning District. The Planning Board stated that drainage will be an issue on this proposal, as the land slopes at a fairly significant grade from Pinewoods Avenue proceeding to Route 2. Mr. Holbritten stated that drainage will need to be addressed, and there would likely be both swales and basins considered to address drainage issues. Mr. Bonesteel stated that the four proposed 1-acre lots had septic systems located on the lot, and that given the grade of the lot and potential drainage issues, septic design will be a primary issue and should be considered prior to full major subdivision application. Mr. Holbritten stated that additional soils investigation needs to be completed in relation to the septic design, and he was hoping to have the additional soils investigation completed this year. Mr. Farrell stated that he was proposing one-story homes on the four 1-acre lots, to be consistent with the character of the surrounding neighborhood.

Chairman Oster raised the issue of driveway locations and the grades of the property off Pinewoods Avenue. Discussion was also held concerning an easement along the western boundary of the property granted by Farrell to the Town for purposes of water line installation in the future, and how the easement area related to the proposed remainder flag lot. This issue will need to be further addressed. Mr. Holbriiter stated he wanted to present the concept plan to the Planning Board to determine if there were any significant issues that needed to be addressed before further designing the subdivision and preparing the major subdivision application. The Planning Board generally stated that the plans seemed to be compliant with Zoning District requirements, and reserved any further comment until the full major subdivision application was submitted. This matter is adjourned without date.

One item of old business was discussed. The Clemson Group minor subdivision, approved on June 18, 2015, and thereafter discussed on September 17, 2015 concerning Rensselaer County Health Department review and approval of septic design as well as addition of a subdivision plat note regarding the septic requirements was addressed. Attorney Gilchrist stated that the Planning Board should consider amending the subdivision approval to require the deeds for each of the four approved lots to recite that it is a lot approved as part of the Clemson Group subdivision, and that the plat is filed in the Rensselaer County Clerk's Office. Attorney Gilchrist stated that by adding the requirement that the deeds recite reference to the subdivision plat, New York case law supports the proposition that the plat note concerning the septic design will be binding on all future lot owners. Member Czornyj then made a motion to amend the Clemson Group subdivision approval to add a fifth condition to the subdivision approval as follows:

5. Each deed transferring title to the four approved lots must recite that the lot is part of the approved Clemson Group subdivision, and that the Clemson Group subdivision plat is recorded in the Rensselaer County Clerk's Office.

Member Mainello seconded the motion. The motion was unanimously approved, and the Clemson Group minor subdivision approval amended to retroactively add a fifth condition to the subdivision approval.

The index for the November 5, 2015 meeting is as follows:

1. PF Management Group – site plan 11/19/2015;
2. Farrell – major subdivision – adjourned without date; and
3. Clemson Group – minor subdivision – amendment of subdivision approval conditions.

The proposed agenda for the November 19, 2015 meeting currently is as follows:

1. PF Management Group – Site plan.