

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 18, 2016**

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the February 18 meeting.

The draft minutes of the February 4, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the February 4, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by PF Management Group for property located at 668 Hoosick Road. The applicant seeks to demolish two existing buildings and construct two new commercial buildings for an Aldi grocery store and a Taco Bell restaurant at this location. Chris Kamar, P.E., of APD Engineering, was present for the applicant. Mr. Kamar reviewed the status of the application, stating that the public hearing had been held and closed at the February 4 meeting, and that after such meeting the applicant had submitted a revised set of site plans to respond to the comments of the Planning Board Engineer, comments of the Planning Board members, and public comments. Mr. Kamar stated that an updated environmental assessment form had also been submitted. Chairman Oster inquired whether Mr. Bonesteel had the opportunity to review the updated site plan set. Mr. Bonesteel stated that he had

reviewed the updated plans and the letter submitted by the applicant responding to public comments. Mr. Bonesteel stated that the updated plans and response letter had addressed all engineering comments, with the exception that the Office of Parks, Recreation, and Historic Preservation still needed to respond to the inquiry concerning cultural and archeological resources in connection with the stormwater pollution prevention plan for the project. Mr. Bonesteel did state that he did not anticipate any issues on the OPRHP review. Chairman Oster raised the issue of the traffic signal proposed for Hoosick Road and the Planet Fitness entrance/Lord Avenue intersection. Mr. Bonesteel stated that it was his understanding the traffic light proposal was still under review at NYSDOT. Chairman Oster noted for the record that the Planning Board has been informed by the applicant that NYSDOT will complete its review after the Planning Board has acted on the site plan, in which case the Planning Board needed to consider appropriate conditions to any action on the site plan in relation to the traffic signal installation and traffic issues in general. Chairman Oster raised one of the public comments received concerning the addition of a driveway or access through the Planet Fitness parking lot to be connected to Hillcrest Avenue so that residents on Hillcrest could utilize the traffic light to be installed on Hoosick Road for purposes for making a turn in the westerly direction onto Hoosick Road. Chairman Oster noted he had reviewed this issue with attorney Gilchrist, and that the issue of adding a driveway location from Hillcrest Avenue into the Planet Fitness parking lot would need to be addressed through an amendment to the Planet Fitness site plan, and not through action on the site plan pertaining to the proposed Aldi grocery store and Taco Bell. Member Tarbox inquired as to where a driveway from the Planet Fitness parking lot onto Hillcrest Avenue would be located. Chairman Oster noted there was an existing dirt driveway leading from the Planet Fitness site onto Hillcrest Avenue, which is situated toward the rear of the parking lot, but that again such a connection to Hillcrest Avenue with the Planet Fitness parking lot would need to be addressed through an

amendment to the Planet Fitness site plan. Mr. Kamar stated that the property owner, PF Management Group, LLC, and Mr. David Leon in particular, was willing to consider an access from the Planet Fitness parking lot onto Hillcrest Avenue in compliance with any comments from NYSDOT, and that he would comply with any comments from NYSDOT and consider the driveway connection onto Hillcrest Avenue through consideration of an amendment to the Planet Fitness site plan. Mr. Leon made it clear that he would comply with any comments on this issue from NYSDOT. The Planning Board generally discussed whether it was ready to proceed with action on the site plan. Attorney Gilchrist reviewed the procedure, indicating that the site plan application had been deemed complete, that the referral had been completed to the Rensselaer County Department of Economic Development and Planning, that a public hearing had been held and closed on the application, and that the matter was now before the Planning Board for consideration of action under SEQRA and the site plan application. Attorney Gilchrist also reviewed with the Planning Board several proposed conditions, which the Planning Board agreed to and indicated would be considered as binding conditions on any site plan approval. Thereupon, the Planning Board proceeded to act on the application. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. It was noted for the record that the determination of no significant traffic impacts was made upon the inclusion of the proposed traffic signal at the Hoosick Road and Planet Fitness/Lord Avenue intersection, noting that the installation of a traffic signal would not result in any significant traffic impacts in relation to the pending site plan application, and further that the site plan included a right-in/right-out only access onto Hoosick Road near the Taco Bell restaurant. The Planning Board noted both of these issues in relation to traffic impacts from the current site plan application. The Planning Board next addressed requested waivers from the pavement and driveway

separation distances from the front lot line, side lot line (eastern side), and side lot line pursuant to the authority in the site plan regulations. In particular, the applicant seeks a side setback for parking in the area in front of the proposed Aldi grocery store, where a 7 foot setback is required, and the site plan shows approximately a 2 foot setback from the lot line; a side yard setback on the east side of the project site for pavement, where the regulations require a 7 foot setback and the site plan provides for a 6.2 foot setback; and a front yard setback in the northeast corner of the project site, where the regulations require a 10 foot setback and the site plan shows an approximate 6 foot setback. Member Czornyj made a motion to approve these waivers in connection with the site plan, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the waivers granted with respect to the front lot line and side lot line separation for pavement and parking. The Planning Board next addressed a requested waiver from the greenspace requirements under the site plan regulations. Here, the project site plan shows 29% greenspace, while the site plan regulations require a 35% greenspace, with the Planning Board noting that the rear of the project site, which is a separate lot of approximately 17 acres, and owned by the applicant, is proposed to remain green. Member Czornyj made a motion to approve the waiver from the greenspace requirements for this site plan application, which motion was seconded by Member Casey. The motion was unanimously approved, and the greenspace waiver approved. Thereupon, Member Wetmiller made a motion to approve the site plan subject to the following express conditions:

1. The site plan provides for a traffic light to be installed at the intersection of Hoosick Road and the Planet Fitness entrance/Lord Avenue; the site plan approval is expressly conditioned upon NYSDOT approving and requiring the installation of a traffic signal at this location;
2. The site plan shows a right-in/right-out only access onto Hoosick Road in the location of the Taco Bell restaurant; this approval is expressly conditioned upon NYSDOT approving and requiring a right-in/right-out only access onto Hoosick Road at the location of the Taco Bell restaurant;

3. PF Management Group, LLC will review the concept of an access driveway from Hillcrest Avenue through the Planet Fitness parking lot in relation with the traffic light installation noted in condition #1, and will comply with any comment or recommendation of NYSDOT regarding a Hillcrest Avenue connection, and if such connection is pursued, then an amendment to the Planet Fitness site plan will be submitted by PF Management Group, LLC;
4. Installation of knox box;
5. Installation of a wet sprinkler system at the Aldi grocery store;
6. Bollard installation at all gas meters;
7. Coordination with the Brunswick No. 1 Fire Department on elevations of all fire connections;
8. A drainage easement for the Planet Fitness, Aldi grocery store, and Taco Bell stormwater plan, to be reviewed by the Planning Board engineer and attorney;
9. A snow storage easement onto the 17-acre parcel located to the rear of the project site, to be consistent with the snow storage area shown on the site plan, and to be reviewed by the Planning Board engineer and attorney;
10. Response from NYS OPRHP regarding cultural and archeological resources in connection with stormwater pollution prevention plan;
11. All site grading must be in compliance with the geotechnical report submitted on the site plan application, particularly with respect to compaction requirements;
12. No outside storage permitted at the Aldi grocery store;
13. Cross-easement between the Taco Bell and Aldi grocery store site plan and the Planet Fitness facility, expressly for parking purposes (cross-easement currently in place provides for ingress and egress);
14. Final review and comments by Planning Board engineer and Town Water Department on stormwater pollution prevention plan and NOI;
15. All water and sewer connections to be reviewed and approved by the Town Water Department;
16. Coordination with the Town Building Department on final landscaping plans for locations adjacent to NYS Route 7/Hoosick Road.

Member Czornyj seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval granted for the Aldi/Taco Bell site plan.

The next item of business on the agenda was the site plan submitted in connection with the Oakwood Property Management Planned Development District. The purpose of the discussion was to review the consulting report submitted by Summit Lake Consulting LLC with respect to the issue of an emergency access road from the North 40 subdivision to the project site. Robert Osterhault, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster noted that all members of the Planning Board had been provided a copy of the Summit Lake Consulting report. The Planning Board generally discussed the content of the expert report. Member Wetmiller stated that the report highlighted the importance of having the apartment buildings install sprinkler systems, and if the buildings had not included sprinklers, then the differential in response times would be more significant and more of a critical factor, but that the expert report concluded that the installation of sprinklers in all apartment buildings reduced the significance of differential in response times. Member Wetmiller also noted that there are potential issues with the emergency access road itself, including the maintenance and operation of emergency gates, as well as the maintenance of this proposed emergency access road during the winter season, with particular regard to its grade and configuration. Chairman Oster noted that the expert report did not include the amount of time it would take emergency vehicles to traverse the proposed emergency access road, given its grade and configuration, and particularly with respect to operation of the emergency gates, traversing a 1,000–1,110-foot access road that was at a fairly steep grade (between 10 to 12%) and serpentine in configuration, which would require limiting the speed of any emergency access vehicles and contingent on the road being properly maintained in the winter season by the apartment complex owner. Member Czornyj stated that he had a significant concern regarding winter maintenance of a steep and winding emergency access road. Chairman Oster requested comments from the Planning Board members. Member Tarbox stated that he felt that the emergency access road was excessive

and not warranted in light of the expert consultant report, and that given the grade and configuration of the emergency access road, the road itself could cause significant problems for purposes of emergency response; a significant issue was the gate operation and road maintenance, and if the emergency response vehicle could not safely use the emergency access road during winter periods, this would lead to increasing response times rather than decreasing response times. Member Wetmiller agreed with these comments, saying that the potential problems with including the emergency access road as proposed does outweigh any benefit, and agrees with the conclusions in the expert report. Member Wetmiller did state that including sprinklers in each of the buildings was critical. Member Czornyj agreed with these comments, noting that based on his review of the report, including the emergency access road had the potential for hazards, and that response times without including the emergency access road were still in compliance with national fire response time standards. Member Casey agreed with these comments, also noting that he was concerned about potential liability issues if the emergency access road is not maintained at all times and causes delay in emergency response. Member Mainello agreed with the comments, but noted that having the apartment buildings fully sprinklered is essential. On that issue, Mr. Osterhautd stated that all of the buildings will include sprinkler systems, and noted that this would be an agreeable mandatory condition. Chairman Oster stated that he also had a safety concern with emergency response vehicles going through the streets of the North 40 subdivision, noting the residential character of the North 40 subdivision, including children playing and also a number of parked cars, may impact emergency response times. The Planning Board generally concluded that, with the express condition that all apartments be installed with sprinkler systems, the site plan did not warrant the inclusion of an emergency access road from the North 40 subdivision to the apartment complex, expressly relying on the analysis and conclusions in the Summit Lake expert consulting report. Chairman Oster then

stated that with this conclusion, a utility easement would need to be provided for the proposed water line connection to the North 40 subdivision, and that the utility easement area needed to be maintained to be able to provide access to the water lines, and that this maintenance requirement needed to be reviewed and coordinated with the Brunswick Water Department. Mr. Osterhautt stated that based on this discussion, his office will revise the site plan submittal; that he has met with the Town Water Department concerning the location of the water line and utility easement area in the event an emergency access road was not warranted; and wanted it noted on the record that the water line utility easement will not be a straight line, but will continue to be located in a manner to eliminate any straight visual corridor between the North 40 subdivision and the apartment buildings. Mr. Osterhautt also noted for the record that while the Summit Lake Consulting report stated that the applicant had met with the consultant and Town officials, that meeting did not occur and that the Summit Lake Consulting report was prepared exclusively between the consulting firm and the Town. Mr. Osterhautt confirmed that the applicant was in agreement with an express condition that all apartment buildings be fully sprinklered and that the utility easement area be maintained in coordination with requirements of the Brunswick Water Department. Chairman Oster concluded that the Planning Board had performed its due diligence regarding the requirement of an emergency access road on this site plan, and that the Planning Board will now proceed with continuing and completing its site plan review. Mr. Osterhautt stated that his office will now amend and update the site plan submittal documents, and will coordinate with the Planning Board on a submittal date so that the matter can be placed on a future Planning Board agenda.

One item of new business was discussed.

Skyworks LLC, owner of property located at 795 Hoosick Road, has submitted an application to amend its approved site plan for equipment sales and rental at 795 Hoosick Road, which site plan

was approved on May 7, 2015. The applicant seeks an amendment to the approved site plan to install a 1,000 gallon above-ground diesel storage tank to be used in conjunction with the rental equipment. It was noted that the issue of installation of a fuel tank was discussed at the May 7, 2015 meeting, indicating that an amendment to the site plan would be required if the owner sought to move forward with the installation of the fuel tank. The owner indicated that he is working with Long Energy to install a 1,000 gallon above-ground diesel fuel tank in connection with the rental equipment to be located to the rear of the lot. The Planning Board generally discussed the tank requirements, tank installation issues, environmental and safety controls, location, with particular regard to concrete barriers which would be installed around the above-ground tank. The Planning Board also noted that this matter will need to be reviewed by the Building Department for purposes of compliance with NYS Building Code and Fire Code requirements. The Planning Board inquired whether it could act upon the application at this meeting. Attorney Gilchrist stated that the Planning Board has the jurisdiction to consider this a minor modification to the existing site plan, and that the existing site plan had already been subject to the public hearing and referral to the County Planning Agency. Thereupon, the Planning Board determined that it would move forward with this minor modification to the approved site plan for this location. Member Czornyj then made a motion to approve the modification to the approved site plan to show the location and installation of a 1,000 gallon above-ground diesel storage tank, subject to the following conditions:

1. Notification to the Brunswick No. 1 Fire Department;
2. Obtaining necessary permits from the Brunswick Building Department;
3. Compliance with all applicable NYS Building Code and Fire Code requirements.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the minor modification to the Skyworks site plan was approved subject to the stated conditions.

The index for the February 18, 2016 meeting is as follows:

1. PF Management Group - site plan - conditional final approval.
2. Oakwood Property Management PDD site plan - review of expert consultant report on emergency access road - site plan application adjourned without date.
3. Skyworks LLC - site plan amendment - conditional final approval.

The proposed agenda for the March 3, 2016 meeting currently is as follows:

1. Reiser Builders Inc. - Major Subdivision.