

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 18, 2010

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

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board opened a public hearing on the site plan application by Capital Communications Federal Credit Union for property located at 799 Hoosick Road (former Subaru dealership building). The Notice of Public Hearing was noted for the record, and the public hearing notice was published in The Record, posted on the Town sign board and Town website, and sent to all adjacent property owners. Chairman Oster directed the applicant to make a presentation of the site plan. Chuck Peters of WCGS Architects and Tom Andres of APD Engineers represented the applicant. Mr. Peters overviewed the proposed site plan, which seeks to demolish the existing 10,000 square foot building and replace it with a 3,800 square foot bank branch with associated vehicle access and parking, including ATM drive-thru. Mr. Peters generally discussed the layout of the proposed site, traffic flow, and landscaping. Chairman Oster opened the floor for receipt of public comment on the site plan application. No public comments were offered. Thereupon, Chairman Oster closed the public hearing on the Capital Communications Federal Credit Union site plan application.

The Planning Board then reviewed the draft minutes of the February 4, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Capital Communications Federal Credit Union for property located at 799 Hoosick Road. Mr. Kreiger reported that the recommendation has been received from the Rensselaer County Department of Economic Development and Planning. The County recommendation stated that local consideration shall prevail, but did include two recommendations. First, the County recommends that if the western driveway is to be used in connection with this site, it should be graded so that cars do not bottom out entering or leaving this location. Mr. Peters stated that the western driveway is not part of the site plan, and that the eastern driveway shared in common with the adjacent Rensselaer Honda facility will be used to access the bank branch. Second, the County recommends that a walkway be provided between the sidewalk along Hoosick Road and the bank branch so that customers arriving on foot would not need to walk on the access driveway. It was also noted on the record that certain comments have been received from the Brunswick Fire Company No. 1, dated February 16, 2010. The Brunswick Fire Company No. 1 included three comments. First, the Fire Department prefers a 24 foot roadway width on the southwest corner of the site, due to the fact that its ladder truck and fire apparatus may have to maneuver around vehicles at the drive-thru lanes. Mr. Peters responded that the area in question is designated for one-way traffic, not two-way traffic, and that all areas for two-way traffic are 24 feet wide. Mr. Kestner stated that the concern may be the ability to maneuver the ladder truck in an area with only 18 foot width of pavement. The Planning Board determined that clarification is required from the Fire Department on this comment, and Mr. Kreiger is directed to follow up directly with

the Fire Department on that issue. Second, the Fire Company is requesting installation of a knock box. The applicant stated that it agrees to the knock box installation. Third, the Fire Department recommended that the building include a sprinkler system, even though the building square footage is under New York State Fire Code Requirements for sprinklers. Mr. Peters stated that given the size of the proposed facility, installation of a sprinkler system becomes cost prohibitive and that the building is in full compliance with the New York State Building Code and Fire Code. Chairman Oster followed up on the comment of the Fire Department regarding 24 foot wide travelways, and inquired whether there was enough room to increase the 18 foot wide travelway to 24 feet. Mr. Peters stated that while there is adequate area, this may cause confusion for customers regarding the one-way versus the two-way traffic areas, and if the 18 foot wide area is to be widened, there will need to be a reconfiguration of the proposed parking. Mr. Kreiger was directed to follow up on this issue with the Fire Department. Chairman Oster then addressed the prior comments of the Board concerning lighting, particularly at the ATM. Mr. Peters stated that the plan submittals now show the proposed light spillage from the ATM lights in terms of foot candles, and that all proposed lights will be flush-mounted so that potential light spillage will be reduced. This was deemed satisfactory by the Planning Board. Chairman Oster inquired whether there was any agreement with the adjacent Rensselaer Honda facility in terms of Rensselaer Honda adding a valve on the water line on its parcel. Mr. Peters reiterated that there was a shared utility easement between the two parcels, and that Rensselaer Honda has indicated it is in agreement with adding a valve on its water line, and that he anticipates a letter will be sent by Rensselaer Honda directly to the Planning Board on that issue. Member Czornyj wanted to follow up on the comment by Rensselaer County concerning installation of a sidewalk from the Hoosick Road walkway to the bank branch. Mr. Peters and Mr. Andres responded that

the area for such a walkway is very steep, may need the installation of steps rather than just a sidewalk, raised maintenance and safety concerns, and opined that a sidewalk should not be required. Member Wetmiller inquired whether the access driveway would be widened, and if so, could a walkway be incorporated into the widened entrance way. Mr. Andres stated that the access way is proposed to be widened, but that adding a walkway raised the same concerns about slope and safety. Chairman Oster inquired whether there were sidewalks between Hoosick Road and other businesses, including the car dealerships and HSBC. Member Tarbox noted that the Planning Board required a sidewalk to the Pioneer Savings Bank. Member Wetmiller stated that there would be more potential for bank customers on foot. Mr. Andres stated that a sidewalk should be viewed as a function of potential use, and that in his opinion a sidewalk would not be significantly used. Also, Mr. Andres stated that the slope in this area is approximately 10%, and that a slope of 5% is used for sidewalks. Chairman Oster inquired whether the extra 3-4 foot in width that the applicant is proposing for the access driveway be used as a walking area. Mr. Kestner stated that this could create a dangerous situation, and that usually a curb is needed to demark the walking area from the driving area. Member Tarbox stated that the Town is encouraging people to walk, and that a sidewalk should be included in this application as it was in the Pioneer Savings Bank. Member Czornyj also noted that the Planning Board required striped walking areas in the Wal-Mart Plaza in connection with the Trustco Bank. Member Mainello stated that it would be a better application with a sidewalk. Member Esser thought there was not much foot traffic in that area. The Planning Board generally agreed that the investigation of a sidewalk is required, and that some type of access walkway should be included consistent with the Rensselaer County Planning Department comment. Mr. Peters and Mr. Andres stated that they would review the issue with their client. Mr. Kestner inquired into the

status of the NYSDOT permit application to widen the access driveway. Mr. Andres stated that no formal permit application had yet been submitted, but that he did send the plan to NYSDOT for comment, and that he has not received back any written comments. The Planning Board requested Mr. Andres to follow up with NYSDOT on that issue. Outstanding issues on this application include resolution of Brunswick No. Fire Department comments, investigation of adding a sidewalk connecting the bank branch with Hoosick Road, and receipt of NYSDOT comments on widening the access driveway. This matter is placed on the March 4 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Cassabone for property located at 814-816 Hoosick Road. Mark Danskin appeared on the application, representing the owner Cassabone. The Planning Board generally reviewed the scope of the application, and determined that this application should not be reviewed as a waiver, but rather the application needed to be submitted as a minor subdivision application. The Planning Board noted that it recently reviewed the division of commercial property at the car dealerships located nearby on Hoosick Road, and required that application to be a minor subdivision application. Also, the Planning Board will hold a public hearing on the application. Mr. Danskin generally reviewed the proposed subdivision plan, which seeks to create a 0.81 acre parcel at 816 Hoosick Road (vacant Monroe Muffler building), and a 1.7± acre parcel at 814 Hoosick Road (currently housing the Two Brothers Restaurant). Mr. Danskin noted that these properties are located in the B-15 zoning district. Mr. Danskin stated that the proposed subdivision is compliant with the B-15 zone requirements. Mr. Danskin noted that the access driveway located between 814 Hoosick Road and 816 Hoosick Road will be divided by the proposed property line, such that 816 Hoosick Road will have approximately 15 feet of the

access driveway, and 814 Hoosick Road will have approximately 17 feet of the access driveway. Mr. Danskin stated that there will be a reciprocal easement for ingress/egress drafted so that each property has the right to use the full width of the access driveway, either through fee ownership or easement. Mr. Danskin stated that he will submit the proposed access easement for review. Mr. Danskin stated that all utilities are separate between 814 and 816 Hoosick Road, including water, sewer, electric, gas, telephone, and cable. Mr. Danskin noted that the parking and greenspace requirements will be compliant on the 816 and 814 Hoosick Road parcels. Mr. Danskin stated that there was no change or improvement proposed, just the subdivision of the property. Mr. Kestner noted that stormwater drains from 814 Hoosick Road (Two Brothers) to 816 (former Monroe Muffler building), and that if such drainage is to be continued, a drainage easement will need to be submitted for review as well. Member Tarbox raised the issue requiring a site plan to be prepared for each resulting commercial lot. The Planning Board will investigate the requirement for a site plan submittal on each resulting commercial lot, and will also investigate the minor subdivision application requirements, including topography. This matter will be placed on the March 4 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Howard for property located at 809 Farm to Market Road. Melissa Pugliesi, Esq. appeared for Teresa Howard. Attorney Pugliesi stated that Howard had acquired title to her property on Farm to Market Road from William and Nancy Bragin. At closing, an issue concerning encroachment of a deck on the Howard parcel onto the remaining land of Bragin was raised, and the parties had agreed to transfer an additional 11 feet of property from Bragin to Howard to adjust for the deck encroachment, contingent on Planning Board approval of the lot line adjustment. However, the parties did not include area required for setback of the deck structure from the property line, and

an additional 14 feet is needed to be transferred from Bragin to Howard in order to meet required setback provisions. Accordingly, the application will need to be modified, following discussions between Howard and Bragin. This matter is tentatively put on the March 4 agenda, subject to receipt of a modified map.

The next item of business on the agenda was a waiver of subdivision application by Edward and Cindy Engel, who are contract vendees of property owned by Welch Farms, LLC located on the north side of NYS Route 2. A letter authorizing the application was in the file signed by Welch Farms, LLC. Lorraine Geragosian, the realtor, appeared on behalf of the Engels. The Engels are proposing to purchase 38.05 acres owned by Welch Farms, LLC on the north side of Route 2 for purposes of constructing a principal residence with outbuildings and continue agriculture operations. Member Czornyj raised the issue of drainage of surface water from the Welch property located on the south side of Route 2 to the north parcel. The waiver application did not mention nor show on the map the existence of this drainage from the south to the north, and that the drainage location and drainage pipe should be shown on the map. The Planning Board stated that this drainage must be continued, or there is the potential for surface water backup onto the south parcel. The applicant understood the issue, and stated that proposed easement language would be submitted to the Planning Board for review. Also, an agricultural data statement will be required on the application. The Planning Board also alerted the applicant that if any different activities were proposed other than agricultural and the principal residence with outbuildings, then a site plan review would be required. This would include the addition of a farm stand for commercial sales on the north parcel. This matter has been placed on the March 4 agenda for further discussion.

The next item of business on the agenda was the site plan application by the Volunteer Fire Company of Center Brunswick, Inc., seeking to construct a two bay addition to the existing firehouse located at 1045 Hoosick Road. The recommendation for the Rensselaer County Planning Department has been received, which indicates that local consideration shall prevail, and does note that any increase in stormwater must be addressed with additional detention. The Planning Board noted that a stormwater plan has been submitted and reviewed. A representative from Harlan McKee presented updated information to the Planning Board, including separation distances for the proposed fuel tank storage area and information on noise from the proposed generator. The applicant will install four ballards around the fuel tank storage area, and that there is a separation distance from the fuel storage area to the lot line of 15 feet. Chairman Oster noted that he had walked the site, and raised an issue concerning the proposed location of the new driveway to access the rear residential lot being in an area that is very steep, and will not connect to the existing residential driveway location. The new residential driveway is situated within a 20 foot strip of land on the west side of the parcel. The Planning Board raised issues concerning septic system location on the residential lot to the rear, as well as the relation of the proposed new driveway to be connected to the existing driveway. The Fire Department noted that the owner of the rear residential parcel had already completed her real property deal with the Fire Company several years ago, and that the new driveway location had been envisioned at that time, and that the rear property owner had already agreed to it. The Planning Board stated that this does not address the issue concerning the slope at that location. Member Tarbox also stated that if the new driveway was over 150 feet in length, then the driveway must meet private road standards of being 16 feet wide with 3 foot shoulders. The question concerning frontage for the rear residential lot directly onto a public road was also raised, and there was question whether the

area of the proposed new residential driveway would be owned by the rear lot or be provided through easement. The Planning Board will require additional information concerning title to the proposed 20 foot strip on the west side of the site plan for purposes of the new residential driveway. Mr. Kestner also raised issues regarding buildability of the driveway due to slope, sight distances onto Route 7 per NYSDOT requirements, and that a minimum of 22 feet of width would be required since the Town will require a 16 foot wide driveway with 3 foot shoulders. Member Czornyj inquired whether the driveway location could be moved to the east into what is proposed for greenspace, and in this way would stay away from the steep slope and provide greater sight distance onto Route 7. The Fire Department will look into this option. The Planning Board stated it would require further information on the residential driveway area, including title information as well as revised location. Member Tarbox stated that all applicable requirements regarding the fuel storage tanks must be met. Mr. Kestner also raised an issue regarding grading near the existing waterline. This matter has been placed on the March 4 agenda for further discussion.

One item of new business was discussed.

Johnston Associates, by Paul Engster, Esq., requested guidance from the Planning Board as to whether a full site plan would be required for adding a new tenant to the Wal-Mart Plaza. Mr. Engster stated that the vacant retail space next to the new Trustco branch is being proposed for a videogame retail shop, which would take approximately 2,200 square feet of the vacant 3,000 square feet. Also, the adjacent shoe store has tentatively agreed to add the remaining 800 square feet to its retail space. After discussion, the Planning Board determined that a full site plan would not be required, and that this matter should be addressed through appropriate building permit applications to the Building Department.

The **index** for the February 18, 2010 Planning Board meeting is as follows:

1. Capital Communications Federal Credit Union – site plan – 3/4/10;
2. Cassabone – minor subdivision – 3/4/10;
3. Howard – waiver of subdivision – 3/4/10;
4. Engel/Welch Farm, LLC – waiver of subdivision – 3/4/10;
5. Volunteer Fire Company of Center Brunswick, Inc. – site plan – 3/4/10;
6. Johnston Associates – inquiry regarding site plan – no further action required.

The **proposed agenda** for the March 4, 2010 meeting currently is as follows:

1. Capital Communications Federal Credit Union – site plan;
2. Cassabone – minor subdivision;
3. Howard – waiver of subdivision;
4. Engel/Welch Farm, LLC – waiver of subdivision;
5. Volunteer Fire Company of Center Brunswick, Inc. – site plan.