

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 17, 2016**

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

ABSENT were VINCE WETMILLER and TIMOTHY CASEY.

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

Chairman Oster reviewed the agenda for the meeting. It is noted that the site plan application of Brunswick Design Group is adjourned to the December 1 meeting at the request of the applicant.

The draft minutes of the November 3, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the November 3, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Fagan Associates concerning property located at 767 Hoosick Road. The applicant seeks approval to construct a 1,170 square foot addition to the existing building and add five additional parking spaces at this location. The Planning Board confirmed that the recommendation from the Rensselaer County Department of Economic Development and Planning had been received, which stated that the proposal does not conflict with County plans and that local consideration shall prevail. Nicholas Costa, P.E. was present for the applicant. Mr. Costa noted that one correction

had been made to the site plan to correct the County identification in the title block to the site plan, and otherwise there had been no changes to the site plan. Chairman Oster confirmed that the comments of the Brunswick No. 1 Fire Department had been addressed, including that there are no solar panel installations proposed, the height of the building is compliant with Town Code, a knock box will be installed at the building, and that the State Fire Code requirements for fire suppression system plans, smoke alarm, and carbon monoxide alarms will be met. Chairman Oster asked whether Mr. Bonesteel had any further comments. Mr. Bonesteel had no further comments on his review of the site plan and stormwater plan. Chairman Oster inquired whether there were any further questions or comments from members of the Planning Board. 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. Member Czornyj then made a motion to approve the site plan subject to the following conditions:

1. Compliance with applicant responses to the comments of the Brunswick No. 1 Fire Department;
2. Compliance with the approved stormwater and erosion control plan for the project; and
3. Coordinate with the Brunswick Building Department on all required building permits and inspections.

The motion was seconded by Member Mainello subject to the stated conditions. The motion was unanimously approved, and the Fagan Associates site plan approved subject to the stated conditions.

The Brunswick Design Group site plan application is adjourned at the request of the applicant to the December 1 meeting.

The next item of business on the agenda was the Planning Board recommendation on the special use permit application submitted by Cumberland Farms to the Brunswick Zoning Board of Appeals concerning the proposal to construct a Cumberland Farms convenience store at the intersection of Hoosick Road and Hillcrest Avenue, including a 6-pump fuel island which requires a special use permit under the Brunswick Zoning Ordinance. Stefanie Bitter, Esq., project attorney, was present and presented an overview of the project, stating that it will be a benefit to the community, that it is a good fit and presents a mixed use opportunity along the Hoosick Road corridor, the project meets all of the applicable bulk standards, that the use is appropriate in that location given surrounding commercial uses on the Hoosick Road corridor, that the proposed architecture is appropriate, that the applicant will work with the Brunswick No. 1 Fire Department on any concerns regarding Fire Code compliance, that the stormwater plan will meet all applicable New York State standards, that the proposed parking is adequate for the use, that an appropriate buffer will be included to the properties to the rear, that the use is complimentary to the neighbors, and that the special use permit standards have been met. Attorney Bitter further stated that the project will not create a traffic hazard, that the majority of the patrons will be included in the current pass-by traffic, that Hoosick Road is already a busy corridor but that the Cumberland Farms will compliment that existing traffic corridor, and that the project will not result in a significant negative traffic impact on Hillcrest Avenue. Chairman Oster stated that the main goal of the Planning Board at this meeting is to review and act upon the recommendation to the Zoning Board of Appeals on the special use permit application for the fueling station. Chairman Oster stated that a draft recommendation had been prepared by Attorney Gilchrist based on the prior Planning Board deliberations. Attorney Gilchrist and the Planning Board reviewed the draft

recommendation, and made modification concerning findings on potential traffic impacts, and thereafter adopted a final recommendation to the Brunswick Zoning Board of Appeals as follows:

**WHEREAS**, Cumberland Farms, Inc. has proposed the construction of a Cumberland Farms convenience store to be located at 630 Hoosick Road (Tax Map No. 101.8-10-2); and

**WHEREAS**, the Cumberland Farms proposal is to construct a 4,786 square foot convenience store together with a six-pump fuel island on a 1.38-acre site, with both frontage on Hoosick Road and Hillcrest Avenue; and

**WHEREAS**, in connection with the proposal, Cumberland Farms has submitted a site plan application to the Brunswick Planning Board and a special use permit application with the Brunswick Zoning Board of Appeals; and

**WHEREAS**, a special use permit is required for this proposal to allow for the construction and operation of the six-pump fuel island as a “filling station” under the Brunswick Zoning Ordinance; and

**WHEREAS**, the application material submitted by Cumberland Farms includes an analysis of the specific special use criteria for a “filling station” under the Brunswick Zoning Ordinance; and

**WHEREAS**, the Brunswick Zoning Board of Appeals has requested a recommendation from the Brunswick Planning Board in connection with such special use permit application; and

**WHEREAS**, the Brunswick Planning Board has considered the special use permit matter at its meetings held October 20, 2016 and November 3, 2016; and

**WHEREAS**, in particular, the Brunswick Planning Board has received and reviewed a traffic evaluation report dated October 31, 2016 submitted by Creighton Manning for the proposed Cumberland Farms; and

**WHEREAS**, the Brunswick Planning Board has duly deliberated and considered the special use permit application, including the issue of traffic as analyzed in the Creighton Manning traffic evaluation report, and hereby makes the following recommendation to the Brunswick Zoning Board of Appeals on the special use permit application;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Brunswick Planning Board makes the following findings regarding the specific criteria for a special use permit for a “filling station” found at

Section 7(D) of the Brunswick Zoning Ordinance:

- a. The width of the lot meets the minimum lot width of 85 feet for a corner lot;
  - b. One pump island is proposed, with six pumps included, and is located over 25 feet from the highway right-of-way;
  - c. The proposed Cumberland Farms convenience store building is located in excess of 50 feet from the highway right-of-way;
  - d. The proposed location of the pump island does not create any sight line or visibility concerns;
  - e. Adequate landscaping will be included to the rear of the lot; and
  - f. No automobile repair work is proposed.
2. The Brunswick Planning Board makes the following findings regarding the general special use permit criteria found at Section 7(C) of the Brunswick Zoning Ordinance:
- a. The proposed Cumberland Farms convenience store is consistent with commercial uses on and along the Hoosick Road corridor, including several convenience stores with gas pumps located in the general vicinity of this site;
  - b. The proposed use includes adequate transportation facilities, water facilities, sewer facilities, fire protection availability, and adequate waste disposal; and
  - c. The proposed use will not create a significant negative traffic impact on Hoosick Road, noting that the Brunswick Planning Board has reviewed and considered the traffic evaluation report prepared by Creighton Manning for the proposed Cumberland Farms facility, and expressly relies on the professional conclusions contained therein. The Planning Board will be reviewing adequate ingress and egress at Hillcrest Avenue during site plan review.
3. In light of these findings, the Brunswick Planning Board adopts a positive recommendation to the Brunswick Zoning Board of Appeals on the Cumberland Farms application for a special use permit in connection with the “filling station” for the proposed Cumberland Farms at 630 Hoosick Road.

The recommendation was unanimously approved, and will be forwarded to the Brunswick Zoning Board of Appeals for consideration.

The next item of business on the agenda was a recommendation on the Brunswick Plaza Planned Development District amendment application submitted by Nigro Group/Golub

Corporation. The applicant seeks the PDD amendment to add a drive-thru pharmacy to the existing Price Chopper/Market 32 store. Chairman Oster noted that Mark Kestner, P.E. was present, and has been retained by the Town Board as review engineer for the PDD amendment application. Chairman Oster confirmed that the main goal of the Planning Board on this matter is to complete its recommendation to the Town Board on the proposed PDD amendment. Philip Koziol, P.E., of Laberge Group, project engineers, was present and gave a brief overview of the project. In addition, Mr. Koziol stated that the Planning Board had concern regarding the bus movements at the CDTA bus stop in the general vicinity of the proposed drive-thru pharmacy window, and presented a diagram showing the CDTA bus turning movements in this location. Member Tarbox stated that he had witnessed a CDTA bus turning at that location, and that the bus did go over the adjoining curb with its back wheel, but that the removal of the curb in connection with the construction of the drive-thru pharmacy would improve the situation. Mr. Kestner noted that his observations of the CDTA bus movements show that the bus stops at an angle to the bus stop shelter in order to accommodate the turning of the bus after the bus stop area, and that it is not clear whether the bus can adequately make the turn back into the main parking lot driving lane if the CDTA bus actually is parallel to the bus stop shelter. Mr. Kestner also stated that the other issue he sees is the two-way travel lane immediately adjacent to the drive-thru pharmacy lane, and questioned whether a car turning into the two-way travel lane would have adequate turning radius to maneuver into the drive-thru pharmacy lane. Mr. Kestner stated that the close proximity of the drive-thru pharmacy travel lane, the two-way traffic lane, and the CDTA bus shelter and bus turning area all come together to create a very complicated and tight vehicle movement area. Chairman Oster questioned how the CDTA bus stop was created, as it is his understanding that the matter was never in front of the Brunswick Building Department or the Planning Board, and

observed that it is possible CDTA designed this project on its own with no Town review. Representatives of Golub Corporation stated that it had no record of this, and that it may be likely that the former owner of the Brunswick Plaza (Pollock) and CDTA were involved in the design and location of the bus stop shelter. The Golub Corporation representative estimates that the bus shelter was installed sometime in 2013 or 2014. Chairman Oster noted that if the Town had reviewed this proposed design, it is likely that the Town would not have approved this design and would have required some kind of modification prior to construction. Chairman Oster then noted that one option to address this congested traffic area is to modify the two-way traffic lane immediately adjacent to the drive-thru lane and convert that to one-way traffic only, to shift the bus shelter 90 degrees, and have the CDTA busses loop around the parking lot to access the bus stop shelter. The Planning Board members, Mr. Kestner, Mr. Koziol, and the Golub Corporation representatives then discussed traffic flow and directional issues. It was noted by the Golub Corporation representatives that if the CDTA busses loop around the parking lot, there would not be the need to shift the location of the bus shelter as it currently has a mountable curb which would provide safe and adequate bus movement. The specific location of the drive-thru pharmacy window was also discussed in relation to the drive-thru lane. Chairman Oster noted that the main goal of the Planning Board is to complete its recommendation on the PDD amendment application, and stated that the Planning Board should reserve to itself the right to address these traffic and vehicle movement issues during site plan review in the event the Town Board does approve the PDD amendment. Chairman Oster noted that a draft recommendation had been prepared by attorney Gilchrist based on the prior Planning Board deliberations, and the Planning Board members and attorney Gilchrist reviewed the draft recommendation. The Planning Board unanimously adopted the following recommendation on the PDD amendment application:

**WHEREAS**, Nigro Group/Golub Corporation has submitted an application to the Town of Brunswick Town Board for an amendment to the Brunswick Plaza Planned Development District (“PDD”) to allow for the addition of a drive-thru pharmacy at the Price Chopper located in the Brunswick Plaza; and

**WHEREAS**, in connection with consideration of such PDD amendment application, the Town of Brunswick Town Board has referred the matter to the Brunswick Planning Board for review and recommendation; and

**WHEREAS**, the Brunswick Planning Board has reviewed the application materials and discussed the matter at meetings held October 20, 2016 and November 3, 2016; and

**WHEREAS**, after due deliberation and consideration of the proposed amendment to the Brunswick Plaza PDD, the Brunswick Planning Board provides the following recommendation to the Brunswick Town Board on this application;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town of Brunswick Planning Board adopts a positive recommendation on the concept of adding a drive-thru pharmacy to the existing Price Chopper in the Brunswick Plaza, and considers the use appropriate for this location and consistent with the Brunswick Plaza Planned Development District.
2. The Brunswick Planning Board has discussed the proposed location of the drive-thru pharmacy on the east side of the Price Chopper building, the elimination of parking spaces in that location, traffic and pedestrian flow, and the location of an existing CDTA bus stop, and advises the Brunswick Town Board that the Planning Board has concern regarding the current proposal for two-lane traffic flow with a third-lane dedicated to the drive-thru pharmacy on the immediate east side of the Price Chopper building, particularly given the location of a CDTA bus stop in proximity to the drive-thru window exit and two-lane travel way. While the Planning Board does not view these issues as prohibiting the PDD amendment, it advises the Brunswick Town Board and the applicant that these issues must be analyzed in the subsequent site plan review for this proposal to address traffic flow and traffic/pedestrian safety issues.

This recommendation is to be forwarded to the Brunswick Town Board for its consideration in connection with the PDD amendment application. Chairman Oster did note on the record that the Planning Board would be examining these issues of traffic safety and vehicle movement regardless



of the specific applicant or the specific project site. Chairman Oster noted that the Planning Board was confident it could work with the project applicant to arrive at an appropriate design for a drive-thru pharmacy in the event the Town Board approves the PDD amendment.

The next item of business on the agenda was the waiver of subdivision application submitted by Holly Murphy for property located at 576 and 572 Pinewoods Avenue. The applicant was not present. The Planning Board members raised a question concerning the location of septic systems on the parcels, and needed additional information to confirm that the lot line adjustment will not have any impact on septic system location. This matter is placed on the December 1 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Michael Vickers for property located off Krieger Lane. The applicant seeks to divide a 5.5-acre lot to create one additional building lot. Chairman Oster noted that the main goal of the Planning Board this evening is to review the memorandum referring this matter to the Brunswick Town Board for consideration of a waiver regarding the subdivision regulation restriction of 12 lots on a dead end or cul-de-sac road. The members generally discussed a draft memorandum and recommendation on the waiver request. The Planning Board members unanimously approved the memorandum and referral of the matter to the Brunswick Town Board. The matter is referred to the Brunswick Town Board for consideration of waiver of the subdivision regulation restriction of 12 lots on a dead end or cul-de-sac road. This matter is adjourned on the Planning Board agenda until action by the Brunswick Town Board.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Kirk and Erin Duncan for property located at 173 Plank Road. Mark Danskin, Licensed Land

Surveyor, was present for the applicant. Mr. Danskin explained that this application was in the nature of a lot line adjustment. He indicated that Kirk Duncan is the owner of 173 Plank Road, on which a residence is located. Part of the front yard for the residence at 173 Plank Road is actually located on an adjacent parcel owned by Kirk Duncan and identified as 143 Plank Road. The applicant seeks to divide a 100-foot wide strip, totaling 0.94 acres, from the parcel identified as 143 Plank Road and transfer it to the parcel identified as 173 Plank Road, which will include all of the existing front yard for 173 Plank Road in that residential lot. Mr. Danskin stated that Kirk Duncan is seeking to market 173 Plank Road and did not want any issues concerning the front yard associated with the residence. The Planning Board inquired whether the remaining land identified as 143 Plank Road has frontage on a public road. Mr. Danskin stated that the lot continues to have approximately 600 feet of frontage on Plank Road. Chairman Oster inquired whether the lot line adjustment would impact any existing well or septic locations. Mr. Danskin stated he had identified the location of existing well and septic systems, and the lot line adjustment will have no impact on those systems. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application to create the lot line adjustment, subject to the condition that the 0.94-acre area divided from 143 Plank Road be legally merged into the deed for 173 Plank Road, with proof of merger filed with the Brunswick Building Department. The motion was seconded by Member Czornyj subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The second item of new business discussed was a site plan application submitted by St. Peter's Health Partners Medical Associates for a proposed primary care facility to be located in the Brunswick Plaza (Price Chopper Plaza). The Planning Board noted that an environmental assessment form had been submitted in connection with the site plan map, but that a project narrative had not yet been submitted. After brief discussion, it was determined that this matter is placed on the December 1 agenda for discussion.

One additional matter was discussed.

Charles Farrell presented a concept plan to the Planning Board concerning the subdivision located on the Welch Farm property between NYS Route 2 and Pinewoods Avenue. Mr. Farrell had previously subdivided this property into four lots, and thereafter amended the subdivision to create additional building lots adjacent to Pinewoods Avenue. Mr. Farrell indicated that he has the opportunity to re-acquire the subdivided lot located in the northwest corner of the site adjacent to NYS Route 2, and is conceptually investigating the option of further dividing that lot to create two additional building lots in addition to the existing residence on that lot. The Planning Board noted that the Zoning District for this property is R-15, and that the proposed lots would be approximately  $\frac{3}{4}$  of an acre. Mr. Farrell stated that the two new building lots would likely be homes in the general size of three bedroom/two bathroom. Mr. Farrell did indicate that the feasibility of the project would depend on Rensselaer County Health Department approval for water and septic, and conceptual locations for well and septic have been identified on the potential lots, and that he may seek to have the percolation tests done with the Health Department this season. Mr. Farrell generally inquired as to the Planning Board requirements for application and review of this concept. The Planning Board confirmed that it would consider the application to be an amendment to the major subdivision plat, that it would require the preparation of a full

environmental assessment form, and that based on the information in the EAF there may need to be follow-up site specific investigation for either environmental or archeological issues. Mr. Bonesteel also confirmed that, at a minimum, an erosion and sediment control plan would need to be prepared for each new building lot. Mr. Farrell stated that he is still reviewing this opportunity, and considering the costs for review and approval, and determining whether the economics worked to move forward with the project. This matter is adjourned without date.

The index for the November 17, 2016 meeting is as follows:

1. Fagan Associates - Site plan - Approved with conditions;
2. Brunswick Design Group - Site plan - 12/1/2016;
3. Cumberland Farms - Recommendation on special use permit - Completed;
4. Nigro Group/Golub Corporation - Recommendation on Application to Amend PDD - Completed;
5. Murphy - Waiver of subdivision - 12/1/2016;
6. Vickers - Waiver of subdivision - Referred to Brunswick Town Board;
7. Duncan - Waiver of subdivision - Approved with condition;
8. St. Peter's Health Partners Medical Associates - Site plan - 12/1/2016; and
9. Farrell Homes - Concept plan for subdivision - adjourned without date.

The proposed agenda for the December 1, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan;
2. Murphy - Waiver of subdivision;
3. Stewart's Shops - Site plan;
4. St. Peter's Health Partners Medical Associates - Site plan.