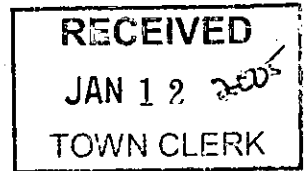


**PLANNING
BOARD
MINUTES**

2005

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD January 6, 2005

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, FRANK ESSER, KEVIN MAINELLO, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was RUSSELL OSTER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Prior to the regular business meeting, representatives of the New York State Department of Environmental Conservation ("NYSDEC") presented an overview of the current stormwater regulatory requirements for the Planning Board Members, with the goal of ensuring that appropriate stormwater compliance is attained during the planning and approval process. The NYSDEC representatives offered their assistance in connection with any issues the Board or its consultants may have on stormwater compliance matters on pending and future applications.

The first item of business on the agenda was the amended site plan application of STEWARTS for its store located at the intersection of Route 278 and Tamarac Road. This matter had been discussed at the December 16 meeting, with the sole issue remaining being the placement of the proposed shed over the septic leachfield for the facility. Representatives of STEWARTS presented their proposal to the Rensselaer County Health Department, which issued a written approval for the placement of the shed over the leachfield subject to certain conditions. Such conditions included the elimination of a concrete foundation, with the shed being constructed on skids. Further, no blacktop walkways are allowed over the leachfield, only a

crushed stone pathway. Finally, bollards are to be installed to the rear of the dumpster location on the parking lot so as to avoid having any placement of the dumpster on the leachfield. Mr. Kestner reviewed these conditions with the Board members. The Applicant confirmed that the shed would be used to store empty milk crates, empty totes, and return bottles. The Applicant also confirmed that the green space on the site with the addition of the shed totals 32.6%; however, when adding the highway right-of-way along Route 278, which is maintain as green space by STEWARTS, the total green space on site is 40%. Upon discussion, the Board was satisfied with the green space on the property, with the mitigating factor of maintenance of the additional green space on the highway right-of-way. Chairman Malone noted that the only outstanding issue on the Planning Board's review of the site plan was the location of the proposed shed over the leachfield, and that the Rensselaer County Health Department had given its approval for the shed location subject to the stated conditions. Hearing no further discussion, Member Czornyj made a motion to adopt a negative declaration pursuant to SEQRA on the amended site plan, which motion was seconded by Member Esser. The motion was approved 6-0, and a negative declaration adopted. Member Tarbox then made a motion to approve the amended site plan subject to the conditions set forth in the Rensselaer County Health Department approval, which motion was seconded by Member Mainello. The motion was approved 6-0, and the amended site plan approved subject to the conditions set forth by the Rensselaer County Health Department.

The second item of business on the agenda was the site plan application of MORRIS concerning the Mayer logging facility on Route 7. Attending on behalf of the Applicant was Mark Millspaugh, P.E., of Sterling Environmental Engineering P.C. Chairman Malone stated

that he had received a letter from Mr. Millspaugh dated December 30, 2004 in which Mr. Millspaugh explained that he had not yet received any response from the New York State Department of Transportation ("NYSDOT") concerning Mayer Logging's proposals to address any transportation related issues concerning the access to the facility off Route 7. In particular, the Applicant had provided to NYSDOT on October 15, 2004 a proposal to increase the width of the entrance road off Route 7 to this facility from its current 16' to 24' for the first 90' off the shoulder of Route 7 to meet the policy and standards for the design of entrances to State highways. Further, the Applicant had confirmed that the sight distance information was based on actual field measurements for passenger car and truck eye height to a standard 42" object, and further provided information that there is no vegetation obstructing the view and/or sight distances along Route 7 within the highway right-of-way. Further, Sterling Environmental Engineering had stated that based upon its review of the NYS Manual of Uniform Traffic Control Devices, as well as the actual sight distances available at this location, an intersection warning signal is not necessary. As stated, Mr. Millspaugh confirmed that he had not yet received any response from NYSDOT to this information submitted back in October. Attorney Gilchrist reviewed the procedural status of the application. The Planning Board had accepted a Draft Environmental Impact Statement on this application, and had held a public hearing to allow comment on the DEIS and the site plan application. Upon receipt of that comment, the Applicant had prepared a Final Environmental Impact Statement ("FEIS"). The Planning Board had reviewed the FEIS, and found it to be incomplete as to the issue of access to the facility off Route 7, and had requested the Applicant to confer with NYSDOT concerning the subject. The Applicant has complied with that request, although NYSDOT has not responded to that information to date. Attorney Gilchrist informed that the Planning Board that as SEQRA Lead.

Agency, it could consider the information contained in the Sterling Environmental Engineering submission to NYSDOT from October, 2004, and if the Planning Board deemed that information to address any concern it may have concerning transportation issues as SEQRA Lead Agency, it could move forward and accept the FEIS as complete. Attorney Gilchrist then further explained that once the FEIS is deemed complete and accepted, the Planning Board will need to move forward and adopt a Findings Statement and thereafter act upon the underlying site plan application. Chairman Malone was of the opinion that the Board members should review all of the Planning Board Minutes concerning the Morris site plan application as well as the comments received from the public, and further consider the information submitted by Sterling Environmental Engineering to NYSDOT in October 2004, and be prepared to address the completeness of the FEIS at the January 20 meeting. Also, the Planning Board members should be ready to discuss any appropriate conditions to be placed in the SEQRA Findings Statement based upon the prior Planning Board minutes as well as comments received from the public. The Planning Board members concurred with this approach. Chairman Malone also directed Mr. Kestner to follow-up with NYSDOT to try to obtain a response prior to the January 20 meeting. The Planning Board members had remaining questions concerning current operations on the site, including Member Esser's concern that Mr. Mayer is parking a dump truck near the entrance to the facility for the sale of fire wood, and Member Czornyj's concern regarding the encroachment of log storage onto green space areas on the site plan. These matters will be discussed in detail at the January 20 meeting. Mr. Kreiger also raised the issue of access to the on-site pond by emergency vehicles, and that access is limited due to log storage on the site. Mr. Kreiger suggested that an alternate access to the fire pond off Flower Road could be used, but will necessitate the installation of a culvert pipe for vehicle access to the pond. Mr. Kestner will

contact Mr. Millspaugh and the Applicant concerning that issue. This matter is placed on the agenda for the January 20, 2005 meeting.

Attorney Gilchrist confirmed that the Notice of Public Hearing has been posted and published concerning the proposed Cobblestone Subdivision off Tambul Lane and Bulson Road, and that letters had been sent to the adjoining property owners notifying them of that public hearing. Mr. Kreiger confirmed that this application has attracted attention, and that several members of the public had already been in to the Town Clerk's Office to review the Cobblestone application. The Public Hearing will be opened on the Cobblestone application on January 20, 2005, at 7:00 p.m., and upon consent of the Applicant will remain open.

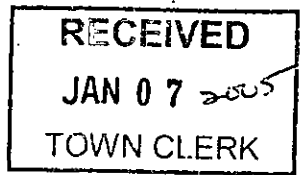
The minutes of the December 16, 2004 meeting were reviewed. Upon motion of Member Esser, seconded by Member Czornyj, the Minutes of the December 16, 2004 were adopted as written by a vote of 6-0.

The **index** for the January 6, 2005 meeting is as follows:

1. Stewarts - amended site plan - approved subject to Rensselaer County Health Department conditions; and
2. Morris - site plan - 1/20/05.

The proposed agenda for the January 20, 2005 meeting is as follows:

1. Cobblestone Associates - major subdivision - Public Hearing commencing at 7:00 p.m.; and
2. Morris - site plan.



NOTICE OF PUBLIC HEARING

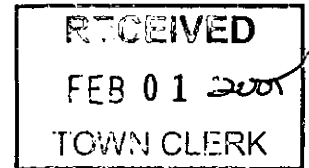
NOTICE IS HEREBY GIVEN that a public hearing will be opened by the Planning Board of the Town of Brunswick to be held on Thursday, January 20, 2005, at 7:00 p.m. at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to allow public comment on a proposed 24-lot major subdivision by Cobblestone Associates for property located off Bulson Road and Tambul Lane. Copies of the application and supporting materials are available at the Brunswick Town Hall and the Brunswick Community Library, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: January 3, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD January 20, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

A public hearing was opened concerning the major subdivision proposed by Cobblestone Associates for property located on Tambul Lane and Bulson Road. The public hearing was commenced at 7:00 p.m. Chairman Malone opened the public hearing by reviewing the procedure to be held for the public hearing, as well as informing members of the public that this public hearing is being opened at the request of the Applicant, and that the public hearing will remain open with the consent of the Applicant. The Applicant requested that the public hearing be opened early during the application review process so that comments from affected members of the public could be considered by the Applicant early in the application process. Attorney Gilchrist read the Notice of Public Hearing into the record. James Dunn, representing Cobblestone Associates, presented an overview of the proposed project, and concurred that the Applicant was looking for feedback from members of the public concerning the project. Mr. Dunn stated that the project site totaled 147 acres, and includes property which was originally designed for "Phase 2" of the Windfield Estates Project. Windfield Estates "Phase 2" was never built out. Cobblestone Associates seeks to extend the cul-de-sac in Phase 1 of the Windfield

Subdivision and add three (3) lots, add four (4) lots with access directly onto Tambul Lane, plus add 17 lots off a new cul-de-sac road planned off Tambul Lane, for a total of 24 new residential lots. Averaging the total number of lots over the 147 acres, Mr. Dunn stated that on average, there is only one (1) house per six (6) acres. The Applicant seeks to cluster the homes in order to maintain maximum open space, but leaving each lot over the minimum 40,000 square foot size. The Applicant seeks to avoid all wetlands on the property, preserve open space, and also thereby block any further development of the remaining acreage on the property. Mr. Dunn stated that the Applicant had already performed a traffic study, had undertaken a pump test for groundwater yield, and worked with DEC on a wetland delineation, and had prepared the application in an effort to be consistent with the Town Comprehensive Plan. Following Mr. Dunn's presentation, Chairman Malone allowed public comment. Barbara Goodell, 317 Tamarac Road, stated that she lives near the curve on Tamarac Road near the intersection of Tamarac Road and Tambul Lane. Ms. Goodell questioned the traffic study which had been undertaken by the Applicant, and questioned when the study was done, since in her opinion traffic has exploded on Tamarac Road and she does not think the road can handle any increased traffic particularly near the intersection of Tamarac and Tambul. Mr. Dunn referred Ms. Goodell to the traffic study on file. Chairman Malone informed the public that the Planning Board as well as Mr. Kestner had reviewed the traffic study, and that the Planning Board determined that it will retain its own traffic consultant to examine the traffic issues associated with this proposed major subdivision. Mr. Kestner concurred that the Planning Board will have its own qualified traffic consultant review the Applicant's study and determine what additional information is necessary in order to make findings concerning traffic impacts. Tony Parrillo raised the fact that Cobblestone Associates

had come in with a previous application with which the Planning Board had concerns, and inquired of the Planning Board as to what the Planning Board's concerns were on the original submission. Chairman Malone stated that the original submission by Cobblestone Associates proposed 40 additional residential lots, and that the Planning Board was concerned regarding the density and a proposed loop road from Bulson Road to Tambul Lane. Mr. Kestner also stated that the Planning Board had concerns regarding the significant grades on the property, and the culverts needed for handling surface water runoff associated with the originally proposed loop road. Mr. Kestner stated that the current application reduces the total number of proposed residential lots and eliminates the loop road. Mr. Parrillo stated that he does not agree with the conclusions identified in the Applicant's traffic study, and that the intersection of Tambul Lane and Tamarac Road is dangerous. Mr. Parrillo stated that the traffic study states that there should be no left turn out of the proposed road heading down Tambul Lane, but rather divert all the traffic up Tambul Lane to Bulson Road. Mr. Parrillo stated that this would have a significant impact on Bulson Road, require Bulson Road to be upgraded, which would affect the existing homes located on Bulson Road. Also, Mr. Parrillo stated concerns regarding the intersection of Bulson Road and Route 2. Elizabeth Oster, Tambul Lane, stated that the Town would be required to widen Tambul Lane in order to address traffic impacts associated with this proposed major subdivision, which would necessitate the taking of private property to widen the road, and that this may also reduce property values for the existing homeowners in the area. Stephen Reynolds, Tambul Lane, stated that in his opinion, Tambul Lane is currently not a public road, and that the Town would need to institute appropriate proceedings to take title to the road and make it a public roadway. Mr. Reynolds also stated that the Cobblestone Associates application would need to include a Full Environmental Impact Statement. Mr. Reynolds was concerned

about groundwater impacts, and that his well went dry during the construction of Phase I of Windfield Estates. Mr. Kestner said that issue of impact to groundwater will be thoroughly reviewed by the Planning Board on the application, and reminded the members of the public that the Public Hearing was being conducted very early on this application at the request of the Applicant, that the Applicant is seeking comments on the issues to be further addressed on the application, that the Public Hearing will remain open, and that further information will be supplied on the application and members of the public will be allowed to comment on that additional information as the review process continues. Barbara Goodell also stated that pesticides should not be allowed on the proposed subdivision, as the runoff would carry the pesticides down to the wetland and property owners at the bottom of the hill on Tamarac Road. Peggy Bryce, 361 Tamarac Road, stated that the traffic study by the Applicant was inadequate since there was no reference to the curve on Tamarac Road near the intersection of Tambul Lane. Ms. Bryce reviewed several accidents which have occurred at that location, and said that the issue of safety was significant. Kim Beaudoin, 352 Tamarac Road, stated that traffic was a significant concern, including safety. Ms. Beaudoin also stated that the quiet character of the area was very important, and did not want additional development in her back yard. Mr. Reynolds then commented that if traffic is diverted from this project to Bulson Road, then Bulson Road will become a mess as well. Mr. Parrillo then commented about potential impacts to the wetland at the bottom of the hill, that groundwater yield was a significant concern, surface water runoff was a significant concern, that the test wells dug by the Applicant were at the bottom of the hill rather than at the top of the hill where the houses will be, and that low density was important on a quality of life basis. Sandy Lupe, 205 Bulson Road, stated that traffic was a concern and road construction was an issue. Dean Leath, Rockwell Road, stated that an overall

municipal study of the aquifer in this area should be undertaken, and that the study should include an analysis of the overall growth in the area and not simply this one application. Mr. Kestner concurred that hydrogeologic connections is an important issue, and that this project's impact on an area-wide aquifer could be analyzed. David Oster, 87 Tambul Lane, said that an historic cemetery exists on Tambul Lane, and that an analysis of what the impacts may be to this historic cemetery needs to be undertaken, both in terms of construction and after the proposed build-out. Mr. Oster concurred that the test wells dug by the Applicant were at the bottom of the hill, not at the top of the hill where there is already a problem with groundwater yield. Also, Mr. Oster commented on the percolation of the soils at the top of the hill in terms of wastewater disposal, and that surface water runoff already impacts his property 9-10 months out of the year. Mr. Oster concurred that traffic was a significant issue, particularly if the traffic is diverted to Bulson Road with its intersection at Route 2. Mr. Oster also stated that Tambul Lane does not meet current Town specifications for public roadways, and that construction trucks would significantly impact the roadway. Mr. Norman, 372 Tamarac Road, commented that the scenic, rural character of the area must be preserved and that residents do not want Brunswick to become another Clifton Park. Elizabeth Oster commented that Rensselaer County identifies Tambul Lane as a scenic country roadway. There was also a public comment concerning habitat impacts, including geese, deer, fox and other wildlife in the area. Elizabeth Oster inquired whether the Public Hearing would be kept open. Chairman Malone reiterated that the Public Hearing would be kept open, that additional information would need to be supplied by the Applicant, that the Planning Board would be retaining its own technical consultant on traffic to review the application, and that the Public Hearing would be reconvened for additional public comment once additional information was supplied on the application. Chairman Malone ended this.

portion of the Public Hearing, but stated on the record that the Public Hearing will remain open at the consent of the Applicant.

Chairman Malone thereupon opened the regular business meeting.

The first item of business on the agenda was the site plan application of MORRIS for the Mayer logging facility on Route 7. Appearing on the application was Mark Millspaugh, P.E. of Sterling Environmental Engineering P.C. and Forrest Mayer. Attorney Gilchrist reviewed the procedural status of the application. Attorney Gilchrist stated that this Applicant had prepared a Draft Environmental Impact Statement ("DEIS"), that a public hearing had been held on the DEIS and site plan at which public comment was received, the Applicant had prepared a Final EIS in response to the comments received, and that the Planning Board was in the process of reviewing the FEIS for completeness. Attorney Gilchrist noted that the last issue identified by the Planning Board on the review of completeness of the FEIS was any response from NYSDOT concerning the entranceway to this site off Route 7. Mr. Kestner reminded the Board that the Applicant had made proposals to NYSDOT in terms of widening the entrance driveway to accommodate trucks both entering and exiting the facility, as well as issues pertaining to signage and vegetation removal. The Applicant was still waiting for a response from NYSDOT, and Mr. Kestner reported to the Board that he had followed up directly with NYSDOT on this matter as well. NYSDOT informed Mr. Kestner that he would be reviewing this matter and provide comment shortly, but that the comment was not available for the January 20 meeting. Mr. Millspaugh stated that the Applicant was committed to any requirements that would be imposed by NYSDOT, both in terms of increased width of the entrance road as well as signage. The Planning Board satisfied with the Applicant's commitment to comply with any requirements.

which may be imposed by NYSDOT concerning the entranceway off Route 7. Member Czornyj brought up the issue of green space on the site. Member Czornyj inquired whether any stakes had been put on the site to demark the area of the green space. Mr. Mayer stated that he did go out and measure the 25' setback from the property lines and did relocate some logs on the site, but that he had been experiencing difficulty with having stakes being removed after he put them in. The Planning Board recommended that a 2' high stake demarking the corners of the site was satisfactory as long as a substantial stake was used, in the nature of a fence post, so that it remained on the site. The Planning Board stated that it would be the Applicant's responsibility to make sure that the stakes remained on site to demark the green space, for the purpose of easy inspection by the Town in terms of compliance with mandatory setbacks and green space requirements. The issue of the fire pond was discussed. The Planning Board wanted to ensure that access to the fire pond remained open at all times. It was determined that an area would be demarked on the site plan that would be left open in order to ensure easy access for fire equipment to the fire pond. Next, the issues of hours of operation of the facility was discussed. After substantial discussion, the following schedule was proposed by the Applicant and considered by the Planning Board:

	Trucks/Highway Machinery	Chainsaw/On-site Machinery
October → March	M,T,W,F: 7 am - 7 pm	M-F: 8 am - 5 pm
	Th: 7 am - 9 pm	Sat: 8 am - 12 noon
	Sat: 8 am - 5 pm	Sun: NO OPERATION
	Sun: NO OPERATION	
April → September	M-F: 7 am - 7 pm	M-F: 8 am - 5 pm.
	Sat: 8 am - 5 pm	Sat: 8 am - 12 noon
	Sun: NO OPERATION	Sun: NO OPERATION

The Planning Board would consider these proposed hours of operation as conditions to any approval. Next, the issue of lights impacting neighboring properties was discussed. The Applicant agreed to demark an area on the site plan for night time unloading of log trucks, which would reduce any light spillage onto adjoining properties. Having considered the Applicant's concession to agree to any conditions or comments of NYSDOT on the entranceway off Route 7, the Planning Board considered the FEIS complete. Member Czornyj made a motion to accept the FEIS as complete, which motion was seconded by Member Mainello. The motion was approved 7-0, and the FEIS accepted as complete. This matter will be placed on the agenda for the February 3, 2005 meeting for discussion of adopting a Findings Statement and action on the underlying site plan.

The next item of business on the agenda was a waiver of subdivision application by LEONARDO CHIEFARI and SAM GARZONE for property located at 983 Spring Avenue Extension. Chiefari seeks to divide 2 ± acres from his property for transfer to Garzone, and in turn Garzone would merge that 2 ± acre property into his existing parcel. All setbacks are in compliance for structures on the amended property lines. The Planning Board further reviewed the application in terms of compliance with subdivision requirements. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 7-0, and a negative declaration adopted. Member Czornyj then made a motion to approved the waiver of subdivision application subject to the condition that the 2 ± acre parcel transferred from Chiefari to Garzone be merged into the existing Garzone parcel. Member Esser seconded that motion subject to the stated condition. The motion was approved 7-0, and the application approved subject to the stated condition.

The next item of business on the agenda was an application by DAVID SULLIVAN for waiver of subdivision for property at 538 McChesney Avenue. Mr. Sullivan seeks to divide an existing 7.22 acre parcel into two (2) primary lots, one lot totaling 2.16 acres on which an existing home is located, and a new building lot totaling 4.75 acres. In addition, Mr. Sullivan seeks to divide 0.31 acre from that existing parcel for transfer to his adjoining neighbor, who in turn will merge that 0.31 acre into his existing parcel. Mr. Sullivan has already obtained a permit to construct water and sewer from the Rensselaer County Health Department for the proposed 4.75 acre building lot. The Planning Board reviewed the plat concerning both the 2.16 acre parcel and 4.75 acre parcel, and determined that road frontage is adequate, and that sight distance from the existing and proposed driveway locations is adequate. The Planning Board next reviewed the grade of the new 4.75 acre proposed lot, and determined that it appears to be a maximum 8% grade which is in compliance with Town regulations for driveways. The Planning Board did note that the driveway to the proposed 4.75 acre parcel was over 150' in length, and therefore will need to be a 16' wide driveway according to Town specifications. Upon further discussion, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was approved 7-0, and a negative declaration adopted. Member Czornyj then made a motion to approve the application subject to the following conditions:

1. Merger of the 0.31 acre parcel into the parcel of the adjoining property owner;
2. 16' wide driveway on the new 4.75 acre building lot.

Member Esser seconded the motion with the stated conditions. The motion was approved 7-0, and the application approved subject to the stated conditions.

The next item of business on the agenda was a waiver of subdivision application by TIM

CASEY for property located on Smith Hill Road. Casey owns 23.87 acres, and seeks to divide out from that parcel two (2) new building lots approximately 2 ± acres in size each. Given the creation of 2 new building lots, the Planning Board felt that the application should be reviewed as a minor subdivision, including a public hearing. Additionally, based upon review of the filed application materials, the Planning Board wanted additional information placed on the plat, including proposed house locations, driveway locations, sight distances onto Smith Hill Road from the proposed driveway locations, and topography. This matter will be placed on the agenda for the February 3, 2005 meeting for further discussion.

The status of the FARM-TO-MARKET SUBDIVISION by PIGLIAVENTO BUILDERS was discussed. Linda Stancliff was appearing on behalf of the Applicant. Ms. Stancliff provided information that Rensselaer County Health Department approval had been obtained, that a NYS DOT permit had been obtained, and that the infrastructure bond/cash was still on file with the Town. The last issue was the status of the Homeowners Association. Attorney Gilchrist stated that he had reviewed the Homeowners Association documents, and recommended that certain amendments be made to those documents with respect to the Town. Attorney Gilchrist reported to the Planning Board that the attorney for the Applicant had made all the requested changes to the Homeowners Association documents, and that the same will be filed with the Attorney General's Office. Accordingly, all the conditions to the final subdivision approval have now been satisfied.

John Kreiger reported that the EAGLE CREST SUBDIVISION off Moonlawn Road had been issued a Stop Work Order by NYSDEC Region 4 concerning stormwater compliance.

Member Czornyj raised an issue concerning the BRUNSWICK PLAZA (POLLOCK) construction in terms of compliance with the canopy over the front sidewalk of the new

commercial building with the approved site plan. Member Czornyj recalled that the site plan showed a canvass attached canopy, whereas the construction has included an I-beam canopy as part of the roof system. Mr. Kreiger will investigate.

The minutes of the January 6, 2005 meeting were reviewed. Upon motion of Member Czornyj, seconded by Chairman Malone, the Minutes of the January 6, 2005 were approved as written by a vote of 7-0.

The **index** for the January 20, 2005 meeting is as follows:

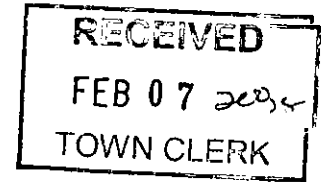
1. Cobblestone Associates - Public Hearing - public hearing left open and application adjourned without date;
2. Morris - site plan - 2/3/05;
3. Chiefari - waiver of subdivision - approved with condition;
4. Sullivan - waiver of subdivision - approved with conditions;
5. Casey - waiver of subdivision - 2/3/05; and
6. Pigliavento Builders - major subdivision - conditions to final approval satisfied.

The proposed agenda for the February 3, 2005 meeting is as follows:

1. Morris - site plan;
2. Casey - waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD February 3, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the site plan application of GARY MORRIS for the log distribution facility located on Route 7 operated by Forrest A. Mayer Log & Timber Co. Mr. Kestner reviewed a letter dated January 26, 2005 from the New York State Department of Transportation ("NYSDOT") to Mark P. Millspaugh, P.E. of Sterling Environmental Engineering P.C., engineering consultant for the Applicant. In the NYSDOT letter of January 26, 2005, NYSDOT is requesting additional information concerning actual sight distance measurements from the access road to this facility off Route 7, and also an engineering analysis of the benefits of trimming or removing trees within the NYSDOT right-of-way. Mr. Kestner reiterated that the Applicant has already committed to the Planning Board that it will comply with any recommendations of NYSDOT in terms of vegetation removal and/or signage or traffic control devices. Mr. Kestner also stated that a Findings Statement had been prepared on the SEQRA process. Chairman Malone requested Attorney Gilchrist review the proposed Findings Statement with the Board. Attorney Gilchrist reviewed the Findings Statement sections, including the general description of the action in the SEQRA procedure undertaken in review of

the action. Attorney Gilchrist then reviewed the findings concerning relevant environmental impacts, including Noise, Traffic, and consistency with Community Character. The Planning Board discussed the mitigation measures included in the Findings Statement with respect to each environmental impact. With respect to noise, the Board reviewed the proposed hours of operation for the facility. The Applicant was represented by Mr. Millspaugh at the meeting. Mr. Millspaugh raised the issue of operation limitations on trucks/highway machinery and also the use of chainsaws, but wanted to clarify that other on-site machinery exclusive of the chainsaw could be operated on the site during the hours of operation to be imposed for trucks/highway machinery. After general discussion, the Planning Board concluded that the hours of operation for the various site activities would be conditioned as follows:

	Trucks/ Highway Machinery	On-site Machinery	Chainsaw
October → March	M,T,W,F: 7 am - 7 pm Th: 7 am - 9 pm Sat: 8 am - 5 pm Sun: NO OPERATION	M-F: 7 am - 7 pm Sat: 8 am - 5 pm Sun: NO OPERATION	M-F: 8 am - 5 pm Sat: 8 am - 12 noon Sun: NO OPERATION
April → September	M-F: 7 am - 7 pm Sat: 8 am - 5 pm Sun: NO OPERATION	M-F: 7 am - 7 pm Sat: 8 am - 5 pm Sun: NO OPERATION	M-F: 8 am - 5 pm Sat: 8 am - 12 noon Sun: NO OPERATION

The Planning Board also discussed the mitigation measures imposed with respect to traffic impacts, including the widening of the access road off Route 7 from 16' to 24' for the first 90' south of the shoulder of NYS Route 7. Also, the Findings Statement will include the commitment by the Applicant to comply with any further requirements of NYSDOT concerning

transportation related issues, including but not limited to vegetation removal and traffic warning devices. Member Wetmiller wanted to confirm that the Applicant would obtain a Work Permit from NYSDOT in the event any required work occurred within the highway right-of-way. The Planning Board next discussed the mitigation measures imposed concerning impact to community character. Member Czornyj wanted to ensure that the Applicant must maintain the green space as identified on the site plan, with a minimum 25' setback from the property line for all log storage and commercial activities. Further, Member Czornyj wanted to confirm that the green space areas would be identified on the property through the installation of 2' high stakes, which the Applicant must continue to maintain on the property for the duration of site operations. Attorney Gilchrist explained the conclusion of the SEQRA process, which will be the adoption of a Findings Statement setting forth the factual findings concerning each relevant environmental impact as well as express mitigation measures to address each such impact. Upon further discussion, Chairman Malone made a motion to adopt the SEQRA Findings Statement in the form attached hereto and made a part hereof, which motion was seconded by Member Czornyj. The motion was approved 7-0, and the Findings Statement adopted in the form attached hereto and made a part hereof. The Planning Board next discussed time-frames associated with the mitigation measures identified in the Findings Statement. In terms of maintaining appropriate access for emergency vehicles to the fire pond to the rear of this site, the Applicant must meet with the Fire Department immediately upon action on the final site plan. Mr. Kreiger reports that his review of the site showed an appropriate corridor having been maintained recently, and Mr. Kreiger stated he would meet with the Applicant concerning maintenance of the corridor and marking that corridor on the site itself. The issue of the staking of the green space and setbacks on the site was discussed. Given the current winter conditions, the Board was satisfied with

requiring that all staking on the site must be completed on or before May 31, 2005. In terms of any work to be undertaken within the NYSDOT right-of-way, the Applicant must apply for the NYSDOT Work Permit no later than March 20, 2005, if work within that right-of-way is required by NYSDOT. The hours of operation imposed under the Findings Statement will take effect immediately upon action on the underlying site plan. The Board generally discussed the timing for action on the underlying site plan, given the outstanding issue with NYSDOT in terms of vegetation removal within the highway right-of-way. The Board, however, was of the opinion that action on the underlying site plan should not wait until NYSDOT concludes its review, since the Board determined that having the operating conditions immediately effective and enforceable through action on the site plan was important. The Board determined that the sooner the conditions were placed on the operation, the better it would be for neighboring properties. Accordingly, the Board was of the opinion that it should immediately move forward and act upon the underlying site plan despite the outstanding NYSDOT issue. Further, the Board would impose the condition that the Applicant comply with all requirements of NYSDOT in terms of vegetation removal within the right-of-way. Before action on the underlying site plan, the Board discussed the issue of consultant review fees which must be paid by the Applicant on this action. Attorney Gilchrist reviewed Town Code §82-7, which requires an Applicant to reimburse the Town for all reasonable and necessary fees and expenses incurred by the Town for professional consultants, including but not limited to attorneys, engineers, architects, accountants, and real estate appraisers, etc. in connection with the review and consideration of the Application. In this regard, Attorney Gilchrist noted that this application has undergone extensive Planning Board review, including the Positive Declaration and preparation of the Environmental Impact Statement under SEQRA. It was noted that both Mr. Kestner and Attorney Gilchrist expended.

time in the review of the Scoping Document, DEIS, FEIS, and Findings Statement under the SEQRA process. Further, the SEQRA regulations at 6 NYCRR §617.13 provide for the reimbursement by an applicant of all consultant fees incurred by a lead agency in the review of the Scoping Document, DEIS, FEIS and Findings Statement. Accordingly, all such consultant review fees need to be paid by the Applicant on this action. The Planning Board members concurred that its review had been extensive on this application, and that all applicable and necessary consultant fees must be paid by the Applicant. Thereupon, Member Czornyj made a motion to approved the underlying site plan subject to the following conditions:

1. All mitigation measures identified and included in the Findings Statement adopted by the Planning Board pursuant to SEQRA, which are expressly incorporated herein;
2. The hours of operation for site activities as set forth in the Findings Statement are immediately applicable and enforceable;
3. All staking on the site as required under the Findings Statement for green space and setbacks must be installed on or before May 31, 2005;
4. The Applicant must apply for an NYSDOT Work Permit on or before March 20, 2005 for all work within the NYSDOT highway right-of-way, if required by NYSDOT;
5. The Applicant will immediately meet with representatives of the Fire Department concerning the maintenance of an appropriate corridor to provide access to the fire pond to the rear of the site;
6. The hours of operation for trucks/highway machinery expressly limit the time for all off-loading activities from delivery trucks to the site;

7. The Applicant must pay all applicable and necessary consultant fees pursuant to Brunswick Town Code and SEQRA for the extensive review undertaken on this action.

Member Esser seconded the motion subject to the stated conditions. The motion was approved 7-0, and the site plan application approved subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application of TIM CASEY for property located on Smith Hill Road. There was no appearance by the Applicant. Chairman Malone noted for the record that he had visited this site with Mr. Kestner. Chairman Malone noted that in his opinion there was not any obvious sight distance problems, although the actual sight distances must be shot by the surveyor from proposed driveway locations, and that information submitted to the Board for review. This matter has been adjourned without date.

Mr. Kreiger had distributed information to each Planning Board Member concerning the proposed BRUNSWICK MEADOWS project by TITAN REAL ESTATE for property located on Route 142 in proximity to the Brunswick-Troy boundary. Chairman Malone noted that this matter was pending before the Town Board on a PDD application, but that a review and recommendation needed to be undertaken by the Planning Board, and ultimately this matter would be before the Planning Board on site plan review. It is anticipated by the Board that the Applicant will make a conceptual presentation of the application to supply information in support of the Planning Board's review and recommendation on the Application.

Mr. Kreiger reviewed one item of new business.

A site plan application has been submitted by RIFENBURG concerning property located on Route 7 in proximity to the former NYSDOT entrance road near the Route 7/Route 278.

intersection. The application seeks approval for the future construction of the site for commercial use and/or professional offices, but that significant mineral removal needed to occur in order to bring the site down to buildable grade. This matter will be placed on the agenda for the February 17 meeting for further discussion.

Mr. Kreiger also advised the Planning Board that he had been contacted concerning a new grocery store going into the old Grand Union building on Route 7. While a site plan had been submitted to Mr. Kreiger, a formal site plan application had not yet been submitted and this matter is adjourned without date pending further submission to Mr. Kreiger.

The proposed minutes of the January 20, 2005 meeting were reviewed. One typographical correction was made changing Tony "Parrillo" to Tony "Parella". With the one typographical correction, Chairman Malone made a motion to approve the Minutes, which motion was seconded by Member Oster, the motion was approved 7-0, and the Minutes of the January 6, 2005 were adopted.

The **index** for the February 3, 2005 meeting is as follows:

1. Morris - site plan - Finding Statement adopted and site plan approved subject to conditions;
2. Casey - waiver of subdivision - adjourned without date;
3. Rifenburg - site plan - 2/17/05.

The proposed agenda for the February 17, 2005 meeting is as follows:

1. Rifenburg - site plan.

**GARY and CHRISTINE MORRIS
FOREST A. MAYER LOG & TIMBER CO.
APPLICATION FOR SITE PLAN APPROVAL
STATE ENVIRONMENTAL QUALITY REVIEW ACT**

FINDINGS STATEMENT

Town of Brunswick Planning Board – Lead Agency

1. Description of Action

Forest A. Mayer Log and Timber Co. (Forest Mayer) leases property in the Town of Brunswick owned by Gary and Christine Morris. The property is located on NYS Route 7 proximate to Flower Road. In December 2002, Forest Mayer submitted an application to the Town of Brunswick Planning Board for the Site Plan approval concerning a wood distribution facility established at the premises. This application was subsequently revised on May 15, 2003 with additional information requested by the Town of Brunswick Planning Board.

The Application for Site Plan Approval concerns the operation of a wood yard to serve as a distribution facility for forest products enroute to various manufacturing facilities or consumers. No new construction or significant alteration to the property are proposed. Forest products including, but not limited to, logs, lumber and firewood, are stored at the property for commercial sale. Site activities involve primarily the loading/unloading of trucks. Additionally, various products are staged, sorted, graded, cleaned and prepared for distribution and sale. These activities include the use of chainsaws. Firewood is also stored and sold on a wholesale basis.

Prior to filing the subject site plan application, Morris and Mayer appeared before the Town of Brunswick Zoning Board of Appeals. The site is located in the A-40 District, wherein the storage and wholesale distribution of logs is not a permitted use. On October 14, 2001, the Zoning Board of Appeals determined that a use variance, which it had previously issued in 1989 for this property, covered the activities involved in the log distribution facility. On January 2, 2003, the Planning Board adopted a Resolution referring this matter to the Superintendent of Utilities and Inspection for clarification and interpretation of the full scope and extent of such use variance as applied to the Mayer log distribution facility. The Superintendent of Utilities and Inspection, after thorough review of the record and Planning Board Resolution of January 2, 2003, reported to the Planning Board on April 3, 2003 that the full scope and extent of the activities depicted on the Mayer site plan fall within the scope and intent of the use variance previously issued by the Zoning Board of Appeals in 1989 for this site. Accordingly, the Planning Board continued its review of the Mayer site plan application.

2. SEQRA Procedure on the Mayer Site Plan Application

The original and supplemental application and Site Plan drawing were reviewed by the Planning Board. Subsequently, the Planning Board requested that a Full Environmental Assessment Form (EAF) be provided, which was submitted by Forest Mayer in April 2003. Based upon its review of the application materials and Full EAF, the Planning Board, as SEQRA Lead Agency, adopted a Positive Declaration on the action on June 19, 2003, requiring the preparation of an Environmental Impact Statement. The Planning Board conducted a formal scoping session on July 17, 2003 to allow the public the opportunity to comment upon the application and the environmental assessment. Based upon the comments received, the Planning Board determined that the Application for Site Plan Approval be supplemented with a focused Environmental Impact Statement (EIS) addressing the following aspects of the Application:

- Noise generated by site operations, including but not limited to use of chainsaws and other equipment, and idling trucks;
- Traffic impacts, including but not limited to the number and safety of trucks entering and exiting the facility; and
- Compatibility of site operations with surrounding land uses.

A Draft Environmental Impact Statement ("DEIS") was prepared by the Applicant. The DEIS addressed the three (3) issues identified during the public scoping process. The DEIS identified and discussed the potential affects of the proposed action concerning these three (3) potential impacts, and the means to avoid and mitigate adverse affects. The DEIS was submitted to the Planning Board on November 18, 2003 and was subsequently deemed complete by the Planning Board on December 12, 2003. In accordance with the SEQRA regulations (6 NYCRR §617.9), a 30-day public review and comment period followed the acceptance of the DEIS by the Planning Board. Additionally, a SEQRA Hearing was held on January 15, 2004 pursuant to 6 NYCRR §617.9(a)(4) to provide a forum for public comment on the DEIS.

Following the close of the public comment period, all comments were referred to the Applicant for response. The Applicant prepared its responses in a Final Environmental Impact Statement ("FEIS"). The FEIS was submitted to the Planning Board for review, and was ultimately accepted as complete by the Planning Board on January 20, 2005.

3. Findings Concerning Relevant Environmental Impacts

3.1 Noise

The single largest source of noise at and in the vicinity of the property is the noise generated by traffic on NYS Route 7. This highway is a heavily traveled corridor between New York and Vermont. Background noise levels were measured when there were no on-site activities.

Traffic related noise levels were measured using a Metrosonic Model DB3080 noise dosimeter, recording 73.6 decibels (dB) at the site entrance road, a distance of 154 feet south of NYS Route 7. This distance was selected for the background noise measurement, as it is comparable to the road set back of the Barber residence immediately west of the facility. As such, this traffic related background noise level is the same level experienced by the residential receptor on the adjacent property.

A noise study of the property was conducted on October 30 and 31, 2003 to evaluate facility related noise generated through routine operations. Primary noise producing activities related to the operation are as follows:

- Chainsaws. Chainsaws are utilized to prepare logs for inspection and sales. This activity includes limbing and trimming end sections. Chainsaw usage is very intermittent.
- Prentice 210C Log Grapple. A trailer-mounted log grapple is occasionally utilized to move, sort and stack logs. This grapple is used intermittently.
- Case W11B Loader. Similar to the grapple, the loader is occasionally utilized to move and stack logs. Its use is intermittent.

- Customer Trucks and Grapples. The facility is not opened to the public. Customers arriving in logging vehicles are allowed to unload and load themselves with vehicle-mounted grapples typical of the logging industry.

The facility is not staffed during all business hours. Rather, the Forest Mayer facility is staffed on an as needed basis. Daily activities may include the use of any of the above listed equipment to varying degrees although it should be noted that there are many times (entire days or portions of days) with no site activity.

Notwithstanding, various operational scenarios were evaluated to determine the potential to create off-site noise impacts to the nearest residential receptor. The noise generated by various equipment was measured using a Metrosonic Model DB3080 noise dosimeter.

The following noise levels were observed:

Equipment	Measured Noise Level at 50 Feet
Chainsaw	80.0 dB
Prentice 210C Grapple	82.4 dB
Case W11B Loader	79.7 dB
Customer Truck/Grapple	78.0 dB

The location of these pieces of equipment can vary within the yard. Multiple activities rarely occur at the same time due to staff limitations, however reasonable operational scenarios are evaluated and the above measured noise levels are projected to the residential receptor immediately west of the property (the Barber residence). The method employed follows the New York State Department of Environmental Conservation's (NYSDEC's) published methodology entitled "Assessing and Mitigating Noise Impacts" dated October 6, 2000 and revised February 2, 2001. The evaluation is conducted assuming no attenuation due to ground vegetation or topography. In this regard, the evaluation is very conservative.

The existing traffic related background noise level observed at the house was measured to be 73.6 dB. This is due entirely to the noise emanating from traffic on NYS Route 7.

The house is approximately 300 feet west of the log storage area where site activities are conducted at varying locations. The noise generated by various equipment are projected to the Barber residence and compared to the background noise to determine if adverse impacts exist.

- A chainsaw working in the yard 300 feet from the house: the effective noise level at the house due to the chainsaw operation will be approximately 66 dB.
- A customer truck working 360 feet from the house: the effective noise level at the house will be approximately 64 dB.
- The Prentice 210C Log Grapple working 300 feet from the house: the effective noise level at the house will be approximately 68 dB.
- The Case W11B Loader operating 200 feet from the house: the effective noise level at the house will be approximately 68 dB.

The following table summarizes the effective combined noise perceived at the house with various equipment noise added to the existing baseline noise at the Barber residence. These projected levels make no adjustment for attenuation due to vegetation and topography.

Operational Noise Source	Noise Level at Nearest House
Background noise (traffic only)	73.6 dB
Customer truck only	74.6 dB
Chainsaw only	74.6 dB
Prentice 210C Log Grapple only	74.6 dB
Chainsaw and Prentice 210C Log Grapple	75.6 dB
Chainsaw, Prentice 210C Log Grapple and Customer Truck	76.0 dB
Chainsaw, Prentice 210C Log Grapple, Customer Truck and Case W11B Loader	76.6 dB

Under most reasonable operational scenarios, the total facility related noise projected to the nearest residential house results in less than a 3 dB increase over the existing background condition.

Pursuant to the NYSDEC's published guidance, increases in the range of 0 to 3 dB have "no appreciable affect on receptors". The guidance further states that increases from 3 to 6 dB may have "the potential for adverse noise impacts only in cases where the most sensitive receptors are present". Increases of greater than 6 dB are generally thought to require a closer analysis of potential impact.

While the evaluated increases are 3 dB or less for the various operational scenarios, the Applicant has agreed to the following mitigation measures:

1. The Applicant has agreed to the following hours of operation for the facility to reduce any noise impact to neighboring properties:

	Trucks/ Highway Machinery	On-site Machinery	Chainsaw
October → March	M,T,W,F: 7 am - 7 pm	M-F: 7 am - 7 pm	M-F: 8 am - 5 pm
	Th: 7 am - 9 pm	Sat: 8 am - 5 pm	Sat: 8 am - 12 noon
	Sat: 8 am - 5 pm	Sun: NO OPERATION	Sun: NO OPERATION
	Sun: NO OPERATION		
April → September	M-F: 7 am - 7 pm	M-F: 7 am - 7 pm	M-F: 8 am - 5 pm
	Sat: 8 am - 5 pm	Sat: 8 am - 5 pm	Sat: 8 am - 12 noon
	Sun: NO OPERATION	Sun: NO OPERATION	Sun: NO OPERATION

2. The Applicant will maintain all equipment with mufflers according to original equipment specifications or equivalent.

3.2 Traffic

Traffic records were obtained from the New York State Department of Transportation (NYSDOT) for the portion of NYS Route 7 adjacent to the project site.

These records indicate Annual Average Daily Traffic (AADT) counts of 10,762 vehicles. According to the NYSDOT, AADT is defined as:

the total traffic volume in both directions.

Short term counts obtained from portable counters with road tube input are converted to estimated annual average daily traffic (AADT) volumes by adjusting for the vehicle mix (cars, trucks, buses, etc.), day of the week, and seasonality. Vehicle mix is estimated from several hundred vehicle classification counts taken around the state each year. Day of the week and seasonal adjustment factors are developed from data collected continuously (24 hrs/day, 365 days/yr) at approximately 100 permanent count stations.

Daily volumes on highways may vary widely from the AADT. Considerably higher or lower values often result in areas of seasonal activities and when counting weekend versus weekday traffic.

Facility related traffic is minimal. As stated previously, the facility is not always staffed. At times when a Forest Mayer employee is not present, site activities are limited to occasional unloading of a customer vehicle. When Forest Mayer employees are on-site, additional activities may occur including sorting, grading, stacking and sawing. Forest Mayer does not operate its own truck fleet. All logging vehicles entering and exiting the site and customer owned.

On average, the facility generates 5 to 10 truck loads per day. This rate is insignificant compared to the 10,700+ vehicle trips per day currently carried by NYS Route 7. It should also be noted that the majority of Forest Mayer's customers utilize NYS Route 7 independently from Forest Mayer's operation. In other words, these vehicles will travel NYS Route 7 even if Forest Mayer was not in business.

Logging vehicles enter and exit the site at the existing site entrance road off NYS Route 7. The Applicant referred the application materials and DEIS to NYSDOT for review and comment concerning adequate sight distance for the logging vehicles in terms of the ingress and egress onto NYS Route 7. NYSDOT requested actual sight distance measurements from the entrance road. Further, NYSDOT commented that the width and radii of the existing access road do not appear to be sufficient for a truck to enter or exit the drive at the same time as another vehicle that is traveling on the access road in the opposing direction. In response, the Applicant provided sight distance measurements from the access road onto NYS Route 7. Further, based upon the calculated sight distances both to the east and west direction, the Applicant determined that vegetation removal within the NYSDOT right-of-way and traffic control warning devices were not required at this location. The Applicant did design a site plan to widen the entrance road to 16' to 24' for the first 90' south of the shoulder of NYS Route 7 to meet the policies and standards for the design of entrances to State highways, and submitted a site plan for the revised driveway entrance.

The Applicant has agreed to the following mitigation measures:

1. The access road off NYS Route 7 will be widened from 16' to 24' for the first 90' south of the shoulder of NYS Route 7 to meet policy and design standards for the design of

entrances to State highways, in accordance with the site plan for the revised driveway entrance submitted on the application.

2. The Applicant will agree to any further requirements of NYSDOT concerning transportation-related issues, including but not limited to vegetation removal and traffic warning devices in accordance with the letter dated January 26, 2005 from William E. Logan, P.E., Regional Traffic Engineer, NYSDOT, to Mark P. Millspaugh, P.E., Sterling Environmental Engineering, P.C.

3.3 Community Character

This portion of the Town of Brunswick is zoned A-40 Agricultural. This zone designation includes agricultural sales, agriculture and residential uses. The immediate project site has a history of agricultural sales. Adjacent properties to the immediate east and west are developed as residential. The property south of NYS Route 7 immediately west of the subject property contains a house. Southwest and south of the subject property is undeveloped or open fields. The property east of the subject property is developed as residential with a house. A small man-made pond exists southeast of the building on the subject property, and is used as a fire pond.

The existing use of the subject property is consistent with established zoning and is in keeping with character with the rural existing agricultural setting.

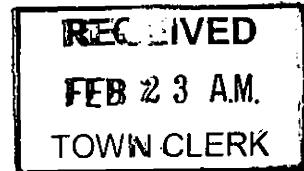
The NYS Route 7 corridor through the Town of Brunswick has evolved with significant commercial development including a shopping center, hardware store, tractor sales outlet, and highway commerce (restaurants, etc.). Given this, the commercial activities conducted by Forest Mayer are consistent with the zoning and existing surrounding land uses.

The Applicant has agreed to the following mitigation measures:

1. The Applicant agrees to maintain the greenspace as identified on the site plan, with a minimum 25' setback from the property line for all log storage and commercial activities. This greenspace area will be demarked on the site plan, and will also be demarked in the field with 2' high stakes at all angle points of the setback identified on the site plan. The greenspace area as well as the maintenance of the stakes on the site will be enforceable conditions.
2. An area will be identified on the site plan for loading/unloading logs after sunset, and all lights associated with loading/unloading logs after sunset will be directed away from the western boundary of the site.
3. Firewood will not be stored or otherwise piled in the area of the entrance to this site off NYS Route 7. Rather, all firewood storage will be limited to the area identified on the site plan, and such location will be an enforceable condition.
4. An area will be demarked on the site plan to provide an open corridor for access for emergency vehicles to the fire pond located to the rear of the site. This corridor will be maintained pursuant to recommendations of the Fire District based upon present and future emergency equipments requirements. Maintenance of this corridor as open space will be an enforceable condition.

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD February 17, 2005

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, KEVIN MAINELLO, RUSSELL OSTER, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was a waiver of subdivision application by MARK FITZGERALD for property located on Dater Hill Road. Mr. Fitzgerald owns an 18 acre parcel on Dater Hill Road. He seeks to divide 2 ± acres as a separate residential lot. The proposed lot already has an existing septic system, and an area to drill a new well has been located. There exists adequate road frontage on both the 2 ± acre proposed parcel as well as the balance of the 16 acres. The Board also determined that adequate sight distance exists on Dater Hill Road for each resulting parcel. The Board Members had no further questions or concerns regarding the application. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6-0, and a negative declaration adopted. Member Oster then made a motion to approve the waiver of subdivision application subject to Rensselaer County Health Department approval for water, which motion was seconded by Member Czornyj. The motion was approved 6-0, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was an application by PARK EAST VENTURES for site plan approval for property located at 1175 Hoosick Road. Appearing on the application was J. RYAN of Rifenburg Construction. Mr. Ryan explained that Rifenburg was seeking conceptual site plan approval for possible new offices and/or retail/professional office space, although no specific building plans have yet been prepared. Primarily, Rifenburg is seeking approval for a grading permit to excavate and remove gravel from this 10 acre site in order to lower the grade of the property for future construction purposes. The Board inquired of Attorney Gilchrist as to the regulatory requirements. Attorney Gilchrist stated that the removal of at least 1000 tons or 750 cubic yards of minerals, including gravels, within 12 successive calendar months requires a mining permit from the New York State Department of Environmental Conservation ("NYSDEC"). Substantially more gravel is to be removed from this location, which would require an NYSDEC Mining Permit. However, there is an exemption from the State mining regulations for excavation, removal and disposition of minerals for construction projects. In this regard, Attorney Gilchrist explained that if a definite construction project has been reviewed and approved by a municipality, which includes excavation to aid on-site construction, the exemption may be triggered and a State Mining Permit may not be required. However, in order for this exemption to apply, a definite building/construction plan must be presented and fully reviewed by the municipality. With respect to this application, no definite site plan in compliance with the Brunswick site plan regulations has been submitted, and no definite project or construction plan has been presented. The only thing sought at this time from the Applicant is a permit to grade the property. This type of application would require a Mining Permit from NYSDEC. In the event the Applicant submits a full site plan application in

compliance with the Town's site plan regulations, the NYSDEC exemption may apply even if significant on-site grading is required. Mr. Ryan will review this regulatory framework with Rifenburg Construction, and determine whether a full site plan application will be submitted at this time. This matter has been adjourned without date.

The next item of business on the agenda was the major subdivision application by COBBLESTONE ASSOCIATES for property located on Tambul Lane/Bulson Road. Appearing on behalf of the Applicant was James Dunn. Mr. Dunn had submitted a letter to the Planning Board dated February 8, 2005 in follow-up to the opening of the public hearing on this application. Mr. Dunn inquired whether any additional written comments had been received by the Planning Board following the public hearing. Chairman Malone noted that the Planning Board members had received a letter from William and Ann Smith, who live at 104 Tambul Lane, opposing the application, predominantly on the issues of transportation and the traffic study submitted by the Applicant. Mr. Dunn also inquired whether a Lead Agency has yet been designated. Attorney Gilchrist stated that a Notice for lead agency coordination had been sent to both the Brunswick Town Board and the New York State Department of Environmental Conservation, but the Planning Board has not received any response from either agency. The Planning Board, therefore, is in a position to designate itself as SEQRA Lead Agency, although it has not yet done so on this application. Mr. Dunn inquired whether the Planning Board had any comments on the application following the public hearing. Chairman Malone requested Mr. Kestner to review several issues. Mr. Kestner started with the issue of traffic, and stated that he had spoken with Fred Howard at the Rensselaer County Highway Department concerning the issues raised at the public hearing on the intersection of Tambul Lane and Tamarac Road, which is a county roadway. Mr. Kestner had requested Mr. Dunn to forward a complete copy of the

Traffic Study to Mr. Howard at Rensselaer County Highway Department. Mr. Kestner stated that he would be working directly with Mr. Howard on the traffic issues, as the intersection of Tambul Lane and Tamarac Road raises issues of both Town and County concern. Further, Mr. Kestner stated that the test wells which had been drilled by the Applicant had been located at the base of the hill, and that the Planning Board would require a test well to be installed in the area of upland lots at the top of the hill. Mr. Kestner stated that when the original homes were built in Windfield Estates, there was a problem with adequate groundwater yield, and that an additional test well for the lots planned adjacent to the existing Windfield Subdivision will be required. Further, Mr. Kestner advised Mr. Dunn that he should contact adjoining property owners who already have wells supplying water to their homes to determine whether they would allow monitoring of their wells while the test well was being operated for purposes of draw-down impact on existing wells. Mr. Dunn stated that he would inquire with existing homeowners in that regard. Mr. Dunn did note that he met with the Osters, who do live adjacent to the proposed subdivision, and that he had walked the land and discussed many issues with them. Mr. Kestner next raised the issue of the cemetery located on the property, and the need to have that cemetery specifically identified as to location, size, and number of graves. Mr. Kestner suggested that Mr. Dunn contact Sharon Zenkel, Town Historian, to aid in this effort. Mr. Kestner also raised the fact that a property owner on Tambul Lane, Mr. Reynolds, claims that he is the owner of the roadway of Tambul Lane, rather than the road having become public as a highway by use. Attorney Gilchrist reviewed the rules regarding user highways under Highway Law §189. Mr. Kestner informed Mr. Dunn that the issue of Tambul Lane as a user highway must be further investigated. Mr. Kestner next discussed the proposal for shared driveways for the four lots with access directly off Tambul Lane, which had been recommended by the Applicant's Traffic Study.

Member Czorny noted that common driveways were not favored by the Town. Mr. Dunn stated that if the Town did not approve of common driveways, then they would be eliminated from the application. Mr. Dunn did note that all of the proposed lots with access on Tambul Lane would have frontage on Tambul Lane, even if a common driveway were proposed. In this way, Mr. Dunn suggested that a common driveway could be used but that frontage did exist for additional driveway construction in the future if there were any dispute concerning the common driveway. Mr. Kestner stated that this issue would need to be further discussed with the Planning Board. Mr. Kestner also discussed the large lot, proposed Lot #18, on which the NYSDEC wetlands exist. Mr. Kestner inquired as to who would ultimately own Lot #18 and the wetlands. Mr. Dunn responded by stating that DEC favored keeping the wetlands all on one lot, and that the Applicant was still determining whether this large lot would become part of one of the subdivided lots, thereby retaining private ownership, or whether this large lot should be transferred to a land conservancy or conservation group. This issue needs to be further analyzed. Mr. Kestner also stated that a full Stormwater Pollution Prevention Plan must be prepared, not only for construction purposes, but for post-construction purposes and any impact to the DEC wetland. Mr. Dunn explained that the Applicant realized a full Stormwater Pollution Prevention Plan ("SWPPP") would need to be prepared, but had not yet done so because it wanted initial feedback from the residents and the Town before it expensed the preparation of the full SWPPP. Mr. Kestner also raised the issue of the number of lots on the cul-de-sac, both the extension of Windfield Subdivision as well as the new proposed road off Tambul Lane, and that this would ultimately be an issue for the Town Board to decide upon recommendation of the Planning Board. Also, Mr. Kestner raised the issue of the waiver of road specifications in terms of road width, and that this was a decision for the Town Board upon recommendation of the Planning

Board. Chairman Malone noted that while there were a significant number of issues to address, the main issue on this application is transportation and traffic associated with the intersection of Tambul Lane and Tamarac Road. This primary issue must be discussed with the Rensselaer County Highway Department and Mr. Kestner in order to determine how this application will proceed. Chairman Malone requested that Mr. Kestner confer with Mr. Howard and that a meeting be set up between Mr. Howard, Mr. Kestner and Mr. Dunn prior to the next Planning Board meeting on March 3, 2005 in order to obtain initial comments on this primary traffic issue. Mr. Kestner also suggested that the SEQRA review process be commenced, and that the Board be prepared to address Lead Agency designation at its next meeting so that the formal environmental review process can commence. The Board will address this matter at its March 3, 2005 meeting.

Two items of new business were discussed.

The first item of new business discussed was a subdivision application by SEAN GALLIVAN for property located at the intersection of Deepkill Road and Smith Hill Road. The Applicant seeks to divide existing agricultural property into six (6) lots, five (5) residential lots and one (1) large lot remaining in agricultural. The Planning Board stated that the application must be submitted as a major subdivision application since it proposes more than four (4) lots. Mr. Gallivan stated that he would consider whether to reduce the number of proposed lots to four (4), so that the application could be treated as a minor subdivision, or move forward with six (6) proposed lots and submit the application as a major subdivision. Mr. Gallivan did present to the Board that he had an agreement with Marini Builders for home construction on the proposed subdivided lots. Mr. Gallivan stated that he was proposing to have homes built on the lots in the

range of 1,800 - 2,400 square feet. Member Tarbox inquired whether any fill on proposed Lot #5 had been done in any wetland areas. Mr. Gallivan stated that he had checked with NYSDEC and determined that he was not filling in any wetland area. This issues will need to be further clarified upon submission of the complete subdivision application. This matter has been adjourned without date pending submission of a complete subdivision application.

The second item of new business discussed was a waiver of subdivision application by H. REED BISSELL and SEAN GALLIVAN for property located on Deepkill Road. Bissell owns 8.18 acres, and seeks to divide a parcel measuring 500' x 60' for transfer to Gallivan for merger into Gallivan's parcel. The Planning Board specifically required the merger of this small piece into Gallivan's existing parcel, as it was not of sufficient size to be considered a separate building lot. Mr. Gallivan understood this requirement, and agreed to the same. The Planning Board confirmed that all zoning and setback requirements are met on the resulting Bissell parcel. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Oster. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Chairman Malone made a motion to approve the waiver of subdivision subject to the condition that the 500' x 60' parcel be merged into the existing parcel of Gallivan. Member Oster seconded the motion subject to the stated condition. The motion was approved 6-0, and the waiver application approved subject to the stated condition. Mr. Gallivan was directed to submit to the Planning Board proof of the merger of this parcel into his existing parcel. The deed instruments will be forwarded from Mr. Gallivan's attorney directly to Attorney Gilchrist:

Town Highway Superintendent Doug Eddy appeared before the Board. Mr. Eddy raised the issue of the Planning Board reviewing not only public road grades but also the grades of proposed driveways on all future site plan and subdivision applications. Mr. Eddy has been

observing that driveways are being constructed on fairly steep grades, and stormwater is rushing off the new driveways directly onto public roadways, causing potential icing conditions during the winter. Mr. Eddy and Mr. Kestner suggested that the Planning Board require a back pitch on all new proposed driveways off existing and new public roads, in the nature of a 2% back pitch for at least 10 feet off public roadways. Mr. Kestner will further look into this issue. It was recommended that a review of topography for all new driveways as well as roadways be included in Planning Board review, and that such issues be forwarded to Mr. Eddy for review prior to any action by the Planning Board on future applications.

Mr. Kreiger reported that upon further review of the record on the BRUNSWICK PLAZA EAST site plan application, the current construction of buildings at the Brunswick Plaza East project is in compliance with the materials submitted to the Planning Board during site plan review. Specifically, the issue of the 10' EFIS roof on the front of the new buildings was described by the Applicant's engineers, although it was not accurately reflected on the final site plan. This roof structure does not impact total green space calculation nor parking space calculation requirements, which remain in compliance with Town regulation. However, the addition of the 10' roof structure may impact the total square footage of the structures on the site for assessment purposes, and that an accurate site plan depicting the building footprint inclusive of those structures must be submitted by the Applicant. The Applicant has agreed to do so, and such revised site plan is expected by the Building Department shortly. This matter will be updated by Mr. Kreiger at the March 3rd meeting.

The minutes of the February 3, 2005 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Tarbox, the Minutes were approved as written upon a vote of 6-0.

The **index** for the February 17, 2005 meeting is as follows:

1. Fitzgerald - waiver of subdivision - approved subject to Rensselaer County Health Department approval for water;
2. Park East Ventures - site plan - adjourned without date;
3. Cobblestone Associates - major subdivision - March 3, 2005;
4. Gallivan - major subdivision - adjourned without date; and
5. Bissell/Gallivan - waiver of subdivision - approved subject to stated condition.

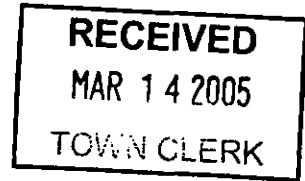
The proposed agenda for the March 3, 2005 meeting is as follows:

1. Cobblestone Associates - major subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD March 3, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was a major subdivision application by COBBLESTONE ASSOCIATES. No one was present on behalf of the Applicant. This matter has been adjourned without date.

The second item of business on the agenda was the subdivision application by SEAN GALLIVAN for property located on Deepkill Road and Smith Hill Road. Appearing on the application was SEAN GALLIVAN. Mr. Gallivan presented a revised subdivision plat showing a total of four (4) lots constituting a minor subdivision application under the Town's Subdivision regulations. The revised subdivisions plat shows three new building lots, plus a retained lot of 23.5 acres which is predominantly agricultural property. The Board inquired again of the Applicant as to the amount of fill that had been placed on one area of the property. Mr. Gallivan stated that there had not been significant fill placed on the property, and that the area of a proposed home allowed the footings for the foundation to be placed on existing soil, while he proposed to bring more fill to the property to surround the basement walls. The Board also inquired whether this area of fill had been placed in any wetland areas. Mr. Gallivan stated that

there were no wetlands on the property. The Board had significant concern regarding the amount of fill that had been placed on the property in terms of impact to wetlands and appropriateness for building construction, and considered requiring a wetlands delineation and engineering certification for residential construction on the filled areas. Mr. Kestner noted that the Board could require the Applicant to have an engineering analysis performed by the Applicant as to the bearing capacity of the soils, which could include a trench being dug to analyze the soils or a further requirement that a soil core sample be drilled and analyzed for bearing capacity. Member Oster inquired whether a septic system could be located on this proposed lot given the amount of fill that has been placed on the property. Chairman Malone noted that the approval of the septic system will be within the jurisdiction of the Rensselaer County Health Department. Chairman Malone also inquired whether Mr. Gallivan had investigated the presence of wetlands on the property. Mr. Gallivan stated that he had confirmed with NYSDEC that there are no State regulated wetlands on the property, and that the property constituted only "seasonal wet area". Mr. Kestner provided that wetlands on the property are regulated both by NYSDEC and the U.S. Army Corps of Engineers. State regulation of wetlands require wetlands to be 12.4 acres in size, and are on maps maintained by NYSDEC. However, federal wetlands are not limited by size, and a formal wetlands delineation for federal jurisdiction could be undertaken. Chairman Malone stated that the Board wanted further information on wetland delineation for both State and federal jurisdictional purposes. Further, Chairman Malone noted that the topography of this property needs to be placed on the subdivision plat, as well as a complete listing of all neighboring property owners in compliance with the Town's subdivision regulations. Chairman Malone also wanted further information on the bearing capacity of the soils in the one area of the

property that had been filled. Attorney Gilchrist also noted that the Applicant must comply with current Stormwater regulations, and submit information on stormwater compliance to both the Planning Board and NYSDEC Region 4. Mr. Gallivan stated that he had already contacted NYSDEC concerning stormwater compliance, and that he has calculated that the total disturbed area for this subdivision is in excess of one acre but less than a total of 5 acres, and that he had been informed by NYSDEC that a full Stormwater Pollution Prevention Plan ("SWPPP") was not required, but that only an erosion and sediment control plan for construction would be required. Mr. Gallivan will submit that information to the Planning Board for review. Mr. Kestner required that the engineering calculations for total disturbed area for this project be submitted to the Town for review. Mr. Kestner also requested that sight distances be calculated for all proposed driveways onto public roads, and that the sight distance information be placed on the subdivision plat. Member Wetmiller also informed Mr. Gallivan that the Town is requesting that all driveways leading to existing public roads include a 2% back pitch for the first 10' of private driveway off the public right-of-way. Member Tarbox also noted that compliance with the Agriculture and Markets Law for agricultural district issues must be examined by the Applicant. This matter has been adjourned without date pending additional information to be supplied by the Applicant. The Board also requested the Applicant to file an escrow fee with the Town for engineering review on the application.

The next item of business on the agenda was the waiver of subdivision application by ROCCO DICARLO for property located on Lockrow Road. Appearing on the application were Mark Mainello, Esq., David Rice (architect and contract vendee of the proposed residential lot), and Angelo DiCarlo. The Applicant seeks to divide one.4.75 acre proposed residential lot off an existing parcel totalling 44.04 acres. A private driveway is proposed directly onto Lockrow

Road. Chairman Malone inquired as to drainage issues on the proposed residential lot. The Applicant explained that the topography on the proposed residential lot will drain the stormwater off the 4.75 acre residential lot onto the remaining property of DiCarlo, and that the proposed driveway drainage will drain into an existing drainage ditch along Lockrow Road. The Board determined that there was adequate road frontage for this proposed lot along Lockrow Road. The Board inquired as to the adequacy of the sight distance for the proposed driveway on Lockrow Road. The Applicant stated that the sight distances were adequate based on 30 mph speed limit on Lockrow Road. Mr. Kreiger stated that he understood Lockrow Road to have a 45 mph speed limit designation. The Applicant and Board Members further discussed the sight distance issue in terms of speed limit, and determined that the sight distances were sufficient for a 30 mph road, but that the sight distances were inadequate based on a 45 mph speed limit. Mr. Kestner noted that in the event Lockrow Road had a posted speed limit of 45 mph, the Applicant could remove vegetation and cut back the banks along the proposed driveway to increase the sight distances. Mr. Kreiger was directed to confirm the speed limit for Lockrow Road. The Board also required the Applicant to put the topography of the site onto the waiver map to ensure that drainage for the new proposed residential lot is adequate. The Board also requested that a map note be placed on the waiver map stating that the driveway will include a 2% back pitch for the first 10' off the right-of-way of Lockrow Road. Member Tarbox noted that there is agricultural property surrounding this residential lot, and that an Agricultural Data Statement should be completed and sent to the owners of the agricultural property. The Applicant indicated it would prepare the Agricultural Data Statement. This matter has been adjourned and placed on the agenda for further discussion on the March 17 meeting.

Two items of new business were discussed.

First, ANGELO DICARLO presented a concept site plan seeking to extend his existing commercial garage on Hoosick Road. Mr. DiCarlo seeks to extend the existing building with a 50' x 50' extension to the rear and 15' x 50' extension to the front of the existing building. Mr. DiCarlo explained that he needed this enclosed additional area for the building in order to allow the staging of painted vehicles to dry without being exposed to the elements. Mr. DiCarlo explained that he did not anticipate any changes in the business on the property, and that the site plan was for purpose only of the staging area for painted vehicles. Upon review of the concept, the Planning Board initially noted that the Applicant will need to recalculate the total number of parking spaces required based the increased square footage of the building. The Planning Board referred the concept plan to Mr. Kestner for review. This matter has been adjourned without date.

The second new item of business discussed was further information supplied by HARRY D'AGOSTINO for a proposed two lot waiver of subdivision for property located on North Lake Ave. This matter had been initially reviewed by the Planning Board in December 2004. An issue had arisen in December 2004 as to whether driveways could be located off North Lake Ave. for the two proposed residential lots, and the Planning Board had directed Mr. D'Agostino to the Rensselaer County Highway Department for consideration of driveway location and driveway permits. Mr. D'Agostino noted that one driveway had already been installed on the property which would service one of the proposed residential lots when he had appeared before the Planning Board in December, 2004, and that he had spoken with the Rensselaer County Highway Department about a permit for a second driveway for the proposed second residential lot. Mr. D'Agostino handed up to the Planning Board a letter from the Rensselaer County Highway Department noting that a driveway could be located off North Lake Avenue for the proposed.

second lot. It was unclear from the letter from the Rensselaer County Highway Department as to whether the approval covered the existing driveway or the proposed new driveway. Mr.

D'Agostino said that he had a previous permit from the Rensselaer County Highway Department for the existing driveway, and that the current letter from the Rensselaer County Highway Department was for the proposed second driveway. Mr. D'Agostino also noted that Harold Berger, P.E., had prepared a letter-report dated November 27, 2004 stating that both proposed residential building lots had sustainable and substantial buildable area to the rear of the lots, even though the front portion of these lots had significant wet areas. The Planning Board inquired whether there were any wetland areas on the property which needed to be investigated. Mr. Kestner stated that he would confirm whether any NYSDEC wetlands existed on the property. Mr. D'Agostino stated that he would submit the Rensselaer County Highway Department driveway permit for the existing driveway to supplement the record. This matter has been adjourned until the April 7, 2005 meeting.

The minutes of the February 17, 2005 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Wetmiller, the Minutes were approved as written upon a vote of 7-0.

The **index** for the March 3, 2005 meeting is as follows:

1. Cobblestone Associates - major subdivision - adjourned without date;
2. Gallivan - minor subdivision - adjourned without date;
3. DiCarlo - waiver of subdivision - 3/17/05;
4. DiCarlo - concept site plan - adjourned without date; and
5. D'Agostino - waiver of subdivision - 4/7/05.

The proposed agenda for the March 17, 2005 meeting is as follows:

1. DiCarlo - waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809

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MINUTES OF THE PLANNING BOARD MEETING HELD March 17, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the application of DICARLO for waiver of subdivision for property located on Lockrow Road. Chairman Malone noted that he and Mr. Kestner went to the site, but could not correlate the submitted map with the land. Mr. Kestner confirmed that it was difficult to understand where things were as depicted on the map and as existing on the land. Chairman Malone stated that the map must be amended to better depict existing features, including the DiCarlo house and driveway, the house on the adjacent Marshall lot, and the proposed driveway location to the new proposed lot. Chairman Malone and Mr. Kestner also stated that the Board had requested that topography be placed on the map, and that no topographical information had been supplied. The Applicant initially questioned why the additional information needed to be placed on the map. Mr. Kestner responded that the information was necessary in order for the Planning Board to fully understand the application in relation to the land features. The Applicant ultimately agreed to place the requested additional information on the map. Chairman Malone also stated that through investigation, it has been determined that Lockrow Road is a 45 mph speed limit road, rather than 30 mph. Therefore,

Chairman Malone wanted additional information on sight distance from the proposed driveway location placed on the map for consideration by the Planning Board. The Applicant also agreed to stake the location of the proposed driveway so that Mr. Kestner and Chairman Malone could perform another site inspection prior to the next meeting. The Planning Board also asked for information on the location of the septic and well on the adjacent Marshall lot, which the Applicant agreed to get as much information as possible. The Applicant handed up the original Environmental Assessment form for the file on this application. This matter will be placed on the agenda for the April 7 meeting for further action.

The next item of business on the agenda was the site plan application of DICARLO for its commercial body shop located on Hoosick Road. Chairman Malone and Mr. Kestner that they had visited this site for inspection as well. The Applicant again explained that he was seeking to extend the existing building both to the rear (to provide an unheated storage area for painted cars) as well as a limited extension to the front of the building. This extension will alleviate cars staging outside, as well as provide an area for car storage after they had been painted. Chairman Malone inquired as to impact on green space from the building extension. The Applicant stated that there remains 48% green space on the site considering the building extensions. Chairman Malone inquired whether any additional parking would be required in light of the building extension. Mr. Kestner stated that he would confirm the parking space calculation, and would further look at the Minutes on the original site plan approval (April or May, 1987) as to any conditions on the original site plan approval including parking requirements. General discussion occurred concerning fencing at the location, which would also have the benefit of screening the operations. Mr. Kestner stated that the site plan should be finalized with everything the

Applicant wishes to do on the site, and supply a narrative for the building extensions and site operations. A public hearing will be required on this application. Chairman Malone has placed this matter on the agenda for the April 7 meeting to review the final site plan and narrative, and if everything has been submitted, this matter may be scheduled for public hearing on April 21, 2005. Following the April 7 meeting, the site plan will need to be referred to Rensselaer County Department of Economic Development and Planning for recommendation.

The next item of business on the agenda was the waiver of subdivision application by PALMER. This property is located on N.Y. Route 7 adjacent to Tarbox Farms. The Applicant had obtained a waiver of subdivision to divide property off of his existing lot in order to build a house for his daughter. After the daughter's house had been constructed, and an as-built survey prepared for bank financing purposes, it was discovered that the original survey and pin location had been incorrect, and that the corrected survey resulted in the new house built for the daughter being in violation of setback requirements from the lot line. In order to correct this problem the Applicant is seeking a further waiver of subdivision in terms of a lot line adjustment to divide additional land off the original lot for transfer to the daughter's lot in order to create area between the new home and the lot line for setback compliance. Member Wetmiller inquired whether all setbacks would be in compliance not only on the daughter's lot, but also for all structures on the original lot. It was confirmed that all structures with the corrected lot line would be in compliance with setback requirements. Thereupon, Member Wetmiller made a motion to adopt a negative declaration pursuant to SEQRA, which motion was seconded by Member Esser. The motion was approved 7-0, and a negative declaration adopted. Thereupon, Member Mainello made a motion to approve the waiver of subdivision application upon the condition that the divided property be merged into the daughter's lot, which motion was seconded by Member

Oster. The motion was approved 7-0 subject to the stated condition. The Applicant is to supply Mr. Kreiger with a copy of the deed depicting the merger of this land into the daughter's lot.

The next item of business on the agenda was the waiver of subdivision by D'AGOSTINO for property located on North Lake Avenue. Mr. Kreiger confirmed that the Rensselaer County Highway Department had issued two separated driveway permits for this land off North Lake Avenue. The Planning Board confirmed with the Applicant that a wetland delineation needs to be conducted on the property, and that the map on the waiver application needs to depict the location of the proposed second driveway. The Applicant will have the wetland delineation performed, and place that information on the waiver map together with the second proposed driveway location. This matter has been adjourned without date.

One item of new business was discussed.

An application for waiver of subdivision has been received from MERRITT WILSON for property located on Smith Hill Road. Wilson seeks to divide 5 acres from his existing 11 acre lot for transfer to his neighbor, who in turn will merge that property into his existing lot. This matter will be placed on the agenda for the April 7, 2005 meeting.

Mr. Kreiger acknowledged receipt of information from Wal-Mart Stores for its proposed Supercenter project on Route 7, with the request that the Applicant be allowed to appear before the Planning Board at the April 7 meeting for a concept presentation for purposes of the recommendation by the Planning Board on the PDD application pending before the Town Board. This matter will be placed on the April 7 meeting agenda for a concept presentation by Wal-Mart.

Chairman Malone acknowledged the attendance by the Applicants on the proposed Brunswick Meadows condominium project located on Route 142, for which a PDD application is

currently pending before the Town Board. The Applicants are appearing for their presentation of the concept overview of the project for purposes of supplying information to the Planning Board for its recommendation to the Town Board on the PDD application. Attending on behalf of the Applicant were John Mainello, Pat Fiori, Joe Zappone, and Tom Murley, P.E. Mr. Mainello presented a concept overview of the application, and Mr. Murley explained the water and sewer infrastructure proposal. The Planning Board received this information, and stated that it would discuss the information and make a formal recommendation through resolution to the Town Board.

Chairman Malone raised the issue of the pending major subdivision application by COBBLESTONE ASSOCIATES for property located on Tambul Lane and Bulson Road. Chairman Malone and Mr. Kestner noted that despite being on the agenda for the March 3 meeting, the Applicant did not attend. Rather, the Applicant contacted Mr. Kestner on March 17 inquiring what issues on the Cobblestone application would be discussed at the March 17 meeting. The Cobblestone application was not on the March 17 meeting and the Applicant was so informed. Following further discussion, Chairman Malone instructed that a letter be sent to the Applicant identifying the issues which remain outstanding and on which additional information is required on this application, including traffic concerns (including the intersection of Tambul Lane and Tamarac Road as well as the intersection of Bulson Road and Route 2), impact to the historic cemetery, impact to groundwater resources (including the requirement that additional test wells be installed on up-gradient portions of the property), the issue of ownership of Tambul Lane (whether publicly owned or highway by use), road specifications within the proposed subdivision, as well as the number of proposed lots off the cul-de-sac. This letter will be drafted and forwarded to the Applicant. Further, Chairman Malone directed Mr. Kreiger to

get together information on the number of accidents which have occurred at the intersection of Tambul Lane and Tamarac Road, including the recent accident in March, 2005. Chairman Malone further directed that this matter will be placed on the agenda for the April 7 meeting, at which time Lead Agency designation will be performed under SEQRA, as well as an initial determination of environmental significance.

Chairman Malone also confirmed that matters will not be placed on Planning Board agendas unless they are received and discussed as "new business" at the preceding Planning Board meeting, and there was consensus that enough information had been submitted in order to be placed on the a Planning Board agenda. Further, the proposed agendas are always placed at the end of the Minutes for the preceding meeting, and that these minutes are routinely placed on the Town's website. This will allow members of the public to be informed as to what items will be on the agenda for the upcoming Planning Board meeting.

The minutes of the March 3, 2005 meeting were reviewed. Upon motion by Member Tarbox, seconded by Member Esser, the Minutes were approved on 7-0 vote without amendment.

The **index** for the March 17, 2005 meeting is as follows:

1. DiCarlo - waiver of subdivision - 4/7/05;
2. DiCarlo - site plan - 4/7/05;
3. Palmer - waiver of subdivision - approved;
4. D'Agostino - waiver of subdivision - adjourned without date;
5. Wilson - waiver of subdivision - 4/7/05;
6. Wal-Mart - concept presentation on PDD application - 4/7/05;

7. Brunswick Meadows - concept presentation - adjourned without date; and
8. Cobblestone Associates - major subdivision - 4/7/05.

The proposed agenda for the April 7, 2005 meeting is as follows:

1. DiCarlo - waiver of subdivision
2. DiCarlo - site plan;
3. Wilson - waiver of subdivision;
4. Wal-Mart - concept presentation;
5. Cobblestone Associates - major subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD April 7, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the waiver of subdivision application by DICARLO for property located on Lockrow Road. Attending on behalf of the Applicant were Rocco DiCarlo, Mark Mainello, Esq., as well as the Applicant's engineer. The Applicant had submitted an updated map showing topographical information as well as existing features, including the DiCarlo house and driveway and the adjacent Marshall house. Chairman Malone noted that the Marshall lot did not have its own driveway. Attorney Mainello explained that Marshall has a deeded right-of-way over the lands of DiCarlo to the Marshall lot pursuant to a 1999 deed. Mr. Kestner stated that the proposed subdivided parcel does have 30' of frontage along Lockrow Road, which is adequate under Town regulation. The Applicant stated that it intended to use the same driveway over which the Marshall right-of-way exists in order to gain access to the new lot, rather than constructing a new driveway within the 30' frontage. Attorney Gilchrist reviewed the 1999 deed establishing the right-of-way, and determined that the right-of-way was not an exclusive easement in favor of Marshall. Further, Mr. Kestner stated that regardless of whether the Applicant sought to use the existing right-of-way, there did exist

adequate road frontage on Lockrow Road and a proposed driveway location identified on the map, and that the driveway could be constructed in the future if needed. With regard to the proposed driveway location, Mr. Kestner raised the issue of sight distances onto Lockrow Road. Through investigation, it was determined that Lockrow Road has a legal speed limit of 45 mph. Mr. Kestner reviewed the necessary sight distances under acceptable transportation calculations, and determined that the sight distances were adequate, but would require the Applicant to work in consultation with the Town Highway Superintendent to remove existing brush and vegetation along the shoulder of Lockrow Road and install a hidden driveway sign at appropriate locations on Lockrow Road. Both Chairman Malone and Mr. Kestner were again on the site on April 7, and concurred that removal of existing vegetation along the highway right-of-way would assist in sight distances. Mr. Kestner noted that the drainage had been adequately addressed from the lot, including the existence of drainage culverts under existing driveways along Lockrow Road. Mr. Kestner also noted that a map note needed to be added indicating a mandatory 2% back pitch for the first 10' of the proposed driveway off Lockrow Road. The Applicant agreed to add that map note and submit a revised map to the Town. Member Czornyj did inquire as to potential drainage onto another adjacent owner, Spiak. Mr. Kestner opined that drainage should not impact the Spiak property. Further, it was noted the Agricultural Data Statement had been sent to Spiak, and that Spiak did not raise any objection to the application. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7-0, and a negative declaration adopted. Member Tarbox then made a motion to approve the waiver of subdivision subject to the following conditions:

1. A map note must be added requiring a 2% back pitch for the first 10' feet of the

- private driveway off Lockrow Road, and the revised map filed with the Town;
2. Strict compliance with proposed plan is required in order to avoid any drainage onto adjacent properties, including Spiak;
 3. Vegetation must be removed from the area of Lockrow Road and the proposed driveway in consultation with the Town Highway Superintendent in order to increase sight distances.

Member Esser seconded the motion with the stated conditions. The motion was approved 7-0, and the waiver of subdivision approved subject to the stated conditions.

The next item of business on the agenda was the site plan application of DICARLO for amendment to the site plan for the DiCarlo Autobody located at 787 Hoosick Road. Chairman Malone noted that both he and Mr. Kestner were on the site on April 7. Mr. Kestner reviewed changes to the amended site plan. First, Mr. Kestner noted that the front part of the building extension will require removal of existing shrubs, and that the site plan must show new shrubs to be planted in the area of the walkway to the front parking lot. Second, Mr. Kestner noted that a detention basin is proposed for the front part of the property, with the elimination of a detention basin in the rear of the property to allow for additional parking. It was noted by Mr. Kestner that there is an existing swale at the rear of the DiCarlo property which is removing stormwater from the site before it reaches the detention basin at the rear of the lot, which supports the relocation of that detention basin to the front of the property. Third, Mr. Kestner wanted all proposed fencing to be shown on the site. Fourth, all new lights to the rear of the building extension must be shown on the site plan, with information on the lights/specifications to insure that there is no spillage onto any adjacent property. Fifth, Mr. Kestner wanted the handicapped parking spot on the site to be appropriately striped and shown on the site plan. Sixth, based on the uses within

the building, Mr. Kestner determined that a total of nine (9) parking spaces are required for this use, and that there are currently ten (10) parking spaces available. Member Czornyj raised the issue of whether any additional cars would be stored outside the building. The Applicant indicated that any cars stored outside of the building will be to the rear of the property that will be screened by a fence. Member Czornyj wanted all such areas shown on the site plan, and encouraged the Applicant to put as much parking on the rear of the site as possible for cars while still maintaining necessary green space requirements. Member Czornyj inquired whether there would be any work done on cars outside of the building. The Applicant stated that there would be no work done on cars outside of the building, only in the interior of the building. Member Czornyj also noted that there was a shed to the rear of the property, and that no work was to occur in that area, merely storage of supplies. This application requires a public hearing. The Planning Board tentatively scheduled a Public Hearing for this application to be held at the April 21 meeting at 7:00 pm [later adjourned to the May 5 meeting]. A Notice of Public Hearing will be posted at the Town Hall as well as published in the Record and letters will be sent to adjacent property owners.

The next item of business on the agenda was the waiver of subdivision application by MERRITT and ELEANOR WILSON for property located on Smith Hill Road. The Applicant seeks to divide 5 acres off of his existing 31.99 ± acre parcel for transfer to his adjacent neighbor. The Board had no issue with the application, other than the divided parcel to be transferred to the neighboring property must be legally merged into that parcel so as not to create an additional building lot. The Applicant agreed to this condition. Thereupon, Member Czornyj made a motion to adopt a negative declaration pursuant to SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 7-0, and a negative declaration adopted. Member

Czornyj then made a motion to approve the waiver of subdivision subject to the condition that the subdivided parcel be transferred and merged into the existing parcel of the adjacent property owner. Member Wetmiller seconded that motion subject to the stated condition. The motion was approved 7-0, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was the application of WAL-MART STORES INC. for a proposed Wal-Mart Supercenter located off Route 7 and Betts Road, and specifically the concept presentation by the Applicant pursuant to formal referral of the matter from the Town Board pursuant to the Planned Development District regulations. Appearing on behalf of the Applicant was Thomas Farlow, P.E., engineering consultant for Wal-Mart Stores Inc. Mr. Farlow presented the concept site plan to the Planning Board. Mr. Farlow discussed the procedural status of the PDD application before the Town Board. Mr. Farlow indicated that the Applicant and Town representatives had met with the New York State Department of Transportation concerning traffic issues. Mr. Farlow further stated that the Wal-Mart representatives had met with the representatives of the proposed Hudson Hills Apartment complex to talk about cumulative impact issues, given the proximity of the two proposed projects. Mr. Farlow further explained that the new location was sought by Wal-Mart since there was no available room to expand to the proposed Super Center at the Wal-Mart current location. Member Oster inquired as to the size of the current Wal-Mart, and how much room there was available to expand at that location. Mr. Kestner stated that the current Wal-Mart is approximately 135,000 square feet, and that there was already an approved expansion of 20,000 - 25,000 square feet as part of the original approval. Mr. Farlow stated that the 155,000 - 160,000 square feet was not large enough for the proposed Super Center, and given the limitations of the existing facility, including wetlands, there was no room to adequately expand for the proposed

Super Center at the current location. Mr. Farlow explained the proposed entry ways into the Wal-Mart parking lot, including an entrance off Betts Road as well as a second entrance directly off Route 7. Mr. Farlow went over the issue of the proximity of the Brunswick Little League field, and explained that adequate screening was being investigated as well as upgrades to the baseball field and parking areas. The Planning Board members inquired as to the future of the existing Wal-Mart store location. Mr. Farlow explained that Wal-Mart Stores, Inc. will look to lease or sell that current location to another retailer, and that Wal-Mart has a very large real estate component which deals with transfer and/or lease of existing retail space. As to traffic, Mr. Farlow explained that the traffic analysis for the Wal-Mart application will include analysis of the Wal-Mart traffic alone, as well as the cumulative projected traffic of both the Wal-Mart and Hudson Hills projects. The Planning Board noted that seasonal display was proposed for the front parking lot, and raised concern about the appearance and cleanliness of these display areas as well as safety of customers walking in a parking area to access the display area. Attorney Gilchrist explained that this application was early in the review process before the Town Board, that the Town Board had adopted a positive declaration under SEQRA on the Application, and that the scoping process was under way in terms of the issues needed to be addressed by Wal-Mart in the Environmental Impact Statement for the Application. The Town regulations require a recommendation on the application by both the Planning Board and Zoning Board of Appeals, but that such recommendations should be made at a point in time when additional information had been submitted on the application through the Environmental Impact Statement.

The next item of business on the agenda was the major subdivision application of COBBLESTONE ASSOCIATES for property located on Tambul Lane and Bulson Road.

Appearing on the application was James Dunn of Scarano Dunn LLP. Mr. Dunn reviewed the letter of the Planning Board dated March 24, 2005, which listed several issues which the Planning Board Members felt were incomplete on the application. First, in terms of traffic impact, Mr. Dunn stated that he wanted to schedule a meeting as soon as possible with Fred Howard of Rensselaer County Highway Department and Mr. Kestner in order to further discuss traffic issues. Chairman Malone reiterated that the Planning Board sought to retain a traffic consultant to review the Traffic Report submitted by the Applicant. Chairman Malone stated that it was without question that safety at the intersection of Tambul Lane and Tamarac Road is a significant issue that must be further examined. Mr. Dunn stated that he did not necessarily agree that this intersection was unsafe, and that he was obtaining further data concerning safety issues at that intersection. Chairman Malone and Mr. Kestner responded by stating that the Applicant's own Traffic Report indicated concern regarding that intersection, concluding that there should be no left turn out of the proposed road onto Tambul Lane leading to the intersection of Tambul Lane and Tamarac Road, but rather require a right hand turn only to proceed up the hill on Tambul, over Bulson and access directly to Route 2. The Planning Board thought this was not a workable solution and further analysis of traffic impacts on this application would be required. Second, Mr. Dunn stated that issues of impact to groundwater would be further examined by installing additional test wells on the upgradient portions of the property. Third, Mr. Dunn stated that the project would not have an impact on the DEC regulated freshwater wetland; however, the Board stated that DEC had included potential impacts to the freshwater wetland as well as concerns regarding compliance with stormwater regulations in its response to the Planning Board on Lead Agency coordination. Member Oster further inquired as to whether the wetland would remain in one private lot, and if so, who would want to buy that lot and own

an entire wetland. Mr. Dunn responded that the DEC promoted keeping the wetland in one lot, and that while some private parties may wish to purchase the lot, that lot could also be transferred to a nature conservancy or the Town of Brunswick. Fourth, regarding the historic cemetery on the property, Mr. Dunn stated that he had talked to the Town Historian, and that the issue of the location and size of the cemetery was still being investigated. Fifth, in terms of the number of proposed lots off a cul-de-sac road proposed off Tambul Lane, Mr. Dunn inquired when he could appear before the Town Board on that issue. Attorney Gilchrist stated that the Local Law pertaining to variance on the number of lots off the private cul-de-sac required the Planning Board to conduct a hearing and make findings as well as a recommendation to the Town Board prior to an applicant appearing before the Town Board. In this case, the issue of the number of lots off the proposed cul-de-sac dovetails with the total traffic impact, and the number of lots also dovetails with the issue of availability of water for potable purposes. Therefore, these additional issues must be further examined before an appropriate record is created for the Planning Board to make a recommendation to the Town Board on the number of lots off the proposed cul-de-sac. Member Tarbox stated that while groundwater was an issue, traffic was of paramount importance on this application, and that the additional traffic analysis should be performed first. In this regard, Mr. Kestner added that the Erba Lane alternative should be examined by the Applicant, which was seconded by Chairman Malone, who stated that it was important to examine all viable alternatives to avoid the Tambul Lane-Tamarac Road intersection. While the Erba Lane alternative would require DEC approval for road construction through a State regulated wetland area, this option should be explored as it would address safety issues on Tambul Lane and Tamarac Road. On the issue of the number of proposed lots off a cul-de-sac, Member Oster inquired why the Planning Board would consider varying that standard

when the Planning Board recently limited the Farm-to-Market Subdivision to 11 lots with the construction of a road in compliance with full Town specifications. Member Oster was concerned about the consistency of the Planning Board on this issue and opined that if the Town Board wanted to change the number of allowable lots off a cul-de-sac to a number in excess of 12 it could do so by legislation, but right now the Town Code limits the number of allowable lots on a cul-de-sac to 12. Mr. Dunn responded by stating that the original Windfield Estates approval included a loop road with more lots, which actually destroyed more green space than is currently proposed with the cul-de-sac road. Mr. Dunn stated that if a loop road was constructed connecting to Windfield Estates, the Applicant could increase the number of lots in this application to 40; rather, the Applicant was trying to reduce the number of total lots through the use of a cul-de-sac road and preserve as much open space as possible. Member Oster stated that he understood the intent of the Applicant, but reiterated that the Town regulations do not allow more than 12 lots off a cul-de-sac, and that the Planning Board should be consistent on this issue. Chairman Malone inquired of Attorney Gilchrist as to the current SEQRA status of this application. Attorney Gilchrist stated that Lead Agency coordination notices had been sent to all involved agencies on the application, and that no involved agency objected to the Planning Board assuming Lead Agency status. Thereupon, the Planning Board members reviewed a Resolution establishing the Planning Board as SEQRA Lead Agency on this application. The Planning Board approved the resolution establishing the Planning Board as SEQRA Lead Agency on the application. Next, Attorney Gilchrist explained that the SEQRA regulations required the Lead Agency to make an initial determination of environmental significance on the application. In this regard, Attorney Gilchrist explained that if the Lead Agency determined, after review of the application materials and Full Environmental Assessment Form, as well as the comments

received from the public to date on this application, that there was no potential for any significant adverse environmental impact, then a negative declaration would be adopted and the SEQRA process would end. Alternatively, based on this record, if the Planning Board determined that there was the potential for at least one significant adverse environmental impact, then a positive declaration would be adopted, requiring the preparation of an Environmental Impact Statement. Upon further discussion, the Planning Board determined that there was the potential for significant adverse environmental impact on this application. The Planning Board reviewed a resolution adopting a positive declaration on the application. The Planning Board approved the resolution and a positive declaration adopted on the application. The Planning Board determined that scoping would be conducted to identify all potential significant adverse impacts which must be examined by the Applicant in an Environmental Impact Statement. The Planning Board set a public scoping meeting for its May 5, 2005 meeting. Chairman Malone directed that a Public Notice be published in The Record, posted at the Town Hall, and letters sent to all adjacent property owners as well as all property owners on Tambul Lane as to the public scoping meeting to be held on May 5, 2005.

The next item of business on the agenda was the minor subdivision application by SEAN GALLIVAN for property located on Deepkill Road and Smith Hill Road. Appearing on behalf of the application was Sean Gallivan. Mr. Gallivan handed up to the Board e-mail correspondence from the U.S. Army Corps of Engineers. The Corps had inspected proposed Lot #3 which has been the subject of discussion concerning the existence of wetlands. The Corps had determined that less than .1 of an acre of federal wetland had been impacted by prior fill activities, and that such activities were covered by a nationwide general permit which authorizes the discharge of fill material up to .1 of an acre of federal wetlands without prior notification to

the Army Corps for the construction of residential subdivisions. However, the Corps did note that erosion and sedimentation controls should be put in place around the area of the fill so that there is not further impact to additional wetland areas. Further, Mr. Gallivan provided information on sight distances for proposed driveways for these subdivision lots onto Deepkill Road. Mr. Gallivan also stated that a map note had been placed on the plat indicating all driveways would comply with the 2% back pitch requirement for the first 10' off the public right-of-way. Mr. Kestner reviewed the outstanding items on this application. First, it has been confirmed that there are no NYSDEC regulated wetlands on the property. Second, the federal wetlands had been addressed through the Army Corps of Engineers correspondence. Third, there remained an issue concerning the constructability on the soils on Lot #3, and that this issue remained open. Fourth, the topography had been placed on the subdivision plat. Fifth, the Applicant had submitted information on sight distances onto Deepkill Road. Sixth, information on compliance with stormwater regulations had been submitted in terms of erosion and sediment control requirements. Seventh, the map note concerning the 2% back pitch on private driveways had been added to the plat. Members Esser and Tarbox questioned whether enough information had been supplied on the fill which had been previously been placed on Lot #3, and constructability issues on Lot #3. Also, Members Esser and Tarbox had questions concerning sight distance for the proposed driveways. It was determined that Members Tarbox and Esser would visit the site with the Applicant and Mr. Kestner to address those concerns regarding Lot #3. The Board determined that there was sufficient information on the application to schedule the mandatory Public Hearing. The Public Hearing has been scheduled for this application for April 21, 2005 at 7:15 pm.

The next item of business on the agenda was a waiver of subdivision application by

D'AGOSTINO for property located on North Lake Avenue. After initial discussion concerning the outstanding issue of the wetland delineation on the property, the Applicant informed the Board that the application is being withdrawn.

The Planning Board discussed the status of compliance issues on the MORRIS site plan approval. A review of the approval indicated that Forrest Mayer logging would install staking around the perimeter of the green space on or before May 31, 2005. Mr. Kreiger was directed to continue to monitor this condition for compliance.

One item of new business was discussed.

An application for major subdivision has been submitted for a proposed BROOKS RESIDENTIAL SUBDIVISION on Dusenberry Lane. Chairman Malone required additional copies of the subdivision plat for all Board Members and an opportunity to inspect the property before this matter is placed on an agenda. Accordingly, this matter has been placed tentatively on the agenda for the May 5, 2005 meeting.

The minutes of the March 17, 2005 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Oster, the Minutes were approved as written by a 7-0 vote.

The **index** for the April 7, 2005 meeting is as follows:

1. DiCarlo - waiver of subdivision - approved subject to conditions;
2. DiCarlo - site plan - 5/5/05;
3. Wilson - waiver of subdivision - approved subject to condition;
4. Wal-Mart - concept presentation on PDD recommendation - adjourned without date;
5. Cobblestone Associates - major subdivision - 5/5/05;
6. Gallivan - minor subdivision - 4/21/05;

7. D'Agostino - waiver of subdivision - withdrawn; and
8. Brooks Residential Subdivision - major subdivision - 5/5/05.

The proposed agenda for the April 21, 2005 meeting is as follows:

1. Gallivan - minor subdivision - Public Hearing 7:15 p.m.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:15 p.m. on Thursday, April 21, 2005, at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the minor subdivision application submitted by Sean Gallivan relative to a proposed 4-lot subdivision of property located on Deepkill Road and Smith Hill Road. Copies of the subdivision plat are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: April 8, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

RECEIVED
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TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD April 21, 2005

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

ABSENT were CHAIRMAN SHAWN MALONE and JOSEPH WETMILLER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and
MARK KESTNER, consulting engineer to the Planning Board.

A public hearing was held by the Planning Board on a major subdivision of Sean Gallivan, for a four lot minor subdivision located on Smith Hill Road and Deepkill Road. Member Czornyj opened the public hearing at 7:15 p.m. Member Czornyj read the Notice of Public Hearing into the record. Appearing on behalf of the Applicant was Sean Gallivan. Mr. Gallivan generally presented the subdivision plat, including lot layout and type of homes to be built. Mr. Gallivan noted that elevations had been added to the plat for Lot No. 3. Mr. Gallivan also agreed to add a map note requiring a compaction test on the soils in a location of the house for Lot No. 3, as well as the use of spread footings for the foundation on Lot No. 3. Mr. Gallivan also agreed to remove trees and grade back the bank on the shoulder between Lot Nos. 1 and 2 to increase sight distance. Mr. Gallivan noted for the record that he had met with Mr. Kestner as well as Board Members Esser and Tarbox on the site to review the proposal. Member Czornyj inquired whether any Board Members had any questions. Member Esser, upon reviewing the amended plat, inquired as to the topography identified on Lot No. 3. Member Esser had a question as to the grade elevations, both existing and proposed. Upon review of Mr. Kestner, it

was determined that the plat will need to be revised to add correct existing and proposed contour levels on Lot No. 3. Mr. Gallivan agreed to correct the subdivision plat for the grades on Lot No. 3. Mr. Gallivan noted that while he was on site with the Board Members and Mr. Kestner, it was generally discussed and agreed that the house on Lot No. 3 would be approximately five (5) feet above grade of both Deepkill Road and Smith Hill Road, with the lot generally graded down toward these roads to allow drainage away from the house. Mr. Gallivan did agree that there would be compaction tests done on the soils in the area of the final placement of the house on Lot No. 3, and that spread footings would be used for house construction on Lot No. 3. Member Mainello inquired as to the speed limit on Smith Hill Road and Deepkill Road. Mr. Kestner stated that the speed limit was 30 miles per hour, and that the sight distance was adequate for Lot Nos. 1 and 2 when the trees were removed and the bank graded back. Mr. Kestner inquired whether an erosion and sediment control plan had been prepared. Mr. Gallivan stated that he was working with NYS DEC Region IV on the erosion and sediment control plan, and that it was determined that a full Stormwater Pollution Prevention Plan was not required since this residential subdivision resulted in less than a total of five (5) acres of disturbed property. Member Czornyj then opened the floor for receipt of public comments. One adjacent property owner spoke on the record, and noted that he had no objection to the application. Hearing no further comments from members of the public, Member Czornyj closed the public hearing.

The Planning Board then opened its regular meeting.

The first item of business on the agenda was the minor subdivision application of Gallivan. Mr. Kestner did confirm that he, as well as Members Esser and Tarbox, performed a site visit with Mr. Gallivan. Mr. Kestner confirmed that Mr. Gallivan had agreed to a soil

compaction test on Lot No. 3 once the final house location had been determined, and that spread footings would be installed for the foundation. Further, Mr. Gallivan agreed to have the first floor elevation for the house on Lot No. 3 be approximately five (5) feet above grade of Smith Hill Road and Deepkill Road, and have the yard generally graded toward these roads to allow for drainage away from the house. Mr. Kestner also confirmed that Mr. Gallivan agreed to cut trees and grade back the bank between Lot Nos. 1 and 2. Mr. Kestner did note that the trees had already been cut, and that Mr. Gallivan was waiting for appropriate weather conditions to grade back the bank so that it could immediately be seeded and re-vegetated. Mr. Kestner reviewed the plat, and noted that it must be amended to show the existing and finished grades on each lot, including driveway elevations. Member Mainello noted that the plat must show a two percent (2%) back-pitch on each driveway off the public road for ten (10) feet. Member Czornyj also noted that the driveways must be sixteen (16) feet wide because of their length. Mr. Kestner also noted that the driveways must not exceed twelve percent (12%) in grade, and wanted the driveway grades noted on the amended plat. Member Czornyj then noted that these changes on the map need to be completed prior to the Planning Board acting on the application. Mr. Gallivan was urging the Board to take action on the plat, despite the changes that needed to be made. The Planning Board stated that it would act upon the plat when all required changes had been made and presented for review. Mr. Gallivan wanted to confirm the items which needed to be corrected on the plat. Mr. Kestner reviewed the following:

- existing and finished grades for each lot plus the driveways need to be put on the plat;
- first floor height elevations on all homes must be shown on the plat;
- a map note must be added to require the grading of the bank between Lot Nos. 1 and 2 to the satisfaction of the Town Engineer;
- a note needs to be added to the plat requiring a compaction test on soils at the final house location on Lot No. 3, with the results to be reviewed and accepted by the Town Engineer and Building Department.

The Planning Board also noted that the approval would be subject to approval of the Erosion and Sediment Control plan by NYS DEC, and Rensselaer County Health Department approval on water and septic. The Planning Board advised Mr. Gallivan to submit the revised plat to Mr. Kestner prior to the next meeting for his review. This matter has been placed on the Planning Board agenda for the May 5 meeting.

Several items of new business were discussed.

First, a waiver of subdivision application has been filed by Kenneally for property located on Smith Hill Road. This matter has been tentatively placed on the May 19 agenda.

A minor subdivision application has been submitted by Tim Casey for property located on Smith Hill Road. Mr. Casey was in attendance. The preliminary plat was reviewed, and questions were discussed concerning driveway location and profile, site distances, topography to be placed on the plat, as well as location of well and septic. Mr. Casey will be revising the preliminary plat. This matter has been tentatively placed on the May 19 agenda.

The next item of new business was a site plan application by Bryce Properties for property located on Route 7 adjacent to Eckerd Pharmacy. This application seeks to construct a drive-thru coffee sales facility. The Planning Board was seeking to research whether any restrictions were placed on that property during the Eckerd site plan approval. This matter has been placed on the May 5 agenda for initial discussion.

The next item of new business was a waiver of subdivision application by Colley for property located on Route 142 and Liberty Road. Colley seeks to divide an existing residence from the remainder of the parcel, leaving approximately 20 acres as vacant property with access on Route 142 and Liberty Road. This matter has been placed on the agenda for May 5.

The next item of new business was a site plan application by Wiley for property located at the intersection of Route 2 and Langmore Lane. Wiley seeks to construct a commercial garage for storage, to be 70' by 50' in size. This matter has been placed on the agenda for the May 19 meeting.

Member Tarbox made a motion to approve the Minutes of the April 7 meeting as written, which motion was seconded by Member Esser. Motion was approved 5-0, and the Minutes adopted.

The **index** for the April 21 meeting is as follows:

1. Gallivan - minor subdivision - 5/5/05;
2. Kenneally - waiver of subdivision - 5/19/05;
3. Casey - minor subdivision - 5/19/05;
4. Bryce Properties - site plan - 5/5/05;
5. Colley - waiver of subdivision - 5/5/05; and
6. Wiley - site plan - 5/19/05.

The proposed agenda for the May 5 meeting is as follows:

1. DiCarlo - Public Hearing, 7:15 p.m.;
2. Gallivan - minor subdivision;
3. Cobblestone Associates - major subdivision - scoping hearing;
4. Colley - waiver of subdivision;
5. Brooks - major subdivision; and
6. Bryce Properties - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

NOTICE OF PUBLIC SCOPING MEETING

NOTICE IS HEREBY GIVEN that a public scoping meeting will be held by the Planning Board of the Town of Brunswick at its regular meeting to be held on Thursday, May 5, 2005, commencing at 7:30 p.m. at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to provide an opportunity for public participation in scoping the issues to be addressed in an Environmental Impact Statement concerning a major subdivision application submitted by Cobblestone Associates relative to property located at Tambul Lane and Bulson Road. The Planning Board of the Town of Brunswick, as lead agency under the State Environmental Quality Review Act, has adopted a positive declaration on the application. Copies of the subdivision plat, as well as all other application materials, are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public scoping meeting.

DATED: April 18, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road

Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

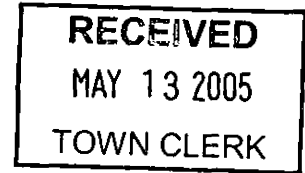
NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:15 p.m. on Thursday, May 5, 2005, at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the site plan application submitted by DiCarlo Auto Body relative to a proposed site plan for the DiCarlo Auto Body facility located at 787 Hoosick Road. Copies of the site plan are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: April 18, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD May 5, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board held a public hearing on the site plan application of DICARLO AUTOBODY for an amendment to the site plan of its existing facility located on Hoosick Road. Chairman Malone opened the public hearing at 7:15 pm. Attorney Gilchrist read the Notice of Public Hearing into the record. Appearing on behalf of the Applicant were Rocco DiCarlo and Mark Mainello, Esq. Attorney Mainello gave an overview of the site plan application. Mr. Kestner also went through the application, and noted the following: shrubbery had been added to the front of the building for landscaping purposes; a sidewalk had been added to the front area of the lot; a stormwater detention basin had been relocated from the rear of the property to the front of the property to better accommodate stormwater flow; the Applicant planned to construct a fence between the existing building and garages for screening purposes from Hoosick Road; additional parking has been placed on the site plan along the side of the existing building; proposed lighting has been added to the site plan; the handicapped parking spot has been shown on the site plan; the additions to the front and rear of the existing building are shown, with the purpose of housing repaired and painted cars prior to being stored outside and picked up by

customers. The Applicant has also submitted a rendition of what the building would look like after the requested changes are made. Chairman Malone then inquired whether any members of the public wished to speak on the application. William Peak, residing on McChesney Ave. Ext., stated that he was in favor of the application as the DiCarlo's were good people and made good contributions to the local community, that the only reason they need to expand is that they have a loyal and growing customer base from the good work that they perform, and that the business was a good and important part of the local economy. Hearing no further comments from members of the public, Chairman Malone closed the public hearing.

Chairman Malone then opened the regular meeting of the Brunswick Planning Board.

The first item of business on the agenda was the site plan application of DICARLO AUTOBODY for its facility located on Hoosick Road. Chairman Malone inquired whether any members of the Board had any questions of the Applicant. Member Esser had a question concerning the shrubs/landscaping in the front of the building, and whether the landscaping would be maintained. Chairman Malone inquired of Mr. DiCarlo whether he would be willing to replaced any shrubs that failed to take hold. Mr. DiCarlo agreed to do so, in coordination with the Building Department. Hearing no further questions or comments, and noting that all of the Board's questions and concerns about the site plan had been addressed, Chairman Malone entertained a motion from Member Tarbox to adopt a negative declaration under SEQRA. That motion was seconded by Member Esser. The motion was carried unanimously, and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the site plan, which motion was seconded by Member Oster. The motion was approved unanimously, and the site plan application approved.

The second item of business on the agenda was the minor subdivision application of GALLIVAN for property located at the intersection of Smith Hill Road and Deepkill Road. Appearing on the application was SEAN GALLIVAN. Mr. Gallivan stated that the subdivision plat had been modified to remove the former Lot #3 as a separate building lot, and that the application now sought only three (3) total lots (now denominated Lots Nos. 1, 2 and 3 [current Lot #3 comprised of prior Lots #3 and #4]). Mr. Kestner explained that while the U.S. Army Corps of Engineers had inspected former Lot #3 and determined that no federal wetland permit was required, and despite the application stating that no NYSDEC regulation wetlands were present on the site, Mr. Kestner had further investigated and determined that the boundary of a New York State Protected Freshwater Wetland and its buffer may extend onto former Lot #3. To avoid any issue, the Applicant has agreed to eliminate Lot #3 as a separate building on this application, without prejudice to reapply for a separate building lot on former Lot #3 once the NYSDEC Wetlands issue is further investigated. The Planning Board determined that this was an insignificant modification on the application following the public hearing. Mr. Kestner also reported that the finished grade contours on the road and driveways, as well as finished elevations of the homes, had been placed on the plat. Mr. Kestner also confirmed that the trees had been cut on the bank in the area of Lots #1 and #2, and that the Applicant has agreed to cut back the bank and reseed that area to improve sight lines from the driveways. Chairman Malone inquired whether there were any further questions or comments from the Board members. Hearing none, Chairman Malone entertained a motion from Member Czornyj to adopt a negative declaration on the application, which motion was seconded by Member Tarbox. The motion was approved unanimously, and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the minor subdivision application subject to the following conditions:

1. The bank in the area of Lots #1 and #2 must be graded back and re-seeded to improve sight lines, subject to the satisfaction of the Town Engineer and Building Department;
2. A highway permit must be obtained from the Superintendent of Highways for the driveways; and
3. Rensselaer County Health Department approval for water and septic.

That motion was seconded by Member Oster. The motion was approved unanimously, and the application approved subject to the stated conditions.

The next item of business on the agenda was the major subdivision application of COBBLESTONE ASSOCIATES for property located on Tambul Lane and Bulson Road. Appearing on behalf of the Applicant was James Dunne. Chairman Malone explained that this application was on the agenda for purpose of a Public Scoping Meeting pursuant to the State Environmental Quality Review Act ("SEQRA"). Chairman Malone noted that the Planning Board had assumed Lead Agency status on the application, and has adopted a positive declaration on the application. In order to identify the issues which must be assessed by the Applicant in an Environmental Impact Statement, the Planning Board chose to hold a Public Scoping Meeting. Attorney Gilchrist read the Notice of Public Scoping Meeting into the record, also noting that all residents on Tambul Lane had also received a mailing notifying them of this meeting. Attorney Gilchrist explained that the Public Hearing on this application had already been opened at the request of the Applicant, but that the Public Hearing on this application remained open upon the consent of the Applicant. The purpose of tonight's meeting was not for the continuation of the Public Hearing, but rather solely for scoping of the issues to be addressed by the Applicant in the

Environmental Impact Statement under SEQRA. Chairman Malone reiterated that while the Public Scoping Meeting may be closed tonight, the Public Hearing on this application remains open, and will be continued once the Applicant has submitted its Draft Environmental Impact Statement and that document has been accepted by the Planning Board as complete. Chairman Malone requested Mr. Dunne to give an overview of the application. Mr. Dunne gave a brief overview of the application for members of the public in attendance. Chairman Malone then explained that the Planning Board has reviewed the comments that were received during the opening of the Public Hearing on this application, and further has reviewed this application with Mr. Kestner, and has already identified a number issues which it will require the Applicant to further assess in the Environmental Impact Statement. Chairman Malone requested Attorney Gilchrist to review those issues for the members of the public. Chairman Malone wanted to ensure the public that these issues had already been identified, and will be assessed by the Applicant in the Environmental Impact Statement and that this Public Scoping Meeting was to elicit any different or additional issues which must be included in that Environmental Impact Statement. Attorney Gilchrist reviewed the issues which have already been identified by the Planning Board. These include:

1. Traffic impacts, including assessment of traffic impact on Tambul Lane and Bulson Road, and also the intersections of Tambul Lane/Tamarac Road and Bulson Road/Route 2. This traffic assessment must address both traffic flow and safety issues. Alternative traffic alignments must also be investigated, including Vrrva Lane and the extension of a through-road from Tambul Lane to Bulson Road through Winfield Estates.

2. Hydrogeologic impacts. The Planning Board will require test wells to be installed upgradient on the property, including at a location in the area of Lots #19, 20, 21 and 22, and also in the area of Lots #23, 24 and 25. This assessment will include not only yield for new homes that are part of this application, but also an assessment of draw-down from the pump tests on the test wells upon existing residential wells on adjoining or nearby properties.
3. Impacts on the NYSDEC freshwater wetland. Specifically, Stormwater Management Plans must be prepared now in order to adequately assess potential stormwater and surface water run-off impacts on the wetland.
4. A full assessment of the application's impact on the historic cemetery on Tambul Lane, including coordination with the Town Historian and State Historic Preservation Office ("SHPO").
5. A resident has raised the issue of the ownership of Tambul Lane, specifically whether it is a Town owned roadway or a highway by use. This issue directly implicates the width of the right-of-way for Tambul Lane, which impacts the traffic assessment and safety issues associated with the traffic report.
6. A viewshed analysis from Tamarac Road must be prepared, to adequately assess the impact on the viewshed from full build-out.
7. An assessment of any deed restrictions or other conditions to approval which was placed on the original Winfield Estates subdivision approval which may have an effect on the subject property.
8. The economic impact of this application on municipal revenue, including both tax

generation as well as any burden on municipal resources.

9. Impacts associated with 17 lots located on a cul-de-sac, in excess of the Town regulation of 12 lots off a cul-de-sac.
10. Reducing the road width for the proposed subdivision road from the Town specification of 30' wide travelway.

Chairman Malone then opened the Public Scoping Meeting to receive additional comments from the public. Andrew D. Bryce, 361 Tamarac Road, stated that he had reviewed the soil survey map for the area, and that this entire area is denoted as a "muck" area, not limited to the NYSDEC wetland boundary. Mr. Bryce also reviewed the soil types of the subject property. Mr. Bryce also stated that the wetland area was used as a water source for all of the existing residents, and that this was located over a significant aquifer. Mr. Bryce was concerned about the lawn fertilizers, septic systems, and any oil/greases which may be included in surface water run-off which may impact the aquifer and wetland area. Steven Reynolds, 241 Bulson Road, stated that he is the title owner of Tambul Lane from the property of Parella to Bulson Road, and that stretch is a highway by use which cannot be widened. Peter Lupe, 124 Tambul Lane, stated that he was opposed to the application, that this would change the natural environment of the area, would negatively impact the traffic flow at the intersection of Tambul Lane and Tamarac Road, and that the surface water run-off will dramatically change the wetland. Ricky Gordon, Moonlawn Road, stated that the economic impact on schools should be assessed. Bill Niemy stated that an assessment of the soils/geology, surface water run-off, and aquifer impacts must be included. David Oster, 87 Tambul Lane, stated that stormwater run-off must be fully assessed, including both quantity and quality, and specifically the impact of that stormwater run-off on his property. Tony Parella, 41 Tambul Lane, raised concern about the septic systems for these lots and the

impact on the down-gradient fields and wetland because of percolation/soil conditions. Mr. Parella also was concerned about the impact on existing wells. Elizabeth Oster, 87 Tambul Lane, stated that impact on wildlife must be included. William Carrigan, 277 Tamarac Road, raised concerns about hydrogeologic impacts, and impacts to existing wells. Mr. Carrigan also spoke to the Vrva Lane alternative, and that seasonal water flows go right over that roadway, and that this aquifer is an important asset and relied upon for potable water purposes. Ben Hammett, 349 Tamarac Road, questions the electric supply to these homes, and would there be telephone and electric poles. Peter Lupe also stated that the cost of bringing electric supply to this site should be assessed. Peggy Bryce, 361 Tamarac Road, stated that while traffic was a significant issue, the impact on the overall quality of life for the existing residents should be assessed. Tony Parella noted that traffic counting equipment had been placed on Tamarac Road recently, but on the west side of the Tambul Lane intersection. This placement missed all of the traffic proceeding in a westerly direction on Tamarac Road but turning onto Tambul Lane, which is the predominant traffic pattern in the morning while Tamarac School is in session. Kim Beaudoin, Tamarac Road, stated that the traffic assessment must include an assessment during Tamarac School session. Also, Ms. Beaudoin stated that the stormwater run-off will further make the area at the bottom of the slope wet, possibly enlarging the size of the wetland and buffer zone. Mr. Fleischer, Colehammer Lane, inquired whether the application was a Planned Development District ("PDD") to which Chairman Malone stated that it was not a PDD application but rather a major subdivision application solely before the Planning Board. Mr. Fleischer stated that all of the pending projects in the Town of Brunswick should be reviewed on a cumulative impact basis rather than one at a time. John Kazuna, Winfield Lane, stated that eastern coyotes have been seen on the property, that safety issues should be included in the traffic assessment, that the

viewshed analysis should not be solely from Tamarac Road but also from the Winfield Estates properties, that changes in property values should be included, and that the impact on existing residential wells must be included (Mr. Kazuna offered his well as one of the existing residential wells to be assessed for drawdown during the pump tests of the test wells). Mr. Kazuna also stated that run-off from Winfield Lane is currently presenting problems, and this additional development could only increase those problems. Joseph Beaudoin stated that the septic systems on each lot must be fully analyzed. Ann Smith, 104 Tambul Lane, stated that the traffic study should consider no left turn from Tambul Lane onto Tamarac Road, as there is no sight distance for that turn. Mark Sipperly, 210 Bulson Road, stated that the traffic study should also analyze a "No Through Traffic" sign as an alternative. Mr. Sipperly offered his well for purposes of the test well study. Frank Brenastell, Doosenberry Lane, stated that the traffic assessment should not be limited just to Bulson Road and Tambul Lane, but consider where the traffic is going, which is in the direction of the Collar City Bridge. Mr. Brenastell stated that the full traffic flow from the Town of Brunswick down to the Collar City Bridge should be assessed, and this application's impact on that traffic flow. Peggy Bryce added that in addition to a no left turn onto Tamarac Road from Bulson, the report should also consider no right turns, or in other words, no traffic coming down Tambul Lane as the intersection of Tambul Lane Tamarac Road is too dangerous. Member Mainello also state that he had inspected the stormwater pipe on Winfield Lane, and found a series of sink holes along the length of that pipe. and stated that the stormwater system may be failing, and that this Applicant should include that issue in the stormwater analysis for this project. Chairman Malone inquired whether there were any further comments from the public on the Scoping issues for the Environmental Impact Statement. Hearing none, Chairman Malone closed the Public Scoping Meeting, but reiterated that the Public Meeting associated with

this major subdivision application remains open at the consent of the Applicant. Chairman Malone also established the date of May 16 as the close of written comment period on the scoping issues, and that written comments would be received by the Planning Board through May 16. Chairman Malone directed that all written comments be addressed to Mr. Kreiger at Brunswick Town Hall. Chairman Malone then explained that the Planning Board will consider all of the comments, both oral and written, and prepare a Final Scoping Document which will be issued to the Applicant. This matter will not be on the May 19, 2005 agenda, and Chairman Malone informed members of the public that they should monitor the Town website for the Planning Board minutes which will state when the matter will be back on the agenda for issuance of the final scope.

The next item of business on the agenda was a waiver of subdivision application by ROBERT COLLEY for property located at the intersection of Route 142 and Liberty Road. Robert W. Colley appeared on the application. Mr. Colley explained that his parents owned 21.5 acres on which they built a house. Mr. Colley explained that his parents are deceased, and that he and his brother have inherited this property. Mr. Colley explained that the house is currently vacant, but that it has been rented in the past. Mr. Colley explained that he and his brother seek to carve out 2 ± acres with the house on it, leaving 19 ± acres vacant. Chairman Malone inquired of Mr. Colley as to what his future plans were for the vacant acreage, noting that it will have frontage both on Route 142 and Liberty Road. Mr. Colley stated that he no plans for the vacant acreage, and that the property might be donated to a nature conservancy. Mr. Colley did say that he and his brother sought to either rent or sell the house. Mr. Kestner noted that the map submitted on the application showed one of the property lines for the 2 ± acres lot to be going along a stream-bed. Mr. Colley stated that the proposed property line was in the middle of a

stream along the property, which would allow both parcels to have access to the stream. Mr. Colley stated that his surveyor thought this was a good idea as well. Member Oster did not think this was a good idea, since the stream-bed may change course in the future. Mr. Kestner as well as the other members of the Planning Board thought this could be problematic in the future. Mr. Kestner and Member Esser thought that a straight boundary line would be simpler and not lead to any future dispute between property owners, and that an existing pin could be used to easily tie in a property line. Upon further discussion, the members of the Planning Board determined that the proposed property line was satisfactory under the Town subdivision regulations. Member Czornyj made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved unanimously, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver application, which motion was seconded by Member Wetmiller. The motion was approved unanimously, and the waiver approved.

The next item of business on the agenda was a major subdivision application by BROOKS for property located on Doosenberry Lane. Lansing Engineering appeared on the application. This application seeks approval for 42 residential lots on 78.5 ± acres, with a proposed extension of Doosenberry Lane to connect to Bald Mountain Road to the north. The current zoning is A-40. Individual septic systems are being proposed for each lot, although the Applicant is investigating a package on-site waste water treatment plant. Public water will be extended from Route 142. Stormwater compliance will be required. Mr. Kestner commented that package plants for on-site waste water are not favored by the Town. Mr. Kestner also noted that full topography must be shown on the plat; that sight distance from Doosenberry Lane onto Route 142 is going to be a significant issue; that information must be submitted now on

stormwater compliance, including location of proposed retention/detention basins; that the Applicant seeks 17 lots on a cul-de-sac road, which exceeds Town regulation; that there were a significant number of junk cars and other debris on the property that must be addressed; and that a complete major subdivision application with filing fee must be submitted. Chairman Malone noted that while this concept plan had been submitted, the Town will require a full preliminary subdivision plat be submitted in compliance with Town regulations, including all application fees. Chairman Malone also required a Full Environmental Assessment Form to be completed and submitted on the application. This matter has been tentatively placed on the agenda for the May 19 meeting, subject to contact by the Applicant if he has not prepared the requested information prior to that date.

The next item of business on the agenda was a site plan application by BRYCE PROPERTIES for property located at 558 Hoosick Road. This property is adjacent to the Eckert Pharmacy. Appearing on the application was Francis Bossolini, P.E. The Applicant seeks to construct a drive-through coffee facility. This property is currently a vacant lot, being filled with material from the Route 7 reconstruction project. Mr. Bossolini explained that this proposal is for a drive-up coffee building and that the building was a prefabricated building set on a slab. Electric as well as public water/sewer are available. No inside dining is included, only a drive-through option. Chairman Malone initially noted that the picture of the proposed building was not attractive, and resembled a construction trailer or industrial shack. Chairman Malone stated that alternatives to the building should be explored. Chairman Malone also noted concern about the traffic flow. Mr. Bossolini explained that a 20' wide paved traveling lane around the building was proposed, and that a curbed island would exist around the building. Chairman Malone also inquired as to the proposal to have traffic enter from the Eckert parking lot. Mr. Bossolini

explained that the proposal included using the existing curb cut for the Eckert facility, and allow patrons to go through the Eckert parking lot to access the drive-through building, with another entrance directly off Hillcrest. Mr. Bossolini explained that an additional curb-cut directly onto Route 7 is not proposed. Members of the Planning Board had significant concern about cars using the Eckert parking lot to access this facility. Member Oster inquired how this could be done. Mr. Bossolini explained that Bryce Properties owns both of these locations, and that the appropriate easements would be established. The Planning Board members reiterated their concern about traffic flow through the existing Eckert parking lot, and did not think that this was a realistic option. The Board wanted the Applicant to look at alternative layouts and configuration of the building on this lot, and limiting access to Hillcrest Avenue rather than using the Eckert parking lot. The Planning Board also raised concerns about stormwater management on this site, as it has historically flooded in the general area. The Applicant explained that a stormwater drainage system is being constructed with the Route 7 project, and that a tie-in to the public storm drain along Route 7 is anticipated. Mr. Kestner stated the Applicant must consider the grades of the site off Route 7 and off Hillcrest, as well as the proposed lighting on the site. The Board reiterated that it wanted an alternative layout/configuration for a building and traffic flow on this lot, assess limiting access from Hillcrest, alternative building types, and detailed information on stormwater management. This matter has been tentatively placed on the June 2 agenda for further consideration.

The Board reviewed the proposed minutes of the April 21 meeting. One amendment was noted, changing the depiction of the GALLIVAN application from "major" to "minor". Subject to the one modification. Member Czornyj made a motion to approve the minutes, which motion was seconded by Member Tarbox. The motion was unanimously carried, and the Minutes

approved subject to the stated correction.

The **index** for the May 5, 2005 meeting is as follows:

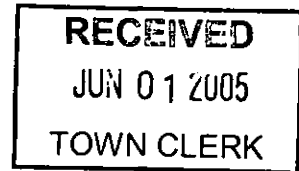
1. DiCarlo - site plan - approved;
2. Gallivan - minor subdivision - conditional final approval;
3. Cobblestone Associates - major subdivision - adjourned without date;
4. Colley - waiver of subdivision - approved;
5. Brooks - major subdivision - 5/19/05; and
6. Bryce Properties - site plan - 6/2/05.

The proposed agenda for the May 19, 2005 meeting is as follows:

1. Casey - waiver of subdivision;
2. Kenneally - waiver of subdivision;
3. Wiley - site plan; and
4. Brooks - major subdivision.

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD May 19, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

JAMES DUNN of Scarano Dunn & Associates was present regarding the proposed Cobblestone Associates major subdivision. Chairman Malone inquired as to Mr. Dunn's presence. Mr. Dunn indicated that he understood the Board would be issuing a Draft Scoping document for the project, following the public meeting which was held to gather public input for the Scope. The Board indicated that this matter was not on the agenda, and that Attorney Gilchrist would contact Mr. Dunn to resolve issues associated with the Scoping Document.

The first item of business on the agenda was the waiver of subdivision application of CASEY for property located on Smith Hill Road. Mr. Casey was in attendance. Mr. Kestner reviewed the proposed subdivision, and commented that the sight distances for the proposed driveways had been placed on the plat, and that they are acceptable. Specifically, Mr. Kestner stated that the distances for the driveways exceed the stopping sight distance requirements for this project. Mr. Kestner did note that the back pitch on the private driveways could not extend the full 10', because that affects the available sight distance onto Smith Hill Road. Mr. Kestner opined that a shorter stretch for the back pitch on the private driveway would be acceptable. The

specific length must be reviewed and approved by the Town Highway Superintendent in connection with approval for the driveway construction. Member Esser suggested a hidden driveway road sign be placed at this location. Mr. Kestner said that was a decision to be made by the Highway Department. Mr. Casey noted that the private driveway information was placed on the plat, but that he was seeking to use his existing driveway as a common driveway and provide an easement. Chairman Malone stated that the Planning Board was requiring each approved lot to have the ability to construct a driveway onto a public road; however, a driveway could be shared between lot owners as long as the ability to construct a separate private driveway for each lot was achieved. Further, Chairman Malone noted that the plat should not include a note providing for a shared common driveway. Rather, the plat should depict a proposed driveway location approvable by the Planning Board and Highway Department. Mr. Kestner also requested that a swale be shown on the plat between Lots 1 and 2. Mr. Casey has depicted that swale on the plat. Mr. Kestner also noted that profiles for each of the driveways has been included, and that the design meets the standards for private driveways/roadways under the Town Code. Chairman Malone noted that he and Mr. Kestner and Mr. Kreiger had visited the site as well to see the proposed driveway locations in relation to Smith Hill Road. Chairman Malone inquired whether there were any further questions of the Board. Hearing none, Chairman Malone entertained a motion from Member Czornyj to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7-0, and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the waiver of subdivision subject to the following conditions:

1. Rensselaer County Health Department approval;

2. Approval of driveway construction by Town Highway Department;
3. Remove map note from plat indicating shared driveway with easement;
4. Purchaser of each lot must be provided copy of plat depicting driveway location and requirement that driveway construction must be in accordance with Town specifications; and
5. Payment of park and recreation fee.

Member Czornyj seconded the motion subject to the stated conditions. The motion was approved 7-0, and the waiver approved subject to the stated conditions.

The second item of business on the agenda was the waiver of subdivision application by KENNEALLY. This matter has been adjourned to the June 2nd meeting.

The next item of business on the agenda was the major subdivision application of BROOKS. This matter has been adjourned to the June 2nd meeting.

The next item of business on the agenda was the site plan application of WILEY for property located at the intersection of Route 2 and Langmore Lane. Wiley seeks to construct a commercial garage at this location. Chairman Malone noted that he had visited the site with Mr. Kestner and Mr. Kreiger, and that the property is located on the west side of Langmore Lane, but not directly on the corner. Rather, the property is directly adjacent to a white house next to the Lupe Electric building, and the immediate corner property on the west side of Langmore Lane and Route 2 is owned by Hewitt. Chairman Malone did note that there are several trees on the site which could be maintained for screening purposes. Chairman Malone reviewed the application and noted that Wiley seeks to store bulldozers, backhoes, and dump trucks, and also wants the ability to restore older vehicles on the site. The Board was concerned about all of those uses at this location, and whether this was in compliance with zoning. The property is

zoned commercial, and Mr. Kreiger noted that one of the permitted uses in the commercial zone is the equipment sales and service. Therefore, these uses are consistent with the commercial zoning district. Member Esser inquired whether Wiley was operating at an existing site, and whether they could go view his existing operation. Mr. Kreiger will look into this. Mr. Kreiger did note that Wiley had obtained a NYSDOT curb-cut permit for this location. However, the curb-cut permit was for a residential driveway. Mr. Kestner stated that a commercial driveway entrance would be required, and different specifications are applicable. Mr. Kestner did note that there was not topography on the proposed site plan, and it did not meet all application requirements under the site plan regulations. Mr. Wiley was not in attendance at this meeting. Chairman Malone has adjourned this matter without date pending required information on the application in compliance with the site plan regulations.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by TALLUM for property located on North Lake Avenue. Previously, the Planning Board had approved a waiver of subdivision application creating an additional lot next to the existing Tallum residence. This plat had never been filed with the Rensselaer County Clerk's Office, and Tallum seeks to merely do a lot line adjustment and abandon the prior waiver approval. This matter has been placed on the June 2nd agenda.

The next item of new business discussed was a proposed site plan application by CINGULAR for a co-location on a Niagara Mohawk tower located on Pinewoods Avenue. Mr. Kreiger reported that this application had been pending before the Zoning Board of Appeals for nearly one year, and that it is anticipated that the ZBA will act on this application at their June

meeting. CINGULAR has requested to be placed on the June 2 agenda for the presentation of a preliminary site plan, in order to obtain any comments that the Planning Board may have so that it could be incorporated into a final site plan application. CINGULAR proposes to construct a 11.5' x 20' building at the base of this tower, requiring site plan approval by the Planning Board. This matter has been placed on the June 2, 2005 agenda.

The minutes of the May 5, 2005 meeting were reviewed. Upon motion of Member Oster, seconded by Member Czornyj, the minutes were approved without amendment.

Chairman Malone also noted that he is in receipt of a letter from the law firm of Doyle, Doyle & Spain concerning property of PROVOST and property of GEORGAPOLOUS. Chairman Malone noted that the correspondence concerns property owned by Provost which covers the boundary between the Town of Brunswick and the Town of Pittstown, and that this correspondence concerned an alternate access to the Provost property without entering the Town of Pittstown. It appears that Georgapolous does not consent. While there is no application pending by Provost, the concept of subdividing the Provost property had been before the Planning Board previously. Chairman Malone wanted the letter from Doyle, Doyle & Spain noted for the record.

The **index** for the May 19, 2005 meeting is as follows:

1. Casey - waiver of subdivision - approved with conditions;
2. Kenneally - waiver of subdivision - 6/2/05;
3. Brooks - major subdivision - 6/2/05;
4. Wiley - site plan - adjourned without date;
5. Tallum - waiver of subdivision - 6/2/05; and

6. Cingular - preliminary site plan - 6/2/05.

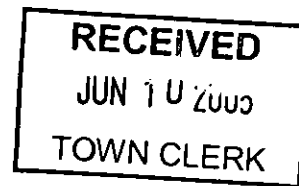
The proposed agenda for the June 2, 2005 meeting is as follows:

1. Kenneally - waiver of subdivision;
2. Brooks - major subdivision;
3. Tallum - waiver of subdivision;
4. Cingular - preliminary site plan;
5. Bouchard - subdivision; and
6. Cobblestone Associates - major subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD June 2, 2005

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, FRANK ESSER, KEVIN MAINELLO, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was RUSSELL OSTER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the waiver of subdivision application by KENNEALLY regarding property on Smith Hill Road. Mr. Kenneally appeared on the application. Kenneally presented a revised map for this proposed two-lot subdivision, highlighting a change in proposed driveway location. Mr. Kestner noted that he had met on the site with Chairman Malone and Mr. Kenneally to review the revised driveway locations. Mr. Kestner noted that the revised driveway locations were an improvement, and requested Mr. Kenneally to have sight distances placed on the map for each driveway location. Mr. Kenneally explained that he intended to have some grading work done on the property to increase sight distances, and would have the sight distances measured and placed on the map once the grading work had been completed. Mr. Kenneally also indicated that he had retained an engineer for Rensselaer County Health Department approval for water and septic. Mr. Kestner also reviewed with Mr. Kenneally the requirement for driveway grade and width, requiring a full 16' wide driveway if the length exceeded 150'. Mr. Kenneally understood this, as one of the proposed lots is a flag lot. Mr. Kestner also stated that as these driveways access directly onto Smith Hill

Road, a back pitch of 2% on the driveways must be constructed for the first 10' off the public right-of-way. Mr. Kenneally understood this requirement as well. Mr. Kestner also stated that the final map to be filed with the Town should also include site topography. Chairman Malone inquired whether there was any further questions of the Board Members on this application. Member Tarbox indicated that he was recusing himself from any vote, as he owns adjoining property. Hearing no further questions from the Board, Chairman Malone entertained a motion by Member Czornyj to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 5-0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the following conditions:

1. Driveway location and sight distance for each driveway must be placed on the map, which either meet or exceed NYSDOT standards;
2. Both driveways must comply with Town driveway standards, both as to grade and width;
3. The driveways must be constructed so that a 2% back pitch is achieved for the first 10' off the public right-of-way;
4. Topography is to be placed on the final map to be filed with the Town; and
5. Rensselaer County Health Department approval for water and septic.

Chairman Malone seconded the motion subject to the stated conditions. The motion was approved 5-0, and the waiver application granted conditional final approval.

The next item of business on the agenda was the major subdivision application of BROOKS for property located on Dusenberry Lane. There was no appearance on the

application, and Chairman Malone adjourned this matter without date.

The next item of business on the agenda was the waiver of subdivision application by TALHAM for property located on North Lake Avenue. No one was present on the application, and Chairman Malone adjourned the matter without date.

The next item of business on the agenda was the presentation of a preliminary site plan by CINGULAR WIRELESS for a cellular tower location on Pinewoods Avenue. Appearing on the matter was Douglas Dimitroff, Esq., attorney for Cingular Wireless. Attorney Dimitroff provided an update on the status of this application pending before the Zoning Board of Appeals. Attorney Dimitroff stated that the ZBA had closed its public hearing in May, and that the Applicant anticipated the ZBA to act upon the application for cell tower location at its June meeting. Attorney Dimitroff explained that Cingular Wireless sought to co-locate its monopole tower within an existing Niagara Mohawk transmission tower. Attorney Dimitroff explained that the monopole was not self-supporting, but was rather a power mount that needed the transmission tower for support. The antenna at the top of the power mount monopole would exceed approximately 19' above the top of the Niagara Mohawk transmission tower. Attorney Dimitroff explained that site plan approval is necessary as the Applicant seeks to construct an equipment shelter/shed at the base of the tower to house transmission equipment. The equipment shelter is proposed to be approximately 11' x 20', and 10' tall. Cingular Wireless plans to build a fence around the equipment shelter, the fence to be an area of approximately 21' x 30', and 8' high with barbed wire placed at the top. Attorney Dimitroff also explained that one parking spot would be installed for a maintenance vehicle. Maintenance and inspection of the equipment and antenna occurs approximately once per month. To provide access, Cingular Wireless plans to widen an existing gravel road. Attorney Dimitroff explained that Cingular Wireless will

construct the road in conformance with Town Code, except for a center portion which will exceed the maximum grade. The Planning Board discussed the issue of the grade of this access road, which will be 18% in the center portion of the length of the roadway. Member Esser was concerned about the grade of this road, particularly in light of the increased use of that road through maintenance of the Cingular Wireless equipment and tower. Member Esser was concerned about emergency vehicle access. Attorney Dimitroff explained that the access road was existing, and that Cingular Wireless merely intended to widen it. Member Esser stated that while the access road may be existing, it leads only to a Niagara Mohawk transmission tower, which is rarely accessed. Now Cingular Wireless proposes to inspect and maintain equipment which may be done a monthly basis. The Planning Board also discussed the maximum grade of a private road under Town Code being 12%, and that the upgrade to this road will be at 18% in certain locations. Attorney Dimitroff stated that the issue of the access road was discussed at length before the ZBA, which had its own independent engineer review the issue. Mr. Kestner reviewed the Town Code requirement for private roadways, which requires a 16' wide carriageway at a maximum grade of 12%. Mr. Kestner reviewed the Cingular Wireless proposal of a 12' wide carriageway with a maximum grade of 18% at its steepest elevation. The Planning Board members inquired of Attorney Gilchrist as to the respective jurisdictions between the ZBA and Planning Board concerning the access road issue. Attorney Gilchrist stated that the application before the ZBA was for permission to site this power mount monopole at this location, and any remaining planning issues would require site plan approval from the Planning Board. Mr. Kestner stated that the Applicant should provide a profile of the road for Planning Board review, and also provide information as to how stormwater would be handled given the

grade of the access road. Also, Mr. Kestner observed that Cingular Wireless had provided a view-shed of the monopole height, and whether anyone could see the top of the tower extending from the Niagara Mohawk transmission tower. However, Mr. Kestner stated that information should be provided to the Planning Board as to whether the equipment shed and fence would be visible from any nearby residences, particularly during the fall and winter months when no leaves are on the trees. Mr. Kestner also inquired whether the proposed monopole was large enough to co-locate another tenant. Attorney Dimitroff stated that the pole was large enough for only one additional tenant. This matter has been tentatively placed on the Planning Board agenda for its July 7 meeting, contingent on the ZBA acting on the matter at its June meeting.

The next item of business on the agenda was the major subdivision application of BOUCHARD concerning property located off Humiston Avenue. Appearing on the application were Paul Bouchard and Attorney Redmond Griffin. Mr. Kestner reviewed the revised preliminary plat. Mr. Kestner noted that stormwater management facilities had been addressed at the proposed cul-de-sac, ditches had been added along the sides of the road, swales have been added behind the homes to convey stormwater, that the proposed septic lines have been changed from a pressure system to a gravity system installed within the public right-of-way, and that driveway locations and grades have been added to the plat. Highway Superintendent Eddy was present. Chairman Malone inquired of Superintendent Eddy as to whether he had a chance to review the road revisions with Mr. Kestner and/or Mr. Bouchard. Superintendent Eddy stated that he had only preliminarily reviewed the revised plan, and had not yet been on-site to review it on the ground. Member Tarbox inquired as to the proposed width of the new roadway. Mr. Bouchard stated that the road was proposed to be 30' wide, including drainage gutters, within a

60' right-of-way. Member Tarbox noted that this width did not comply with the Town Road specifications, and that this matter will have to be addressed by the Town Board upon recommendation of the Planning Board. Mr. Kestner stated that he would discuss the matter with Superintendent Eddy once they had a chance to review the proposal at the site. The Planning Board had also had an earlier question concerning the location of the existing garage in relation to the proposed road, and whether it resulted in any set-back violations. It was confirmed that the existing garage would be at least 40' off the shoulder of the proposed road. Mr. Kestner stated that the application was sufficiently complete to move the application forward to public hearing. This matter has been placed on the agenda for the June 16 meeting, at which time a public hearing will be held on notice, commencing at 7:15 p.m.

The next item of business on the agenda was the major subdivision application by COBBLESTONE ASSOCIATES for property located on Tambul Lane and Bulson Road. Appearing on this matter was James Dunne. Mr. Dunne appeared to discuss the status of the Scope for the Environmental Impact Statement which will need to be prepared on this application. Mr. Dunne received a copy of the Minutes from the Public Scoping Meeting, as well as copies of two additional letters submitted during the written comment period. Mr. Dunne stated that he would prepare a Draft Scope for review by the Planning Board, and requested to be placed on the June 16 agenda. Mr. Dunne also generally discussed two issues which were raised during the Public Scoping meeting, including a visual assessment as well as economic impact analysis. Mr. Dunne indicated that he would address these issues in the proposed Scope. This matter has been placed on the agenda for the June 16 meeting.

At this point, a representative appeared for TALHAM for the waiver of subdivision

application for property located on North Lake Avenue. Matthew Turner, Esq. appeared for TALHAM. Attorney Turner explained that Robert Talham had acquired the former Henningson residential property located next to Talham's house on North Lake Avenue, and that Talham now seeks to do a lot-line adjustment between the two parcels. Mr. Talham is in the process of renovating the former Henningson property, and is under contract to sell his existing house. The prospective purchaser of the Talham home was present at the meeting. Attorney Turner explained that the application sought to carve a small piece off the existing Talham lot, and have that transferred to the former Henningson lot. Attorney Turner explained that the parcel to be transferred to the new lot would have restrictive covenants attached to it, reserving it as green space only. The Planning Board inquired of Attorney Turner how this affected the prior waiver of subdivision approval obtained by Talham to divide his existing lot to construct an additional home. Attorney Turner was unaware of the prior waiver approval. It was Attorney Turner's understanding that Talham sought to withdraw the prior waiver approval, given that he had now acquired the Henningson parcel. The Planning Board wanted this matter clarified by the Applicant. The Planning Board requested that an affidavit from Mr. Talham be provided expressly stating that the prior waiver approval is withdrawn. The Planning Board also stated that the piece to be cut from the existing Talham lot and transferred to the former Henningson lot must be merged into the former Henningson lot. Attorney Turner stated that he would provide the additional information, and requested to be placed on the June 16, 2005 agenda. Chairman Malone has placed this matter for further discussion on the June 16 agenda.

The next item of business addressed by the Planning Board was the site plan application by BRYCE PROPERTIES for property located at 558 Hoosick Road and Hillcrest Avenue. Mike Green seeks to install a drive-through coffee facility at this location. Appearing on the

application was Francis Bossolini, P.E. Mr. Bossolini presented a sketch plan alternative, highlighting a revised access plan. Specifically, the proposed access through the adjacent Eckert parking lot has been eliminated, and access is provided off Hillcrest Avenue only. The proposed coffee building has been shifted on the site, and proposed plantings have been added. Chairman Malone as well as Members Esser and Czornyj stated that they did not want to see any access through the Eckert parking lot at all as they were concerned about public safety. Mr. Bossolini stated that the Applicant would then proceed with the single access plan. Mr. Bossolini also reviewed alternate building designs to address the comments of Chairman Malone concerning the aesthetics of the building. Member Mainello inquired whether this facility was planned to be opened year round. Mr. Bossolini stated that the facility would be open year round, and was insulated to accommodate the winter weather. Member Wetmiller raised concerns about a left hand turn off Hillcrest onto Hoosick Road by the customers of the coffee facility, and whether this would cause a stacking problem on the site. Mr. Kestner also raised the continued concern regarding drainage at this location. Mr. Bossolini stated that he would provide additional information on both traffic as well as drainage. This matter has been placed on the June 16, 2005 agenda for further discussion.

Chairman Malone noted that GEORGE WILEY was present concerning his site plan application for property located near the intersection of Route 2 and Langmore Lane. Mr. Wiley generally explained what he sought to do on the site by constructing a garage to house equipment for his railroad/locomotive contracting business. Mr. Wiley's site plan was reviewed. It was noted by the Planning Board members as well as Mr. Kestner that additional information was required on the site plan in order to comply with the site plan regulations. The Planning Board members explained to Mr. Wiley that everything he wanted on the site needed to be placed on the

site plan at this time for review by the Planning Board. Mr. Wiley stated that he would place this information on the site plan on a conceptual basis for discussion by the Planning Board members. This matter has been placed on the agenda for the June 16, 2005 meeting.

Three items of new business were discussed.

The first item of new business discussed was a four lot minor subdivision application by KENNETH MAXWELL for property located at 617 Tamarac Road. The Planning Board noted that there appeared to be significant wetlands on this site, and Mr. Kestner stated that a new wetland delineation should be required, including the 100' buffer around State regulated wetlands. This matter has been placed on the agenda for the June 16, 2005 meeting.

The next item of new business discussed was an inquiry by the BRUNSWICK CHURCH located on White Church Lane, as to whether an application for amendment to the site plan approval for the church expansion was required given an alternate traffic flow proposal. The Board was in the opinion that an application to amend the site plan pertaining to this traffic issue be made, and reviewed by the Planning Board. Mr. Kreiger will inform the new engineer for the church, and this matter will be reviewed upon submission of a full site plan application.

The third item of new business discussed was a note by Mr. Kreiger that the PLUM BLOSSOM RESTAURANT may be making an application for site plan approval to remove the shale hill located to the rear of the building to provide for additional parking. Mr. Kreiger explained that this was necessitated by the loss of parking by this restaurant due to the Route 7 reconstruction project. No application has yet been made.

The minutes of the May 18, 2005 meeting were reviewed. One typographical correction was made changing "TALLUM" to "TALHAM". With this typographical correction, Member Czornyj made a motion to approve the minutes, which motion was seconded by Chairman

Malone. The motion was approved 6-0, and the minutes adopted.

Member Tarbox made an inquiry as to how the Board was going to address the issue of the number of lots off a cul-de-sac in connection with the BOUCHARD major subdivision application, given the number of existing homes on the Humiston Avenue that cross the municipal boundary into the City of Troy. Attorney Gilchrist stated that he would further research this issue prior to the June 16, 2005 meeting. Mr. Kreiger will also investigate the date of the filing of the Bouchard application, and whether the park and recreation fee requirement was in place at that time.

The **index** for the June 2, 2005 meeting is as follows:

1. Kenneally - waiver of subdivision - approved subject to conditions;
2. Brooks - major subdivision - adjourned without date;
3. Talham - waiver of subdivision - 6/16/05;
4. Cingular Wireless - preliminary site plan - 7/7/05 (tentative);
5. Bouchard - major subdivision - 6/16/05 (public hearing);
6. Cobblestone Associates - major subdivision - 6/16/05;
7. Bryce Properties - site plan - 6/16/05;
8. Wiley - site plan - 6/16/06;
9. Maxwell - minor subdivision - 6/16/06;
10. Brunswick Church - amended site plan - adjourned without date; and
11. Plum Blossom Restaurant - site plan - adjourned without date.

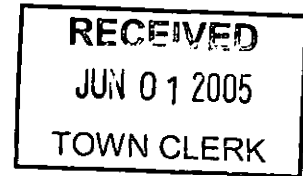
The proposed agenda for the June 16, 2005 meeting is as follows:

1. Bouchard - major subdivision - Public Hearing at 7:15 p.m.;
2. Talham - waiver of subdivision;

3. Cobblestone Associates - major subdivision;
4. Bryce Properties - site plan;
5. Wiley - site plan;
6. Maxwell - minor subdivision; and
7. Carriage Hill PDD - status.

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



May 31, 2005

Shawn P. Malone
Chairman
Town of Brunswick Planning Board
3 Clinton Place
Troy, New York 12180

Re: Town of Brunswick Planning Board Meeting Minutes (May 19, 2005)

Dear Shawn:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on May 19, 2005 for your review.

Respectfully yours,

By:

A handwritten signature in black ink, appearing to read "Andrew W. Gilchrist".

Andrew W. Gilchrist

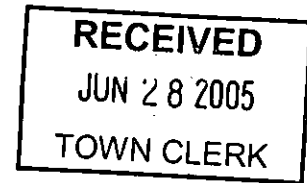
AWG/mmp
Enclosure

cc: MICHAEL CZORNYJ
FRANK ESSER
KEVIN MAINELLO
RUSSELL OSTER
DAVID W. TARBOX
VINCE WETMILLER
PHILIP HERRINGTON
JOHN KREIGER
CAROLYN ABRAMS
CARL CLEMENTE
PATRICK POLETO
SAM SALVI
JAMES HANNAN
JOSEPH JABOUR

E. JOHN SCHMIDT
JAMES SULLIVAN
CAROLINE TRZCINSKI
THOMAS CIOFFI
MARK L. KESTNER
SUSAN QUEST-SHERMAN
SYLVIA ROONEY
CALVIN CLICKNER
BRITTONKILL SCHOOL
BRUNSWICK NO. 1 FIRE COMPANY
CENTER BRUNSWICK FIRE COMPANY
EAGLE MILLS FIRE COMPANY
MOUNTAIN VIEW FIRE COMPANY
SPEIGLETOWN FIRE COMPANY

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD June 16, 2005

PRESENT were CHAIRMAN SHAWN MALONE, FRANK ESSER, KEVIN MAINELLO, RUSSELL OSTER, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board opened a public hearing at 7:15 p.m. on the proposed BAILEY POINT SUBDIVISION, located off Humiston Avenue. Present on behalf of the Applicant were PAUL BOUCHARD and F. Redmond Griffin, Esq. Chairman Malone requested that the Applicant present an overview of the application for the public. Attorney Griffin described the proposed 6-lot subdivision off Humiston Ave., including the creation of a new cul-de-sac road. Public water and sewer will be provided to the new lots, as well as offering the ability of existing lots along Humiston Ave. to connect to the sewer extension. Attorney Griffin explained that the project had been modified in consultation with the Town Engineer and Planning Board members over the past 6 to 7 months, and that the concerns raised by the Board had been addressed. Mr. Bouchard stated that his intent was to improve the overall area by extending public water and sewer, create a new cul-de-sac road for the benefit of the new lot owners, and improve the overall appearance of the area. Chairman Malone then opened the public hearing for members of the public to provide comment on the application. Joseph Mazzeo, 50 Humiston Ave., inquired as to the extension of the sewer line. Mr. Kestner responded that the sewer extension would be

straight up Humiston Ave., and would be a gravity fed system. Mr. Bouchard explained that he agreed to install stub extensions of the sewer line to the property line for the existing homes on Humiston Ave. in the Town of Brunswick in order to allow them to tie into the public sewer. Mr. Kestner explained that if individuals sought to tie into the public sewer, they would then be charged sewer rates. Mr. Mazzeo also inquired as to who would maintain Humiston Ave. in the Town of Brunswick. Mr. Kestner stated that the road was currently being maintained by the Town Highway Department, and would continue do so. Thomas Hall, 49 Humiston Ave. asked whether the drainage along Humiston Ave. would be maintained following the sewer line installation. Mr. Bouchard stated that the drainage ditch would be maintained. Hearing no further comments, Chairman Malone closed the public hearing.

Chairman Malone then opened the regular business meeting.

The first item of business on the agenda was the major subdivision application of PAUL BOUCHARD for the proposed BAILEY POINT SUBDIVISION. Chairman Malone inquired of Mr. Kestner as to the proposed fire hydrant locations on the cul-de-sac road. Mr. Kestner stated that the fire hydrant must be within the road right-of-way, but off the shoulder of pavement by at least 5 feet. Mr. Bouchard stated that the fire hydrant would be located in accordance with those specifications. Chairman Malone inquired as to stormwater compliance on the application. Mr. Kestner explained that an erosion and sediment control plan must be prepared for the construction phase of the project, but that since the total acreage of disturbed area for this residential subdivision was less than 5 acres, a full Stormwater Pollution Prevention Plan was not required under the regulations. Mr. Bouchard understood that a full Erosion and Sediment Control Plan must be prepared and submitted to the Town prior to the commencement of

construction activities. Member Tarbox inquired as to the compliance of the cul-de-sac road with the Town's road specifications. Mr. Kestner stated that the Applicant proposes a 30' wide paved travelway, consisting of two 15' wide travel lanes, but the installation of ditches along the shoulders of the road rather than 3' wide paved gutters as required under the Town specifications. Member Tarbox inquired whether the Applicant would then need to go to the Town Board for a waiver. Attorney Gilchrist stated that the Applicant should appear before the Town Board to get a waiver from the Town Highway specifications concerning the paved gutters, and that the Planning Board should make a recommendation to the Town Board in that regard. Upon discussion, Chairman Malone stated that the Applicant should go to the Town Board to get a waiver from the Town specification requiring 3' paved gutters on the side of the road, but that the Planning Board recommends the issuance of such waiver on this application. Member Wetmiller inquired whether the unpaved ditches were superior to 3' wide paved gutters on this application. Mr. Kestner opined that the unpaved ditches could be deeper than paved gutters, which was beneficial on this application given the grade of the property approaching the drainage ditch. This will allow better control of run-off from the upgradient properties. With this opinion, the Planning Board reiterated its positive recommendation to the Town Board for the waiver of the road specification requiring paved gutters. The Planning Board also sought the recommendation from the Town Highway Superintendent concerning the drainage ditches, and concurred that it was appropriate for the Town Board to consider the Town Highway Superintendent's recommendation as well. Member Tarbox then inquired as to the compliance of this application with the Town limit of 12 residential lots off a cul-de-sac road. Specifically, Member Tarbox inquired whether the Town limit applied only to those lots within the Town of Brunswick, or

whether it should be extended along Humiston Ave. into the City of Troy. If all of Humiston Ave. is included, the total number of lots, including the extension of the Humiston to the cul-de-sac, is in excess of the Town regulatory limit of 12 residential lots. Attorney Gilchrist reviewed recent case law, which provides that a municipality may take into account consideration of adjacent lands outside its borders in determining if a particular use is conforming, but such consideration is not mandatory. Upon further discussion, the Planning Board determined that a conservative approach on this record mandates that the Applicant appear before the Town Board with the request for a waiver from the limit of 12 residential lots off a cul-de-sac road.

Specifically, Humiston Ave. originates in the City of Troy and proceeds into the Town of Brunswick, and is currently a dead end road. The total number of lots on Humiston Ave., both within the City of Troy and the Town of Brunswick, exceed 12. This Applicant seeks to construct a cul-de-sac road off the end of Humiston Ave., and add 6 residential lots off the cul-de-sac road. This would result in a total number of 12 residential lots within the Town of Brunswick on Humiston Ave. and the proposed cul-de-sac road. However, when all of the residential lots on Humiston Ave. within the City of Troy are considered, then the total lot count exceeds 12. The Planning Board determined that there would be no detrimental traffic impacts associated with the addition of the 6 lots on the new cul-de-sac road, and determined to give the Town Board a favorable recommendation that it approve the waiver on this application concerning the total lot count off the cul-de-sac road. Mr. Kreiger also alerted the Applicant that the park and recreation fee for the 6 residential lots is required on this application. Chairman Malone inquired whether there were any additional questions on the application. Hearing none, Chairman Malone entertained a motion from Member Wetmiller to adopt a negative declaration

under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6-0 and a negative declaration adopted. Thereupon, Chairman Malone made a motion to approve the major subdivision application subject to the following conditions:

1. Payment of the applicable park and recreation fee;
2. A 2% back pitch for the first 10' of all residential driveways on the new residential lots that enter directly onto the new cul-de-sac road;
3. Payment by the Applicant of all engineering escrow fees;
4. Submission of as-built drawings following construction; and
5. Approval of waivers by the Town Board concerning road specifications (waiver of requirement for 3' paved gutters) and number of residential lots off a cul-de-sac road, with the favorable recommendation of the Planning Board for each waiver.

Member Esser seconded the motion subject to the stated conditions. The motion was approved 6-0, and the major subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the proposed COBBLESTONE ASSOCIATES SUBDIVISION. The Applicant has requested that this matter be adjourned to the July 7 meeting.

The next item of business on the agenda was the waiver of subdivision application by TALHAM for property located on North Lake Avenue. Appearing on the application was Matthew Turner, Esq. Mr. Turner handed up a survey map depicting the 0.28 acre transfer from the existing Talham lot to the former Henningson lot. Attorney Turner also handed up a legal description of the former Henningson lot which will include the 0.28 acre merged into the Henningson description. Attorney Turner also handed up an Affidavit of Talham evidencing his

abandonment of the prior waiver of subdivision granted in August 2002. Chairman Malone inquired whether any of the Board members had any questions on the additional submissions. Hearing none, and determining that all of the questions of the Planning Board had been adequately answered, Chairman Malone entertained a motion from Member Tarbox to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 6-0, and a negative declaration was adopted. Thereupon, Member Oster made a motion to approve the waiver application subject to the merger of the 0.28 acres into the former Henningson lot, which motion was seconded by Member Esser. The motion was approved 6-0, and the application approved subject to the condition of merger.

The next item of business on the agenda was a site plan application by BRYCE for property located on Hoosick Road and Hillcrest Avenue. Appearing on the application was Francis Bossolini, P.E., engineer for the Applicant. The site plan proposes the installation of a drive-through coffee facility on the subject parcel. Mr. Bossolini reviewed a revised site plan, which now shows proposed grading on the property, a full landscaping plan, a plan to collect drainage on the low point of the property near Hillcrest Ave., a revised building location and traffic flow pattern. Mr. Kestner questioned the drainage on the site given the historical drainage problems. Chairman Malone also inquired whether the Eckerd parking area required this lower site for drainage. Mr. Bossolini explained that the drainage plan sought to collect the stormwater run-off and discharge it to the drainage system on the Route 7 right-of-way. On the issue of traffic flow, Mr. Bossolini explained that the proposal was to have cars pull off Hillcrest Ave. to one side of the building for ordering and payment, to drive to the other side of the building for pickup and exit. Member Esser stated that he thought the turn around the building was very

tight. Mr. Bossolini responded that the driving lane was 20' wide, which is comparable to other fast food drive-throughs. Chairman Malone wanted additional information on turning radii for large sport utility vehicles or delivery trucks for consideration on the application. Mr. Kestner noted that the overall green space should be noted on the site plan. Member Esser inquired as to the hours of operation. Mr. Bossolini stated that hours for Monday through Friday would be 6:00 a.m. to 7:00 p.m., and Saturday of 7:00 a.m. to 5:00 p.m. Member Oster wanted to confirm that there was now no connection between this site and the Eckerd parking lot. Mr. Bossolini stated there would be no connection. Mr. Kestner stated that the Planning Board may want to consider requiring trees or other barrier between these sites to discourage vehicles going from the Eckerd lot to this site. Mr. Bossolini stated that a landscaped berm could be added to the site plan. Member Esser questioned the dumpster location on the site, as it may interfere with the travel lane for the coffee facility when the dumpster is being emptied. Mr. Bossolini said that he would investigate changing the location for better access and traffic flow on the site. Mr. Kestner inquired as to outside lighting. Mr. Bossolini stated that there would only be exterior lighting on the building, and that no post lighting was proposed. Member Mainello inquired whether there would be any exterior lighting for employee parking. Mr. Bossolini stated that he would investigate that issue. Member Wetmiller was still inquiring as to potential stacking problems on Hillcrest Ave. into this site as vehicles attempted to exit onto Route 7, particularly in the morning rush hour. Mr. Kestner stated that the Applicant should provide the Board with additional information on this intersection. Mr. Bossolini stated that he would provide that information. Chairman Malone and Member Esser reiterated their opinion that this was a tough spot for this facility, particularly in light of the traffic flow and direction on Route 7. Also, the Board was concerned with cars stacking on Hillcrest Ave. both entering and exiting the facility. Mr.

Bossolini stated that he would supply additional information on the intersection of Hillcrest and Hoosick Road, the width of Hillcrest Ave., and potential stacking concerns in this location. This matter has been placed on the July 7, 2005 agenda for further discussion.

The next item of business on the agenda was the site plan application of GEORGE WILEY for property located on Route 2 in proximity to Langmore Lane. Appearing on the application were George Wiley and Art Durivage, Surveyor for Mr. Wiley. Mr. Durivage reviewed the revised site plan, which now shows a parking area on the side of the proposed garage. Mr. Wiley reiterated that the size of the building would be able to house trucks and equipment, and that this parking area was included in order to provide an area to jockey equipment and vehicles. The existing 20' x 8.5' metal container that is on the site has been added to the site plan, as Mr. Wiley wants to retain that metal container on the site. Chairman Malone inquired whether Mr. Wiley continued to want to restore cars on the site. Mr. Wiley stated that this was more in the nature of a hobby, and that all car restoration would take place inside the building. There will be no car washing at this location. Mr. Durivage reviewed the lighting that will be put in the front of the building only. Chairman Malone noted that the site plan showed only one door in the front of the building, and that it may be appropriate to have an additional door installed as another means of exit from the building. Mr. Durivage noted that many of the existing trees on the site are being maintained to act as a visual buffer. Mr. Kestner wanted the site plan to depict a swale to carry stormwater run-off from the roof of the garage. Mr. Durivage confirmed on the record that there would be no bathroom facilities at the garage, that there would be water available but not for car washing, and that there would be no vehicles or equipment stored outside of the building. Mr. Kestner stated that the Applicant should provide some literature and/or pictures of the type of garage that is proposed for this site. This application will

now be sent to the Rensselaer County Department of Economic Development and Planning for review. The Planning Board determined that a public hearing will be held on this site plan application. The Planning Board set a public hearing for its July 7, 2005 meeting, to commence at 7:15 p.m.

The next item of business on the agenda was the minor subdivision application of KEN MAXWELL for property located on Tamarac Road. Mr. Maxwell seeks to create a 4-lot subdivision, consisting of three lots in size of 4 ± acres, and one remaining lot 19 ± acres in size. The proposed 19 acre lot is primarily wetland. Mr. Maxwell stated that the water and septic are currently being designed by his Engineer (Dave Dickinson). Mr. Kestner noted that the subdivision plat should include proposed septic and well locations as well as house and driveway locations. Mr. Kestner also inquired whether the wetlands delineated on the subdivision plat constitute the wetland boundary or the buffer zone boundary. Mr. Maxwell thought that it was the wetland boundary, but would clarify that with his engineer. This matter has been placed on the July 7, 2005 agenda for further discussion.

The next item of business on the agenda was an application by the Brunswick Church for amendment to its approved site plan. The approved site plan showed pavers to be installed along the rear of the new worship building. The proposed amendment now includes a sidewalk removed from the building with pavers on either side of the sidewalk. Also, the approved site plan showed merely an access driveway to the side of the existing building leading to a parking lot to the rear of the property. The proposed amendment would now allow a parking and drop-off area to the side of the existing building. This matter has been placed on the July 7 agenda for further discussion.

The next item of business on the agenda was a concept presentation by UNITED

DEVELOPMENT GROUP on the proposed CARRIAGE HILL PLANNED DEVELOPMENT DISTRICT ("PDD") application. Jeff Smetana and Tim Haskins of United Development Group presented the concept plan to the Planning Board in connection with the Planning Board's review and recommendation on the PDD application.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by REBECCA LAPHAM for property located on Bulson Road. This application is in the nature of a lot line adjustment, seeking to transfer approximately .25 acre between adjacent property owners. This matter has been tentatively placed on the July 7, 2005 agenda.

The second item of new business discussed was a proposed 4-lot subdivision by NINA PATTISON on Coons Road. Additional information will be required on this application. This application has been adjourned without date.

The minutes of the June 2, 2005 meeting were reviewed. Upon motion of Member Oster, seconded by Chairman Malone, the minutes were approved 6-0 as written.

The **index** for the June 16, 2005 meeting is as follows:

1. Bailey Point Subdivision - major subdivision - conditional final approval;
2. Cobblestone Associates - major subdivision - 7/7/05;
3. Talham - waiver of subdivision - approved;
4. Bryce Properties - site plan - 7/7/05;
5. Wiley - site plan - 7/7/05 (Public Hearing at 7:15 p.m.);
6. Maxwell - minor subdivision - 7/7/05;
7. Brunswick Church - amended site plan - 7/7/05;
8. United Development Group - Carriage Hill PDD - adjourned without date;

9. Lapham - waiver of subdivision - 7/7/05; and
10. Pattison - minor subdivision - adjourned without date.

The proposed agenda for the July 7, 2005 meeting is as follows:

1. Wiley - site plan (Public Hearing at 7:15 p.m.);
2. Cobblestone Associates - major subdivision;
3. Bryce Properties - site plan;
4. Maxwell - minor subdivision;
5. Brunswick Church - amended site plan;
6. Lapham - waiver of subdivision; and
7. Brooks - major subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:15 p.m. on Thursday, July 7, 2005, at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the site plan application submitted by George Wiley for a proposed garage building plus access driveway onto New York State Route 2 in proximity to Langmore Lane. Copies of the site plan application are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: June 27, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

RECEIVED

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TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD July 7, 2005

PRESENT were, FRANK ESSER, KEVIN MAINELLO, RUSSELL OSTER, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was CHAIRMAN SHAWN MALONE, MEMBER MICHAEL CZORNYI, and JOHN KREIGER.

ALSO PRESENT was MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was a Public Hearing scheduled for the WILEY site plan for property located on Route 2 in proximity to Langmore Lane. The public hearing was adjourned. This application has been adjourned without date pending receipt of additional information from the Applicant.

The next item of business on the agenda was the major subdivision application by COBBLESTONE ASSOCIATES for property located on Tambul Lane. This matter has been adjourned without date pending receipt of additional information from the Applicant.

The next item of business on the agenda was the site plan application by BRYCE PROPERTIES for the construction of a drive-through coffee shop on property located on Route 7 and Hillcrest Avenue. In attendance at the meeting were Francis Bossolini, P.E., the Applicant's engineer, as well as Mike Green, the owner of the proposed coffee shop. Mr. Bossolini went through the revisions to the proposed site plan. Mr. Bossolini noted that the proposed building had been moved back toward the side and rear of the lot, leaving the grade in the area approaching the building at 3%. Mr. Bossolini noted that the dumpster location had been

changed, which will ease the ability of trucks to empty the dumpster. Mr. Bossolini noted that a light fixture on a 20' post had been added in a parking area for employees. Mr. Bossolini then reviewed traffic/transportation issues. Mr. Bossolini noted that the width of Hillcrest Avenue from Route 7 to the point of proposed entry is 20'. Mr. Bossolini also went through his calculations concerning traffic volume for the Route 7-Hillcrest Ave. location using unsignalized condition. Mr. Bossolini analyzed both a.m. and p.m. peak conditions, focusing on both turning directions from Hillcrest Ave. onto Route 7. Mr. Bossolini utilized traffic count numbers from NYSDOT obtained in 2002 in connection with the Route 7 Reconstruction project and added a 2% increase annually. Mr. Bossolini concluded that there would be a negligible change on traffic at the subject intersection. Mr. Kestner reviewed the traffic analysis with the Planning Board. Member Oster inquired as to how many cars could stack from the point of coffee pickup and exit from the site to the Hillcrest/Route 7 intersection, as he was concerned with stacking as cars waited to turn in a west bound direction onto Route 7. Mr. Bossolini stated that 10-12 cars could stack on the site in that location. Further, Mr. Bossolini stated that the total time between order and service of the coffee is estimated to be 90 seconds. Member Wetmiller then inquired as to the estimated time for a car turning in a westbound direction from Hillcrest Ave. onto Route 7, as he concurred that a stacking problem may result on the site. Mr. Bossolini stated that the approach delay in turning westbound from Hillcrest Ave. onto Route 7 during the a.m. peak is 14 seconds, presuming that the exiting car is proceeding onto the median turn lane. Mr. Bossolini then concluded that given the 90 second turn-around on the site between point of order and point of service, and the ability to stack 10-12 cars from point of service to the Hillcrest/Route 7 intersection, and given an approach delay of approximately 14 seconds, traffic flow will not be a

significant issue on this project. Mr. Bossolini stated that he made his estimate based on 40 cars per hour, both 40 in and 40 out. This calculation was based on a 90 second turn-around on the site. Mr. Bossolini did state that when calculating a total of 60 cars in and out during an hour, the impact at the Hillcrest Ave./Route 7 intersection is still negligible. Mr. Bossolini then went on to address the issue of the drainage of the site. Mr. Bossolini explained that there was a drainage pipe under the site, but that access to that pipe was not possible now because of the NYSDOT staging of materials for the Route 7 reconstruction project. Mr. Kestner concurred that the best approach on this application would be to require the confirmation of the integrity and function of this drainage pipe prior to the issuance of any building permits. Mr. Bossolini explained that the total green space, not only on this site but the entire site owned and operated by Bryce in this location totals 41%. Mr. Bossolini also explained that the turn radius around the building is designed for all passenger vehicles, SUVs and panel vans. Mr. Bossolini reiterated that the dumpster had been relocated, which will allow for easier access for garbage trucks. Mr. Bossolini also confirmed that an earthen berm with vegetation will be installed between the Eckerd site and this site to stop drive-through between the respective parking lots. Member Wetmiller still raised concern about cars turning left out of Hillcrest Ave. onto Route 7, and that he thought 14 second approach delay was not realistic. Member Wetmiller was still concerned that customers and Hillcrest Ave. residents will back up on Hillcrest waiting to turn left onto Route 7. Mr. Kestner confirmed that the turning median will help the situation, and that cars may need to sit in the turning median until a gap in the travel lane allows them to merge into traffic. Mr. Bossolini reiterated that he had analyzed the impact of this new facility upon existing traffic conditions, and that there was a negligible impact. Member Mainello wanted to confirm

that the storm drain on the site is to be maintained. Mr. Kestner concurred, stating that the integrity of the drain pipe must be analyzed as soon as the NYSDOT staging area is concluded, and that the pipe must be repaired if it has been damaged. The Board members concurred that this drainage must be maintained in order to drain the Hillcrest Ave. low areas. Member Oster asked if this shop would serve any walk-up customers. Mr. Green said that these customers would not be turned away. Member Oster then suggested that people could still park in the Eckerd lot and simply walk over and order a coffee. The Board members would consider this during their deliberations. Mr. Kestner also wanted to note that in the event NYSDOT does not put new pavement on Hillcrest Ave. all the way up to the proposed entrance, this Applicant will be required to extend the new pavement all the way to the proposed entrance. Member Mainello inquired whether any of the houses opposite this facility across Hillcrest Ave. will be impacted by headlights either in the morning or in the evening. Mr. Bossolini stated that he would analyze this for the Board. Member Oster, acting as Chairman for this meeting, noted that because of the potential impact of this application on the Hillcrest Ave. residents, the Board has determined to hold a public hearing on this site plan application. The public hearing will be noticed for the July 21, 2005 meeting, to commence at 7:15 p.m.

The next item of business on the agenda was the minor subdivision application of KEN MAXWELL for property located on Tamarac Road. Mr. Maxwell was in attendance. Mr. Kestner reviewed the revised plat, which now shows proposed septic, well and house locations on each lot. Also, the wetlands boundary and buffer zone boundary have been confirmed on the plat. Mr. Kestner noted that all of the sited facilities are outside both the wetland and the 100' buffer area. Mr. Kestner noted that he wants the sight distance for each driveway onto Tamarac

Road to be added to the plat. The Applicant stated that he would do so. Member Tarbox inquired whether elevations would be required for each house location. Mr. Kestner noted that the Applicant had already prepared septic profiles including elevations, and that the Applicant could supply those profiles to provide information on first floor elevations for the homes in relation to the septic. The Applicant agreed to supply the septic plans for each proposed lot. Member Tarbox noted that there was Agricultural District property around this site. The Applicant has already filled out an Agricultural Data Statement, and the same will be sent to owners of all Agricultural District property within 500' of this site. This matter has been set down for a Public Hearing for July 21, 2005 commencing at 7:00 p.m.

The next item of business on the agenda was the amendment to site plan by the BRUNSWICK CHURCH. There was no appearance on the application, and the matter has been adjourned without date.

The next item of business on the agenda was the waiver of subdivision application by LAPHAM. This matter has been adjourned upon request of the Applicant to the July 21 meeting.

The next item of business on the agenda was the major subdivision application by BROOKS for property located off Dusenberry Lane. Appearing on the application was Lansing Engineering. The concept subdivision plat has been revised. The plan for on-site septic systems for each lot has been eliminated, and a proposed public sewer system has been incorporated. The Applicant now seeks to tie into the public sewer located on North Lake Avenue. Topography has been added to the plat. The total number of lots has been revised from 42 to 39 lots. The proposed cul-de-sac has been eliminated and two loop roads have been added. The main connector road still runs from Route 142 (Dusenberry Lane), connecting to Bald Mountain Road.

Sight distance has been added for both Bald Mountain Road and Dusenberry Lane. The Applicant stated that the sight distances in each direction onto Bald Mountain Road are adequate, but that the sight line on Dusenberry Lane onto Route 142 is not adequate. However, the Applicant has purchased property at the intersection of Dusenberry Lane and Route 142, and is currently investigating ways to improve sight distances. Member Wetmiller noted that this will add a significant amount of traffic onto Dusenberry Lane and its intersection with Route 142. The engineer stated the Applicant is investigating improvements to Dusenberry Lane. Mr. Kestner noted that Dusenberry Lane may be a highway by use, and therefore limited to its current width. This will require further investigation on this application. Member Tarbox inquired why the private septic systems had been eliminated. The engineer explained that the slopes on the property presented a problem for locating septic systems on each lot in compliance with County requirements. The engineer generally reviewed proposed stormwater detention areas, although no final design had yet been prepared. It was also noted on the plat that National Grid ("Niagara Mohawk") property cuts through this site, creating an existing landlocked parcel. The Applicant stated that there are no plans to do anything with that landlocked parcel, although he was in negotiation with National Grid on a possible acquisition of that property. As there are no power lines across the National Grid property, this could allow a few additional lots to be added to the plat. The Applicant will prepare its full preliminary plat and Full Environmental Assessment Form, and requested that this matter be placed on the July 21, 2005 agenda for further discussion.

Three items of new business were discussed.

First, a waiver of subdivision application has been submitted by PIRMAN for property located at 36 Oxford Drive. This matter has been placed on the July 21, 2005 agenda pending

receipt of additional application materials.

The second item of new business discussed was a site plan application by the PLUM BLOSSOM RESTAURANT located at 685 Hoosick Road. In connection with the Route 7 reconstruction project, parking spaces at this restaurant had been lost. The owner seeks to add additional parking to the rear of the restaurant by removing the existing shale hill. The new parking area would have an entrance off Route 7 as well as Derrick Ave. This matter has been placed on the July 21, 2005 agenda pending receipt of additional information from the Applicant.

The third item of new business discussed was a concept major subdivision application by REISER BROTHERS for property located at the intersection of Route 2 and Route 278 (Brick Church Road). Appearing on the concept plan were Henry Reiser of Reiser Brothers, and Harold Berger, P.E. A total of 15 lots is now being proposed for this property. This includes 14 residential lots, plus one lot situated along Route 2 within the commercial zone. The site totals approximately 32 ± acres, with the 14 residential lots being planned for approximately 26 ± acres of the site. Reiser seeks to build two cul-de-sac roads on this site, one leading off Langmore Lane and the second leading off Buck Road. Each cul-de-sac would have seven residential lots. Public water is available, but on-site private septic systems will be required for each lot. Mr. Berger stated that he had not yet engineered any of the individual systems, and that an updated survey with 2' topography will be required. However, before the additional investment was made, the Applicant sought to present this conceptual plan to the Planning Board for consideration. Mr. Berger was quite clear that significant additional information will need to be prepared on the application, not only the on-site septic systems but also stormwater management. Member Wetmiller noted that drainage was a big concern at this location. Mr. Berger reiterated that a full Stormwater Pollution Prevention Plan would be required on this site, in addition to an

Erosion and Sediment Control Plan for construction activities. Mr. Berger also stated that any federal wetlands on the site will need to be delineated, in connection with the septic design and stormwater management design. In terms of traffic, both Mr. Berger and Mr. Reiser stated that with the two cul-de-sac proposal, the traffic would be split between Langmore Lane and Buck Road, and that only seven homes would be using those roads for access. The Applicant noted that this site is steep in locations, and that final design will need to take into account this topography. The Board members generally discussed the concept, and noted that it appeared to be more viable for this location. This concept reduces the total number of lots, and splits the traffic between Buck Road and Langmore Lane. The Board did not think there was any issue to stop the review process from proceeding to submission of a preliminary subdivision plat.

Member Oster noted that there were three residents from Langmore Lane in attendance, and while noting this was not a public hearing inquired as to what was their initial reaction to this concept plan. Their primary concern is drainage, and that some of the homes already have significant drainage and run-off problems without adding new lots. The residents noted that during the spring, the areas for some of the proposed residential lots are under water. The residents also noted that the condition of Langmore Lane was not good, and the addition of construction vehicles will only make it worse. The residents reiterated that stormwater run-off is an existing problem, and they are concerned that it will only get worse with new construction.

Mr. Berger noted the existing drainage issues, and stated that this project cannot and will not fix all of the drainage problems, but can fix some of them. Member Oster informed the residents that this project will have a mandatory public hearing, and that additional information will be filed on the application for their review and comment. The Applicant will proceed to preparation of a full preliminary plat application.

The minutes of the June 16, 2005 meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Esser, the minutes were approved as written by 5-0 vote.

The **index** for the July 7, 2005 meeting is as follows:

1. Wiley - site plan - adjourned without date;
2. Cobblestone Associates - major subdivision - adjourned without date;
3. Bryce Properties - site plan - 7/21/05 (Public Hearing at 7:15 p.m.);
4. Maxwell - minor subdivision - 7/21/05 (Public Hearing at 7:00 p.m.);
5. Brunswick Church - amended site plan - adjourned without date;
6. Lapham - waiver of subdivision - 7/21/05;
7. Brooks - major subdivision - 7/21/05;
8. Pirman - waiver of subdivision - 7/21/05;
9. Plum Blossom Restaurant - site plan - 7/21/05;
10. Reiser Brothers - major subdivision - adjourned without date.

The proposed agenda for the July 21, 2005 meeting currently is as follows:

1. Maxwell - minor subdivision (Public Hearing at 7:00 p.m.);
2. Bryce Properties - site plan (Public Hearing at 7:15 p.m.);
3. Lapham - waiver of subdivision;
4. Brooks - major subdivision;
5. Pirman - waiver of subdivision; and
6. Plum Blossom Restaurant - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick to be held on Thursday, July 21, 2005, at 7:00 p.m. at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the subdivision plat submitted by Kenneth Maxwell for property located on Tamarac Road. The Applicant seeks to create a 4-lot subdivision on approximately 31 acres, consisting of 3 lots of approximately 4 acres and one lot of approximately 19 acres. Copies of the subdivision plat and related application materials are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: July 11, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road

Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

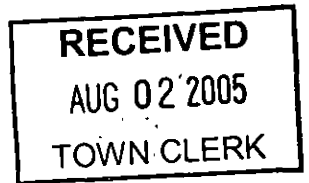
NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick to be held on Thursday, July 21, 2005, at 7:15 p.m. at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the site plan application submitted by Bryce Properties for property located at the intersection of NYS Route 7 (Hoosick Road) and Hillcrest Ave. The Applicant seeks to construct a drive-through coffee facility, with access directly off Hillcrest Ave. Copies of the site plan and related application materials are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: July 11, 2005
Brunswick, NY

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD July 21, 2005

PRESENT were CHAIRMAN SHAWN MALONE, FRANK ESSER, KEVIN MAINELLO, RUSSELL OSTER, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was MEMBER MICHAEL CZORNYJ.

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board opened its meeting by opening a Public Hearing on the MAXWELL subdivision application for property located on Tamarac Road. The Notice of Public Hearing was read into the record. Appearing on the application was Ken Maxwell. Mr. Maxwell provided an overview of the application, which seeks a four-lot subdivision on property located on Tamarac Road. Each proposed lot is zoning compliant, and has direct access onto Tamarac Road. Chairman Malone inquired for public comment. No one appeared on the application to provide comment. After keeping the Public Hearing open for a reasonable time to allow public comment, Chairman Malone closed the Public Hearing on the Maxwell subdivision application.

The Planning Board then opened a Public Hearing on the site plan application of Bryce Properties for a drive-through coffee facility on property located at the intersection of Route 7 (Hoosick Road) and Hillcrest Avenue. The Notice of Public Hearing was read into the record. Francis Bossolini, P.E. appeared for the Applicant, and provided an overview of the proposed project. Chairman Malone inquired whether anyone wished to provide comment on the

application. Art Rosso, 272 Hillcrest Ave., stated that traffic on Hillcrest Ave. would be a significant problem. Mr. Rosso inquired of Mr. Bossolini as to how much time he spent in a car on Hillcrest Ave. attempting to turn west onto Route 7. Mr. Bossolini responded that he had obtained traffic data from the New York State Department of Transportation ("NYSDOT"), and applied standard traffic engineering calculations to support the conclusion that access from Hillcrest onto Route 7 would not be a significant problem for customers leaving the coffee facility. Mr. Rosso again inquired whether anyone had sat in a car and tried to make the left hand turn out of Hillcrest onto Route 7. Mr. Rosso said that the thought there would be a significant stacking problem, that the intersection is very dangerous, and that he often has to turn east onto Route 7 and go up to the Price Chopper lot, turn around in Price Chopper, and then proceed west onto Route 7 because of the significant traffic problems. Mr. Rosso made it quite clear that he was against this current proposal if the access was off Hillcrest Ave. Debbie Nichols, 249 Hillcrest Ave., also commented that traffic would be a significant problem, and that there was no way she waited as little as 14 seconds to make a turn either way onto Route 7. The traffic calculations by Mr. Bossolini included that there would be a 14 second wait before a car could turn at least onto the turning median on Route 7. Ms. Nichols disagrees with that conclusion. Ms. Nichols also pointed out that there was a school bus stop at the corner of Hillcrest and Route 7 and was very concerned about the safety of children at that location. Marie Nealy, 220 Hillcrest Ave., stated that she was a resident of Hillcrest for 32 years, and can state that the traffic is a significant problem from Hillcrest onto Route 7. Charles Tutunjian appeared on behalf of his parents. Mr. Tutunjian stated that the stormwater collection on Hillcrest Ave. was a significant concern, and that flooding had been a problem in the past. Mr. Bossolini stated that the

Applicant will be providing a new drainage pipe from Hillcrest leading to the Route 7 stormwater system, and that all stormwater would be handled both from the coffee facility location as well as the Hillcrest Ave. area. Mr. Tutunjian also stated that traffic from Hillcrest onto Route 7 was a significant concern, and that an alternate exit should be explored. Chairman Malone noted that two letters had been received, one from the Rock family at 275 Hillcrest, and one from Jean Stewart, at 276 Hillcrest. Both of these letters raised the same concerns regarding traffic and safety concerns, and noted that the school bus stop at the corner of Hillcrest and Route 7 would be significantly impacted by the traffic. These letters also noted that there was no need for another coffee shop on Route 7, and that this facility may impact the private nature of the residences on Hillcrest. Wally Bryce responded that he was a resident of Lord Avenue, and that he concurred there were significant traffic problems getting onto Route 7. Mr. Bryce stated that the site plan was originally designed for one entrance off Route 7 through the Eckerd parking lot, but that the Planning Board had raised concerns regarding this entrance. Mr. Bryce feels that the customers for the coffee facility should be accessing the site through the Eckerd parking lot, and that the Hillcrest entrance is not a good idea. Chairman Malone responded that the Planning Board had raised concerns about routing traffic through an existing parking lot at Eckerd, and that pedestrian safety had been raised as an issue. Mr. Bryce stated that he thought a traffic light should be installed at the entrance to Eckerd, and that this would alleviate some of the traffic problems. Mr. Kestner stated that while NYSDOT had studied installation of a traffic light at that location, there is no current plan to install a traffic light, and that the current Route 7 reconstruction project does not include the installation of a traffic light in that area. Mr. Bryce stated that the site plan should be revised to have a single entrance through the Eckerd parking

lot. Chairman Malone responded that the Planning Board would consider this, but that the Eckerd site plan would also need to be amended and an entire new traffic flow and parking configuration for both Eckerd and the coffee facility would need to be presented. Chairman Malone inquired of the Hillcrest residents in attendance as to whether their concern would be eliminated if traffic was diverted through the Eckerd parking lot only, with no access off Hillcrest Ave. The residents in attendance stated that they were not opposed to the coffee facility and that the new entrance would alleviate their concern regarding traffic. Mr. Bryce understood the issue, and stated that the project would be redesigned. Hearing no further comment, Chairman Malone closed the Public Hearing.

Chairman Malone then opened the regular business meeting.

The first item of business on the agenda was the subdivision application of KEN MAXWELL for property located on Tamarac Road. Mr. Kestner noted that the Applicant had supplied first floor building elevations for each building lot, and that the Applicant had also provided sight distances for each of the driveways onto Tamarac Road. Mr. Kestner stated that he had reviewed the sight distance figures, and that each driveway was in compliance with sight distance requirements. It was noted that an Agricultural Data Statement had been sent to Herrington and Wager. Chairman Malone wanted the record to provide that the Applicant was aware that existing agricultural operations were adjacent to this property, and that everyone needs to be on notice that these agricultural uses will continue even though this subject property was proposed for residential use. In particular, Herrington Farms uses liquified manure on the fields in close proximity to these four lots, and that this agricultural practice will continue. These minutes will place everyone on notice that these agricultural practices are in use and will

continue even though this property will be put to residential use. Member Mainello inquired whether the driveways required the 2% back-pitch off Tamarac Road. Mr. Kestner stated that Tamarac Road was a County road, so the decision on any back-pitch would need to be made by the Rensselaer County Highway Department. Mr. Kestner and Mr. Kreiger noted that County permits will need to be obtained before any driveways could be installed off Tamarac Road. Chairman Malone inquired whether any of the Board members had any additional questions or concerns on the application. Hearing none, Member Oster made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 6-0, and a negative declaration adopted. Member Oster then made a motion to approve the subdivision application subject to Rensselaer County Health Department approval and County permits for installation of driveways. Member Esser seconded the motion subject to the stated conditions. The motion was approved 6-0, and the application approved subject to the stated conditions.

The next item of business on the agenda was the site plan application of BRYCE PROPERTIES for a coffee facility located at the intersection of Route 7 and Hillcrest Avenue. Mr. Bossolini stated that based on the comments received during the Public Hearing, the site plan will be revised to provide an alternate traffic flow through the Eckerd parking lot. Chairman Malone reiterated that the Eckerd site plan will now need to be revised as well, since the Planning Board will not allow the routing of traffic through the Eckerd parking lot in its current configuration. Chairman Malone also stated that there would be no access, emergency or otherwise, off Hillcrest Ave., but that the Applicant would still need to account for appropriate drainage from the Hillcrest area. Member Wetmiller raised a concern on pedestrian safety and

traffic flow through the Eckerd parking lot, especially in light of the fact that cars trying to get to the coffee facility may go faster than cars parking to go to Eckerd. Member Oster also had the same concerns on pedestrian safety. Member Oster also raised the fact that cars could now be parked at the Eckerd lot and people would walk over to the coffee facility to pick up a cup of coffee, and that the Applicant would need to account for this. This matter has been placed on the August 4 agenda for further consideration.

The next item of business on the agenda was the waiver of subdivision application by LAPHAM. On request of the Applicant, this matter has been adjourned until the August 4 meeting.

The next item of business on the agenda was the major subdivision application of BROOKS for property located off Dusenberry Lane. Lansing Engineering appeared on the application. The formal name of this project has now been changed to "DUSENBERRY ESTATES". Lansing Engineering reviewed the changes that had been made to the subdivision application, most significantly the elimination of on-site septic systems and the proposal for public sewer to connect to the sewer pump station on North Lake Ave. The cul-de-sacs have been eliminated, and replaced with a loop "jug handle" internal road system. Stormwater detention areas have been identified, but no specific stormwater calculations or engineering for detention basins had yet been performed. The owner has purchased the residence at the corner of Dusenberry Lane and Route 142 in order to allow grading to increase the sight distance from Dusenberry Lane onto Route 142. Also, the Applicant will need to acquire additional right-of-way from the extended Dusenberry Lane onto Bald Mountain Road in order comply with Town Highway specifications. Chairman Malone stated that the access from Dusenberry Lane onto

Route 142 remains a significant concern. Also, the existing Dusenberry Lane will need to be upgraded to meet current Town Road specifications. However, Chairman Malone noted that Dusenberry Lane is a highway by use, and a determination as to whether the road could be widened must be made. Member Tarbox noted that the water and sewer lines will also need to run through the Dusenberry Lane right-of-way, which adds to the need to widen Dusenberry Lane according to Town Highway specifications. Chairman Malone also noted that the right-of-way for the extended Dusenberry Lane onto Bald Mountain Road appears inadequate, and whether the Applicant would move forward with the project if he was unable to acquire additional area to widen this right-of-way. The Applicant stated that he will attempt to acquire property to widen this right-of-way onto Bald Mountain Road, but that if he is unsuccessful he will apply to the Town for a waiver of the road specifications. Mr. Kestner stated that as to the widening of Dusenberry Lane, the Applicant needs to coordinate with the Town Highway Superintendent to determine the total width of the area currently being maintained by the Town, including travel lane and drainage areas. Mr. Kestner reminded that Applicant that all stormwater detention facilities will not be taken over and maintained by the Town, rather there will be a requirement that a homeowner association be prepared and that the homeowner association own and maintain the stormwater detention facilities. Mr. Kestner stated that the next step for the application was to prepare a full preliminary subdivision plat application, which will need more detail on the roads, grading, water, sewer, and stormwater compliance. There are a significant number of issues concerning each of these items, and that the Applicant should get these issues worked out before preparing the preliminary plat. The owner inquired as to issues surrounding the sewer connection on North Lake. Mr. Kestner stated that the owner should be aware that the proposed Hudson Hills Apartment complex also seeks to hook into the sewer pump station on North Lake

Ave. and use capacity in connection with the Hudson Hills project, and that coordination and communication with the Hudson Hills Applicant should be undertaken. Also, Mr. Kestner reminded the owner that North Lake Ave. is a County road, so that coordination with the Rensselaer County Highway Department for work within the right-of-way also needs to be undertaken. This matter has not been placed on any agenda, and the Applicant will contact the Town when it is ready to submit its preliminary plat application.

The next item of business on the agenda was a waiver of subdivision application by Pirman for property located on Oxford Circle. Mr. Pirman was in attendance. Mr. Pirman seeks to divide a portion from his lot at 34 Oxford Circle, and sell it to his adjoining neighbor. The waiver would not be for building purposes. The structures on the remaining Pirman lot will remain zoning compliant. The Planning Board stated that the parcel to be transferred to the adjoining neighbor will need to be merged into the neighbor's parcel. Mr. Pirman understood and agreed to this condition. Member Tarbox then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6-0, and a negative declaration adopted. Member Wetmiller then made a motion to approve the waiver application subject to the condition that the subdivided piece be transferred and merged into the existing lot of the adjoining neighbor, and that the subdivided piece was expressly not for building purposes as a subdivided lot. Member Wetmiller also stated that proof of the merger needs to be submitted to the Town. Chairman Malone seconded that motion subject to the stated conditions. The motion was approved 6-0, and a waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the site plan application of PLUM BLOSSOM for additional parking. The owner appeared on the application. This matter is

preliminary in nature. The owner stated that he was seeking to remove the shale hill to the rear of the Plum Blossom in order to provide additional parking. The owner stated that he had lost approximately 11 parking spaces in connection with the Route 7 reconstruction project, and that the new parking area to the rear of the building would provide approximately 50 parking spaces. The Board discussed at length the issues associated with removal of the shale hill to the rear of the Plum Blossom Restaurant. The Board directed the owner to inquire with contractors as to both the feasibility and cost of removing the shale hill, and further to retain a professional engineer to work with him on the site plan application. The owner will seek estimates for the shale removal, and will request to appear before the Board as to both feasibility and cost before the application is further processed. Accordingly, this matter has been adjourned without date.

One item of new business was discussed.

An application for waiver of subdivision has been received from ARLENE EDWARDS for property located on Flower Road. Edwards seeks to divide a 27.87 acre parcel into two lots, 16.77 acres and 11.10 acres in size. This matter has been placed on the agenda for the August 4, 2005 meeting.

The minutes of the July 7, 2005 meeting were reviewed. Upon motion of Chairman Malone, seconded by Member Oster, the minutes were unanimously approved as written.

The **index** for the July 21, 2005 meeting is as follows:

1. Maxwell - subdivision - approved;
2. Bryce Properties - site plan - 8/4/05;
3. Lapham - waiver of subdivision - 8/4/05;
4. Brooks - major subdivision - adjourned without date;
5. Pirman - waiver of subdivision - approved;

6. Plum Blossom Restaurant - site plan - adjourned without date; and
7. Edwards - waiver of subdivision - 8/4/05.

The proposed agenda for the August 4, 2005 meeting currently is as follows:

1. Bryce Properties - site plan;
2. Lapham - waiver of subdivision; and
3. Edwards - waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD August 4, 2005

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, FRANK ESSER, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was MEMBERS KEVIN MAINELLO and RUSSELL OSTER.

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the site plan application of BRYCE PROPERTIES for the installation of a coffee drive-through facility at the intersection of Hillcrest Avenue and Hoosick Road/Route 7. Appearing on the application were Francis Bossolini, P.E. and Mr. Green, owner of the proposed coffee facility. Mr. Bossolini presented a revised site plan. The revised site plan eliminates any entrance of Hillcrest Ave., in light of the comments received during the public hearing. The proposed access to the coffee facility is through the existing access off Route 7 to the Eckerd store, with a driving lane to access the coffee facility directly in front of the Eckerd store. Mr. Bossolini explained that this would necessitate the relocation of four parking spaces within the Eckerd parking lot. Mr. Bossolini also noted that there was a restriction in the lease between Bryce Properties and Eckerd concerning a line-of-sight from the Eckerd store to Route 7, and therefore the coffee building location had been slightly shifted. Mr. Bossolini identified a berm to be installed between the Eckerd parking lot and the coffee facility lot to limit access to the driving lane directly in front of the Eckerd store. Mr. Bossolini explained that the balance of the site plan remains the same in terms of overall

green space and drainage. Chairman Malone reiterated his concern about traffic going to the coffee facility through the Eckerd lot directly in front of the Eckerd store, particularly in light of cars which may be going fast to get to and from the coffee shop. Mr. Bossolini suggested a stop sign between the coffee facility and the Eckerd parking lot as one was exiting the coffee shop, and also appropriate signage in terms of speed limit internally within the Eckerd parking lot. Member Czornyj inquired as to when the morning peak hour for traffic was anticipated. Mr. Bossolini stated that the morning peak would be between 7 a.m. and 9 a.m. There was a question as to when the Eckerd store opened in the morning. Member Wetmiller also raised a concern that the proposed travel lane to get to the coffee shop is directly in front of the Eckerd store, both in terms of ingress and egress. Member Wetmiller was concerned that the anticipated 40 cars per hour, resulting in 40 round trips or 80 single trips in front of the Eckerd store, caused a safety issue. Member Czornyj echoed that concern. Member Wetmiller agreed with Chairman Malone that the traffic driving through the Eckerd lot to get to the coffee shop would likely be going much faster than cars generally pulling into the Eckerd lot presently. The key issue discussed was the amount and speed of the traffic in front of the Eckerd building, and the safety of pedestrians in the Eckerd lot. Mr. Kestner also raised a concern regarding the columns near the entrance to the Eckerd store, and that a car going to or from the coffee shop may have a limited view of pedestrians behind the column and stepping out into the travelway. Member Czornyj also inquired whether Bryce Properties had discussed this traffic plan with Eckerd. Mr. Bossolini stated that Bryce Properties had okayed the plan, but was unaware whether Bryce Properties had reviewed it with Eckerd. Chairman Malone was adamant that he wanted a writing from Eckerd stating that Bryce Properties had reviewed the site plan with Eckerd and that Eckerd

did not oppose the traffic flow on the revised site plan. The Planning Board generally discussed the traffic flow concerns regarding pedestrian safety, and examined a number of alternative traffic flows with the Applicant. Mr. Green stated that in order for this coffee shop to be economically viable, he really needs two entrances and two exits so that cars could receive coffee on both sides of the coffee shop building. Mr. Green was concerned that only one entrance with the traffic circling the coffee shop building would not make the shop economically viable. If there was only one entrance through the Eckerd lot, Mr. Green would opt to withdraw the site plan application. The Board entertained a lengthy discussion about various traffic alternatives with both Mr. Bossolini and Mr. Green, none of which were acceptable to Mr. Green. Mr. Green reiterated that he did need the double entrance in and out in order for the coffee shop to operate. This would require the entrance directly on to Hillcrest Ave., or another curb-cut directly onto Route 7. Due to the potential traffic stacking issue and concerns of the residents on Hillcrest Ave., the Board did not want to see an entrance onto Hillcrest Ave. Further, the New York State Department of Transportation was not inclined to issue an additional curb-cut off Route 7 at this location. Following extended discussion, Mr. Green stated that it appeared he was not able to achieve the necessary traffic flow for this facility, and therefore voluntarily withdrew the site plan application.

The next item of business on the agenda was a waiver of subdivision application by LAPHAM. No one appeared on behalf of the Applicant. However, a Mr. Scott, owner of the neighboring property, was present. Mr. Scott explained that Lapham was actually the attorney for his neighbor, Lawfield. Mr. Scott explained that Lawfield had constructed a house, but when an accurate survey was prepared, it was discovered that the Lawfield house was actually on the

Scott property. Mr. Scott was willing to resolve this with Lawfield by a lot line adjustment and transferring property to Lawfield. However, this matter has pended for a year and a half, and it still had not been resolved. Mr. Kreiger explained that the original map supporting the waiver application filed by Attorney Lapham was not adequate since the Lawfield house would be only 4' from the proposed new boundary line, creating a setback violation. He had informed Attorney Lapham that the map needed to be revised and the proposed boundary line moved in order to achieve the necessary setback from the property line. However, this was several weeks ago, and no further map had been filed by Lapham or Lawfield. Mr. Scott asked if anything could be done in order to move this matter along, as he was very frustrated that it had not yet been concluded. Mr. Kreiger will follow up directly with Lawfield and Attorney Lapham, and move to enforcement measures concerning zoning violations if necessary.

The next item of business on the agenda was the waiver of subdivision application of ARLENE EDWARDS for property located on Flower Road. Appearing on the application was Attorney Paul Engster, representing Mrs. Edwards. Attorney Engster explained that Edwards owns approximately 27± acres on which a house sits that Edwards recently constructed. Edwards is now seeking to split the 27 ± acre lot into two lots, one lot totaling 11 ± acres on which the newly constructed house sits, and a second lot of 16 ± acres which Edwards seeks to transfer to the neighboring property (Lew) and have that lot merged into Lew's existing parcel. Attorney Engster explained that the subdivision was not for purpose of creating an additional building lot, and that the parcel transferred to Lew would be merged into Lew's existing deed. Attorney Engster explained that Edwards had a contract to transfer the 11 ± acre lot with the newly constructed house on it. Chairman Malone inquired whether a waiver had been granted on

this property within the last few years. Attorney Engster stated that the waiver had been granted, resulting in the construction of the new house by Edwards. Attorney Engster explained that in connection with that waiver, the Town required an easement for the construction of a turn-around. Mr. Kestner stated that the Superintendent of Highways, Doug Eddy, was present, and that Mr. Eddy had certain concerns regarding the turn-around. Mr. Eddy explained that the turn-around that was constructed is not large enough, and that the shoulder of one side of the turn-around was quite steep. Mr. Eddy would like to see the turn-around area expanded, so that the Town vehicles can safely make a turn-around in that location. Attorney Engster stated that his client would likely be agreeable to that, and that he was agreeable to work with Mr. Eddy on correcting that situation. Attorney Engster stated that he would meet with Mr. Eddy and his client, indicate what areas needed to be corrected, have the waiver map amended to depict those corrections, and resubmit the map for the Board's consideration. This matter has been placed on the Planning Board's August 18, 2005 agenda.

The next item of business on the agenda was a waiver of subdivision application by SHAWN NEALON for property located at 698 Brunswick Road. Mr. Nealon seeks a boundary line adjustment on his existing property in order to increase frontage for one of his existing lots from a current 40' to a proposed 50'. Mr. Nealon explained that he has two residential lots in this location, and that each had adequate frontage onto Brunswick Road. However, one driveway had been constructed to service both lots. This boundary line adjustment is designed to increase the frontage of one of these lots to 50', so that a second driveway could be constructed with adequate room. Mr. Nealon had handed up only a sketch drawing of what he was seeking to do. The Board generally reviewed that drawing and discussed the proposal. Mr. Nealon agreed to revise

the map to more accurately depict the boundary line adjustment, and resubmit that revised map to the Board for consideration. This matter has been placed on the August 18 agenda.

The next item of business on the agenda was a conceptual presentation by Landmark Development Corp. on the proposed Highland Creek PDD application currently pending before the Town Board. Appearing before the Board were Lee Rosen and Robert Marini of Marini Builders. Mr. Rosen presented the overview concept of the residential development, and Mr. Marini presented further information on the development concept and types of homes which they were seeking to construct. This matter remains pending before the Town Board on the PDD application and SEQRA review.

Two new items of business were discussed.

First, CINGULAR WIRELESS would like to be placed on the September 1, 2005 agenda of the Planning Board for consideration of the co-location on a Niagara Mohawk tower located off Pinewoods Ave. This matter is currently before the Zoning Board of Appeals.

Second, WAGNER PROPERTIES has submitted a waiver of subdivision application for property located at 79 Garfield Road in the area of Bott Lane. The Applicant seeks to divide of 11.51 acres from an existing 47± acre parcel. This matter has been placed on the agenda for the August 18, 2005 meeting.

Superintendent Eddy also raised an issue with the Planning Board as to adequate distances between driveways in new subdivisions, as well as adequate distance of driveways from property boundaries. It was determined that Mr. Kestner will review the matter with Mr. Eddy to come up with proposals for consideration by the Planning Board.

The proposed minutes of the July 21, 2005 meeting were reviewed. Upon motion of

Member Wetmiller, seconded by Chairman Malone, the minutes were approved as written by a vote of 5-0.

The **index** for the August 4, 2005 meeting is as follows:

1. Bryce Properties - site plan - withdrawn;
2. Lawfield (Lapham) - waiver of subdivision - adjourned without date;
3. Edwards - waiver of subdivision - 8/18/05
4. Nealon - waiver of subdivision - 8/18/05;
5. Highland Creek PDD - conceptual presentation - adjourned without date;
6. Cingular Wireless - site plan - 9/1/05; and
7. Wagner Properties - waiver of subdivision - 8/18/05.

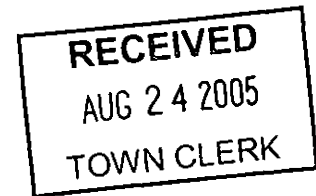
The proposed agenda for the August 18, 2005 meeting currently is as follows:

1. Edwards - waiver of subdivision;
2. Nealon - waiver of subdivision; and
3. Wagner Properties - waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD August 18, 2005

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

ABSENT was CHAIRMAN SHAWN MALONE.

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the waiver of subdivision application by ARLENE EDWARDS for property located on Flower Road. Appearing on the application was Attorney Paul Engster, representing Mrs. Edwards. Mr. Engster informed the Board that he had met with Doug Eddy, Superintendent of Highways, at the property for purposes of assessing the area that the Town is seeking to increase the turn-around at the end of Flower Road. This property abuts the Lew property, which is adjacent to the Edwards parcel. Mr. Engster informed the Board that Lew has authorized Mr. Engster to negotiate whatever the Town needs to increase the turn-around at the end of Flower Road. Mr. Engster informed the Board that he will be meeting with Mr. Eddy again at the site on either August 29th or 30th for purposes of identifying the exact location for the increase to the turn-around. At that time, the issue of improving the drainage at this location will also be discussed. Mr. Engster informed the Board that there was a prior easement executed by Edwards and transferred to the Town for the current turn-around, with that easement being recorded in the Rensselaer County Clerk's Office. That easement has a specific metes and bounds description as to the size and location of the existing turn-around area.

Attorney Engster explained that both his client and Lew are willing to do whatever the Town needs in terms of amending that easement, whether that be generic language in an amended easement or a new metes and bounds description and map. Attorney Gilchrist will review this matter with Attorney Engster and Town Attorney Cioffi to determine what will be required regarding the existing easement of record. Attorney Engster inquired whether there were any other issues that the Board had concerning the waiver application. Upon discussion, the Planning Board determined that there were no other issues on this application other than resolving the area for the turn-around as well as drainage improvements, and having a resolution on an amendment to the existing easement of record. This matter will be placed on the Planning Board's September 1, 2005 agenda for further action.

The next item of business on the agenda was a waiver of subdivision application by NEALON. At the request of the Applicant, this matter has been adjourned to the September 1, 2005 meeting.

The next item of business on the agenda was a waiver of subdivision application by WAGNER PROPERTIES for property located on Bott Lane off Garfield Road. Mr. Kestner reviewed the subdivision map, and stated that the two proposed lots had adequate frontage on a public road. Members Oster and Czornyj inquired of Mr. Kestner whether there was adequate sight distance onto the public road. Mr. Kestner stated that sight distance analysis had not been provided on the map, and that such information should be provided. Mr. Kreiger confirmed that Bott Lane had a speed limit of 30 m.p.h. Member Oster inquired of the Board Members whether they concurred that sight distance information was required on this application given the location of the two lots on Bott Lane. The Board Members concurred that this information should be

supplied on the application. Member Oster explained to the Applicant the need for the sight distance information, and if necessary sight distances are not met, then the Board could consider the need for signage or other mitigation efforts. Mr. Kestner also explained these issues to the Applicant. The Applicant stated that he would have this information prepared and submitted to the Board for review. This matter has been placed on the September 1, 2005 agenda for further action.

The next item of business on the agenda was the waiver of subdivision application by Loftfield. This matter has been previously referred to as the "Lapham" waiver application. Further, "Loftfield" has previously been referred to as "Lawfield". Attorney Lapham represents Loftfield, who recently constructed a home on the Loftfield parcel. However, when an accurate survey was prepared, it was determined that Loftfield had part of the new structure onto the property of the adjoining property owner, Scott. Scott has agreed to a lot line adjustment and transfer of property to Loftfield. The initial waiver map that had been submitted by Attorney Lapham did not provide adequate setback from the proposed property line, which would result in a zoning violation. Attorney Lapham has now submitted a revised waiver map which complies with all setback requirements. This has been reviewed and confirmed by Mr. Kreiger. In addition, the Applicant has now prepared an Environmental Assessment Form on the application as well. Member Oster inquired whether any of the Board Members had any questions or concerns regarding the application. The Board had previously reviewed the application, and had only required a revised map to show zoning compliance in terms of setback from property lines. Having received this, the Planning Board had no further concerns regarding the application. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion

was seconded by Member Wetmiller. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the waiver application subject to the condition that the transferred parcel from Scott to Loftfield be legally merged into the parcel of Loftfield, with proof of merger through the amended deed submitted to the Town Building Department. Member Tarbox seconded that motion subject to the stated condition. The motion was approved 6-0, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was a concept proposal by PETER GIBSON for property located on Old Siek Road. Harold Berger, P.E. accompanied Mr. Gibson on the concept presentation. The subject parcel is 75 ± acres, 85% of which lies in the Town of Grafton, 15% of which lies in the Town of Brunswick. The entire frontage of this parcel on Old Siek Road lies in the Town of Brunswick. Mr. Berger reported that both he and Mr. Gibson had appeared before the Grafton Planning Board on Monday, August 15, 2005. Mr. Berger explained that the 75 acres is proposed to be subdivided into six (6) building lots, ranging in size from 3 ± acres to 33 ± acres, with each lot having its access off Old Siek Road in the Town of Brunswick. Two (2) of the proposed lots would have a frontage on Old Siek Road of 100' width, with the remaining four (4) lots having 180' wide frontage. Mr. Gibson proposes that the two (2) lots having the 100' wide frontage, which are adjacent and in the nature of flag lots, have a common driveway. Mr. Gibson explained that the common driveway would be quite lengthy, leading to very large lots in the Town of Grafton. The Board raised the concern regarding shared driveways, and that this issue would need to be further addressed if the application is to proceed. Member Czornyj made it clear on the record that no building could occur within the 100' frontage area so that adequate area existed for future driveway construction. Mr. Berger explained that the final house location

on each building lot had not yet been determined, but that given the location and topography of the proposed lots, it is conceivable that three (3) homes would be situated in the Town of Brunswick and three (3) homes would be situated in the Town of Grafton. Mr. Berger explained that this property was on Old Siek Road before reaching the old Town landfill. It was noted that since the property covers two (2) towns, that coordination between the Grafton Planning Board and Brunswick Planning Board is mandatory in order to review this application. Attorney Gilchrist explained that complete subdivision applications would need to be filed in each town, including the payment of requisite filing fees. One Long Environmental Assessment Form would need to be filed with each town and coordination under SEQRA on lead agency designation would need to occur. One SEQRA review would be completed by that lead agency for both subdivision applications, clearly with coordination and comment from each town. Certain issues to be considered on lead agency designation include buildable area within each township, public road frontage, impact on adjacent land uses, road maintenance issues, etc. Once SEQRA is completed, each Planning Board would need to then address the subdivision application pending before it. A complicating factor on an application covering property in two towns is that any adjustment by one town will impact the review and the project layout in the adjacent town. Therefore, coordination is mandatory, and often joint meetings are held for these types of applications. The Applicant understood the complexity of the procedure on these applications. Mr. Gibson said that he would discuss the application with Mr. Berger, and determine how best to proceed. This matter has been adjourned without date, pending receipt of a complete major subdivision application, Full Environmental Assessment Form, and filing fees.

Three items of new business were discussed .

First, Mr. Kreiger reminded the Board that the site plan application of CINGULAR WIRELESS for their co-location application off Pinewoods Avenue will be on the agenda for the September 1, 2005 meeting.

Mr. Kreiger also reported that INDEPENDENT WIRELESS ONE has an application for a co-location on Bald Mountain Road pending before the Zoning Board of Appeals, and has requested that it be placed on the agenda for the September 15, 2005 meeting for conceptual presentation only. The Independent Wireless One application is scheduled to be heard by the Zoning Board of Appeals at its September 19, 2005 meeting.

Third, a waiver of subdivision application has been received from VIRGINIA GREEN for property located at 26 Brian Court, off Route 40. Ms. Green currently owns a double lot, and has applied to break that lot back into the two (2) original lots. Ms. Green had legally merged these two lots into one deed in or about 2001. The Planning Board stated that it would want additional information on the septic and well location for the one proposed lot on which the house currently sits, to ensure that there is no encroachment issue onto the currently undeveloped second lot. Specifically, the Planning Board wanted the Applicant to confirm that there had been no additions or extension to the existing septic system, that there are no other buildings on the developed lot that would raise a zoning compliance issue, and that the existing well and septic be located on the waiver map. This matter has been placed on the September 1, 2005 agenda for further discussion.

The Board raised with Mr. Kreiger the fact that it appeared GALLIVAN had expanded its commercial operation on Oakwood Avenue to the rear of the lot, and were concerned that this may not be in compliance with the approved site plan. Mr. Kreiger will investigate.

The minutes of the August 4, 2005 meeting were reviewed. The reference to "Lawfield" will be amended to "Loftfield". Subject to this typographical correction, Member Wetmiller made a motion to approve the minutes, which was seconded by Member Czornyj. The motion was approved 6-0, and the corrected minutes adopted.

The **index** for the August 18, 2005 meeting is as follows:

1. Edwards - waiver of subdivision - 9/1/05;
2. Nealon - waiver of subdivision - 9/1/05;
3. Wagner Properties - waiver of subdivision - 9/1/05;
4. Loftfield - waiver of subdivision - approved with condition;
5. Gibson - major subdivision concept presentation - adjourned without date;
6. Cingular Wireless - site plan - 9/1/05;
7. Independent Wireless One - site plan - 9/15/05; and
8. Green - waiver of subdivision - 9/1/05.

The proposed agenda for the September 1, 2005 meeting is as follows:

1. Edwards - waiver of subdivision;
2. Nealon - waiver of subdivision;
3. Wagner Properties - waiver of subdivision;
4. Cingular Wireless - site plan; and
5. Green - waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

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SEP 12 2005

TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD September 1, 2005

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

ABSENT was CHAIRMAN SHAWN MALONE.

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Prior to addressing the first item of business on the agenda, acting Chairman Oster recognized Mr. Bernie Barber who was in attendance. Mr. Barber sought to discuss current operations at the Mayer logging facility located adjacent to his house, on property owned by Gary and Christine Morris. Mr. Barber again raised the point that he felt the 1989 use variance issued by the Brunswick Zoning Board of Appeals could not apply to the current logging operation. Member Oster stated that the Planning Board had no jurisdiction over the variance issue, but that if Mr. Barber recalled properly, the Planning Board did raise the zoning compliance issue on the site plan application, and had requested a further examination of that issue by the Zoning Code Enforcement Officer. It was the determination of the Zoning Code Enforcement Officer that the Zoning Board of Appeals had correctly determined that the 1989 use variance covered the full extent of the logging operations, and that thereafter the Planning Board proceeded to review the site plan application. Mr. Barber stated that the noise analysis undertaken by Mayer was not adequate. Member Oster stated that the Planning Board had required a noise analysis to be performed, that Mayer had retained a licensed professional engineer to undertake the noise

analysis, and that a full public hearing was held by the Planning Board after the noise analysis had been submitted by Mayer's engineer. Member Oster stated that the Planning Board did consider all comments received from the public on the noise analysis, as well as all other issues associated with the site plan, and attached appropriate conditions to the site plan approval to address those concerns raised by the public and concerns that the individual Board Members had with the project. Mr. Barber said there were operational problems at that facility in terms of noise, as well as equipment and logs being stored in areas that were not approved. The Planning Board stated that Mr. Kreiger would look into those allegations, to confirm whether there are any violations of the approved site plan. Mr. Barber stated that the New York State Tax Department did not have any listing for Mayer Logging. Member Oster stated that this was not a planning issue for the Planning Board to consider, but that Mr. Barber could take that up directly with the State of New York. Mr. Barber stated that the logging operation was loud, disgraceful, and looked terrible. Mr. Barber said that no member of the Town Board or Planning Board lives within 25' of that logging operation, and no one has to endure the conditions like he does. Mr. Barber stated that some kind of fence or sound barrier should have been required. Member Oster reviewed the fact that a public hearing was held on the site plan application and Environmental Impact Statement, and that all comments received at that time by members of the public were considered by the Planning Board before acting on the site plan. In this regard, Mr. Kestner stated that one of the conditions attached to the site plan approval was a limitation on the hours of operation and days of operation in order to address concerns on surrounding properties. Mr. Kestner also noted that until the site plan had been reviewed and conditions placed on the operation, that the Town had no ability to enforce any operational conditions and that the site

plan review conducted by the Planning Board had placed such restrictions on that operation for the benefit of neighboring properties. Member Esser also noted that he did not recall anyone mentioning a sound barrier or fence during the public hearing on this project, and that if such a comment had been made it would have been considered by the Planning Board in addressing the site plan. Attorney Gilchrist reviewed the procedure on the Morris site plan application, including the activity by the Zoning Board of Appeals prior to the site plan application being filed with the Planning Board. The Planning Board heard and understood the comments of Mr. Barber, and suggested that if there were operational issues that Mr. Barber felt were not in compliance with the site plan or its conditions, that he should coordinate with the Superintendent of Utilities and Inspection in terms of compliance with the site plan conditions.

The first item of business on the Planning Board agenda was the waiver of subdivision application by EDWARDS for property located on Flower Road. Attorney Gilchrist updated the Board that he had spoken with Town Attorney Cioffi, and both he and Mr. Cioffi concur that on the issue of addressing the existing easement and improving the turn-around at the end of Flower Road, an amended easement document would need to be prepared by the Applicant including a revised metes and bounds description to properly describe the area of the turn-around which the Town Highway Department felt was necessary. Attorney Gilchrist informed the Board that he had spoken with Mrs. Edwards' attorney, Paul Engster, Esq. and that Mr. Engster was having an amended easement prepared with a new metes and bounds description. This matter has been tentatively placed on the September 15, 2005 agenda for further action, pending the receipt of the amended easement from Attorney Engster.

The next item of business on the agenda was the waiver of subdivision application by

SEAN NEALON for property located off Route 2. Mr. Nealon handed up an amended map showing a revised lot line to clear up any questions which the Planning Board had concerning the original map. Mr. Nealon explained that all he sought to do with this application was to complete a lot line adjustment, transferring 1.04 ± acres from one lot to the adjacent lot, to be merged into that adjacent lot so as not to create a separate building lot. The Planning Board was satisfied with the amended map. Mr. Kestner inquired of Mr. Nealon whether the well and septic locations on these existing lots remain compliant given the lot line adjustment. Mr. Nealon located the well and septic locations, and confirmed that the set-backs would remain compliant. Member Oster inquired whether any of the Board Members had any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver application subject to the condition that the 1.04 ± acre transferred property be merged into the receiving parcel, and that proof of that merger be filed through an amended deed with the Town. Member Esser seconded that motion subject to the stated condition. The motion was approved 6-0, and application approved.

The next item of business on the agenda was a waiver of subdivision application by WAGNER PROPERTIES for property located off Bott Lane. On this application, the Planning Board had a question concerning adequate sight distances from the proposed lots onto Bott Lane. The Applicant had the sight distances analyzed, and the information presented on the waiver map. The sight distances in both directions from the proposed driveway locations are compliant. The waiver map noted that the posted speed limit on Bott Lane is 25 mph, but that the Board

wanted to make sure that the sight distances were compliant for at least 35 mph, which is a standard speed limit for town roads. The Board confirmed that the sight line distances provided are compliant for a 35 mph roadway. Member Oster inquired 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 Tarbox. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver application subject to Rensselaer County Health Department approval for water and septic. Member Esser seconded the motion subject to the stated condition. The motion was approved 6-0, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was the site plan application of CINGULAR WIRELESS for a co-location application off Pinewoods Avenue. No one was present on behalf of Cingular Wireless. Mr. Kreiger stated he would contact the Applicant. This matter has been tentatively placed on the agenda for the September 15, 2005 meeting.

A representative of INDEPENDENT WIRELESS ONE was in attendance at the meeting. Independent Wireless One has an application for a co-location on Bald Mountain Road pending before the Zoning Board of Appeals, and had requested that it be placed on the agenda for the September 15, 2005 meeting for conceptual presentation only. The representative of Independent Wireless One apologized for appearing at the wrong meeting and stated that he would return for the conceptual presentation at the September 15 meeting.

The next item of business on the agenda was a waiver of subdivision application by VIRGINIA GREEN for property located at 26 Brian Court, off Route 40. Appearing for Mrs.

Green was Attorney Art Glass, Esq. Attorney Glass had informed the Board that the original owner of these two adjacent residential lots was Mrs. Green's uncle, who had purchased two adjacent lots in an approved residential subdivision and merged the parcels. Mrs. Green is now in title to this merged lot, and seeks to split off the vacant lot for transfer. In essence, Mrs. Green seeks to re-create the existing building lot that had been approved through subdivision, but which had been merged into another lot by her uncle. There is an existing house and garage on one lot, and the second lot has no structures and is vacant. The Planning Board had requested information concerning septic and well for the existing house. Attorney Glass provided information from the Rensselaer County Health Department locating the septic and leach field directly behind the house and garage, meeting all set-backs for the proposed lot line. The Board confirmed that the property is now served by municipal water. Members Esser and Czornyj wanted the record to confirm that the information from the Rensselaer County Health Department shows that the septic and leachfield meet all set-back and off-set requirements. An issue arose as to whether the structures on the one lot, including both the house and garage, met all side yard set-back requirements with the recreation of the original lot line. This information has not yet been supplied on the application. Attorney Glass stated that this survey information will be prepared and submitted to the Planning Board, and requested that this application be placed on the next available agenda. This matter has been placed on the September 15, 2005 agenda for further action.

The next item of business on the agenda was a waiver of subdivision application by ROBERT and PATRICIA TALHAM for property located on North Lake Avenue. Appearing for the Talhams was Matt Turner, Esq. Attorney Turner reminded the Board that on June 16, 2005,

the Talhams received an approval of a waiver of subdivision transferring $.2 \pm$ acres from 642 North Lake Avenue to 632 North Lake Avenue. Talham was the owner of both parcels, and was seeking to sell 632 North Lake Avenue to Barrigan (a purchase contract was in place, awaiting closing). The transfer of 632 North Lake Avenue did not close, and the deal fell through. Talham has now moved back into 632 North Lake Avenue and is seeking to sell 642 North Lake Avenue (for which a new contract of sale is in place). Therefore, Talham seeks to vacate the waiver approval of June 16, 2005, and has applied for another lot line adjustment under a revised waiver map dated August, 2005. Also, as part of the application, an affidavit of Robert and Patricia Talham verified August 26, 2005 was provided, reconfirming that the Talhams have abandoned a waiver of subdivision approval from 2002, have abandoned the June 16, 2005 approved waiver, and seek to pursue only the current application of August, 2005 under the revised waiver map dated August, 2005. Upon review of the August, 2005 waiver map, the Planning Board raised an issue concerning setbacks in light of the proposed lot line adjustments between 642 and 632 North Lake Avenue. Specifically, a deck has been built on the western side of the existing house on 642 North Lake, which calls into question a side yard and rear yard setback requirement under the proposed lot line adjustment. The Board concluded that the revised side yard lot line is in compliance for setback from the deck. However, the Board questioned whether the revised lot line created a rear yard setback issue. The proposed lot line adjustment creates an "L" shape, and the Board discussed whether the top of the "L" shape or the bottom line of the "L" shape constituted the rear lot line for purposes of setback calculation. Mr. Kreiger, following review of the map and zoning code definitions, opined that the rear yard setback with respect to the deck structure was the top of the "L" shape, and therefore rear setback was also in compliance. Upon further discussion, the Board determined to adhere to Mr.

Krieger's opinion. Seeing no other issues on the application, Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Oster. The motion was approved 6-0, and a negative declaration was adopted. Thereupon, Member Wetmiller made a motion to approve the waiver application subject to abandonment of the 2002 waiver approval and June, 2005 waiver approval. The motion was seconded by Member Esser. The motion was approved 6-0, and the waiver application approved.

One item of new business was discussed.

An application for minor subdivision has been submitted by DAVID PROVOST for property located at the end of Norman Lane at the Brunswick/Pittstown border. Mr. Provost seeks to subdivide 114 acres into four lots, plus a new cul-de-sac. The Board determined that with the addition of the new road, the application constituted a major subdivision application under the Town Subdivision regulations. Further, Mr. Provost seeks to create one cul-de-sac at the end of Norman Lane, and create substantial private driveways back to existing structures which will be located on the proposed lots. Several issues were raised by the Planning Board on this application, including compliance with driveway and private road specifications, frontage on a cul-de-sac, and cooperation with the Town of Pittstown in light of the fact that Pittstown currently plows and maintains Norman Lane. It was suggested that Mr. Provost appear at the September 15 meeting for a pre-filing conference on this major subdivision application to discuss the issues associated with this project before a full major subdivision application is prepared and submitted.

The minutes of the August 18, 2005 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were approved as written by a 6-0 vote.

The **index** for the September 1, 2005 meeting is as follows:

1. Edwards - waiver of subdivision - 9/15/05;
2. Nealon - waiver of subdivision - approved with condition;
3. Wagner Properties - waiver of subdivision - approved with condition;
4. Cingular Wireless - site plan - 9/15/05;
5. Independent Wireless One - site plan - 9/15/05;
6. Green - waiver of subdivision - 9/15/05;
7. Talham - waiver of subdivision - approved with condition; and
8. Provost - major subdivision - 9/15/05.

The proposed agenda for the September 15, 2005 meeting is as follows:

1. Edwards - waiver of subdivision;
2. Cingular Wireless - site plan;
3. Independent Wireless One - site plan;
4. Green - waiver of subdivision; and
5. Provost - major subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

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MINUTES OF THE PLANNING BOARD MEETING HELD September 15, 2005

PRESENT were CHAIRMAN SHAWN MALONE, FRANK ESSER, KEVIN MAINELLO, RUSSELL OSTER, JOSEPH WETMILLER, and DAVID TARBOX.

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the waiver of subdivision application by ARLENE EDWARDS for property located on Flower Road. The Applicant was represented by Paul Engster, Esq. The only issue remaining on this application was amending an existing easement in favor of the Town of Brunswick. The Town has an existing easement for highway purposes for a turn-around at the end of Flower Road. However, the Highway Superintendent, Douglas Eddy, determined that the area of the turn-around is inadequate, and that Town vehicles have had difficulty maneuvering. The Applicant is willing to extend the area of the easement to accommodate a larger turn-around area for the Town. The turn-around is situated on property adjacent to Edwards, owned by Madeline Lew. Lew has consented to extend the area of the easement. Attorney Engster met with Highway Superintendent Eddy, Madeline Lew, and her surveyor to determine the extent of the turn-around that the Town is seeking. Based on that site meeting, a map depicting the increased turn-around area had been prepared, together with a metes and bounds description. Further, Attorney Engster prepared a proposed easement in favor of the Town. Chairman Malone inquired whether Superintendent Eddy had a chance to review

the map, and whether that was consistent with what was agreed to in the field. Attorney Engster said that he had not yet had a chance to review the map with Superintendent Eddy. However, Superintendent Eddy arrived at the meeting, reviewed the map, and stated that it generally agreed with the areas identified in the field. Chairman Malone inquired whether the proposed metes and bounds description and easement had been reviewed by Mr. Kestner and Attorney Gilchrist. As this material had been filed during the afternoon of September 15, neither Mr. Kestner nor Attorney Gilchrist had a chance to review them prior to the meeting. Attorney Engster also noted that he needed to revise the easement document. Chairman Malone inquired whether the Board could act upon the waiver application pending the full review of the metes and bounds description and easement by the Planning Board's engineer and attorney. Attorney Gilchrist stated that the Board could act upon the waiver application subject to review and acceptance of the description and easement by the Board's engineer and attorney. Chairman Malone inquired whether the Board members had any additional questions or comments concerning the application. Hearing none, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the waiver application subject to the condition of review and acceptance of the map, metes and bounds description, and easement by the Planning Board's engineer and attorney, and acceptance of the easement by the Town Board. Member Oster seconded the motion subject to the stated condition. The motion was approved 6-0, and the waiver application granted conditional approval.

The second item of business on the agenda was the site plan application of CINGULAR

WIRELESS for a wireless communication facility located off Pinewoods Avenue. There was no appearance on the application, and this matter has been adjourned without date.

The next item of business on the agenda was a concept site plan presentation by INDEPENDENT WIRELESS ONE for co-location on an existing wireless communication tower located on Bald Mountain. Dan Schweigard appeared on the application for Independent Wireless One. Mr. Schweigard explained that Crown Castle was the owner of the tower, and Independent Wireless One sought to co-locate its antenna facilities on the existing tower. The tower is a 90' lattice structure. Mr. Schweigard explained that this matter was pending before the Zoning Board of Appeals for a permit, and was scheduled for the ZBA's September 19 agenda. The matter will be before the Planning Board on site plan concerning the additional communications building to be installed at the base of the tower. Chairman Malone inquired whether there was a structural report included in the site plan application. Mr. Schweigard stated that Independent Wireless One had conducted a structural report, and that it was included in the ZBA application, but not in the site plan application. Mr. Schweigard stated that the report concluded the existing tower structure was capable of handling the additional antenna. Chairman Malone inquired whether the additional communications building was within the existing footprint for the tower. Mr. Schweigard stated that it was within the existing footprint. Mr. Kestner noted that some of the maps submitted in connection with the site plan application were not legible, and requested the Applicant to supplement the submission. Chairman Malone stated that this matter would be tentatively placed on the October 6 agenda, subject to further proceedings by the ZBA. Chairman Malone and Mr. Kestner scheduled a time to conduct a site visit to the existing tower.

The next item of business on the agenda was the waiver of subdivision application by VIRGINIA GREEN for property located at 26 Brian Court, off Route 40. Appearing for Mrs. Green was Attorney Arthur Glass. This application concerns property that was originally two lots within a subdivision, but which had been acquired by one owner and merged. The current owner, Mrs. Green, seeks to split one of the lots back off for conveyance. This application had been previously reviewed by the Planning Board, with the remaining issue being whether the existing house and garage remained in compliance with setback requirements from the proposed new lot line. Attorney Glass presented a survey prepared by Brian Holbriiter which depicts the existing structures, as well as proposed lot lines, and demonstrates compliance with all front, side and rear property line setbacks. Mr. Kestner and Mr. Kreiger reviewed the map, and concurred that all setback requirements are in compliance. Chairman Malone inquired whether there were any additional questions or concerns by the Board. Hearing none, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the waiver application subject to Rensselaer County Health Department approval, which motion was seconded by Member Oster. The motion was approved 6-0, and conditional approval granted.

The next item of business on the agenda was the major subdivision application by PROVOST for property located at the end of Norman Lane at the Brunswick/Pittstown border. Mr. Provost appeared for a pre-filing conference concerning the proposal. Mr. Provost stated that he had retained Dave Dickinson as his surveyor, and that Mr. Dickinson stated that the map was in compliance with Town regulations. Mr. Kestner stated that the submission was not in full

compliance with the requirements under the major subdivision regulations, nor with the private road standards. Mr. Provost's map showed private driveways in excess of 150', and therefore the private road standards are applicable. Under such standards, a full 16' wide travelway plus 3' wide ditches on each side of the road were required. Mr. Kestner explained that since the proposal included the construction of a new cul-de-sac, and thus a new road, the application constituted a major subdivision application, and compliance with all filing requirements for a major subdivision must be met. Chairman Malone also raised the question concerning applicable specifications for the cul-de-sac, since it would be built at the end of Norman Lane, which is situated in the Town of Pittstown and maintained by the Town of Pittstown. Chairman Malone noted that this application would need to be coordinated with the Town of Pittstown, particularly on road standards and maintenance issues. Chairman Malone suggested that Mr. Dickinson contact Mr. Kestner directly, and review the standards applicable for this major subdivision. Further, Chairman Malone and Mr. Kestner will schedule a site visit to review the property, preferably in conjunction with Mr. Dickinson. This matter has been adjourned without date, pending receipt of a complete major subdivision application and filing fee.

The next item of business on the agenda was a waiver of subdivision application by Mark Madden for property located at 10 Duncan Drive. Mr. Madden owns a parcel approximately 55 ± acres, with frontage both on Duncan Drive and Plank Road. Mr. Madden seeks to divide off a 3.7 ± acre parcel with frontage on Plank Road. That frontage would measure 267' on Plank Road. The Planning Board noted that the map did not include any proposed driveway location, nor measurement of sight distances onto Plank Road. The Board requested that this information be supplied on the application. Mr. Madden will also contact Rensselaer County for a driveway

permit. This matter has been placed on the agenda for the October 6, 2005 meeting for further review.

One item of new business was discussed.

An application for waiver of subdivision has been filed by PAUL and MICHELLE CULLIGAN for property currently owned by Regina Behan at 235 Grange Road. Behan owns 9.24 acres, with one existing residence. Behan seeks to divide off 4.76 acres for transfer to Culligan. The Board reviewed the map submitted on the application. Mr. Kestner noted that a Town Local Law requires all proposed septic systems to be at least 300' from the Town Reservoir. This will need to be confirmed on this application. Further, the Board noted that a proposed driveway location is not on the map, nor sight distances onto Route 142 for a driveway cut. This information will need to be supplied on the application. The Planning Board also wanted information on the existing septic and well on the Behan parcel. This matter has been placed on the October 6, 2005 agenda for further review.

Mr. Kreiger noted that the Brunswick Presbyterian Church requested that it be allowed to appear at the October 6 meeting to formally present the amendments to its approved site plan. These amendments had generally been discussed by the Board at previous meetings. Chairman Malone stated that this matter will be on the October 6 agenda.

Chairman Malone also noted that a petition had been presented to the Planning Board by residents of Buck Road, opposing any road cut off Buck Road for the proposed Reiser subdivision on property located at the intersection of Route 2 and Route 278. Chairman Malone stated that this information would be considered in connection with the Reiser application, and requested that this petition be placed in the file on that application.

The minutes of the September 1, 2005 meeting were reviewed. Upon motion of Member Oster, seconded by Chairman Malone, the minutes were approved 6-0 as written.

The **index** for the September 15, 2005 meeting is as follows:

1. Edwards - waiver of subdivision - conditional approval;
2. Cingular Wireless - site plan - adjourned without date;
3. Independent Wireless One - site plan - 10/6/05;
4. Green - waiver of subdivision - conditional approval;
5. Provost - major subdivision - adjourned without date;
6. Madden - waiver of subdivision - 10/6/05;
7. Culligan - waiver of subdivision - 10/6/05; and
8. Brunswick Presbyterian Church - amendment to site plan - 10/6/05.

The proposed agenda for the October 6, 2005 meeting is as follows:

1. Independent Wireless One - site plan;
2. Madden - waiver of subdivision;
3. Culligan - waiver of subdivision; and
4. Brunswick Presbyterian Church - amendment to site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD October 6, 2005

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

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the site plan application of INDEPENDENT WIRELESS ONE for co-location on an existing wireless communication tower located on Bald Mountain. This matter has not yet been acted upon by the Zoning Board of Appeals, and therefore this matter has been adjourned until the October 20 meeting. Mr. Kestner did note that he, Chairman Malone and Mr. Kreiger did a site visit, and wanted to raise the issue of the access road leading to the tower off Bald Mountain Road. Due to the condition of that access road, including its length and grade, it does not need the private driveway or roadway standards under the Town Code. Chairman Malone noted that the road is barely passable now in a 4-wheel drive vehicle and does not know how it would be passable under winter conditions. Mr. Kestner noted that the location of the tower itself is near Bellview Road, which is a paved public road. Mr. Kestner also noted that the County 911 address for this location is listed as Bellview Road. The Board may want to examine options of access to Bellview Road. Mr. Kestner also noted that the Applicant has now provided a visual assessment from various viewpoints, a full Environmental Assessment Form, and a structural analysis regarding the existing tower. This additional

information was provided to the Planning Board Members on October 6th, and Mr. Kestner suggested that the Board Members review that material before the October 20 meeting.

The next item of business on the agenda was the waiver of subdivision application by MARK MADDEN for property located at 10 Duncan Drive. Mr. Madden owns a parcel approximately 55 ± acres, with frontage both on Duncan Drive and Plank Road. Mr. Madden seeks to divide off a 3.7 ± acre parcel with frontage on Plank Road. This matter had been addressed at the September 15, 2005 meeting, and the Board had requested information on a proposed driveway location and sight distances onto Plank Road, as well as initiation of the application by Mr. Madden for a driveway permit from the Rensselaer County Highway Department for access onto Plank Road. David Heer was present on this application. Mr. Heer handed up a revised map showing a driveway location as well as sight distances onto Plank Road. Mr. Heer also indicated that an application has been made to Rensselaer County for the driveway permit. Chairman Malone noted that he, as well as Mr. Kestner and Mr. Kreiger, had likewise inspected this property. Mr. Kestner reviewed the sight distance information provided. Mr. Kestner noted that the speed limit on Plank Road is 35 mph, and the sight distances provided on the map are in compliance with minimum stopping sight distance for a 35 mph road. The Planning Board also noted that the remaining land of Madden has access on Duncan Drive. Chairman Malone inquired whether there were any additional questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 7-0, and a negative declaration adopted. Member Oster then made a motion to approve the waiver application subject to Rensselaer County Health Department approval and Rensselaer County Highway

Department approval for the driveway permit. Member Wetmiller seconded that motion subject to the stated conditions. The motion was approved 7-0, and a conditional final approval granted.

The next item of business on the agenda was a waiver of subdivision application by PAUL and MICHELLE CULLIGAN for property owned by Regina Behan at 235 Grange Road. Michelle Culligan is the daughter of Regina Behan, and Ms. Behan seeks to divide off 4.76 acres for transfer to the Culligans for the construction of a house. Mark Danskin of Danskin Surveyors appeared on the application. Mr. Danskin handed up a map showing driveway location, house location, water and septic location. The Rensselaer County Health Department has already issued an approval for the septic system, and Mr. Danskin provided a copy of the septic plan stamped by the Rensselaer County Health Department. Mr. Danskin also provided a topographic map to indicate relative grade of the site. Mr. Danskin also handed up a driveway grading plan. Mr. Danskin also provided sight distance information for the proposed driveway location onto Grange Road (Route 142). Mr. Danskin stated that he had met on site with Blake Buckner, Assistant Regional Engineer for the New York State Department of Transportation, and had reviewed the proposed driveway location and sight distances. Mr. Danskin stated that Mr. Buckner gave a verbal approval, and stated he would issue the driveway permit upon submission of the complete written application. Mr. Danskin also identified the location of the proposed septic system being in excess of 300' from the edge of the Vanderhyden Reservoir in compliance with the Brunswick Code. Finally, Mr. Danskin reviewed the driveway grades, which are a maximum 7% near the house and septic system, while the majority of the driveway is at a 4% grade. Mr. Kestner reviewed the Brunswick Code requiring all septic systems to be at least 300' from the shoreline of the Vanderhyden Reservoir, and that the proposed plan is in compliance.

Mr. Kestner noted that the driveway meets all Brunswick Code requirements, except that the driveway noted on the map is 15' wide, and that the driveway needs to be 16' wide under Brunswick Code standards. Mr. Kestner had reviewed this with Mr. Danskin, and Mr. Danskin confirmed that he will amend the map to show a 16' wide driveway. Mr. Kestner also reviewed the information concerning the curbcut from NYSDOT, and concurred that it met all sight distance requirements. Member Czornyj inquired whether the septic system was a gravity flow system or required a pump. Mr. Danskin stated that the septic system is a gravity feed system. Member Czornyj stated that the Applicant should be required to file an "as-built" map of the septic system to confirm the installation of the leachfield in excess of 300' from the shoreline. Mr. Danskin stated that he would do so, and file an "as-built" map with the Building Department. Chairman Malone inquired of Mr. Danskin as to what was the exact distance from the edge of the Reservoir to the nearest point of the leachfield. Upon measurement, Mr. Danskin confirmed that the distance was 320'. Chairman Malone inquired whether any Board Members had any further questions on this waiver application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 7-0, and a negative declaration adopted. Member Czornyj then made a motion to approve the waiver application subject to submission of an "as-built" drawing of the septic system, as well as submission of a copy of the NYSDOT driveway permit. Member Oster seconded the motion subject to the stated conditions. The motion was approved 7-0, and a conditional final approval granted.

The next item of business on the agenda was an amendment to the site plan for the BRUNSWICK PRESBYTERIAN CHURCH for the renovation project at White Church Lane.

John McFadden, the owner representative for the Church for the construction activities, appeared on the application. Chairman Malone noted that both he and Mr. Kestner were on-site in the early part of the summer and that discussions regarding these amendments had started at that time. Mr. McFadden confirmed that there were discussions regarding these revisions at that time, but that the Church wanted to formalize the revisions in the amended site plan. The revisions consist of maintaining a paved area at the beginning of the access driveway off White Church Lane in proximity to the Sullivan residence, for purposes of drop-off and handicap access. A second revision concerned the relocation of the emergency access driveway further away from the rear of the new church building. Chairman Malone inquired when the Church construction project would be completed. Mr. McFadden said that the goal was to have the construction completed by the end of November. Mr. McFadden also informed the Board that the Church was now purchasing the Sullivan residence and property, and that all issues concerning impact to the Sullivan house were now moot since the Church would now own that property as well. In that regard, the Church was requesting that it be allowed to eliminate the vegetative buffer along the Sullivan property line that had been required for purposes of buffer. The Board stated that once the Church owned the Sullivan property, the vegetative buffer could be eliminated. With these changes, including the maintenance of the paved area for the drop-off and handicap area, Mr. Kreiger confirmed that the stormwater calculations remained in compliance, but that if any future expansion or addition was sought, revised stormwater calculations would need to be prepared. Mr. McFadden also described the Church's plan to add an exit driveway from the rear parking area to use an existing private roadway on the other side of the Sullivan property. Since the Sullivan property will be owned by the Church, an additional

exit roadway from the rear parking lot will be sought. Mr. Kreiger confirmed that this roadway has historically been maintained by the Town. Member Tarbox stated that if that roadway was used as an exit, it must be brought up to the Town's road standards, and should be paved. Mr. McFadden confirmed that the surface was in poor condition, and that if the road were to be used as an exit, it would be paved and brought up to Town standards. The Board inquired of Mr. McFadden as to what the Church would be using the Sullivan house for. Mr. McFadden responded that the Sullivan house would be used for Church purposes, including meetings. Chairman Malone noted that the Church did not yet own the Sullivan property, and inquired when the Church thought it would be obtaining title. Mr. McFadden thought that the closing on the Sullivan property would happen prior to the end of October. Chairman Malone thought that it was premature to address any use of the Sullivan property, including the use of the roadway as an additional exit, until such time as the Church was in title to that property. Therefore, Chairman Malone wanted only the amendments pertaining to the drop-off/handicap area and the emergency access lane to be addressed at this point, and that if the Church acquired title to the Sullivan property, it could return for a further amendment to the site plan pertaining to use of the Sullivan house as well as use of the driveway for exit purposes. Chairman Malone inquired whether this action needed to comply with SEQRA. Attorney Gilchrist stated that the underlying SEQRA review had been completed on this application, and that these amendments are properly deemed minor, and would not necessitate an additional SEQRA review. Thereupon, Member Czornyj made a motion to approve the amendments to the site plan consisting solely of the drop-off/handicap area maintenance at the beginning of the access driveway off White Church Lane, and the relocation of the emergency access driveway to the rear of the new church building.

Member Tarbox seconded the motion on these limited issues. The motion was approved 7-0, and the amendment adopted. The Board reiterated that the use of the Sullivan house, the use of the roadway for exit purposes on the opposite side of the Sullivan house, as well as the removal of the vegetative buffer, were not included in this action, and would be subject to an additional site plan amendment upon the Church acquiring title to the Sullivan property.

Three items of new business were discussed.

First, Mr. Kreiger informed the Board that the subdivision proposal for PROVOST for property at the end of Norman Lane has been withdrawn.

The second item of new business was an application for waiver of subdivision by JIM SULLIVAN for property located on Menemsha Lane. Mr. Sullivan appeared on the application. Mr. Sullivan explained that a subdivision had been approved in 1968 by the Town, which showed a number of building lots near his farm. Mr. Sullivan explained that while some of these lots had been built, many had not, and there is no evidence that this subdivision map was ever filed in the Rensselaer County Clerk's Office. Further, Mr. Sullivan stated that his property, totaling approximately 17 acres, did include some of these proposed divided lots, and that he is receiving only one tax bill for his entire 17 acres. Mr. Sullivan seeks to divide out a 40,350 ± square foot parcel for transfer to his in-laws for residential purposes. Mr. Sullivan presented a copy of the subdivision map from 1968, but the Board felt that it was confusing since it showed many proposed lots which did not exist today. The Board requested Mr. Sullivan to provide a map showing his property, plus all the existing lots around him. Chairman Malone reviewed the Code regulations for the information required on a waiver application. Mr. Sullivan stated that he would have a revised map prepared which would clearly show what properties currently existed, and the lot he sought to divide off for a residence. Member Tarbox inquired whether the

property was in an Agricultural District, and whether an Agricultural Data Statement would be required. Mr. Sullivan did confirm that the property is in an Agricultural District. Attorney Gilchrist inquired whether there were any other owners of property within 500' of this site that was in an Agricultural District. Mr. Sullivan stated that there were no additional Agricultural District properties within 500' of his property, and that he was the owner of the only Agricultural District property in that location. Attorney Gilchrist stated that in this instance, an Agricultural Data Statement was not required. This matter has been placed on the October 20 agenda for further action.

Mr. Kreiger also informed the Board that the proposal by PETER GIBSON for subdivision of property located on Old Siek Road on both the Town of Brunswick and Town of Grafton border had been withdrawn, but that a new party, LAND VANTAGE INC. had acquired an interest in this property and was seeking to pursue the subdivision application.

Representatives of Land Vantage Inc. were present, Tom Foster and John Tarkinton. The new Applicant does seek to subdivide the property into four lots, consisting in size of 9, 7, 8 and 36 acres. Each proposed lot would have frontage on Old Siek Road. It is confirmed that this property crosses the border of Brunswick and Grafton, and that a coordinated SEQRA review and subdivision review would be required with the Town of Grafton Planning Board. Chairman Malone inquired of Mr. Foster whether he had appeared yet before the Town of Grafton Planning Board. Mr. Foster stated that he had not, but was on the agenda for the next Grafton Planning Board meeting to present his concept plan. The Board went over several issues with Mr. Foster, including driveway standards, house locations on the lots, tax assessment issues, fire district issues, road maintenance issues, and proximity to the Brunswick Landfill. With respect to the Landfill, Mr. Kestner stated that the Applicant should be prepared to do a groundwater

investigation to ensure the potability of the groundwater for residential purposes. Chairman Malone instructed Mr. Foster that the next step for him would be the submission of a minor subdivision application and Full Environmental Assessment Form, plus all application fees. Chairman Malone did note that this matter would need to be coordinated with the Grafton Planning Board, and requested Mr. Foster to inform the Town of Brunswick as to his appearance at the Grafton Planning Board. Mr. Foster noted that a significant amount of preliminary work still needed to be done, and that it may be a few months before an application would be submitted to the Town.

Mr. Kestner noted that the current owner of the Brunswick Manor subdivision located off McChesney Ave. had contacted him concerning Phase II of the project and the issue of the boulevard in the proposed public road. The owner has requested to be placed on the October 20 Planning Board meeting to discuss the boulevard road issue. This matter will need to be coordinated with Highway Superintendent Eddy. This matter will be placed on the October 20 meeting for further discussion.

Mr. Kreiger further noted that Paul Engster had inquired of his office as to any Town requirements on putting a new tenant in commercial space in the Wal-Mart Plaza. Mr. Kestner had reviewed the SEQRA Findings Statement on the PDD approval for that project, and noted that in the Findings the Planning Board retained continuing jurisdiction to approve tenants based on adverse impacts for a change in use, pursuant to site plan regulations and SEQRA. In light of this underlying SEQRA finding and approval, Mr. Engster will be required to come before the Planning Board concerning any changes for the proposed tenant.

The minutes of the September 15, 2005 meeting were reviewed. Upon motion of Member Oster, seconded by Member Czornyj, the minutes were approved as written.

The **index** for the October 6, 2005 meeting is as follows:

1. Independent Wireless One - site plan - 10/20/05;
2. Madden - waiver of subdivision - conditional final approval;
3. Culligan - waiver of subdivision - conditional final approval;
4. Brunswick Presbyterian Church - amendment to site plan - approved;
5. Provost - major subdivision - withdrawn;
6. Sullivan - waiver of subdivision - 10/20/05;
7. Land Vantage Inc. - minor subdivision - adjourned without date;
8. Boswell/Brunswick Manor - amendment to subdivision - 10/20/05; and
9. Engster/Wal-Mart Plaza - site plan - 10/20/05.

The proposed agenda for the October 20, 2005 meeting is as follows:

1. Independent Wireless One - site plan;
2. Sullivan - waiver of subdivision;
3. Boswell/Brunswick Manor - amendment to subdivision; and
4. Engster/Wal-Mart Plaza - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road

Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD October 20, 2005:

PRESENT were CHAIRMAN SHAWN MALONE, FRANK ESSER, KEVIN MAINELLO, JOSEPH WETMILLER, and DAVID TARBOX.

MEMBER MICHAEL CZORNYJ and RUSSELL OSTER were absent.

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the Agenda was the site plan application of INDEPENDENT WIRELESS ONE for co-location of antennae on an existing wireless communication tower located on Bald Mountain. A representative of INDEPENDENT WIRELESS ONE was in attendance. This matter was not acted upon by the Zoning Board of Appeals on its October 17th meeting, but rather the matter was tabled. Accordingly, it is premature for the Planning Board to consider the site plan until the Zoning Board of Appeals acts on the underlying application. It was noted for the record that a revised site plan application, which now includes the visual assessment from various view points, a structural analysis regarding the existing tower, and a full environmental assessment form. The application has been revised for the installation of three antennae only. Mr. Kestner noted that site plan issues will include the condition of the access road to the existing tower. Mr. Kestner also noted that the Rensselaer County

911 address for this tower had been Bellview Road, rather than Bald Mountain Road. The applicant stated that this 911 address had been changed by Rensselaer County, and that the 911 address for this location is now listed as Bald Mountain Road. Mr. Kreiger did confirm that the County had made this change to the 911 address. On the issue of the access road, the applicant stated that it would be responsible for maintenance of the road. Mr. Kestner reiterated the concerns of the Planning Board on the condition of that access road, particularly in terms of emergency access and access during the winter months. The applicant stated that it would patch any eroded areas on the access road, and regrade the road if necessary. Member Tarbox inquired whether the property borders Bellview Road, and whether a new access road could be constructed. The applicant stated that the property does border Bellview Road, but there is an issue as to the ability to access Bellview Road, and the applicant would rather deal with upgrading the existing access road off Bald Mountain Road. On that issue, Chairman Malone stated that he felt the best way to address the access road was to regrade the road, rather than dealing with patching in spots. Highway Superintendent Eddy was also present at the meeting, and confirmed that drainage runoff from the access road onto Bald Mountain Road remains an issue, and that care must need be taken on regrading the access road immediately off Bald Mountain Road to control runoff issues. This matter has been tentatively placed on the Planning Board agenda for December 1st, pending action by the Zoning Board of Appeals.

The next item of business on the agenda was the waiver of subdivision application by James Sullivan for property located on Menemsha Lane. This matter had been entertained at the Planning Board's October 6th meeting. At the October 6th meeting, Mr.

Sullivan had handed up a map of a subdivision that had been approved by the Town in 1968, which showed a number of building lots near his farm. At the October 6th meeting, Mr. Sullivan has explained that while some of these lots have been built, many had not, and that there is no evidence that the subdivision map was ever filed in the Rensselaer County Clerk's Office. The Planning Board required Mr. Sullivan to amend map to show only those subdivided lots that had actually been built on Menemsha Lane, in identifying the proposed subdivided lot that is a subject of the current application. The Planning Board had also requested Mr. Sullivan to identify a proposed driveway location onto Menemsha Lane, and provide sight distances. Mr. Sullivan handed up the amended map, which did include the sight distances at the proposed driveway location. The sight distances at the proposed driveway location are 600 feet to the right and 280 feet to the left. This area of Menemsha Lane is posted at 20 miles per hour (school zone), and the sight distances are in compliance. Mr. Kestner noted that a 60 foot right of way is being shown adjacent to the proposed lot, which allows Mr. Sullivan to access the remainder of his property. Mr. Sullivan also has frontage to the remainder of his property at other locations on Menemsha Lane as well. Mr. Kestner noted that if a road is built over the 60 foot right-of-way in the future for purposes of accessing the balance of the Sullivan property, the driveway to this new proposed lot should be relocated to access off such new road. Mr. Sullivan agreed to this idea. Mr. Krieger noted that the property is within the R-25 zone, and the proposed subdivided lot meets all area and bulk thresholds. Chairman Malone inquired whether there were any additional questions or comments concerning the application. Hearing none, member Mainello made a motion to adopt a negative declaration under SEQR, which motion was seconded by member Esser. The

motion was approved 5 to 0, and a negative declaration adopted. Thereupon, member Esser made a motion to approve the Waiver application subject to the condition of driveway relocation in the event a new road is built within the 60 foot right of way adjacent to the new subdivided lot. Member Tarbox seconded that motion subject to the stated condition. The motion was approved 5 to 0, and conditional final approval was granted.

The next item of business on the agenda was the modification to subdivision approval by Boswell for the Brunswick Manor Subdivision Phase II. Boswell seeks a modification to the proposed public road within Phase II of this subdivision. Upon request of the applicant, this matter has been adjourned without date.

The next item of business on the agenda was a site plan review by Paul Engster, Esq. concerning a new tenant for the Brunswick Square Plaza. Paul Engster, Esq. was in attendance. Initially, Mr. Engster questioned the need for Planning Board review of any new tenants in the Plaza. Chairman Malone and Mr. Kestner referenced the SEQRA findings on the underlying site plan approval for the Plaza, where at Paragraph 15 it states "The applicant has provided the Town with information regarding the identity of potential tenants. The Planning Board shall have continuing jurisdiction to approve or disapprove tenants based on adverse impacts or a change in use pursuant to site plan regulations and SEQRA." Mr. Engster then explained that the lease space at issue had initially been occupied by Resnick Mattress, and thereafter occupied by the China Buffet until January of 2005. Mr. Engster identified the new tenant as Poncho's Mexican Restaurant, which also has restaurants located in Clifton Park and on Central Avenue in Albany. The owner of the restaurant was in attendance. Chairman Malone explained that

the Board wanted to ensure that there were no activities that would impact the residences located to the rear of the Plaza along MacChesney Avenue. The tenant explained that the proposed hours for the restaurant are Sunday – Thursday, 11:00 a.m. – 10:00 p.m., and Friday – Saturday 11:00 a.m. – 11:00 p.m. (if business warrants). Chairman Malone inquired whether there would be any bar in the restaurant. The tenant explained that a bar will be installed, but it is designed to be an area to wait for a dining table to open up. The restaurant was described as a family restaurant, and is not designed as a bar or nightclub in the traditional sense. Chairman Malone inquired whether there will be any live entertainment. The tenant explained that there would be no live entertainment, but there may be the occasional mariachi band strolling from table to table in the restaurant. Chairman Malone inquired about whether the bar would be open after the regular restaurant hours. The tenant explained that the bar would not be opened after the restaurant is closed, and that the bar again is designed only as a waiting area until one of the dining tables is open. Mr. Kestner inquired when the food deliveries would be made to the restaurant. The tenant stated that food deliveries are made in the morning, and possibly in mid-afternoon between the lunch and dinner hour. The tenant stated that there will be no night time deliveries of food, and no night time activities at all. Member Wetmiller inquired whether the seating would be the same in the restaurant, or whether additional seating was planned. The tenant stated that the seating would be essentially the same, and maybe even less than had been in the Chinese restaurant. Member Esser inquired whether there would be any increased noise due to the new tenant. Mr. Engster stated that the noise level would not increase, and that all activities occurred within the leased space except for the food deliveries. Having no further questions, the Board made

a motion to approve this tenant change. The motion was made by Member Wetmiller, and seconded by Member Esser. The motion was approved 5 to 0.

The next item of business on the agenda was the proposed Carriage Hill Estates Project, which is currently pending before the Town Board under a Planned Development District application. The applicant, United Development Group, has filed applications for subdivision approval and site plan approval with respect to the project. The applicant appeared before the Planning Board to present both the subdivision plat and site plan, including a discussion of the proposed infrastructure and road system. Attorney Gilchrist explained the procedural status of the application before the Town Board. The applicant is seeking to have a joint public hearing held with the Town Board and Planning Board on the PDD application as well as the subdivision and site plan applications. The public hearing will be scheduled when the Town Board accepts the Draft Environmental Impact Statement under SEQR as complete.

Four items of new business were discussed.

The first item new business is a proposed subdivision by James Kennelly for property located on Bellview Road. There was a question as to whether the subdivision constituted a minor subdivision or a major subdivision. Attorney Gilchrist will investigate that issue. Additionally, Superintendent Eddy also noted that attention needs to be taken to the issue of water runoff, as this subject property is located at the top of Bellview Road. This matter has been placed on the Planning Board's November 3rd agenda.

The second item of new business discussed was a site plan application by David Heer for property located at 731 Hoosick Road. Mr. Kreiger reported that a variance for

this property had been granted by the Zoning Board of Appeals at its October 17th meeting. Mr. Heer seeks to relocate his real-estate office to this location. This matter has been tentatively placed on the November 3rd agenda if a full site plan application is submitted.

The next item of new business discussed was a proposed amendment to the site plan for the Max BMW Motorcycle Dealership. The applicant seeks to extend the garage area to the rear, to provide more garage space. This matter is tentatively placed on the Planning Board's November 17th agenda.

The last item of new business discussed was a proposal by Albert Zouky for the Welch property located between Route 2 and Pinewoods Avenue. Mr. Kreiger understands that Mr. Zouky seeks to subdivide this 42 +/- acre parcel to 20-25 lots, plus a connector road between Route 2 and Pinewoods Avenue. This matter has been adjourned without date pending receipt of a complete major subdivision application.

The minutes of the October 6th meeting were reviewed. Upon motion of Chairman Malone, seconded by Member Tarbox, the minutes were approved 5 to 0 as written.

The index for the October 20, 2005 meeting is as follows:

1. Independent Wireless One – site plan – 12/01/05;
2. Sullivan – Waiver of Subdivision – approved with condition;
3. Boswell – Amendment to Brunswick Manor Subdivision – adjourned without date;
4. Engster – Tenant approval for Brunswick Square Plaza – approved;
5. United Development Group – site plan and major subdivision – adjourned without date;

6. Kennelly – subdivision – 11/03/05;
7. Heer – site plan – 11/03/05;
8. Max BMW – amendment to site plan – 11/17/05; and
9. Zouky – major subdivision – adjourned without date.

The proposed agenda for the November 3, 2005 meeting is as follows:

1. Kennelly – subdivision; and
2. Heer – site plan

motion was approved 5 to 0, and a negative declaration adopted. Thereupon, member Esser made a motion to approve the Waiver application subject to the condition of driveway relocation in the event a new road is built within the 60 foot right of way adjacent to the new subdivided lot. Member Tarbox seconded that motion subject to the stated condition. The motion was approved 5 to 0, and conditional final approval was granted.

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the Board wanted to ensure that there were no activities that would impact the residences located to the rear of the Plaza along MacChesney Avenue. The tenant explained that the proposed hours for the restaurant are Sunday – Thursday, 11:00 a.m. – 10:00 p.m., and Friday – Saturday 11:00 a.m. – 11:00 p.m. (if business warrants). Chairman Malone inquired whether there would be any bar in the restaurant. The tenant explained that a bar will be installed, but it is designed to be an area to wait for a dining table to open up. The restaurant was described as a family restaurant, and is not designed as a bar or nightclub in the traditional sense. Chairman Malone inquired whether there will be any live entertainment. The tenant explained that there would be no live entertainment, but there may be the occasional mariachi band strolling from table to table in the restaurant. Chairman Malone inquired about whether the bar would be open after the regular restaurant hours. The tenant explained that the bar would not be opened after the restaurant is closed, and that the bar again is designed only as a waiting area until one of the dining tables is open. Mr. Kestner inquired when the food deliveries would be made to the restaurant. The tenant stated that food deliveries are made in the morning, and possibly in mid-afternoon between the lunch and dinner hour. The tenant stated that there will be no night time deliveries of food, and no night time activities at all. Member Wetmiller inquired whether the seating would be the same in the restaurant, or whether additional seating was planned. The tenant stated that the seating would be essentially the same, and maybe even less than had been in the Chinese restaurant. Member Esser inquired whether there would be any increased noise due to the new tenant. Mr. Engster stated that the noise level would not increase, and that all activities occurred within the leased space except for the food deliveries. Having no further questions, the Board made

a motion to approve this tenant change. The motion was made by Member Wetmiller, and seconded by Member Esser. The motion was approved 5 to 0.

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The minutes of the October 6th meeting were reviewed. Upon motion of Chairman Malone, seconded by Member Tarbox, the minutes were approved 5 to 0 as written.

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2. Sullivan – Waiver of Subdivision – approved with condition;
3. Boswell – Amendment to Brunswick Manor Subdivision – adjourned without date;
4. Engster – Tenant approval for Brunswick Square Plaza – approved;
5. United Development Group – site plan and major subdivision – adjourned without date;

6. Kennelly – subdivision – 11/03/05;
7. Heer – site plan – 11/03/05;
8. Max BMW – amendment to site plan – 11/17/05; and
9. Zouky – major subdivision – adjourned without date.

The proposed agenda for the November 3, 2005 meeting is as follows:

1. Kennelly – subdivision; and
2. Heer – site plan

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD November 3, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the subdivision application of James Kennelly, for property located on Bellview Road. Kennelly seeks to divide one parcel into 4 lots, ranging from 1.75 to 2 acres in size each. An issue was presented on this application as to whether all the property owned by Kennelly on Bellview Road constituted one parcel or two separate parcels. Specifically, Kennelly holds two deeds for property on each side of Bellview Road, each containing its own metes and bound description. However, there is one tax identification number covering both of these deeded parcels. Kennelly seeks to subdivide one of the these parcels, the larger parcel. This parcel has its own metes and bound description and own deed. The question is whether the tax identification number requires that all the Kennelly property be included in the application, thus changing the application from a 4 lot subdivision to a 5 lot subdivision. Upon research, Attorney Gilchrist reported that the deeds would control this analysis, and therefore, the application is one that seeks to divide one separate parcel into 4 lots. Accordingly, this application will move forward as a 4 lot minor subdivision. This property is located at the top of Bellview Road. Mr. Kestner reported that a critical issue on this application

will be stormwater. Mr. Kennelly understood that stormwater runoff and drainage would be critical issue on this application and is willing to work with the Planning Board on how to best address any stormwater and surface water runoff. The Planning Board required Mr. Kennelly to include topographic information, as well as proposed house location, driveway location and well and septic location on each of the proposed subdivided lots. Mr. Kennelly also needs to complete and file an Environmental Assessment Form in connection with the application. Mr. Kennelly was also alerted that a Park and Recreation fee would need to be paid in the event the application is approved. Mr. Kennelly understood these issues, and stated that he would have the revised plat and supplemental information submitted to the Planning Board as soon as possible. This matter has been tentatively placed on the agenda for the November 17, 2005 meeting, pending receipt of the revised plat and supplemental information.

The second item of business on the agenda was the site plan application of David Heer for property located at 731 Hoosick Road. At the request of the applicant, this matter has been adjourned to the November 17, 2005 meeting.

Six items of new business were discussed.

First, Mr. Kreiger reminded the Planning Board that Max BMW has requested that his modification to site plan be placed on the November 17, 2005 agenda. The applicant seeks to extend an existing garage on the site.

Second, Mr. Kreiger reports that he has not had any follow up from Zouky concerning a proposed subdivision on the Welch property between Route 2 and Pinewoods Avenue. This matter will again be monitored at the November 17, 2005.

Third, a waiver of subdivision application has been submitted by Arden Bull for property owned by Marjorie Roden at 79 White Church Road. Bull seeks to divide 1.5 +/- acres from an existing 72.84 acre parcel. However, the proposed lot does not have any frontage on a public road, and provides for access to White Church Road only over a private right of way. Mr. Kreiger will inform Mr. Bull that direct frontage onto a public roadway will be required for this proposed lot, particularly given the existing Roden parcel has significant frontage on White Church Road. This matter has been placed on the November 17, 2005 agenda.

Fourth, a waiver of subdivision application has been submitted by Wilson for property located at 320 Smith Hill Road. Wilson seeks to divide a 17 acre parcel from the existing parcel. The Planning Board noted that Wilson had applied for a waiver of subdivision for this property approximately 6 months ago. Therefore, given their discretion under the subdivision regulations pertaining to waiver applications, the Planning Board determined that a minor subdivision application should be filed for this proposal. This matter has been placed on the November 17, 2005 agenda for further discussion.

Fifth, a site plan application has been submitted by Maselli for the former Sycaway Body Shop building located on Hoosick Road. Under this proposed site plan, Maselli would lease the garage building to a company seeking to do car detailing inside the building. The narrative on the application also identified potential retail sale of car items. This matter has been placed on the November 17, 2005 agenda.

Sixth, a minor subdivision application has been filed by Brooks Heritage, LLC for a proposed 3 lot subdivision on 1.51 acres at 130 Grange Road (Route 142). This property is the old farm house located on Grange Road opposite the North Lake Avenue entrance. A proposed

layout includes a shared driveway for 2 lots off Dusenberry Lane. The Planning Board raised initial concerns regarding the shared driveway. Also, Chairman Malone noted that the subdivision plat has not yet been stamped. This matter has been placed on the November 17, 2005 agenda. Mr. Kreiger was directed to contact the applicant to eliminate the shared driveway proposal and to make sure that all filed plans are appropriately stamped.

The minutes of the October 20, 2005 were reviewed. Upon motion of Member Tarbox, seconded by Member Wetmiller, the minutes were approved as written.

The **index** for the November 3, 2005 meeting is as follows:

1. Kennelly - minor subdivision - 11/17/05;
2. Heer – site plan - 11/17/05;
3. Max BMW – amended site plan - 11/17/05;
4. Zouky – major subdivision – monitored on 11/17/05;
5. Bull - waiver of subdivision - 11/17/05;
6. Wilson – waiver of subdivision - 11/17/05;
7. Maselli – site plan – 11/17/05; and
8. Brooks Heritage, LLC – minor subdivision – 11/17/05.

The proposed agenda for the November 17, 2005 meeting is as follows:

1. Kennelly – minor subdivision;
2. Heer – site plan;
3. Max BMW – amended site plan;
4. Zouky – major subdivision;
5. Bull – waiver of subdivision;

6. Wilson – waiver of subdivision;
7. Maselli – site plan; and
8. Brooks Heritage, LLC – minor subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD November 17, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the minor subdivision application of James Kennelly, for property located on Bellview Road. James Kennelly was present on the application. Mr. Kestner reported that he had reviewed the site, and that stormwater management will be the key issue on this review. Mr. Kennelly stated that there is an existing drainage ditch and drainage area on his property, and that he will continue to plan to have drainage contained on his property. Mr. Kennelly noted that his surveyor, Brian Holbritter, has shot the topography on the property, and will have a topographic map shortly. Once the topography has been completed for the property, the remaining information on the minor subdivision application will be submitted to the board for review. Chairman Malone scheduled this matter for further review on the December 1, 2005 meeting and directed Mr. Kennelly to file the information with Mr. Kreiger prior to the December 1, 2005 meeting.

The next item of business on the agenda was the site plan application of Heer Realty for a new commercial office located at 731 Hoosick Road. This property received a

use variance from the Brunswick Zoning Board of Appeals. Dean Heer was present on the application, and handed up a preliminary site plan for review. In terms of parking, 10 spaces were proposed for behind the existing building with handicap access to the rear. Chairman Malone indicated that would be appropriate, but that the handicap space needed to be closest to the entrance, with appropriate ramps for handicap access. Mr. Heer also stated that stormwater would be directed to the existing State drainage basin along Route 7, and would not affect any adjacent properties. Mr. Kestner inquired into proposed hours of operation, and an overall narrative for proposed site operations. Mr. Heer indicated that he had prepared a narrative for the use variance submission to the Zoning Board of Appeals and that he would file the same with the site plan. Chairman Malone noted that a full site plan per the Town's regulations needed to be filed. Mr. Heer understood and indicated that the full submission would be made shortly. Mr. Kestner inquired as to proposed exterior lighting, and Chairman Malone stated that the outside lighting could not impact adjacent residential properties. Mr. Kestner requested that specifications on exterior lighting be submitted with the application. Member Wetmiller also stated that greenspace calculations should also be submitted for review. Chairman Malone directed that Mr. Kreiger forward the application to Rensselaer County Department of Economic Development and Planning for General Municipal Law review. Chairman Malone inquired of Attorney Gilchrist whether a public hearing was necessary on the application. Attorney Gilchrist stated that pursuant to the Town's regulations, a public hearing on site plan applications is discretionary with the Board. Chairman Malone indicated to the applicant that he felt a public hearing would be appropriate on this application. Chairman Malone

scheduled this matter for further review for the Board's December 1, 2005 meeting, pending receipt of additional application information from Mr. Heer.

The next item of business on the agenda was the application to amend site plan by Max BMW for its facility located on Hoosick Road. Appearing on the application were Attorney William Doyle, Esq., Max Stratton, and Stratton Engineering. Attorney Doyle explained that the proposed amendment to the site plan encompassed a 2400 square foot addition to the rear of the existing garage. The expansion would be constructed on a concrete pad, and have the same roof line as the existing garage and same exterior appearance. The proposed addition is for service and storage only, and that there was no expansion to the showroom area. Further, given that the proposed expansion was for additional storage and service only, no further employees are proposed. Attorney Doyle explained that the greenspace on this site was reduced from 68% to 64% with the garage expansion. In connection with the expansion, certain site features needed to be amended, including parking areas and the stormwater detention area. In particular, the stormwater detention area to the side of the existing building along Betts Road, utilizing a sand filter system, will be relocated further back on the site to accommodate the extended garage. The front of the existing building along Route 7, as well as the parking to the front of the building and landscaping, will see no changes. Attorney Doyle explained that the existing site plan had been complied with, except for construction of the entrance directly off of Route 7 to the parking area. Attorney Doyle did note that a permit from the New York State Department of Transportation had been obtained for that entrance, and that the work would be performed. Attorney Doyle explained that there were no other changes associated with the proposed amendment to the existing site plan. Mr. Kestner stated that he had

reviewed the plans, and that the proposed amendment met with Town regulations. In addition, Mr. Kestner stated that the amended stormwater pollution prevention plan, including the relocated detention area, was in order. Member Czornyj inquired whether the storage container existing on the property would be removed in connection with the extended garage. Attorney Doyle stated that the storage container would be removed when the garage expansion was completed. Member Mainello inquired as to the placement of the relocated parking spots near the entrance off of Betts Road. The applicant's engineer provided the opinion that the parking space placement would not impact vehicular flow through the site. Mr. Kestner confirmed that there would remain a 16 foot wide driveway area off Betts Road with the relocated parking spots. The total number of necessary parking spots under the Town regulations was reviewed. Upon further discussion, it was determined that 2 new proposed diagonal parking spaces off the side of the building would be eliminated, and one parallel parking space would be added. The Board inquired as to proposed exterior lighting on the garage extension. Mr. Stratton explained that the same lighting that exists on the rear of the garage now would simply be added to the rear of the extended building, with no new lighting proposed. It was noted that an Environmental Assessment Form had also been filed with the application. Chairman Malone inquired whether the Board members had any further questions concerning the minor modification. Hearing none, Chairman Malone entertained a motion from Member Czornyj to adopt a negative declaration under SEQRA, which motion was seconded by Member Oster. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the minor modification to the existing site plan, subject to the condition of eliminating the two diagonal spaces and replacing the same with one

parallel space, subject to review and acceptance by the Building Inspector and Consulting Engineer. Member Oster seconded that motion subject to the stated condition. The motion was approved 7/0 and the minor modification to site plan approved subject to the stated condition.

The next item of business on the agenda was listed as Zouky, for a proposed major subdivision on the Welch property between Route 2 and Pinewoods Avenue. There was no appearance on the application. Chairman Malone noted that this matter would be adjourned without date, pending receipt of an application concerning this property.

The next item of business on the agenda was a waiver of subdivision application by Bull for a property located at White Church Road. This property is currently owned by Marjorie Roden, who seeks to divide off 1.5 acres and transfer the same to Mr. Bull for residential building purposes. Mr. Kestner reviewed the waiver map, and noted that the proposed 1.5 acre parcel as no frontage on a public road, but rather proposes access over an easement on the property of Kathy Costantino. The Costantino parcel adjoins the Marjorie Roden parcel, and had been previously divided by Roden and transferred to Costantino. Mr. Kestner noted that Marjorie Roden had 190 feet of frontage on White Church Road, which could provide direct access to the proposed Bull lot. The applicant discussed with the Board his proposal to have an easement over the Costantino property, which would provide access to his proposed lot. The Board discussed with Mr. Bull the requirement that his proposed lot have direct frontage on a public road, and described the mechanism of a "flag lot" to meet this need. The Board explained that a strip of land of sufficient width to provide a private driveway should be added to the proposed 1.5 acre parcel, thereby providing direct frontage for the "flag lot" onto White Church Road. Such a

proposal would meet the legal requirement to have frontage directly on a public roadway. The specifications for private driveways under the Town regulations were reviewed, and the Board proposed to Mr. Bull that a strip of sufficient width be added to his lot to provide for a private driveway. Mr. Kestner also reviewed with Mr. Bull the need for appropriate separation distances for his well and septic from the existing leach field on the Costantino parcel. Mr. Bull understood these requirements, and stated he would revise the proposal and resubmit for consideration by the Board. This matter has been adjourned without date, pending receipt of revised plans from Mr. Bull.

The next item of business on the agenda was a waiver of subdivision application by Wilson for property located on Smith Hill Road. Mr. and Mrs. Wilson appeared on the application. The Board noted that Wilson had recently divided 5 acres from his property under a waiver application, and had transferred the 5 acres to an adjoining property owner(Lemner), who merged the same into his lot. The Board noted that the waiver regulations provide the Board with discretion to require a waiver application to be reviewed under the minor subdivision regulations if a previous waiver had been approved for the same property within the last 7 years. However, in this case, the Board noted that while this 5 acre waiver had recently been approved, it was not for purpose of creating another building lot, but rather the 5 acre parcel had been transferred and merged into the adjoining property owner's parcel. In light of this, the Board determined that the current application should be continued to be reviewed under the waiver regulations. Wilson explained that he has a purchaser for his house plus 11 acres (5 acres on one side of Smith Hill Road and 6 acres on the other), which would leave him 17 acres with frontage on Smith Hill Road in order to build another house in the future. The remaining 17 acre

parcel has adequate frontage on Smith Hill Road and adequate site distance for a new driveway, as noted by both Member Tarbox and Mr. Kestner. Chairman Malone noted for the record and Wilson that if the remaining 17 acres sought to be divided again, the Board would not entertain the application under the waiver regulations, but would be reviewed under the minor or major subdivision regulations, depending on the number of proposed lots. Chairman Malone noted on the record that even if one additional lot was sought to be divided from the remaining 17 acres, a full minor subdivision application would be required. Wilson understood this and acknowledged the same on the record. Chairman Malone inquired if any member of the Board had any questions on this matter. Member Tarbox noted that he would recuse himself from any voting, as he was an adjoining property owner. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6/0, and a negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision application, subject to the notation that any future division of their remaining 17 acres would not be reviewed under the waiver regulations. Member Mainello seconded that motion. The motion was approved 6/0, and the waiver application approved.

The next item of business on the agenda was the site plan application of Dominic Maselli for the former Sycaway Body Shop building located next to Maselli's Deli and Bakery on Route 7. Maselli now owns that building, and had recently obtained site plan approval for a carpet cleaning business to operate out of the garage building. The carpet cleaning business is no longer occupying that facility. Maselli now proposes to lease the space to Robert Chartier for a car cleaning and detailing business. Mr. Chartier appeared on the application. Chairman Malone noted with Mr. Chartier that this lot was very

restrictive in terms of parking, and that the site was not appropriate for customer parking or storing vehicles outside. Chairman Malone inquired whether Mr. Chartier sought to sell any retail items out of this location. Mr. Chartier stated that he would have office space only, and do only cleaning and detail work on cars within the garage. Chairman Malone inquired whether his customer base would be individuals, or whether he sought to work with local car dealerships. Mr. Chartier stated that while he would start out with individuals, he was not ruling out contracting with car dealerships. Chairman Malone reiterated that there was no space on this site for a number of cars to be parked outside, as things can easily be backed up at this location. Further, there could be no retail sales of items out of this location, again based on the lack of space for parking. Chairman Malone inquired of Attorney Gilchrist as to what conditions could be placed on this approval concerning parking. Attorney Gilchrist explained that the applicant should provide detail on the proposed site plan regarding car parking - storage areas on the exterior of the building, as well as providing a detailed narrative as to the type of business, and proposed site operations. This would provide the Board with a record as to the specific operations proposed for the site, as well as areas on the exterior of the building identified for car parking. The Board further generally discussed parking on the site, and noted that historically 3 spots had been used on the driveway off Route 7, with the 3 spots being on the west side of the driveway parallel to Route 7. Mr. Chartier stated that he would provide additional detail on the site plan, as well as a narrative as to total proposed site operations. This matter has been placed on the agenda for further review at the Board's December 1, 2005 meeting.

The next item of business on the agenda was the minor subdivision application by Brooks for property located at the intersection of Dusenberry Lane and Route 142 (Grange Road). This application is at the concept subdivision plat stage. The applicant understood that the Board had concerns regarding the initially proposed shared driveways, and had amended the application to provide for additional driveways for each lot. Two of the proposed lots have driveways directly onto Route 142, and one lot has a driveway onto Dusenberry Lane. Each lot will be serviced by public water from Route 142, and each lot will have a private septic system. The applicant indicated that test pits will be done in conjunction with the Rensselaer County Health Department. The applicant stated that the lots meet both minimum size and set back requirements for all proposed structures. Member Wetmiller inquired whether the sight distances for the driveways directly onto Route 142 met applicable guidelines. The applicant stated that the driveways will have appropriate sight distances, as the existing trees and a significant amount of the hill will be removed and regraded. The applicant noted that he was looking to do significant grading on this property at any rate to create sight distance for his proposed major subdivision along Dusenberry Lane directly to the rear of this property. Member Czornyj inquired whether the septic systems will include pumps to the leach fields. The applicant stated that pumping would not be required, as all septic systems will be below first floor elevations for each of the proposed homes. Mr. Kestner reviewed the current topography of the site, including drainage issues. Member Czornyj also noted that additional information on topography, proposed grading, drainage and house elevations needed to be submitted. The applicant understood that this information needed to be supplied, and that he was before the Board at this meeting for concept review only. The Board indicated that on a

concept basis, the proposal appeared to be in compliance with regulations, subject to review of the detailed information to follow. The applicant indicated that the additional information for the minor subdivision application will be filed, and requested to be placed on the December 1, 2005 agenda. Chairman Malone stated that this matter will be on the December 1, 2005 agenda for further review.

Two items of new business were discussed.

First, concerning the property located on Old Siek Road now being pursued for subdivision by Landvantage, Inc., Mr. Kreiger reported that he had been contacted by Landvantage which inquired as to what parameters the Board was looking for groundwater testing. Mr. Kestner stated that he wanted a full landfill scan performed, as this property was in close proximity to the old Town landfill. Mr. Kreiger stated that he would provide that information to Landvantage.

Mr. Kreiger also reported that a waiver application had been received from Wayne Abbott and Roberta Schneider for the old farm house property located at the corner of Hakes Road and Route 2. The applicants were seeking to divide off a parcel of 160' x 150' which will include the existing farm house and garage, with the balance of 91.94 acres remaining vacant. Mr. Kreiger understood that this was for estate purposes, and that the applicant was remaining in title to both parcels. Mr. Kreiger will require additional information on septic location for the existing farm house. This matter has been placed on the December 1, 2005 pending receipt of further information.

Attorney Gilchrist reported that the public hearing on the Highland Creek Planned Development District was scheduled to open on November 28, 2005. Attorney Gilchrist also reported that the Joint Public Hearing for the Carriage Hill Planned Development

District application, including site plan and subdivision, has been scheduled for December 12, 2005 and that all Planning Board Members were required to attend.

The Minutes of the November 3, 2005 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Tarbox, the Minutes were approved as written by a 7/0 vote.

The **index** for the November 17, 2005 meeting is as follows:

1. Kennelly - minor subdivision - 12/1/05;
2. Heer - site plan - 12/1/05;
3. Max BMW - amended site plan - approved;
4. Zouky - major subdivision - adjourned without date;
5. Bull - waiver of subdivision - adjourned without date;
6. Wilson - waiver of subdivision - approved;
7. Maselli - site plan - 12/1/05;
8. Brooks Heritage, LLC - minor subdivision - 12/1/05; and
9. Abbott - waiver of subdivision - 12/1/05.

The proposed agenda for the December 1, 2005 meeting is as follows:

1. Kennelly - minor subdivision;
 2. Heer - site plan;
 3. Maselli - site plan;
 4. Brooks - minor subdivision;
 5. Abbott - waiver of subdivision;
 6. Independent Wireless One - site plan (Bald Mountain cell tower).
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Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD December 1, 2005

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, DAVID TARBOX and JOSEPH WETMILLER.

MEMBER, KEVIN MAINELLO was absent.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the minor subdivision application of James Kennelly, for property located on Bellview Road. At the request of the applicant, this matter has been adjourned until the December 15, 2005 meeting.

The next item of business on the agenda was the site plan application of Heer Realty for a new commercial office located at 731 Hoosick Road. The applicant handed up a preliminary site plan prepared by Erdman and Anthony. The preliminary site plan provides for a parking area to the rear of the existing building with 10 parking spaces, including a handicap space. Handicap access is proposed for the rear of the building, with an access ramp to be installed. The applicant explained that the New York State Department of Transportation (NYSDOT) approved the use of the existing curb cut for this commercial use, and that a new commercial curb cut would not be required. Mr. Kestner requested that a letter from NYSDOT on that issue be filed for his review. The applicant explained, however, that NYSDOT did not approve the use of the stormwater drainage along Route 7 for the additional drainage coming from the parking lot area.

NYSDOT stated that the existing run off from the front yard and driveway area could continue to be discharged to the State drainage system, but the additional surface water run off from the parking lot could not be discharged into the State drainage system. The applicant stated that it would explore ways to handle the stormwater onsite. Mr. Kestner inquired as to the reason why NYSDOT would not allow additional surface water run off from the parking lot to be directed to the State drainage system. The applicant did not know the reason, as Erdman and Anthony had been the contact with NYSDOT. The applicant stated that additional investigation for onsite management of the surface water run off from the parking area is being undertaken, and a proposal will be made and presented at the Planning Board's next meeting. Also, a representative of Erdman and Anthony will be at that meeting. The applicant also explained that a retaining wall is being proposed for the rear of the new parking lot area, which will range in height from 1 foot up to 4 feet at its highest point. There is also proposed a 3 foot crushed stone area between the perimeter of the paved parking area and the retaining wall. Member Czornyj reviewed the height of the retaining wall with the applicant. Member Czornyj also questioned the 3 foot gravel area between the paved parking area and the retaining wall. The applicant stated that this would allow drainage, and also an area to plow the snow off the parking area and deposit it in the front of the retaining wall. Member Esser questioned whether the 3 foot strip would be adequate for putting snow after plowing the parking area. The applicant stated that Erdman and Anthony had designed that, and that Erdman and Anthony would be available at the next meeting to respond to questions. Mr. Kestner inquired how the surface water and ground water run off would be handled behind the retaining wall, and where that water was being discharged. The applicant stated that Erdman and Anthony would be able to respond to that question at the next meeting.

Member Esser noted that the parking area is to the rear of the building, but the main entrance still remains in the front of the building, and inquired whether a walk way would be installed from the rear parking lot to the front of the building. The applicant stated that there is not adequate room for an additional walk way, but that a 19 foot driveway was proposed to access the rear parking lot, and that would provide adequate area for patrons to walk to the front of the building. Member Tarbox reminded the applicant that it did need to calculate greenspace on the site, and put those calculations on the site plan. Mr. Kestner also reminded the applicant that it should provide a lighting plan for the exterior of the building. Member Esser also identified the existence of a drainage swale between this site and the property immediately to the west, and that any plan to contain surface water run off cannot impact the existing drainage swale and run off from the property to the west of this site. The applicant stated that the issue of surface water run off will be further investigated, and presented at the next Board meeting. Member Czornyj also noted that a 7 foot set back from the property line needed to be considered in connection with the driveway and parking area. Chairman Malone stated that this matter will be on the agenda for the December 15, 2005 meeting to further discuss the outstanding issues.

The next item of business on the agenda was a site plan application of Maselli for the former Sycaway Body Shop located on Route 7. Appearing on the application was the proposed tenant for this building, Robert Chartier. Mr. Chartier proposes to operate a car cleaning and detailing business at this location. Mr. Chartier handed up a revised site plan, including the provision for 3 parking spaces on the driveway of this site. Member Czornyj reiterated that there would be no retail sales of any merchandise out of this facility, and no storage of cars on the outside of the building except for the 3 designated parking spots. Mr. Chartier understood these

conditions. Mr. Kestner inquired whether there was any change to the exterior lighting of the site. Mr. Chartier said there would be no change to the exterior lighting, that the same lights would be used, the same signage would be used, and that everything on the outside of the building would stay the same. Chairman Malone noted that the revised site plan handed up did not contain a professional stamp or seal as required by the Site Plan Regulations, and requested the applicant have the plan stamped by a professional engineer or architect. Chairman Malone inquired whether there were any other comments or concerns regarding the site plan. Hearing none, Chairman Malone stated that this matter would be placed on the December 15, 2005 agenda for further action pending receipt of the stamped and signed site plan.

The next item of business on the agenda was the minor subdivision application of Brooks for property located at the intersection of Dusenberry Lane and Route 142 (Grange Road). The applicant handed up a preliminary subdivision plat package consisting of 8 sheets. These plans included the proposed lot layout, driveway and house location, septic location, topography and grading plan, drainage plan and driveway detail. The applicant explained that the old farmhouse at this location had already been demolished, and that he intended to begin grading the site to improve site distance at the intersection of Dusenberry Lane and Route 142. The applicant explained that a series of test pits had already been dug on this site in conjunction with the Rensselaer County Health Department for the proposed septic systems for these 3 lots. The applicant explained that there needed to be raised septic beds on proposed lots 1 and 2, and that a standard septic system is proposed for lot 3. In terms of driveways, lots 2 and 3 are proposed to have driveway access directly onto Route 142, and lot 1 to have a driveway onto Dusenberry Lane. In terms of the 2 driveways onto Route 142, the applicant stated that NYSDOT will allow

the existing driveway for the old farmhouse to be used as the curb cut for proposed lot 3, and that a new curb cut permit would be needed for the driveway to proposed lot 2. Member Wetmiller inquired as to the final proposed grade of these lots in terms of the change in elevation between Route 142 and the first floor elevations of the houses. The applicant stated that the change in elevation would range in 8 feet to 17 feet, and that the final topography is depicted on the preliminary plot plans. The applicant explained that these measurements were based on garage floor elevations, and the elevation of Route 142. The applicant stated that these grades will comply with the Town driveway specifications. Member Wetmiller reiterated that the driveways will need to have a 2 foot back pitch before its intersection with both Route 142 and Dusenberry Lane. The applicant stated that the driveway detail did show the appropriate back pitch. Member Czornyj continued to study the plans, and inquired whether a pumping system would be required in connection with the proposed septic systems. The applicant stated that a pump was not proposed, and a gravity fed septic system would be installed. Member Czornyj said that a gravity system would not work given the relative topography of the site, and the fact that the preliminary plans show the septic systems at a higher elevation than the proposed house locations. Upon further review, the applicant conceded that the preliminary plans were wrong and that the septic systems for lots 2 and 3 should be in the front of the house, rather than to the rear of the house at a higher elevation as depicted on the preliminary plans. The applicant stated that the plans would need to be revised accordingly. The Board Members then inquired whether there was adequate room on these proposed lots for a driveway to be installed leading to the rear of the lot, given the proposed tile fields placed towards the front of the lot. The applicant stated that he will work with his engineers to revise the layout to come into compliance with necessary set backs,

driveway locations, septic locations, and house location. It was determined that site distances should be provided for a driveway curb cut along the entire frontage of the proposed lots 2 and 3 along Route 142. The Board Members also stated that the grading plan and proposed drainage swales for the property must also be considered when placing leach fields and driveways for these proposed lots 2 and 3. The applicant stated that the plans would be revised to accommodate these issues. The applicant inquired as to a date for a Public Hearing. Chairman Malone stated that the revised plans must first be reviewed by the Planning Board, and that he would do a site inspection with Mr. Kestner once the revised plans had been submitted. Once the revised plans had been reviewed by the Board, a Public Hearing date would be considered. This matter has been placed on the December 15, 2005 agenda for further discussion.

The next item of business on the agenda was a waiver of subdivision application by Wayne Abbott for property located at the intersection of Hakes Road and Route 2. Wayne Abbott was present on the application. Mr. Abbott explained that he was the representative of the Estate of Samuel Palubniak and that the waiver application was made for purposes of dividing off the existing house and garage on a smaller lot for purposes of financing to pay estate fees and taxes. Mr. Abbott explained that his family was seeking to have a mortgage placed on the house and garage and property around it, but not on the balance of the vacant property. This parcel totals 91.94 acres. Member Oster stated that the only outstanding issue on this application had been the location of the septic system in relation to the proposed lot line, and whether there was adequate set backs of the septic system and leach field from these proposed lot lines. While the applicant explained the general location of the septic system, he had not yet had these locations surveyed or identified on the map. The Board stated that this information was required on the

application, since the necessary set backs needed to be confirmed before the Board could act on the application. Mr. Abbott stated that Danskin Land Surveyors had been retained, and that a survey with metes and bounds description for the proposed new lot was being prepared in connection with the bank financing. The Board stated that Danskin should also locate the septic system and depict that on the survey map. Chairman Malone stated that once that information had been submitted and reviewed by the Board, the Board would be in a position to act on the application. This matter has been placed on the December 15, 2005 for further discussion.

The next item of business on the agenda was the site plan application of Independent Wireless One for co-location of additional antenna on an existing wireless communication facility located on Bald Mountain. This matter had been previously reviewed by the Board, and the issue of the access road off of Bald Mountain Road to the tower had been an issue. The applicant explained that the access road had been regraded and that Town Highway Superintendent Eddy had inspected the work. Superintendent Eddy was present at the meeting, and confirmed that he had inspected the regraded access road, and that it looked adequate. However, Superintendent Eddy stated that maintenance of this road was going to be a key issue, particularly the drainage culvert near the intersection of the access road with Bald Mountain Road. Mr. Kestner also stated that he had reviewed the regraded road, and deemed it adequate. Chairman Malone inquired whether there were any other issues concerning the application. Mr. Kestner confirmed that he had reviewed the site with Chairman Malone, that the proposed equipment at the base of the tower was to be located within the existing fenced area, and that a visual assessment had been performed by the Zoning Board of Appeals in connection with the ZBA's review. Mr. Kestner stated that the only issue on the site plan had been the condition of

the access road, and that the applicant had adequately addressed that concern by regrading the road. Chairman Malone inquired of Superintendent Eddy whether he was satisfied with the access road. Superintendent Eddy stated that he was satisfied with its condition, and that the applicant must continue to maintain that access road and drainage culvert on a going forward basis. Chairman Malone inquired whether there were any further questions or comments on the application. Hearing none, Chairman Malone entertained a motion by Member Czornyj to adopt a negative declaration under SEQRA incorporating the SEQRA findings made by the Zoning Board of Appeals on its review. Member Wetmiller seconded that motion. The motion was approved 6/0, and a SEQRA negative declaration adopted. Member Esser then made a motion to approve the site plan, which motion was seconded by Member Oster. The motion was approved 6/0, and the site plan approved.

One item of new business was discussed. Mr. Kreiger had received an application for a site plan approval from Prime Rate and Return for the property which used to house the old veterinary business on Route 2. The veterinary business had burned several years ago, and a replacement building had been built, but has not been occupied. Mr. Kreiger explained that an application is pending before the Zoning Board of Appeals to put commercial uses in that building, including real estate, financial planning and an attorney. Chairman Malone stated that the site plan would be put on a future Planning Board agenda for review after the ZBA proceedings had been completed.

Chairman Malone reminded the Board members that the Joint Public Hearing of the Town Board and Planning Board on the proposed Carriage Hill Estates PDD application was still scheduled for December 12, 2005 at 6:30 p.m.

The Minutes of the November 17, 2005 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Esser the Minutes were approved 6/0 as written.

The index for the December 1, 2005 meeting is as follows:

1. Kennelly - minor subdivision - 12/15/05;
2. Heer – site plan - 12/15/05;
3. Maselli – site plan - 12/15/05;
4. Brooks Heritage, LLC – minor subdivision – 12/15/05;
5. Abbott – waiver of subdivision – 12/15/05;
6. Independent Wireless One – site plan – approved; and
7. Prime Rate and Return – site plan – adjourned without date.

The proposed agenda for the December 15, 2005 meeting is as follows:

1. Kennelly – minor subdivision;
2. Heer – site plan;
3. Maselli – site plan;
4. Brooks Heritage, LLC – minor subdivision; and
5. Abbott – waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road

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MINUTES OF THE PLANNING BOARD MEETING HELD December 15, 2005

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the minor subdivision application of James Kennelly, for property located on Bellview Road. Mr. Kennelly had filed revised subdivision plans for review. Chairman Malone noted that he had visited the property with Mr. Kestner, and had noted certain stakes on the property. Mr. Kennelly explained that these stakes were not proposed corners of the lot, but had been placed by his surveyor in connection with the overall survey of the property. Mr. Kestner reiterated that the critical issue on this application will be the control of stormwater run off from all impervious surfaces on the project site. Further, Mr. Kestner stated that the stormwater should be handled by carrying it to the back of the proposed lots, rather than draining into the drainage culverts along the public roads. Mr. Kennelly reviewed the proposed drainage plan, which he explained was complicated by the amount of stormwater this property was receiving from upgradient properties. Mr. Kestner stated that this project could not add to the existing stormwater run off down Bellview and Bald Mountain Roads. Upon further discussion of the drainage issue, Chairman Malone directed Mr. Kennelly to prepare a separate drainage plan on paper for submission and review by Mr. Kestner and the

Board Members. Mr. Kestner stated that he would review the drainage plan, and that he had just been supplied with the map showing topography of this site and needed further time to review that map as well. Member Czornyj also noted that the proposed house and driveway locations should be shown on the lots, as well as proposed well and septic locations, and first floor elevations for consideration in connection with the topography map. The Board also stated that sight distances for the proposed driveway locations must be added to the map. The Board also wanted detailed information on driveway culverts along the existing road, as well as necessary back pitch on the driveways connecting to the public road. The Board inquired as to the total acreage which will be disturbed as a result of the build out under the proposed subdivision. Mr. Kennelly stated that approximately 3.5 acres would be disturbed in connection with house construction, driveway installation, and well and septic installation for these proposed lots. Attorney Gilchrist explained that with respect to residential subdivisions, if the total acreage of disturbed area is below 5 acres, a full stormwater pollution prevention plan is not required, but that an erosion and sediment control plan requirement was still applicable. Mr. Kennelly stated that he understood an erosion and sediment control plan was required. Pending the receipt of the requested information from the applicant, this matter has been placed on the January 5, 2006 agenda for further discussion.

The next item of business on the agenda was the site plan application of Heer Realty for a new commercial office located at 731 Hoosick Road. Appearing on the application was Wayne Bonesteel, P.E. of Erdman and Anthony. Mr. Bonesteel handed up a revised site plan for the site. Chairman Malone also noted for the record that he and Mr. Kestner had reviewed this property and had questions concerning how the stormwater run off on the site would be handled.

Chairman Malone observed that when he was on the property, pipes were present from this house and the house to the immediate west, and appeared to be used in connection with sump pumps in each of these houses' basements. It appeared to Chairman Malone that there was a water problem in these basements. Mr. Bonesteel explained that his office had dug test pits at the site, and determined that the groundwater table was within 3 feet of the surface. Chairman Malone inquired how this affected the area to the rear of the existing structure where the proposed parking lot was, since the prior site plan had showed a fairly significant cut into the backyard with a retaining wall. Mr. Bonesteel explained that the proposed cut had been significantly reduced and that the proposed retaining wall was eliminated from the site plan. Erdman and Anthony had revised the site plan to pull the rear of the parking lot area an additional 7 feet off the property line, so as to reduce the necessary grading and cut in the rear of the property. The goal of Erdman and Anthony was to reduce the grading and cut so as to stay above the groundwater elevation. Mr. Bonesteel also explained that due to the high groundwater level, the stormwater run off would not be able to be handled through infiltration, but would rather need to be handled through detention and storage basins. Chairman Malone wanted to insure that this project did not impact the neighboring property to the west (Pascucci) due to either surface water run off or disturbance to groundwater flows. Mr. Kestner stated that the applicant must keep the stormwater run off from the parking lot off neighboring properties, and that any run off from the existing driveway needed to be discharged to the drainage along the State right of way. Mr. Kestner reminded the Board that the NYS DOT was permitting the use of the drainage system along the State right of way for the existing driveway, but had not agreed to allow the surface water run off from the new parking lot to be discharged to the State drainage

system. This necessitates the applicant to prepare a plan to handle stormwater run off from the parking area on the property. Mr. Bonesteel explained that most of the parking lot run off would be diverted to the east property line, to be discharged to a stone trench, transferring the stormwater run off to a drainage culvert to discharge into a detention basin planned for construction in the front yard. Mr. Bonesteel also explained that there was another stone trench on the west property line as well, to avoid any impact to the property to the west. The Board stated that Mr. Kestner needed additional time to review this stormwater plan. Chairman Malone also noted that any light planned for the rear parking lot or security lighting on the back of the building, should not impact any neighboring properties. Mr. Bonesteel stated that the realty office was not generally open past evening hours. Mr. Kestner inquired as to the proposed hours of operation. Mr. Bonesteel stated he needed to check with his client, but he did not think that the realty office stayed open past 6:00 p.m. or 7:00 p.m. Mr. Kestner did note that during the winter months, this would necessitate lighting in the parking lot for safety. Member Esser requested a lighting plan with specifications for the fixtures, so that the Board could analyze whether off site properties would be impacted. Mr. Kestner asked that that lighting plan provide the illumination numbers at the property lines. Chairman Malone reviewed the drainage plan again, and was unclear how the water would flow from the rear of the property through the stone trench and drainage culvert to a detention basin in the front of the property. Mr. Kestner requested that Mr. Bonesteel provide elevations in connection with the drainage plan as well. Member Czornyj inquired whether there was any curbing proposed between the trench drainage area and the rear of the parking lot. Mr. Bonesteel stated that no curbing was planned. Member Czornyj was concerned that given the high groundwater table, if the trench drainage area filled

up with water, it would flow back onto the parking lot. Member Wetmiller also raised a question about the width and location of the proposed handicap spot in the parking lot. Mr. Bonesteel stated that he would review that issue on the site plan. Mr. Bonesteel also handed up a stormwater report for review by Mr. Kestner. Both Mr. Kestner and Member Mainello reiterated that the increased stormwater from the proposed site plan had to be handled on this property, and not impact the already high groundwater level, nor impact any adjoining properties. Mr. Bonesteel stated that he would update the site plan, address stormwater management, lighting, and have a chance to review these issues with Mr. Kestner prior to the next Planning Board Meeting. Mr. Bonesteel requested that this matter be placed on the January 5, 2006 agenda for further discussion. Chairman Malone stated that it will be placed on the January 5, 2006 agenda, but that the Board was intent on holding a Public Hearing on this site plan given the potential impact to adjoining properties. Member Oster also reiterated that the Board was looking for a letter from NYS DOT stated that an additional commercial curb cut was not required, and that the existing driveway could be used for this commercial site plan. Mr. Kestner also wanted an area shown on the site plan for snow storage after plowing the parking lot. This matter will be placed on the January 5, 2006 agenda for further discussion.

The next item of business on the agenda was the site plan application of Maselli for the former Sycaway Body Shop located on Hoosick Road. Robert Chartier, the proposed tenant at this location, appeared on the site plan. This matter had been previously reviewed at the December 1, 2005 meeting, but the only remaining issue was having the site plan stamped and signed by a licensed professional engineer or architect. Mr. Chartier handed up a site plan stamped by a professional architect. Mr. Chartier confirmed that they had added 5 parking spots

along the existing driveway parallel to Hoosick Road, and that there would be no changes to the exterior of the building, including using the same lighting and signage. Chairman Malone inquired whether any Board Members had any remaining questions. Hearing none, Member Esser made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 7/0 and a negative declaration adopted. Thereupon, Member Oster made a motion to approve the site plan subject to the condition that no retail sales be allowed out of this location. Member Oster approved the motion subject to the stated condition. The motion was approved 7/0, and the site plan approved subject to the stated condition.

The next item of business on the agenda was the minor subdivision application of Brooks Heritage, LLC for property located at the intersection of Dusenberry Lane and Route 142 (Grange Road). The applicant handed up a revised subdivision plat, following the discussion at the December 1, 2005 meeting. The applicant explained that upon further review, proposed lots 2 and 3 will include the same house and septic location, and that each lot would include a pump system to pump waste water to the septic field which will be at a proposed higher elevation than the house. As to lot 1, the house and septic location have been reversed; so that a gravity feed septic system will be utilized on lot 1. The applicant also discussed the drainage plan for this property. The applicant explained that sight distances had been added for the entire frontage of lots 2 and 3, with driveways leading onto Route 142. The sight distances with the proposed grading of the property is over 800 feet to the left, and 428 feet to the right. Lot 1 is proposed to have a driveway directly onto Dusenberry Lane. Mr. Kestner requested that the AASHTO speed limit requirements be added to the subdivision map, so that the sight distances could be assessed

against AASHTO for the speed limit of Route 142. Member Czornyj inquired whether the driveway elevations for lot 2 were too steep. The applicant explained that with his grading plan, the driveway for lot 2 meets Town specifications. Member Czornyj requested that the driveway profiles be shown on the subdivision plat. Mr. Kestner did state that given the grade and length of the driveways, the driveways should be in compliance with Town specification, but also joined in the request that the driveway profiles be shown on the subdivision plat. Member Czornyj inquired as to the location of the septic field for lot 2, and whether they were in an area where willow trees were located on the property. The applicant explained that the site has already been graded and that the septic fields are not in the location of the existing willow trees. Member Czornyj inquired whether the septic fields show the required 50% expansion area on the map. The applicant stated that the 50% expansion had already been included in the septic area on the map. Member Wetmiller said a map note should be added to indicate that a pump system for the waste water will be utilized on lots 2 and 3. Mr. Kestner noted that this will be on the plans for the Rensselaer County Health Department review, but that a map note could be added to the subdivision plat to indicate the pump system for lots 2 and 3. Member Mainello inquired whether any upgrade to Dusenberry Lane was projected for this minor subdivision. The applicant stated that the widening of Dusenberry Lane was not required in connection with this minor subdivision, but was proposed in connection with another major subdivision application the applicant has pending concerning property upgradient on Dusenberry Lane. Member Mainello then stated that any reference to Dusenberry Lane upgrade should be eliminated from these subdivision maps, as any proposed upgrades were not required with this minor subdivision application. Mr. Kestner requested that the proposed lot lines be marked in the field with ribbon

both at the front and rear lot lines, so that the Planning Board Members could review the site. Chairman Malone stated that he would like the opportunity to review the property once the ribbons are in place, and the ability to review the subdivision plans one further time at the January 5, 2006 meeting, before the application is deemed complete for purposes of scheduling a Public Hearing. This matter will be placed on the January 5, 2006 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Abbott for property located at the intersection of Hakes Road and Route 2. Wayne Abbott was present on the application. This matter had been discussed at the December 1, 2005 meeting, and the Planning Board had requested information on the septic location on the property. Mr. Abbott handed up a new survey showing the location of two septic fields on the lot. The proposed lot lines did not interfere with the septic locations, nor present any set back problems for the septic area to lot line. The Board noted that the map showed a metal shed on pallets close to the proposed property line, and inquired of Mr. Kreiger whether this presented any set back issue. Mr. Kreiger opined that the metal shed was not a permanent structure and did not constitute a set back issue. The Board noted that the map shows two driveways leading off Hakes Road to the proposed lot, one driveway wholly within the proposed lot and the second driveway traversing both the proposed lot plus the retained acreage of Abbott as it intersected Hakes Road. The Planning Board stated on the record that the second driveway traversing both the proposed lot and the retained acreage of Abbott at the intersection with Hakes Road was not considered part of this application, and was not an approved access for the smaller lot sought to be created through the waiver application. Rather, the Planning Board stated that the only driveway access approved for the smaller lot sought to be created through the waiver application

was the one driveway located wholly within the proposed smaller lot. Chairman Malone inquired whether any Board Members had any remaining questions. Hearing none, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was approved 7/0 and the negative declaration adopted. Thereupon, Member Mainello made a motion to approve the waiver application subject to the condition that the driveway on the northern portion of the proposed lot which traverses both the proposed smaller lot and the retained acreage of Abbott intersecting Hakes Road was not approved, and is not to be considered of the access for the new smaller lot, with the only access approved for the new small lot is the driveway located wholly within the southern portion of the new smaller lot. Member Czornyj seconded the motion subject to the stated condition. The motion was approved 7/0 and the waiver application approved subject to the stated condition.

Two items of new business were discussed.

The first item of new business discussed was a site plan application by Prime Rate and Return for property located on Route 2. Appearing on the application was Tim Fitzgerald, one of the proposed tenants at this location. This property is the site of the former veterinary business, which was destroyed by fire and a new structure built on the site. The property has been vacant for some time. This matter is the subject of a variance application before the Brunswick Zoning Board of Appeals. The applicant proposes no structural changes, only a change in use for the site. The applicant seeks to have professional office space, including financial services, real estate and attorney. The Board generally discussed parking space requirements in connection with the proposed professional use. Mr. Fitzgerald explained they were going to use the existing curb cut and that the existing parking lot at this location was stone/gravel. Thus, the parking lot

is not striped as a paved parking lot would be, and the handicap space was demarked only through signage. Mr. Kestner explained that a full site plan compliant with the Town Site Plan Regulations would need to be filed with the Planning Board. In addition, the Board requested that a narrative be provided as to the proposed use of the property. Mr. Fitzgerald explained that a narrative had been prepared for the variance application pending in front of the ZBA and that a copy of that narrative would be supplied in connection with the site plan. Mr. Fitzgerald noted that the ZBA was expected to act upon the variance application at its December 19, 2005 meeting. This matter had been placed on the Planning Board agenda for the January 5, 2006, pending action by the ZBA on the variance application as well as submission of a site plan compliant with the Town Site Plan Regulations.

The second item of business discussed was a waiver of subdivision application plus site plan application by North Troy Congregation of Jehovah's Witnesses for property located on Cooksboro Road and Route 7. The applicant seeks to divide off 4.07 acres from an existing 19.4 acre lot and thereafter construct a church on the 4.07 acre parcel. Mr. Kreiger noted that an application for waiver of subdivision with short environmental assessment form had been filed, but that the site plan application did not have any environmental assessment form submitted. Mr. Kreiger will contact the applicant for the submission of the full environmental assessment form. Further, Mr. Kreiger will forward a copy of the site plan application to the Rensselaer County Department of Planning for review. This matter has been placed on the January 5, 2006 agenda for further discussion.

The Minutes of the December 1, 2005 were reviewed. Two (2) corrections were made. First, at Page (3) of the December 1, 2005 Minutes, reference to 3 parking spaces in connection

with the Maselli site plan are amended to read 5 parking spaces. Also, at Page (5) of the December 1, 2005 Minutes a reference to a 2 foot back pitch on driveways is corrected to read a 10 foot back pitch. With these two corrections, Member Czornyj made a motion to approve the Minutes, which motion was seconded by Member Wetmiller. The motion was approved 7/0, and the amended Minutes adopted.

The **index** for the December 15, 2005 meeting is as follows:

1. Kennelly - minor subdivision - 1/5/06;
2. Heer – site plan - 1/5/06;
3. Maselli – site plan – approved with condition;
4. Brooks Heritage, LLC – minor subdivision – 1/5/06;
5. Abbott – waiver of subdivision – approved with condition;
6. Prime Rate and Return – site plan – 1/5/06; and
7. North Troy Congregation of Jehovah’s Witnesses – waiver of subdivision and site plan – 1/5/06.

The proposed agenda for the January 5, 2006 meeting is as follows:

1. Kennelly – minor subdivision;
2. Heer – site plan;
3. Brooks Heritage, LLC – minor subdivision;
4. Prime Rate and Return – site plan; and
5. North Troy Congregation of Jehovah’s Witnesses – waiver of subdivision and site plan.