

**PLANNING
BOARD
MINUTES**

2008

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 3, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, JOSEPH JABOUR, 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 Planning Board reviewed the draft minutes of the December 20, 2007 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously adopted as written.

The first item of business on the agenda was the major subdivision application by J. J. Cillis Builders, Inc. for property located off Cole Lane. The Planning Board reviewed a draft resolution with respect to two waivers from the Town Subdivision Design Standards, specifically highway specifications and number of lots on a cul-de-sac road. The resolution reviewed the history of Stonehurst Subdivision Phases I and II, and recommended that the Town Board grant a waiver from the Town Highway Standards to allow a road to be constructed with a width of 24 feet wide (two 12 foot travel lanes) plus two foot wing-gutters on each side of the road, with a full cul-de-sac at the terminus of the road in compliance with the cul-de-sac design standards. Further, the resolution recommended that the Town Board grant a waiver on the code limit of 12 lots on a cul-de-sac road to allow for the construction of 14 lots on the proposed cul-de-sac to be

constructed off Cole Lane. Chairman Oster inquired whether there were any comments or changes to the draft resolution from the Planning Board members. Hearing none, Member Czornyj made a motion to adopt the resolution with respect to the recommendation of the Planning Board on the requested waivers, which motion was seconded by Member Jabour. The motion was approved 7/0, and a recommendation adopted to be sent to the Town Board with respect to the Highway Design Standard and cul-de-sac lot limit waivers on the Stonehurst Subdivision Phase II application. The resolution will immediately be forwarded to the Town Board for consideration. In the event the Town Board approves these waivers, the Applicant will appear before the Planning Board with his full preliminary subdivision plat, including the appropriate highway design, and the Planning Board will review the completeness of the preliminary plat application for purposes of scheduling a public hearing. This matter has been tentatively placed on the January 17, 2008 meeting pending action by the Town Board concerning the requested waivers.

The next item of business on the agenda was the site plan application by George Rizk for operation of a wholesale used car business in the Tamarac Plaza located on Route 2. Chairman Oster reviewed the status of this matter, and discussed issues of concern for the Planning Board. These include putting used cars in the parking lot for sale, impact upon the requisite total number of parking spaces for the retail units within the plaza, and whether there had been any restrictions on the use of this plaza when initially approved by the Town for construction. Mr. Rizk reiterated that he primarily wants to lease one of the retail spaces for use as his office, plus have the ability to put a few cars in the parking lot for display. Mr. Rizk has described the number of cars he wants to put in the parking lot as either 1-2, or possible 3-4. The Planning Board inquired where Mr. Rizk wants to put his office in the plaza. Mr. Rizk stated that he seeks to

lease unit number 9, which is in the center of the plaza structure. Mr. Rizk's business partner stated that they wanted to put a few cars out in the front of the parking lot near the Tamarac Plaza sign or possibly on the grass off the parking lot edge and near the Tamarac Plaza sign. This was not viewed favorably by the Planning Board. Chairman Oster stated that leasing the office space for the operation of Mr. Rizk's business was not an issue at all, but the placement of cars in a parking lot presents an issue. Chairman Oster explained that the Planning Board has had several requests by various commercial operations to display and offer for sale merchandise in parking areas, and that the Planning Board has routinely denied these requests on the basis of public health and safety. In particular, Chairman Oster reviewed several requests by the Wal-Mart store located on Route 7 to place merchandise in the front parking lot for sale. The Planning Board has routinely denied these requests, as the Planning Board deems the placement and offer for sale of merchandise in parking areas to present a health and safety issue. In particular, the Planning Board views offering merchandise for sale in parking areas as affecting traffic flow within parking areas and presenting a safety issue for customers walking around the parking lot area where cars are traveling. The Planning Board also was concerned that "1-2" cars would soon become more. Mr. Rizk stated that his current operation is located on Pawling Avenue, and that he has never had more than 4 cars for sale at that location. Mr. Rizk stated that he was not planning to have any more than 4 cars at the Tamarac Plaza. Member Jabour stated that Mr. Rizk has not even submitted a site plan showing where he proposes to have the cars at the plaza, and that the Planning Board keeps repeating the same general discussion. Member Czornyj concurred. Chairman Oster then directed Mr. Rizk to prepare a site plan in compliance with the Town Site Plan Regulations, showing the parking area for the Tamarac Plaza as well as the specific location where Mr. Rizk seeks to offer cars for sale. Both Mr. Rizk and his business

partner objected to the necessity of having to pay a professional to prepare a proper site plan in the event the Planning Board was not going to allow any cars to be offered for sale in the parking lot. Chairman Oster and Mr. Kestner concurred that the Planning Board would be willing to entertain a concept site plan drawn by the Applicant, to determine whether the location of the car sales would impact the Planning Board's opinion on public health and safety issues. Mr. Rizk and his business partner continued to question the need for a site plan. Chairman Oster then reiterated that the use of one of the office spaces for Mr. Rizk's office was not an issue, and simply using the office space does not even present a site plan issue for the Planning Board. Chairman Oster explained that the use of the parking lot for retail sales presents a site plan issue for the Planning Board. Attorney Gilchrist explained that the site plan regulations require site plan review for any change of use of a commercial site. In this case, the use of the office in and of itself does not change the use of the Tamarac Plaza. However, offering merchandise for sale in a parking lot does change the use of that parking area, and presents site plan review issues for the Planning Board, most particularly the issue of pedestrian safety and vehicular movement within a designated parking area. Mr. Rizk then stated that he does not need to have cars in the parking lot offered for sale, and that he could merely use one of the retail spaces for his office. The Planning Board members generally concurred that the use of the office alone does not present any issue, and does not even present site plan review jurisdiction to the Planning Board. Chairman Oster generally polled the Planning Board members. Member Esser had no issue with the use of one of the retail spaces for Mr. Rizk's office, but did not think vehicles should be stored or offered for sale on the parking area. Member Mainello thought that offering some cars for sale in the parking lot could be acceptable depending on the exact location. Members Jabour and Czorynj stated that cars should not be offered for sale in the parking area. Member

Wetmiller concurred, stating that used cars should not be offered for sale in the parking lot. Member Tarbox also concurred, stating that it may set a bad precedent for the Town, most particularly with other commercial sites requesting permission to place merchandise in parking areas. Chairman Oster also concurred, stating that using the parking lot to offer cars for sale was a problem. Mr. Rizk stated on the record that he understood that site plan review was not required in the event he was only using one of the retail spaces for his office, and not using the parking lot for the purpose of offering cars for sale. Mr. Rizk did state that he often uses one of the cars for sale to travel from his house to his office, using dealer plates. The Planning Board concurred that having one car with a dealer plat used by Mr. Rizk to get to his office does not present a site plan issue. Mr. Rizk stated that on occasion the car may remain overnight at the plaza, but be limited to only one car. The Planning Board did not have an issue with one car with dealer plates being used by Mr. Rizk to get to his office, even if that car on occasion is left overnight at the plaza. The record is clear that Mr. Rizk's use of the Tamarac Plaza for his auto business is limited to the use of one of the retail spaces for his office, and that Mr. Rizk will use one car with dealer plates to travel to his office and park that vehicle in the parking lot. It is clear on the record that Mr. Rizk will not place any cars in the plaza parking lot without plates, and that Mr. Rizk will not store multiple cars at the parking lot even if those cars have dealer plates. The owner of the Tamarac Plaza was present, understood these limitations, and stated on the record that he would monitor Mr. Rizk's use of the plaza to comply with those standards. The Building Department is on notice that these limitations are binding upon Mr. Rizk's use of the Tamarac Plaza for his auto sales business. Accordingly, with such binding limitations, further site plan review by the Planning Board is not required.

The next item of business on the agenda was the site plan application by Robert Chartier for property located at the intersection of Route 2 and Route 278. Mr. Chartier has not yet completed his site plan on this application, and the matter has been adjourned without date pending submittal of a complete site plan. Mr. Kestner and Mr. Kreiger did note for the record that they have met with Mr. Chartier to review the site plan requirements, and have informed Mr. Chartier as to what information was required on the site plan in order to be complete.

The next item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. William Doyle, Esq. appeared for Mr. Brooks. Geoffrey Brooks and the project engineer were also in attendance. Attorney Doyle explained to the Board that he had been retained by Brooks, and had taken the last couple of months to take a hard look at the history of the application review as well as the current subdivision layout on the project site. Attorney Doyle explained that his approach was to take a fresh look at the project, and try to determine the best use of the property in light of the current application. Attorney Doyle suggested that the key to this application was the fact that the site has 75 acres. If a cul-de-sac road is not constructed due to the issue of number of lots on that cul-de-sac road, then the option of a thru-road connecting to Bald Mountain Road could be pursued, but in that case the additional costs for road construction would necessitate additional lots being added to the project. Given that the number of lots on the road would be a non-issue in the event a thru-road was constructed, and given that the project site included 75 acres which could support additional lots, the construction of a thru-road would make the project feasible from an economic standpoint. Attorney Doyle stated that a highway specification waiver would still be required, but that the issue of the number of lots on the road would be eliminated. While this is an option, Attorney Doyle explained that Mr. Brooks does not want to pursue this design,

but rather prefers the current design with the cul-de-sac road and larger lots, which also includes the upgrade of the existing Dusenberry Lane and installation of public water. Attorney Doyle also suggested that the project application form could be shifted to a planned development district, which does remain an option. Lastly, Attorney Doyle stated that if the 12 lot limit on the cul-de-sac road is maintained, an additional 5 residential lots could be constructed on these 75 acres, which does not make the project feasible. Therefore, the Applicant submits to the Board that the current plan with the cul-de-sac road and 22 proposed residential lots is the most reasonable proposal for the property, while still maintaining the application's feasibility from an economic standpoint. Attorney Doyle explained that Mr. Brooks had made certain revisions to the lot layout and driveway locations, and that the design was premised in large part on avoiding wetland areas. Attorney Doyle discussed the standards on the waiver application including benefit to the public, hardship to the Applicant, and consideration of overall public health, safety and welfare. Further, Attorney Doyle conceded that economics was not a legal standard on the waiver application, but it is a relevant consideration, in that the cost for the upgrade to the existing Dusenberry Lane and construction of the cul-de-sac road, plus cost of installation of the public water, does require a minimum number of lots to offset those infrastructure costs. Further, Attorney Doyle stated that the real property taxes generated from the 22 residential lots would provide an overall economic gain for the Town. Chairman Oster reviewed the prior action of the Planning Board on the waiver recommendation, which resulted in a split vote of 3/3. In light of that split recommendation, the Town Board referred the matter back to the Planning Board for further consideration and a final recommendation. Chairman Oster reiterated that some changes had been made to the subdivision plat to address issues of flag lots and driveway locations, as well as septic locations. Member Jabour asked Mr. Kestner whether the current

road design specifications, including the upgrade to the existing Dusenberry Lane, are acceptable. Mr. Kestner stated that the current road design profiles show the required backpitch on Dusenberry Lane off Route 142, that the Dusenberry Lane road grade will not exceed 10%, and that the road reconstruction will meet existing driveway grades for the current homes on Dusenberry Lane. While Mr. Kestner stated that there will be a grade change to the existing Dusenberry Lane, the change to the road grade was not as extreme as earlier discussed. Member Wetmiller asked whether the backpitch off Route 142 was workable. Mr. Kestner stated that the road design was workable. Member Jabour generally discussed the lot configuration on the subdivision plat. Mr. Kestner stated that the home location and driveway locations were established to minimize wetland impacts. Member Esser questioned the grades on a number of the subdivision lots, and stated that there were significant grade differences on a number of the lots which he questioned for purposes of home construction. Member Wetmiller inquired that if the waiver was granted by the Town Board, is the Planning Board required to approve that layout regardless of the buildability of these lots given the grade concerns. Attorney Gilchrist stated that the Planning Board retained its subdivision review jurisdiction through the preliminary and final plat review process, and that a waiver did not bind the Planning Board to approve the current layout, but rather allowed the Planning Board to proceed with that preliminary and final plat review. Mr. Kestner stated that the Planning Board recommendation and Town Board action on the waiver request was not an approval of the lot location, but rather addresses only the concept layout for the lots subject to more detailed review during preliminary and final plat consideration. Members of the Planning Board generally discussed the need for additional information to determine whether these lots were buildable, before the Board was comfortable making a recommendation on this concept layout. Member Esser stated that he wanted

additional information concerning contours and topography, as well as driveway and house location and house elevation. Member Esser stated that he did not have a problem with the general layout, but wanted this additional information to address whether these lots were buildable before making any recommendation on the waiver. Attorney Doyle stated that he understood Member Esser's request for additional information, but inquired whether the Planning Board members wanted any information other than topography, house and driveway location before it could make its fact findings and recommendation on the waiver request. Also, Mr. Kestner inquired whether the Planning Board wanted information on all lots, or merely certain lots that the Planning Board had concern regarding grade differential. Attorney Doyle then inquired whether there was any Town Code standard concerning contour or grade requirements. Mr. Kestner stated that the Town Code did not have any specific regulations on that issue. At this point, Mr. Kestner stated that the Planning Board should consider whether the number of lots was acceptable on a concept basis regardless of the grade issues, or did the Planning Board deem the total number of proposed lots unacceptable even if all lots are buildable. Attorney Gilchrist reiterated that the Planning Board maintains its jurisdiction to review the preliminary and final plat, and the Planning Board retains the jurisdiction to approve or deny certain lots within the proposed plat in the event they are not buildable due to grade concerns. Member Mainello stated that he felt this project was too dense, that the cul-de-sac road was too long, there were too many lots, and that additional information was required for purposes of whether these lots were buildable at any event. Member Esser stated that the Applicant would need to provide this more detailed information sooner or later, so the Applicant should provide this information now to satisfy the Board concerning buildability of the lots. Member Esser stated that without this additional information, he could not recommend a number

of these lots to be included in the waiver recommendation since there are significant grade concerns. Members Mainello, Jabour and Czornyj concurred with Member Esser. Members Wetmiller and Tarbox were satisfied with the general layout on the concept plan. Upon further consideration, Mr. Brooks stated that he will provide the additional topographic detail for the lots for which the Board had grade concerns, and provide the information concerning house and driveway location as well as house elevation. Member Mainello also wanted the recommendation of the Center Brunswick Fire Department concerning the cul-de-sac road. This matter has been tentatively placed on the February 7, 2008 agenda for further consideration.

The next item of business on the agenda was the review and recommendation of the Brunswick Meadows Planned Development District application. Appearing for the Applicant were Joseph Zappone, John Mainello and Linda Stancliffe. Mr. Zappone reviewed the revised concept plan. Mr. Zappone highlighted that two buildings were eliminated from the proposed plan, located on the entrance road directly off Route 142. In this regard, Mr. Zappone stated that there is a 120 foot setback to the first building off Route 142. Further, Mr. Zappone explained that two of the proposed buildings behind the Moran property were shifted to be on the opposite side of the internal road, and that a vegetative buffer had been included between that access road and the rear of the Moran lot. Mr. Zappone explained that one of the buildings which had been located to the rear of the Moran property had been relocated to the rear of the project site. Mr. Zappone also explained that additional paved areas have been added to the internal road system to provide pull off parking areas if needed. Finally, Mr. Zappone explained that additional vegetative buffer had been shown on the concept plan on the border of the Gauthier property. Chairman Oster questioned the use of retaining walls on the revised concept plan. Ms. Stancliffe identified retaining walls near the detention pond area behind the Moran property, which were

necessitated by the relocation of the buildings to the opposite side of the internal roadway opposite the Moran rear property line. Also, Ms. Stancliffe identified a retaining wall to be constructed near the rear property line of the Gauthier lot, also necessitated by the relocation of the building to the rear of the project site from behind the rear of the Moran property. Member Jabour asked whether the spacing between the buildings, particularly buildings 12-15, could be increased. Also, Member Czornyj had the same concern regarding the distance between buildings 19-22. Ms. Stancliffe explained that there was a minimum of 15 feet between the buildings, and that this had been included in all prior design plans for the project. Chairman Oster asked whether the carriage homes on other PDD projects approved by the Town had 15 feet between the carriage home building. Mr. Kestner concurred that the Town had approved a separation of 15 feet between the carriage home structures. Mr. Mainello stated that the Applicant prefers to keep a four unit building, rather than increase the building size to six or eight units. While such a design might increase the distance between buildings, it does not offer each proposed unit a front, side and rear window, and does not achieve the uniformity of building type that the Applicant seeks for the project. Member Jabour stated that the recommendation of the Speigletown Fire Department is important, particularly with respect to the distance between these buildings. Ms. Stancliffe stated that there was a 15 foot separation between the buildings on all prior concept plans, which have been forwarded to the Speigletown Fire Department and that the fire department had raised no issue. Attorney Gilchrist stated that the Planning Board could again refer the revised concept plan to the fire department for review and comment. Member Tarbox asked how many acres were included on the project site. There is a total of 18.3 on the project site. Mr. Zappone stated that the general layout for the project is the same except for the loss of two buildings and the relocation of one building from behind the

Moran site to the rear of the project site. Member Wetmiller stated that he liked the elimination of the two buildings near the entrance road, but felt the buildings were too dense where the building had been relocated to the rear of the site. Chairman Oster stated that the issue of density near the front entrance road off Route 142 had been addressed through the elimination of two buildings, and that the issue of the density behind the Moran rear property line had also been addressed through the relocation of the buildings to the opposite side of the internal access road, plus the relocation of one of these buildings to the rear of the project site. Chairman Oster polled the members for comments on the current concept plan. Member Esser stated that he was comfortable with the current concept plan. Member Mainello stated that he was also comfortable with the concept plan, but highlighted the importance of lighting on this project and its impact to adjoining properties, and that the use of down-lighting for these buildings was very important. Member Jabour stated that while he was comfortable with the general concept plan, he would like to see the spacing between these buildings increased, particularly with respect to buildings 12-15 and 19-22. Member Czornyj concurred that the general concept plan was acceptable, but that the spacing between the buildings should be increased. Member Wetmiller concurred, and also stated that the extra parking added to the internal road system was an improvement. Member Tarbox stated that the overall density of this project in terms of number of units on total acres was denser than 9,000 square feet for per unit which had been used as a standard on other projects in the Town of Brunswick, most particularly the Sugar Hill Apartments projects. If a 9,000 square foot limitation per unit was applied, a total of 22 buildings would be permitted rather than 26 (presuming four units per building). Member Tarbox would be more comfortable applying a 9,000 square foot per unit standard, and that the Town should be aware that it is considering a project beyond the 9,000 square foot per unit

standard. Member Wetmiller stated that he was comfortable with the density on this project given access to the project was directly off a state highway, which could handle the proposed traffic from the number of units. Chairman Oster stated that he was generally comfortable with the concept plan. The Board also determined that the issue of appropriate landscaping and vegetative buffers should be reserved for the Planning Board final determination during site plan review, and would recommend that the Town Board expressly reserve the landscaping approval to the Planning Board. Daniel Moran was in attendance, and the Planning Board requested his comment. Mr. Moran stated that he still objected to one of the proposed buildings on the entrance road, as it was still too close to his house. Mr. Mainello stated that while he had worked with Gauthiers in terms of an appropriate vegetative buffer, he had not been able to work with Mrs. Moran as she objected to any project whatsoever. After further discussion, it was suggested by the Planning Board that the Applicant open up lines of communication with the Morans for purposes of appropriate buffering of this project to the Moran property. Attorney Gilchrist was directed to draft a proposed recommendation, and this matter has been placed on the January 17 agenda for further discussion.

Mr. Kreiger stated that he had again been contacted by Tom Foster of Land Vantage, Inc. concerning when the Town of Brunswick would sign the Land Vantage subdivision plat. Attorney Gilchrist again stated that the Town of Grafton Planning Board approval was conditioned on the Grafton engineer's review of groundwater data from the town landfill, and that the Town of Brunswick had not yet received any information from the Town of Grafton as to whether that condition had been satisfied. Attorney Gilchrist will forward a letter to Grafton Planning Board Chairperson Messenger on that issue.

Mr. Kreiger also reviewed updated New York State Code Requirements concerning fire apparatus access roads on future projects.

The **index** for the January 3, 2008 meeting is as follows:

1. J. J. Cillis – major subdivision – forward recommendation to Town Board on requested waivers and tentatively placed on 1/17/08 agenda;
2. Rizk – site plan – application withdrawn;
3. Chartier – site plan – adjourned without date;
4. Brooks Heritage, LLC – major subdivision – 2/7/08;
5. Brunswick Meadows Planned Development District – review and recommendation – 1/17/08.

The proposed agenda for the January 17, 2008 meeting currently is as follows:

1. J. J. Cillis – major subdivision;
2. Brunswick Meadows Planned Development District – review and recommendation;
3. Provost – major subdivision;
4. Park East Ventures/Rifenburgh – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 17, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, JOSEPH JABOUR, 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 Planning Board members reviewed the draft minutes of the January 3, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application of J. J. Cillis Builders, Inc. for a fourteen lot subdivision located off Cole Lane. Joseph Cillis and Russ Reeves of Reeves Engineers were present. Mr. Reeves reviewed the action of the Brunswick Town Board concerning the requested waivers on this subdivision application, including a waiver on the number of lots on a cul-de-sac road as well as highway specification waiver. Mr. Reeves stated that at its meeting held January 10, 2008, the Brunswick Town Board approved both of the requested waivers. Mr. Reeves stated that he was scheduled to meet with Mr. Kestner during the week of January 21 to review the subdivision plat as well as the proposed stormwater plan for the project. Mr. Reeves then requested that the application be placed on the Planning Board's Agenda for its February 7 meeting for purposes of determining the

completeness of the application for scheduling a public hearing. Mr. Reeves then stated if the application were deemed complete, the Applicant would seek a public hearing for the Planning Board's February 21 meeting. Chairman Oster reviewed the status of this application. Mr. Kestner and Attorney Gilchrist did confirm that the Brunswick Town Board did approve the two requested waivers at the Town Board's January 10, 2008 meeting. Further, Chairman Oster stated that the Planning Board would entertain this application at its February 7 meeting as long as it had the subdivision plan package to the Planning Board members at least one week before that meeting. Mr. Reeves then stated that while he was meeting with Mr. Kestner during the week of January 21, he was scheduled to meet with the New York State Department of Environmental Conservation during the week of January 28. Mr. Reeves stated that the DEC meeting could impact the subdivision plat package. Mr. Reeves then stated that he would like enough time to consider DEC comments on the subdivision plat package, and still allow the Planning Board members enough time to review the plat package before it is on another Planning Board agenda. Therefore, Mr. Reeves requested that this application be placed on the February 21 meeting for determination of completeness of the application, and that if deemed complete, the Applicant would request that the public hearing be scheduled for the Planning Board's March 6 meeting. The Planning Board agreed that this was a reasonable schedule. Accordingly, this matter is placed on the February 21, 2008 agenda for further discussion. Member Mainello requested that half-sized plans be distributed for Planning Board members. This was agreed to.

The next item of business on the agenda was the review and recommendation on the proposed Brunswick Meadows Planned Development District. Linda Stancliffe of Erdman Anthony, project engineers appeared on the application. Also in attendance on behalf of the Applicant was John Mainello. Ms. Stancliffe handed up a revised concept site plan dated

January 14, 2008, and reviewed the changes which had been made on this most revised concept plan. In particular, Ms. Stancliffe stated that the building offsets for all of the proposed buildings has now been increased to a minimum of 20 feet. Further, Ms. Stancliffe explained that the off-street parking had been relocated, but that the total number of parking spaces remained the same. Finally, Ms. Stancliffe reviewed the revised turnaround areas which are compliant with the current New York State Fire Code. Ms. Stancliffe also confirmed that she had met with the Chief of the Spiegletown Fire Department, and that the Chief of the fire department indicated that the current revised plan dated January 14, 2008 did address all of the prior comments of the fire department, and merely noted that a specific type of fire hydrant should be installed. Chairman Oster inquired whether the Applicant had pursued any discussions with Mr. Moran concerning an appropriate buffer between this project and the Moran property. Mr. Mainello stated that he was continuing to work on that issue with Mr. Moran, and that the Applicant would be appearing before the Brunswick Zoning Board of Appeals on January 28, 2008 to get the ZBA's opinion as to an appropriate buffer to the Moran property. Member Wetmiller had a discussion with Ms. Stancliffe concerning the relocation of the off street parking. Chairman Oster raised the issue of the density of this project, noting that the Planning Board did have a concern regarding the density of this project on the 18.3 acre project site. Specifically, Chairman Oster noted that the proposed number of buildings and total number of units on the 18.3 acre site did result in a density of greater than 9,000 square feet per unit. Mr. Kestner reviewed with the Board the Brunswick Zoning Ordinance Standard for multiple dwelling buildings to be a minimum of 9,000 square feet per unit, but did note that this was a PDD application and the final density would be set by the Town Board. Mr. Kestner generally reviewed density calculations,

including a reduction in a total number of buildings and units as well as an increase of the total acreage for the project site. The following numbers were discussed:

<u># of buildings</u>	<u># of units</u>	<u>density/area per unit/18.3 acres</u>	<u>additional acreage needed to comply with 9,000 sq. ft per unit</u>
26	104	7,664 sq. ft/unit	3.18 acres
24	96	8,303 sq. ft/unit	1.53 acres
23	92	8,664 sq. ft/unit	0.7 acre
22	88	9,058 sq. ft/unit	0

Member Tarbox did note that the Town had used the 9,000 square foot per unit factor in the past, but this is ultimately a Town Board decision on this PDD application. Ms. Stancliffe did note that there were other PDD projects in the Town which used a density factor of less than 9,000 square feet per unit, including the ROUSE project. The Planning Board members generally concurred that the 9,000 square feet per unit factor should be considered, but this was ultimately a Town Board determination. A draft recommendation to the Town Board was reviewed by the Planning Board members, a final recommendation was made by resolution which was unanimously approved, with that final resolution to be forwarded to the Town Board for consideration in connection with the PDD application. This matter is adjourned without date pending further Town Board action on the PDD application.

The next item of business on the agenda was the major subdivision application by Provost for property located on Norman Lane. The Applicant has requested that this matter be adjourned to the February 7 meeting in light of a review letter prepared by Kestner Engineers regarding the preliminary subdivision plat. The Planning Board generally reviewed the letter of Kestner Engineers dated January 14, 2008 concerning the subdivision plat. Also, Mr. Kreiger

handed up a letter from the Town of Brunswick Fire Department concerning the application. The Planning Board has placed this matter on the February 7, 2008 agenda pending receipt of revised subdivision plans at least one week ahead of that meeting.

The next item of business on the agenda was the site plan application by Park East Ventures/Rifenburgh Construction for a proposed office park located at 1175 Hoosick Road/Route 7. Percy Cotton of Charles H. Sells, Inc. Engineers appeared on the application. Mr. Cotton reviewed a preliminary concept site plan with the Planning Board. The site totals approximately 9.5 acres, and is located directly west of the Spiak's Mobil Station, and in front of other property owned by Rifenburgh. A total of 67,000 square feet of office space is proposed for three buildings, with an entrance directly off of Route 7. Mr. Cotton generally described a proposed stormwater maintenance plan, and that public water was proposed for the project. Mr. Cotton explained that there would be considerable excavation required to prepare the site for construction. Chairman Oster noted the obvious issue on the application was the amount of material to be removed from the site. The Applicant stated that while a specific calculation had not yet been performed on the current proposed site plan, a similar project previously considered would have required approximately 300,000 yards of material to be removed from the site. The Applicant stated that the material to be removed from the site is not good gravel, but basically could be used only for purposes of fill. The Applicant stated that if one project could receive the entire 300,000 yard of fill, the entire excavation could be completed in 3-4 months. However, because of the sub-grade quality of the material, it is more likely that the excavation work would need to take place over a period of time as the need for fill for other construction projects became available. The Applicant stated that they intended to begin the excavation work to the rear of the site, and remove material via the existing road between the project site and Spiak's Mobil

Station. Mr. Kestner noted that there appeared to be approximately 63 feet of cut to be made from the current grade to the finished grade for the site plan. The Planning Board members generally discussed the concept of the office park at this location, and generally thought the concept was good for that location. Attorney Gilchrist generally discussed the NYSDEC construction exemption from the need to obtain a State Mining Permit, despite the volume of material proposed to be removed from the site. Further, Attorney Gilchrist stated that the Planning Board should consider excavation issues such as volume of material to be removed, sequence of material removal, truck routes, hours of operation, potential noise impacts, slope stabilization during excavation activities, drainage and stormwater compliance during excavation activities, and duration of excavation activities. Mr. Kestner also discussed issues associated with excavation of the material, and suggested that the Applicant put together a full plan for the removal of the material for review and consideration by the Planning Board. This matter has been adjourned without date pending preparation of a more detailed plan concerning the excavation process.

Two items of old business were discussed.

First, Chairman Oster noted that the Brooks Heritage, LLC major subdivision proposed for Dusenberry Lane is on the agenda for the February 7, 2008 meeting. It was noted that a letter had been received from the Center Brunswick Fire Department concerning this application, and also a letter had been received from Frank Brenenstuhl also concerning the application. Member Esser reminded the Planning Board members that he would be absent from the February meetings, but that he wanted to reiterate his concern that there has always been a water problem on this property, and that the number of cuts and proposed homes and roads only intensify the

water problems, and that the Planning Board should give due consideration to appropriate stormwater retention for the project.

Second, Mr. Kestner noted that Brunswick Associates is requesting to be placed on the February 21, 2008 agenda for site plan review on the Sugar Hill Apartments PDD approval. Mr. Kestner did note that an issue has arisen concerning the current Fire Code requirements, and that the Brunswick No. 1 Fire Department is considering the need for looping the internal road system for the project with the existing road system within the Sugar Hill apartments complex. Chairman Oster noted that if the looping of the internal road system is over the area of the Conservation Easement, this matter would need to be further examined by the Town Board.

One item of new business was discussed.

Mr. Kreiger noted that a site plan application had now been made by Christopher Leathem for property located between Hoosick Road and Sycaway Avenue, with access directly from Sycaway Avenue, with respect to landscaping and firewood sales activities which is occurring on the property. Upon initial review of the submittal, Chairman Oster noted that a full narrative concerning proposed site activities should be submitted. This will need to include a full description of all activities occurring on the property, the equipment being used on the property, areas for storage of material, hours of operation, and access into the site. It was noted that the Town has received complaints from neighboring residential properties concerning the site activities. This matter has been adjourned without date pending submission of the full narrative and site plan submittal.

The **index** for the January 17, 2008 meeting is as follows:

1. J. J. Cillis Builders, Inc. – major subdivision – 2/21/08;

2. Brunswick Meadows Planned Development District – review and recommendation – adjourned without date;
3. Provost – major subdivision – 2/7/08;
4. Park East Ventures/Rifenburgh Construction – site plan – adjourned without date;
5. Brooks Heritage, LLC – major subdivision – 2/7/08;
6. Brunswick Associates – Sugar Hill Apartments PDD site plan – 2/7/08;
7. Leathem – site plan – adjourned without date.

The proposed agenda for the February 7, 2008 meeting currently is as follows:

1. Provost – major subdivision;
2. Brunswick Associates – Sugar Hill Apartments PDD site plan;
3. Brooks Heritage, LLC – major subdivision.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

January 17, 2008

**RESOLUTION ADOPTING A RECOMMENDATION
ON THE BRUNSWICK MEADOWS PLANNED
DEVELOPMENT DISTRICT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board") has received an application by J.P.J. Partnership ("Applicant") for a Planned Development District ("PDD") called Brunswick Meadows; and

WHEREAS, the Brunswick Meadows PDD is a proposal for construction of condominium units to be located on 18.3 acres of land located off NYS Route 142 approximately 130' east of the Town of Brunswick and City of Troy municipal boundary line; and

WHEREAS, the Brunswick Meadows PDD application originally sought approval for 136 condominium units to be located in 34 buildings, was later revised to request approval for 124 condominium units to be located in 31 buildings, further revised to 112 condominium units to be located in 28 buildings; and

WHEREAS, the Town Board acting as lead agency pursuant to the State Environmental Quality Review Act, required the preparation of an Environmental Impact Statement for the Brunswick Meadows PDD application; and

WHEREAS, the Applicant prepared a Draft EIS for the Brunswick Meadows PDD, and the Town Board accepted the DEIS as complete; and

WHEREAS, the Town Board held a public hearing on the Brunswick Meadows PDD application and DEIS, occurring on May 15, 2007 and June 14, 2007; and

WHEREAS, the Town Board accepted written comment on the DEIS and PDD application through and including July 6, 2007; and

WHEREAS, transcripts of the public hearings and copies of all written comments

received by the Town Board on the DEIS and PDD application were forwarded to the Applicant for review, response and preparation of the Final Environmental Impact Statement ("FEIS") on this action; and

WHEREAS, the Town Board accepted the FEIS as complete on November 8, 2007; and

WHEREAS, the Town Board has referred the Brunswick Meadows PDD application to the Planning Board of the Town of Brunswick ("Planning Board") for its review and recommendation; and

WHEREAS, the Applicant has appeared before the Planning Board to review the PDD application, DEIS, and FEIS, and to discuss the proposed project with the Planning Board members; and

WHEREAS, the Planning Board members received and reviewed the PDD application, the DEIS, and FEIS; and

WHEREAS, the Planning Board members raised concern regarding the location of buildings along the proposed access road directly off NYS Route 142, and also raised concern regarding location of buildings in proximity to adjoining land owners, particularly Gauthier and Moran; and

WHEREAS, the Planning Board members raised concern regarding the total amount of available on-site parking, to accommodate both residents and guests; and

WHEREAS, the Applicant requested an opportunity to address these comments raised by the Planning Board members; and

WHEREAS, the Applicant submitted a revised concept plan which reduced the total number of proposed buildings to 26; and

WHEREAS, such revised concept plan eliminated a total of two buildings from the entrance road located directly off NYS Route 142, re-designed the building location and road system in the area to the rear of the Moran lot, re-located one building to the rear of the project site, and added on-site parking areas as depicted on the revised concept plan; and

WHEREAS, the Applicant appeared before the Planning Board to discuss the revised concept plan; and

WHEREAS, the Applicant made a further revision to the revised concept plan, identified as "Proposed Site Plan for Brunswick Meadows" with last revision date of January 14, 2008; and

WHEREAS, such revised concept plan increased the building offsets to a minimum of 20 feet, adjusted location of off-street parking while retaining the total number of proposed parking spaces, and designed the fire access turn around areas to meet the current Fire Code requirements; and

WHEREAS, the Planning Board members have deliberated on the PDD application, DEIS, FEIS, and revised concept plan dated January 14, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick as follows:

1. The Planning Board adopts a positive recommendation on the Brunswick Meadows PDD application, subject to the following considerations:
 - a. The general layout of buildings as depicted on the revised concept plan dated January 14, 2008 is generally acceptable;
 - b. While the general layout of the buildings as depicted on the revised concept plan dated January 14, 2008 is acceptable, the Planning Board notes that the overall density on this project site, when considering the total number of units and total site acreage, is greater than that allowed in the R-9 zoning district in the Town of Brunswick, the smallest allowable lot size under the Brunswick Zoning Ordinance. The Planning Board acknowledges that the Applicant seeks approval of a Planned Development District, which allows the Town Board to establish density on this specific site, but the Planning Board raises density issue for specific consideration by the Town Board. The Planning Board finds the issue of density on this site to be a critical factor, and recommends that the Town Board closely examine the total number of condominium buildings proposed for this particular site, particularly in the area of the entrance road and in proximity to adjacent residences. On this issue, the Planning Board makes the following findings for the Town Board's consideration:

<u># of buildings</u>	<u># of units</u>	<u>density/area per unit/18.3 acres</u>	<u>additional acreage needed to comply with 9,000 sq. ft per unit</u>
26	104	7,664 sq. ft/unit	3.18 acres
24	96	8,303 sq. ft/unit	1.53 acres
23	92	8,664 sq. ft/unit	0.7 acre
22	88	9,058 sq. ft/unit	0

The Town Board should consider options including reducing the total number of buildings/units, increasing the acreage of the project site (the project site is being subdivided from a larger parcel), or a combination of both options to address this density issue;

- c. The Planning Board finds that the increased available on-site parking is a positive addition to the concept site plan, but recommends that approval of a final parking plan for this project be reserved to the Planning Board for detailed review during site plan review;
 - d. Due to the proximity of this project site to other residences, the Planning Board finds that lighting will be a critical issue. At a minimum, the Planning Board recommends that down-lighting fixtures be required on all buildings, and further recommends that the approval of a final lighting plan for this project be reserved to the Planning Board for detailed review during site plan review;
 - e. Due to the proximity of this project site to other residences, the Planning Board finds that the issue of appropriate vegetative screening between the project site and nearby residences will be a critical issue. At a minimum, the Planning Board recommends that the Town Board carefully consider an appropriate vegetative buffer to be required between the condominium buildings and the properties owned by Gauthier and Moran, and further recommends that approval of a final vegetative screening plan for this project be reserved to the Planning Board for detailed review during site plan review;
 - f. The Planning Board finds that the general internal road system proposed for this project to be acceptable, and specifically notes that the roads will not be transferred to the Town of Brunswick and will not become public roadways, but will rather remain private roadways to be owned and maintained by the condominium association to be formed in connection with the project.
 - g. The Planning Board notes that the Applicant met with the Chief of the Spiegletown Fire Department to review the revised concept plan dated January 14, 2008, that the Chief indicated that the revised concept plan fully addressed prior comments of the Department, and that the Department will require the proposed fire hydrant to be Storkes 5 ½ " ¼ turn to meet the Department's new standard.
2. Due to the proximity of this project site to other residences, particularly Gauthier and Moran, the Planning Board encourages the Applicant to continue communication with nearby residents, particularly Gauthier and Moran, as the application review process continues.

The foregoing Resolution, offered by Member Czornyj and seconded by Member Wetmiller was duly put to a roll call vote as follows:

CHAIRMAN OSTER	VOTING <u>Aye</u>
MEMBER CZORNYJ	VOTING <u>Aye</u>
MEMBER ESSER	VOTING <u>Aye</u>
MEMBER JABOUR	VOTING <u>Aye</u>
MEMBER MAINELLO	VOTING <u>Aye</u>
MEMBER TARBOX	VOTING <u>Aye</u>
MEMBER WETMILLER	VOTING <u>Aye</u>

The foregoing Resolution was ~~was not~~ thereupon declared duly adopted.

January 17, 2008

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 7, 2008

PRESENT were CHAIRMAN OSTER, KEVIN MAINELLO and DAVID TARBOX.

ABSENT were MICHAEL CZORNYJ, FRANK ESSER, JOSEPH JABOUR, and JOSEPH WETMILLER.

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

Due to the lack of quorum, no business was conducted. All items of business on the agenda were adjourned until the next Planning Board meeting to be held on February 21, 2008.

The **index** for the February 7, 2008 meeting is as follows:

1. Provost – major subdivision – no business was conducted due to lack of quorum;
2. Brunswick Associates – Sugar Hill Apartments PDD site plan – no business was conducted due to lack of quorum;
3. Brooks Heritage, LLC – major subdivision – no business was conducted due to lack of quorum.

The proposed agenda for the February 21, 2008 meeting currently is as follows:

1. Provost – major subdivision;
2. Brunswick Associates – Sugar Hill Apartments PDD site plan;
3. Brooks Heritage, LLC – major subdivision;
4. J. J. Cillis – major subdivision;
5. Omnipoint – site plan;
6. Rifenburg Construction – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 21, 2008

PRESENT were CHAIRMAN OSTER, GORDON CHRISTIAN, KEVIN MAINELLO, DAVID TARBOX and JOSEPH WETMILLER.

ABSENT were MICHAEL CZORNYJ and FRANK ESSER.

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

Chairman Oster noted for the record that Member Joseph Jabour had tendered his resignation from his position as a Planning Board Member due to his taking an employment position with the Town of Brunswick. Chairman Oster noted Mr. Jabour's long service to the Town of Brunswick, including membership both on the Zoning Board of Appeals and Planning Board. Chairman Oster wished good luck to Mr. Jabour in his new position with the Town of Brunswick. Chairman Oster also noted for the record that Gordon Christian has been appointed by the Town Board as the new member of the Planning Board to replace Mr. Jabour. Chairman Oster noted that Mr. Christian has been a longtime businessman and resident in the Town of Brunswick, and has had previous planning experience with the Town of Brunswick as a member of the Comprehensive Planning Committee. Chairman Oster welcomed Mr. Christian to the Planning Board.

Chairman Oster reviewed the Agenda for the February 21, 2008 meeting, noting that the Cillis – major subdivision application has been adjourned to the March 6, 2008 meeting at that request of the Applicant.

Chairman Oster also noted that since there was not a quorum present to conduct business on February 7, 2008, the Planning Board still had to review and act upon the draft minutes of the January 17, 2008 meeting. Upon motion of Member Wetmiller, seconded by Member Mainello, the proposed minutes of the January 17, 2008 were unanimously approved without amendment.

The first item of business entertained by Chairman Oster was a request by United Group concerning the Carriage Hill Estates Planned Development District. Terri Herubin, Executive Vice President for Development with the United Group, was present. United Group had submitted a letter to Chairman Oster dated February 13, 2008 concerning certain preliminary work which had been conducted on the Carriage Hill Estates PDD site. Ms. Herubin reviewed that on March 1, 2007, the Planning Board adopted a resolution which allowed certain preliminary site work to be undertaken in the area of the entrance road to the project site off Pinewoods Avenue. That resolution had permitted United Group to commence that limited site work in the area of the entrance road in order to coordinate with the U.S. Army Corps of Engineers concerning the applicable Nationwide Permit Program for this project. Ms. Herubin explained that pursuant to Paragraph 1(f) of the Planning Board's resolution of March 1, 2007, in the event United Group did not receive final site plan approval and/or final subdivision plat approval within 12 months of the date of that resolution, then United Group was required to restore that portion of the project site disturbed by the preliminary work to its pre-work condition. United Group is requested that this deadline date be extended to August 1, 2008. United Group explained that the basis for this request for extension was two-fold. First, the Carriage Hill Estates final site plan and final subdivision plat had been approved by the Planning Board, but that conditions had been attached to those approvals which United Group was still working to complete. Second, the U.S. Army Corps of Engineers Nationwide Permit Program

had extended its deadline for completion of work under the applicable Nationwide Permit from March 18, 2008 to August 25, 2008. Based on these two reasons, United Group was requesting that the deadline date under the Planning Board resolution be extended to August 1, 2008. Chairman Oster reviewed the request, and entertained discussion from the Planning Board members. The Planning Board generally reviewed the request as being reasonable. Member Mainello then made a motion to grant the extension on the deadline date set forth at Paragraph 1(f) of the Planning Board's March 1, 2007 resolution through and including August 1, 2008, which motion was seconded by Member Christian. The motion was unanimously approved, and the modification to the March 1, 2007 resolution granted to the extent of modifying the deadline date set forth at Paragraph 1(f) of that resolution through and including August 1, 2008.

The next item of business on the agenda was the major subdivision application by Provost for property located off Norman Lane. Paul Engster, Esq. appeared for the Applicant. Mr. Engster reviewed the subdivision plat, as well as the engineering review letter by Kestner Engineering dated January 14, 2008. In particular, Mr. Engster confirmed that the driveway leading to proposed Lots A and D already existed and had been in use for several years, and that Provost was designing the project to allow the continued use of this single driveway for Lots A and D through the use of easements. However, Mr. Engster noted that both Lot A and Lot D were designed to have direct frontage onto the newly-constructed cul-de-sac, thereby providing access for each lot onto a public roadway. Further, Mr. Engster explained that the driveway for proposed Lot C was now entirely within Lot C, and did not cross over onto any other lot. Mr. Engster also generally discussed the stormwater drainage plan for the project. Chairman Oster asked Mr. Kestner to provide comments. Mr. Kestner stated that the Applicant had redesigned the project to keep the driveway for Lot C entirely within Lot C, and that the driveway profile for

Lot C was reviewed and is adequate. Further, Mr. Kestner had reviewed the profile for the driveway for Lot B, and found it adequate. Further, Mr. Kestner had reviewed the proposed drainage plan and found it adequate. Finally, Mr. Kestner noted that he had visited the site on February 21, 2008, and found the newly constructed cul-de-sac to be rutted and in need of repair. Chairman Oster inquired whether the cul-de-sac met Town Highway Specifications. Mr. Kestner stated that the diameter of the cul-de-sac did meet Town specifications, but that he did not know if the sub-base had been constructed in compliance with Town Standards. Chairman Oster inquired of Attorney Gilchrist as to procedure in terms of compliance of the cul-de-sac with Town Highway Standards. Attorney Gilchrist stated that if any variance from the Town Highway Standards was sought by the Applicant, then an application for a variance needed to be made to the Town Board, with fact findings and recommendation made by the Planning Board. In the event the Applicant was designing and constructing the cul-de-sac in compliance with Town Highway Standards, then no variance was needed. Mr. Engster stated that the cul-de-sac will comply with Town Highway Specifications, will be paved, and will ultimately be offered for dedication to the Town. Member Wetmiller asked Mr. Kestner about the culvert pipe leading from Lot C to Lot A, and where the discharge for the stormwater was going. Mr. Kestner reviewed the culvert pipe location, and stated that the discharge from this culvert pipe went onto the balance of Lot A (encompassing 20 acres) into natural drainage ways. Member Wetmiller asked Mr. Kestner whether the access for Lot A was adequate. Mr. Kestner stated that the frontage for Lot A on the cul-de-sac was adequate, and a driveway could be built in this area in the future if needed. Mr. Engster also stated that the lot was designed so that a driveway could be built in the future if necessary, but the plan was to continue to use the existing driveway with easements being granted as and between Lots A and D. Member Mainello inquired as to the cul-

de-sac construction details. This was reviewed by Mr. Kestner and Mr. Engster. Mr. Kreiger reviewed a letter from the Center Brunswick Fire Company dated January 14, 2008 regarding installation of a dry hydrant on the pond on proposed Lot C. Mr. Engster stated that the Applicant had no opposition to the installation of a dry hydrant on Lot C. Member Tarbox inquired whether an easement for access to the dry hydrant was required. Attorney Gilchrist stated that he would research that issue. Chairman Oster concluded that the major subdivision application was complete for purposes of moving the application to public hearing, and scheduled that public hearing for the March 6, 2008 meeting commencing at 7:00 p.m. Mr. Engster confirmed that an Agricultural Data Statement will be filed on the application.

The next item of business on the agenda was the site plan application of Brunswick Associates concerning the Sugar Hill PDD. Tim Owens of Brunswick Associates was present. Mr. Owens presented a revised site plan, with the revisions required due to new Fire Code Standards and comments of the Brunswick No. 1 Fire Department. Mr. Owens described the revisions to the site plan as minor, and all responsive to the comments of the fire department. The primary revision was the reconfiguration of the internal road system so that it is resulted in a looped road. Mr. Owens also reviewed the turning radius of the looped road system as required under the current Fire Code Standards, pull-off areas from the road system for emergency vehicles, and installation of a hammerhead turn-around area for the last proposed apartment building in compliance with Fire Code requirements. Mr. Owens also reviewed fire hydrant locations for the new apartment buildings. Mr. Owens also informed the Board that a knox box will be installed at each new apartment building at the recommendation of the fire department. Mr. Owens also discussed the ability to add a second feed for water directly off McChesney Avenue Extension. On this issue, Mr. Owens explained that a "T" fixture and a valve would be

added in the area of the entrance road to the apartment complex off McChesney Avenue Extension, so that a second feed could be added to the water main off McChesney Avenue Extension once it had been constructed in conjunction with the Highland Creek PDD project. This will ultimately add additional water pressure for the Sugar Hill Apartment complex. Mr. Owens then generally reviewed the overall revised site plan map, noting that no buildings had been moved closer to the property of Bonesteel, nor toward the subdivision located on Heather Ridge; that the total amount of paved area had been reduced due to the revised road layout; there had been no loss of overall parking spaces; the amount of greenspace on the project site had increased slightly; that the limits of construction imposed on the PDD approval had been continued, and that the total cuts and fills on the revised plan continued to balance total material on the project site so that no material was being removed from the project site; no building had increased in height, and in fact two of the buildings had been lowered in elevation, so that the existing visual assessment remained unchanged; and that the total number of buildings and units remained the same. Mr. Owens concluded that the changes had been made to accommodate health and safety issues raised by the fire department, and that the change in design created a better circulation within the project site and an overall nicer design with increased green area. Member Mainello inquired whether the new plan required a retaining wall. Mr. Owens explained that a retaining wall was required in some areas due to the redesigned loop road system. Member Mainello then asked whether there would be any tree removal associated with the redesigned road. Mr. Owens stated that no trees would be removed, and that Brunswick Associates was able to accommodate its vegetation and landscape plan with the revised road system. Chairman Oster inquired of Attorney Gilchrist as to procedure. Attorney Gilchrist stated that if the Planning Board deemed the changes to the site plan to be significant or major,

then the appropriate procedure would be to refer the matter back to the Town Board for further review under the Planned Development District application. Alternatively, if the Planning Board deemed the revisions to the site plan to be insignificant or minor, then the application should remain at the Planning Board for continued site plan review. Upon further discussion, the Planning Board members unanimously concurred that the changes to the site plan were insignificant and minor in character, and were made solely to address health and safety issues under the current Fire Code and comments of the Brunswick No. 1 Fire Department. Mr. Owens then handed out to each Planning Board member a landscaping plan and typical building plan, and reviewed each of these documents with the Planning Board members. The Planning Board has scheduled this matter for further discussion at its March 6, 2008 meeting.

The next item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. William Doyle, Esq. appeared on the application, together with Geoffrey Brooks as well as the project engineer. Attorney Doyle reviewed the current subdivision plat, which had included additional information regarding the buildability of lots in terms of placement of house, driveway, septic, and well as discussed at the January 3, 2008 meeting. Attorney Doyle then explained that additional information has been provided to the Planning Board regarding further detail on the upgrade to existing Dusenberry Lane off Route 142, including topography, grading, and installation of a retaining wall. Attorney Doyle reminded the Planning Board that the current status of the application remained at the point of Planning Board findings and recommendation on the requested variances for this project in terms of number of lots on a cul-de-sac road as well as Highway Specifications. Chairman Oster noted the submission of additional information, and inquired of the Planning Board members as to any questions or comments. Mr. Kestner did review the current subdivision plat

and road profile for upgrade of Dusenberry Lane. Mr. Kestner explained that the road profile for upgrade to Dusenberry Lane had been changed to calculate topography from the edge of pavement off Route 142, which resulted in an increase to the proposed gabian retaining wall. This resulted in compliance with all topographical requirements for Dusenberry Lane as well as driveway grades. Mr. Kestner also stated that the driveway for one lot directly off Bald Mountain Road had been revised to meet Town Standards. Mr. Kestner also stated that the lot layouts presented on the current subdivision plat did meet Town Standards in terms of size and frontage. Chairman Oster noted that the Planning Board had previously made fact findings and a recommendation, but that the Planning Board had been evenly split in a 3-3 vote on that recommendation, which resulted in the Town Board remanding the matter back to the Planning Board for further findings and a definitive recommendation. Chairman Oster did note that the Planning Board did have questions regarding the buildability of the proposed lots as discussed at the January 3 meeting, but that the Applicant had responded to those issues. Again, Chairman Oster inquired as to any questions or comments of the Planning Board members. Member Mainello noted that he had been handed additional information at this meeting, and wanted time to review this new information prior to making any recommendation. It was also noted that Member Christian was new to the Planning Board, and would need time to review this new information as well as the file on this application. Chairman Oster concurred that Mr. Christian should be afforded time to review this file in order to make his decision on this recommendation. Attorney Doyle inquired as to the level of detail that the Planning Board has required just for purposes of making the recommendation on the variance for number of lots on a cul-de-sac road. Chairman Oster responded that while the level of detail may be significant, it did address certain questions and concerns which the Planning Board members had raised concerning buildability of

these lots in order to make an informed decision on the waiver request. It was determined that this matter will be placed on the March 6, 2008 agenda for purposes of making final fact findings and recommendation, and the matter will be forwarded to the Town Board for consideration at its March meeting in terms of the requested waivers on the number of lots on a cul-de-sac road as well as the Highway Specifications. This matter is placed on the March 6, 2008 agenda for further discussion.

The next item of business on the agenda was the site plan application by Omnipoint Communications, Inc. in connection with a proposed construction of a minor personal wireless telecommunications service facility, consisting of six antennas to be affixed at the sides and back corners of the bell tower, below the top of the bell tower, of the Gilead Lutheran Church of Brunswick located at 308 Brick Church Road. Matt Kirwin, Esq. appeared for the Applicant. Mr. Kirwin explained that the Zoning Board of Appeals had granted a special use permit for this project at its meeting held January 28, 2008. Mr. Kirwin generally described the proposal¹ for the installation of the antenna on the bell tower of the Gilead Lutheran Church. Mr. Kirwin then explained to the Planning Board the coverage provided by existing Omnipoint locations and the addition of this proposed location. Mr. Kirwin also reviewed with the Planning Board the photographic and visual assessment prepared in connection with the application before the Zoning Board of Appeals. Mr. Kirwin then discussed the compound located on the ground for purposes of enclosing the equipment panels required in connection with the operation of the antenna at this location. Mr. Kirwin explained that associated cellular equipment cabinets would be located on a 10' x 16' concrete pad, to be located within a 14' x 23' fenced area on the north side of the church property. The fence would be a chain-linked fence with privacy slats, 8' in height with vegetative screening. Chairman Oster inquired whether more companies could co-

locate on the Gilead Lutheran Church. Mr. Kirwin stated that other companies could possible locate on the church building. Member Mainello inquired as to the grounding grid which the site plan showed was located outside the fenced compound area. Member Mainello inquired whether the fence should be extended to enclose the grounding grid. As a member of the church council, Mr. Kreiger stated that the church would have no opposition to extending the fenced area to enclose the grounding grid. Mr. Kirwin stated that he would not think his client would have an objection. There was discussion concerning extension of the fenced area, or merely relocating the grounding grid to be included within the currently proposed fenced area. It was noted that the referral of this application to the Rensselaer County Department of Economic Development and Planning had been made in conjunction with the ZBA application, and that the County had no objection and that local consideration should prevail. The Environmental Assessment Form for the application was briefly reviewed, noting that a pond was located on the church property and that commercial uses did exist in close proximity on Route 7. As coordinated environmental review had not been conducted under SEQRA, the Planning Board was required to make its own SEQRA determination. The Planning Board noted that the Zoning Board of Appeals had adopted a Negative Declaration on the application. Member Tarbox made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was approved 5-0, and a Negative Declaration adopted. Thereupon, Member Wetmiller made a motion to approve the site plan subject to the condition that the grounding grid be relocated so that it is situated within the proposed fenced compound area, or in the alternative, the fenced compound area be extended to include the area of the grounding grid as located on the site plan. This motion was seconded by Member Tarbox. The motion was approved 5-0, and the site plan approved subject to the stated condition. The Applicant must submit a revised site plan

to the Brunswick Building Department to denote the change necessitated by the site plan condition.

The next item of business on the agenda was an application for site plan approval by Rifenburg Construction for its existing commercial complex located on Route 278. Tim Casey of Rifenburg Construction appeared on the application. Mr. Casey explained that Rifenburg was looking to put a 30' x 30' extension on the south side of its existing office building. Mr. Casey explained that there would be no change to the existing contours on the property, that the exterior of the extension would be architecturally consistent with the existing office building, and that the area of the proposed extension was located on the opposite side of the office building from Route 278 such that the extension would be screened by the existing office building. Mr. Casey also generally reviewed the parking areas on the site, concluding that adequate parking existed for the expansion area. Mr. Kestner stated that he had reviewed the site, and concurs that there is adequate room on the site for the proposed expansion as well as adequate parking areas with respect to the proposed expansion. Member Wetmiller inquired of Mr. Kestner whether more dedicated parking area needed to be shown on the site plan due to the increased office space area. Mr. Kestner stated that the adequate parking areas were shown on the site plan, and that the topography on the site allowed for additional overflow parking if necessary in many flat areas on the site. Member Tarbox noted that this would not have an impact on the residences located on the opposite side of Route 278, as the extension was on the opposite side of the existing office building and would be screened from those residences. The land use to the rear of the office building in the area of the proposed extension was farming. It was noted for the record that this site was not in an agricultural district, and that the property was zoned commercial. Mr. Kestner concluded that the project would use the existing curb cut off Route 278, that public water was

available, and that adequate septic area already existed. Hearing no further issues, Chairman Oster entertained action on the application. Member Tarbox made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 5-0, and a Negative Declaration adopted. Member Tarbox then made a motion to approve the site plan subject to payment of all application and review fees. The motion was seconded by Member Wetmiller. The motion was approved 5-0, and the site plan application approved.

Mr. Kreiger reviewed three items of old business.

First, Mr. Kreiger informed the Board that he was receiving additional information from Leatham concerning the firewood sales business located off Sycaway Avenue, and that the site plan matter would be moving forward.

Second, Mr. Kreiger informed the Board that both he and Mr. Kestner were in discussions with National Grid concerning a new access road to the Bald Mountain Road tower, to be located off Bellview Lane rather than Bald Mountain Road. This alternate access road had overall better topography and less distance. This matter will be subject to site plan review as drainage has been a concern in that general location.

Third, Mr. Kreiger informed the Planning Board that his work on creating a site plan database was proceeding, and was nearly complete. Mr. Kreiger distributed a draft database in its current form, and requested any additional information individual Planning Board members may have concerning the site plans listed on that database.

One item of new business was discussed.

A waiver of subdivision application has been received from George Morrissey, 24 Dusenberry Lane, for one lot to be located on Dusenberry Lane. Mr. Morrissey owns a 7.16 acre

lot, from which he is proposing to cut off a 22,400 square foot building lot in the R-15 zoning district. The proposed lot is adjacent to the 3-lot Brooks Subdivision, located on Route 142 in the vicinity of Dusenberry Lane. It was noted by the Planning Board that the proposed building lot was located adjacent to the proposed gabian retaining wall in connection with the Brooks Heritage, LLC major subdivision application and upgrade to Dusenberry Lane. This matter has been placed on the March 6, 2008 agenda for further discussion.

The **index** for the February 21, 2008 meeting is as follows:

1. Carriage Hill Estates PDD site plan and subdivision – extension granted on 3/1/2007 resolution;
2. Provost – major subdivision – 3/6/08, a public hearing at 7:00 p.m.;
3. Sugar Hill PDD site plan – 3/6/08;
4. Brooks Heritage, LLC – major subdivision – 3/6/08;
5. Omnipoint Communications, Inc. – site plan – approved;
6. Rifenburg Construction – site plan – approved;
7. Morrissey – waiver of subdivision – 3/6/08.

The proposed agenda for the March 6, 2008 meeting currently is as follows:

1. Provost – major subdivision – public hearing at 7:00 p.m.;
2. J.J. Cillis Builders – major subdivision;
3. Brunswick Associates – Sugar Hill Apartments PDD site plan;
4. Brooks Heritage, LLC – major subdivision;
5. Morrissey – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 6, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN,
KEVIN MAINELLO and DAVID TARBOX.

ABSENT were JOSEPH WETMILLER and FRANK ESSER.

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 major subdivision application by David Provost for property located off Norman Lane. The Notice of Public Hearing was read into the record. Paul Engster, Esq., appeared on behalf of the Applicant, and presented an overview of the proposed major subdivision. Mr. Engster identified the proposed four lots, with lot sizes of 2± acres, 18± acres, 20± acres, and 72± acres. It was noted that several residences were previously constructed on this one lot, and that two residences are proposed to be maintained as residential structures on separate lots pursuant to this application. It was also noted that Certificates of Occupancy had been issued for the two residences which are sought to be maintained as residential structures. Mr. Engster generally described the cul-de-sac to be constructed at the end of Norman Lane in connection with this project, and that each proposed residential lot will have frontage onto the cul-de-sac. Mr. Engster also stated that driveway profiles had been submitted, and that all driveways meet Town Standards. Chairman Oster then opened the hearing for receipt of public comment. Eleanor Georgapolous, Bald Mountain Road, inquired as to who would own and maintain the cul-de-sac at the end of Norman Lane. Mr. Engster stated that the cul-de-sac is situated in the Town of

Brunswick, as are all of the proposed subdivided lots, but that Norman Lane is situated in the Town of Pittstown. Pittstown has historically maintained Norman Lane. The cul-de-sac, as it is situated in the Town of Brunswick, will be owned by the Town of Brunswick, but that the Town Highway Department has agreed with the Pittstown Highway Department that the Town of Pittstown will plow the cul-de-sac at the time it plows Norman Lane. Ms. Georgapolous inquired whether the existing private driveway is adequate for construction vehicles, including trucks bringing in fill. Mr. Engster stated that the existing driveway has been in place for 30 years, has been recently inspected and found to be adequate. Ms. Georgapolous inquired whether the private driveway was adequate for construction trucks. Mr. Engster stated that the private roadway was adequate for construction vehicles. Steven Georgapolous, Bald Mountain Road, inquired as to who will maintain the roadway leading up to the houses. Mr. Engster stated that while Norman Lane and the cul-de-sac will be public roads maintained by the Town of Pittstown, the private roadway will be owned privately by the private property owners and maintained privately as well. Hearing no further comments, Chairman Oster closed the public hearing on the Provost major subdivision.

Chairman Oster then opened the regular business meeting of the Planning Board.

The draft minutes of the February 21, 2008 meeting. A typographical correction was made on Page 8, changing "gabian" to "gabion". A correction was made to Page 9, Line 9, changing "6 antennas" to "3 antennas". Subject to the two noted corrections, the Planning Board unanimously approved the minutes of the February 21, 008 meeting.

Chairman Oster noted that the Cillis major subdivision application has been adjourned to the March 20 meeting agenda at the request of the Applicant's engineer.

The first item of business on the agenda was the major subdivision application by Provost for property located off Norman Lane. Chairman Oster noted that a number of issues on this application had been addressed, including access issues for each lot, drainage issues, cul-de-sac construction

issues, and compliance with Certificates of Occupancy for the residential structures. Chairman Oster noted that the Applicant has agreed to a dry hydrant being installed on the pond on Lot C, and that an Agricultural Data Statement had been filed and served. Member Czornyj asked whether the driveway to Lot C met private road standards. Mr. Kestner stated that the private road did meet Town Standards. Member Mainello inquired whether the existing driveway that will be utilized crosses both Lot C and D, and specifically whether the Lot C driveway traverses a portion of Lot D and then back onto Lot C. Mr. Engster stated that the lot line was drawn in that way for purposes of compliance with setbacks for existing structures, and that an easement will be granted between these lots for that portion of the driveway going onto Lot D. However, Mr. Engster did note that Lot D was designed in such a way that it has direct frontage on the new cul-de-sac, so that a new driveway solely for Lot D could be constructed. Member Tarbox inquired whether a right of way or easement needed to be created for access of the fire department and Town to the dry hydrant on Lot C. Attorney Gilchrist stated that an easement should be provided which will allow access. Mr. Engster stated that the Applicant would consent to such an easement. Member Czornyj inquired whether the cul-de-sac met Town Specifications. Mr. Kestner stated that the diameter of the cul-de-sac is compliant with Town Specifications, but that the cul-de-sac has been constructed through the sub-base stage, and that he had not been in attendance to witness that construction. However, Mr. Kestner said it was his understanding that Highway Superintendent Eddy was present while the cul-de-sac sub-base was being constructed, and that Mr. Kestner will consult with Mr. Eddy. Upon further discussion, it was determined that the application was ready for action. Member Czornyj made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 5-0, and a Negative Declaration adopted. Thereupon, Member Czornyj made a motion to grant final approval to this subdivision, subject to the following conditions:

1. Rensselaer County Health Department approval for all residential lots.
2. The construction of the cul-de-sac must be approved by the Brunswick Highway Department.
3. The Applicant must establish a cash escrow with the Town of Brunswick to cover the costs of installing the binder and top course of pavement on the cul-de-sac, in an amount to be determined by the Brunswick Highway Department and Town Consulting Engineer, and that such cash escrow must remain on deposit with the Town of Brunswick until such time as the cul-de-sac is offered for dedication and accepted by the Town of Brunswick.
4. Payment of Park and Recreation fee of \$500.00 per lot, for a total payment of \$2,000.00.
5. Payment of all engineering review fees.
6. Provision of an easement by the Applicant to the appropriate fire department-district and the Town of Brunswick for access across Lot C for purposes of installation and operation of a dry hydrant on the pond located on Lot C.

Member Mainello seconded the motion subject to the stated conditions. The motion was approved 5-0, and final conditional approval granted on the application.

The next item of business on the agenda was the Sugar Hill Apartments PDD site plan application. Tim Owens of Brunswick Associates appeared on the application. Mr. Owens confirmed that at the last meeting, he had submitted an overall landscaping plan for the entire site, as well as a typical building landscaping plan. Mr. Kestner stated that he had been in contact with the engineer on the project, and had requested that confirmation be made that there is no impact to existing vegetative screening nor area for new vegetative screening near the proposed retaining wall to the rear of the site. Mr. Owens stated that while that work was ongoing, there would be no impact to this area for purposes of installing new vegetative screening, and that no existing vegetation would be removed. On this issue, Mr. Owens stated that white pines would be planted to be consistent with the remainder of the Sugar Hill Apartment complex. Member Mainello inquired as to the proposed build-out. Mr. Owens stated that the road and infrastructure for the entire project would be built first,

and that each building would be constructed in sequence. The Board stated that on the existing Sugar Hill complex, the build-out took several years and new buildings were only constructed when the need arose. Mr. Owens stated that with respect to these proposed 5 buildings, all 5 buildings would be built at one time, in a sequential manner. Attorney Gilchrist reviewed the procedural status of this application, which includes PDD approval by the Brunswick Town Board, which also completed SEQRA compliance as SEQRA Lead Agency. This site plan application is now pending in front of the Planning Board for final review and approval. In that regard, Attorney Gilchrist stated that the Planning Board must determine whether to hold a public hearing on this site plan, as the site plan regulations allow for a discretionary public hearing. Attorney Gilchrist also reminded the Board that the Brunswick Town Board had held several public hearings on the PDD application, but the determination to hold a public hearing on the site plan is discretionary with the Planning Board. Mr. Kestner stated that he had requested the water and sewer proposal to be put on the site plan, and that the stormwater plan should also be included on a site plan. Mr. Owens stated that the Hershberg Engineering firm was completed the Stormwater Plan, and imposing that onto the site plan, and that those plans should be delivered to the Town Hall by the end of the current week. Further, Mr. Owens stated that Harold Berger, P.E. was doing the update on the Water and Sewer Plan given the building and road realignment, and that such final report should be submitted to the Planning Board by the early part of the following week. Thus, Mr. Owens stated that within a few days, the Planning Board would have a complete site plan, two landscaping plans, a Stormwater Management Plan imposed on the site plan by the Hershberg firm, and a full water and sewer report imposed upon the current site plan by Harold Berger, P.E. Member Czornyj had an additional question concerning lighting on the additional building entrances. Mr. Owens reviewed the proposed lighting plan. This matter has been placed on the agenda for the March 20 meeting for further consideration.

The next item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. William Doyle, Esq., Geoffrey Brooks, and the project engineer appeared on the application. Attorney Doyle stated that the application was front of the Planning Board for final findings and recommendation on the two requested waivers on this application, including waiver from Highway Design Standards as well as waiver from the number of lots on a cul-de-sac road. Attorney Doyle emphasized that in the event the Town Board granted the requested waivers, the Applicant would be back before the Planning Board for completion of the subdivision review on this project. Attorney Doyle stated that significant additional engineering data had been submitted on the proposed subdivided lots, and that the Applicant had shown that each of these lots are buildable. Further, as the Planning Board did have questions regarding wetlands and slopes in terms of the building lots, Geoffrey Brooks presented a PowerPoint presentation on other subdivisions he had constructed where steep slopes and wetlands had been included in the design plans. The Planning Board then entertained significant discussion concerning the requested waivers. Member Mainello raised several concerns regarding the proposed design and construction of the upgrade to Dusenberry Lane, including significant concerns on the gabion retaining wall construction, drainage, and sight lines. Member Czornyj shared concerns with Member Mainello regarding upgrades to Dusenberry Lane, and stated that while an additional 22 lots on a cul-de-sac road may not be an issue, that number of lots and the overall project design will work only if the proposed upgrades to Dusenberry Lane can be achieved. On that point, the Planning Board did confirm that the two requested waivers are interrelated, and must be considered together. Further, the Board did concur that the additional 22 lots would be appropriate only in connection with the upgrade to the existing Dusenberry Lane, and that the engineering for those upgrades must be confirmed. After extensive deliberation, the Planning Board adopted a positive recommendation on the two requested waivers, with Members Oster, Czornyj, Christian and Tarbox voting in favor,

and Member Mainello voting in opposition to the waiver requests. The fact findings and recommendations will be sent to the Town Board for consideration by the Town Board. This matter has been tentatively placed on the March 20, 2008 agenda, pending action by the Town Board on the requested waivers at its March meeting.

The next item of business on the agenda was a waiver of subdivision application by George Morrissey for property located on Dusenberry Lane. George Morrissey, 24 Dusenberry Lane, appeared on the application. Mr. Morrissey stated that he currently owns a 7.16 acre lot, and is seeking to divide off a 26,400 square foot lot located in the R-15 zoning district. This lot would be situated adjacent to the Brooks 3 lot subdivision located at the intersection of Dusenberry Lane and Route 142. The proposed residential lot is approximately 120 feet wide, and 220 feet deep. The key issue discussed by the Planning Board was a proposed driveway location, as this proposed lot is in the area where a proposed gabion retaining wall is proposed for construction by Brooks in connection with the Brooks major subdivision. Chairman Oster inquired whether Morrissey and Brooks were coordinating on this issue, and the Planning Board was advised that discussions have begun between Morrissey and Brooks concerning the driveway location, and further that discussions are being entertained concerning additional grading on the Morrissey lot outside the public right of way, which could result in the elimination of the need for the gabion retaining wall in connection with upgrades to Dusenberry Lane. The Planning Board urged the parties to continue discussions, and that the elimination of the gabion retaining wall would be viewed as preferable. It was ultimately determined to adjourn further discussion on this application to allow Morrissey and Brooks to pursue discussions, and this matter has been placed on the March 20 agenda for further discussion.

One item of new business was discussed.

A concept site plan was submitted by National Grid concerning a new access road to its tower located on Bald Mountain to be located off Bellview Road as opposed to its current access off

Bald Mountain Road. Ron Kowalski of National Grid's Syracuse office presented the application. Mr. Kowalski explained that two waivers from Town Private Roadway Standards must be requested, as National Grid was looking to install a 12 foot wide access road from Bellview Road to its tower site, and that the grade on the proposed road would be approximately 20% (change in elevation of 40 feet over a 200 feet road). Mr. Kowalski explained that while the grade of the road would still be above Town Standard, this would be a significant improvement over the existing access road to the tower site off Bald Mountain Road. Mr. Kowalski stated that National Grid would design appropriate drainage features. Member Tarbox asked whether the new road would be paved. Mr. Kowalski stated that National Grid was not going to pave the road, but make it a crushed stone road. There was discussion concerning Bellview Road, including whether the road bed was owned by the Town and what party was maintaining the entire length of Bellview Road, including the area where the new proposed access road would be. Mr. Kestner stated that the existing access road off Bald Mountain Road is 16 feet wide, and that width was required by the fire department in order to get an emergency vehicle up to the tower site. Mr. Kestner also stated that stormwater management is a critical issue in this area, since there is already an existing drainage issue on Bellview Road. Mr. Kestner stated that there would be substantially more stormwater runoff in connection with a road improvement, and that management of that stormwater would be a significant issue. Mr. Kowalski understood that additional engineering work would be required, but wanted some indication from the Planning Board that this new access road was feasible, and an improvement over the existing access road off Bald Mountain Road. The Planning Board, after discussion, generally concurred that a new access road would be an improvement over existing conditions, but would require additional detailed engineering work on the road, and most particularly concerning stormwater management. Mr. Kowalski understood that direction, and stating that the appropriate engineering work for a complete site plan application would now be put together. Attorney Gilchrist stated that in connection with the

requested waivers, as these were waivers from Town Development Standards, the Planning Board would need to make the appropriate fact findings and recommendation, but that this matter would need to be addressed by the Town Board. The Applicant will be submitting additional information on the site plan application, and this matter has been tentatively scheduled for the April 3, 2008.

The index for the March 6, 2008 meeting is as follows:

1. Provost – major subdivision – final conditional approval;
2. Sugar Hill PDD site plan – 3/20/08;
3. Brooks Heritage, LLC – major subdivision – 3/20/08;
4. Morrissey – waiver of subdivision – 3/20/08;
5. National Grid – site plan – 4/3/08.

The proposed agenda for the March 20, 2008 meeting currently is as follows:

1. Cillis – major subdivision;
2. Sugar Hill Apartments PDD site plan;
3. Brooks Heritage, LLC – major subdivision;
4. Morrissey – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 20, 2008

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

ABSENT were GORDON CHRISTIAN and KEVIN MAINELLO.

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

Chairman Oster opened the regular business meeting of the Planning Board.

The Planning Board members reviewed the draft minutes of the March 6, 2008 meeting. A typographical correction was made on Page 5, Line 14, changing "was completed" to "has completed". A correction was made to Page 6, Line 3, adding "in" front of Planning Board. Subject to the two noted corrections, the Planning Board unanimously approved the minutes of the March 6, 2008 meeting.

Chairman Oster noted that the Cillis major subdivision application has been adjourned to the April 3, 2008 meeting agenda at the request of the Applicant's engineer and the Applicant.

The first item of business on the agenda was the Sugar Hill Apartments PDD site plan application. Tim Owens of Brunswick Associates appeared on the application. Mr. Kestner acknowledged that he had received the Stormwater Plan prepared by Hershberg Engineering and updated water and sewer plans prepared by Harold Berger, P.E. necessitated by the building and

road realignment. Major changes to the plans since May 2007 have to do with approval of loop road, thus requiring drainage changes as follows: (1) 15 catch basins, and (2) 7 lawn basins.

The sediment filter/overflow basins remain the same. As of the meeting, the Planning Board had not had the opportunity to review the new engineering plans. With respect to the Stormwater Plans, Mr. Kestner prepared a review letter dated March 19, 2008, which discussed the following:

1. paved area of site has been reduced, but calculations are essentially the same;
2. 8" storm sewers are shown on plan – town recommends 12". Applicant agreed to change;
3. Town recommends 4' diameter catch basins to allow for ease of maintenance. Applicant agreed to 4' diameter;
4. recommendation to add silt fencing on opposite side of road entering property, so as to enclose site. Applicant will add silt fencing on opposite side of road and will make sure project drains into the site;
5. at sheet C-3, plan says 400' elevations; should say 200'. Applicant agreed to change detail.

Mr. Kestner's review letter further notes that the Planning Board will need actual construction drawings, and that there are no elevations currently shown for catch basins. Applicant again noted that the engineering changed due to approval of loop road and grade changes. Applicant further advised that there will be the addition of 8" valve for future connection to McChesney, near the proposed tennis courts.

Center Brunswick Fire Department has received, but has not reviewed, the revised plans. Force main run through center of site – 3 hydrants with pull-offs/turnoffs.

John Mainello of Brunswick No. 1 Fire Department was present and reviewed the plans brought by the Applicant. Mr. Mainello stated that the placement of the hydrants should work out. The Fire Department wants to make sure that the hydrants are close enough that the Department can use all hydrants with 1000' of hose to cover the project site. Chairman Oster requested the Fire Department to issue a letter to the Planning Board and/or the Applicant stating that the plans are acceptable to the Department. The Applicant agreed to add valves at the end of the stubs, not plugs. Mr. Kestner stated that all water mains have 5' of cover and arrangements must be made so the Town can witness pressure and disinfectant testing. Mr. Kestner further noted that as and for the sewer system, there are no details of clean-out on grinder pumps. The Applicant agreed to have Harold Berger, P.E. add that detail to the plans.

Mr. Kestner indicated that in general the water/sewer plans look fine. Attorney Coan then reminded the Board that they must determine whether to hold a public hearing, but that a public hearing on a site plan was discretionary with the Planning Board. The Planning Board determined to hold a public hearing and this matter has been scheduled for a public hearing on April 3, 2008 at 7:00 p.m. Mr. Kestner would like the amended plans delivered to the Planning Board one week prior to the public hearing.

The next item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. Chairman Oster noted that the Town Board granted the 2 requested waivers. This matter has been adjourned to the April 3 meeting agenda at the request of the Applicant.

The next item of business on the agenda was the waiver of subdivision application by George Morrissey for property located on Dusenberry Lane. This matter has been adjourned to the April 3 meeting agenda at the request of the Applicant.

One item of old business was discussed.

A concept site plan had been submitted by National Grid concerning a new access road to its tower located on Bald Mountain to be located off Bellview Road. Mr. Kreiger advised that he received an e-mail from National Grid indicating that the Applicant still needed time to complete engineering work on complete site plan application. This matter has been tentatively scheduled for the May 1, 2008 meeting.

Chairman Oster noted that he received a letter from the Historic Commission regarding an offer to set up a seminar on historic preservation issues. Attorney Coan noted that attendance at such a seminar would count as 1 hour towards the required 4 hours training. A copy of the letter was made available for all members to review.

Chairman Oster reviewed a letter from Attorney Gilchrist regarding the Duncan Meadows Planned Development District. Chairman Oster inquired whether a public hearing will be scheduled in this matter and would like the Planning Board to be involved. Mr. Kestner explained that the Town Board was looking for input from the Planning Board on scoping issues. The Planning Board generally reviewed the proposed plan of development submitted by the Applicant. The Draft Scoping Document submitted by the Applicant describes the project as having:

- 48 senior apartment units down by pond
- 78 town homes; and
- 88 condos

The Fire Department acknowledged that it had received a copy of the map and Draft Scoping Document. The Fire Department appeared to give approval of the divided boulevard near the senior apartments.

No new business was discussed.

The **index** for the March 20, 2008 meeting is as follows:

1. Cillis – major subdivision – adjourned to 4/3/08;
2. Sugar Hill PDD site plan – public hearing - 4/3/08;
3. Brooks Heritage, LLC – major subdivision – adjourned to 4/3/08;
4. Morrissey – waiver of subdivision – adjourned to 4/3/08;
5. National Grid – site plan – 5/1/08 (tentatively scheduled).

The proposed agenda for the April 3, 2008 meeting currently is as follows:

1. Cillis – major subdivision;
2. Sugar Hill Apartments PDD site plan – public hearing;
3. Brooks Heritage, LLC – major subdivision;
4. Morrissey – waiver of subdivision.

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK,
Rensselaer County,
City of Troy.

ss:

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 7:00 p.m. on
Thursday, April 3, 2008, at
the Brunswick Town Hall,
336 Town Office Road,
Brunswick, New York, to
review the site plan
application submitted by
Brunswick Associates of
Albany, L.P. for the Sugar Hill
Apartment Planned
Development District, which
currently proposes 60
apartment units located in
five (5) apartment buildings,
with parking and sewer and
water connections to the
existing Sugar Hill
Apartments infrastructure.
The Brunswick Town Board
has approved the Planned
Development District and
SEORA has been
completed on this action.
Copies of the site plan and
detailed water and sewer
plan documents 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
with respect to the site plan
and detailed plan documents.
DATED: March 24, 2008
Brunswick, New York
THE PLANNING BOARD
OF THE TOWN OF
BRUNSWICK
By: Russell Oster, Chairman
795583 3/25

R. Willett of the City of Troy, in the county of Rensselaer and State of New York, being duly sworn, deposes and says that she is the Principal Clerk of the Troy Publishing Company, a Corporation duly organized under the laws of the State of New York; that said Corporation is the publisher of The RECORD, a daily newspaper printed and published in the City of Troy and County of Rensselaer, and that the notice of which the annexed is a printed copy, has been regularly published in The RECORD.

ONCE DAILY for ONE DAY

to wit: on the 25th day of March, 2008

Sworn before me, this

25th day of March, 2008

Ruth Willett

[Signature]

Notary Public, State of New York
01BE607222

Qualified in Rensselaer County
Commission Expires April 01, 2010

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 3, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, 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.

Chairman Oster noted that upon request of the respective Applicants, the following applications have been adjourned and rescheduled for the April 17, 2008 meeting:

Cillis – major subdivision
Brooks Heritage, LLC – major subdivision
Morrissey – waiver of subdivision

Chairman Oster noted that the Sugar Hill Apartments PDD site plan application will be entertained at the April 3, 2008 meeting.

Chairman Oster then opened the public hearing on the Sugar Hill Apartments PDD site plan. Attorney Gilchrist read the Notice of Public Hearing into the record, stating that such public notice had been published in the Troy Record, sent to all properties owners located within 500 feet of the project site, posted on the Town Notice Board and website. Chairman Oster then requested the Applicant to present an overview of the site plan. Tim Owens, representing Brunswick Associates of Albany, LP, presented an overview of the site plan. Mr. Owens reviewed the general site layout, access and road system, water and sewer infrastructure, total number of buildings and units, parking, lighting, landscaping, and stormwater plan. Mr. Owens

also identified the total construction area of approximately 2.5 acres, with the remaining 10.2 acres of the PDD site remaining as open greenspace. Mr. Owens confirmed that the proposed 5 apartment buildings, 60 apartment units represented the full and total build-out for the total 12.75 acre site. Upon completion of this overview, Chairman Oster opened the floor for receipt of public comments. Tim Bolliger, 446 McChesney Avenue Extension, presented comments concerning the stormwater plan. Mr. Bolliger reviewed a series of photographs concerning the project site, and presented two of these photographs to the Planning Board for review. Mr. Bolliger stated that the site consisted primarily of shale and clay, and that stormwater ran off from this site onto flats, road across those flats to the Sweetmilk Creek, and eventually into the Poestenkill Creek. Mr. Bolliger was concerned regarding the transmission of fertilizers, lawn chemicals, anti-freeze, oils, garbage, and other materials in the stormwater runoff to these water bodies. Mr. Bolliger generally discussed the current drainage patterns from the project site, including runoff from the property owned by Clifford Bonesteel. Mr. Bolliger stated that he needed more information on how the catch basin and overall stormwater system worked. Mr. Bolliger questioned maintenance of the stormwater system, and whether pollutants were filtered. Mr. Bolliger stated that he had concern regarding off site water bodies, which include a Class C trout stream. Mr. Bolliger also stated he was concerned regarding impact to his property, and identified the location of his property on the site plan for the Planning Board members. Mr. Owens responded to these comments with a discussion regarding the location and number of detention basins in the proposed stormwater system. The issue of the location of the barn on this property was raised, and its relation to the drainage patterns of this site. Mr. Kestner reviewed the design of the Stormwater Pollution Prevention Plan, plus a general discussion of the DEC Stormwater Regulations, which require stormwater management in terms of quantity and quality

of water. Mr. Bolliger also raised concern regarding maintenance of the barn structures on this property, and that these structures should be restored and maintained. Mr. Owens responded that as part of the PDD approval, the owner has committed to maintaining the large barn existing on the property, that the two smaller ancillary buildings are in very bad structural shape and may be removed, and that maintenance of the silo is being investigated. Mr. Bolliger stated that the large barn should also be restored, raising questions regarding its roof and structural integrity. Chairman Oster then inquired whether there was any further public comment. Hearing none, Chairman Oster closed the public hearing on the Sugar Hill Apartments PDD site plan.

Chairman Oster then opened the regular business meeting for the Planning Board.

The Planning Board reviewed the draft minutes of the March 20, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes were approved unanimously without amendment.

Chairman Oster noted that with respect to the Cillis major subdivision application, Mr. Kestner will be meeting at the project site with the project engineer to discuss stormwater issues, and particularly stormwater runoff from the project site onto Cole Lane.

The first item of business addressed by the Planning Board was the Sugar Hill Apartments PDD site plan. Member Wetmiller inquired about the stormwater management system, and particularly the issue of future maintenance. Mr. Kestner reviewed the maintenance requirements for the detention basins, which includes the construction of a ring road around the perimeter of the detention basins to allow access for maintenance vehicles. Member Wetmiller inquired as to who monitors the detention basins to determine whether they are being properly maintained. Mr. Kestner stated that the private owner is responsible for maintenance. Member Wetmiller inquired whether an annual report could be required from the private owner to the

Town to make sure that the basins were being maintained. Attorney Gilchrist stated that the Town has required stormwater detention basins on land use projects to be privately owned, either through the creation of a Homeowners Association or through a single-parcel owner in connection with commercial site plans. The Town has also required the execution of Stormwater Management Facilities Maintenance Agreements, which places the maintenance responsibility of the detention basins onto the private owners, but does provide an easement to the Town of Brunswick for access for maintenance purposes in the event the private owner fails to maintain the basins, with the ability of the Town to charge back those costs to the private owner. Mr. Kestner also reviewed two recently adopted local laws pertaining to a stormwater management program, which identifies the Superintendent of Utilities and Inspections as the person in charge of stormwater facility inspections. Mr. Kestner explained that the Town is under an annual reporting requirement to the State in terms of its own stormwater management, and in turn the Town will be implementing an inspection schedule for privately owned and maintained facilities, which inspections must be included as part of the Town's annual report. Chairman Oster noted that with the number of projects and stormwater basins being constructed, this will become an increasing burden on the Town. Chairman Oster also questioned as to the ultimate disposal of material removed from detention basins during maintenance activities. Mr. Kestner stated that in the ordinary course, that material can remain on the site but placed in an area that will not impact offsite properties or water bodies. Further, Mr. Kestner stated that if there is any question concerning the quality of the sediment being removed, then sampling of the material would be undertaken and properly characterized for ultimate disposal. Mr. Kestner reiterated that this is the responsibility of the private owner. Member Czornyj noted that on the Sugar Hill Apartment PDD site, the area of the greenspace should not be utilized for discharge of sediment from

detention basins during maintenance activities, and that the material should be removed from the site. Chairman Oster noted that Mr. Kestner's office had prepared a comment letter on engineering plans pertaining to water, sewer and stormwater dated March 28, 2008, identifying 23 items which needed to be addressed on the engineering plans. Mr. Kestner reviewed that letter, and the Applicant has agreed to all of the items, except one concerning the specifications for a manhole for a cleanout of the sewer lines. There are a total of 5 of these manholes for cleanout on the site plan. Tim Owens responded to this issue of the manhole cleanout, which includes applicability of OSHA Requirements for worker health and safety depending on the specification used. It was decided that the engineering review comments would be placed on the engineering plans as map notes, and that Mr. Kestner would work directly with the Applicant's engineers on these issues. Attorney Gilchrist also noted that he would review the file for purposes of appropriate conditions to be placed on any action by the Planning Board concerning the Sugar Hill Apartments PDD site plan. Member Esser had a question regarding emergency generators for operation of the grinder pumps in connection with the sewer system in the event of power failures. Mr. Owens stated that backup generators are available, and Mr. Kestner also addressed the issue as well. Chairman Oster requested Mr. Owens to review the issue of maintenance of the onsite barn structures. Mr. Owens confirmed that the large barn located on the site is structurally sound, and that it will be maintained. Mr. Owens stated that the two outbuildings were in poor structural condition and beyond repair. Mr. Owens did state that the integrity of the silo is currently being investigated, and that the owner is intent on salvaging the silo if possible. The Planning Board requested that the engineering plans be amended to add the applicable map notes, and this matter is placed on the April 17 agenda for further action.

Mr. Kreiger reviewed two items of old business.

First, Mr. Kreiger has been contacted by Mr. Kowalski of National Grid, who confirms that full site plan materials will be submitted to the Town concerning alternate access to its Bald Mountain tower, and reiterates his request to be placed on the May 1 agenda. The Planning Board did note that there was an issue raised by an adjoining property owner as to the legal right to access the National Grid parcel through easement. This matter will need further investigation. Second, Mr. Kreiger also updated the Board that in terms of the Cobblestone Associates Subdivision on Tambul Lane, it is his understanding that the area for the speed control sign on Tamarac Road has been cleared, and that the speed control sign should be installed shortly. It is reiterated for the record that no Building Permits may be issued on any of the approved subdivided lots until such time as the speed control sign has been installed and is functional.

One item of new business was discussed. A site plan application has been submitted by Knowles GMC, Inc. (Gendron Truck Center) for the operation of a used car and truck business at 825 Hoosick Road, the site of the former "Brunswick Antiques" store located west of Feather's Furniture. This matter is placed on the April 17 agenda for review of the preliminary site plan.

The **index** for the April 3, 2008 meeting is as follows:

1. Sugar Hill PDD site plan – 4/17/08;
2. Cillis – major subdivision – adjourned to 4/17/08;
3. Brooks Heritage, LLC – major subdivision – adjourned to 4/17/08;
4. Morrissey – waiver of subdivision – adjourned to 4/17/08;
5. Knowles GMC, Inc. – site plan – 4/17/08.

The proposed agenda for the April 17, 2008 meeting currently is as follows:

1. Sugar Hill Apartments PDD site plan;
2. Cillis – major subdivision;

3. Brooks Heritage, LLC – major subdivision;
4. Morrissey – waiver of subdivision;
5. Knowles GMC, Inc. – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 17, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, 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.

Chairman Oster reviewed the Agenda for the April 17, 2008 meeting, noting that the Cillis major subdivision application has been adjourned to the May 1, 2008 meeting at the request of the Applicant's engineer. Chairman Oster further noted that the Brooks Heritage, LLC major subdivision application has been adjourned without date at the Chairman's request, and the Morrissey waiver of subdivision has been adjourned without date at the request of the Applicant.

The Planning Board reviewed the draft minutes of the April 3, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were approved unanimously without amendment.

The first item of business addressed by the Planning Board was the Sugar Hill Apartments PDD site plan. Tim Owens was present on behalf of the Applicant, Brunswick Associates of Albany, L.P. Consensus was that public comments made at the public hearing on April 3, 2008 were adequately addressed by the Applicant. The Applicant is required to execute a Stormwater Management Facilities Maintenance Agreement whereby it is the responsibility of the private owner to maintain the detention basins and provide an easement to the Town of

Brunswick allowing access for maintenance purposes in the event the owner fails to maintain the basins. The Town will then charge back the maintenance costs to the owner. The easement is to further provide at least 10' flat width at the top of the bank to work on the basins. Tim Owens and Mark Kestner noted that the plans show the basins with sufficient area to drive around and in between the basins for maintenance purposes.

The Applicant discussed the issue of the disposal of material removed from detention basins during maintenance activities. The Applicant requested manholes covers so that no one will have to climb in to maintain the sewer lines. The 23 items identified in Mr. Kestner's comment letter of March 28, 2008 have been adequately addressed on the plans.

After a question by Chairman Oster, Mr. Owens addressed the structures currently on the project site. Mr. Owens said the large barn located on the site is structurally sound and will be maintained, but that the two outbuildings will be removed due to their poor condition. Mr. Owens further stated that investigation of the silo may reveal that it is beyond useful life, however, the Applicant would like to maintain it if possible.

Member Tarbox had a question regarding the manhole diagram as to whether the 12" drain at the bottom is a typical design. Member Tarbox had concern about impacts on groundwater. Mr. Kestner noted that there can be a poured base which will allow the drain to be pumped out, but that it is fine to have a drain at the bottom. Mr. Kestner noted that this is a standard design that can be used, and while the drain has a little leakage, there is not much. Mr. Kestner indicated he is fine with the design.

At that point, the conditions imposed by the Planning Board were read and accepted by the Applicant. The conditions are as follows:

1. Final engineering comments;

2. All necessary approvals for public water and public sewer plan;
3. Execution of all necessary agreements by the Applicant with the Town Board;
4. Filing all necessary performance bonds with the Town;
5. Funding the appropriate engineering inspection escrow;
6. Payment of park and recreation fee; and
7. Payment of all municipal review fees.

Member Czornyj made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 5-0, and a Negative Declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the foregoing conditions. This motion was seconded by Member Wetmiller. The motion was approved 5-0, and the site plan approved subject to the stated conditions.

Mr. Owens expressed his gratitude to the Planning Board, the Fire Department and others stating that he has a "better project for it".

The next item of business on the agenda was the major subdivision application by Cillis for property located off Cole Lane. Russ Reeves is the project engineer. Chairman Oster stated that a meeting was held at the project site on April 7, at which time stormwater issues and the stormwater management system was discussed. Chairman Oster, Member Christian, Member Mainello, Mr. Kestner, the Applicant and Russ Reeves, P.E. were all in attendance. Mrs. Abbey Kylie, who resides at 63 Cole Lane, also appeared at the site. Mrs. Kylie's house is located 100' - 150' down Cole Lane at the bend. Mrs. Kylie has concerns about the school bus turnaround and would like to ensure there are adequate and properly designed turnarounds. It was explained to Mrs. Kylie that there would be a proper road and cul-de-sac constructed as part of the project. Mr. Kestner sent Mrs. Kylie a letter indicating that a public hearing would be scheduled, and the Planning Board would review all plans. This matter is placed on the May 1st agenda for further discussion. The matter will be placed at the end of the agenda per the Applicant's request.

The next item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. This matter is adjourned until the Planning Board is in receipt of revised drawings to be submitted by the Applicant. The plans are to be submitted and reviewed by Mr. Kestner and Mr. Kreiger at least one week before this matter is placed back on the agenda.

The next item of business on the agenda was the waiver of subdivision application by George Morrissey for property located on Dusenberry Lane. This matter has been adjourned without date at the request of the Applicant, who further indicated that his attorney is in discussions with the attorney for Brooks Heritage, LLC. The Applicant will contact Mr. Kreiger when he would like to be placed back on the agenda.

The next item of business was the site plan application by Knowles GMC, Inc. (Gendron Truck Center) for the operation of a used car and truck business at 825 Hoosick Road, the site of the former "Brunswick Antiques" store located west of Feather's Furniture. Kevin Boyd appeared on behalf of the Applicant. The Planning Board is in receipt of an unstamped sketch plan. The Applicant proposes the following uses:

- site will be used as a car and truck sales point;
- will have an area for cars/trucks to be washed with a hose;
- there will be no mechanics on site;
- 40 parking spaces are desired for cars and trucks, with 6 to 8 customer spaces in front of building;
- lot will be used to display used cars and trucks

The Board cautioned and, the Applicant understands that the Little League needs to access their fields over an easement along side of the property. This site was formerly utilized as a transmission repair place, antique shop and BOCES. Member Esser requested that the Applicant submit a more detailed drawing with all parking depicted, as well as identifying access

to the site. Member Esser further questioned what the Applicant will do with wastewater from the "carwash". The Applicant confirmed that there is a sanitary sewer on the property, and Mr. Kestner indicated the State has a storm sewer on site as well.

The Applicant wants to use the property for storage and to show vehicles inside the building, especially during winter. Mr. Kreiger produced old plans for the site. The car and truck center will be open on Saturday to correspond with other car dealerships, but closed on Sundays. The Planning Board again cautioned the Applicant to be mindful of Little League games.

A recommendation will be sought from the Rensselaer County Department of Economic Development and Planning because it is located on a County Highway.

Dust from the Little League fields are not of concern to the Applicant. The Applicant washes about ½ dozen cars per day. There is a floor drain to a dry well in building. Mr. Kestner will revisit what was done when transmission place was there.

The Planning Board has requested that the Applicant submit stamped drawings one week prior to the next scheduled meeting on May 1st. A public hearing was then scheduled in this matter for May 15.

Three items of old business were discussed.

First, Mr. Kreiger was previously contacted by Mr. Kowalski of National Grid, who confirmed that full site plan materials will be submitted to the Town concerning alternate access to its Bald Mountain tower. The matter was placed on the May 1st agenda.

Second item of old business concerned Brunswick Meadows PDD. It was noted that approvals were obtained from the Town Board last week, and the Applicant will be submitting a preliminary site plan and detailed drawings for the pump station when the same are complete.

Mr. Kestner would like the Applicant to present the project to the Board, so work can be done on any plans as issues arise.

The third item of old business discussed was the minor subdivision application by Kirk and Stephanie Gendron for property located on Route 278. The Applicants sent a letter to the Town indicating that they have failed to get the approved site plan filed with the County Clerk within 60 days. The Applicants requested to be placed on the agenda to have the Board "restamp" the subdivision, at which time they will file the plan with the County. This matter is placed on the May 1st agenda for further review. The Board has requested that counsel look at whether the Board can simply issue a new approval for the same project, or whether the Gendrons need to file a new application and remit a separate application fee.

One item of new business was discussed. John Kreiger received a letter from Sherrie Rounds on behalf of the Troy/Cohoes YWCA, which seeks to hold an event in the Walmart parking lot. Each member of the Planning Board has received a copy of the letter. The event would be a fundraiser for the YWCA; "Gillette Bros." sets up a carnival and then picks a specific organization to receive a portion of the proceeds. The event is proposed to take place May 28 – June 1, including set up and take down, and includes the sale of food and 10 amusement rides. The YWCA is seeking a special use permit, but Mr. Kreiger believes the YWCA needs site plan approval instead. Walmart apparently is okay with the event taking place in their parking lot. Further discussion was had as to whether Town Board approval of event was needed first. This matter is tentatively placed on the May 15 agenda. This matter is referred to the Town Board for their next meeting on May 8.

The meeting was then adjourned on motion of Member Esser, which was seconded by Member Tarbox.

The **index** for the April 17, 2008 meeting is as follows:

1. Sugar Hill PDD - site plan – approved subject to conditions;
2. Cillis – major subdivision – 5/1/08;
3. Brooks Heritage, LLC – major subdivision – adjourned without date;
4. Morrissey – waiver of subdivision – adjourned without date;
5. Knowles GMC, Inc. – site plan – 5/1/08.

The proposed agenda for the May 1, 2008 meeting currently is as follows:

1. Cillis – major subdivision;
2. Knowles GMC, Inc. – site plan;
3. National Grid – site plan;
4. Gendron – minor subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 1, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, 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.

Chairman Oster reviewed the tentative agenda. At the request of the Applicant, the major subdivision application by J.J. Cillis for property located off Cole Lane has been adjourned and rescheduled for the May 15, 2008 meeting. A site visit will be held on May 5 with the project engineer, Russ Reeves, P.E. Also, Chairman Oster noted that the site plan application by National Grid has been adjourned at the request of the Applicant without date, pending resolution of all outstanding engineering issues on the site plan. Mr. Kestner noted that he has requested a full Stormwater Management Report plus additional information on the proposed access road off Bellview to the Bald Mountain tower. Chairman Oster noted that the site plan application of Knowles GMC, Inc. (Gendron Truck Center) and the Gendron minor subdivision application will be entertained.

The draft minutes of the April 17, 2008 meeting were reviewed. At Page 2, reference to "Member Tarbox" is corrected to reference "Member Wetmiller". At Page 3, the vote totals referenced as "5-0" are corrected to "7-0". At Page 3, reference to "Member Mainello" is corrected to reference "Member Tarbox". At Page 5, reference to "County Highway" is

corrected to reference "State Highway". Subject to the listed corrections, a motion was made by Member Czornyj to approve the minutes of the April 17, 2008 meeting, which motion was seconded by Member Tarbox. The motion was approved 7-0, and the minutes approved as corrected.

The first item of business on the agenda was the site plan application by Knowles GMC, Inc. (Gendron Truck Center) for the operation of a used car and truck business at 825 Hoosick Road, the site of the former "Brunswick Antiques" store located west of Feather's Furniture. The proposed site plan was reviewed by the Planning Board members. In addition, a letter from the Brunswick No. 1 Fire Department was received and reviewed, as well as a site plan review letter by Kestner Engineers. The Planning Board generally discussed issues concerning greenspace, as well as emergency vehicle access around the building and clearance to access the rear of the Feather's Furniture store. The Planning Board also discussed the location of where the vehicles would be displayed on the site, with particular regard to setback from the front property line. The Board also discussed the location of a dumpster to service the Feather's Furniture store, and the need to relocate that in relation to the access way between this proposed used car site and the Feather's Furniture store. The Board discussed appropriate setback from the front property line, as well as relocating display areas to provide for adequate access to the rear of the building for emergency vehicle access. The Applicant indicated that it had plenty of room on the site to address any issues raised by the Planning Board. The Board recommended that the Applicant make adjustments to the site plan to address setbacks, emergency vehicle access, travel way between the used car location and Feather's Furniture, as well as a greenspace percentage calculation. It is recommended that the Applicant and his engineer meet with Mark Kestner to review site plan issues, and prepare a revised site plan for submission to the Planning

Board for review. There was also general discussion regarding the underlying survey, and whether the current site plan accurately reflected the property lines given the Route 7 reconstruction activities and installation of the sidewalk. The Board then also further discussed parking requirements under the Brunswick Zoning Ordinance, with respect to both the proposed used car facility as well as the adjacent Feather's Furniture. Finally, Mr. Kestner also requested additional information on stormwater for the site plan. It was determined that the Applicant and his engineer would meet with Mr. Kestner to further discuss the site plan issues. This matter has been placed on the agenda for May 15, 2008 for further discussion.

The next item of business on the agenda was the minor subdivision application of property owned by Stephanie Gendron located on Route 278. It was noted that this subdivision had gone through full subdivision review, including public hearing, and had been granted final subdivision plat approval on August 27, 2007. Stephanie Gendron explained that she had made an error in coordinating the filing of the final plat with the Rensselaer County Clerk's Office, and was requesting that the stamp and signature on the final plat be updated so that the appropriate filing with the Rensselaer County Clerk's Office could occur. The Planning Board inquired and determined that there have been changes to the subdivision plan, that Rensselaer County Health Department approval was obtained for water and septic, that a NYSDOT curbcut had been obtained for the proposed driveway off Route 278, and that all engineering review fees and the park and recreation fee are paid. This plat stamp and signature date will be updated so that it may be properly filed in the Rensselaer County Clerk's Office.

The Planning Board entertained the presentation of the site plan in connection with the Brunswick Meadows Planned Development District, which was approved by the Brunswick Town Board. John Mainello appeared, and reviewed with the Planning Board certain issues

associated with the site plan, and was looking for direction from the Planning Board so that the final site plan specifications could be completed. Mr. Mainello reviewed issues concerning lighting, and the Planning Board generally required down lighting fixtures so that there would be no significant impact upon adjacent residential properties. Mr. Kestner requested that the particular light fixture specifications in terms of light intensity and light spillage be provided to the Planning Board for review. Also, appropriate lighting was discussed for the areas of overflow parking shown on the site plan. Next, Mr. Mainello reviewed vegetative screening between the project site and adjacent residential properties. The Planning Board generally discussed options, including a berm or additional vegetation. The Planning Board generally concurred that additional vegetation would be sufficient, and that the construction of a berm would not be required. Mr. Mainello also generally reviewed a central mailbox fixture as well as location. Mr. Kestner stated that he still needed to review final detailed engineering on the water, sewer, and stormwater management plans. Mr. Mainello stated that these plans were currently being completed, and will be submitted for review shortly. This matter has been placed on the May 15, 2008 agenda for further discussion.

One item of new business was discussed. The Brunswick Community Library will be submitting a site plan for a new facility location on Route 2, the site of the former veterinary facility opposite the municipal ball fields. At the request of the Brunswick Community Library, this matter will be placed on the May 15 agenda for discussion.

Mr. Kreiger noted that in connection with the Knowles GMC site plan (Gendron Truck Center), the inspection performed by Brunswick No. 1 Fire Department could constitute only a fire inspection (which the fire department could do as a courtesy), and not a code inspection which the Building Department must undertake. The Planning Board concurred that it had not

required the Applicant to have a fire inspection undertaken at the facility, but rather had requested the Applicant to coordinate and review the site plan with the fire department. As indicated, this matter is placed on the May 15, 2008 agenda for further discussion.

The **index** for the May 1, 2008 meeting is as follows:

1. Cillis – major subdivision – 5/15/08 (adjourned at request of Applicant);
2. National Grid – site plan – adjourned without date;
3. Knowles GMC, Inc. (Gendron Truck Center) – site plan – 5/15/08;
4. Gendron – minor subdivision – final plat approval;
5. Brunswick Meadows Planned Development District – site plan – 5/15/08;
6. Brunswick Community Library – site plan – 5/15/08.

The proposed agenda for the May 15, 2008 meeting currently is as follows:

1. Cillis – major subdivision;
2. Knowles GMC, Inc. (Gendron Truck Center) – site plan;
3. Brunswick Meadows PDD – site plan;
4. Brunswick Community Library – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 15, 2008

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

ABSENT were CHAIRMAN OSTER and GORDON CHRISTIAN.

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

The draft minutes of the May 1, 2008 meeting were reviewed. One correction was noted at Page 3, Line 16 which is amended to read "determined that there have been no changes to the subdivision plan, that Rensselaer County Health". Subject to such correction, a motion was made by Member Czornyj, seconded by Member Wetmiller to approve the minutes of the May 1 meeting. The motion was approved 5-0.

The first item of business on the agenda was the major subdivision application by J.J. Cillis for Stonehurst Subdivision, Phase II, proposing 14 residential lots off Cole Lane. Russ Reeves, P.E. and Joe Cillis appeared on the application. Mr. Reeves reviewed a revised drainage and site plan. Mr. Reeves explained that the drainage plan includes the collection of stormwater runoff from the Stonehurst access drive which is directed to a detention basin located at the former Lot No. 15. Further, stormwater runoff from each residential lot is designed to ultimately discharge into a detention area. Stormwater is also discharged to a proposed catch basin at the intersection of Stonehurst Drive and Cole Lane, which ultimately outfalls to an existing drainage

area. Mr. Reeves explained that Mr. Cillis met with town representatives at the site, where the drainage improvements were discussed. In addition, the town will provide Mr. Cillis with ribbon guardrail and guardrail posts, and Mr. Cillis will install these guardrails at the time Stonehurst Drive is constructed. It is intended that Stonehurst Drive will be dedicated and become a town road, along with the stormwater collection facilities within the road right-of-way. Mr. Reeves suggested that the Applicant would like to pursue the creation of a drainage district, such that the town would take ownership of all stormwater detention facilities for the project. Mr. Reeves stated that he would be meeting with the New York State Department of Environmental Conservation within the next week to discuss the overall Stormwater Management Plan, including the possibility of creating a drainage district. Following the NYSDEC meeting, Mr. Reeves was to supply the Stormwater Pollution Prevention Plan to Mr. Kestner for review. The Applicant is requesting to be placed on the June 5 agenda, at which time it will request a determination from the Planning Board that the preliminary subdivision application is complete and ready for public hearing. Mr. Kestner confirmed that Mr. Cillis did meet on site with him and Highway Superintendent Eddy, and that discussions regarding existing drainage along town roadways was held. In general, it was determined that Mr. Cillis would manage all the stormwater being generated on this proposed subdivision site, and that the town will coordinate with Mr. Cillis concerning stormwater being generated to existing town stormwater facilities along Cole Lane. Mr. Kestner will confirm these discussions with Highway Superintendent Eddy. Member Tarbox had further discussions concerning drainage issues with Mr. Kestner. Mr. Kestner stated that it was his understanding that the town would supply ribbon guardrail to Mr. Cillis, but that Mr. Cillis would supply the posts and install the guardrails along Stonehurst Drive during construction. This will also be confirmed with Highway Superintendent Eddy.

Member Tarbox asked Mr. Reeves to further explain his position concerning a drainage district. Mr. Reeves stated that the Applicant was proposing the creation of a town drainage district, which is a variety of special improvement district created by municipality. Mr. Reeves stated that in his opinion, a Homeowners Association is not the best mechanism to own and operate stormwater management facilities, since there is the possibility that the stormwater facilities would not be properly maintained and would fail. Mr. Reeves stated that the costs for the maintenance of the stormwater facilities would be charged back to the homeowners through the special improvement district. Attorney Gilchrist stated that the Applicant and Planning Board should be aware that it is the policy of the Town of Brunswick to require a Homeowners Association to be created with respect to subdivisions, in order to privately own, operate and maintain all stormwater management facilities. Further, it is the policy of the Town of Brunswick not to create drainage districts, but to rather require the Homeowners Association such that the stormwater management facilities continue to be privately owned, operated and maintained. Mr. Reeves acknowledged that policy, but requested the opportunity to further discuss this directly with the Town Attorney. This matter has been placed on the June 5 agenda for further discussion.

The next item of business on the agenda was the site plan application by Knowles GMC, Inc. (Gendron Truck Center) for operation of a used car and truck business at 825 Hoosick Road, the site of the former "Brunswick Antiques" store located west of Feather's Furniture. Kevin Boyd of Knowles GMC, and Richard Mango, P.E. appeared for the Applicant. Mr. Boyd reviewed a revised site plan which had been submitted to the Planning Board. Mr. Boyd generally reviewed the revised site plan, including an increased clearance between the building and parking spaces, updated setback information from the curb along NYS Route 7, information

concerning the sign box in the front of the site, the maintenance of the required 15 spaces for customer and employee parking, calculation of greenspace for the site, as well as information on stormwater catch basins. Member Czornyj raised a question concerning a 3 foot high berm located to the rear of the building and the retail parking area shown on the site plan. Mr. Mango replied that the site plan was in compliance with the Site Plan Regulations of the town. Member Czornyj stated that this did not address his question, and followed up with questions concerning vehicle parking in the area of the berm, as well as emergency vehicular access between the berm and the area of the retail parking shown on the site plan. Mr. Mango's opinion was that the berm would not interfere either with emergency access or with the retail parking area. Member Czornyj stated that he had walked the site on May 15, and that it appeared to him that the berm may present a problem in terms of parking area or emergency vehicle access. Member Czornyj asked the pointed question as to whether a vehicle could drive behind the retail parking area shown on the site plan. Mr. Mango stated that in his opinion, a vehicle could drive behind the retail parking area, although that property is not flat but generally inclines toward the 3 foot berm to the rear of the site. Member Czornyj asked whether the berm would be graded, or remain in its current location and condition. Mr. Mango stated that it was not the intention of the Applicant to rework the berm. Member Czornyj wanted confirmation that an emergency vehicle could access to the rear of the retail parking area. Mr. Mango opined that he did not think this would present a problem, and that there was a slope in this area but it was not impassible. Mr. Kestner stated that an appropriate condition would include a requirement that an emergency vehicle could pass to the rear of the building and to the rear of the retail parking area. Mr. Mango agreed, or suggested that the Planning Board require regrading so that the area was flat rather than on an incline to the 3 foot berm. Member Czornyj commented that there was an

existing drainage pipe in this general location, that appears to drain the area behind the berm. Mr. Mango confirmed the existence of the drainage pipe, and its function. On this point, Mr. Mango suggested that it may be required in the future to regrade and properly engineer this drainage pipe, but that the area was adequate for emergency vehicle access. Member Mainello suggested that stakes be put in the field identifying the rear corners of the retail parking area, and let the Brunswick No. 1 Fire Department review this area to insure emergency vehicle access. Member Czornyj thought this was appropriate as it raises a safety issue. Mr. Boyd noted that he had delivered the revised site plan to the Brunswick No. 1 Fire Department, but had not heard anything back from them as of yet. Mr. Kestner discussed his review memo on the site plan, and noted that all of the comments raised had been addressed on the revised site plan. The Planning Board generally discussed the necessity of holding a public hearing. Under the Site Plan Regulations, holding a public hearing is optional. Member Tarbox inquired whether the Board thought the public hearing should be required on this application. The general consensus was that a public hearing is not required on this application. It was noted for the record that the site plan had been referred to the Rensselaer County Department of Economic Development and Planning for review and recommendation. It was further noted that more than 30 days have elapsed since the time of the referral, and that no reply had been received from the county planning agency. The Board then generally discussed whether to act on the application with condition, or require the fire department review of the site plan prior to acting on the application. The Board determined to act on the application, with the addition of an appropriate condition. Attorney Gilchrist worked with the Planning Board on the language of an appropriate condition. Following discussion, Member Czornyj made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was approved 5-0, and

the Negative Declaration adopted. Member Mainello then made a motion to approve the site plan subject to the following conditions:

1. The Applicant must arrange with Brunswick No. 1 Fire Department to review the current site plan and to perform a field inspection, and require the Brunswick No. 1 Fire Department to confirm in writing that adequate emergency access exists behind the existing building and to the rear of the retail parking area, and that the Applicant must install stakes at the two rear corners of the retail parking area prior to the fire department review of the site.
2. The Applicant must supply the Building Department and Planning Board with written confirmation from the Brunswick No. 1 Fire Department that adequate emergency access exists to the rear of the building and rear of retail parking area as noted on the site plan.
3. In the event the site plan needs to be amended to provide adequate emergency access to the rear of the building and/or to the rear of the retail parking area, the Applicant must submit a revised site plan to the Planning Board for further review.
4. Payment of all application fees and engineering review fees.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 5-0, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted under the Brunswick Meadows Planned Development District. John Mainello and Linda Stancliffe appeared on the application. Mr. Mainello reviewed updated site plan information, which includes a re-design of the stormwater detention area, delineation for OPRHP avoidance area, map notes with respect to the OPRHP avoidance area and walking trail, street lamp locations, mailbox station location, additional detail regarding vegetative screen, and additional map notes. Member Wetmiller had a question regarding the location of the mailbox station, which is now located along the internal road behind the Gauthier property. Mr. Mainello stated that the Applicant was attempting to keep all structures off the access road to the project off Route 142,

so the mailbox station had been located further into the interior of the project. Member Wetmiller then asked whether car headlights would affect the Moran property as cars were traveling along the internal road behind the Gauthier property in the area where the mailbox station had been located. Ms. Stancliffe discussed the general road grades in that area. Member Wetmiller stated that he was concerned about the light impact because the road to the rear of the Gauthier property has a slight incline in elevation, which could shine headlights directly across an open field and into the Moran property. Mr. Mainello stated that additional vegetation would be added to the site plan to better screen the site to the Moran property. Mr. Mainello noted that there was an existing vegetative row on the Moran property, but that the Applicant would install additional vegetation on the Applicant's property to insure a continued vegetative screen. Member Tarbox noted that a retaining wall had been removed behind Building 13 in the area of the re-designed detention pond. Mr. Kestner noted that there appeared to be a steep grade to the rear of the building, and that a small retaining wall could be included in that area. Mr. Mainello stated that a small retaining wall could be included in that area. Member Tarbox confirmed that the sewer line for this project would run along NYS Route 142, but would go under Route 142 within the Town of Brunswick before continuing down Route 142 and crossing into the City of Troy. Mr. Kestner confirmed that the line would cross Route 142 within the Town of Brunswick. Mr. Kestner noted that his office has prepared review memoranda concerning the project Stormwater Pollution Prevention Plan as well as the project's sanitary sewer and water distribution systems. Mr. Mainello stated that all of these comments would be reviewed, and discussion directly with Mr. Kestner would take place. Mr. Mainello requested the Planning Board to consider conditional final approval of the site plan. Attorney Gilchrist stated that while SEQRA had been completed on this action, the Planning Board must consider whether to hold a

public hearing on the site plan which has now been submitted to the Planning Board. Attorney Gilchrist stated that with regard to the Planned Development District projects, the Planning Board has determined to hold its own public hearing on the details of the PDD site plan and/or subdivision plat. However, Attorney Gilchrist did state that the Town's Site Plan Regulations did provide that a public hearing is discretionary with respect to site plan applications. Upon discussion, the Planning Board determined that it would hold a public hearing on the site plan application prior to any action. The Planning Board set the public hearing on the Brunswick Meadows PDD site plan for the June 5 meeting at 7:00 p.m. Member Tarbox also noted that the lighting plan should be closely reviewed, both in terms of location and fixture specifications, since light impacts was an important consideration on this project. The Applicant also handed up updated petitions, and also maps, plans and reports, with respect to the proposed water and sewer districts for the project. This matter has been adjourned until the June 5, 2008 agenda at which time a public hearing will be held at 7:00 p.m.

The next item of business on the agenda was a site plan application by Brunswick Community Library for a new library location at 4118 NYS Route 2, in the location of the former veterinary building across from the Town softball fields. Paul Engster, Esq. appeared for the Brunswick Community Library. Attorney Engster generally discussed the relocation efforts undertaken by the Brunswick Community Library, which resulted in this proposed location. Attorney Engster noted that the firm of Architecture Plus had prepared renovation plans for the building, but it appeared that the plans had not yet been submitted to the Building Department. Attorney Engster had 3 sets of the renovation plans, which he distributed to the Planning Board members for initial review. Attorney Engster noted that there were no structure changes proposed for the building, only interior renovations to set up the facility as a library. Attorney

Engster reviewed the general layout on the site plan, including the use of the same entrance off Route 2, proposed expansion of the parking area, inclusion of an additional walkway on the side of the building, installation of a flagpole and signage. Member Esser commented on the design of a drywell which appeared to be used for stormwater retention, which was designed to be 8 feet deep but only 2 feet in diameter. Member Esser thought that the drywell should be redesigned to be larger in diameter and shallower. The Planning Board generally discussed stormwater issues, locations of septic laterals, and general site plan requirements. Attorney Engster stated that he would have a complete site plan application prepared and submitted, together with stamped site plans. This matter has been placed on the June 5 agenda for further discussion.

One item of new business was discussed.

A subdivision application has been submitted by Irish Development, LLC (Michael Hart) for approval of one residential building lot located off Langmore Lane. Mike Hart appeared on the application. The original parcel size proposed for subdivision is 12.06 acres, with the proposed new lot being 1.04 acres in size. It was noted by the Planning Board that this property had been the subject of a three lot subdivision in 2003. Member Esser noted that this proposal called for the construction of a cul-de-sac, which would provide access to the balance of this 12.06 acre parcel, which could be further developed in the future. Mr. Hart stated that he had no plans for any future development on the balance of the property. Member Tarbox noted that there was quite a grade on this property, and that issues associated with drainage would need to be carefully reviewed. Member Esser inquired as to the location of the swale for stormwater runoff which had been required under the 2003 subdivision approval. Mr. Hart reviewed the location of the drainage swale, which is within a 30 foot drainage easement shown on the 2003 subdivision plat. Member Tarbox noted that there may need to be Town Board approval since

this would add an additional lot to the Langmore Lane community, which has only one access point to NYS Route 2. It was noted that Town Board approval was required in connection with the Reiser development, which added 7 subdivided lots off Langmore Lane. The Planning Board generally discussed whether the application should be considered a waiver of subdivision or minor subdivision application. The Planning Board members generally considered that a prior subdivision had occurred within the prior 7 years, that drainage issues had been a concern in this location, and that the lot was being sold for commercial purposes supported a determination that the application be considered a minor subdivision application. Mr. Hart will prepare a complete a minor subdivision application, and make all required submittals under the subdivision regulations. This matter has been placed on the June 5 agenda for further discussion.

One item of old business was discussed.

The site plan application of Park East Ventures/Rifenburgh for property located on NYS Route 7 was discussed. The Applicant has submitted additional information concerning the proposed gravel removal from the project site, and a proposed phasing plan for the gravel removal. The Planning Board Members generally reviewed those plans. This matter has been placed on the June 5 agenda for further discussion.

The **index** for the May 15, 2008 meeting is as follows:

1. Cillis – major subdivision – 6/5/08;
2. Knowles GMC, Inc. (Gendron's Truck Center) – site plan – conditional final approval;
3. Brunswick Meadows Planned Development District site plan – 6/5/08 – public hearing 7:00 p.m.;
4. Brunswick Community Library – site plan – 6/5/08;

5. Irish Development, LLC – minor subdivision – 6/5/08;
6. Park East Ventures/Rifenburgh – site plan – 6/5/08.

The proposed agenda for the June 5, 2008 meeting currently is as follows:

1. Brunswick Meadows PDD site plan – public hearing 7:00 p.m.;
2. Cillis – major subdivision;
3. Brunswick Community Library – site plan;
4. Irish Development, LLC – minor subdivision;
5. Park East Ventures/Rifenburgh – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 5, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, 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.

Chairman Oster opened the meeting with a public hearing on the Brunswick Meadows Planned Development District project. The Notice of Public Hearing was read into the record, and the public hearing notice had been published in The Record, posted at Town Hall, sent to all property owners within 500 feet of the project site, as well as forwarded to the City of Troy. Chairman Oster requested the Applicant to present an overview of the Brunswick Meadows project. Linda Stancliffe, Landscape Architect with Erdman Anthony, presented an overview of the project. The project proposed 92 condominium units located in 23 buildings, to be located off NYS Route 142. The project will be serviced by public water and public sewer. The onsite roadway and parking will be privately owned and privately maintained. There is open space for passive recreation use to the rear of the project site. Stormwater management facilities were reviewed. The internal street lighting plan was discussed, including pole mounted shoebox style down-lighting. The landscaping plan was reviewed, most particularly with respect to vegetative buffer between the project site and the Lands of Gauthier and Lands of Moran. Chairman Oster then opened the floor for receipt of public comment. Jim Gauthier, 49 Grange Road, merely

inquired when the project would be built. Jim Tachick, NYS Route 2, inquired whether there would be public transportation available for this project, and whether the project included internal sidewalks. Ms. Stancliffe stated that the Applicant had coordinated with Capital District Transportation Authority, which determined that there was not enough potential users to extend public transportation to the project site. Ms. Stancliffe also stated that there were no sidewalks planned for the project. Frank Brennanstuhl, 27 Dusenberry Lane, stated that while he was initially against the project, most particularly since it was so close to NYS Route 142, that he was pleased to see that the Applicant had worked with the Town to eliminate several proposed buildings and keep the project further into the project site. Mr. Brennanstuhl stated that he would like to see maple trees, particularly sugar maples, planted along the entrance roadway. Mr. Brennanstuhl stated that he was still not pleased with the additional traffic from the project site, particularly at the intersection of Route 142 and Oakwood Avenue. One resident in the crowd spoke in favor of the project. Hearing no further comments, Chairman Oster closed the public hearing on the Brunswick Meadows Planned Development District project.

Thereupon, Chairman Oster opened the regular business meeting for the Planning Board.

The Planning Board reviewed the draft minutes of the May 15, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the Brunswick Meadows Planned Development District project. Mr. Kestner reported that he had held two meetings with Linda Stancliffe and Thomas Murley, focusing primarily on the sewer, water, and stormwater design for the project. Mr. Kestner reported that he had received revised plans, and that his comments were predominantly addressed. Mr. Kestner reported that for the last few engineering issues,

there was already verbal agreement with Mr. Murley and Ms. Stancliffe. Chairman Oster asked whether there would be sprinklers in the proposed buildings. Mr. Kestner stated that the Applicant was not proposing to install sprinklers, but stated that the Applicant submitted that there was adequate spacing between the buildings to comply with building code and fire code. Ms. Stancliffe stated that the buildings were a minimum 20 feet separated, and that final details would be reviewed by the Building Department and the Applicant at the time of building permit application. Ms. Stancliffe stated that the separation distance between the buildings had been reviewed by the Speigletown Fire Department as well. Mr. Kestner stated to the Planning Board members that in connection with the PDD approval by the Town Board, the Planning Board had been requested to address specific issues, including fire hydrant locations, number of parking spaces and parking plan, and vegetative screening and landscaping. Mr. Kestner stated that each of these issues had been addressed in detail by the Planning Board, and appropriate modifications have been made to the site plan by the Applicant. Chairman Oster inquired of Attorney Gilchrist as to procedure. Attorney Gilchrist stated that SEQRA had been completed for this action, as the Brunswick Town Board had conducted a coordinated environmental review under SEQRA, including coordination with the Brunswick Planning Board. The Brunswick Town Board had completed SEQRA through review of the project Environmental Impact Statement and adoption of SEQRA Findings. Attorney Gilchrist also stated that with the close of the public hearing, the Planning Board was in a position to act upon the site plan and subdivision application pending before it on this project, if the Planning Board members were satisfied that all requirements under the site plan and subdivision regulations had been addressed. Attorney Gilchrist reiterated that the subdivision application merely sought the division of the 18.3 acre project site from the overall 97 acre parcel, and that the Planning Board had predominantly

focused on the detailed site plan review aspect to the project site. Chairman Oster inquired whether the Planning Board members had any further question or comment concerning the matter before it. Hearing none, Chairman Oster also noted that comments raised by the public during the public hearing on the subdivision and site plan applications had been thoroughly addressed. Thereupon, Member Czornyj made a motion to approve the subdivision plat to create the 18.3 acre project site, subject to the following conditions:

1. Compliance with all final comments of Brunswick Building Department and town consulting engineer.
2. Completion of all necessary approvals for construction and operation of public water and public sewer systems for the project.
3. Execution of all necessary agreements by the Applicant with the Brunswick Town Board pursuant to the PDD approval.
4. Filing of all necessary performance bonds with the Town.
5. Applicant must fund the appropriate engineering review and inspection escrow account.
6. Payment of all required park and recreation fees.
7. Payment of all municipal review fees.

Member Esser seconded the motion subject to the stated conditions. The motion was approved 7/0, and the subdivision plat approved subject to the stated conditions. Thereupon, Member Czornyj made a motion to approve the site plan for the condominium project, subject to the following conditions:

1. Compliance with all final comments of Brunswick Building Department and town consulting engineer.
2. Completion of all necessary approvals for construction and operation of public water and public sewer systems for the project.

3. Execution of all necessary agreements by the Applicant with the Brunswick Town Board pursuant to the PDD approval.
4. Filing of all necessary performance bonds with the Town.
5. Applicant must fund the appropriate engineering review and inspection escrow account.
6. Payment of all required park and recreation fees.
7. Payment of all municipal review fees.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 7/0, and the Brunswick Meadows PDD site plan approved subject to the stated conditions.

The next item of business on the agenda was the major subdivision application by J.J. Cillis for property located off Cole Lane. Chairman Oster noted that he had been contacted by the project engineer, Russ Reeves, P.E., who indicated that he had not yet been able to meet with the New York State Department of Environmental Conservation concerning stormwater management issues, and requested that this matter be adjourned until the June 19, 2008 agenda. This matter is so adjourned.

The next item of business on the agenda was the site plan application by Brunswick Community Library for a new library facility at 4118 NYS Route 2, in the location of the former veterinary building across from the Town softball fields. Paul Engster, Esq. appeared for the Applicant. Mr. Engster stated that he had submitted a full application, project narrative, as well as a site plan. Mr. Engster had also submitted to the Building Department a septic system plan which had been approved by the Rensselaer County Department of Health in 1996 for the site. Mr. Engster stated that the architect for the project had calculated greenspace totaling 60% of the

entire 1.39 acre parcel, calculated after the inclusion of additional parking. Mr. Engster stated that 22 parking spaces were being proposed, and according to the Applicant's calculation only 20 parking spaces are required for this library facility. Mr. Engster also discussed the proposed stormwater management system, which includes a drywell in the southeast corner of the new parking lot area, with the parking lot pitched to direct all stormwater to this drywell. Chairman Oster inquired whether the drywell had been designed to accommodate the projected amount of stormwater running off the new parking lot. Also, Mr. Kestner stated that he would need more detailed stormwater calculation and soil testing in the area of the proposed drywell to determine whether it was adequate to handle the projected amount of stormwater from the project site. Mr. Kestner opined that the current proposed drywell seemed to be too small, and that the Planning Board wanted to make sure that offsite properties were not impacted by stormwater from the library facility. Mr. Engster inquired whether soil testing would be required to the area on the north side of the proposed parking lot, since there is a grass area both on the library parcel as well as on the adjacent commercial parcel. Mr. Kestner stated that if the drainage is directed away from the north property line and directed entirely in a southerly direction toward the proposed drywell, then soil testing on a northern portion of the site would not be required but that soil testing in the area of the drywell would need to be completed to determine whether the drywell would work properly. Mr. Engster then stated that there was a significant amount of green area and woods to the rear of the project site. Mr. Kestner stated that the Applicant should consider taking the stormwater and directing it toward the back portion of the site, where there is a significant amount of area to handle stormwater runoff. Mr. Kestner opined that a swale directing the water from the south side of the site to the rear of the site might be an appropriate idea, as it would direct stormwater to the rear of the site and away from the adjacent residential

property owned by Little. There was further discussion concerning the amount of stormwater generated, as the site currently has parking for four cars and the proposed increase in the parking lot area would provide for 22 parking spaces. Mr. Engster will review the stormwater management design with the project architect. Mr. Engster also discussed the existing septic system, which will be kept in place and used by the library. Mr. Engster reported that the Rensselaer County Department of Health has initially opined that the current septic system would meet the needs for the public library. Member Czornyj inquired where the tile field was located on the site plan. Mr. Engster stated that the septic design for this site did not provide for a tile field, but rather for a leach pitch that periodically needs to be pumped out. Mr. Engster stated that he had submitted with the site plan application all of the information available on the septic plan approved by the Rensselaer County Department of Health in 1996. The Planning Board requested Mr. Engster to confirm with the Rensselaer County Department of Health that the septic system in place at the site would be adequate for the operation of the library. The issue of lighting for the building and parking lot was discussed. Mr. Engster stated that the library budget did not provide for lighting in the parking lot area, and that the existing mounted light on the building would be continued to be used. Member Esser asked about the hours of operation for the library. Chairman Oster followed up on this, stating that if the library were to be open after dark, then lighting of the parking lot area should be investigated since it raised a safety issue. Mr. Kestner stated that a lighting plan should be included for the project site, including the parking lot, since underground electric installation should be included in the parking lot area before the parking lot is paved. Member Mainello asked where the lights were located on the building. Mr. Engster stated that this would be confirmed in the field, and shown on a revised site plan. On the issue of lighting in the parking lot, one member of the public did state that the

library was open until 8:00 p.m. during three week nights. The Planning Board again reiterated that a lighting plan should be prepared for the parking lot area. Chairman Oster inquired as to the size of this new building in relation to the existing library location, and whether there were any future expansion plans proposed for this new location. Mr. Engster stated that this new building is 2,400 square feet, whereas the existing library location was approximately 600 square feet. Mr. Engster reported that there are no immediate expansion plans for this location. Chairman Oster concluded by saying that the site plan should be revised pursuant to the discussion at this meeting, with particular attention to the stormwater management plan. This matter has been placed on the June 19, 2008 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application by Irish Development, LLC for property located off Langmore Lane. Chairman Oster reported that he had been contacted by Michael Hart of Irish Development, LLC, who informed him that he had not been able to complete any septic design and requested that the matter be adjourned to the June 19, 2008 agenda. Member Tarbox inquired whether this application should be deemed a minor subdivision if a new road or cul-de-sac/turn-around area needed to be constructed. It was noted that if a new road or cul-de-sac needed to be constructed, then the application must be deemed a major subdivision application. Mr. Kestner reviewed the 2003 minutes concerning the prior subdivision approval for Michael Hart, which required that a turn-around or cul-de-sac be constructed. It appears that Mr. Hart did not complete this construction. Mr. Kreiger will review this matter with Mr. Hart. This matter has been placed on the June 19, 2008 agenda for further discussion.

The next item of business on the agenda was the site plan application by Park East Ventures/Rifenburgh for construction of an office park on NYS Route 7 adjacent to Spiak's

Mobil Station. Percy Cotton, P.E. of Charles Sells, Inc. presented both the concept site plan, as well as plans for mineral extraction from the project site in order to bring it down to grade for construction of the office park. Mr. Cotton reviewed the mineral removal plan, which is proposed for two phases. All mineral extraction will be done at the rear of the site, using the existing roadway located between the project site and Spiak's Mobil Station. Further, the existing tree buffer located at the front of the project site adjacent to Route 7 will be maintained throughout the period of mineral extraction. Under Phase I of the proposed mineral extraction plan, approximately 3.5 acres of the project site would be disturbed during the mineral extraction. Mr. Cotton reviewed stormwater management issues associated with the first phase of mineral extraction, which includes a drainage basin which would collect stormwater from the internal roadway leading to the area of the mineral extraction, and the balance of the stormwater being directed internally to percolate within the project site. Mr. Cotton reviewed the proposed second phase of mineral extraction, which would affect most of the 10± acre project site. Mr. Cotton stated that no more than 5 acres would be open and worked at one time, in compliance with NYS Stormwater Regulations. This would require the project owner to stabilize graded areas during the mineral extraction process. Chairman Oster inquired concerning stabilization techniques. The Applicant responded that this was done primarily through seeding and mulching. Mr. Cotton reiterated that the stormwater management for the second phase of mineral extraction was designed to keep the stormwater onsite. Member Mainello inquired as to the soil type at this location. Mr. Cotton responded that the soils were heavy, including hard pan, clay, and maybe some shale at deeper elevations. Chairman Oster inquired as to the projected time for the mineral extraction. The Applicant stated that the material is not of high quality, and therefore it is not cost effective to remove the material all at once, but rather would be removed

as needed for purposes of offsite project fill. Member Mainello inquired as to the projected finished elevation. Mr. Cotton sited that the final elevation is approximately 560 feet. Member Mainello inquired as to the existing elevation. Mr. Cotton stated that the existing elevation is approximately 630 feet. The elevation of Route 7 near the project entrance road is 552 feet. Mr. Cotton reviewed line-of-sight profiles, including profiles from the church located on Route 278, the Doyle property located opposite the project site on Route 7, as well as a view looking eastward on Route 7. Member Mainello asked as to the total volume of material projected to be removed. Mr. Cotton calculates that approximately 400,000 cubic yards of materials needs to be removed from the site. The Planning Board inquired as to procedure, and whether a permit could be issued for mineral extraction. Attorney Gilchrist reviewed legal requirements. In general, Attorney Gilchrist explained that given the volume of material projected to be removed from the site, a Mining Permit from the New York State Department of Environmental Conservation would ordinarily be required. However, there is an exemption to the New York State Mining Program, which allows removal of material from a project site, regardless of volume, if it is done as part of necessary onsite construction of an approved land use project. In this regard, Attorney Gilchrist stated that the Applicant could proceed with detailed site plan review for the proposed office park, and have the proposed mineral extraction be reviewed as part of the grading plan to construct the proposed office park. Alternatively, if the Applicant does not proceed with detailed site plan review at this time, a Mining Permit from NYSDEC would be required for this type of use. The Applicant indicated that it sought to proceed with detailed site plan review for the proposed office park. In this regard, Attorney Gilchrist stated that the Planning Board should be mindful of issues associated with the mineral extraction, including volume of material to be

removed, days and hours of operation, projected number of truck trips, and projected truck routes. This matter has been placed on the agenda for the June 19 meeting for further discussion.

Chairman Oster indicated that the site plan application by National Grid for the construction of a new access road to its towers located on Bald Mountain off Bellview Road would be added to the agenda for discussion. Ron Kowalski of National Grid appeared on the application, together with Ken Barber who prepared the stormwater management plan. Chairman Oster noted that both he and Mr. Kestner had visited the site on June 5. Mr. Kestner stated that he had asked the Applicant to evaluate stormwater management in connection with the new access road, and had received some stormwater information for his review. Mr. Kestner indicated that he wanted a road profile prepared and a more detailed review of how stormwater would be handled. Mr. Barber indicated that he had submitted this information to Mr. Kestner, and that in general the access road was designed to follow the existing slope going up the mountain to the National Grid towers, and that the design of the road would shed water away from Bellview Road. Mr. Kestner confirmed that the Applicant has provided some stormwater detail, but that this area on Bellview Road had been subject to prior stormwater and drainage issues, and that the Planning Board needed to make sure that all stormwater issues are fully addressed. In this regard, Mr. Kestner reviewed that there were two drainage pipes existing under Bellview Road discharging stormwater onto the property of Vincent Jodice, and that Mr. Kestner wanted to make sure that there was not any additional stormwater discharging through these pipes and going onto the Land of Jodice. Mr. Kestner also raised the fact that there was questions concerning ownership and maintenance of Bellview Road above Sky Crest, and the legal right of National Grid to use this portion of the road to access their property. Mr. Kestner stated that National Grid had submitted an easement document on the application, arguing that

the easement document provided National Grid the legal right to access the property at the area of their proposed new access road. Attorney Gilchrist stated that there appeared to be significant outstanding legal questions concerning road ownership and legal right to access the property by National Grid, which needed further clarification. Mr. Kreiger confirmed that the Town plows Bellview Road only to Sky Crest. Vincent Jodice was in attendance, and confirmed that he plows the roadway to the area of the entrance gate, and that Rensselaer County plows beyond the gate to access its 911 tower. Mr. Jodice also stated that the deed to his property did not reference any easement in favor of National Grid, or any of National Grid's predecessors, to access this property. Attorney Gilchrist reiterated that this outstanding legal issue must be further investigated and clarified. Chairman Oster also suggested that National Grid representatives speak directly with Mr. Jodice concerning this issue. As to the proposed access road itself, Chairman Oster noted that it deviated from the private driveway standards under the Brunswick Town Code. In particular, sections of the proposed access roadway are approximately 14% in grade, and averages over 10% for its entire length. Further, the proposed road width is only 12 feet rather than 16 feet. Mr. Kowalski reiterated that National Grid would be seeking waivers from the Town private roadway specifications, both in terms of road width as well as road grade. Attorney Gilchrist stated that he would further investigate the issue of waiver from the Town private roadway specifications. It was determined that this matter will be placed on the June 19 agenda for further discussion.

One item of old business was discussed.

Mr. Kreiger reported that Jeff Brooks had contacted him concerning the proposed Brooks Heritage, LLC major subdivision on Dusenberry Lane, and requested that the matter be placed on the June 19 agenda. At this point, the Planning Board reviewed the agenda for the June 19

meeting. Further, Chairman Oster inquired whether the Planning Board should conduct its meeting currently scheduled for July 3, 2008, considering the July 4 holiday weekend. After discussion, it was determined by the Planning Board to reschedule the July 3 Planning Board meeting for Tuesday, July 1, and notice a special meeting date due to the July 4 holiday. Mr. Kreiger will confirm that the Town Hall is available for a meeting on July 1. Also, after further discussion, the Planning Board determined to place the Brooks Heritage, LLC major subdivision application on the agenda for the July 1 meeting.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by Sue Proulx, 103 Carrolls Grove Road, seeking to divide a 5 acre lot off an existing 31± acre parcel. The intended use is for a residential lot. The property is currently open field, located across from Hudson Farm and adjacent to the garlic farm. This matter will be placed on the July 1 agenda for discussion.

The second item of new business discussed was a waiver of subdivision application by Wally and Kirsten Lane, 30 Berkshire Drive, seeking to divide off 2 acres from an existing 8.6 acre parcel. Upon review, the Planning Board members discovered that the proposed 2 acre lot is land locked without any access to a public road. This matter has been tabled, with the direction that Mr. Kreiger review this matter with the Applicants and that the project be designed so that each proposed resulting lot has access to a public road.

Member Czornyj followed up on the site plan application of Gendron Truck Center concerning the commercial site on Route 7 located adjacent to Feather's Furniture. In particular, upon receipt of a review letter by the Brunswick No. 1 Fire Department concerning its review of the revised site plan for purposes of emergency access behind the existing structure and behind

the area of the proposed retail sales lot, it was unclear whether the Brunswick No. 1 Fire Department had actually gone onto the property or had just reviewed the site plan. Mr. Kreiger confirmed that he had inquired with the Brunswick No. 1 Fire Department, and that in fact the Department did go to the property to review the revised layout. The Fire Department will provide an amended letter indicating that it had reviewed the revised site plan on the project site.

The **index** for the June 5, 2008 meeting is as follows:

1. Brunswick Meadows Planned Development District - public hearing – conditional final approval of subdivision and site plan;
2. J.J. Cillis – major subdivision - 6/19/08;
3. Brunswick Community Library – site plan – 6/19/08;
4. Irish Development, LLC – minor subdivision – 6/19/08;
5. Park East Ventures/Rifenburgh – site plan – 6/19/08;
6. National Grid – site plan – 6/19/08;
7. Brooks Heritage, LLC – major subdivision – 7/1/08;
8. Proulx – waiver of subdivision – 7/1/08;
9. Lane – waiver of subdivision – adjourned without date.

The proposed agenda for the June 19, 2008 meeting currently is as follows:

1. J.J. Cillis – major subdivision;
2. Brunswick Community Library – site plan;
3. Irish Development, LLC – minor subdivision;
4. Park East Ventures/Rifenburgh – site plan;
5. National Grid – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 19, 2008

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

ABSENT were CHAIRMAN OSTER, GORDON CHRISTIAN and KEVIN MAINELLO.

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

As a preliminary matter, it was determined that the Planning Board would notice a special meeting and reschedule the July 3rd Planning Board meeting for July 1st. Mr. Kreiger confirmed that Town Hall was available for the July 1st meeting.

The Planning Board reviewed the draft minutes of the June 5, 2008 meeting. Upon motion of Member Tarbox, seconded by Member Wetmiller, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the major subdivision application by J.J. Cillis for property located off Cole Lane. It was noted that the project engineer, Russ Reeves, P.E., requested that this matter be adjourned until the July 17, 2008 agenda. This matter is so adjourned.

The next item of business on the agenda was the site plan application by Brunswick Community Library for a new library facility at 4118 NYS Route 2, in the location of the former

veterinary building across from the Town softball fields. This matter was adjourned until the July 1, 2008 agenda per the request of Paul Engster, Esq., on behalf of the Applicant.

The next item of business on the agenda was the minor subdivision application by Irish Development, LLC for property located off Langmore Lane. Upon the request of the Applicant, the matter was adjourned without date.

The next item of business on the agenda was the site plan application by Park East Ventures/Rifenburgh for construction of an office park on NYS Route 7 adjacent to Spiak's Mobil Station. Percy Cotton, P.E. of Charles Sells, Inc. presented a site plan for the proposed office park. Mr. Cotton also advised that a sediment/erosion control plan and stormwater/sewer plan details have been prepared and submitted to Mr. Kestner for review, though some additional information is required to make the plan complete. Mr. Cotton indicated that Rifenburgh was interested in purchasing a portion of the adjacent property, that being a piece of the land currently owned by Gibson, at the rear of Rifenburgh site, which would be used to relocate the proposed wastewater treatment plant. Mr. Cotton indicated that the property, if acquired, would not be excavated. Member Wetmiller noted that there were existing houses with wells in the vicinity of the proposed wastewater treatment plant, and that there would have to be a 200' buffer between any existing well and the wastewater treatment plant. Mr. Cotton indicated that that issue would be addressed on the plans, and he would get the topography for the property that Rifenburgh proposes to acquire. Mr. Cotton further indicated that the grade will remain the same in the area where the wastewater treatment plant was originally to be located. Mr. Cotton further indicated that the same amount of excavated material was anticipated to come off the site and that a phasing plan has been prepared with respect to the same.

Member Wetmiller then asked whether the Applicant planned any blasting at the site, as he had seen a reference to blasting in the EAF, at Page 6 thereof. Mr. Cotton indicated that he

did not believe any blasting was planned though, upon further discussion, he thought it may be a possibility. To date, the Applicant has obtained only two soil borings. Mr. Cotton indicated that borings were tilled down to approximately 30' and had met some resistance in the bottom 30'. The soil borings were taken at the highest elevations on the property and essentially indicated the same amount of overburden. In terms of the southwest corner, Mr. Cotton thought that there would not have to be as much cutting done as they were only going down about 30' in that location. Mr. Cotton indicated that the Applicant was planning to obtain additional soil borings and will provide the Planning Board with the boring logs and will put the information from the borings on the maps.

Mr. Kestner advised Mr. Cotton that, as had been required of the PDDs in Town, there are a prescribed set of conditions that will be imposed upon the Applicant in the event blasting is to occur, including the performance of a pre-blast study, especially since there was a gas station with underground storage tanks in the area. Additional concern over the blasting was raised with respect to the fact that the Town's watermain is located at the back of the property. The Applicant is going to have to locate the main on the map and will likely have to plan to relocate that main. Mr. Kestner indicated that there is also a transmission line that runs across the property from Springbrook that will have to be taken into consideration.

Mr. Cotton indicated there is additional work to be done on the stormwater management plan. Furthermore, if the additional property is acquired from Gibson, that property will be added to the map and will reflect the right-of-way. This matter has been placed on the agenda for the July 17 meeting for further discussion per the Applicant's request.

The next item of business on the agenda was the site plan application by National Grid for the construction of a new access road to its towers located on Bald Mountain off Bellview Road. Ron Kowalski of National Grid appeared on the application, together with Charles Ducart,

from National Grid's Right-of-Way Department. Mr. Kowalski handed up a copy of a letter sent by National Grid to Vincent Jodice, together with copies of deeds and easements dating back to 1963, which he claims evidences National Grid's legal right to use a portion of Bellview Road to access the National Grid property. Mr. Kowalski also submitted a revised stormwater management plan from Ken Barber, and further indicated that National Grid would submit a revised road profile by Monday, June 23, 2008. He indicated that the plan was to install culvert under the new access road which would reduce the amount of flow to the present ditch on Bellview that crosses the Jodice property. Mr. Kowalski indicated that they sent a rough drawing to Mark Kestner.

Mr. Kowalski then turned the discussion to the concerns over National Grid's easement. He indicated that National Grid had been attempting to reach Mr. Jodice but had been unable to do so. Mr. Jodice was in the audience, and Mr. Kowalski represented that they had spoken before the Planning Board meeting and that the parties' respective lawyers were to be in contact with each other to discuss the interpretation of the easement documents submitted by National Grid. Attorney Coan advised Mr. Kowalski that the Planning Board would not engage in any interpretation of the deeds and easements, and that it was an issue that was to be worked out between National Grid and Mr. Jodice.

Attorney Coan further indicated that the Planning Board would make recommendations to the Town Board to be reviewed by the Town Board at its next meeting, thus affording the Applicant and Mr. Jodice time to work out the easement issues and to provide a full road profile to Mr. Kestner.

Member Czornyj expressed concern over the proposed road width and whether it provided sufficient access for safety vehicles, fire trucks in particular. Mr. Kestner explained

that the Town's recommended 16' width road was based on recommendations from the Fire Department.

Discussion was then had as to whether National Grid could find alternate access up Bellview and onto the existing road, without the need to construct a new road. National Grid through Mr. Kowalski indicated that it does not own the land to provide access from Bellview. The Applicant then requested that it be placed on the July 1st agenda for further discussion.

The Planning Board members then discussed potential recommendations to be made to the Town Board. Member Wetmiller continued to express concern over the 12' road width and wants to consult with the fire department before making any recommendations. Mr. Kreiger indicated that the Fire Department cannot get up the existing road even in good weather, and thinks the Fire Department would prefer a new road 12' wide given the present situation. Mr. Kestner then advised the Planning Board that it appears National Grid is proposing a 12' wide road with 3' shoulders on either side. He further indicated that the pitch should be 1 ½" per foot of the shoulder and 1' vertical drop per 4' horizontal in order to reduce the risk of rolling a vehicle. Mr. Kestner further indicated that as a condition, National Grid could be required to be diligent about plowing the roadway including the shoulders so as to make the shoulders usable.

Member Wetmiller indicated that he would be okay with a 12' wide road with 3' paved shoulders if the Fire Department was okay with it. Member Czornyj indicated that he would be okay with a 12' wide road if the shoulders are usable and the overall grade of the road is improved.

Member Esser then inquired of Vincent Jodice whether he sees a lot of vehicular traffic up to the National Grid tower. Mr. Jodice indicates that National Grid currently does not go over his land except to do meter readings, and that he has not noticed National Grid utilizing Bellview Road to get to the site.

No items of new business were discussed.

Two items of old business were discussed.

With respect to the first item of old business, Member Czornyj followed up on the minor subdivision application by Irish Development, LLC for property located off Langmore Lane. Member Czornyj suggests that the Applicant build a cul-de-sac, conditioned upon the Applicant's meeting with the Highway Superintendent and that the Applicant construct the half turn-around as was made a condition of the 2003 prior subdivision approval. Member Wetmiller then questioned whether Langmore Lane (a deadend) is at capacity and whether the Planning Board can limit the number of new houses that can be constructed on Langmore Lane.

The Board further indicated that this may end up being a major subdivision application even though the current proposal is to develop one lot only.

As a second item of old business, Member Czornyj followed up on the site plan application of Gendron Truck Center concerning the commercial site on Route 7 located adjacent to Feather's Furniture. Member Czornyj indicated that he had still not received an amended letter from Brunswick No. 1 Fire Department, advising that they had been on site and actually seen the stakes around the retail sales lot. Member Czornyj and Mr. Kestner reminded the Board that the placement of stakes marking off a 20' buffer to allow for adequate access for fire equipment was one of the conditions of the site plan approval. Member Czornyj remains concerned about the Fire Department's ability to fight a fire behind Feather's Furniture.

Member Czornyj further indicated that he did not believe Gendron was following the site plan as approved and inquired as to what recourse the Planning Board had. Attorney Coan advised that the matter could be referred to the Town's Enforcement Officer, the Planning Board could reach out to Gendron's and request compliance with the prior site plan approval, or Gendron could submit an amended site plan for review.

Mr. Kreiger is going to request the amended letter from Brunswick No. 1 Fire Department, which is to state whether it had been on site and viewed any stakes around the retail sales lot.

The **index** for the June 19, 2008 meeting is as follows:

1. J.J. Cillis – major subdivision – adjourned to 7/17/08;
2. Brunswick Community Library – site plan – 7/1/08;
3. Irish Development, LLC – minor subdivision – adjourned without date;
4. Park East Ventures/Rifenburgh – site plan – 7/17/08;
5. National Grid – site plan – 7/1/08;

The proposed agenda for the July 1, 2008 meeting currently is as follows:

1. Meehan/Proulx – waiver of subdivision;
2. Brunswick Community Library – site plan;
3. National Grid – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 1, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN and JOSEPH WETMILLER.

ABSENT were DAVID TARBOX and KEVIN MAINELLO.

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

Chairman Oster read the notice of special meeting into the record, this July 1 meeting being in place of the regularly-scheduled July 3 meeting.

The Planning Board reviewed the draft minutes of the June 19, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved as drafted.

Chairman Oster noted that upon request of the Applicant, the site plan application of National Grid has been removed from the July 1 agenda and adjourned to the July 17 agenda.

The first item of business on the agenda was the waiver of subdivision application by Meehan/Proulx for property located on Carrolls Grove Road. Wayne Bonesteel, P.E. and Sue Proulx appeared on the application. Mr. Bonesteel explained that the Applicant currently resides on a 30 acre parcel, but is seeking to divide off 5 acres for the construction of a new house, and to sell the remaining 25 acres and existing house. Mr. Bonesteel explained the location of the 5 acre parcel on Carrolls Grove Road. Chairman Oster asked whether there was a stream cut in front of the proposed access to the new parcel, or whether this was a large drainage ditch. Mr.

Bonesteel stated that it was a large drainage ditch which is seasonally wet, and that the current plan is to install a large drainage pipe below the area proposed for the driveway. Chairman Oster followed up with questions regarding sight distances for the location of the proposed driveway. Mr. Bonesteel stated that there is 340' of sight distance to the left (toward Route 7), and 470' sight distance to the right (toward Tamarac Road). The speed limit for Carrolls Grove Road was confirmed at 30 mph, and therefore the sight distances are within specification. Mr. Kestner noted that there were two driveways existing on the 30 acre parcel, one leading to the house and a second driveway leading to a barn. Mr. Kestner inquired as to the distance from any existing driveway to a new proposed driveway. Mr. Bonesteel stated that the new proposed driveway would be a minimum 90' from any existing driveway. Chairman Oster asked whether there were any existing driveways on the opposite side of Carrolls Grove Road in the vicinity of the new proposed driveway. Mr. Bonesteel and Ms. Proulx confirmed that there were no driveways across the street, and that the property is all farmland. Mr. Kestner inquired whether Mr. Bonesteel had yet sized the culvert pipe for the driveway. Mr. Bonesteel stated that he had not yet completed that, pending Planning Board action on the waiver application. Mr. Bonesteel did confirm that perc tests had already been completed for the 5 acre proposed lot. Chairman Oster inquired whether there were any further questions. Hearing none, Member Czornyj made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 5/0, and a Negative Declaration was adopted. Member Czornyj then made a motion to approve the waiver of subdivision application subject to the following conditions:

1. Rensselaer County Health Department approval for water and septic.
2. Applicant must coordinate with Mr. Kestner regarding the size of the culvert pipe to be installed beneath the proposed driveway.

Member Esser seconded the motion subject to the stated conditions. The motion was approved 5/0, and the waiver application granted subject to the stated conditions.

The next item of business on the agenda was the site plan application by Brunswick Community Library for a new library facility at 4118 NYS Route 2. The Applicant did not initially appear on the application, and the Planning Board moved to the next business matter.

Two items of new business were discussed.

The first item of new business discussed was a site plan application by Leatham for the commercial operations located off Sycaway Avenue and NYS Route 7. Mr. Kreiger explained that this matter has been in enforcement, and that Mr. Leatham was ordered to submit a site plan application. This matter will be discussed at the July 17 meeting.

The second item of new business discussed was a waiver of subdivision application by Richard and Linda Bulson for property located at the corner of NYS Route 2 and Bulson Road. Mr. Kreiger explained that this matter arises out of part of an estate proceeding, and that the subject property should have been subdivided as part of a settled litigation in 2001. This matter will be reviewed and discussed at the July 17 meeting.

One item of old business was discussed. With respect to the Gendron Truck Center site plan on NYS Route 7 adjacent to Feather's Furniture, Gus Scifo, Jr., Assistant Chief of Brunswick No. 1 Fire Department, appeared and discussed the Department's review of the site plan. Mr. Scifo explained that the Department did perform two site plan reviews, including May 1, where both the interior of the building and the exterior site were reviewed, and May 19, in response to the Planning Board's request that the Department review the site for emergency vehicle access. Both site visits generated letters from the Brunswick No. 1 Fire Department to the Planning Board. Mr. Scifo explained that with respect to emergency vehicle access, the Department routinely does not put trucks that close to a building because of a collapse zone, and

that a standard fire truck has 200' of hose in which to fight a fire. Mr. Scifo concluded that the Department has no concern regarding emergency vehicle access to this site. Member Czornyj asked whether there were any stakes placed in the field to mark the area where cars for retail sale would be displayed. Mr. Scifo stated that he did not recall seeing any stakes in the field. Member Christian asked where the fire department would park a fire truck to fight a fire at the building if the entire car display area was full. Mr. Scifo explained that the truck would be on site, and that access to the building and vehicles was adequate with hose length. The Planning Board reviewed the conditions attached to the final site plan approval granted by the Planning Board for this site plan, which included that the Brunswick No. 1 Fire Department review the current site plan with respect to emergency vehicle access both behind the building and behind the location marked for retail car sale display, and also that the Applicant needed to install stakes where the retail sale display area would be located. Member Czornyj stated that the condition regarding installation of the stakes was not followed. Chairman Oster said that regardless of installing stakes, the Brunswick No. 1 Fire Department had the approved site plan during their field visit, that the Fire Department had in fact made the field visit for purposes of determining vehicular access, and that the Fire Department concluded that emergency vehicle access was satisfactory. Mr. Scifo also stated that with respect to this site, the issue of emergency vehicle access was miniscule as compared to the other existing car dealerships in Town. Member Czornyj said the issue was not necessarily emergency vehicle access, but rather one of compliance with conditions on the site plan approval. Mr. Kestner stated that the road leading up to the Brunswick Little League field would remain open, and that there was 20' to the rear of the building and the retail sale car display area as depicted on the site plan. Mr. Kestner also confirmed that the Brunswick No. 1 Fire Department was comfortable with respect to emergency access. With the determination of the Brunswick No. 1 Fire Department, the Planning Board

concluded that the emergency vehicle access issue had been resolved. The remaining issue on the site plan was compliance with site plan conditions. Member Czornyj stated that if the approved site plan showed an area for display of cars for retail sale in an area where cars simply could not be parked because of topography, then the site plan has a compliance issue. Member Czornyj thought that the options could include grading the area already marked on the site plan as retail sale display area, or to relocate the retail sale area due to existing topography. Upon further discussion, the Planning Board determined that in the event the retail sale display area was located as indicated on the approved site plan, then grading would be required, for which a grading permit would be needed from Mr. Kreiger. Further, if the retail sales display area were to be moved to a different location than indicated on the site plan, then a compliance issue arises, and the Applicant would need to come back before the Planning Board for an amendment to the approved site plan. Thus, it was determined that this matter is now a site plan compliance issue, subject to the jurisdiction of the Building Department.

At this point in the meeting, Attorney Paul Engster appeared on behalf of the Brunswick Community Library with respect to its site plan application. The Planning Board entertained the site plan application. Mr. Engster explained that additional information had been submitted with respect to the size and capacity of the dry well in the southeast corner of the proposed parking lot. Further, stormwater calculations had been prepared as well as information with respect to the absorption rate for stormwater on the site. Mr. Kestner stated that he had only recently received the additional information, and was in the process of reviewing that. Mr. Kestner did note that a detention area had been added in the front of the site in addition to the proposed dry well. Mr. Kestner did note that the information submitted states a 4' per hour absorption rate for the soil, which is an extremely high rate of absorption. Attorney Engster stated that Chris Danbury had done excavation on the site in the past, and that material is all gravel. Attorney

Engster stated that Mr. Danbury was willing to provide a written statement to that effect. Mr. Kestner suggested that a hole be dug on the site and a perc test run. Member Czornyj asked whether a swale had been included in the site plan to carry stormwater to the rear of the property. Attorney Engster stated that this was not included in the current site plan. Mr. Kestner stated that it would be logical to take the water to the rear of the site, and the Applicant should reconsider including a swale to carry stormwater to the rear of the site. Mr. Kestner also stated that a perc test should be run to confirm soil absorption rates. Attorney Engster also reviewed additional information on the site septic system provided by Mr. Danbury, who inspected the septic system and found it properly functioning in compliance with the Rensselaer County Health Department approval. Attorney Engster will get a letter from Mr. Danbury to that effect. Attorney Engster stated that a flag pole location had not been included on the site plan, but that such would be included. Attorney Engster stated that a lighting plan for the parking lot had been submitted and on the site plan, including calculations concerning foot candles at both the front and side property lines. Mr. Kestner will review the calculations. The Planning Board also discussed whether a public hearing should be required in connection with the library site plan application. Upon further discussion, the Planning Board determined that a public hearing would not be necessary on the library site plan application. Mr. Kreiger confirmed that the site plan application had been forwarded to the Rensselaer County Department of Planning, but that no response has been received. This matter is placed on the July 17 agenda for further discussion.

The **index** for the July 1, 2008 meeting is as follows:

1. Meehan/Proulx – waiver of subdivision – approved with conditions;
2. Brunswick Community Library – site plan – 7/17/08;
3. Leatham – site plan – 7/17/08;
4. Bulson – waiver of subdivision - 7/17/08.

The proposed agenda for the July 17, 2008 meeting currently is as follows:

1. J.J. Cillis – major subdivision;
2. Park East Ventures/Rifenburgh – site plan;
3. National Grid – site plan;
4. Brunswick Community Library – site plan;
5. Leatham – site plan;
6. Bulson – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 17, 2008

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

ABSENT was FRANK ESSER.

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

Chairman Oster reviewed the Agenda for the July 17, 2008 meeting, noting that the Cillis major subdivision application has been adjourned to the August 7, 2008 meeting at the request of the Applicant's engineer. Chairman Oster further noted that the Park East Ventures/Rifenburgh – site plan application has been adjourned to the August 7, 2008 meeting at the request of engineer, Percy Cotton, and the National Grid site plan application has been adjourned to the August 7, 2008 meeting at the request of the Applicant.

The Planning Board reviewed the draft minutes of the July 1, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes were unanimously approved as drafted.

The first item of business addressed by the Planning Board was the Carriage Hill Estates PDD site plan. Attorney Phil Dixon and Terri Herubin were present for the Applicant. Attorney Dixon reviewed the Applicant's request for further extension of the deadline of the time in which the Applicant had to complete certain conditions of the final subdivision and site plan approvals before being required to restore areas where preliminary work had occurred to their pre-existing

conditions. The Applicant is still working on certain conditions to site plan approval, in particular the Stormwater Pollution Prevention Plan. According to Attorney Dixon, the Army Corps of Engineers indicated that a further extension of the Nationwide Permit is likely to be granted. The Applicant is requesting a further extension from the Planning Board until March 31, 2009. Chairman Oster read Attorney Dixon's July 8, 2008 letter into the minutes. Final site plan and subdivision plat approval was given by the Planning Board, but certain conditions have still not been met (i.e. Stormwater Pollution Prevention Plan). In addition, there are outstanding invoices regarding consulting services that have been billed to the Town in the approximate amount of \$15,000. Terri Herubin would like an accounting of the bills since February 29, 2008 to justify the Town's request that the Applicant deposit additional money in the escrow account. Chairman Oster referred to the letter from Calvin Clickner dated July 17, 2008 requesting that the Applicant deposit an additional \$20,000 into escrow. Chairman Oster advised that the Town will work with the Applicant to resolve any issues concerning the outstanding invoices. However, as a condition of the requested extension, the Town will require the Applicant to deposit an additional \$20,000 into escrow. Terri Herubin agreed to the condition. Thereupon, Member Czornyj made a motion to approve the extension until March 31, 2009 subject to the replenishment of the escrow by August 1, 2008 in the amount of \$20,000. This motion was seconded by Member Wetmiller. The motion was approved 6-0, and the extension approved subject to the stated condition.

The next item of business on the agenda was the site plan application by Brunswick Community Library for a new library facility at 4118 NYS Route 2. Attorney Paul Engster appeared on behalf of the Applicant. The Applicant was to have gotten a perc test, but had difficulty retaining someone to perform the test. Applicant has since retained Warren Fane to perform the perc test, to be assisted by Harold Berger, P.E. Attorney Engster expected the tests to

be performed within a few days of the Planning Board meeting. Attorney Engster also indicated that the conduit and flag pole still need to be shown on the site plan. The Planning Board reviewed the potential need for dry well. Chris Danbury assured Attorney Engster that it was all gravel. According to Attorney Engster, the Applicant will have the perc test performed within the next few days and will install a second dry well in back/rear of the site if the results of the perc test indicate. Applicant will construct a swale regardless of perc test and will lay conduit before paving. Member Czornyj made a motion to declare a negative declaration, which was seconded by Chairman Oster and unanimously approved by the Planning Board. The Planning Board discussed whether a public hearing was necessary, and decided that such a hearing was not necessary. Member Czornyj made a motion to approve the site plan. The motion was seconded by Member Wetmiller and the same was unanimously approved. The site plan application was approved subject to the following conditions:

1. perc test to be completed;
2. if needed, based on perc test, a second dry well will be installed at rear of property and a swale will be constructed at rear of property line; and
3. conduit and flag pole will be added to site plan.

The next item of business on the agenda was the site plan application by Leatham for the commercial operations located off Sycaway Avenue and NYS Route 7. Applicant Chris Leatham appeared before the Planning Board. The Applicant submitted a site sketch, application and survey dated September 29, 1999. Leatham explained that he was using the site essentially for storing his equipment and firewood. He further explained that he got very few customers (1-2 per month) at that location and that it was "not a retail area". Chairman Oster had a question concerning the house on the property. Mr. Leatham confirmed the house had been sold years ago to DeWolf, who had an easement over the property. Mr. Kreiger thinks Mr. Leatham had already

been provided a copy of the Town's Site Plan Law, but gave the Applicant another one at the meeting. In response to a question from the Board, Mr. Leatham explained that the majority of wood brought to the site was by other loggers. Mr. Leatham splits it. He represented that he does about sixty (60) days of actual splitting time; he does not start before 8:30, and does not operate at night. The access to the property is located on Sycaway and Hoosick, which is gated/chained off to prevent the public from using it. The land is zoned commercial - 250' back with a small area zoned residential. There is no electricity up there - all equipment is powered by a generator. Mr. Kreiger requested the Applicant establish a \$300 escrow, which Leatham was prepared to pay. Chairman Oster requested more detail on the site plan and suggested Leatham retain a surveyor. Chairman Oster has concerns about the hours of operation. Leatham indicated that he worked on the site in Winter; in the other months, Leatham focuses on his landscaping business. Chairman Oster wanted to see some setbacks along neighbors on Hoosick Street. Chairman Oster also wants to see an adequate driveway and turn-around designated on the site plan, as well as the splitting and storage areas for the wood before and after it is split marked on the plan. Chairman Oster also wants to see hours of operation imposed. Mr. Kestner agreed with Chairman Oster. Mr. Kestner further noted the grade on Hoosick Street is too dangerous to access/or egress the site from there and that should be marked on site plan. The Applicant also sells landscaping stone through the landscapers, but primarily offers delivery services. He does not store stone on site. Darling will be Mr. Leatham's surveyor. A public hearing will be held due to the proximity of neighbors. This matter is placed on the agenda for August 21. Chairman Oster wants copies of site plan one week ahead of meeting. The Applicant will fund the escrow.

The next item of business on the agenda was the waiver of subdivision application by Richard and Linda Bulson for property located at the corner of NYS Route 2 and Bulson Road. Attorney Albert Kolakowski was present on behalf of the Applicants. Also present was Mr.

DiNino, executor of the estate of Helen DiNino. Extra copies of the survey were handed up to the Planning Board. Attorney Kolakowski briefly reviewed the history of the property and Helen DiNino's interest therein:

- 1989 – Helen DiNino was a tenant in common with her uncles, the Behuniaks, and owned a 1/15 interest (the uncles each owned 7/15 interests);
- 1993 – Behuniaks transferred to Bulson without DiNino's consent;
- 1996 – partition action commenced.

Helen DiNino is to receive 10 acres per partition action. Mr. Kestner went to look at the site and has some concern that if house is put on the 10 acres, that the houses along Route 2 must be protected from runoff. Mr. DiNino thinks he will just sell parcel and currently has no plans to put up a house. Mr. Kestner also noted that the driveway from adjacent landowner appears to cut across the subject parcel. Mr. DiNino did not know if there is an easement and will look into it. Member Czornyj opined that if a house is to be constructed on the parcel, that the driveway should be put in along north side of Bulson Road. 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 was adopted. Member Tarbox then made a motion to approve the waiver of subdivision application subject to the following conditions:

1. location of driveway easement be placed upon subdivision map; and
2. any future driveways to be constructed on the parcel must comply with DOT Policies and Standards for Entrances to State Highways.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 6/0, and the waiver application granted subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application by Irish Development, LLC for property located off Langmore Lane. Mike Hart appeared on behalf of the Applicant. Joe Ucellini wants to build a house on the subject property. Test holes were dug, but Mike Hart submitted two different options for the septic system: either a fill system will be

constructed or the Applicant will pump sewage back up. Choice of septic system will be made after grading has been completed. Mr. Hart contends that he needs to grade before he can tell which of the two options to go with. This property was subject of a waiver application once before. Minor subdivision – Mike Hart has three lots and this application would be the fourth. With respect to the cul-de-sac that was a condition of the prior approval, Mr. Hart contends that Doug Eddy said the Town would deliver stone to the site and Mr. Hart would spread it. Mr. Hart admits he never followed up with Mr. Eddy and the condition remains unfulfilled. Member Czornyj thinks Mr. Hart is incorrect with respect to what the Highway Superintendent wanted on the site concerning the road improvement. Member Czornyj also pointed out that there have been changes to Mr. Hart's minor subdivision when compared to what had been approved. Member Tarbox wants the cul-de-sac to be paved if it is going to be taken over by the Town; gravel is not sufficient. The cul-de-sac was made a condition of the minor subdivision approval. Mr. Hart thinks it was just to be a turnaround for snow plows. Member Tarbox thinks that just looking at the current plans for the new house, that a cul-de-sac will be required so as to provide adequate turn around for trucks and buses. Chairman Oster thinks that this should have been a major subdivision application 5 years ago because of the need for and the condition that a cul-de-sac be constructed. Mr. Kestner generally reviewed for the Applicant what is required for a major subdivision. Mr. Kestner wants to know who holds title to the strip of land between old road and curve (on map) and questions whether it was ever deeded to the Town. Mr. Kestner advised that he had only received the drawings from the Applicant on July 16, 2008 and has not fully reviewed them. Member Czornyj thinks the cul-de-sac should be at the end of the lot. The Applicant stated he needs to keep minimum of 10 acres to become a farm. Member Tarbox wants to see how Mr. Hart is going to turn around plow truck at the end of Langmore Lane. The Applicant wants to put the new house (Joe Ucellini) at the same elevation as the Corbitts.

Member Tarbox thinks the design is inadequate and needs to show a proper turnaround.....

Chairman Oster advised the Applicant that Planning Board will not review two different plans for the septic. If it is a major subdivision, the Applicant will have to construct and pave the cul-de-sac. Applicant was advised to apply for a grading permit now if that is what he needs to do to determine what septic system is appropriate for the site. The Applicant must have adequate space for a turnaround – either move the cul-de-sac or expand the radius. Still need to resolve whether ½ moon-shape “cul-de-sac” was ever deeded to Town. Town generally will not accept a road as deeded over until road is constructed. Attorney Coan suggested an option may be to amend the original site plan approval to take into consideration the previous condition that a cul-de-sac be constructed as well as the new lot Mr. Hart is proposing to create at this time. There is not enough information on cul-de-sac to even proceed ahead. Mr. Kestner will arrange meeting with Doug Eddy and Mr. Hart. This matter is tentatively scheduled for the August 7, 2008 meeting.

No new items were discussed.

Two items of old business was discussed.

The first item of old business discussed was the application submitted by Kroneau for the placement of a sign in the Stewart’s parking lot. It was noted that Kroneau has not requested Building Permit and that he cannot advertise until sign goes up.

The second item of old business discussed was the major subdivision application by Provost. According to Attorney Engster, Attorney Gilchrist was okay with the proposed plat except the easement to dry hydrant had to be amended. Attorney Engster advised that the easement had been amended and resubmitted to Attorney Gilchrist. Attorney Engster advised that the closing was scheduled for July 19, 2008 and the Applicant wanted to deliver the signed subdivision map. Member Wetmiller has a problem with the survey map. The map shows pins inside the deed line. The map prepared by David Dickinson was original 4 lot minor subdivision

which was then made into a major subdivision due to the cul-de-sac. Attorney Engster will call David Dickinson with respect to the survey being questioned by Member Wetmiller. The map seems to indicate the property to be encroaching on Craig Newton's side. Attorney Coan advised that the Planning Board will not resolve or otherwise get involved in property disputes between neighbors, that was a private matter to be worked out between the individuals. Attorney Engster left the plans with John Kreiger to be stamped upon Attorney Gilchrist's return. Member Czornyj made a motion to adjourn the meeting, seconded by Member Tarbox.

The **index** for the July 17, 2008 meeting is as follows:

1. J.J. Cillis – major subdivision – adjourned to 8/7/08;
2. Park East Ventures/Rifenburgh – site plan – adjourned to 8/7/08;
3. National Grid – site plan – adjourned to 8/7/08;
4. Brunswick Community Library – site plan – approved with conditions;
5. Leatham – site plan – public hearing scheduled for 8/21/08;
6. Bulson – waiver of subdivision – approved with conditions;
7. Irish Development, LLC – minor subdivision – tentatively scheduled for 8/7/08.

The proposed agenda for the August 7, 2008 meeting currently is as follows:

1. J.J. Cillis – major subdivision;
2. Park East Ventures/Rifenburgh – site plan;
3. National Grid – site plan;
4. Irish Development, LLC – minor subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 7, 2008

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

ABSENT was KEVIN MAINELLO.

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

Chairman Oster reviewed the agenda for the meeting. Chairman Oster stated that the site plan application by Park East Ventures/Rifenburgh would be adjourned to the August 21, 2008 meeting at the request of the Applicant.

The Planning Board reviewed the draft minutes of the July 17, 2008 meeting. At Page 3, Condition No. 2 attached to the site plan approval for the Brunswick Community Library, it was noted that the swale will be constructed to the rear of the property regardless of whether a second drywell is installed. At Page 8, under the "Index" for the July 17 meeting, Item No. 5 pertaining to "Leatham - site plan" is changed so that the matter is on the agenda for the August 21 meeting, but not scheduled for public hearing. With the two noted corrections, Member Czornyj made a motion to approve the minutes, seconded by Member Wetmiller, the motion was approved 6/0, and the minutes approved with the noted corrections.

The first item of business on the agenda was the major subdivision application by J.J. Cillis for property located off Cole Lane. Russ Reeves, P.E. appeared for the Applicant. Chairman Oster noted that both he and Mr. Kestner met with Mr. Reeves to discuss the

subdivision plat, and that Mr. Reeves had indicated that Cillis planned to pursue the creation of a drainage district. Mr. Reeves then explained to the Board that he had had several meetings with the New York State Department of Environmental Conservation concerning the stormwater plan for this major subdivision. Mr. Reeves stated that while the original intent of the Applicant was to create a homeowners association for ownership and maintenance of the stormwater management facilities, NYSDEC prefers that the Town establish drainage districts for the future maintenance of the stormwater management facilities. Mr. Reeves generally reviewed the operation of special districts, including drainage districts, and generally discussed the annual assessment procedure. Mr. Reeves noted that NYSDEC feels that homeowners associations usually fail to properly maintain stormwater management facilities, and therefore prefers the municipal drainage districts for future maintenance. Mr. Reeves handed up to the Board information from NYSDEC concerning maintenance of stormwater management facilities. Mr. Reeves stated that the Town does have the legal authority to create a drainage district. Mr. Reeves then requested that the Planning Board make a formal request to the Town Board to create a drainage district in association with this subdivision application. Mr. Reeves stated that he would be providing final water and sewer plans to the Rensselaer County Department of Health within the next week, and also providing final stormwater management plans to NYSDEC within the next week. Chairman Oster noted that the homeowner association mechanism had been used for ownership and maintenance of stormwater management facilities in past subdivisions. Chairman Oster did note that in many cases, homeowners associations did not have the expertise or the time to properly maintain stormwater management facilities, and that certain facilities failed to operate properly and usually the Town gets involved in maintaining these stormwater facilities anyway. Chairman Oster noted that the cost of maintaining stormwater facilities still will rest on the residents, but rather than having annual

charges through a homeowners association the money would be paid directly to the Town through a special district. Chairman Oster did note that NYSDEC seems to be promoting the use of drainage districts for stormwater management facilities, not homeowners associations. Mr. Reeves stated that other municipalities do create drainage districts for stormwater management facilities, including Niskayuna. Mr. Kestner noted that the Town of Glenville also uses drainage districts for stormwater management facility maintenance. Member Esser thought that the Board members should review the information from NYSDEC, and have a special workshop meeting on the issue. Chairman Oster thought this might be a good idea, but that it was the Town Board which needed to create the drainage district. Attorney Gilchrist then stated that the Planning Board had no jurisdiction with respect to the creation of a special improvement district, including a drainage district. Instead, Attorney Gilchrist advised the Board that special improvement districts were created either through direct Town Board action on its own motion, or through a written petition filed by a property owner, which petition would include a full engineering map, planned report for the Town Board's consideration. Attorney Gilchrist advised the Planning Board that the creation of a special improvement district, including a drainage issue, is a legislative function for the Town Board, not a planning function by the Planning Board. Mr. Reeves stated that it was the Applicant's intent to pursue the creation of a drainage district, and will file a full petition to the Town Board. Attorney Gilchrist stated also that it would be premature for the Planning Board to make any written recommendation to the Town Board concerning the drainage district until such time that the Applicant has filed its full petition, including the full engineering plan and report, which will include all of the projected costs associated with the district. Attorney Gilchrist stated that the Planning Board could request the opportunity to review and make a recommendation on the drainage district petition in conjunction with the subdivision plan, but that it is up to the Town Board as to how it wishes to

review and act upon the special improvement district petition. Member Wetmiller inquired whether the special improvement district could impose liability on the Town in terms of the stormwater management facilities. Attorney Gilchrist stated that the potential liability issue would be one factor to be considered by the Town Board as to whether to create the drainage district. Mr. Reeves stated that he would complete and file the petition for the creation of the drainage district with the Town Board, with notice to the Planning Board. Mr. Reeves asked to be placed on an agenda for the Board's first meeting in September, but that he would coordinate with Mr. Kestner as to any further submissions. This matter will be tentatively placed on the September 4 agenda.

Chairman Oster reiterated that the site plan application by Park East Ventures/Rifenburgh has been adjourned to the August 21 meeting.

The third item of business on the agenda was the site plan application by National Grid for the construction of a private access road to its tower on Bald Mountain Road off Bellview Road. Ron Kowalski of National Grid was present. Mr. Kowalski stated that a revised site plan for the private roadway had been submitted, that National Grid's engineer on stormwater, Ken Barber, had discussed the stormwater plan with Mr. Kestner, and that he was ready to answer any questions that the Board members may have. Mr. Kestner did state that he had reviewed Mr. Barber's report dated June 2, 2008, and that there was an Erosion and Sediment Control Plan in the engineering report. Chairman Oster asked Mr. Kowalski whether he has had any further discussions with Mr. Vincent Jodice concerning the access road area off Bellview Road. Mr. Kowalski stated that he had been able to reach and discuss this matter with Mr. Jodice only on Wednesday, August 6, and it was his understanding that Mr. Jodice will be meeting with his attorney on August 8. Mr. Kowalski asked that this issue concerning legal access to the property off Bellview Road be adjourned for further discussion at the August 21 meeting. Mr. Kestner

then continued to review the Erosion and Sediment Control Plan, which is presented as improvement over existing conditions by draining some of the stormwater runoff from this location to the rear of the National Grid property. Mr. Kestner did confirm that National Grid was looking to install a 12' wide private roadway, instead of the private road specifications of the Town calling for a 16' wide roadway due to its length. Also, the grade of the proposed access road is 10.8% over the first approximate 250', and at 14% over the last approximate 50' to its termination near the tower. Member Czornyj inquired whether the Planning Board could waive the private road specifications for the Town in conjunction with this site plan application. Attorney Gilchrist stated that the Applicant should request a waiver from the private road specifications on both the width and grade issues to the Town Board. Chairman Oster noted that in connection with applications for waiver from Town Roadway Specifications, the Planning Board is required to make a recommendation, and suggested that the Planning Board begin to discuss that issue. Mr. Kowalski then stated that the access road was limited by existing topography, and that National Grid was trying to install a better access to the communications tower than the existing access road off Bald Mountain Road, that the 14% grade over the last 50' of the road to its termination was required because it was close to an existing guy tower and several stakes installed for purposes of grounding, and to remove additional gravel to decrease the grade could result in tower instability in that general location. Mr. Kowalski added that National Grid was proposing that it be the only user of the access road. Member Wetmiller inquired whether the Planning Board had the ability to limit the use of the access road to National Grid. Attorney Gilchrist stated that he would need to research this issue and report back to the Board. Mr. Kowalski also stated that National Grid did not want others to co-locate on the tower because this would impede on National Grid future needs, but that he could not guarantee that there would not be other users on the tower in the future. Member Esser then

raised a point concerning the erosion and sediment control detail, and technical questions concerning burying both ends of drainage facilities. Mr. Kestner concurred, and thought this change to the drainage plan should be made. This matter has been placed on the August 21 agenda for further discussion concerning a recommendation on the private road specifications, as well as issues concerning legal access to the site between National Grid and Vincent Jodice.

The next item of business on the agenda was the minor subdivision application by Irish Development, LLC/Michael Hart for property located off Langmore Lane. Michael Hart was present on the application. Chairman Oster started by stating the Planning Board needed to determine whether the application constituted a minor subdivision or major subdivision, with the particular issue being whether the application included the construction of a new road, in this case the construction of a cul-de-sac at the end of Langmore Lane. Mr. Hart's submission dated August 4, 2008 to the Planning Board was reviewed, and Mr. Hart confirmed that it was not his intent to make any improvement or construction of a cul-de-sac. At this point, Attorney Gilchrist stated that in light of Mr. Hart's August 4 submission, and discussion which had occurred at the July 17 meeting, research had been done to determine the ownership of Langmore Lane, including the area of the proposed turnaround. It was noted that on the subdivision map submitted by Mr. Hart, there exists a semi-circle at the end of Langmore Lane, and that Mr. Hart's property line abuts this semi-circle. Attorney Gilchrist, in conjunction with Mr. Kreiger and Mr. Kestner, determined that the Town of Brunswick does own the Langmore Lane road bed, but upon review of the deed (dated 1969), a full "turnaround" area of 120' in diameter is included in the description at the end of Langmore Lane adjacent to Mr. Hart's property. Further, this "turnaround" area was described in the deed as being only "temporary", which would revert to the abutting property owners once Langmore Lane had been extended. Further, Attorney Gilchrist obtained a copy of the original subdivision plat for Tamara View Subdivision,

and that the subdivision plat also notes that the turnaround area at the end of Langmore Lane adjacent to Mr. Hart's property was designed to only be a temporary turnaround, which would revert to the abutting property owners once Langmore Lane had been extended. It appears from this record that the original subdivision plan included extending Langmore Lane into what is now Mr. Hart's property for the purpose of creating additional residential lots. However, no further lots were created, Langmore Lane had not been extended, and the original developer had not created a turnaround within this 120' diameter area. Attorney Gilchrist stated that while it appears from the face of the deed that the Town owns this 120' diameter turnaround area at the end of Langmore Lane, that title must be further researched in that the description in the deed identifies this only as "temporary" with a "reverter" clause. This issue is important, as Attorney Gilchrist stated it would play a part in determining whether Mr. Hart would be required to construct a cul-de-sac at the end of Langmore Lane, which in turn directly impacts whether this application is a major subdivision or minor subdivision. As this is an issue concerning property ostensibly owned by the Town, Attorney Gilchrist wanted the input from the Town Attorney and Town Board. Mr. Kestner noted that on the current subdivision plan, a retaining wall was being proposed for the residential lot, and inquired whether the waterline which Mr. Hart had installed to his home being constructed at the top of the hill would be underneath the retaining wall. Mr. Hart stated that the waterline is located under the proposed retaining wall. Mr. Kestner generally reviewed proposed driveway location, the existence of a drainage easement and storm drainage pipe, and grading on the proposed lot. Mr. Hart reiterated that in conjunction with his prior subdivision approval in 2003, there was discussion concerning the construction of a gravel turnaround at the end of Langmore Lane, but that this had never been constructed. Member Tarbox stated that whatever discussions were held in 2003 are not binding, since Mr. Hart wants to add yet another residential lot directly off this turnaround area. Member Czornyj stated this

raises issues concerning access for school buses, and Chairman Oster stated that it also raises issues concerning access for emergency vehicles. Attorney Gilchrist stated that further research and consideration needs to be undertaken concerning this turnaround area, and that coordination with the Town Attorney and Town Board will occur. After further discussion, the issue of whether the application constituted a major or minor subdivision was left open, but Attorney Gilchrist stated that with respect to either application a public hearing was mandatory. Attorney Gilchrist stated that if the Planning Board was so inclined, the Planning Board could open a public hearing in order to get input from the surrounding property owners, and the ultimate determination as to whether the application was a major subdivision or minor subdivision could be held open at this point. The Planning Board determined that input from the surrounding property owners would be useful. Member Tarbox stated that the end of Langmore Lane needs to be corrected with an appropriate turnaround before he would approve another residential lot in that location, to which Member Czornyj agreed. A public hearing will be scheduled on this application for August 21 at 7:00 p.m. Attorney Gilchrist will coordinate with the Town Attorney and Town Board on the issues raised in conjunction with this application.

Chairman Oster noted that he was in receipt of a letter from John DiGiovanni concerning flooding issues on McChesney Avenue near Mr. DiGiovanni's property located at 138 McChesney Avenue. Mr. DiGiovanni was present, and Chairman Oster allowed him to review his letter with the Planning Board. Attorney Gilchrist reviewed the limited jurisdiction of the Planning Board, and that the Planning Board had no authority to address issues concerning drainage unless it was part of a pending application for site plan or subdivision approval, or upon referral and recommendation from the Town Board in conjunction with a Planned Development District application. Having none of these issues before it, Attorney Gilchrist stated that the Planning Board was without jurisdiction to address these issues. Mr. DiGiovanni stated that

there were drainage issues which needed to be addressed in the proposed Duncan Meadows Planned Development District. Attorney Gilchrist stated that the proposed Duncan Meadows Planned Development District remained pending before the Town Board, and would be considered by the Planning Board only when that application was complete and the Town Board requested the recommendation from the Planning Board, which has not yet occurred. Mr. DiGiovanni thanked the Board for its attention.

The **index** for the August 7, 2008 meeting is as follows:

1. J.J. Cillis – major subdivision – 9/4/08;
2. Park East Ventures/Rifenburgh – site plan – adjourned to 8/21/08;
3. National Grid – site plan – 8/21/08;
4. Irish Development, LLC/Hart – minor subdivision – 8/21/08 public hearing 7:00 p.m.

The proposed agenda for the August 21, 2008 meeting currently is as follows:

1. Irish Development, LLC/Hart – minor subdivision – public hearing open at 7:00 p.m.
2. Park East Ventures/Rifenburgh – site plan;
3. National Grid – site plan;
4. Leatham – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 21, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, KEVN 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.

A public hearing was opened concerning the minor subdivision application by Irish Development, LLC for property located off Langmore Lane. The Notice of Public Hearing was read into the record. Chairman Oster noted that the Planning Board would receive comments on the proposed additional residential lot that is the subject of the current minor subdivision application. Chairman Oster requested Michael Hart of Irish Development, LLC to present an overview of the proposal. Mr. Hart reviewed the proposed plat, showing the creation of one additional residential building lot from his 12± acre parcel, with access off of Langmore Lane. Mr. Hart stated that the lot would be graded and elevation reduced to a similar elevation as the Corbett residence to the east, and that a single-story ranch style home is planned for the site. Chairman Oster then opened the public hearing for receipt of comment. Initially, Chairman Oster noted that a letter had been received dated August 18, 2008 from Dolores Ostwald, 30 Langmore Lane. Chairman Oster read the Ostwald letter into the record, which generally identified surface runoff problems impacting her property, alleging that the runoff is coming from the Irish Development property and the two lots which Mr. Hart previously divided off the Irish Development property in 2003. Fred Lynch, 28 Langmore Lane, stated that the

surfacewater problem had not been solved after the 2003 subdivision created by Mr. Hart, that there was no storm drain located at the end of Langmore Lane, that surfacewater runoff pools in the area of the end of Langmore Lane and private properties and stays there 3-4 days after any storm event, that this runoff is impacting private property and lawns, that there is a standing pool of water at the end of Langmore Lane at least 90% of the time, and that there are very icy conditions at the end of Langmore Lane in the Winter. Mr. Lynch stated that Mr. Hart's 2003 subdivision was not done correctly, that there was not proper Town oversight during construction of the two residential lots after the 2003 subdivision, that Mr. Hart should have built a cul-de-sac at the end of Langmore Lane but did not, that Mr. Lynch feels that Mr. Hart will get away with whatever he can, and that whatever drainage swales Mr. Hart did construct were not big enough to handle the surfacewater runoff. Mr. Lynch stated that the properties of Corbett and Franz have repeatedly had water in their cellars, which needed to be cleaned out numerous times. Mr. Lynch stated that the Town should not allow any more residential lots until the current drainage problems are addressed, since there is nowhere for the surfacewater runoff to go. Mr. Lynch also stated that the Town Regulations limit the number of residential lots on a cul-de-sac road. Chairman Oster explained that the Town Subdivision Regulations did limit the number of lots on a cul-de-sac or dead-end road to a total of 12 lots, but that there is a waiver provision which allows the Town Board to consider any requests by an Applicant for a waiver of this lot limitation. Chairman Oster explained the procedure associated with a waiver request, which includes a Planning Board fact finding and recommendation and transfer to the Town Board. Chairman Oster noted that this was the process used in connection with the Brook Hill Subdivision located off Langmore Lane. Chairman Oster did confirm that Town Board approval for a waiver request would need to be obtained by the Applicant. Chairman Oster then confirmed the location of Mr. Lynch's property. Kevin Shufon, 1 Larix Court, stated that he had

lived in his house for 10 years, that he feels the neighborhood has grown enough, that the existing road and infrastructure were crumbling in this area, that drainage was a significant issue, that prior commitments by developers to the Town had not been followed up and completed by the developers, that Hart's 2003 subdivision had created an impact in the neighborhood, and that if the current application is approved the Town must insure compliance of all requirements by Mr. Hart. Tom Uccellini, 16 Carriage Lane but also co-owner of 29 Langmore Lane, stated that the drainage swale shown on the 2003 Hart subdivision plat had been constructed and installed, that the lawn on 29 Langmore Lane upgradient of the drainage swale is wet and that the slope "bleeds" water, that the swale is wet and does collect drainage, and that the downgradient side of the swale is dry, and therefore the stormwater system was put in place and it is working in relation to 29 Langmore Lane. Also, culverts were installed along the driveway on 29 Langmore Lane, and that this runoff is discharged into the detention pond on the Irish Development property. Mr. Uccellini did note that the grading and construction work on the proposed residential lot will be designed to alleviate some of the surfacewater coming off the back side of the Irish Development property, and will be able to catch some of the water that ends up at the end of Langmore Lane. Member Czornyj had further discussion with Mr. Uccellini concerning the drainage swale along 29 Langmore Lane. Member Christian asked whether the drainage going into that swale is discharging into the detention basin on the Irish Development property. Mr. Hart stated that the drainage was going into his detention pond, and that the water in the drainage swale constantly runs 12 months per year. Chairman Oster noted that the Corbett property is located next to 29 Langmore Lane and the proposed residential lot, and inquired whether the Corbetts were present. Mrs. Corbett stated that she has lived in her home for 26 years, and that drainage has been a problem there for years. Mrs. Corbett stated that 8 years ago, she needed to regrade her backyard and install drainage pipes and a sump pump in her basement,

that the drainage and water in the basement has been a nightmare, and that she just wants the drainage problems fixed. Mrs. Corbett stated that water ponds on her lawn, and that she has difficulty mowing. Mrs. Corbett stated that when the Irish Development property was planted with corn there was not as much drainage, but when the additional houses were built the drainage conditions worsened. Member Czornyj asked whether there was a drainage problem off the driveway at 29 Langmore Lane. Mrs. Corbett said that there were problems during construction, but that conditions are much better now. Maureen Lynch, 28 Langmore Lane, stated that water pours off the driveway at 29 Langmore Lane, comes right across Langmore Lane and onto her front yard. Fred Lynch also discussed the rain event which occurred on Thanksgiving Day of 2004, when water was rushing off the hill to such a degree that he contacted the Town Supervisor who went to his property and saw the conditions as well. Mr. Uccellini stated that he was also on the site on that Thanksgiving Day, and that the runoff was a problem since no lawns had yet been established. Mr. Uccellini stated that he also talked to the Town Supervisor on that date, that he applied a significant amount of mulch to that area, and tried to address that condition in a timely manner during the construction of 29 Langmore Lane. Mr. Uccellini stated that the lawn is now established, and that he has added a yard drain and berm which also helps control runoff and direct it to the detention basin on the Irish Development property. Mr. Kreiger noted that he had been contacted by Mrs. Salzman, who had provided comments very similar to that of Mr. Lynch and Mrs. Corbett. Mike Hart stated that water is settling at the intersection of Langmore Lane and Woodcut, but that it is an existing condition due to the topography and has nothing to do with his property or the proposed new residential lot. Member Czornyj stated that the Board was trying to determine whether there was more stormwater runoff from the prior two residential lots divided off the Irish Development property, and that the Planning Board noted Mr. Hart did not put in his driveway in the location shown on the 2003

subdivision plat but rather had constructed a large driveway with a cul-de-sac at the top of the hill and that the Planning Board needed to determine whether runoff from that cul-de-sac was creating problems. Mr. Hart stated that the cul-de-sac was pitched to the west, and that it was draining in a westerly direction. Chairman Oster stated that additional discussion between Applicant and Planning Board can occur during a regular business meeting, and inquired whether there were any additional public comments on the application. Hearing none, Chairman Oster closed the public hearing on the minor subdivision application of Irish Development, LLC.

Chairman Oster then opened the regular business meeting of the Planning Board.

The first item of business on the agenda was the minor subdivision application by Irish Development, LLC for an additional residential lot at the end of Langmore Lane. Mr. Hart stated that he would be installing appropriate stormwater features at the new residential lot, to collect the stormwater and drain it back to the detention pond on this property. Mr. Hart reiterated that there was a problem with surfacewater at the intersection of Langmore Lane and Woodcut since this area was a low point. Chairman Oster noted for the record that the issue of the turnaround area at the end of Langmore Lane had been the subject of a meeting with the Town Attorney and Town Highway Superintendent, and Chairman Oster requested Attorney Gilchrist to review that issue. Attorney Gilchrist stated that the semicircle area shown on the Irish Development subdivision plat at the end of Langmore Lane was property owned by the Town, that the Town was under no obligation to construct any improvement at the end of Langmore Lane for the benefit of this application, and that in order for this proposed lot to be approved including proposed driveway location, the Applicant would need to construct an appropriate turnaround area within the semicircle area at the end of Langmore Lane at the Applicant's cost and expense, and that the Town would require this turnaround area to be paved. Alternatively, Attorney Gilchrist stated that the Applicant could redesign the proposed residential

lot including driveway location, but that the proposed lot as currently configured was not approvable unless the Applicant constructed the paved turnaround area at the end of Langmore Lane. Mr. Hart stated that he would agree to coordinate with the Town Highway Superintendent and construct the paved turnaround area at the end of Langmore Lane, but wanted the history of the 2003 approval made clear on the record. According to Mr. Hart, his agreement with the Town included the Town delivering stone to the end of Langmore Lane and that he would grade and construct the turnaround area. Mr. Hart asserts that the Town never delivered the stone to the end of Langmore Lane, and that he wanted it made clear on the record that he was not trying to avoid any Town requirements either in the past or currently. Mr. Uccellini, the prospective purchaser of this new residential lot, made certain inquiries concerning access to Town roads and road right-of-ways. Discussion concerning access to Town roads and Town right-of-ways followed. Member Czornyj noted that he was concerned about adequate turnaround areas for emergency vehicles at the end of Langmore Lane, and asked whether a fire truck could turn around within the paved turnaround area at the end of Langmore Lane as proposed. Mr. Hart stated that a fire truck could turn around, but Mr. Kestner added that it would depend on the particular fire truck but that paving a turnaround area at the end of Langmore Lane would be an improvement over the existing condition. Mr. Kestner also noted that appropriate drainage would need to be included for the paved turnaround area, draining that area back to the detention basin on the Irish Development property. Discussion concerning the existing drainage system along Langmore Lane followed. Chairman Oster wanted to make sure that all stormwater drainage improvements shown on the 2003 subdivision plat had been installed and are functioning. Mr. Kestner stated that while there was an initial problem during construction with siltation runoff, all stormwater features were repaired and, to the best of his knowledge, were installed and are functioning. Mr. Uccellini stated that at 29 Langmore Lane, the lawn was wet upgradient of the

drainage swale, that the drainage swale does carry water to the detention basin on the Irish Development property, and that the property downgradient of the drainage swale is dry. Member Esser raised a concern regarding the amount of grading and cut on the property, and any impact to groundwater flow and drainage flow. Mr. Uccellini stated that the proposed grading for the residential lot would be pitched toward the drainage system to discharge to the detention basin, not to Langmore Lane. Mr. Kestner noted that the Applicant would need to prepare an Erosion and Sediment Control Plan for all construction activities, and that no additional surfacewater would be allowed to drain onto neighboring properties either during construction or post-construction. Chairman Oster noted that with proper construction and drainage at the end of Langmore Lane in conjunction with constructing the turnaround, an improvement over existing conditions could occur. Mr. Uccellini then stated that if the residential lot is not approved, there will remain an existing drainage condition at the end of Langmore Lane, and questioned whether the Town going to address this existing drainage condition. Chairman Oster stated that the Planning Board is not the correct agency concerning either drainage conditions on public roads or compliance with construction requirements on approved subdivision plats or site plans. Chairman Oster stated that in his opinion, the proposed paved turnaround at the end of Langmore Lane with appropriate drainage features will improve existing conditions, that the proposed grading plan for this residential lot does address drainage issues, and that the proposal will not add any additional drainage to neighboring properties. Member Tarbox questioned the height of the proposed retaining wall on the residential lot. Mr. Hart stated that the retaining wall would be approximately 4-5 feet, will have a drain that will tie into the drainage system to discharge to the detention basin on the Irish Development property. Member Tarbox also had questions regarding the extent of grading to create a front yard for this residential lot. Member Esser also noted that the amount of grading for this lot could impact the drainage line to the detention basin

as well as the water line installed from Langmore Lane to the Hart house on top of the hill. Mr. Hart stated that these issues would be addressed during construction. Member Czornyj raised the issue of whether there was additional drainage due to the large cul-de-sac driveway constructed by Hart near his house. Mr. Hart stated that he would invite the Planning Board members for a site visit, and show them that the cul-de-sac was properly pitched and drains to the west. There was further discussion regarding the direction of the drainage from the cul-de-sac. Member Czornyj stated that the Planning Board should be provided correct topography on the area of the cul-de-sac, so that an appropriate determination could be made as to drainage issues. Mr. Hart stated that he could provide that information to the Planning Board. Mr. Hart also stated that he wanted to meet with the Town Highway Superintendent, discuss what the Town wanted in terms of construction of the paved turnaround at the end of Langmore Lane including drainage features, and that the Town requirements should be put down in writing so there was no question regarding compliance with what the Town wanted in terms of a turnaround at the end of Langmore Lane. Attorney Gilchrist also stated that the paved turnaround area would need to be constructed before the subdivision plat was stamped and signed, or appropriate security needed to be posted with the Town for construction of the turnaround before the subdivision plat would be stamped and signed. Chairman Oster asked Mr. Hart as to any plans for the balance of the Irish Development property. Mr. Hart stated that he wants only to have his own house on the remaining land, and that he has no plans to further subdivide the property. Chairman Oster stated that in the event Mr. Hart sought to divide any additional lot off the remaining acreage, it will be deemed a major subdivision by the Town subject to full major subdivision review. Member Czornyj stated that he also wanted to see correct topography on the subdivision plat in the area at the end of Langmore Lane. Mr. Kestner stated that Mr. Hart should revise the subdivision plat to show the topography in the area at the end of Langmore Lane, the driveway at

29 Langmore Lane, and the paved cul-de-sac near the Hart house. Chairman Oster directed the Applicant to meet with the Town Highway Superintendent and revise the subdivision plat as discussed. This matter is placed on the September 18 agenda for further discussion.

Chairman Oster noted that the site plan application of National Grid will not be discussed, as the Applicant had requested an adjournment to the September 4 meeting. Mr. Kestner reported that Ron Kowalski of National Grid contacted him and informed him that National Grid was still discussing access issues with Vincent Jodice. The necessity and timing of a public hearing on this application was discussed. Further, the issue of limiting the access road use to National Grid is still being researched by Attorney Gilchrist, and a report will be made at the September 4 meeting.

Chairman Oster also noted that the site plan application by Leatham would not be discussed at this meeting. Mr. Kreiger noted that he had been contacted by Mr. Leatham who informed him that he was working with a surveyor to prepare the site plan, that Mr. Leatham requested a meeting with Mr. Kestner and Mr. Kreiger to discuss the preparation of that site plan, and that Mr. Leatham requested this matter be placed on the September 18 agenda.

The next item of business on the agenda was the site plan application by Park East Ventures for property located on NYS Route 7 in proximity to NYS Route 278. Percy Cotton appeared on the application. Mr. Cotton reviewed the current site plan and grading plans. Mr. Cotton reported that test pits had been completed, and reviewed both for location and depths of bores, that the material was predominantly till on the site with small cobbles, that there might be consolidated material at depth which may require blasting to remove. Mr. Cotton also reviewed additional work done on the proposed septic system, which includes a subsurface sand filter with discharge proposed to the creek on the opposite side of Route 7. Mr. Cotton stated that this system would be similar to the system currently being installed at the Harley Davidson shop, and

that in his preliminary discussions with the Rensselaer County Department of Health this would be an approvable approach. Mr. Cotton stated that the public waterline had been located and put on the site plan, and that the project would tap into this waterline for public water for the proposed commercial plaza. Chairman Oster inquired as to the proposed elevation change to final grade for construction of the commercial plaza. Mr. Cotton stated that the elevation change would go from 630 feet to 565 feet, and therefore a 65 foot drop from the peak area of material removal. The total yardage of material which needs to be removed from the site to reach construction grade is approximately 500,000 cubic yards. Member Czornyj asked how long the material removal would take. Mr. Rifenburg stated that there was no set timetable for the material removal, since most of the material is till and has no value and would only be needed for fill purposes, and there is no current need for this volume of material. Therefore, Mr. Rifenburg thought the material removal may take a considerable amount of time. Member Mainello asked what the length of the material removal would be if Rifenburg worked full time on the site. Mr. Rifenburg thought all of the material could be removed in about 25 days. However, Mr. Rifenburg reiterated that the job would take a long time since there was no job or current need for all of this fill material, and that the economics of the material removal would be expensive without a current need or end use for the fill material. Mr. Rifenburg stated that the material on the site was not marketable gravel or rock, did not have any value and could be used only for fill material. Upon further discussion, the Planning Board determined to hold a workshop meeting to discuss both the proposed material removal/grading plan as well as the final commercial site plan. The workshop meeting was scheduled for 6:00 p.m. on September 4, 2008, prior to the regular Planning Board meeting to commence at 7:00 p.m. The procedure under SEQRA on this application will also be discussed at the workshop meeting. This matter will also be placed on the regular business agenda for the September 4 meeting.

The draft minutes of the August 7, 2008 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Esser, the minutes were unanimously approved as drafted.

Mr. Kreiger reviewed a series of enforcement matters he is currently working on.

The **index** for the August 21, 2008 meeting is as follows:

1. Irish Development, LLC – minor subdivision – 9/18/08;
2. National Grid – site plan – adjourned to 9/4/08;
3. Leatham – site plan – adjourned to 9/18/08;
4. Park East Ventures – site plan – 9/4/08 (including workshop meeting at 6:00 p.m.).

The proposed agenda for the September 4, 2008 meeting currently is as follows:

1. Park East Ventures – site plan (workshop meeting at 6:00 p.m., regular business meeting at 7:00 p.m.);
2. National Grid – site plan;
3. Cillis – major subdivision (tentative).

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 4, 2008

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board opened a special workshop meeting at 6:00 p.m. concerning the site plan application by Park East Ventures for construction of a commercial office park, with mineral extraction as part of site preparation for construction activities. Chairman Oster read the Notice of Workshop Meeting into the record, noting that the notice had been published in the Record, on the Town sign board, and posted on the Town website. Percy Cotton and Jay Ryan were present on behalf of the Applicant. Mr. Cotton presented an overview of the project, starting with an aerial photograph which superimposed the commercial site plan. Mr. Cotton then reviewed line of sight profiles, including perspective from the Doyle property, Church property and Bauer properties. Mr. Cotton also reviewed a proposed lighting plan for the commercial office park. Mr. Cotton then reviewed the location of an existing waterline to the rear area of the project site. Mr. Cotton then reviewed the proposed grading/mineral extraction plan, including a phasing plan, haul road proposal, drainage and stormwater plan, and proposed stockpile areas. Proposed hours for mineral extraction will include 7:00 a.m. to 5:00 p.m., Monday – Friday, and no weekend work. Mr. Ryan stated that if a particular job required

material outside of those hours, permission from the Town would be required. Mr. Cotton then reviewed traffic projections for the commercial office park. There was general discussion concerning the proximity of the project site to the intersection of Route 7 to Route 278. It appears that the proposed entrance road to the commercial park is approximately 700 feet west of the Route 7/Route 278 intersection. There was general discussion on the need to coordinate with NYSDOT on traffic and transportation issues, both with respect to mineral extraction and projected traffic from the commercial office park. Mr. Cotton reviewed the proposed wastewater plan, which envisions a sand filter with discharge to an existing stream on the opposite side of Route 7, with all wastewater work to be completed within the state right-of-way. The Planning Board generally discussed the mineral extraction plan, and further discussed traffic/transportation issues and stormwater compliance issues. Mr. Kestner generally discussed the application documents with the Planning Board members. It was determined to commence the SEQRA review process with coordination of lead agency with all involved public agencies. Attorney Gilchrist will serve SEQRA lead agency coordination notices to all involved public agencies. Further, it was generally discussed that opening a public hearing to receive input from the public, particularly those property owners in close proximity to the project site, would help the Planning Board identify issues in connection with project review. Mr. Kestner concurred that opening a public hearing to receive input from the public would be helpful for the Planning Board in project review. Attorney Gilchrist stated that opening the public hearing is appropriate, but consent would need to be obtained by the Planning Board from the Applicant to keep the public hearing open while the coordination with other public involved agencies, particularly NYSDOT, continues. Mr. Ryan stated that he has no problem with keeping the public hearing open, and concurred that opening the public hearing to get input from the neighbors would keep the project review moving forward. At this point, Chairman Oster closed the workshop meeting.

Chairman Oster then opened the regular business meeting of the Planning Board. Chairman Oster reviewed the agenda for the regular business meeting, which includes the Park East Ventures site plan application, National Grid site plan application, and Cillis major subdivision. It was noted that Cillis would not be appearing at this meeting, and the matter would be adjourned.

The draft minutes of the August 21 meeting were reviewed. Chairman Oster noted that one correction needed to be made throughout the discussion concerning the Park East Ventures site plan application, which amended all references to "Mr. Rifenburg" to "Mr. Ryan". With this correction made, Member Czornyj made a motion to approve the minutes as corrected, which motion was seconded by Member Tarbox. The motion was approved 6/0, and the minutes approved as amended.

The first item of business on the agenda was the Park East Ventures site plan application. Member Esser raised certain questions regarding the first phase of the proposed mineral extraction, and particularly the resulting slopes. Member Esser reviewed the proposed plan as resulting in slopes that were greater than one on one, and that Mr. Cotton had said that the slopes would be one on three. Both Mr. Cotton and Mr. Ryan stated that the overall goal was to keep the site screened during the mineral extraction, and that he and Mr. Cotton would address the issue of the slopes during the first phase of the mineral extraction so that they would not be too steep but still maintain an appropriate buffer. Member Tarbox asked if the Applicant would be submitting a schematic or visual presentation of the type of office building that is being proposed for the office park, particularly from the visual perspective of Route 7. Mr. Ryan stated that Rifenburg had not yet finalized any particular type of office building to be constructed, and that the site plan merely set out a footprint of where proposed buildings would be constructed. Further, Mr. Ryan stated that the building would be of high quality, and that before any

additional money was spent on architectural renderings, Rifenburg was looking to see if there was some type of conceptual approval for the mineral extraction. Chairman Oster inquired whether the Planning Board could approach this application so that the mineral extraction was reviewed in detail and the proposed office park was reviewed with a general layout, with the requirement that the Applicant must come back to the Planning Board with detailed architectural renderings for review prior to any construction. Attorney Gilchrist stated that he would review this procedural approach under the Town's Site Plan Regulations. Mr. Ryan stated that he had no problem with appearing back before the Planning Board on the details for the office park once the mineral extraction was completed, and that conceptual approval for the proposed office park, including building location and layout, was satisfactory. Further, Mr. Ryan stated that he could generally describe the type of building proposed to be constructed, with some type of photo or general rendering as to the type of building to be presented. Attorney Gilchrist stated that he wanted the opportunity to review the Town's Site Plan Regulations concerning this procedural issue. Member Wetmiller stated that he would want to see something in front of the Planning Board now as to a general depiction of what the proposed office buildings would look like. After further discussion it was determined that it was appropriate to open the public hearing with the consent from the Applicant that the public hearing would remain open. The Planning Board has set the opening of the public hearing in this matter for the September 18 meeting, commencing at 7:00 p.m.

The second item of business on the agenda was the site plan application of National Grid for a new access road to its tower located on Bald Mountain. Ron Kowalski of National Grid appeared on the application. Mr. Kowalski stated that National Grid's counsel was still discussing the access issue with attorneys for Vincent Jodice, and propose that the issues associated with legal access be separated and let the lawyers, including Attorney Gilchrist,

address those issues, and that the Planning Board could move forward with the engineering issues associated with the proposed access road, including findings and recommendation on waivers from the private road standards. Chairman Oster inquired of Attorney Gilchrist whether the Planning Board could limit the access to the tower on this new access road to National Grid only. Mr. Kowalski reiterated that he could not guarantee that only National Grid would be using the tower, and could not guarantee that there would not be any future co-locations on the tower. Attorney Gilchrist stated that limiting a site plan approval to a particular user created legal concern from a condition enforceability perspective, and that the Planning Board must review the application presuming that the proposed access road may be subject to use by future users of the tower. Mr. Kestner stated that the Planning Board had concern that the proposed width and slope of the access road might be adequate for one user, but that if additional tenants co-locate on the tower, the additional use of the road may present the problem. It was noted that for any additional tenant to co-locate on the tower, ZBA review and additional Planning Board review pursuant to site plan would be required. The Planning Board then generally discussed the probability of the number of trucks which could potentially use the access road if additional tenants were to co-locate on the tower. The question arose as to whether the Planning Board could condition site plan approval to require further review of the width and slope of the access road in the event any additional users sought to co-locate on the tower and use the access road. Chairman Oster stated that in his opinion, and as a practical matter, this access road would be used on a limited basis whether there is one user of the tower or many tenants. Attorney Gilchrist stated that in order for the Planning Board to require any future work on the access road, including any widening, there would need to be technical evidence in the record to support the conclusion that there was some public health or safety issue associated with additional use of the access road. Mr. Kestner concurred, stating that the proposed road is 12 foot wide with two 3

foot shoulders, whereas the private road standards require an 18 foot wide travel way. Mr. Kestner also concurred that there would need to be several factors considered in the future if additional users were to use the access road, including the frequency of use and type of vehicle. The Planning Board generally concurred that the proposed specifications of 12 foot wide travel way with two 3 foot shoulders did not present any issue with respect to National Grid's use, but that if there were significant number of additional tenants, the Planning Board would want the ability to further review that issue on subsequent site plan review. Attorney Gilchrist stated that he would further research that issue. The Planning Board generally discussed the need to make fact findings and recommendations to the Town Board on the waiver from private roadway standards. The Planning Board also discussed the option of requiring a public hearing on this application, and concurred that a public hearing should be required. It was determined that the Planning Board would open the public hearing for receipt of comment from the public, and use that information in preparation of findings and recommendation on the requested waivers from private roadway standards. The Planning Board stated that the public hearing would open on September 18 at 6:45 p.m., and that the National Grid matter would be placed as the first business item on the regular business meeting on that date.

The major subdivision application of J.J. Cillis was discussed, and it was determined that the matter would be adjourned without date.

Chairman Oster noted that the September 18 agenda would also include the Leatham site plan as well as the Irish Development minor subdivision application.

One item of new business was discussed. A conceptual site plan had been presented concerning the property on Route 2 currently housing the Shed Man display. The owner is proposing to construct self storage units on the site, and potentially eliminating all shed display

and have the site devoted exclusively to self storage units. This matter has been tentatively placed on the September 18 agenda, pending receipt of a complete site plan application.

The **index** for the September 4, 2008 meeting is as follows:

1. Park East Ventures – site plan – 9/18/08 (public hearing opened at 7:00 p.m.);
2. National Grid – site plan – 9/18/08 (public hearing opened at 6:45 p.m.);
3. J.J. Cillis – major subdivision – adjourned without date.

The proposed agenda for the September 18, 2008 meeting currently is as follows:

1. National Grid (public hearing commencing at 6:45 p.m.);
2. Park East Ventures – site plan (public hearing commencing at 7:00 p.m.);
3. Irish Development, LLC – minor subdivision;
4. Leatham – site plan;
5. Shed Man – site plan (tentative).

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

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 6:45 p.m. on Thursday, September 18, 2008, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the site plan application submitted by National Grid on property located off Bald Mountain Road. The Applicant seeks a new access road to its tower to be located off Bellview Road as a replacement to its current location off Bald Mountain Road. Copies of the application documents 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: September 8, 2008
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

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 7:00 p.m. on Thursday, September 18, 2008, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the site plan application submitted by Park East Ventures on property located on NYS Route 7 in proximity to NYS Route 278. The Applicant seeks to build a commercial office park, including a grading plan to remove mineral from the project site as part of construction activities. Copies of the application documents 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: September 8, 2008
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 18, 2008

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

ABSENT was KEVIN MAINELLO.

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

Chairman Oster offered an apology for certain statements made at the September 4 meeting.

Chairman Oster stated that a public hearing would be opened concerning the site plan application by National Grid to construct a new access road off Bellview Road to its tower located on Bald Mountain. Attorney Gilchrist read the notice of public hearing into the record, indicating that the notice had been posted on the Town's sign board, put on the Town website, and mailed to all adjacent property owners. However, Attorney Gilchrist explained that there had been an error in the publication of the notice in the Troy Record, and therefore this public hearing had not been properly noticed, and would require an additional posting and publication in order to satisfy legal requirements for public hearing. Having said this, Attorney Gilchrist suggested that since members of the public had attended this meeting as they had received direct mailing notice of the meeting, the Planning Board may still entertain their comments, but the hearing did not formally satisfy the legal notice requirements, and a further public hearing with all legal notice would need to take place. Chairman Oster stated that the Planning Board would

accept comments from the public at this meeting, and a subsequent notice for the formal public hearing would be made for the October 2 meeting. Chairman Oster requested the Applicant to overview the proposal. Ron Kowalski from National Grid presented the site plan, generally describing the proposed access road alignment, width, and slope. Mr. Kowalski noted that waivers would need to be obtained with respect to the private road standards on the issues of width and grade. Mr. Kowalski also reviewed the proposed drainage plan for the proposed access road. Mr. Kowalski also presented pictures of the site, explaining the proposed location for the access road. Chairman Oster opened the floor for receipt of public comment. Barbara Ray, 225 Bellview Road, asked whether the width of Bellview Road would be decreased in connection with this proposal. Mr. Kowalski stated that no work would occur on Bellview Road, and that only the proposed access road of National Grid would be reduced in width from Town standards. Mr. Kowalski confirmed that the proposed access road includes a 12 foot wide travelway, with two 3 foot shoulders on each side of the road. Vincent Jodice, 223 Bellview Road, stated that he had worked out a tentative agreement with National Grid whereby Jodice would provide National Grid an easement over his lands to get to the proposed entrance to the access road. Mr. Kowalski confirmed that an agreement had been reached, and that the attorneys were now drafting the appropriate easement document. Edwin Shudt, 194 Bald Mountain Road, inquired whether National Grid would discontinue the use of the access road off Bald Mountain Road. Mr. Kowalski stated that National Grid would not use the access road off Bald Mountain Road. Mr. Shudt inquired whether National Grid was interested in selling the property at that location. Mr. Kowalski stated that National Grid only had a right-of-way off Bald Mountain Road to its tower, and that the property was owned by William Stewart. Mr. Kowalski also stated that other companies have other towers on Bald Mountain, and that the other companies would still use the access road off Bald Mountain Road. Chairman Oster inquired whether there

were any other members of the public who wish to comment on the application. Hearing none, Chairman Oster ended the discussion on the National Grid application, indicating that a formal public hearing notice would be posted and published for public hearing to occur at the October 2 meeting.

Chairman Oster then opened the public hearing on the Park East Ventures site plan. Attorney Gilchrist read the notice of public hearing into the record, noting that the notice had been posted on the Town sign board, placed on the Town website, and mailed to all adjacent property owners. Again, however, Attorney Gilchrist noted that there had been an error in the publication of the legal notice in the Record Newspaper, and therefore the public hearing would need to be renoticed to comply with legal notification requirements, and that a subsequent public hearing would need to be held. However, Attorney Gilchrist also suggested that since members of the public were present as a result of receiving direct mailings, the Planning Board could entertain comments concerning the site plan application. Chairman Oster stated that the board would receive comments from the public, and that the Park East Ventures site plan would have an additional public hearing at which time all legal notice requirements would be completed. Percy Cotton, P.E. presented an overview of the site plan. The Applicant proposes to construct an office park complex, including three buildings with access off Route 7. Three buildings are proposed, including one two-story building and two one-story buildings. The property is zoned B-15 commercial. The site is serviced by public water. Mr. Cotton reviewed the proposed septic plan, including a sand filter with discharge to an existing water body through a discharge permit to be issued by NYSDEC. Mr. Cotton also reviewed the current drainage at the site, and proposed stormwater plan both during site grading activities as well as for the proposed office complex. Mr. Cotton reviewed the proposed grading plan, which includes the removal of onsite material to prepare the site for construction of the office park. Mr. Cotton reviewed three phases

of material removal, to reach final grade for construction of the office park. Mr. Cotton reviewed information concerning noise and traffic. Chairman Oster then opened the floor for the receipt of public comment. Initially, Chairman Oster noted that a letter had been received from William J. Doyle, Esq., of Doyle, Doyle & Spain, dated September 17, 2008. Chairman Oster read the letter into the record, which generally provides that Attorney Doyle has no objection to the application by Park East Ventures. Peter Gibson stated that he was the former owner of this property, that he sold it to Park East Ventures in 1991 hoping that Park East Ventures could do something with the property along the lines of what is currently being proposed. Mr. Gibson stated that he fully supports the project, and that it would be a good addition to the Town. Tim Bower, owning property and residing immediately to the west of the project site, stated that he initially had two concerns with the application. First, the initial drawing located a proposed septic field close to his property, but that the Applicant had revised that plan to provide for the sand filter and discharge, and that Mr. Bower was pleased with that change. Second, Mr. Bower was concerned about any impacts to his private well, but that Park East Ventures had agreed to hook Mr. Bower's property into the public water supply, and that Mr. Bower was pleased with that change. As a result of addressing those two issues, Mr. Bower is 100% in support of this project. Frank Brennanstuhl stated that he was initially 99% in favor of this project, but wanted to make sure that Jim Spiak and Spiak's Mobil Station, located immediately to the east of the project site, was considered since Spiak was on a well. Jay Ryan of Park East Ventures stated that he was aware of the issue and will address this directly with Jim Spiak. Mr. Brennanstuhl stated that as long as Jim Spiak's concerns are addressed, he is 100% in favor of the project. Bill Dunn inquired as to the proximity of the project site to Route 278. Mr. Cotton said the site is approximately 900 feet to the west of Route 278. Hearing no further comments, Chairman Oster

closed the discussion on the Park East Ventures site plan, noting that an additional public hearing would be held upon proper legal notice.

Thereupon, Chairman Oster opened the regular business meeting for the Planning Board.

The Planning Board reviewed the draft minutes of the September 4 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were approved as drafted by a vote of 6/0.

The first item of business on the agenda was the site plan application by National Grid. The Planning Board generally reviewed the issues associated with the requested waivers. The first waiver is to reduce the private road standard from 16 feet in width to a total of 12 foot wide travel way with two 3 foot shoulders. The second requested waiver concerns the grade for the upper most 50 feet of the access road, which approaches approximately 14% in grade. The Planning Board generally discussed both of these waiver issues, unanimously agreeing that each waiver should be granted by the Town Board. Attorney Gilchrist was directed to draft a recommendation for the Planning Board to review at the October 2 meeting, with the schedule of referring that recommendation to the Town Board for its October 9 meeting. Further, Mr. Kowalski stated that once the easement over the Jodice property was drafted, a copy would be sent to Attorney Gilchrist for his review. Chairman Oster also stated that a formal public hearing notice should be published for public hearing at the October 2 meeting, commencing at 7:00 p.m.

The next item of business on the agenda was the site plan application of Park East Ventures. Jay Ryan of Park East Ventures stated that no blasting was anticipated in connection with the site grading work, and that his company's experience in the area has shown that the material will be able to be removed entirely by mechanical means. Mr. Ryan also reviewed a visual presentation of the type of office building proposed for the office park, presenting a visual depiction of the buildings. Member Esser inquired whether all three of the proposed buildings

would be designed in the same style. Mr. Ryan said that they would all be uniform. Member Christian asked whether Park East Ventures would build for a particular tenant. Mr. Ryan stated that they would in the event a tenant sought to locate there, and Mr. Ryan stated that Rifenburg Construction may occupy some of the space. Mr. Ryan also stated that he had reviewed the application, including the grading plan and material removal with NYSDOT Engineer, Jan Peterson, and that conceptually Mr. Peterson had no major issues with the application. Mr. Peterson said that DOT would likely require signage for trucks, but that this was typical for a project like this. Mr. Ryan stated that Mr. Peterson would likely contact Mr. Kestner to review details. Mr. Ryan also noted that he dropped off the application plans to the Center Brunswick Fire Company. Attorney Gilchrist reviewed the SEQRA Lead Agency coordination process, that the Notice of Lead Agency Coordination had been sent to all SEQRA involved agencies, and that the agencies had a period of thirty days in which to respond concerning lead agency designation. The Planning Board has already received a response from the Rensselaer County Department of Health, indicating that it concurred that the Planning Board assume lead agency status on this application. It was noted that there were certain items which needed correction on the Long Environmental Assessment Form, and that Mr. Cotton would prepare a revised Long EAF for distribution. After discussion, it was determined that the additional public hearing on this application would be scheduled for the October 16 meeting, with the legal notice requirement corrected for that meeting. The Planning Board also discussed the list of information required on the details of the grading/material removal plan, and that Attorney Gilchrist and Mr. Kestner would prepare the outline of that required information for review by the Planning Board and response by the Applicant. This matter has been scheduled for the October 16 meeting, with a public hearing to commence at 7:00 p.m.

The next item of business discussed was the site plan matter of Leatham, for property located off Sycaway Avenue and Route 7. Chairman Oster inquired of Mr. Kreiger as to whether he had received any information from Mr. Leatham. Mr. Kreiger stated that he had received a voicemail message from Mr. Leatham, indicating that he was working on the site plan, that issues had been cleared up except for one or two, and requested that the matter be placed on the October 2 Agenda. Mr. Leatham had reported to Mr. Kreiger that he was using William Darling for preparation of the site plan. Chairman Oster noted that Mr. Leatham keeps postponing this matter, that the matter had been adjourned for several meetings, that Mr. Leatham had been in front of Brunswick Town Court in February and instructed to go through the site plan review process, and that Mr. Leatham had not complied. Chairman Oster recommended that this matter be sent back to the Town for further enforcement proceedings. Upon further discussion, the Planning Board members determined to allow one additional extension to Mr. Leatham, that the matter be placed on the October 2 Agenda, and that the site plan must be submitted at least one week prior to the October 2 meeting. Accordingly, this matter is scheduled for the October 2 Agenda.

The next item of business on the agenda was the minor subdivision application by Irish Development, LLC for property located off Langmore Lane. Mike Hart of Irish Development appeared on the application. Chairman Oster noted that the Planning Board needs to make a recommendation on waiving the limit of 12 lots on a cul-de-sac/deadend road, and refer the matter to the Town Board for action on that requested waiver. Mr. Hart acknowledged the need to have the Town Board address the waiver issue. Chairman Oster reviewed the matter, including the public hearing at which a number of the nearby property owners raised concerns regarding drainage, that Chairman Oster was under the impression that the preliminary agreement had been reached on improving the turnaround area at the end of Langmore Lane in

agreement with the Town Highway Department, including necessary drainage associated with the turnaround area. Chairman Oster asked whether a meeting had been held in the field between the Applicant and the Town Highway Department and consulting engineer. Mr. Hart stated that he had tried to set the meeting up in a timely manner, but that he had only been able to meet the previous Friday in the field with Assistant Highway Superintendent Dougherty, Mr. Kestner, and Board Member Czornyj. Mr. Hart stated that the participants did not discuss the issue of pavement, but discussed only the issue of drainage. Mr. Hart argued that the Town was trying to have him construct additional drainage facilities along the existing public road, and that those proposed structures would total \$11,500. Mr. Hart argued that this approach was not practical, that he should not be required to improve drainage along an existing public roadway, and that while he was still in agreement to construct the turnaround area he was not going to correct the existing drainage problem along the existing public roadway. Mr. Kestner responded that he did discuss installing three catch basins during the site meeting, but that the Town had then agreed to the installation of two catch basins with a drainage ditch near the Corbett property, that the length of drainage pipe was not discussed at the site meeting, and that he was in agreement with paving the turnaround area with the installation of appropriate drainage for the turnaround area and construction of a drainage ditch near the Corbett property. Mr. Kestner stated that stormwater runoff was a significant issue in this area, that he was trying to be reasonable, and that the Town was looking to have stormwater drainage adequately handled in front of the proposed residential lot. There was additional discussion concerning the site meeting, particularly on the issue of elevations and whether drainage structures would work given relative elevations between the turnaround area and the existing detention basin on the Hart property. Mr. Kestner stated that Hart should have prepared a profile with elevations. Mr. Hart responded that he has already made a significant investment in this application, and was looking for

direction from the Town before he spent more money on additional plans. Member Czornyj reviewed a series of photographs which had been taken during a recent storm event. At this point, Chairman Oster reviewed the situation, stating that the Applicant had agreed to improve the turnaround area and pave that turnaround area, pitch the proposed driveway for the new residential lot so that it drained in a westerly direction away from existing Langmore Lane, extend a drainage swale to the Corbett property, and make sure that drainage around the area of the new turnaround was adequately handled. Chairman Oster noted the position of Mr. Hart that he should not be required to correct an existing drainage condition along Langmore Lane, but stated that neither could he add to stormwater runoff onto Langmore Lane. Rather, all improvements associated with this residential lot must drain in a westerly direction and be handled on the balance of the Hart property. Chairman Oster stated that the Planning Board was at a standstill on this application until there was an agreement reached between the Town and Mr. Hart concerning the pavement of the turnaround area and handling drainage in that area. There was additional discussion concerning drainage from the proposed driveway and turnaround area. Mr. Hart wanted the record to note that while he was accused of not having installed all required drainage features under his 2003 subdivision approval, he did in fact install all drainage features, and that they were working. Further, Mr. Hart argued that he did install a driveway as shown on the 2003 plan, but that he was simply not using it. Mr. Hart also stated that the existing drainage problem is probably due to the fact that this subdivision, when built in the late 1960's, was built in an area that was all wetland. Chairman Oster acknowledged the history of that location, but reiterated that the Planning Board did not want any additional stormwater runoff on Langmore Lane, and did not want the drainage issue to escalate. Additional discussion was held concerning installing a drainage swale behind the Corbett property. At this point, Tom Uccellini, prospective purchaser for the new residential lot, stated that a drainage

swale is already constructed behind the Corbett property, and that it drains into a yard drain which has already been constructed at his current lot where his daughter lives. Further, Mr. Uccellini stated that the proposed house would not aggravate the runoff problem, and that it was his proposal to cut off the flow behind the proposed house and drain it toward the existing detention basin on the Hart property. Mr. Uccellini stated that this resolution is required because of the relative grades, and that installing a drainage swale behind the house at a higher elevation would allow the stormwater to drain by gravity to the existing detention pond. Mr. Uccellini stated that catching the drainage at the area of the paved turnaround would not work since this was at a lower elevation than the existing detention basin on the Hart property. Under this proposal, there would be stormwater runoff that would need to be handled from the yard for the new lot and driveway, and make sure that it drained in a westerly direction once it hits the paved turnaround area, rather than impacting the existing Langmore Lane. It was ultimately determined that an additional site meeting needed to occur, and that it was scheduled to occur with Mr. Kestner, Mr. Eddy, Mr. Hart and Mr. Uccellini to meet in the field. This matter has been placed on the October 2 Agenda for further discussion. It is anticipated that at that point an agreement concerning the improvement to the turnaround area and drainage issues has been reached, and the Planning Board can discuss an appropriate recommendation to the Town Board concerning this additional lot waiver.

The next item of business on the agenda was the site plan application by the Shed Man for installation of self storage units for property located on Route 2 at the location of his existing commercial site. Gaston Roberts, owner of the Shed Man appeared on the application. Mr. Roberts stated that while he did want to add self storage units, he wanted to keep the shed display area on the site as well. However, Mr. Roberts then presented a site plan showing all of the shed display removed and the entire site devoted to self storage units. Mr. Roberts stated that

while this may be his ultimate plan, he did not intend on installing all the storage units currently, but rather wanted to keep the shed display. Attorney Gilchrist then stated that Mr. Roberts must submit a site plan with his current plans, and that if he intended to keep shed display as well as install self storage units, he needed to show that on a current site plan. Chairman Oster directed Mr. Roberts to prepare a site plan showing his intended current use for the property, including entrance ways, travelways, all site features, lighting, and areas devoted to self storage units and areas devoted to shed display. Mr. Roberts stated that he would be using the same curbcuts and driveway, that he did not intend on having cars circulate internally within the site, but rather require cars to pull in and back out from the self storage units. Mr. Roberts stated that he was planning on making the driveways to the self storage units 30' wide rather than 20' wide to allow cars to back out. Mr. Roberts explained that he did not want any cars to the rear of his property along his property line with ARC. There was also general presentation of the type of storage unit building proposed, including its size and number of units within one building. Stormwater runoff from the storage units was discussed, with the plan to have stormwater percolate back to groundwater on site. Mr. Kestner inquired whether the site would be paved. Mr. Roberts stated that the site would not be paved, that the general vehicle area would remain gravel with only an approximate 2' paved apron around the self storage unit building. Mr. Kestner required that the Applicant provide a list of materials that would be prohibited from storage in the units for consideration by the Planning Board. Chairman Oster inquired whether any vehicles would be stored in the self storage units. Mr. Roberts stated that vehicles would be prohibited. Chairman Oster inquired as to proposed hours of operation. Mr. Roberts stated that his proposal would be to have the self storage units open for access 24 hours a day. The Planning Board determined to hold a public hearing on the application, but required a corrected site plan before scheduling the public hearing. Member Esser raised the issue of emergency vehicle access, given Mr. Roberts'

plan to have vehicles back up out of the site rather than have vehicle circulation on site. Mr. Kreiger would get information to Mr. Roberts on emergency vehicle access requirements. This matter has been placed on the October 2 Agenda for further discussion.

One item of new business was discussed.

A waiver of subdivision application has been submitted by David Bryce for property owned by Walter and Kirsten Lane located on Berkshire Drive. There is a proposal to divide two acres from the current parcel of Lane for transfer to Bryce, for purposes of merging the two acres into the existing Bryce parcel. This matter has been placed on the October 2 Agenda for discussion.

The **index** for the September 18, 2008 meeting is as follows:

1. National Grid – site plan - 10/2/08 (public hearing at 7:00 p.m.);
2. Park East Ventures – site plan – 10/16/08 (public hearing at 7:00 p.m.);
3. Leatham – site plan – 10/2/08;
4. Irish Development, LLC – minor subdivision – 10/2/08;
5. Shed Man – site plan – 10/2/08;
6. Bryce – waiver of subdivision – 10/2/08.

The proposed agenda for the October 2, 2008 meeting currently is as follows:

1. National Grid (public hearing at 7:00 p.m.);
2. Leatham – site plan;
3. Irish Development, LLC – minor subdivision;
4. Shed Man – site plan;
5. Bryce – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 2, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, 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.

Chairman Oster opened the formal public hearing regarding the National Grid site plan application for construction of an access road off Bellview Road to the National Grid tower located on Bald Mountain. Attorney Gilchrist read the Notice of Public Hearing into the record, stating that the notice had been put on the sign board at Town Hall, placed on the Town website, mailed to adjoining property owners, and properly published in The Record newspaper. Chairman Oster requested Ron Kowalski of National Grid to present the site plan. Mr. Kowalski presented an overview of the proposal to install the new access road, raising the same points that were presented at the September 18 meeting. Chairman Oster inquired whether there were any members of the public wishing to offer comment. Michael Wiemet, 42 Bellview Road, asked about the projected amount of traffic, and type of vehicles to be used. Mr. Kowalski stated that only National Grid would be utilizing the access road, that it was anticipated that vehicles would be using the road approximately one to two times per month, and that the standard vehicle used was a four-wheel drive pickup or van. Mr. Kowalski stated also that if any additional company sought to co-locate on the tower, that would be the subject of additional Town review both at the Zoning Board of Appeals and the Planning Board. Hearing no further comments from members

of the public, Chairman Oster noted that all comments received from the public at the September 18 meeting are incorporated into the record for the public hearing on the National Grid project. At this point, hearing no further comments, Chairman Oster closed the public hearing.

Chairman Oster then opened the regular business meeting of the Planning Board.

The Planning Board reviewed the draft minutes of the September 18, 2008 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were approved 7/0 as drafted.

The first item of business on the agenda was the site plan application by National Grid for construction of a proposed access road off Bellview Road to access its tower located on Bald Mountain. The Planning Board reviewed a draft set of findings and recommendations on the two proposed waivers on this application, as discussed at the September 18 meeting. Regarding the requested waiver for road width, the Planning Board finds that a 12' wide travelway is adequate for vehicle use by National Grid; that National Grid uses the road approximately one to two times per month; that additional stormwater runoff can be generated by a wider roadway; that stormwater runoff is adequately managed with a 12' wide travelway; that two 3' shoulders will provide 18' of width if necessary in an emergency situation; that the adequacy of the width of the roadway will be addressed under site plan review in the event any additional users co-locate on the National Grid tower in the future; and based on these findings, the Planning Board recommended that the Town Board grant the waiver concerning private road width. With respect to the requested waiver concerning road grade, the Planning Board finds that the majority of the private roadway (250' of the total length of 300') substantially complied with the Town private road grade standards; that reducing the grade of the last 50' of the roadway at its terminus will require substantial grading; that to lower the grade from the requested 14% would impact existing guide wires and grounding equipment for the National Grid tower; and based on these

findings, the Planning Board recommended that the Town Board grant the waiver concerning private road grade standard. The Planning Board voted to adopt each set of findings and recommendation, and immediately transfer the requested waivers to the Town Board. The Planning Board unanimously approved this action. This matter has been tentatively placed on the October 16 agenda for further action, pending action by the Town Board on the waiver request.

The next item of business on the agenda was the site plan application by Chris Leathem for a commercial log and firewood operation located off Sycaway Avenue. Chris Leathem was in attendance. Mr. Leathem reviewed the commercial operations, which include an entrance off Sycaway Avenue, a 12' wide driveway into the property, an area marked for turnaround and parking of approximately 48' x 65'; that there would be no public retail sales of logs or firewood at this location, but delivery to customers only; an area has been identified for wood processing and storage areas, maintaining a 7' setback from property lines; and that there would be no entrance off Route 7. Member Czornyj inquired concerning location of the turnaround and parking area, which also needed to be 7' off the property line. Mr. Leathem stated that he would revise the site plan to make sure that the turnaround and parking area was also 7' off property lines. Member Czornyj also stated that any equipment use on the property must also be depicted on the site plan in terms of location, and that equipment use would be limited to those areas shown on the site plan. Chairman Oster inquired as to the type of equipment to be used. Mr. Leathem stated that he uses two log splitters only, and occasional chainsaw. Mr. Leathem stated that his hours of operation are proposed to be 9:00 a.m. to 5:00 p.m., Monday through Saturday only. Member Christian inquired whether Mr. Leathem sought to expand this operation in the future. Mr. Leathem stated that he had no plans for expansion, and that the other areas on this site were not usable. Mr. Kestner inquired whether any additional equipment was stored on the site, including snowplows. Mr. Leathem stated that he stores that equipment in an existing

garage building, but that if there would be any additional open storage, it would be shown on the site plan. Chairman Oster confirmed that the proposed hours of operation are 9:00 a.m. to 5:00 p.m., Monday through Saturday only, and that the noise level of the log splitter is equivalent to a lawnmower. Mr. Leathem confirmed these noise levels. Chairman Oster inquired as to the size of trucks proposed for this operation. Mr. Leathem stated that he uses only a single axle, dual wheel dump truck. Mr. Leathem stated that there would be a larger truck only if he purchased logs in full log length, but that this is unlikely. Chairman Oster stated that using large trucks was a concern since the access to his facility was through residential properties. Mr. Leathem stated that a large, 18 wheel truck could not access the site because there simply is not enough room to get such a large truck into the site. Chairman Oster made it clear on the record that if there was any change in operations from what is shown on the site plan, Mr. Leathem would need to come back to the Town for further site plan review before any additional operations are included. Mr. Leathem understood this. Member Czornyj asked if any of the Planning Board members could access the site prior to the next Planning Board meeting. Mr. Leathem stated that he would escort any member of the Planning Board who wished to look at the property. Chairman Oster asked if Mr. Leathem was proposing to do any lawn care or landscaping on the property in the area of the slope leading down to Route 7. Mr. Leathem stated that he did not plan on doing any lawn care or landscaping in that area. Member Wetmiller raised a concern regarding the term "wood processing", and wanted to make sure that Mr. Leathem was using only hand operated log splitters. Mr. Kestner stated that it would be appropriate for Mr. Leathem to list out the type of equipment to be used at the site, and put this on the site plan as a map note. Chairman Oster noted the changes that needed to be made to the site plan, including adding the map note as to types of equipment to be used on the site, and relocating the parking and turnaround area so that it remains 7' off property lines. With these changes, the Planning Board determined that the

matter was complete for purposes of scheduling a public hearing. This matter has been set down for public hearing to commence at 6:45 p.m. at the October 16 meeting. Further, the site plan will be forwarded to the Rensselaer County Department of Economic Development and Planning.

The next item of business on the agenda was the minor subdivision application by Irish Development for property located off Langmore Lane. A meeting had been held in the field to discuss the improvements to the turnaround area at the end of Langmore Lane and drainage issues, and participants at that meeting included Mr. Kestner, Member Czornyj, Town Highway Superintendent Doug Eddy, Dan Dougherty, Mike Hart, and Tom Uccellini. Mr. Kestner reviewed the proposed drainage plan, which is intended to capture any additional stormwater runoff off this proposed residential lot and convey it back onto the property of Hart, particularly for discharge into the existing stormwater basin. Further, Mr. Kestner reviewed the proposed drainage off the area of the new turnaround at the end of Langmore Lane. Mr. Kestner and Member Czornyj generally discussed the field meeting, in terms of turnaround improvements and drainage issues. Mr. Hart also reviewed the proposed drainage plan. Based on this discussion, Chairman Oster understood that with the current proposed improvement of the turnaround at the end of Langmore Lane and drainage improvements, no additional stormwater runoff from the proposed residential lot would discharge onto Langmore Lane, and that part of the existing stormwater runoff from this property onto Langmore Lane will be diverted to the drainage basin located on the remainder of the Hart property; and further that the drainage upgradient from the proposed lot would be diverted via a drainage ditch or culvert behind the proposed residential lot, and diverted to the drainage basin located on the remaining property of Hart. It was noted that there would be significant grading on the proposed residential lot and the remaining Hart property to achieve required contours to make the proposed drainage plan work.

The Planning Board is requiring the Applicant to provide proposed final contours of graded material on the remaining Hart property, to ensure that all final grades and proposed contours are on the plat. Further, the Planning Board is requiring a road profile for the improvement to the turnaround at the end of Langmore Lane, including drainage facilities. Highway Superintendent Eddy stated that the design of the turnaround at the end of Langmore Lane is adequate, and that the redesign of the proposed driveway for the residential lot improved drainage; and further that drainage from the paved turnaround area adequately mitigated stormwater runoff issues. Mr. Hart raised the issue of the required waiver in terms of the number of lots on a cul-de-sac/deadend road system. Chairman Oster stated that in his opinion, the concept plan was acceptable, and inquired whether the Board Members were ready to proceed with a set of findings and recommendation on the waiver request. Member Esser said he was ready to proceed with a positive recommendation, but required additional contours and a road profile before making any final decision on the subdivision. Member Tarbox stated that he was ready to proceed with a positive recommendation, stating that the majority of the comments of the neighbors were concerned with handling additional stormwater runoff, and that if stormwater runoff can be adequately handled, one additional house on Langmore Lane would not be a significant impact. Chairman Oster concurred, stating that if stormwater can be adequately diverted and addressed, and that an agreement had been reached on the improvement of the turnaround at the end of Langmore Lane, the Planning Board should be in a position to make a recommendation on the waiver. Whereupon, Member Tarbox made a motion to send a positive recommendation to the Town Board on the waiver request, principally on the finding that the Applicant has provided an adequate stormwater plan and agreement to improve the turnaround at the end of Langmore Lane. Member Mainello seconded the motion. The motion was approved 7/0, with a direction that the findings and recommendation be immediately sent to the Town

Board for action. This matter has been tentatively placed on the October 16 agenda for further action, subject to action by the Town Board on the requested waiver.

The next item of business on the agenda was the site plan application by the Shed Man (Gaston Robert) for installation of self storage units at the existing Shed Man display area located on Route 2. A revised site plan was received and reviewed, which addressed all comments on the preliminary site plan reviewed at the September 18 meeting. In particular, the Applicant has submitted a lighting diagram, including specifications for the proposed light fixtures; proposed tenant restrictions regarding storage of items; and that the issue of fire access around the proposed storage building has been addressed. The Planning Board determined that this matter should be subject to public hearing, and has set the public hearing for October 16 meeting to commence at 6:30 p.m.

The next item of business on the agenda was the waiver of subdivision application by David Bryce for property owned by Lane located on Berkshire Drive. Mrs. Bryce appeared on the application. The proposal is for transfer of two acres from the property of Lane, to be transferred to and merged into the existing lot of Bryce. This proposal does not seek approval of an additional building lot, but rather seeks land to be transferred from Lane and merged into the existing parcel of Bryce. The Planning Board reviewed the application, determining that the lot line adjustment would not result in any zoning compliance issues. It was determined that the entirety of this property subject to the waiver of subdivision application was located in the Town of Brunswick. After having discussed 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 7/0, and a negative declaration was adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the following conditions:

1. The two acres subject to the application were not being proposed for building purposes, and would not result in an approved building lot.
2. The two acres to be transferred to Bryce must be merged into the existing parcel of Bryce, with the deed of merger being filed with the Town Building Department.

Member Wetmiller seconded the motion subject to the stated condition. The motion was approved, and the waiver granted subject to the stated conditions. It had been determined that all fees on the application had been paid.

Three items of new business were discussed.

The first item of new business discussed was a site plan application submitted by the Congregation of Jehovah's Witnesses for its property located at 20 Cooksboro Road. The applicant seeks to add 9 parking spaces to its existing parking lot. This matter has been placed on the October 16 agenda for discussion.

The second item of new business discussed was a waiver of subdivision application submitted by Shubert concerning property located on Wedgewood, off Liberty Road. Shubert owned what had been originally Lots 143 and 144, and had legally merged the two lots into one lot. A house had already been constructed on Lot 144, and Lot 143 had been vacant. Through the merger, the properties had become one lot for real property tax purposes. Shubert now seeks to again divide off former Lot 143 (currently vacant land), and sell the house and property which had previously only been Lot 144. In essence, Shubert seeks to reverse the merger of Lots 143 and 144, reverting to the original approved subdivision lots of 143 and 144. This matter has been placed on the October 16 agenda for discussion.

The third item of new business discussed was a site plan application by Gallivan for its commercial operations located on Oakwood Avenue. This matter will be placed on the November 6 agenda for discussion.

The **index** for the October 2, 2008 meeting is as follows:

1. National Grid – site plan - 10/16/08;
2. Leathem – site plan – 10/16/08 (public hearing at 6:45 p.m.);
3. Irish Development – minor subdivision – 10/16/08;
4. Shed Man – site plan – 10/16/08 (public hearing at 6:30 p.m.);
5. Bryce – waiver of subdivision – approved with conditions;
6. Congregation of Jehovah’s Witnesses – site plan – 10/16/08;
7. Shubert – waiver of subdivision – 10/16/08;
8. Gallivan – site plan – 11/06/08.

The proposed agenda for the October 16, 2008 meeting currently is as follows:

1. Shed Man – site plan/public hearing at 6:30 p.m.;
2. Leathem – site plan/public hearing at 6:45 p.m.;
3. Park East Ventures – site plan/public hearing at 7:00 p.m.;
4. National Grid – site plan;
5. Irish Development – minor subdivision;
6. Congregation of Jehovah’s Witnesses – site plan;
7. Shubert – waiver of subdivision.

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

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 6:30 p.m. on Thursday, October 16, 2008, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the site plan application submitted by Gaston Robert, Jr. of Shed Man on property located on Route 2. The Applicant seeks to construct self storage units at location of existing shed display on property. Copies of the application documents 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: October 7, 2008
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

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 6:45 p.m. on Thursday, October 16, 2008, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the site plan application submitted by Chris Leatham on property located off Sycaway Avenue and Route 7. The Applicant seeks to split, store, and offer wood for wholesale purposes on the commercial property. Copies of the application documents 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: October 7, 2008
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

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 7:00 p.m. on Thursday, October 16, 2008, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the site plan application submitted by Park East Ventures on property located on NYS Route 7 in proximity to NYS Route 278. The Applicant seeks to build a commercial office park, including a grading plan to remove mineral from the project site as part of construction activities. Copies of the application documents 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: October 7, 2008
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman



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

MINUTES OF THE PLANNING BOARD MEETING HELD October 16, 2008

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, 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.

Chairman Oster opened the public hearing concerning the site plan of Shed Man (Gaston Robert) for the installation of self-storage units on property located on Route 2 at the current location for shed display. The notice of public hearing was read into the record, and the notice had been posted on the sign board at Town Hall, put on the Town website, and published in The Record. Chairman Oster requested Mr. Robert to present an overview of his proposal. Mr. Robert presented the proposed site plan, including proposed location for the self-storage unit building on the site, number of storage units and type of building. Mr. Robert also reviewed the proposed traffic circulation on the site. Chairman Oster then opened the floor for receipt of public comment. No member of the public wished to make any comment. Chairman Oster then closed the public hearing on the Shed Man site plan.

Chairman Oster then opened the public hearing on the commercial site plan by Chris Leathem, who seeks to split, store, and offer wood for wholesale purposes on property located off Sycaway Avenue and Route 7. The notice of public hearing was read into the record, and the notice had been posted on the sign board at Town Hall, placed on the Town website, and published in The Record. Chairman Oster requested Mr. Leathem to present an overview of his

proposal. Mr. Leathem identified the site of his operations, reviewed the operations including log splitting and storage areas, traffic circulation on the site, and proposed days and hours of operation which are proposed to be 9:00 a.m. to 5:00 p.m. Monday through Saturday only. Chairman Oster then opened the floor for receipt of public comments. Mike DeWolf, 18 Sycaway Avenue, stated that the site plan should be rejected as it proposes commercial operations next to his home; requested that the Town issue a cease and desist order for current operations; that this commercial use impacted the residential quality of the area; that Mr. Leathem had started this wood business two years and his quality of life has decreased; that noises are generated from log splitters, chainsaws, and trucks; that dust is generated which impacts both the outside and inside of his house; that his and his family's safety has been compromised; that people have to walk and bike in the roads since there are no sidewalks in the area and this commercial operation impacts safety; that environmental damages are caused by firewood, including pest and rodent threat as well as fire hazard; that this commercial operation degrades the quality of life in the area; and then handed up a petition signed by 41 neighbors opposing the application. James Leathem, Sr., 16 Sycaway Avenue, stated that this commercial site plan seems to have been the subject of political activity both in Troy and Brunswick; questions Mr. DeWolf since DeWolf appears to be running a business out of his home, including Federal Express deliveries and 20-30 vehicles per day to the DeWolf house; that his grandson Chris is in and out of the property twice a day at most; that there is a no dust generated from the operation since the wood is very moist; that the wood operations do not hurt people; that this is a relatively small operation, and it is not a sawmill; and that he is a 100% disabled military veteran and does not like the political activity surrounding his grandson's business. James Leatham, Jr. stated that he has resided in the Town of Brunswick for 40 years, and has owned property off Sycaway Avenue for 30 years; that he has had to go through a boundary dispute with one of his

neighbors recently after not having heard a thing or had any problems with his neighbors for 30 years; he is a property owner on Hoosick Street and the Town should allow his son to do business in a business district; that the access road/driveway from Sycaway Avenue to the commercial portion of the Leathem property is a private road; that the Town has never plowed or repaired this private driveway but rather Leathem has done this consistently; that DeWolf uses the private roadway as a parking area even though he only has an easement over it for access; that the DeWolf dog runs freely and poses a threat; that DeWolf put a deck on his house without a permit; and repeats the accusation that politics are at play with this application, particularly at the City of Troy and Rensselaer County. Eric Wohlleber, 22 Coolidge Avenue, stated that he is a Brunswick ZBA Member and would recuse himself if this matter was ever presented to the Brunswick ZBA; that he now understands this wood operation has been in existence for 2 years without municipal review; questions whether the roadway on the project site is public or private; questions whether the commercial portion of property is zoned for retail only or whether this type of wholesale firewood business is permitted; stated that if this is a commercial business that Leathem should use Route 7 as an access and not the residential Sycaway Avenue area; that the existing operation should not be allowed to continue; that no politics are at play, and that people simply get upset when there are commercial operations in their area. Marilyn Birmingham, 19 Coolidge Avenue, stated that she has already spoken with someone at Coldwell Banker and that this type of commercial operation will decrease the property values of the surrounding residential homes. Sharon McGirk-Wagar, 9 Coolidge Avenue, stated that she has owned her property for 28 years, and that the first 24 years at her home were very good, and then Leathem started taking trees out and starting his wood operations, which creates dust to the point that you can't put laundry out to dry; it has increased truck traffic; and that the overall quality of life has decreased as well as the property values have decreased; that chainsaws run on the site for hours on end and

that Mr. Leathem intimidates his neighbors. Terry Wager, 9 Coolidge Avenue, reiterated the comments of his wife. Mary Smith-Roberts, 7 Coolidge Avenue, stated she bought her house 4 years ago, performed due diligence before purchasing the house, felt that the area was residential and far enough removed from Hoosick Street, and that Mr. Leathem's operation compromises physical safety and disrupts the residential character of the area; that the Sycaway/Coolidge area is zoned residential; that she understood the neighborhood would stay residential; that businesses on Hoosick Street should remain on Hoosick Street only and not invade into residential areas; and stated that she was concerned regarding the access to this commercial site through a residentially zoned area. Eugene Kane, 8 Coolidge Avenue, stated that he has resided at his house for 40 years; read two statements into the record by Mary Ross (13 Coolidge Avenue, residing at that at house for 50 years) and Charles Benoit (10 Coolidge Avenue, moved in last year), both of whom are opposed to this operation. Gregory Dice spoke in favor of the application, stating that the operation recycled logs that would otherwise end up in a landfill; that Mr. Leathem was merely supporting his family; that Route 7 is already a major highway with existing truck traffic and noise; that the noise from Leathem's equipment is equivalent to a lawnmower; that logging constitutes an agricultural practice; that this is not a sawmill but rather a limited firewood business. Alison Collin-Shrader, 20 Coolidge Avenue, stated that she was new to the neighborhood but that the area had the character of being a quiet neighborhood; that she has two small children and she is concerned regarding their safety and impact on an asthma condition; that there should not be commercial trucks on Coolidge Avenue; and that this operation changes the character of the area. Josh Owens, 29 Coolidge Avenue, stated he had just bought his house one year ago, thought that this was a nice peaceful neighborhood; that the noise from this operation lasts 8 hours a day; that woodpiles on the site are not 7 feet from the property line but right up against the property line; that open wood burning occurs on the site; and that the

site is full of garbage. Barbara DeWolf, 281 Fifth Avenue, but owner of 18 Sycaway Avenue, stated that her son had cleaned up the property when it was purchased; questioned whether the commercial operation would add to the neighborhood; would have an impact on property values; and stated that the Town should protect the peace and quiet of the residential area and maintain property values; and that this type of commercial operation does not belong in a residential neighborhood. John Sheehan, 20 West Meadow Drive, Albany, stated he was a friend of Mr. DeWolf, and that DeWolf has improved the property significantly; that this type of commercial operation is not appropriate for that location; and pointed out that he thought there was a sign on Sycaway Avenue indicating no commercial truck traffic. Pat Germain, 18 Coolidge Avenue, asked whether members of the Planning Board had gone to this site (all members stated that they were familiar with the site and had been at the site), stated that her neighbors had fought a rear access for the strip mall on Hoosick Street leading onto Coolidge Avenue and that the Town should not allow commercial operations to invade into the residential neighborhood. At this point, Chairman Oster adjourned the public hearing, stating that he would keep the public hearing open for the purpose of allowing the Applicant to respond to comments raised at this meeting with additional information, and that a further public hearing would be noticed in the future.

Chairman Oster then officially opened the public hearing on the Park East Ventures site plan, noting that public comment had been received on this application at the September 18 meeting but that there had been a publication error concerning the notice of public hearing for the September 18 meeting, and that the public hearing officially opened at the October 16 meeting would incorporate all comments received at the September 18 meeting. The notice of public hearing was read into the record, noting that the notice had been placed on the sign board at Town Hall, put on the Town website, and published in The Record. Jay Ryan of Park East

Ventures presented a brief overview of the project. Chairman Oster then opened the floor for receipt of public comment. Frank Brennanstuhl, 27 Dusenberry Lane, stated that he had commented at the September 18 meeting and his concern regarding impact on the Spiak Mobil Station had been addressed by Jack Rifenberg, that any impact to James Spiak had been immediately addressed, and that Mr. Brennanstuhl commented that all applicants should be as good a neighbor as Park East Ventures/Rifenberg. Hearing no further comment, Chairman Oster also adjourned this public hearing, which will continue at a future date.

Chairman Oster then opened the regular meeting for the Planning Board.

The October 2 minutes were reviewed by the Planning Board. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were approved as drafted by a vote of 7/0.

The first item of business on the agenda was the site plan application by Shed Man (Gaston Robert) for installation of self-storage units for property located on Route 2, currently housing the shed display for Shed Man. Chairman Oster noted that the public hearing had been held, and no comments received. The review and recommendation from the Rensselaer County Department of Economic Development and Planning was reviewed, which indicated that this application had no impact on County plans and that local consideration shall prevail. Rensselaer County did note that the property was in the 100 year flood plain, and inquired whether the self-storage units would be elevated and if not, whether tenants would be informed of flooding potential. Chairman Oster asked whether the self-storage units would be raised off the ground surface. Mr. Roberts stated that the self-storage unit building would be raised and would be above grade. Member Esser asked as to topographic elevations noted on the site plan. There was discussion between Mr. Esser and Mr. Kestner, concluding that Mr. Robert should tie the topographic information on the site plan into applicable USGS benchmark data. Mr. Kestner raised an issue regarding fill in a flood plain, and that fill issues could be a problem. Mr. Robert

stated that he would respond to the County comment by alerting each tenant as to the flood plain issue and potential for flooding within the lease agreement for the self-storage unit. Member Wetmiller inquired whether the self-storage unit could be built below the flood plain level. Mr. Kestner stated that this was acceptable, and that notification to tenants of the self-storage units would be adequate. Member Esser stated that this part of the self-storage unit lease concerning the flood plain and flood potential should be highlighted. Member Czornyj followed up on the question regarding building in the flood plain. Mr. Kestner stated that the limited fill that Mr. Robert was proposing as a foundation for the self-storage unit building would be a relatively small area and would not impact the flood way in the valley. It was also noted that an office is being proposed in connection with the self-storage units, and Mr. Robert stated that a sewer hookup to ARC had already been agreed to. It was also determined that Mr. Robert should add a note to the site plan map concerning the flood plain issue. Member Tarbox stated that a map note would be adequate, but wanted both the Board Members and Mr. Robert to know that an amendment to the site plan would be required if an elevation for the storage unit building would change. Hearing no further discussion, Member Czornyj then 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. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. A map note be added to the site plan regarding the existence of the 100 year flood plain and amend the site plan map to tie the topographic information to USGS benchmarks.
2. Each lease for the self-storage units must include information regarding the flood plain and flooding potential, which information should be highlighted in the lease.

The motion was seconded by Member Christian. 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 site plan application by Chris Leathem for the commercial firewood operations on Sycaway Avenue and Route 7. Chairman Oster stated that there were several issues which required further investigation by the Applicant and the Planning Board, including use of the driveway/roadway on the Leathem property, whether such driveway/roadway was private or public, whether the zoning was appropriate for this commercial site plan, and that additional information was required concerning noise and dust generation. Member Esser stated that he thought the delivery of full length logs was a possibility, which was confirmed by Mr. Leathem. Member Esser stated he was concerned regarding large truck traffic in the residential area. Mr. Leathem stated that large truck deliveries had not occurred to date. Mr. Leathem stated that he was only using a one ton dump truck. Mr. Leathem strongly stated that his commercial operations did not produce significant traffic, did not result in heavy truck traffic, was not a danger to the neighborhood, was not noisier than a lawnmower, that he did not use chainsaws all the time, that the trucks used were not logging trucks, that his plan was to keep 7 feet off his property line, and that he did not encroach onto others properties. Chairman Oster asked whether vehicles were using the roadway/driveway off Sycaway Avenue thinking that retail wood sales would be occurring. Mr. Leathem stated that he would address that issue by installing a locked gate at the end of his private roadway onto Sycaway Avenue, and provide Mr. DeWolf a key for purposes of his access easement. There was discussion as to whether a gate would be a good idea. Mr. Leathem stated that all of the UPS/Federal Express deliveries to the DeWolf property created as much dust as his operation, and asked why he was being accused of being the only one creating dust. Member Czornyj asked about the existence of a trailer on the site. Mr. Kestner noted that the site plan does need to show all existing uses on the site, including the trailer that does exist on the property. Chairman Oster noted that he did a site inspection, and that it appeared to him that a lot of wood was all over the site, and inquired of

Mr. Leathem whether this would be cleaned up and limited to a storage area. Mr. Leathem said the site would be cleaned up and all wood storage would be compliant with that shown on the site plan. Member Czornyj asked whether the wood storage area would be marked on the site. Mr. Kestner stated that the Planning Board had conditioned other wood operations so as to require stakes or marks to exist in the field to identify the area for storage, which allowed Town inspections for purposes of compliance with site plan conditions. Member Mainello asked about the existing curb cut on Route 7 to this property, and requested information regarding access to the site from Route 7. The possibility of an access from Route 7 should be explored, even as a reasonable alternative to accessing the site from Sycaway Avenue. The Planning Board concurred that a full environmental assessment form needs to be completed on the application. Mr. Kestner also noted that on other wood operations in Town, the Planning Board had required additional information on the equipment used, as well as obtaining actual noise readings both at the property line and at adjoining property owners. The Planning Board determined that additional information on noise should be submitted on this application. The Planning Board adjourned this matter without date.

The next item of business on the agenda was the site plan application by Park East Ventures for a commercial office park located on Route 7 in proximity to Route 278. Percy Cotton reviewed the proposed material extraction plan, to be followed in conjunction with the mineral extraction required to prepare this site for commercial construction. Mr. Cotton generally reviewed the proposed material extraction plan, and it was determined by the Planning Board that additional information was required in the written plan, both in narrative and map form. The Planning Board also generally discussed stormwater compliance, including the retention ponds proposed during material extraction. Mr. Kestner discussed requirements for compliance with local stormwater laws as well. Member Esser raised questions regarding the

commercial site plan in terms of parking and traffic flow, and suggested that the entrance area off Route 7 be supplemented with green area and have the buildings moved further back into the site. Member Tarbox asked whether there would be any blasting in conjunction with the material extraction. The Applicant stated that no blasting would occur as their experience in removing material in and around this area showed that all the material could be removed by mechanical means. However, it was noted that if consolidated material was encountered which required blasting, the Applicant would come back to the Town for further review. Chairman Oster inquired whether the Town could conduct some further review of the final commercial site plan given the time necessary for material extraction to prepare the site for commercial construction. Attorney Gilchrist stated that he would review that issue. Attorney Gilchrist also generally reviewed the SEQRA status of the action, and stated that he wanted to confirm SEQRA lead agency issues with DEC Region 4. This matter has been placed on the November 20 agenda for further discussion.

The next item of business on the agenda was the site plan application by National Grid for construction of a new access road to its tower on Bald Mountain to be located off Bellview Road. Attorney Gilchrist and Mr. Kestner reported to the Planning Board that the Town Board had granted the Applicant to the two requested waivers on road specifications, including grade and roadway width. Chairman Oster inquired whether there were any further questions regarding the site plan. Hearing none, Member Tarbox 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 Czornyj made a motion to approve the site plan of National Grid subject to the following condition:

1. Proof submitted by the Applicant of an easement between National Grid and Vincent Jodice, to be reviewed by both Planning Board engineer and Attorney.

Member Christian seconded 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 by Irish Development for property located off Langmore Lane. Mr. Kestner and Attorney Gilchrist noted that the Town Board had granted the waiver on this application concerning the number of lots on a cul-de-sac/deadend road system. The final subdivision plat was reviewed by Michael Hart, with particular attention to the drainage plan and grading plan. Mr. Kestner raised an issue regarding the amount of cover over a culvert pipe on the two private driveways (the driveway to the proposed residential lot as well as the existing Hart driveway off Langmore Lane), and questioned whether a one foot cover was adequate. Member Mainello and Mr. Kestner also discussed invert elevations on the final site plan, and whether they were correct. A letter from Mark and Debbie Barnes (Corbett) dated October 12, 2008 addressed to Member Czornyj was noted for the record. Mr. Czornyj stated that the letter concerned flooding at the time of the construction of the prior Uccellini home in 2004. It was noted by the Planning Board that significant attention had been paid to the grading and drainage plan on the current application in order to address such concerns. Chairman Oster then inquired whether there were any further comments. Hearing none, Member Tarbox made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Mainello made a motion to approve the minor subdivision application subject to the following conditions:

1. An escrow account be established for engineering oversight during grading and drainage plan construction.
2. An erosion and sediment control plan will be required, subject to review and acceptance by the Town.

3. A pre-work conference must be scheduled between the Applicant and the Town before any construction activities started.
4. An as-built drawing will be required, to be filed with the Town following completion of all grading and drainage construction activities.
5. The Applicant will coordinate with the Town Highway and Water Department concerning waterline location prior to construction of the turnaround area at the end of Langmore Lane.
6. The Applicant will correct the elevations on the final subdivision plat concerning an additional one foot of cover over culverts at the existing driveways, and that a correction will be made on culvert elevation on the existing Hart driveway.
7. Rensselaer County Health Department approval for septic.
8. Payment of park and recreation fee in the amount of \$500.00.

Member Esser seconded the motion subject to the stated conditions. The motion was approved 7/0, and the final subdivision plat approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by North Troy Congregation of Jehovah's Witnesses for the addition of nine parking spaces to their existing parking area on Cooksboro Road. Dave Jardino, construction manager for the Congregation, reviewed the location and proposed construction of the nine additional parking spaces. Mr. Jardino stated that the proposed schedule would include excavation and installation of 6 inches of item 4 during 2008, and installation of binder and top course of pavement in Spring 2009. Mr. Jardino stated that the slope for these parking spaces was 1%, with a 7 foot offset from the property line. Member Czornyj inquired whether the additional drainage from the parking spaces could be handled by the existing stormwater detention pond. Mr. Kestner stated that the pond was adequate to handle this additional runoff. Member Tarbox generally discussed the location of the parking and internal traffic circulation. Chairman Oster inquired whether there were any further comments or questions. 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 7/0, and a negative declaration was adopted. Thereupon, Member Czornyj made a motion to approve the site plan, which motion was seconded by Member Christian. The motion was approved 7/0, and the site plan approved. It was noted that the application and review fees had been paid.

The next item of business on the agenda was the waiver of subdivision application by Shubert for property located on Wedgewood, off Liberty Road. There was no one in attendance on this application, and the matter was adjourned to the November 6 meeting.

Two items of old business were discussed.

First, it was noted that the site plan application by Gallivan for the Oakwood Avenue property would be on the agenda for the November 6 meeting.

Second, Mr. Kreiger updated the Board that the base for the traffic sign required to be installed on Tamarac Road in conjunction with the Cobblestone Associates subdivision project has been installed.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Wayne Howe for property located on Sweetmilk Creek Road. The Applicant is seeking to divide off .740 acres from an existing 1.7± acre parcel. This matter is placed on the November 6 agenda for discussion.

The **index** for the October 16, 2008 meeting is as follows:

1. Shed Man – site plan – approved with conditions;
2. Leathem – site plan – adjourned without date;
3. Park East Ventures – site plan – 11/20/08;
4. National Grid – site plan – approved with conditions;
5. Irish Development – minor subdivision – approved with conditions;
6. North Troy Congregation of Jehovah's Witnesses – site plan – approved;

7. Shubert – waiver of subdivision – 11/6/08;
8. Gallivan – site plan – 11/6/08;
9. Howe – waiver of subdivision – 11/6/08.

The proposed agenda for the November 6, 2008 meeting currently is as follows:

1. Shubert – waiver of subdivision;
2. Gallivan – site plan;
3. Howe – waiver of subdivision;
4. Brooks Heritage, LLC – major subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 6, 2008

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

ABSENT was FRANK ESSER.

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

Chairman Oster reviewed the meeting agenda, noting that the Gallivan site plan application was being adjourned until the first meeting in December (December 4) at the request of the Applicant, and that the Applicant needed to compile additional information concerning the site plan application.

The minutes of the October 16 meeting were reviewed. It is noted that the title from Mr. Kreiger's position has been changed from Superintendent of Utilities and Inspection to Code Enforcement Officer. Subject to that one change, Member Czornyj made a motion to approve the minutes as drafted, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and the minutes of October 16 adopted subject to the one noted correction.

The first item of business on the agenda was the waiver of subdivision application by Shubert for property located on Ledgewood, off Liberty Road. Mrs. Shubert was in attendance. Mrs. Shubert explained that she and her husband own two lots in this subdivision, originally identified as Lots 143 and 144. The Shuberts had their house located on Lot 144, and obtained title to the vacant Lot 143. The Shuberts previously had merged these two lots together to make

one tax parcel. Now, the Shuberts wish to re-divide the lots into the prior Lots 143 and 144, for purposes of transfer. The Planning Board reviewed the application, noting that there were no setback or zoning compliance issues. It was also noted that public water and public sewer service the subdivision, so that there were no issues concerning location of septic systems or leach fields or wells in relation to property lines. The Planning Board determined that the Applicant merely sought to revert the two parcels to the original subdivision approval, reinstating the prior approved Lots 143 and 144. 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 Mainello made a motion to approve the waiver of subdivision application, which motion was seconded by Member Tarbox. The motion was approved 6/0, and the waiver of subdivision application approved. Mr. Kreiger noted that all application fees had already been paid.

The next item of business on the agenda had been the Gallivan site plan application for property located on Oakwood Avenue. As noted above, and at the request of the Applicant, this matter has been adjourned to the December 4, 2008 meeting to allow the Applicant to prepare additional information. However, Chairman Oster did note that there were several issues which needed to be addressed, including an initial question regarding the zoning classification for each of these properties constituting the site plan. It is noted for the record that Gallivan had obtained site plan approval for commercial operations on one parcel of property located off Oakwood Avenue, but that subsequently Gallivan had obtained title to two adjacent parcels, and on which Gallivan is conducting commercial operations. The underlying zoning classifications for these two subsequently-obtained parcels must be examined. Chairman Oster noted that a total of 8 petitions had been handed up by property owners within the North Forty Subdivision, which petitions would be noted as part of the record on this application. Member Czornyj asked what

would be required if it is determined that the two subsequently-acquired parcels were not zoned for commercial activities. Attorney Gilchrist stated that the Planning Board did not have the jurisdiction to act upon a site plan which is not in compliance with underlying zoning classifications, and that such issue would need to be addressed prior to any further Planning Board action. Chairman Oster stated that the Planning Board members should visit the Gallivan site off Oakwood Avenue, but also view operations from the North Forty Subdivision, including Naples Court. The Planning Board also noted that the current owner of these three adjacent parcels is Oakwood Property Management, LLC. Member Mainello asked whether the current commercial operations were included in the original site plan reviewed and approved by the Planning Board. It was noted that the commercial operations have expanded outside the area of the original site plan review and approval. This matter has been placed on the December 4, 2008 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Wayne Howe for property located on Sweetmilk Creek Road. Attorney William Doyle appeared for Mr. Howe. Mr. Doyle explained that Howe was seeking to divide off 0.740 acres from an existing 1.7± acre parcel. Mr. Doyle also noted that Howe had previously obtained a waiver of subdivision approval concerning the small Howe parcel located further on Sweetmilk Creek Road, but that such waiver was from a separate and distinct parcel owned by Howe, different from that which is the subject of the current waiver application. Mr. Doyle went on to explain that the Howe Coleman building on Sweetmilk Creek Road would be staying with Howe, and that the driveway leading to the house owned by Wayne Howe would also stay with the parcel including the Howe Coleman building. Mr. Doyle explained that the garage building on the opposite side of the residential driveway was the subject of the waiver application, that the garage had been used by a number of tenants over the years, and that the current tenant, Quest

Plumbing, sought to purchase the parcel from Howe. Mr. Doyle noted that the subject garage building was serviced by public water, and had its own existing and approved private septic system. Mr. Kreiger noted that there were no zoning or setback violations resulting from the creation of the 0.740 acre parcel, and that the smaller garage building was adequately set back from the residential driveway leading to Mr. Howe's house. Mr. Doyle stated for the record that no new construction was contemplated, and that this waiver application sought merely to divide off the small garage building for transfer to Quest Plumbing. Member Czornyj stated that his only concern on the application was that no setback violations would result. Mr. Kreiger reiterated that there would be no setback violations as a result of this subdivision. Chairman Oster inquired as to any further question or discussion. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was approved 6/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Tarbox. The motion was approved 6/0, and the waiver application approved. Mr. Kreiger noted that all application fees had been paid.

The next item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. Attorney William Doyle appeared for the Applicant. Mr. Doyle gave an update to the Planning Board. Mr. Doyle explained that Brooks had reached an agreement with George Morrissey to acquire the Morrissey property on Dusenberry Lane. This would add 7± acres to the overall project site. Mr. Doyle then explained that this allowed Brooks to redesign the existing Dusenberry Lane road off Route 142, most particularly eliminating the gabion retaining wall since additional site grading would be allowed onto the former Morrissey parcel. As part of the road redesign and gabion wall elimination, Brooks is now proposing an additional 5 lots on the former Morrissey property to be included in

the major subdivision. These additional 5 lots include the existing Morrissey home on one lot, plus 4 new additional building lots. Also, Mr. Doyle explained that additional stormwater detention features would be constructed on the former Morrissey property. Mr. Doyle did state that an additional waiver from the Town Board would be required, since Brooks was now proposing to add 4 new additional residential lots which would impact the waiver already granted by the Town Board concerning the number of lots on a cul-de-sac road. Mr. Kestner generally reviewed the subdivision plat, as well as reporting to the Planning Board that a full stormwater report and plan had been prepared and submitted and that Mr. Kestner's office was in the process of reviewing that report. Mr. Kestner stated that the proposed road width and grade would not change as a result of the addition of the Morrissey property to the project site, but that the principal change was the elimination of the gabion wall and additional grading onto the former Morrissey property. As to the waiver on the number of lots on a cul-de-sac road, the Planning Board noted that the existing waiver granted by the Town Board allowed a total of 29 lots on Dusenberry Lane, which included the 7 existing homes on Dusenberry Lane plus 22 new proposed building lots. This modification to the project would require an amendment to that waiver from the Town Board, to add the 4 new proposed building lots for the former Morrissey property. The Planning Board members discussed procedure, and determined that an amendment to the existing waiver would be proper procedure, rather than dealing with the 4 proposed additional lots on the former Morrissey property as a separate application. Member Wetmiller noted that the current preliminary subdivision plat provided that the stormwater features would be deeded to the Town of Brunswick, and that such would need to be changed as the Town did not take title to the stormwater features. Member Tarbox also noted that the location of the existing Dusenberry Lane within the public right-of-way necessitated the former design of the gabion retaining wall, and that with the elimination of the gabion retaining wall and area for

additional grading, the existing location of the Dusenberry Lane could be slightly modified to better position that road within the overall project. Mr. Kestner concurred that the agreement with Morrissey provided greater design flexibility for the overall project. The Planning Board then generally discussed making fact findings and recommendation to the Town Board concerning the request for amended waiver. The Planning Board generally discussed that the elimination of the gabion wall was a benefit to the overall project design, that the area for additional grading provided flexibility in terms of road location and design, and that this also provided additional area for stormwater management facility design. Based on these findings, Member Czornyj made a motion to adopt a positive recommendation to the Town Board concerning the amendment to the existing waiver. That motion was seconded by Member Tarbox. The motion was approved by a vote of 5/0, with Member Mainello abstaining. Attorney Gilchrist was directed to draft these findings and recommendation, and transmit the same to the Town Board. This matter has been placed on the November 20, 2008 agenda.

Chairman Oster noted that he had been contacted by Jay Ryan of Rifenburg Construction, who requested that the Park East Ventures site plan application be adjourned from the November 20, 2008 meeting, and rescheduled to the first meeting in January, 2009.

Three items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by Mary Roach to divide 0.08± acres from an existing 1.895± acre parcel located on Ethier Drive off Pinewoods Avenue, for transfer to an adjacent property owner and merger into the adjacent property owner's parcel. The application will result in a lot line adjustment. This matter has been placed on the November 20, 2008 agenda.

The second item of new business discussed was a site plan application by Robert Duncan for property located at 481 McChesney Avenue. This is the location of the current Duncan car

storage operation. Duncan seeks to have site plan approval for the construction of a farm stand and three greenhouses with associated parking. This matter has been placed on the November 20 agenda.

The third item of new business discussed was a waiver of subdivision application by Mark Downey for property located at 8 Bott Lane. Mr. Downey owns two adjacent parcels at Bott Lane and Garfield Road, one parcel much larger than the other. Mr. Downey seeks to divide approximately 6 acres from the larger parcel, and merge those 6 acres into the smaller parcel, thereby creating two similarly sized parcels. Mr. Downey stated that the waiver application was not designed to create a new building lot, but rather to merge the acreage into an existing parcel to create two evenly sized adjacent parcels. This matter has been placed on the November 20 agenda.

Chairman Oster noted for the record that Chris Leathem had submitted additional information to the Town concerning the status of the driveway/roadway on the Leathem property, which is currently the subject of a site plan application. Mr. Kreiger noted that he had only received such information, and that it was supplied to Mr. Kestner and Attorney Gilchrist for review. The Leathem site plan matter remains adjourned without date pending further research into road and zoning issues.

The **index** for the November 6, 2008 meeting is as follows:

1. Shubert – waiver of subdivision – approved;
2. Gallivan – site plan – adjourned to 12/4/08;
3. Howe – waiver of subdivision – approved;
4. Brooks Heritage, LLC – major subdivision – 11/20/08 (forwarded to Town Board for action on request for amended waiver);
5. Roach – waiver of subdivision – 11/20/08;

6. Duncan – site plan – 11/20/08; and
7. Downey – waiver of subdivision – 11/20/08.

The proposed agenda for the November 20, 2008 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision;
2. Roach – waiver of subdivision;
3. Duncan – site plan;
4. Downey – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 20, 2008

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

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

Chairman Oster reviewed the meeting agenda. He also noted that he would be absent for the meeting on December 4, 2008, and that Member Mainello would chair that meeting.

The minutes of the November 6 meeting were reviewed. Member Czornyj made a motion to approve the minutes as drafted, which motion was seconded by Member Wetmiller. The motion was approved 7/0, and the minutes of November 6 adopted.

The first item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. Attorney William Doyle appeared for the Applicant. The project engineer and Brooks were also present. Mr. Doyle gave an update to the Planning Board. Attorney Doyle reviewed for the Board that Brooks had reached an agreement with George Morrissey to acquire the Morrissey property on Dusenberry Lane, thus adding 7± acres to the overall project site. Attorney Doyle then explained that this allowed Brooks to redesign the existing Dusenberry Lane road off Route 142, most particularly eliminating the gabion retaining wall since additional site grading would be allowed onto the former Morrissey parcel. As part of the road redesign and gabion wall elimination, Brooks is

now proposing an additional 5 lots on the former Morrissey property to be included in the major subdivision. These additional 5 lots include the existing Morrissey home on one lot, plus 4 new additional building lots. Attorney Doyle also explained that additional stormwater detention features would be constructed on the former Morrissey property. Attorney Doyle advised the Board that Brooks has received the necessary additional waiver from the Town Board, allowing Brooks to add 4 new additional residential lots to the number of lots on a cul-de-sac road that had been previously approved. Attorney Doyle also noted that the Applicant had filed a full environmental assessment form. Member Wetmiller asked if the proposed lot off Bald Mountain Road met the minimum lot size standards concerning width. According to the project engineer, if width is measured from the proposed location of the house, the lot is approximately 160 feet, though it may be possible to relocate the house further back on the lot to achieve 170 feet. It was discussed that the Applicant will potentially have to obtain an area variance if the lot width is not 180 feet. Member Wetmiller indicated that he had no problem with the Applicant obtaining an area variance, but is concerned about pushing the house location closer to or into the wetland for the sake of 10 feet. Attorney Gilchrist will further review how lot width is to be properly determined under the Code.

Discussion was had concerning the redesign of the existing Dusenberry Lane road. Mr. Kestner noted that the Applicant was keeping the road within the 50 foot right-of-way and that the road will be back-pitched at the intersection of Dusenberry Lane and Route 142. Mr. Kestner further noted that the road will be graded back (1 on 3 slope) on the Morrissey property on a 10% grade.

Member Tarbox expressed some concern over the map and requested that the Applicant delineate the existing lots. Brooks agreed to delineate the existing houses and driveways and

approximate property lines. The Planning Board scheduled a public hearing on this application for December 4, 2008 at 7:00 p.m.

The second item of business on the agenda was the waiver of subdivision application by Mary Roach to divide 0.08± acres from an existing 1.895± acre parcel located on Ethier Drive off Pinewoods Avenue, for transfer to an adjacent property owner and merger into the adjacent property owner's parcel, in the nature of a lot line adjustment. Attorney William Doyle was present on behalf of the Applicant. Attorney Doyle reviewed the history of the Roach property and that of the neighboring property owned by the Craneys. Attorney Doyle confirmed that the piece of property to be conveyed was vacant, and the Planning Board pointed out it was not a building lot. 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. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, with the condition that the Planning Board be provided with a copy of the filed deed showing that the .08± acres was conveyed to and merged into the adjacent property owner's parcel, which motion was seconded by Member Wetmiller. The motion was approved 7/0 and the waiver of subdivision application approved. Mr. Kreiger noted that all application fees had already been paid.

The third item of business on the agenda was a site plan application by Robert Duncan for property located at 481 McChesney Avenue. Applicant Duncan was present. This is the location of the current Duncan car storage operation. Duncan seeks to have site plan approval for the construction of a farm stand and three greenhouses with associated parking. Duncan explained that he proposes to put up 3 greenhouses, one of which will be used for organic vegetables, as well as a farm stand. In addition to the organics, he proposes to use the

7
greenhouses for bedding plants, to be sold at that location. The farm stand will be in the same location as the old shed/building on the site, and will operate approximately 3 or 4 months out of the year. He wants to preserve as much of the green space as possible. Regarding parking, one space is designated handicapped.

Mr. Kreiger advised that the appropriate referral was made to the County more than thirty (30) days ago, and that no response has been received. The Planning Board noted that the property is in the A-40 zoning district and, the proposed use is allowed in that zoning district.

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. Thereupon, Member Czornyj moved to approve the site plan application, which motion was seconded by Member Christian. The motion was approved 7/0, and the site plan was approved. Mr. Kreiger noted all application fees had already been paid.

The fourth item of business on the agenda was a waiver of subdivision application by Mark Downey for property located at 8 Bott Lane. Applicant Downey was present. Mr. Downey owns two adjacent parcels at Bott Lane and Garfield Road, one parcel much larger than the other. Mr. Downey seeks to divide approximately 6 acres from the larger parcel, and merge those 6 acres into the smaller parcel, thereby creating two similarly sized parcels. Mr. Downey stated that the waiver application was not designed to create a new building lot, but rather to merge the acreage into an existing parcel to create two evenly sized adjacent parcels.

The Planning Board inquired of the Applicant whether National Grid had an easement over the properties and recommended that the Applicant takes steps to keep or maintain control of the power line to the other lot. 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. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, with the condition that the Planning Board be provided with a copy of the filed deed showing that the approximately 6 acres was conveyed to and merged with the smaller parcel, which motion was seconded by Member Tarbox. The motion was approved 7/0, and the waiver of subdivision application approved. Mr. Kreiger noted that all application fees had already been paid.

Three items of new business were discussed.

The first item of new business discussed was the Gallivan site plan application for property located on Oakwood Avenue. Chairman Oster noted that part of Gallivan's commercial operations are located in the Rensselaer County Empire Zone. Mr. Oster noted that he spoke with Jay Sherman, the Empire Zone Coordinator for Rensselaer County, concerning the Gallivan operation. According to Mr. Sherman, Gallivan became a certified business in 2005. However, the Empire Zone designation does not include one of the three parcels that make up Gallivan's commercial operations. According to Jay Sherman, the Empire Zone designation does not cover or include the Gallivan parcel designated by Tax Map No. 19-1-12.2. That parcel is in the A-40 zoning district. According to Mr. Sherman, Rensselaer County does not get involved with whether or not the projects are zoned properly.

Mr. Kreiger noted that it is his understanding based on conversations with Attorney Gilchrist that there are three options available to Gallivan: (1) apply for a PPD; (2) obtain a variance from the Zoning Board of Appeals; and/or (3) petition the Town Board to change the zoning districts.

Chairman Oster then indicated that he had been contacted by Kelly Murray of 10 Naples Court. At her invitation Chairman Oster went to her property. He noted that from her property

line significant mulch piles could be observed, and that it appeared to him that Gallivan has extended his operations on site beyond that which was initially approved in connection with his original site plan application. Chairman Oster further noted that he could hear machinery running from the Murray property line. Mr. Kestner indicated that he is going to pull the prior approval as he believes there is a condition in the prior site plan approval that limits the height at which stockpiles could be maintained. Chairman Oster further noted that certain stockpiles appear to consist also of concrete and asphalt fill, for which that property is not properly zoned. According to Gallivan, the concrete and asphalt fill comes from jobs he works on.

This matter has been tentatively placed on the December 4, 2008 agenda.

Chairman Oster noted for the record that Chris Leathem had submitted a full environmental assessment form to the Board for review.

Mr. Kreiger further noted that he had been contacted by Mrs. Oswald concerning the Hart subdivision. She advised Mr. Kreiger that she did not believe the minutes from the public hearing were correct, however, John believes she may be mistaken and that the comments which she believes were incorrectly recorded were actually made at the Town Board meeting on the waiver issue as opposed to the public hearing on the subdivision application. Chairman Oster had read her letter into the record at the public hearing.

The **index** for the November 20, 2008 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision;
2. Roach – waiver of subdivision;
3. Duncan – site plan;
4. Downey – waiver of subdivision;
5. Gallivan – site plan – 12/4/08;

6. Leathem – site plan;
7. Hart – major subdivision.

The proposed agenda for the December 4, 2008 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision (public hearing at 7:00 p.m.);
2. Gallivan – site plan;
3. Leathem – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 4, 2008

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

ABSENT was CHAIRMAN OSTER.

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

The Planning Board opened a public hearing concerning the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. Member Czornyj acting as Chairman for this meeting, read the notice of public hearing into the record. It was noted that the notice of public hearing was published in The Record newspaper, placed on the sign board at Town Hall, and mailed to adjacent property owners. Attorney William Doyle appeared on behalf of the Applicant, and presented an overview of the proposed project. Initially, Attorney Doyle stated that while the notice of public hearing identified 33 lots for this major subdivision, the Applicant is proposing only 27 lots, 26 new lots on the Dusenberry Lane cul-de-sac, and 1 new lot off Bald Mountain Road. Attorney Doyle reviewed with the Board the waivers which had been granted by the Town Board on this application, including the number of lots on the cul-de-sac road and the road width. Attorney Doyle generally reviewed the proposed upgrades to the existing Dusenberry Lane, indicating that the gabion wall which had initially been proposed has now been eliminated due to the addition of the Morrissey property. Attorney Doyle indicated that coordination with the Rensselaer County Health Department is required, since private septic systems are proposed for the new residential lots. Public water is being proposed for this project. Attorney Doyle also stated that

coordination with the Army Corps of Engineers had occurred, including wetlands delineation and coverage under General Nationwide Permit. Attorney Doyle reminded the Board that the proposed home types had already been reviewed by the Applicant, both with the Planning Board and Town Board in connection with the waiver applications. Attorney Doyle indicated that the majority of this property is located in the A-40 zoning district, with a small portion within the R-15 district adjacent to Route 142. Attorney Doyle concluded by stating that detailed engineering plans and a Stormwater Pollution Prevention Plan were submitted by the Applicant to the Planning Board as well as to Mr. Kestner for review. Member Czornyj then opened up the hearing for receipt of public comment. Frank Brennanstuhl, 27 Dusenberry Lane, handed up a letter to the Planning Board with comments, and reviewed that letter with the Board. In addition, Mr. Brennanstuhl indicated that the removal of the gabion wall on Dusenberry Lane is good, since he felt the gabion wall was always a bad idea. Mr. Brennanstuhl also stated that the cover sheet on the engineering drawings has errors. Mr. Brennanstuhl then reviewed his comment letter with the Board, including that Mr. Brennanstuhl did not have access to a full set of plans at Town Hall, having access only to 9 sheets of a total of 19 sheets of the project plans; that the proposed lot off Bald Mountain Road does not have the required lot width, that the grade of the long driveway that is proposed exceed Town Standards, that soil and drainage may run onto neighbors' property from the long driveway, and that the septic system for this lot appears to be close to very wet areas; that there is still concern regarding pollution to the two creeks that feed water to the Town beach, and that water sampling should be preformed at both creeks both prior to construction and annually thereafter; that to prevent septic pollution the Planning Board should reevaluate running public sewer to the site, which would benefit not only the new homes but existing homes along any sewer extension, and that possibly the Town could share in costs since others in the Town would benefit from the sewer extension; that there is still a question as to whether natural gas will be installed, and whether taps will be available for existing neighbors; that

water taps for existing neighbors to the extended public water supply must be insured; that sufficient road detail has not been provided, that exact location of wing gutters has not been provided, that catch basins should be installed before each existing driveway to eliminate water flowing down to Dusenberry Lane onto existing driveways, that oversight must occur so that there is not a big dip or hump between reconstructed Dusenberry Lane and existing driveways; that a landscape drawing has not been provided; that there is a question whether any street lighting will be provided; that there are existing soft spots on Dusenberry Lane which must be addressed in any road reconstruction; that oversight must be provided to ensure that there is appropriate distances between septic systems as they relate to existing wells; that appropriate sight distance analysis must occur on the reconstruction of Dusenberry Lane with its intersection at Route 142, and that the bank to the left when exiting Dusenberry Lane needs to be further reduced so that residents can see to the top of the hill on Route 142, and that depending on new construction the bank to the right of Dusenberry Lane may need to be cut back as well; that a 10% grade on the reconstructed Dusenberry Lane must be achieved before any new construction of homes should occur; that during construction, Dusenberry Lane will need to be passable at all times, that there will be no blasting, that the road must be kept clean from mud and stones by sweeping daily, that dust should be kept down, that access to driveways needs to be reasonable at all times, and that hours of work must be established and complied with, with proposed construction hours of 8:00 a.m. to 5:00 p.m. week days with no work on holidays or weekends (applying to the entire project, not just road work); that the detention pond should be built so that no water lays on the bottom of the pond, and so that water is present only during periods of heavy rain; that there are still too many houses being proposed in the project (and that they are still too close to wetlands); that excessive water will be going into creeks; that there may be a change in existing wells as to quantity and quality of water; that there should be an appropriate schedule for this project, including road construction, home construction, duration of construction, with the Board considering

putting a limit on the time for development build-out; and that appropriate conditions be placed on this project, with the penalty for violation being stopping all site work rather than simply fines. Dan Bartels, 23 Dusenberry Lane, stated that he stopped at Town Hall on December 3, and that there were no plans available for his review. Mr. Bartels requested that the public hearing be kept open. The Planning Board members then discussed whether the full set of plans had been available for public inspection as described in the public hearing notice. It was determined that the full set of plans had not been available at Town Hall for public review and inspection. Therefore, the Planning Board determined to keep the public hearing open, and continue the public hearing at its December 18 meeting at 7:00 p.m..

The Planning Board then opened its regular business meeting.

The Planning Board reviewed the proposed minutes of the November 20, 2008 meeting. One correction was noted, correcting the minutes to provide that Member Mainello was absent from the November 20 meeting. Subject to the one correction, Member Wetmiller made a motion to approve the minutes of the November 20 meeting, which motion was seconded by Member Tarbox. The motion was approved 6/0, and the corrected minutes approved.

Member Czornyj reviewed the agenda, which included discussion of the Brooks Heritage major subdivision, Gallivan site plan, and Leathem site plan. It was noted that Gallivan was not in attendance at the meeting, and Attorney Gilchrist noted that zoning compliance issues were still being researched and investigated in conjunction with Mr. Kestner and Mr. Kreiger. This matter will be put on the December 18 agenda. Member Esser confirmed with Mr. Kestner that under the 2002 Gallivan site plan approval, the maximum height for the mulch pile on the original site plan was 30 feet, and that a berm needed to be installed in front of the mulch pile with trees planted on top of the berm so that the mulch pile was not visible from Oakwood Avenue. Members of the public were present, and questioned certain procedural issues associated with the Gallivan site plan application.

The public was informed that initial zoning compliance issues were still being researched and investigated, and that this matter would be further discussed at the December 18 meeting.

The Planning Board discussed the major subdivision application by Brooks Heritage, LLC. Mr. Kestner stated that he had prepared written comments concerning the engineering plans, and that he would forward his written comments to the Planning Board as well as the Applicant and Applicant's engineer. Mr. Kestner stated that his office was continuing to review the extensive Stormwater Pollution Prevention Plan which had been filed with the application. Member Czornyj inquired whether there were any further Planning Board comments. The Board did discuss the sequence of work, and whether completion of the road work should be required prior to any home construction. Member Czornyj also had a question concerning the median lot width for proposed Lot 16. Attorney Gilchrist stated that he would provide information to the Planning Board members concerning median lot width for discussion at the December 18 meeting. The Board also discussed the issue of the sight distance from Dusenberry Lane onto Route 142. Mr. Kestner stated that this should also be coordinated with the Highway Superintendent. Member Wetmiller thought that the improvements to Dusenberry Lane should be completed before any house construction, particularly in light of access for construction vehicles. Member Tarbox noted that there was an issue of the location of a guide wire for a power pole near the intersection of Dusenberry Lane and Route 142, and coordination with National Grid would be required in connection with the road reconstruction. It was also noted that a comment letter was received from the Center Brunswick Fire Company, with comments concerning minimum size for the public water main as well as fire flow and pressure tests for hydrants, particularly at the end of the proposed cul-de-sac road. This letter will likewise be forwarded to the Applicant's engineer for response. Also, the Planning Board will forward the Brennanstuhl comment letter to the Applicant's engineer. This matter has been placed on the December 18 agenda for continuation of the public hearing at 7:00 p.m.

The Planning Board did note that a letter had been received from Michael Shongard, 21 Lindsay Drive, concerning the Gallivan site plan application. This letter will be put in the project file.

The next item of business on the agenda was the Leathem site plan application. The Applicant was not in attendance at the meeting. However, Attorney Gilchrist distributed a memorandum to the Planning Board members, which outlined a zoning compliance issue which had been researched concerning the Leathem site plan application. The memorandum reviewed the status of the driveway/roadway on the Leathem property, for purposes of determining whether such driveway/roadway was a private or public roadway. Attorney Gilchrist stated that this issue was relevant in that the Town Site Plan Regulations require the Planning Board to review internal traffic circulation as well as the manner and method of ingress and egress from a site plan to a public roadway as part of its site plan review jurisdiction. In this case, Attorney Gilchrist stated that the site plan proposes access to the commercial operations over this driveway/roadway connecting to Sycaway Avenue, and that an issue arises in that the parcel is split between two zoning district classifications. The property adjacent to NYS Route 7 is zoned B-15, whereas the portion of the property located adjacent to Sycaway Avenue, and over which the driveway/roadway traverses, is located in the R-9 zoning district classification. The use of the roadway for vehicles to access commercial operations through an R-9 zoning district must be analyzed. If the roadway constituted a public roadway, then access to the proposed commercial operations in the B-15 zone would be directly off a public roadway; however, in the event the roadway constitutes a private driveway, then access to commercial operations from the public roadway (Sycaway Avenue) would run through the R-9 residential district as well as the B-15 business district. Attorney Gilchrist reviewed public records attached to the memorandum, which generally support a finding that the driveway is a private driveway, not a public roadway. The Planning Board then deliberated on the issue, and determined

that the use of the private driveway for commercial purposes through the R-9 residential district did raise an issue of zoning compliance, and referred this matter to the Building Department/Code Enforcement Officer for a zoning compliance interpretation prior to taking any further action on the site plan application. The Planning Board directed Attorney Gilchrist to forward a copy of the memorandum to the Applicant informing him that the matter had been referred to the Building Department for zoning compliance interpretation. Member Mainello inquired whether NYSDOT had taken any property adjacent to NYS Route 7 from the Leathem parcel in connection with the Route 7 reconstruction project, and whether that impacted the access directly off NYS Route 7. Mr. Kreiger noted that NYSDOT did install a curbcut on the shoulder of NYS Route 7 adjacent to the Leathem property in the location where the driveway had historically been situated. The Planning Board noted that a letter from Michael DeWolf had been received dated November 26, 2008, and that it will be placed in the project file. The Board then made a formal motion to refer the matter to the Building Department for zoning compliance. Such motion was made by Member Mainello, seconded by Member Esser, and unanimously passed.

One item of new business was discussed.

A waiver of subdivision application has been received from Chris Rockwell for property located on Scott Drive. Mr. Kreiger noted that this property had been the subject of a waiver application in 2007, and the Planning Board should determine whether the application should be deemed a waiver application or minor subdivision application. The Planning Board reviewed the application, noting that the 2007 waiver application resulted in the merger of property into the existing Rockwell parcel, and did not result in an additional building lot. The current waiver application seeks to divide an additional 0.59 acres from an adjacent 4.4 acre parcel, likewise for merger into the existing Rockwell lot. The Planning Board determined that the application would be reviewed as a waiver application, and placed this matter on the December 18 agenda for discussion.

The index for the December 4, 2008 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – 12/18/08 (continuation of public hearing at 7:00 p.m.);
2. Gallivan – site plan – 12/18/08;
3. Leathem – site plan – referred to Building Department/Code Enforcement Officer for zoning compliance interpretation.

The proposed agenda for the December 18, 2008 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision - public hearing continued at 7:00 p.m.;
2. Gallivan – site plan;
3. Rockwell – waiver of subdivision.

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

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 7:00 p.m. on Thursday, December 18, 2008, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the major subdivision application submitted by Brooks Heritage, LLC for a proposed twenty seven (27) lot subdivision located on Dusenberry Lane and Bald Mountain Road. Copies of the subdivision 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: December 8, 2008
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 18, 2008

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

ABSENT was DAVID TARBOX.

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

The Planning Board continued the public hearing on the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane and Bald Mountain Road. The notice of public hearing was read into the record, and noted that the public hearing notice had been published in the Troy Record, placed on the Town website, and posted on the sign board at Town Hall. Chairman Oster requested public comment concerning the project. Frank Brenenstuhl, 27 Dusenberry Lane, handed up a letter dated December 17, 2008, which added to comments previously made by Mr. Brenenstuhl in letter dated December 3, 2008. Mr. Brenenstuhl reviewed his December 17 letter, which included comments regarding the labeling of pages on the 19 sheets of project drawings; concerning the sight distance where Dusenberry Lane meets Route 142, he does not believe there is a dip in Route 142, however the issue is that Route 142 bends to the right as you are traveling west; that there is inadequate distance between septic and wells, including the proposed septic relocation on the Morrissey property as it relates to the property of Bartel; leach field separation distance for proposed Lot 20; there is no well shown for proposed Lot 23, nor distance separations to existing homes' septic and wells near

proposed Lot 23; questions whether the plan details concerning two different types of septic systems is complete, and supports the concept of no cellars for the proposed homes; that there is a lack of detail concerning type and location of tree planting, and that he recommends planting sugar maples as street trees; that the detention pond design for the overall subdivision has too much water flowing to the south east down Dusenberry Lane, and that the Town engineer must review this proposal carefully; that the stormwater plan proposes ponds as a wet system, whereas a dry system should be used; that if a wet pond system is used, the developer should be required to install fencing around the detention ponds for safety; many of the proposed driveways do not show ample area for turnaround, forcing residents to back onto a Town road; that the plans do not include sufficient detail concerning stormwater catch basins, and that there is not a catch basin on the high side of the Brenenstuhl driveway and that there is a stormwater catch basin proposed for the center of the Bartel driveway; that storm water should not impact existing driveways as a result of the Dusenberry Lane reconstruction; questions concerning the National Grid power installation, and if the new power is underground, how this will effect existing homes which are fed by overhead line, and if new service is brought to existing homes then the developer should be required to pay for all costs; that due to the size of the project, a separate inspector should be assigned for construction oversight; that there were several errors and inconsistencies raised by Mr. Brenenstuhl on the project plans; and that the Duseberry Lane reconstruction must be required to be done first. Dan Bartel, 23 Dusenberry Lane, stated that there were too many lots in this project; that he was concerned regarding location of existing wells for existing homes in relation to proposed septic; that he did not want a stormwater catch basin in the middle of his driveway; and that all the runoff from this project will eventually hit

the Town reservoir. Hearing no further comments, the Planning Board closed the public hearing on the Brooks Heritage, LLC major subdivision application.

The Planning Board then opened the regular business meeting.

The draft minutes of the December 4, 2008 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved without correction.

Chairman Oster noted that the Gallivan site plan matter is still being researched, and the matter is placed on the January 15, 2009 agenda.

The first item of business on the agenda was the waiver of subdivision application by Chris Rockwell for property located on Scott Drive. Mark Danskin appeared on the application. Mr. Danskin explained that approximately one year ago, the Planning Board approved a waiver application whereby 0.41 acres of land to the west of the Rockwell homestead parcel was divided off from adjacent land and added to the Rockwell lot. Currently, Rockwell is requesting approval whereby 0.95 acres of land to the west and south of the homestead parcel likewise be divided from the adjacent land and be added to the homestead lot. Member Wetmiller wanted to confirm that the 0.95 acre parcel would be added to and merged into the Rockwell homestead parcel. Mr. Danskin confirmed that the land would be merged into the Rockwell homestead lot. Member Czornyj raised a question regarding the parcel into which the 0.95 acre would be merged, and whether there were alternatives. Mr. Danskin confirmed that while other options could be possible, Rockwell wanted to merge the 0.95 acre area into the homestead lot. It was made clear on the record that if there is any further division of land proposed, particularly for the creation of an additional building lot, Rockwell would need to apply for minor subdivision approval, not an additional waiver application. Mr. Danskin confirmed that a minor subdivision

application would be required in the future. Hearing no further discussion on the application, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and a negative declaration adopted. Member Czornyj then made a motion to approve the waiver application subject to the condition that the 0.95 acre area be added to and merged into the homestead lot of Rockwell, with Rockwell filing the merger deed with the Town Building Department. That motion was seconded by Member Mainello. 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 major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane and Bald Mountain Road. Attorney William Doyle appeared with Geoffrey Brooks. Mr. Doyle stated that all comments received at the public hearing, as well as the comments set forth in the review memorandum by Kestner Engineering, a letter from the Center Brunswick Fire Department, as well as the two Brenenstuhl letters would be addressed by the Applicant, with that response filed with the Planning Board for review. It was noted that in response to the comment letter of the Center Brunswick Fire Department, field test information had already been prepared by the Applicant and submitted to Mr. Kreiger, who in turn will distribute that information to the Planning Board members, Mr. Kestner, as well as the Center Brunswick Fire Department. This matter has been placed on the agenda for January 15, 2009 for further discussion.

Attorney Doyle also informed the Planning Board that his client, Berkshire Properties, LLC had filed a Planned Development District application with the Brunswick Town Board concerning the property located on Betts Road and Route 7, and that the Town Board would be commencing its review. Attorney Doyle requested the opportunity to make an informal

presentation to the Planning Board concerning the project at the Planning Board's January 15 meeting. This would be for informational purposes only, as the Town Board has not yet made any formal referral of the PDD application to the Planning Board for review and comment. Chairman Oster agreed to place the item on the January 15, 2009 agenda for an informal presentation.

The **index** for the December 18, 2008 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – 1/15/09;
2. Gallivan – site plan – 1/15/09;
3. Rockwell – waiver of subdivision – approved with condition.

The proposed agenda for the January 15, 2009 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision;
2. Park East Ventures – site plan;
3. Gallivan – site plan; and
4. Berkshire Properties, LLC – informal project presentation.