

PLANNING
BOARD

MINUTES

2010

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 7, 2010

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

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

The Planning Board reviewed the draft minutes of the December 3, 2009 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the December 3, 2009 meeting were unanimously approved without change.

The first 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. William Doyle, Esq. and Jeff Brooks appeared on the application. Attorney Doyle updated the Planning Board concerning meetings with the Rensselaer County Health Department on the proposed septic plan for this proposed subdivision. Attorney Doyle stated that as a result of issues raised by the Rensselaer County Health Department, a total of 3 lots have been lost on both the Brooks major subdivision as well as the 3-lot subdivision owned by Brooks located on adjacent property on Route 142. Accordingly, the Brooks major subdivision plan has been reduced from 27 lots to 25 lots, and the existing, adjacent 3-lot subdivision owned by Brooks has been reduced from 3 lots to 2 lots. Attorney Doyle also stated that the Rensselaer County Health Department is requiring additional soils testing to be performed at the site, and that will not be able to be

accomplished until spring of 2010. Attorney Doyle stated that Harold Berger, P.E. had been retained by Brooks to assist on the septic plan for this project. Attorney Doyle also stated that the revised plan to be submitted to the Planning Board will show both the major subdivision, as well as the adjacent minor subdivision owned by Brooks as well. Since the County Health Department is reviewing these two subdivisions at once, Attorney Doyle stated to the Planning Board that it was better to have all of these lots shown on one plat. Attorney Doyle requested that this matter be placed on the January 21 agenda for further discussion. Chairman Oster stated that the matter would be placed on the January 21 agenda, and also reminded the applicant that the Planning Board was looking to have a map submitted showing the original septic plan as well as the changes that have been made due to Health Department comments. Finally, Attorney Doyle raised the issue of the timeframe of submission of a final plat, in that the Planning Board had previously approved an extension on the submission of the final plat pending Rensselaer County Health Department comments. Attorney Doyle will be raising a need for a further extension due to these additional Health Department comments at the January 21 meeting.

The second item of business on the agenda was the site plan application by Gaston Robert for construction of additional storage units at the Shed Man/self storage unit facility located on Route 2 opposite Tamarac School. This matter had been adjourned without date at the request of the applicant.

One item of old business was discussed.

The subdivision and site plan applications submitted by Reiser Bros. for the proposed Brunswick Farms commercial project on Route 2/Route 278 was discussed. Henry Reiser, John Reiser, Harold Berger, P.E., and Scott Reese appeared on behalf of the applicant. Mr. Reese handed up to the Planning Board an updated grading plan for the proposed two phases for

grading of the site. Henry Reiser updated the Board on his discussions with NYSDOT concerning grading within the State right-of-way near the Route 2/Route 278 intersection, as well as a further discussion with NYSDOT concerning all proposed entrances to the commercial project. Also, Henry Reiser discussed with the Planning Board his discussions with NYSDEC concerning grading and removal of material from the site, and the letter received from NYSDEC dated December 21, 2009 regarding the applicability of the MLRL construction exemption. One of the points raised in the NYSDEC 12/21/09 letter was that all final approvals applicable to this project must first be obtained in order for the MLRL construction exemption to be applicable. Chairman Oster stated that this would appear to include final septic approval from the Rensselaer County Health Department. Mr. Kestner updated the Planning Board that upon receipt of the NYSDEC 12/21/09 letter, both he and Attorney Gilchrist had met with the Rensselaer County Health Department to discuss how the County Health Department interpreted the NYSDEC letter, and what information would be required from the County Health Department in order to issue a final approval. That meeting resulted in a memorandum from the Rensselaer County Health Department on this issue dated January 5, 2010. Mr. Kestner reviewed the Rensselaer County Health Department memorandum with the Planning Board. Mr. Berger addressed the MLRL construction exemption issue, and stated that it appeared NYSDEC did not have a problem with allowing this material to be removed without a MLRL permit, and that Reiser was intent on removing and sending the material offsite for fill or another legitimate use, and that Reiser would deliver that material at no charge. Mr. Berger stated that it seemed that NYSDEC considered this project to qualify for the construction exemption principally because the material had no value, and this was not a situation where the MLRL construction exemption was being abused to remove valuable gravel in the guise of a construction project. Mr. Berger also stated

that he had discussions about the septic plan with the Rensselaer County Health Department over six months ago, and that the County Health Department is aware of the proposal to utilize sand filters with a single discharge point discharging treated wastewater to the stream on the opposite side of Route 2. Mr. Kestner noted that the Rensselaer County Health Department did not have any recollection of the particular septic plan for this project, and if sand filters are to be proposed, than a discharge permit would be required as well as NYSDOT approval to permit the wastewater to be discharged under NYS Route 2. After further discussion concerning the applicability of the MLRL construction exemption, it was determined that Reiser would seek further clarification from NYSDEC given the ambiguous language used in the NYSDEC 12/21/09 letter, and that such issue would then need to be coordinated with the Rensselaer County Health Department as to "final approvals". Member Esser also stated that the applicant should provide information on where the excavated material was going and for what use, so that such information could be assessed by the Planning Board. This matter is placed on the January 21 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was the application by Brunswick Associates of Albany, LP to amend the Brunswick West Apartments Planned Development District ("PDD") to allow for the construction of additional apartment units. Tim Owens represented the applicant, as well as a representative from Hershberg and Hershberg. Mr. Owens reviewed the proposal, which generally calls for the construction of 84 additional apartment units on the existing Brunswick West Apartment site. Currently, and as the original PDD approval allowed, a total of 96 apartment units exist on the 38± acre parcel. The addition of 84 new units would bring the total number of apartment units on the site to 180, resulting in approximately 1

apartment unit per 9,400 square feet. Mr. Owens reviewed the general building design, which will be based on the apartment construction by Brunswick Associates in "The Glen" portion of the Sugar Hill Apartments complex. Mr. Owens also reviewed the proposed road system, and the addition of other garages for use by the tenants of the new units as well as tenants of the existing units in the Brunswick West complex. Mr. Owens generally reviewed the location of site wetlands, as well as the general plan for water and sewer. Mr. Owens also briefly discussed traffic. Mr. Owens then also discussed maintenance of greenspace on the project site. Chairman Oster inquired whether this was a new PDD application or an amendment to an existing PDD. Mr. Owens stated that this was an amendment of the original PDD, approved in 1988. Chairman Oster wanted to confirm that the building type would be the same as that constructed in "The Glen". Mr. Owens stated that the building type is the same, and that Brunswick Associates has seen great success with that building type in terms of renting units at "The Glen". Chairman Oster then inquired whether the rooflines of the existing apartment units in the Brunswick West complex could be modified to be consistent with the pitched roof of the proposed new buildings based on "The Glen" model. Mr. Owens stated that while the applicant is not in a position to commit at this time, the Planning Board should be aware that Brunswick Associates is working with an architect to try to make the existing buildings architecturally consistent with the new proposed buildings, including the rooflines of the existing buildings. Member Czornyj inquired concerning location of wetlands, as well as stormwater basins. A representative from Hershberg and Hershberg generally reviewed information concerning site wetlands, stormwater basins, roads, water, sewer, as well as grading of the site. The project engineer also stated that a traffic study is being prepared. Mr. Owens also stated that Brunswick Associates plan to upgrade the existing lighting at the Brunswick West complex, to remove the existing lighting at that site, and

use the same lighting throughout the Brunswick West complex as was installed at "The Glen". Mr. Owens also stated that the proposed parking plan includes two spaces per unit for the entire Brunswick West complex. Member Czornyj asked about the grading plan, as it appeared to Member Czornyj that there would be substantial cuts on the project site. Mr. Owens stated that the construction contractor used by Brunswick Associates for "The Glen", BBL, is undertaking a detailed cut/fill analysis for the Brunswick West site, and that information would be submitted to the Town shortly. Chairman Oster inquired as to projected number of students that would impact the Brittonkill District. Mr. Owens stated that based on "The Glen", a total of 49 of the 60 approved and constructed apartments have been rented to date. A total of 2 students have enrolled in the Brittonkill District as a result of the 49 rented units. Member Tarbox inquired as to how many school-aged children are currently in the existing Brunswick West complex. Mr. Owens stated that he did not have this information, but would research that issue and provide the information to the Town. Mr. Kreiger noted that the bus leaves off approximately 4-5 students at the Brunswick West complex. On that issue, Mr. Owens stated he would like to coordinate with the Brittonkill District and have the bus come up the access road into the Brunswick West complex for purposes of better and safer student pickup/drop off. Member Mainello asked whether there were any encroachments with the proposed PDD amendment into areas that were previously identified as forever green. Mr. Owens stated that there was no encroachment and no reduction in the greenspace. After further discussion, this matter was placed on the January 21 agenda to continue the review and recommendation process.

The next item of new business discussed was a sketch/concept site plan submitted by Capital Communications Federal Credit Union for the former Subaru dealership building located at 799 Hoosick Road. Capital Communications Federal Credit Union is currently under contract

to purchase the site. Robert Roemer, Vice President of Information Systems and Facilities for Capital Communications Federal Credit Union, generally described the project as demolition removal of the existing 10,000 square foot building on the site, and replace it with a 3,800 square foot branch building. Mr. Roemer explained that most of the site is currently paved, and that a majority of the pavement would be removed and replaced with green areas and landscaping. The proposal calls for a drive through window and ATM access, as well as parking. The access will be off Hoosick Road in its current location, which is subject to a common easement and maintenance agreement with the adjacent property currently owned by Rensselaer Honda. The existing utilities, including water, gas, sewer, and stormwater, will be incorporated into the final site plan. The Planning Board generally agreed that this was a good use for the property, represented an improvement over existing conditions in terms of additional green space and landscaping, and that a formal site plan application should be submitted. This matter is placed on the February 4, 2010 agenda for further discussion.

The **index** for the January 7, 2010 Planning Board meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – 1/21/10;
2. Robert – site plan – adjourned without date;
3. Reiser Bros. Inc. – subdivision and commercial site plan (Brunswick Farms) – 1/21/10;
4. Brunswick Associates, LP – amendment to Brunswick West Apartments PDD review and recommendation – 1/21/10;
5. Capital Communications Federal Credit Union – site plan – 2/4/10.

The **proposed agenda** for the January 21, 2010 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision;

2. Reisers Bros. Inc. – subdivision and commercial site plan (Brunswick Farms);
3. Brunswick Associates, LP – amendment to Brunswick West Apartments PDD review and recommendation.

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MINUTES OF THE PLANNING BOARD MEETING HELD January 21, 2010

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

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

The Planning Board reviewed the draft minutes of the January 7, 2010 meeting. Upon discussion by the Planning Board, the draft minutes of the January 7 meeting are to be amended to clarify with respect to the Brooks Heritage Subdivision that as a result of issues raised by the Rensselaer County Department of Health, the Brooks Heritage major subdivision shall be reduced by 2 lots, and the adjacent 3 lot subdivision shall be reduced by 1 lot. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the January 7, 2010 meeting were unanimously approved as amended.

The first 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. William Doyle, Esq. appeared on the application. Attorney Doyle updated the Planning Board concerning the septic design for the subdivisions. Attorney Doyle first clarified that as a result of issues raised by the Rensselaer County Health Department, a total of 3 lots have been lost between both the Brooks major subdivision and the 3-lot subdivision owned by Brooks located on adjacent property on Route 142. The Brooks major subdivision plan has been reduced from 27 lots to 25

lots, and the existing adjacent 3-lot subdivision owned by Brooks has been reduced from 3 lots to 2 lots. Attorney Doyle will amend the 2 subdivision maps and per a request from Mark Kestner will consecutively number the lots. The Board has already been provided with the plans showing a 25 lot subdivision with the lot line adjustments. Another set of plans will be prepared showing the re-engineered septic systems. Attorney Doyle stated that Harold Berger, P.E. has been retained by Brooks to assist on the septic plan for this project and is working with Lansing Engineers. Attorney Doyle requested that this matter be placed on the February 4 agenda for further discussion. Member Czornyj requested that amended plans be provided to the Board at least 1 week prior to the meeting. Member Tarbox then raised the issue of the timeframe for submission of a final plat and whether the applicant will require an extension. Attorney Doyle advised that the applicant will need an extension and that he will speak to Attorney Gilchrist concerning that extension prior to the February 4th meeting.

The second item of business on the agenda was the subdivision and site plan applications submitted by Reiser Bros. for the proposed Brunswick Farms commercial project on Route 2/Route 278. Henry Reiser, John Reiser, and Scott Reese appeared on the application. Henry Reiser updated the Board on his discussions with NYSDOT. Henry Reiser also discussed with the Planning Board his continued discussions with NYSDEC concerning grading and removal of material from the site, and his request for clarification of the letter received from NYSDEC dated December 21, 2009 regarding the applicability of the MLRL construction exemption.

In response to his request for clarification, Henry Reiser advised that he had received an email from Al Hewitt at NYSDEC which stated that while construction work had to be started on Phase I within six (6) months of receiving the construction exemption, the phase did not have to

be completed before grading work could be started on phase II. Once construction was started on phase I, the applicant will have 2 years to complete that phase.

Mark Kestner advised that he had spoken with Al Hewitt, who told Mr. Kestner that he [Hewitt] thinks the project meets the criteria for an MLRL construction exemption. Mr. Hewitt still wants a letter from the Rensselaer County Department of Health.

Mr. Kestner then asked the applicant about the status of the septic system design for the project. Henry Reiser advised that Harold Berger was working on two alternate systems, namely a sand filter and discharge system and an in-ground system. According to Mr. Reiser, the Department of Health wants soil borings and a report from a soils engineer in the event the applicant opts for an in-ground treatment system. According to Mr. Reiser, Harold Berger is inclined to utilize a sand filter system. Accordingly, they will complete the necessary testing and boring to see if the site can support the sand filter system. Mr. Reiser further stated that the Department of Transportation had advised him orally that the Department would approve Mr. Reiser's request to discharge the effluent into the Department of Transportation ditch. Mr. Kestner asked whether the Department of Transportation was okay with the sand filter effluent and stormwater drainage draining through a single pipe. He then suggested that Henry Reiser clarify and ensure that the DOT understands that the proposal is to discharge the sand filter (sanitary) effluent into the ditch.

Henry Reiser indicated that the DOT engineer had approved the proposed curbcuts, but had not yet addressed the applicant's proposal to regrade around the DOT ditch.

Mr. Kestner then stated that he wanted some assurance that the steep bank in the back is appropriately stabilized, and that stormwater coming down off the bank is controlled.

Scott Reese advised that he will put together a package for the Planning Board's preliminary review, which would contain correspondence and email from Al Hewitt at NYSDEC concerning the construction exemption, as well as the necessary County DOH and DOT approvals. The applicant is hoping to submit this package of materials for preliminary approval by the next Planning Board meeting and has asked to be placed tentatively on the Planning Board meeting of February 4, 2010. Mr. Reese further advised that the Board will have new sets of plans in advance of the next Planning Board meeting. Member Tarbox requested that the plans show what the proposed buildings will look like. Mr. Reese indicated they would resubmit the renderings.

Finally, John Kreiger indicated that there is public interest already in the project, and at least one person has already had questions and is concerned about the bank at the back of the project.

The third item of business on the agenda was the application of Brunswick Associates of Albany, LP to amend the Brunswick West (aka Brunswick Woods) Apartments Planned Development District ("PDD") to allow for the construction of additional apartment units. Tim Owens appeared on behalf of the applicant, as well as did a representative from Hershberg and Hershberg. Chairman Oster advised Mr. Owens that the Planning Board had received a letter from the Brunswick No. 1 Fire Company. Mr. Owens then reviewed the letter and advised the Planning Board that most of the Fire Department's concerns will be addressed and agreed to. In particular, Mr. Owens advised that with respect to the disabled parking at Building C that the failure to depict that disabled parking was an oversight on the applicant's part. He then indicated that the lower level units are fully handicapped accessible, and there are no stairs or steps to the first floor units.

With respect to the building height, Mr. Owens advised that the buildings will be 40 feet or less at the gable end, and that the buildings are the same height as those at The Glen. With respect to the fire hydrants, the plan will show that all fire hydrants between 500-600 feet apart. With respect to the road width issue, Tim Owens explained they are proposing to construct 24 feet wide road with 1 foot wing gutters on either side, though that is not currently shown on the plans.

Mr. Owens stated that the buildings are all fully sprinklered as are the exterior balconies, like The Glen. In addition, there are Knox boxes on every building, and that the 5 inch Storz hydrant preferred by the fire company is acceptable to the applicant.

With respect to the concerns that the Fire Department has with Building F, Mr. Owens would like to have some clarification as to what the actual concerns of the Fire District are. With respect to the entrance to that building, he does acknowledge that the radius is less than 26 feet wide and, therefore, the applicant is willing to eliminate or reduce the decorative island. He further advised that a 28 foot radius will be maintained throughout the project.

With respect to the concerns expressed by the Fire District with respect to Buildings B, C, D and E, the applicant will agree to the requested changes, and that Buildings F and G are designed the same as The Glen.

However, with respect to Building A, Tim Owens indicated that the applicant is willing to increase access to the building by either ensuring there is 24-25 foot pavement between the parking and the garage in order to allow for the passage of the fire truck, or through the installation of a geo grid in the grass. Alternatively, the parking lots could be widened and/or the building pulled in. Tim Owens indicated that he would talk to the Fire District about changes to Building A.

Member Czornyj expressed concern about fire trucks having to maneuver through two parking lots and suggested that the fire trucks be afforded straight access. Tim Owens indicated that he would review that issue.

With respect to the garages entering and exiting onto the loop road, Tim Owens indicated that they would be willing to put up speed bumps prior to the garages and/or signage advising the traveling public of cars potentially backing onto the roadway. Tim Owens indicated that this was private, not a public or town dedicated, road.

Upon questions from the Planning Board as to the intention of the garages, Tim Owens believes they will be used as garages rather than for storage. He advised that there will be available storage space at the Sugar Hill Apartments, and that additional storage components will be built into the garages at this proposed project. Member Christian indicated that he would like to see the garage in the front of Building 7 moved away from the street if possible. John Kreiger proposed that the garages could be moved back and an apron constructed to allow increased visibility and as a place to stop before entering the roadway.

Tim Owens indicated there are 378 parking spots provided for the new units. In addition they have planned for a RV lot, which is not included in the parking calculation, on the back side of the loop road.

Tim Owens indicated that the site is now a balanced site and will require approximately 1,000 yards of fill. They have taken all lights off the buildings, and the pole lights are identified on the plans. There should be no spillage from those lights. In addition, as a result of the cut and fill analysis, approximately 50% of the previously proposed retaining walls have been eliminated from the site.

With respect to the issue of the wetlands, Tim Owens indicated that Bagdon Engineering had delineated the wetlands as federal wetlands. That delineation cannot be verified, however, because the Army Corps will not come out in the snow. Tim Owens then advised that they will not be disturbing any wetlands; accordingly, there should be no involvement by the Army Corps.

Mr. Kestner then indicated that there are State mapped wetlands on the Hudson Hill and Berkshire Properties that may bleed into Brunswick Woods. He advised Tim Owens to check with both Hudson Hills and Berkshire representatives concerning those wetlands and the extent of the buffer around those wetlands. Mr. Kestner will provide the applicant with contact information for the adjoining project.

Member Mainello then suggested that the applicant consider widening the parking lots in front of Buildings 10, C, D and E.

Chairman Oster then advised that he was in favor of making a positive recommendation on behalf of the Planning Board to the Town Board. He indicated that he was inclined to make such a recommendation given that the Planning Board has worked with this applicant on projects before, that the applicant has been cooperative in satisfying the Planning Board's concern, and has done a good job in restructuring the plans.

Tim Owens requested that the project be placed on the agenda for the February 4, 2010 Planning Board meeting for discussion.

Member Tarbox expressed concern that there remain satisfactory parking for the project in the event the garages are used for storage rather than parking. In response to a comment from Member Esser, Tim Owens then explained that they were still working on the actual design for the garages, but that they will be appropriately stylized and will use architectural shingles. He confirmed there will be no flat roofs on the project. Member Czornyj then asked whether Tim

Owens was aware of any similarly placed garages on any other projects. Tim Owens recommended the Planning Board to visit the Hudson Preserve on Route 7, which has garages on the edge of the pavement. This matter will be placed on the agenda for the February 4, 2010 meeting.

There was no new items of business discussed.

There were three items of old business discussed.

First, Chairman Oster reviewed correspondence he had received from the CDTA concerning CDTA Route No. 87 and a change in circulation at the Wal-Mart Plaza. Chairman Oster advised members of the Planning Board that the CDTA wanted to be a part of the SEQRA process as an interested agency with respect to projects that may affect their operations. Accordingly, Chairman Oster requested that the Planning Board Members keep CDTA routes in mind as they review projects that come before them.

The second item of old business, John Kreiger indicated that he was working with Paul Engster with respect to adjusting the placement of the stop signs at the Wal-Mart Plaza.

Finally, John Kreiger indicated that the Town has been receiving complaints about the lighting on the Trustco canopy at the Wal-Mart Plaza. He indicated that efforts were being made to mitigate the effects of the lights on the house across the street.

With that Member Czornyj made a motion to adjourn the meeting, which was seconded by Member Esser and unanimously approved.

The **index** for the January 21, 2010 Planning Board meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – 2/4/10;
2. Reiser Bros. Inc. – subdivision and commercial site plan (Brunswick Farms) – 2/4/10;

3. Brunswick Associates, LP – amendment to Brunswick West (aka Brunswick Woods) Apartments PDD review and recommendation – 2/4/10.

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

1. Brooks Heritage, LLC – major subdivision;
2. Reisers Bros. Inc. – subdivision and commercial site plan (Brunswick Farms);
3. Brunswick Associates, LP – amendment to Brunswick West (aka Brunswick Woods) Apartments PDD review and recommendation;
4. Capital Communications Federal Credit Union – site plan.

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MINUTES OF THE PLANNING BOARD MEETING HELD February 4, 2010

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

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

The Planning Board reviewed the draft minutes of the January 21, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane. Attorney William Doyle appeared on the application. Attorney Doyle presented the applicant's formal request for an extension on the timeframe to submit the final subdivision plat on this project, due to the ongoing work by the applicant with the Rensselaer County Department of Health concerning the septic plan for the project. Attorney Doyle reiterated that the applicant will be conducting additional test hole investigation at the project site with the Health Department this Spring, after which the applicant should be in a position to prepare its final plat subject to comments by the Health Department on the septic plan. Accordingly, the applicant is requesting a 6 month extension on the timeframe in which to subject the final plat on this application. The Planning Board had no objection to this extension. Upon motion of Chairman Oster, seconded by Member Christian, there was

unanimous approval to grant a 6 month extension to the applicant for the submission of a final plat on this project. The Planning Board will not place this matter on the agenda until such time that it is notified by the applicant that its final plat has been submitted and ready for Planning Board review.

The second item of business on the agenda was the site plan and commercial subdivision application by Reiser Bros., Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278 (Brunswick Farms). Mr. Kestner reported that he had been in consultation with the project engineers, and that the applicant is still working on its proposed septic plan for this project. At the request of the applicant, this matter has been adjourned.

The next item of business on the agenda was the application by Brunswick Associates of Albany, LP for an amendment to the Brunswick West Apartments Planned Development District. Tim Owens and Dan Hershberg, PE appeared for the applicant. This application seeks an amendment of the existing PDD for the Brunswick Woods Apartment complex located off Route 7. This matter is currently before the Planning Board for review and recommendation to the Town Board on the PDD amendment application. Mr. Owens stated that he had met with the Brunswick No. 1 Fire Company to review comments raised by the fire company on the concept plan. Mr. Owens reported that the meeting was positive, and that the applicant has made adjustments to its concept site plan in order to address the comments of the fire company. The record includes a memorandum prepared by the Brunswick No. 1 Fire Company dated February 2, 2010 outlining the items that were discussed and agreed upon during their meeting. Mr. Owens reviewed the major items, and reported that all proposed garages on the concept site plan had been moved back a minimum of 3 feet from all roads/travelways; that proposed Building A has been reconfigured to provide greater access for emergency vehicles; that the location of

Building F was reviewed and fire accessibility deemed acceptable by the Brunswick No. 1 Fire Department; that all turning radius on the concept site plan meet State requirements; that all project roadways have been widened to be 24 feet in width; and that two additional fire hydrants have been added to the concept site plan. The Planning Board generally discussed the response by the applicant to the comments raised by the Brunswick No. 1 Fire Company. The Planning Board members then generally reviewed a proposed Resolution adopting a recommendation on the PDD application. Following discussion, the Planning Board adopted a positive recommendation on the Brunswick West Apartments PDD amendment application, subject to the following considerations:

- a. This application seeks to amend an existing PDD to increase the number of apartment buildings in the existing Brunswick West Apartments complex. The Town Board, in its previous approval of the Brunswick West Apartments PDD for the existing complex, determined that apartments are an appropriate land use for this area.
- b. The Town Board used a density calculation in its previous approval of the Brunswick West Apartments PDD which results in a minimum of 9,000 square feet per apartment unit compared to the total project site acreage. That density calculation should be applied to this PDD amendment as well. The Town Board should cap the total number of allowable apartment units and/or apartment buildings so that a minimum of 9,000 square feet per apartment unit compared to the total project acreage is maintained.
- c. The addition of 84 units plus accessory garages and street/parking areas as shown on the concept site plan, consistent with the density calculation previously used by the Town Board, should be the total allowable units and accessory structures on this project site; the acreage shown on the previously-approved PDD plan as forever green should be required to remain in a forever green, natural state.
- d. The Town Board should coordinate with the Brunswick No. 1 Fire Department on issues of emergency vehicle access and building construction issues.
- e. The Planning Board recommends that all proposed garages have appropriate setbacks from streets/driveways/travel lanes.

- f. The Planning Board recommends that the Town Board review the location of wetlands on the project site and adjacent properties on which the Hudson Hills PDD and proposed Berkshire Properties PDD are located, in terms of mapping consistency and coordination of project reviews.
- g. The Town Board should include consideration of garages and all proposed storage spaces for purposes of allowable uses on the project site; in the event storage spaces are included in the garage structures, proper vehicle circulation and parking should be considered by the Town Board when reviewing the concept site plan.
- h. The Town Board should consider coordination with the Brittonkill Central School District and the Applicant on school bus access to the apartment complex and appropriate location for student pick-up/drop-off.
- i. The Planning Board supports the Applicant's proposal to construct the additional apartment buildings in a similar manner to those approved and constructed in "The Glen" section of the Sugar Hill Apartments, including building size, building height, pitched roof construction, exterior façade, and lighting; and the Planning Board suggests the proposed garages also be constructed with pitched roof and similar façade.

The Planning Board directed that its recommendation be transmitted to the Town Board. This matter has been adjourned without date, pending action by the Town Board.

The next item of business on the agenda was the site application by Capital Communications Federal Credit Union concerning property located at 799 Hoosick Road (former Subaru dealership building). Chuck Peters of WCGS Architects, and Tom Andress of APD Engineers, appeared for the applicant. Chairman Oster reviewed the application fees and escrow requirements with the applicant. Mr. Peters presented the site plan, which seeks approval to construct a 3,800 square foot, single-story bank branch. The applicant plans to demolish the existing 10,000 square foot structure, and eliminate most of the paved surfaces on the existing site. The property would become a 3,800 square foot single-story bank branch with ATM, and associated parking and travel ways, utilizing the existing curb cut onto Hoosick Road. Mr.

Peters stated that a site grading plan, stormwater plan, lighting plan, and landscaping plan had been submitted in connection with the site plan. Mr. Peters stated that the applicant had been coordinating with the two adjoining property owners (Subaru and Rensselaer Honda) on construction issues. Member Wetmiller inquired about the location of the ATM and lighting for the ATM. Mr. Peters stated that the ATM is to be positioned to the rear of the building, and that lighting requirements are pursuant to New York State Regulations for ATM's. Chairman Oster stated that the lighting of these drive-up windows/ATM's has become an issue, particularly with light spillage onto adjoining properties. Also, Chairman Oster stated that the applicant should communicate with the owners of the Brunswick Woods (Brunswick West Apartments) complex, which sits upgradient and behind this location, particularly if the ATM is to be positioned to the rear of the building. Mr. Andress stated that the applicant is looking to improve the lighting plan over current conditions, and that the new lights will focus the light down and not create a situation where there will be light spillage off the property. The applicant will communicate with the owners of the Brunswick West Apartments. Chairman Oster stated that at the first appearance to present the concept site plan, the applicant was considering leaving an area toward the front of the site available to construct a future connector driveway between this parcel and the two adjacent car dealership parcels. Mr. Peters stated that the site plan had been designed to allow a future connector driveway, but that a connector driveway is not presently planned for this project. Member Mainello inquired regarding stormwater requirements. Mr. Kestner stated that this project constitutes a "redevelopment", and therefore certain provisions of the State stormwater regulations apply concerning redevelopment and elimination of impervious areas on the project site. The applicant is proposing to reduce the paved areas on this project site by 60%, to be replaced by greenspace. Mr. Kestner inquired whether there will be any changes to the

waterlines for this parcel and the adjacent Rensselaer Honda parcel. Mr. Peters stated that there is coordination on that effort with Rensselaer Honda, and that he will get a written agreement from Rensselaer Honda concerning all waterline and other construction items between the two properties. The Planning Board generally reviewed the adequacy of the information on the site plan, and determined the application complete for purposes of scheduling a public hearing. A public hearing will be held on this site plan application at 7:00 p.m. on February 18, 2010. The Building Department will forward the site plan application to the Rensselaer County Planning Department for review and recommendation.

Two items of new business were discussed.

The first item of new business is a waiver of subdivision application by Katherine Cassabone for property located on Route 7, currently housing the former Monroe Muffler building. Mark Danskin represented the owner, and generally reviewed the proposal. The owner seeks to divide a 2.53± acre parcel, resulting in a 0.81 acre parcel housing the former Monroe Muffler building, and a 1.7± acre parcel currently housing the Two Brothers Pizzeria. The owner is seeking this subdivision for purposes of transferring title to the 0.81 acre lot and former Monroe Muffler building. The applicant is proposing the division of the property such that the existing access way onto Hoosick Road, with a width of 32 feet, will be divided between the two parcels, with reciprocal easements between the two parcels to allow the shared common driveway. For purposes of title, each lot will have a minimum of 15 feet of driveway directly onto Hoosick Road. Chairman Oster inquired whether there were any shared utilities between these two buildings. Mr. Danskin stated that the gas, sewer, and electric services were separate, and he believed that the water service was separate but that the issue would be investigated. This matter has been placed on the February 18 agenda.

The next item of new business discussed was the site plan application by the Volunteer Fire Company of Center Brunswick, Inc. for a two-bay addition to the existing fire house located at 1045 Hoosick Road. Tim Donlon of Harlan, McKee appeared for the applicant. Chairman Oster reviewed the application fee requirements. Also, it was noted that Kestner Engineers has waived the required engineering escrow for this application. Chairman Oster noted that the Planning Board members had just received the site plan materials, and needed time to review them. Mr. Donlon generally reviewed the site plan, depicting the addition to the existing fire house building to allow the addition of two bays. Chairman Oster inquired whether the fire company had communicated with the owners of the house to the rear of the fire house, particularly since the driveway leading to that house off Hoosick Road will need to be relocated. It was reported by the Fire Department that they had spoken with the property owner, and that the property owner was in support of the application. Mr. Donlon also presented the preliminary elevations of the proposed fire house building. The Planning Board inquired about additional stormwater runoff. Mr. Donlon stated that this project qualified for "redevelopment", and that he is proposing the addition of drywells to hold the additional stormwater, which would then be discharged and connected to the existing State drainage system. Mr. Donlon reported that NYSDOT had approved the stormwater connection. Mr. Donlon supplied comments he has received from NYSDOT and OPRHP. Mr. Donlon generally reviewed the proposed lighting plan, which essentially remains the same. However, Mr. Donlon stated that increased lighting will be added to the east side of the building in the location of the fire hall. Member Czornyj asked whether the additional lighting had been discussed with the property owner to the rear on that side of the building. Mr. Donlon stated that the proposed lighting will be down lighting, and will not result in any light spillage off the property line. Member Tarbox asked about fuel

storage. The Fire Department reported that John Ray Fuels supplies the fuel for the site. There was general discussion regarding location of the fuel storage, as well as appropriate containment. The applicant is looking to add the fuel storage located in close proximity to a dumpster location, and the addition of bollards around the fuel tanks was discussed. Further application requirements were discussed, including the preparation and filing of an Environmental Assessment Form. This matter has been placed on the February 18 agenda for further discussion.

Mr. Kreiger reviewed two additional applications which have been filed.

A waiver of subdivision application has been filed by Teresa Howard for property located at 809 Farm to Market Road. The applicant seeks a waiver of subdivision to adjust a lot line to correct an encroachment resulting from the construction of a deck. The Planning Board members had questions regarding the lot lines for this parcel. Mr. Kreiger will further investigate the matter. This application has been placed on the February 18 agenda.

Mr. Kreiger also reports that a waiver of subdivision application will be filed concerning the Welch Farm, whereby Route 2 will be used as the dividing line between two resulting parcels. This matter has been tentatively placed on the February 18 agenda, pending receipt of a full waiver of subdivision application for the proposal.

Mr. Kreiger reported to the Planning Board that he had met with Paul Engster concerning the addition of traffic signs at the Wal-Mart Plaza in connection with the recent site plan amendments, including additional stop signs, and a "no right turn" sign at the rear of the commercial building. Mr. Kreiger also reported that the traffic signs throughout the plaza were going to be changed with new signage. Mr. Kreiger reported that this work should be completed by the end of February.

The **index** for the February 4, 2010 Planning Board meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – adjourned without date;
2. Reiser Bros. Inc. – commercial subdivision and site plan – adjourned without date;
3. Brunswick Associates of Albany, LP – Brunswick West Apartments PDD review and recommendation – adjourned without date;
4. Capital Communications Federal Credit Union – site plan – 2/18/10 (public hearing at 7:00 p.m.);
5. Cassabone – waiver of subdivision – 2/18/10;
6. Volunteer Fire Company of Center Brunswick, Inc. – site plan – 2/18/10;
7. Howard – waiver of subdivision – 2/18/10;
8. Welch Farm – waiver of subdivision – 2/18/10.

The **proposed agenda** for the February 18, 2010 meeting currently is as follows:

1. Capital Communications Federal Credit Union – site plan (public hearing at 7:00 p.m.);
2. Cassabone – waiver of subdivision;
3. Howard – waiver of subdivision;
4. Welch Farm – waiver of subdivision;
5. Volunteer Fire Company of Center Brunswick, Inc. – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 18, 2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

One item of new business was discussed.

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

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

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

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

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

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 4, 2010

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

ABSENT were FRANK ESSER and VINCE WETMILLER.

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

Chairman Oster noted that the Planning Board received requests for adjournment on three agenda items. First, the Cassabone minor subdivision application has been adjourned without date. Second, the Howard waiver of subdivision application has been adjourned to the April 1 agenda. Third, the Engel/Welch Farm, LLC waiver of subdivision application has been adjourned to the March 18 agenda.

The draft minutes of the February 18, 2010 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Capital Communications Federal Credit Union for property located at 799 Hoosick Road. Appearing on behalf of the applicant were Chuck Peters of Woodward Connor Gillies and Seleman Architects, Tom Andrus of APD Engineers, and Robert Roemer of Capital Communications Federal Credit Union. Mr. Peters handed up a letter dated March 4, 2010 which provided responses to comments of the Brunswick Fire Company No. 1, Rensselaer County Economic Development

and Planning Department, and the New York State Department of Transportation. Mr. Peters reviewed this letter with the Planning Board members. With respect to the comments of the Brunswick Fire Company No. 1, the applicant has made changes to the proposed site plan to accommodate the comments concerning width of the roadway on the southwest corner of the site to allow the Department's ladder truck and fire apparatus to have adequate area to maneuver around vehicles at the drive-thru lanes. Mr. Peters also acknowledged that a Knox box will be installed at the branch building. Mr. Peters also stated that while the Fire Department raised the issue of installing a sprinkler system, the applicant will not be installing a sprinkler system at that bank branch building. Mr. Peters stated that installation of a sprinkler system was not required pursuant to the 2007 Building Code of the State of New York, but rather the building will be provided with a fire alarm system including full detection and notification devices. With respect to the comments of the Rensselaer County Economic Development and Planning Department, it was noted that the County had incorrectly identified the access driveway to this site in its comments, and therefore had withdrawn its comment concerning the grade of the "western entrance driveway". Also, concerning the County comments on inclusion of a sidewalk connecting Route 7 to the bank branch, the County has sent follow-up communication indicating that because it had misidentified the entrance driveway, the County comment concerning the sidewalk installation was also withdrawn. However, the County felt that an internal sidewalk connecting the adjacent commercial properties to 799 Hoosick Road should be considered in the future. Mr. Peters also reviewed comments from the New York State Department of Transportation concerning both modification to the entrance driveway as well as drainage. Mr. Peters also represented that a letter had been submitted from Rensselaer Honda stating that it had agreed to installation of a valve on the waterline servicing both 799 Hoosick Road and the

Rensselaer Honda site, and that Rensselaer Honda fully cooperates on the widening of the access driveway servicing both these commercial lots. Chairman Oster stated that he had reviewed and was in concurrence with the revised comments submitted by the Rensselaer County Planning Department, and further stated that it should be a consideration in the future for connecting these three adjacent commercial properties via internal sidewalk. Chairman Oster noted that there were several sites along Hoosick Road where there was no sidewalk connecting the Route 7 sidewalk with commercial units, and that he does not have any issue with eliminating construction of a sidewalk from Route 7 to the bank branch building. Member Czorynj concurred, but did state that the Town should consider sidewalk installation to commercial facilities in the future as part of making the corridor pedestrian friendly. Member Tarbox did state that he was disappointed that a sidewalk was not included, but that the issue should be examined in the future. Mr. Peters stated that in the absence of the slope on the access driveway to the bank branch, the applicant would not be opposed to installing this sidewalk, but was hesitant to do so for safety concerns. Mr. Kestner noted that the connection to the State stormwater system appeared to go through an adjacent parcel to a limited extent, not directly to the NYSDOT right-of-way. Mr. Andrus responded that he felt the stormwater access was either directly to or on the border of the NYSDOT right-of-way, and that no objection had been raised by adjoining property owners. Chairman Oster confirmed that the Brunswick No. 1 Fire Department had been able to review the revised site drawings. Gus Scifo of the Brunswick No. 1 Fire Department was present, and did review the revised site plan and confirmed that the comments of the Fire Department in terms of being able to maneuver the ladder truck and fire apparatus had been addressed and included in the revised site plan. Chairman Oster inquired whether the Board had any additional comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA,

which motion was seconded by Member Tarbox. The motion was approved 5/0, and a negative declaration adopted. Thereupon, Chairman Oster made a motion to approve the site plan subject to the following conditions:

1. Respond to all comments raised by NYSDOT concerning modification to the entrance driveway and drainage;
2. NYSDOT Work Permit must be secured by the applicant before any demolition or Building Permits are issued for this project.

Member Czornyj 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 by the Volunteer Fire Company of Center Brunswick, Inc. for property located at 1045 Hoosick Road. Attorney Gilchrist reviewed information concerning the western portion of the project site, including that area proposed for construction of a new residential driveway to service the rear residential lot owned by D'Entrone. Attorney Gilchrist noted that he had met with the attorneys for the Center Brunswick Fire Company, Neil Rivchin and Tom DiNovo of O'Connell and Aronowitz, to review the history of ownership of this western portion of the site. The record shows that in 2001, an application was made by D'Entrone to the Brunswick Planning Board for waiver of subdivision. The subject of the application was the property constituting the western portion of the site plan. The original D'Entrone parcel in this location was 100' x 200' in size. The waiver application sought to divide the parcel into a 20' x 200' strip of land to be retained by D'Entrone, and an 80' x 200' parcel to be transferred by D'Entrone to the Fire Department. The record shows that the Planning Board had reviewed the waiver application at meetings held November 15 and December 6, 2001, and that the waiver application had been approved at the December 6, 2001 meeting. One condition to that approval required the Fire Department and D'Entrone to

enter into written License Agreements to run with the land whereby the Fire Company was allowed to use the 20' x 200' strip on the westerly side retained by D'Entrone for parking purposes, and D'Entrone was able to use the Fire Department parcel for purposes of accessing the existing residential driveway servicing the rear residential lot. It was noted on the record that these licenses were revocable, and that the parties had discussed at the time of property conveyance that a new residential driveway servicing the rear D'Entrone residential lot would be constructed along the 20' x 200' strip in the event the Fire Department sought expansion of the fire house in the future. It was also noted that the Planning Board had reviewed sight distance issues from the 20' x 200' strip onto Route 7 during the time it reviewed the waiver of subdivision application in 2001, and the waiver map does indicate sight distance information as prepared in 2001. Attorney Rivchin appeared for the Fire Department at the meeting. Attorney Rivchin stated that the Fire Department had addressed the comment of the Planning Board that any residential driveway to be constructed on the 20' x 200' strip of land would now need to meet the private road standards given its length, and would need to be 16' wide plus 3' shoulders. This would require a width in excess of 20', and that the Fire Department had discussed this and may be able to accommodate D'Entrone by providing an additional 6' of width for positioning of the driveway to meet the private road standards. The engineer for the Fire Department also addressed the issue of a utility pole located in the area of the proposed new residential driveway to the D'Entrone parcel. It was reported that this utility pole does not appear to be used, and could be removed when construction is occurring. This will be confirmed on the record. Chairman Oster inquired that if the 6' of additional land were transferred from the Fire Department to D'Entrone, will there be adequate area to locate the residential driveway further to the east so that it is removed from the area of steep slope to the adjacent parcel. The engineer for

the Fire Department stated that there was room to move the residential driveway further to the east to avoid any substantial cut into that grade. Attorney Rivchin raised the question of Town requirements to be able to transfer this additional 6' strip of land to D'Entrone. Attorney Gilchrist stated that a subdivision of the Fire Department parcel would need to occur, and that if the Planning Board were willing to entertain it, an application for waiver of subdivision could be submitted to be reviewed concurrently with the pending site plan application, which would provide that 6' on the westerly side of the Fire Department parcel would be divided off and transferred to D'Entrone for merger into the 20' x 200' strip. Chairman Oster raised the issue of termination of the existing License Agreement between the Fire Department and D'Entrone. Attorney Rivchin stated that this had already been discussed with D'Entrone, and that formal determination of the License Agreements would be made, but formal notices had not yet been delivered pending review of the current site plan. Chairman Oster reviewed with the Planning Board members as to the adequacy of the information filed with the Planning Board for purposes of scheduling a public hearing. The Planning Board determined that adequate information has been submitted, and the Planning Board has set a public hearing on this site plan application for March 18 at 7:00 p.m.

Two items of new business were discussed.

First, a site plan application has been submitted by National Grid for property located at 166 Plank Road. National Grid seeks to replace an existing switch gear structure with a new switch gear structure at a new location on the site, approximately 60' east of the existing structure. In addition, National Grid is proposing installation of 300' of fencing on the site. Rick Spagnoti and Joe Kryzak of National Grid appeared for the applicant. Mr. Spagnoti explained the reason for the site plan, principally is to replace existing equipment with which National Grid has

had problems. Mr. Spagnoti noted that the Brunswick Zoning Board of Appeals had issued a special use permit for this use on February 22, 2010, and that the Zoning Board of Appeals had adopted a negative declaration on the application under SEQRA. It was also noted that Rensselaer County Economic Development and Planning Department had submitted its review and recommendation on the special use permit application, and determined that there was no impact to County plans and that local consideration shall prevail. Mr. Kreiger concurred with this, and stated that the Zoning Board of Appeals had held a public hearing on the application, and that no comments were submitted by the public at that public hearing. Chairman Oster reviewed with the applicant the need for setting up an engineering review escrow fee with the Town. The applicant understood this, and will fund the appropriate engineering escrow account. Mr. Kestner noted that he had a chance to preliminarily review the materials, and that soil borings had been taken on the site but that no soil boring data had been submitted. In addition, Mr. Kestner wanted information concerning federal wetland delineation, and whether there were any stormwater or drainage impacts from the project. Mr. Kestner noted that the proposed slope following grading of the site was 1:1, and that this could result in significant erosion and stormwater runoff. Mr. Kestner also wanted to confirm that any spoils from the construction would be removed from the site. Chairman Oster inquired whether the old structure would be removed from the site once the new facility was constructed. The applicant stated that the old structure would be removed from the site. Chairman Oster inquired whether there were any hazardous materials in the structure currently at the site. The applicant stated that there were no hazardous materials and no PCB oils within the existing structure. Chairman Oster stated that a public hearing had been held before the Zoning Board of Appeals, that no member of the public had submitted any comment, and that it was his opinion that the Planning Board did not need to

conduct an additional public hearing on the site plan application. The Planning Board members concurred. Mr. Kestner asked whether there would be the need to blast to remove the shale from the site in conjunction with the site grading. The applicant stated that no blasting was being proposed. Member Mainello inquired whether any change in site lighting would take place. The applicant stated that the lighting would be changed in conjunction with the new structure, but that overall lighting of the facility would be comparable to what is there currently. Mr. Kestner reiterated that the resulting grade of 1:1 raises significant issues, both in terms of maintaining that slope following grading as well as safety. Member Mainello asked whether a Stormwater Pollution Prevention Plan had been prepared for the project. Mr. Kestner stated that both an Erosion and Sediment Control Plan for construction and a Stormwater Pollution Prevention Plan should be prepared on the application for review. Member Mainello asked whether there would be any vegetation on the slope, and if not, how would the resulting 1:1 slope be held. Also, if this resulting slope is rock, this would shed a significant amount of water which raises drainage concerns. This matter has been placed on the March 18 agenda for further discussion.

Second, Mr. Kreiger brought to the Planning Board's attention a proposed new use of the repair shop located next to the Maselli Deli. A proposed new tenant seeks to operate an automobile repair shop at this location. Mr. Kreiger inquired whether a site plan review would be required. The Planning Board members stated that the prior use had been limited to automobile detailing, and if there were any proposed changes to that use, including full automobile repair, a site plan would be required to review these changes and/or additional uses. Mr. Kreiger stated he would advise the proposed tenant, and this matter is placed on the March 18 agenda for further discussion.

Chairman Oster noted that he was in receipt of a letter from the City of Troy Planning Department concerning SEQRA lead agency coordination on the proposed Stoneledge Terrace project located on Oakwood Avenue and Ferrell Road. The Planning Board generally discussed the concept map, and since the majority of the project site is situated in the City of Troy, and only a very small portion of the project site with no proposed structures situated in the Town of Brunswick adjacent to Oakwood Avenue, that the Brunswick Planning Board had no objection to the City of Troy taking SEQRA lead agency on the application. An appropriate notice will be sent from the Planning Board to the City of Troy concerning this matter.

The **index** for the March 4, 2010 Planning Board meeting is as follows:

1. Capital Communications Federal Credit Union – site plan – approved with conditions;
2. Cassabone – minor subdivision – adjourned without date;
3. Howard – waiver of subdivision – adjourned to 4/1/10;
4. Engel/Welch Farm, LLC – waiver of subdivision – adjourned to 3/18/10;
5. Volunteer Fire Company of Center Brunswick, Inc. – site plan – 3/18/10.

The **proposed agenda** for the March 18, 2010 meeting currently is as follows:

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan – public hearing to commence at 7:00 p.m.;
2. Engel/Welch Farm, LLC – waiver of subdivision;
3. National Grid – site plan;
4. Smith/Maselli – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 18, 2010

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

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

As a first matter of business, Chairman Oster read the public hearing notice concerning the site plan application of the Volunteer Fire Company of Center Brunswick, Inc. and opened the public hearing. Neil Rivchin, Esq., appeared on behalf of the Applicant, along with Tim Donlan, the Applicant's engineer. Attorney Rivchin reviewed the history between the Fire Company and Marie D'Entrone, and in particular, that in December 2001, the Fire Company conveyed a 20' x 200' strip of land to D'Entrone, and D'Entrone conveyed an 80' x 200' parcel to the Fire Company. At that time, the Fire Company and D'Entrone entered into written, revocable License Agreements to run with the land whereby the Fire Company was allowed to use the 20' x 200' strip on the westerly side retained by D'Entrone for parking purposes, and D'Entrone was able to use the Fire Company parcel for purposes of accessing the existing residential driveway servicing the rear residential lot. At such time as the Fire Company sought to expand its firehouse, a new residential driveway servicing the rear D'Entrone residential lot would be constructed along the 20' x 200' strip. Attorney Rivchin stated that the Fire Company

is willing to convey an additional 6' of land to D'Entrone in order that the private driveway to be constructed will meet Town private road standards.

The Applicant's engineer, Tim Donlan, reviewed the site plan application. The Fire Company proposes to construct two additional bays on the westerly side of the existing building, which will allow fire trucks to exit directly onto Route 7. The Fire Company will also add some additional parking spaces, dry wells, dumpsters and move the existing fuel tanks. Mr. Donlan noted that most of the improvements will be made inside the building, which will allow more room in which to move the trucks around and will provide for a decontamination area. The roof will be altered, but the colors on the building will remain generally as they are now.

At that point, public comments were solicited, though no one present chose to make any comments. Marie D'Entrone was present at the public hearing, but did not want to speak. Hearing no comments, the public hearing was then closed, and the Planning Board commenced its regular meeting.

The draft minutes of the March 4, 2010 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by the Volunteer Fire Company of Center Brunswick, Inc. for property located at 1045 Hoosick Road. Chairman Oster explained that given the length of the private driveway to be constructed to access the D'Entrone residence, the driveway had to meet Town private road specifications and be 22' wide, with 3' wings on each side. According to the Fire Company's attorney, Neil Rivchin, the Fire Company will deed a 6' strip of land to D'Entrone in order to achieve sufficient width.

Member Czornyj thought something should be done to widen the driveway at its end to get it away from the steep bank. The Fire Company's engineer indicated that the Fire Company may have some demolition materials that could be used to fill and grade the D'Entrone driveway. The Applicant's engineer stated that he thought it would be more feasible to fill, rather than cut in, the driveway. He indicated that the worst grade he has measured is 9' and thinks that D'Entrone will have to tie in further up the hill.

Attorney Rivchin indicated that the Fire Company had formally terminated D'Entrone's license and had spoken briefly with D'Entrone's attorney, Fred Fowler.

Chairman Oster asked Ms. D'Entrone if she understood the situation, to which she replied no. She further stated that she did not know what she needs to do with respect to the driveway.

Member Esser wanted someone from the Fire Company to speak with Ms. D'Entrone to explain what is involved and what it could cost to construct the driveway. Attorney Rivchin stated that based upon a conversation he had with Fred Fowler, it was his understanding that the parties were aware of the nature of revocable licenses and that the purpose of granting the revocable licenses in 2001 was to allow Ms. D'Entrone to defer construction of the driveway until a later date.

Ms. D'Entrone then recounted how she came to own the parcel at the rear of the Fire Company and ultimately conveyed a part of that property to the Fire Company. She further stated that while she does not object to the proposed addition to the firehouse, she always thought she would be able to access her driveway through the Fire Company parking lot.

Chairman Oster stated that the Planning Board wants to make sure there was proper communication with Ms. D'Entrone, and that the Planning Board understands Ms. D'Entrone's

concern about having to put in a driveway that long. Member Esser added that he thought the Fire Company should help D'Entrone by rough grading the driveway and then she could pave it at her option.

Chairman Oster wanted to know if the demolition material generated by the Fire Company would be suitable as fill material. Mark Kestner asked whether the demolition material would be crushed. The Applicant's engineer thought most of the material would come out in small pieces and suggested that Ms. D'Entrone may want to coordinate with the Fire Company's contractor.

Attorney Rivchin said they have not considered allowing D'Entrone to continue accessing her driveway through the Fire Company's parking lot as there were liability issues. The Fire Company always deemed D'Entrone's accessing her driveway through their parking lot to be a temporary situation. D'Entrone disagreed and said all she wanted was permanent access to her driveway.

Applicant's engineer stated that he thought D'Entrone could run her driveway closer to the parking lot which would give her less of a grade to contend with. He indicated that he would discuss this issue with the Fire Company. He will also run quick numbers on what it may cost to put in a driveway. Attorney Rivchin acknowledged that neither he nor the Fire Company have had sufficient opportunity to speak with Fred Fowler or Ms. D'Entrone. Chairman Oster indicated that it was his understanding that the Fire Company had been communicating with Ms. D'Entrone all along.

Mr. Kestner stated that he liked the idea of moving the driveway away from the corner as it will be less expensive to construct the driveway, and less of a grade to contend with. Member

Esser further suggested that the Fire Company do more of the engineering of Ms. D'Entrone's driveway.

Chairman Oster tabled further action on the site plan until the Fire Company had further discussion with Ms. D'Entrone. John Kreiger indicated that the application had been sent to the County for review, and that the Planning Board had received a response in writing which noted some concerns over stormwater issues. According to Mr. Kestner, those stormwater issues have been satisfactorily addressed by the Fire Company. This matter has been placed on the April 1st agenda for further discussion.

The second item of business on the agenda was the Engel/Welch Farm, LLC waiver of subdivision application. Mr. Engel appeared in connection with the application. Chairman Oster noted that it was his understanding there needs to be two (2) easements, namely a drainage easement from the NYS DOT with regard to the discharge pipe under Route 2, as well as an easement from Engel (as the receiving property owner) to Welch, permitting the discharge of stormwater runoff onto the Engel field.

Mr. Engel explained that he met with the DOT in the field and that the DOT told him the location of the drainage pipe is not properly identified in the existing easement. DOT intends to correct the easement and has also indicated that it would like to extend the easement to cover the drainage pipe from Route 2, past its outfall all the way to the Poestenkill. However, Mr. Engel was told by DOT that it could take quite a while to prepare the modified easement. Accordingly, it was discussed that in order to obtain approval of the waiver application, Welch could obtain the easement from Engel covering the discharge of water from the end of the drainage pipe to the Poestenkill, and then let the DOT come in behind and clean up its easement. It was noted that a Agricultural Data Statement had been submitted and that there were no concerns.

Chairman Oster inquired whether the Board had any additional 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 5/0 and a negative declaration was adopted. Thereupon, Member Czornyj made a motion to approve the application for waiver of subdivision subject to the following conditions:

1. That Welch obtain a drainage easement from Engel, allowing drainage from the end of the drainage pipe on the Engel field to flow to the Poestenkill; and
2. That the DOT modify its easement to identify the correct location of the drain pipe.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 5/0, and the waiver of subdivision application was approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by National Grid for property located at 166 Plank Road. National Grid seeks to replace an existing switch gear structure with new switch gear structure at a new location on the site, approximately 60 feet east of the existing structure. In addition, National Grid is proposing the installation of approximately 300 feet of fencing on the site. Rick Spagnoti and Joe Prizack appeared for the applicant. Mr. Spagnoti again explained the reason for the site plan application is to replace the existing equipment with which National Grid has had problems. He further indicated that National Grid intended to expand this station on the northeast side and enclosed it with fencing. National Grid ultimately intends to take out the old unit once the new unit has been installed. He indicated that a SWPPP had been developed and that erosion and sediment controls will be instituted. In addition, National Grid will install security fencing around the top of the hill, and that a swale will be constructed inside the fence line at the top of the hill to channel the drainage from each

side of the station. National Grid will also stabilize the top of the hill and will add crushed stone around the foundation for additional drainage.

Chairman Oster indicated that he, Member Christian and Mark Kestner had visited the site. Mr. Kestner thought that the Planning Board's grading concerns had been adequately addressed. In addition, the County referral had been made and local consideration shall prevail. The Planning Board is in receipt of revised drawings.

Mr. Spagnoti indicated that the Fire Department is not involved as National Grid has its own people to handle in-substation fires.

Chairman Oster was satisfied that the safety fencing will work as proposed and confirmed that there will be no barbwire or razor wire installed.

According to Mr. Spagnoti, National Grid plans to do in-ground work starting in the Spring of 2010. During the Summer, the building will be removed and National Grid hopes to be operational by December. Mr. Spagnoti stated in response to a concern of the Planning Board that the building will not sit vacant for any prolonged period of time, and that there are no hazardous materials to be removed.

Chairman Oster inquired whether the Board had any additional comments or concerns. 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 5/0 and a negative declaration was adopted. Thereupon, Member Wetmiller made a motion to approve the site plan, which was seconded by Member Esser. The motion was approved 5/0, and the site plan was approved.

The next item of business on the agenda was the Smith/Maselli site plan application. Ed Smith was present for the applicant and explained he wanted to open an automobile repair

facility at 693 Hoosick Road. Mr. Kreiger confirmed that he has received the application, but has not received any site plan. Mr. Kreiger indicated that the applicant has advised that there are no proposed changes to the last set of plans approved when the site was used for automobile detailing.

The Planning Board has some concerns with regard to the site. In particular, the Board is concerned about parking on the side of the hill given the proximity it has to Route 7. The applicant explained he is not looking to store vehicles in the parking lot. Rather, it is his intention to perform oil changes, tire rotations and perform occasional engine work. In response to Mr. Kestner, Mr. Smith indicated that the site presently has no facilities for storing oil. He further confirms he has no plans to wash cars, so that there will be no issue with runoff onto Route 7. The Planning Board reminded Mr. Smith that it had prohibited the sale of cars on prior approvals due to the steep slope.

Chairman Oster questioned Mr. Smith about the volume of cars he intended to service at any given occasion. Mr. Smith explained that they have plans to operate a pickup service. He is not looking to operate at a high volume. Any storage overnight of cars would occur within the garage itself.

The Planning Board further advised Mr. Smith that they would not allow the use of side roads for parking of additional cars, and that the Board is inclined to limit the number of cars that could be on the site at any given time to no more than five (5), which would include the owner/operator's vehicles.

Chairman Oster noted that he does not see the need for a public hearing which is optional under the circumstances, as there had been no changes to the site plan. Mr. Kreiger will refer the application to the County for review.

Mr. Kestner then questioned the applicant as to his intended hours of operation. Mr. Smith advised that he planned to operate his business from 8-5 during the week and from 9-4 on Saturdays. He has no plans to operate on Sunday. Mr. Kreiger advised the applicant that he should submit a narrative to the Planning Board, confirming his intended hours of operation, explaining how he intended to handle waste oils, transmission fluids, and describe the kind of equipment he intends to use. This matter has been placed on the April 1st agenda.

One item of old business was discussed, namely the site plan and commercial subdivision application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278 (Brunswick Farms). Henry Reiser and Scott Reese appeared on behalf of the applicant. Mr. Reese explained the new proposed site plan, which includes the decision to proceed with Phase I of the project only. He advised that that would reduce the project to the removal of approximately 50,000 cubic yards of material. He further indicated that Mr. Reiser has a potential client for the gas station on the corner lot. According to Mr. Reese, the preliminary design for the sand filters has been prepared, and the applicant has discussed the access points to Route 2 with the DOT. However, the applicant is still waiting for approval from the DOT to discharge stormwater and drainage from the sand filters into the right-of-way. According to Mr. Reese, DEC has advised the applicant that the MLRL construction exemption will likely be granted in connection with this project.

Per Mr. Reese, the balance of property will remain in its current state. In addition, the applicant intends to break up the hillside through the use of swales and that the retaining wall will be stepped and constructed out of readi-rock. With respect to the front of the property, it is a 3 on 1 slope, therefore, no retaining wall will be necessary, but the applicant may take steps to improve its appearance and they will keep the guardrail.

Mr. Reese indicated that they have updated their EAF to reflect the changes to the site plan.

Chairman Oster inquired as to the timetable in which the applicant expects to receive the preliminary approval letters from the DOH and the DEC. According to Mr. Reese, they anticipate that the septic drawings will be prepared and into the DOH and DEC by next week. The applicant was reminded that the Planning Board wants to see approval from the DOT allowing the discharge of stormwater and discharge from the sand filters into the DOT trench.

Member Mainello inquired how far the residences are away from the rear property line. Mr. Reiser indicated that Lots 3 and 4 are equally close to the rear property line and that their septic systems are in the rear of their lots. He estimated those residences to be approximately 150'-170' from the property line. There will be a split rail fence along the whole upper bank. Member Esser requested that the houses be shown on the site plan. Mr. Reiser indicated that both proposed buildings on the site plan are shown with a maximum height of 29', where as the bank in the back rises between 32'-34' in height.

The Planning Board indicated that they would wait for the formal approvals from the necessary State agencies before scheduling public hearings on the matter. This matter was placed tentatively on the April 1st agenda for further discussion. The applicant is to call at least 3 days in advance of the April 1st meeting if they are not prepared to further discuss the matter.

Chairman Oster noted that Walmart is off the agenda and would be placed on the agenda for the April 1st meeting for further discussion.

There were two items of new business discussed.

The first item of new business was the waiver of subdivision application filed by Anthony Taylor for the division of 16.07 acres from the Peter Taylor Estate located on the

southerly side of Taylor Lane. Rod Michaels, P.E., appeared on behalf of the applicant and advised the Planning Board that 21.64 acres lay within the Town of Brunswick, with the remaining property lying within the City of Troy. Mr. Michaels advised that the 16± acres that they were proposing to subdivide off were around an existing house and garage, with 8.7 of those acres lying within the City of Troy. He further advised that 3 acres would be left on the north side of Taylor Lane and that the remaining property had 70 feet of frontage on Cole Lane.

The Planning Board inquired of John Kreiger whether the County Planning Board reviewed subdivision applications, which he advised does not.

Upon a question from the Planning Board, Mr. Michaels stated that while Taylor Lane was technically a private road, it was being maintained by the Town. John Kreiger thought that Taylor Lane was a highway by use.

This is properly a waiver application as there is the creation of only 1 new lot, with 2 lots in total. The house and road frontage on Taylor Lane lays within Brunswick. According to Mr. Michaels, Russ Reeves is reviewing this application on behalf of the City.

The Planning Board generally discussed whether there were any other structures on the remaining parcel. Mr. Michaels confirmed that there is a house and garage on the remaining property. Chairman Oster inquired whether the Board had any further comments or concerns on the matter. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Mainello. The motion was approved 5/0 and a negative declaration was adopted. Thereupon, Chairman Oster made a motion to approve the waiver of subdivision application subject to the following conditions:

1. That the Planning Board receive a copy of consent and/or approval of the waiver of subdivision application from the City of Troy; and

2. Written confirmation from the Highway Superintendent that Taylor Lane is a highway by use and has the appropriate area for turnaround.

Member Czornyj seconded the motion subject to the stated conditions. The motion was approved 5/0 and the waiver of subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the Duncan Meadows Planned Development District application for review and recommendation to the Town Board. Fran Bossolini, P.E., appeared on behalf of the applicant and gave an overview of the site plan. Mr. Bossolini advised that the PDD application has been submitted to the Town Board, for which a positive declaration was issued and a Draft Environmental Impact Statement has been prepared. The scoping documents have also been prepared and are available for public review.

Mr. Bossolini advised that the public hearing was held by the Town Board on January 14, 2010 and the comment period is now closed. The applicant is in the process of preparing the FEIS. The applicant is also seeking recommendations from the ZBA and the Planning Board.

Mr. Bossolini explained that there are two parcels for development which straddle McChesney Avenue Extension. The property includes approximately 91± acres with three pods of development. Toward the west there will be the development of 88 condominiums, toward the northeast there will be 50 units of senior apartments, age restricted, as well as 78 additional condominiums. Mr. Bossolini indicated that the density will amount to 1 unit per 17,000 square feet, which is less dense than other PDDs in the area. Member Czornyj questioned whether there will be any dynamiting, especially with respect to the center pod where there is a lot of rock closer to the surface. Mr. Bossolini indicated that the possibility of dynamiting was addressed in the DEIS and that there may be some small controlled blasting.

Mr. Bossolini advised that there will be public water and sewer. The center and west pods will be gravity fed to the existing manholes on McChesney Avenue Extension. Some upgrades to the pump station are required, and there will be a joint effort with the existing developments, Highland Creek and Sugar Hill Apartments, to make those improvements. The water and sewer calculations included within the applicant's DEIS were cumulative and take into consideration the existing projects.

Mr. Bossolini indicated that all wetlands have been identified and there are no impacts to those wetlands. Traffic impacts have been analyzed on a cumulative basis as well. Member Mainello questioned whether the roads within the development would all remain private roads, and Mr. Bossolini confirmed that they would be owned by the HOA.

Mr. Bossolini indicated that all water and sewer infrastructure will be dedicated to the Town with permanent easements for access and maintenance. He also stated that all the housing units would be owned as condominiums, and that there was no proposed construction of estate homes.

The developer of the project is Pigliavento Builders.

Mr. Bossolini further stated that approximately two-thirds of the property will remain green. There is also the possibility of a community garden plot, and there will be some sidewalks within the project.

Member Mainello requested that the Planning Board be provided with transcripts of the public hearings. Mr. Bossolini confirmed that he will email those transcripts to the Planning Board members.

Mr. Bossolini indicated that some material would have to be brought in for backfill, but grading will be for the most part self-contained on each site. Further, all buildings will be

sprinklered per the New York State Building Code, since each building contains more than 2 units. There will also be some lighting within the roadway system and on the buildings, but the lighting will be dark sky friendly.

Mr. Bossolini expects to submit the FEIS to the Town Board at the Town Board's April 8th meeting. He hopes that the Planning Board will be able to issue a recommendation to the Town Board at its May meeting. Chairman Oster indicated that the application will be placed on the April 1st Planning Board agenda for discussion under old business, but that the applicant do need to attend.

Having no further business, Chairman Oster made a motion to adjourn the meeting, which was seconded by Member Czornyj and unanimously approved.

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

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan;
2. Smith/Maselli – site plan;
3. Reiser Bros. Inc. – subdivision & commercial site plan;
4. Taylor – waiver of subdivision;
5. Duncan Meadows – Planned Development District – review and recommendation.

The **proposed agenda** for the April 1, 2010 meeting currently is as follows:

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan;
2. Smith/Maselli – site plan;
3. Reiser Bros. Inc. – subdivision & commercial site plan;
4. Walmart – waiver of subdivision;
5. Duncan Meadows – Planned Development District – review and recommendation.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 1, 2010

PRESENT were MICHAEL CZORNYJ, GORDON CHRISTIAN, KEVIN MAINELLO,
DAVID TARBOX and VINCE WETMILLER.

ABSENT were CHAIRMAN OSTER and FRANK ESSER.

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

The site plan application of the Volunteer Fire Company of Center Brunswick was
adjourned to the April 15, 2010 meeting. The commercial site plan and subdivision application
by Reiser Bros. Inc. was also adjourned and tentatively placed on the April 15, 2010 meeting.

The first item of business on the agenda was the site plan application by Smith/Maselli
for a proposed new use of the garage building located next to the Maselli Deli adjacent to Tarbell
Avenue. Bonnie Ferguson appeared together with Mr. Smith on the site plan application. Ms.
Ferguson handed up additional information to the Board for consideration concerning
containment, storage, and disposal of oil, filters, transmission fluid, and anti-freeze. Ms.
Ferguson stated that Smith would be retaining the services of Safety-Kleen, and that Safety-
Kleen would be handling all containment, storage, and disposal of these materials, and would set
up all necessary equipment at the facility. The Planning Board reviewed the information
submitted by Ms. Ferguson concerning the Safety-Kleen services. Member Czornyj inquired
whether there was a floor drain in the garage building. Smith confirmed that a floor drain did
exist. Member Czornyj inquired whether the floor drain discharged to the sewer or other

location. Smith stated that he was not sure where the floor drain discharged to. Member Czornyj stated that the applicant will be required to insure that any drainage from the facility not discharge to the public sewer, and if the application is approved, the applicant will be required to determine the discharge point for the floor drain, and if determined to be to the public sewer, the applicant will need to install a water/oil separator or have the floor drain capped and sealed. Smith confirmed the hours of operation for the facility, being Monday through Friday 8:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 3:00 p.m., and no operations on Sunday. Mr. Kreiger noted that the County Planning Department had replied to the General Municipal Law referral, stating that local consideration shall prevail. The Planning Board confirmed that the total number of cars to be parked at the existing lot in front of the building is a total of 5 cars, and that these cars must be parked adjacent to or near the garage building so as not to interfere with any sight lines at the intersection of Tarbell and Route 7. The applicant also noted that there were two parking spots to the rear of the garage building off Tarbell for employees. Hearing no further discussion, Member Wetmiller 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 was adopted. Thereupon, Member Wetmiller made a motion to approve the site plan application subject to the following conditions:

1. Hours of operation for this facility are limited to Monday through Friday 8:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 3:00 p.m., with no facility operations on Sunday.
2. The applicant must inspect the existing floor drain to determine its discharge point, and if the floor drain discharges to the public sewer, then the applicant must install a water/oil separator or have the floor drain capped and sealed (subject to follow up inspection by Town Building Department).

3. Total number of cars to be parked in front of the garage building is five (5) cars, to be parked adjacent to or near the garage building so as not to impair sight lines at the intersection of Tarbell Avenue and Route 7.

Member Christian seconded the motion subject to the stated conditions. The motion was approved 5/0, and the site plan application approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application by Teresa Howard for property located at 809 Farm to Market Road/Route 351. Ms. Howard's attorney handed up a new waiver map to the Planning Board, now complying with the necessary 25' setback for the deck structure as discussed at the prior meeting. Ms. Howard's attorney explained that Howard had acquired an additional 14' from Bragen, in order to meet the necessary 25' setback from the proposed property line. Hearing no additional questions or comments from the Planning Board members, Member Tarbox made a motion to approve 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 Mainello made a motion to approve the waiver of subdivision application pursuant to the current waiver map, which motion was seconded by Member Wetmiller. The motion was approved 5/0, and the waiver of subdivision granted.

The next item of business on the agenda was a waiver of subdivision application by Walmart for the approximately 1,500 square foot area housing the sewer pump station adjacent to McChesney Avenue, and which Walmart seeks now to dedicate to the Town of Brunswick. This application is part of parcel number 91-7-3.13. Attorney Marybeth Slevin appeared for Walmart. Mr. Kestner explained that the proposed subdivision includes all the land between the existing retaining wall and the County right-of-way of McChesney Avenue. Mr. Kestner stated that the retaining wall would still be owned by Walmart, and will be required to be maintained

by Walmart in the future. Mr. Kestner stated that the survey of the parcel and the description were adequate, and has been reviewed by the Town Water Department. Mr. Kestner did indicate that Walmart would also be required to transfer an easement to the Town for the water and sewer lines that are located on the balance of the Walmart Plaza site. Member Wetmiller wanted to confirm that this subdivision would not result in any additional building lot or construction. It was confirmed that this subdivision concerned only the property which currently houses the sewer pump station to be dedicated to the Town, and would not result in any additional construction by Walmart. Member Christian stated that this was already contemplated and approved back when the Walmart Plaza was reviewed and approved, and that the dedication of that property and the pump station was just completing the earlier process. Mr. Kestner then described the specifics regarding the pump station building and the pump itself. Hearing no further discussion, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was approved 5/0, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver application, which motion was seconded by Member Christian. The motion was approved 5/0, and the waiver of subdivision application approved.

Mr. Kreiger reported that there was no new business to discuss.

The Planning Board members then began their deliberation on preparing a recommendation to the Town Board concerning the proposed Duncan Meadows Planned Development District application. The Duncan Meadows PDD recommendation was placed on the April 15 agenda for further discussion prior to formalizing any recommendation.

The **index** for the April 1, 2010 Planning Board meeting is as follows:

1. Smith/Maselli – site plan – approved with conditions;

2. Howard – waiver of subdivision - approved;
3. Walmart – waiver of subdivision - approved;
4. Duncan Meadows Planned Development District – review and recommendation –
4/15/10.

The **proposed agenda** for the April 15, 2010 meeting currently is as follows:

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan;
2. Reiser Bros. Inc. – subdivision & commercial site plan;
3. Brunswick Associates of Albany, LP – Brunswick Woods Apartments PDD – site
plan;
4. Duncan Meadows Planned Development District – review and recommendation.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 15, 2010

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

ABSENT were KEVIN MAINELLO and DAVID TARBOX.

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

The Planning Board reviewed the draft minutes of the March 18, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved as drafted.

The Planning Board then reviewed the draft minutes of the April 1, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the site plan application by the Volunteer Fire Company of Center Brunswick for expansion of the existing firehouse located at 1045 Hoosick Road. Neal Rivchin, Esq. appeared for the applicant. Mr. Rivchin stated that the fire company's engineer had estimated the cost of building a driveway on the adjacent property of D'Entrone within the existing 20' strip as discussed at prior meetings, and that the estimated cost, including a gabion retaining wall, was approximately \$30,000-\$40,000. Mr. Rivchin stated that the fire company was still agreeable to deed an additional 6' strip of property to D'Entrone to establish a 26' wide strip, which would allow the driveway to be relocated further away from

the slope so as to reduce or eliminate the need for any retaining wall. Further, the fire company stated that it would provide fill material produced during the firehouse expansion project to D'Entrone for assistance in driveway construction. Mr. Rivchin then stated that he had contacted Attorney Gilchrist for the purposes of inquiring whether the Planning Board would consider waiver of the private road standards so as to reduce the necessary width of the D'Entrone driveway. Attorney Gilchrist confirmed that Mr. Rivchin had contacted him, and that he advises the Planning Board that the private driveway standards associated with the D'Entrone driveway can be modified by the Planning Board on this application, subject to the Planning Board's discretion. Mr. Kestner stated that he had spoken with Mr. Donlen, of the engineering firm retained by the fire company, and that the estimate for driveway construction did include a gabion retaining wall, and was limited to the current 20' strip of land at full private driveway width. The estimate did not consider relocating the driveway within a full 26' wide strip of land, nor consider reduction of driveway width. Member Esser questioned how much fill would be generated during the firehouse construction which could be then transferred to D'Entrone, and questioned the fire company's estimate that the fill would have a value of \$50,000-\$60,000. Mr. Rivchin stated that approximately 220 yards of fill could be generated, and Member Esser disputed the value attributed to that fill by the fire company. Member Esser stated that the fire company should transfer fill to D'Entrone to assist her in driveway construction. Chairman Oster addressed the question of waiving the private driveway standards, stating that the private driveway standards of 16' width with two 3' shoulders for private driveways in excess of 150' were established in conjunction with fire companies determining that this width was necessary for emergency vehicle access, particularly when two-way traffic was on the driveway. Chairman Oster did note that this was a unique fact situation because the D'Entrone property is

immediately adjacent to a fire company. Chairman Oster stated that in his opinion, a 12' wide driveway may be adequate in this case because the property is located next to the firehouse and that this would seem to address the emergency vehicle access and public safety issue. However, Chairman Oster wanted the fire department to stipulate on the record that a 12' wide driveway to the D'Entrone property is adequate for emergency vehicle access and would not impair public health or safety. Jack Melsom, member of the fire company, stated that such a stipulation could be made by the fire company, and also noted that there was also a fire hydrant already located near the driveway to the D'Entrone property. Member Esser stated that he felt the fire company should not only provide the fill to D'Entrone to assist in the driveway construction, but that the fire company should rough grade the driveway as well. Member Czornyj inquired whether the fire company would be building the driveway for D'Entrone. Mr. Melsom stated that the fire company had a concern regarding the use of public funds for the construction of a private driveway, but that the fire company would supply the excess fill material from the construction project to D'Entrone for assistance in driveway construction. Chairman Oster generally polled the Planning Board to determine whether a reduction in driveway width to 12' for the D'Entrone property was acceptable. The Planning Board generally concurred that a reduction in driveway width to 12' in this case would be acceptable since it would eliminate, or greatly reduce, the need for any retaining wall, as long as the fire company transferred the additional 6' of width of property to D'Entrone and also the stipulation on the record made by the fire company that a 12' wide driveway would not impact emergency vehicle access or otherwise impair public health and safety. Mr. Melsom stated that the fire company had already approved transferring the additional 6' of land to D'Entrone, and will provide a written stipulation that the 12' wide driveway did not create any public safety issue nor impair emergency vehicle access. Mr. Melsom stated that the

emergency vehicle access and public safety issue would be discussed by the fire company, and a written submission would be made to the Planning Board. The Planning Board also stated that a waiver of subdivision application would need to be filed by the fire company for purposes of transferring the 6' wide strip of property to D'Entrone. The applicant will make the necessary waiver of subdivision application. This matter has been placed on the May 6 agenda for further discussion.

The next item of business on the agenda was the subdivision and commercial site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278. This matter has been adjourned upon request of the applicant, without date.

The next item of business on the agenda was the site plan application by Brunswick Associates of Albany, LP in connection with the Brunswick West Apartments Planned Development District ("PDD"). Dan Hershberg, PE appeared for the applicant, together with Tim Owens. Mr. Hershberg reviewed the general site plan, and briefly reviewed the file materials including site plan, grading plan, lighting plan, landscaping plan, sidewalk detail, road detail, and stormwater plan. Chairman Oster noted that the Planning Board, during its review and recommendation on the PDD application, had already made several comments and undertook review of the site plan with the Brunswick Fire Department No. 1, and comments including building location, garage location, road layout, width of roads, turning radius, hydrant location, and additional comments of the Brunswick Fire Department No. 1 had been fully addressed during the PDD review and action by the Town Board. Mr. Hershberg went on to review the stormwater management plan and proposal to manage stormwater on site, stating that the stormwater pollution prevention plan would need to be reviewed by the New York State Department of Transportation, but wanted the review by the Town's consulting engineer prior to

submission to NYSDOT because the Town is a MS4 community. Mr. Kestner stated that he would review the stormwater pollution prevent plan. Mr. Hershberg stated that his office is continuing to work on water pressure to the buildings on the project, and that he is working with both Mr. Kestner and the Town Water Department on that issue. Mr. Hershberg stated that the building elevation, landscaping plan, and lighting plan is similar to that which was constructed at "The Glen" portion of the Sugar Hill Apartments. Member Czornyj stated that he would like to see sidewalks brought from the Brunswick West complex down to and connect with the sidewalk system on Route 7. Mr. Owens responded by stating that the applicant will be looking into the sidewalk issue, but wanted to inform the Planning Board that he had met with the Brittonkill Superintendent, Lou McIntosh, and also Gail Lathrop of the Brittonkill system, and Supervisor Herrington concerning school bus access to the Brunswick West Apartments. Mr. Owens confirmed that a total of two students are attending the Brittonkill school system from "The Glen" section of the Sugar Hill Apartments, and confirmed with the Superintendent that there is likely to be a low impact in terms of student registration at the Brittonkill system from this expansion to the Brunswick West Apartments. Mr. Owens reported that the Brittonkill system is already sending school buses into the Brunswick West Apartments site to pickup/drop off elementary students at the existing clubhouse, but that the middle school and high school students are being picked up and dropped off at the Route 7/Brunswick Drive intersection. Brittonkill will investigate bringing buses for all students into the Brunswick West Apartments site, including one pickup location at the existing clubhouse prior to construction of the proposed expansion, and investigation of three bus stops on the loop road which will be constructed in conjunction with the proposed expansion. Member Czornyj reiterated his request for sidewalks, at least from the clubhouse at the apartment complex down to and connecting with Route 7. Mr.

Owens again stated that he will be investigating this issue, and will report back to the Planning Board. Mr. Owens said he would need to investigate legal ability to install the sidewalks, future ownership and maintenance issues, as well as coordination with NYSDOT. Mr. Owens also reviewed generally with the Planning Board proposed elevations for the garages and storage units, which will be similar in appearance to the proposed apartment buildings themselves. This matter has been placed on the May 6 agenda for further discussion.

The next item of business on the agenda was the proposed Duncan Meadows Planned Development District application, before the Planning Board for review and recommendation upon referral by the Town Board. Fran Bossolini, PE appeared for the applicant, and generally reviewed the concept layout for the project. Member Esser stated that the appearance of the proposed townhomes/condominiums were not attractive. Mr. Bossolini stated that in the event the PDD is approved, detailed architectural renderings will be prepared and subject to final review and approval by the Planning Board during site plan review. Chairman Oster inquired whether the applicant had conducted any market study, as he was concerned about the marketability of these units particularly in light of previously – approved projects in Town. Mr. Bossolini stated that the proposed condominium units and market – rate senior apartments did provide variation from the previously approved units, and that the applicant feels the project is marketable. Chairman Oster directed the applicant to review the application with the fire department for comment. Member Czorynj also raised the issue of sidewalks in conjunction with the Duncan Meadows PDD application. Mr. Bossolini stated that the issue of sidewalks was being discussed at the Town Board, including location, length, and type of sidewalk/walkway. Member Czorynj stated that he would like to see a sidewalk installed adjacent to the project site at least until the location of the small house on McChesney Avenue.

Chairman Oster also wanted to investigate walking paths internally in the project itself, for benefit of the residents of the project as well as for purposes of exercise. Mr. Bossolini stated that the applicant will investigate that issue. Mr. Bossolini stated that there had been some discussion concerning the community garden, and that such a foot path connection to the community garden should be explored. Chairman Oster inquired as to the number of projected school children from the project. Mr. Bossolini stated that the applicant was accumulating updated information on that issue, and will be submitting updated student projections in the Final Environmental Impact Statement. Member Czornyj wanted to make sure that the applicant fully explored the issue of sidewalks, and that an ultimate connection to the Sugar Hill Apartments on McChesney Avenue Extension would benefit not only this project, but the Sugar Hill Apartments, ROUSE Apartments, as well as potentially the Highland Creek PDD project. The Planning Board directed Attorney Gilchrist to prepare a draft recommendation based on the Planning Board's deliberations, and submit the same for Planning Board review at the May 6 meeting.

Mr. Kreiger reported that there was no new business to discuss.

The **index** for the April 15, 2010 Planning Board meeting is as follows:

1. Volunteer Fire Company of Center Brunswick – site plan – 5/6/10;
2. Reiser Bros. Inc. – subdivision and commercial site plan – adjourned without date;
3. Brunswick Associates of Albany, LP – Brunswick Woods Apartments PDD site plan – 5/6/10;
4. Duncan Meadows – Planned Development District review and recommendation – 5/6/10.

The **proposed agenda** for the May 6, 2010 meeting currently is as follows:

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan;
2. Brunswick Associates of Albany, LP – Brunswick Woods Apartments PDD – site plan;
3. Duncan Meadows – Planned Development District review and recommendation.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 6, 2010

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

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

The Planning Board reviewed the draft minutes of the April 15, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by the Volunteer Fire Company of Center Brunswick, for a two-bay addition to the existing firehouse located at 1045 Hoosick Road. Thomas DiNovo, Esq. appeared for the applicant. Attorney DiNovo stated that an amended site plan had been submitted showing the additional 6' strip of land on the western portion of the fire department property which is being proposed to be transferred to D'Entrone to allow additional width for the construction of the D'Entrone driveway. Attorney DiNovo also stated that the fire department will be providing approximately 220 cubic yards of material to D'Entrone for assistance in driveway construction as a result of the grading work being performed by the department on the building expansion, and that the department agrees that this material will need to be feathered back onto the fire department property in order to create an appropriate grade for the D'Entrone driveway construction. Attorney DiNovo

confirmed that a letter had been submitted by the fire department stating that the use of a 12' wide driveway to the D'Entrone property will not create any health or safety issue nor impair emergency vehicle access. Chairman Oster noted that the fire department had filed a waiver of subdivision application to permit the transfer of the additional 6' strip of property to D'Entrone, and that the application fee for that waiver application had been received by the Town. Member Esser stated that he wanted to see a profile of the D'Entrone driveway, so that the contours of that property could be reviewed by the Planning Board. Member Czornyj thought a cross-section of the D'Entrone driveway should be reviewed. Member Czornyj also questioned the location of the driveway on the amended site plan, and that it was Member Czornyj's understanding that the driveway would be shifted farther to the east within the resulting 26' wide strip owned by D'Entrone, so that the grade of the property was not an issue and a retaining wall on the western portion of the D'Entrone property would not be required. Attorney DiNovo noted that the driveway location had not been changed on the amended site plan, and that the amended site plan only showed the additional 6' strip to be transferred to D'Entrone. Attorney DiNovo concurred that it was his understanding the D'Entrone driveway would be shifted in an easterly direction so as to eliminate the need for a retaining wall. Member Czornyj inquired whether a retaining wall is still required, and whether the fire department had its engineer review this issue. Attorney DiNovo stated that the fire department had concerns regarding the department undertaking the design and construction of the D'Entrone driveway, since the D'Entrone driveway is the responsibility of D'Entrone and the department had concerns regarding the use of public funds to construct a private driveway for a private landowner. Attorney DiNovo concluded that D'Entrone was responsible for the design and construction of her own driveway on her private land, but that the fire company would donate the 220 cubic yards of material and

cooperate with D'Entrone on construction schedules. Member Esser reiterated his position that he wanted a driveway profile, that he thought the fire company should design and build the driveway for D'Entrone, and that the fire company would have construction equipment and materials available to do that while it was constructing its firehouse addition. Chairman Oster stated that the fire company was before the Planning Board for site plan review on its property, and that the Planning Board could not make the fire company incur additional expense for offsite construction, that he felt the additional 6' of property being transferred by the fire company to D'Entrone was a concession by the fire company to minimize the cut needed in the west side of the property to construct a driveway, and that it was a benefit to both the fire company and to D'Entrone to have the fire company deliver the graded material to D'Entrone to assist in the construction of her driveway rather than having that material removed from the site. Member Czornyj said that he would still be interested in seeing a driveway profile. Mr. Kestner stated that he had asked the fire department's engineer if a profile had been completed, and that the fire department's engineer stated that he had not prepared a D'Entrone driveway profile. Mr. Kestner stated that he did not ask the fire department's engineer to create a profile, and did not ask the fire department's engineer for a cost estimate. Mr. Kestner thought that the fire company should be interested in the construction of the D'Entrone driveway, since it potentially could result in runoff onto the fire department property and therefore the fire department should be involved in the design of the D'Entrone driveway. Attorney DiNovo stated that the fire company had been in discussion with D'Entrone and that those discussions continue, and that D'Entrone understands that she is responsible for constructing her driveway. Member Mainello asked Attorney DiNovo whether D'Entrone was aware of the cost associated with constructing her driveway. Attorney DiNovo stated that it was his understanding D'Entrone was currently getting estimates for her

driveway construction. Member Mainello asked about the construction phasing, and how D'Entrone was going to access her house during the period of construction. Attorney DiNovo stated that the fire company was working with D'Entrone to coordinate on this issue. The Planning Board inquired of Attorney Gilchrist as to the authority of the Planning Board with respect to the D'Entrone driveway. Attorney Gilchrist stated that the site plan application of the fire department pending before the Planning Board dealt only with the fire department property, the Planning Board is generally without jurisdiction to require offsite improvements as part of site plan action. Further, during the Planning Board's investigation of this matter, it was determined that the original land transfer between the fire department and D'Entrone resulting in the current 20' strip of property connecting the D'Entrone home to NYS Route 7 contemplated D'Entrone constructing her own driveway on the 20' strip, and that her use of the fire department's parking lot to access her home had been subject only to a revocable license, which contemplates a potential future revocation of that license and requirement that a private driveway be constructed by D'Entrone on her property. Attorney Gilchrist stated that this issue was therefore addressed and considered by the Planning Board several years ago during the waiver approval resulting in the fire department purchasing the property from D'Entrone and leaving a 20' strip for the future construction of the D'Entrone driveway by D'Entrone. Attorney DiNovo stated that he was involved with the real property transfer approximately 10 years ago between the parties, that it was always contemplated that the purchase of the property by the fire department from D'Entrone was for the future expansion of the firehouse, that the fire department had paid full market value for the property from D'Entrone, and that it was anticipated that D'Entrone would need to construct her own driveway on the retained 20' strip at some point in the future. Chairman Oster stated that he felt the Planning Board had done as much

as it can do to make this transition easier for D'Entrone, including the provision of an additional 6' strip of property and waiver of the private road standards to allow a 12' driveway, and that the Planning Board should now address the site plan project itself on the fire department property. Further, Chairman Oster stated that the D'Entrone driveway would be subject to review by the Building Department. Member Czornyj asked whether D'Entrone would be allowed to use her old driveway until the new one has been constructed. Attorney DiNovo stated that the fire department was continuing to coordinate with D'Entrone on the firehouse expansion schedule, but that the fire department had already sent to D'Entrone a revocation of the license, and that D'Entrone was working on obtaining estimates for her private driveway construction. After further discussion, the Planning Board determined to act on this application. Initially, the Planning Board entertained SEQRA review, both with respect to the waiver application and the site plan application. Member Czornyj confirmed with Mr. Kestner that the stormwater management/drainage issues had been fully addressed. After hearing Mr. Kestner confirm that the stormwater plan was adequate, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application to permit the fire department to transfer the additional 6' strip on the westerly side of the fire department property to D'Entrone, subject to the following conditions:

1. D'Entrone merge the 6' strip of property into the existing 20' strip, and
2. D'Entrone provide a deed confirming the merger of these properties to Mr. Kreiger at the Building Department.

Member Tarbox seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver of subdivision approved. Thereupon, Member Czornyj made a motion to approve the site plan application for the firehouse expansion, subject to the following conditions:

1. The letter submitted by the fire department confirming that a 12' wide driveway on the D'Entrone property will not result in any health or safety issues nor impair emergency vehicle access be amended to apply generally, and not to any specific site plan map;
2. Compliance with all requirements of the New York State Department of Transportation; and
3. Transfer of approximately 220 cubic yards of material to D'Entrone produced during the grading and expansion of the firehouse, to assist D'Entrone in the construction of her driveway.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 7/0, and the site plan for the firehouse expansion approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by Brunswick Associates of Albany, LP for the Brunswick Woods Apartments PDD expansion. Tim Owens appeared for the applicant. Chairman Oster inquired whether Mr. Kestner had time to review the full stormwater pollution prevention plan. Mr. Kestner stated that he had reviewed the full SWPPP, and that it is in approvable form, subject to a few minor items that he would like to discuss with Mr. Hershberg. Mr. Owens noted that the sidewalk construction had been added to the site plan pursuant to the discussions at the last Planning Board meeting, but that he would like to be able to continue to work with both Mr. Kestner and Mr. Kreiger as to final specific location so as to be able to maintain as much existing vegetation and trees as possible. Member Mainello inquired about the lightning plan. Mr. Owens confirmed that all the lights proposed for the Brunswick Woods expansion are downlighting consistent with the light poles installed at The

Glen section of Sugar Hill, and that the applicant will be changing out all the existing lighting in the Brunswick Woods complex with the new downlighting fixtures, which will result in an overall reduction in any light spillage from the site. The applicant requested that the Planning Board consider site plan approval. Mr. Kestner confirmed that the Town had reviewed the SWPPP and generally finds it acceptable subject to a few minor issues to be resolved with Mr. Hershberg, and that the SWPPP does need to be reviewed and approved by the New York State Department of Transportation. Also, Mr. Kestner stated that issues concerning water pressure for public water supply still needed to be worked out between the applicant and the Town Water Department. The applicant stated that it will continue to work with the Town and Mr. Kestner concerning any outstanding issues, and will accept a site plan condition stating that the site plan is contingent upon any final comments by the Town Water Department, Building Department, and consulting engineer. The applicant also stated that it will need to comply with all conditions set forth in the PDD approval issued by the Town Board, including the payment of a park and recreation fee and establishment of all required engineering oversight escrow and financial security. Member Czornyj stated that he was pleased that sidewalks had been added to this project, but wanted to address proposed sidewalks near the applicant's Sugar Hill complex on McChesney Avenue Extension, since the Town was exploring creating sidewalks/pedestrian access in conjunction with several PDD projects in the McChesney Avenue/McChesney Avenue Extension area. Mr. Owens stated that he was cognizant that the Town was trying to put together this sidewalk/pedestrian access in the McChesney Avenue area, that Brunswick Associates supported this proposal, that Brunswick Associates will work with the Town in implementing that proposal, and that Brunswick Associates can be counted upon to construct a section of that overall sidewalk/pedestrian walkway system. Thereupon, the Planning Board entertained action

on the site plan. Attorney Gilchrist confirmed with the Planning Board that SEQRA had already been completed on this action in conjunction with the PDD approval by the Town Board. Member Czornyj then made a motion to approve the Brunswick Woods expansion site plan, subject to the following conditions:

1. Final comments of Mr. Kestner concerning the project stormwater pollution prevention plan.
2. Approval of the stormwater pollution prevention plan by the New York State Department of Transportation.
3. Compliance with all requirements concerning water pressure to be addressed by the applicant, Town Water Department, and Town consulting engineer.
4. Any final review comments by Town Water Department, Town Building Department, and consulting engineer.
5. Compliance with all conditions set forth in Town Board PDD approval, including:
 - a. Applicant must grant an easement to the Town of Brunswick for access to stormwater management facilities.
 - b. Applicant must post a performance bond or other acceptable financial undertaking or guaranty for all improvements in conjunction with providing a system of water supply and distribution in an amount to be approved by the Town Board in consultation with its engineer.
 - c. Applicant must grant an easement to the Town for access to all improvements in conjunction with providing a system of water supply and distribution.
 - d. Applicant must post a performance bond or other acceptable financial undertaking or guaranty for all improvements in conjunction with providing a system of wastewater collection and distribution in an amount to be approved by the Town Board in consultation with its engineer.
 - e. The applicant shall grant an easement to the Town for access to improvements in conjunction with providing a system of wastewater collection and distribution.

- f. The applicant must pay a park and recreation fee in the amount of \$42,000.
- g. The applicant must provide a conservation easement in recordable form for the areas identified on the PDD plan as "forever wild".
- h. The applicant is required to establish an engineering review escrow account with the Town of Brunswick concerning project construction activities.

Member Christian seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Brunswick Woods Apartments PDD expansion site plan was approved subject to the stated conditions.

The next item of business on the agenda was the proposed Duncan Meadows Planned Development District review and recommendation. Francis Bossolini, PE appeared for the applicant. Following discussion concerning sidewalk installation in the McChesney Avenue/McChesney Avenue Extension area, the Planning Board deliberated on a draft recommendation. Subject to minor modifications, the Planning Board adopted a final recommendation on the Duncan Meadows Planned Development District application, and will transmit the same to the Town Board for its consideration.

The next item of business on the agenda was an application by National Grid to amend its site plan which was approved for property located at 166 Plank Road, and specifically the replacement of an existing switch gear structure with a new switch gear structure, installation of fencing, and stormwater improvements. Rick Spagnoti appeared for National Grid. Mr. Spagnoti explained to the Board that the work on the switch gear structure replacement started on March 29, 2010, and that it was initially anticipated that approximately three-quarters of an acre would be disturbed in connection with the project. National Grid became aware that it was grading an area larger than three-quarters of an acre, and stopped the project on April 13 in order to

determine the total area that had been graded. It was determined that approximately 1 acre had already been disturbed, and therefore the need to prepare a full stormwater pollution prevention plan was triggered. National Grid retained CT Male, and a full stormwater pollution prevention plan was prepared. Mr. Spagnoti confirmed that the entire project was well under 5 acres, but that the total estimated area of grading and disturbance was approximately 1.5 acres. The full stormwater pollution prevention plan had to be submitted to Mr. Kestner for review, and a site meeting had been held with Mr. Kestner and Mr. Kreiger, as well as CT Male, to review the work to date, and discuss the substance of the stormwater pollution prevention plan. The site plan has been amended to now depict the additional stormwater management features that are required as a result of the full SWPPP. Mr. Spagnoti also stated that the fence to be installed as part of the project was going to be increased from 5' to a 7' high fence. Mr. Kestner had stated that since the Town is a MS4 community, and that the full SWPPP review had been completed, it was important to have a correct site plan depicting all of the stormwater management features on file with the Town. Mr. Kestner stated to the Board that he had reviewed the SWPPP, and that it is generally compliant with accepted standards. Mr. Kestner confirmed that the fundamental construction of the switch gear structure replacement has not changed, that the overall scope of the project has not changed, but that additional stormwater management features had been added. Chairman Oster wanted the record to note that the Town appreciated National Grid's approach in immediately addressing the stormwater compliance issue, and coming back to the Town with a corrected and updated site plan. It was determined that this modification is not substantial, that the existing SEQRA determination remains in place. Member Czornyj made a motion to approve the amended site plan depicting the additional stormwater management features, which motion

was seconded by Member Wetmiller. The motion was approved 7/0, and the amended site plan approved.

Two items of new business were discussed.

The first item of new business was simply a concept plan presented by Robert Pollock in connection with the Brunswick Plaza PDD, and specifically that phase of the project which had previously housed the Block Buster video outlet. Mr. Pollock is examining a concept plan to reconfigure this building to include a bank drive-thru canopy to the rear of the building, and reconfigure the existing Block Buster into three separate retail units, which was included in the original approval. Member Czornyj immediately raised the issue of the access roadway in this location of the plaza, where there is a conjunction between plaza entrance and entrance to the apartments, and that the intersection was very confusing and does present potential for accidents. Mr. Pollock confirmed that he does not own that particular portion of the access road, and that the ownership resides with the apartment owner, and that he merely had an easement over it to access the plaza. Mr. Pollock generally discussed a potential concept plan to reconfigure the access road system, which would involve creating a separate access solely for the apartments and reconfiguring the existing access road for use solely in connection with the plaza. However, Mr. Pollock stated that this was a potential future plan, and that he would look into ways to better address vehicle access between the plaza and the apartments in the interim. Greg Bestwick, PE generally reviewed the concept plan, which depicts the addition of a drive-thru window and canopy for a bank or financial institution, and reconfiguring the Block Buster space into three retail units. Member Tarbox asked whether there was adequate parking for the proposed reconfiguration. Mr. Bestwick stated that there was more than adequate parking, and that there would remain approximately 45-50 spaces beyond that which was minimally required. Chairman

Oster wanted to make sure that the Block Buster space was adequate to be broken up into three retail units. Mr. Pollock explained that the approved project showed 3 retail spaces for that location, and that all of the plumbing and related infrastructure had already been installed to service three retail units. Mr. Kestner asked whether the grade of the proposed exit driveway from the drive up teller area to the existing access road had been considered. Mr. Bestwick stated that topography had not yet been put on the concept plan, and that there was an increase in elevation on the exit driveway leading to the existing access road. Member Wetmiller asked about the area for car stacking near the drive-thru window canopy. After discussion, Mr. Bestwick confirmed that the proposed canopy would consist of two lanes, with stacking area for two cars in each lane. The Planning Board raised issues regarding lighting of the canopy, the relocated dumpster area and access for trucks, and that the project would need to be evaluated by the fire company for emergency vehicle access as well. Mr. Pollock stated that he was presenting the concept plan to determine if there were any issues prohibiting this use, and that he had not yet finalized any lease with a bank or financial institution, but this was a potential possibility and wanted to be able to get some initial feedback from the Planning Board. Chairman Oster stated that the concept appeared to be an acceptable design for a bank in this location given that it was an existing building, but that the Planning Board did have concerns regarding the location of the drive up window and grade of the exit driveway to the access road system. Member Wetmiller confirmed that the area of the drive up teller canopy appeared to be tight, and he had concerns regarding the lighting requirements for this type of canopy given the proximity to houses on McChesney Avenue. Member Mainello asked if it was feasible to have the exit driveway go completely around the building, rather than dealing with the grade of the exit driveway onto the existing access roadway. Mr. Pollock and Mr. Bestwick stated that this could be considered, but

the area was limited due to an existing sewer easement, the pressure reducing pit recently installed by the Town, and a sign easement in conjunction with the apartments. There was also discussion concerning greenspace requirements. The Planning Board confirmed that this was a feasible plan, but would need much more detailed review once a particular tenant is identified. No further action was taken by the Board.

The next item of new business was a waiver of subdivision application submitted by Lisa Kinne for property located on Tamarac Road (Tax Map No. 83.-3-2.12), located north of Camel Hill Road and south of Higbee Road. Mark Danskin appeared for the applicant. Mr. Danskin explained that Kinne owns approximately 36 acres both on the east and west side of Tamarac Road. On the west side of Tamarac Road, Kinne owns approximately 15 acres, 14 of which were regulated wetland. On the east side of Tamarac Road, Kinne owns approximately 20.5 acres, and seeks to create a building lot of approximately 5.8 acres. The proposed lot has 225 feet of frontage along Tamarac Road. Member Tarbox inquired as to sight distance on Tamarac Road. Mr. Danskin confirmed that he would need a county driveway permit, that a proposed driveway location had already been identified, and that there should be plenty of sight distance. Mr. Danskin also stated that he had completed soil tests for purposes of septic installation. The Planning Board stated that it did want the corners of the proposed lot identified, as well as the proposed driveway location identified on the property, so that they could take a look at the area of the proposed lot. The Planning Board is also requiring measured sight distances from the proposed driveway location. The applicant will need to submit a revised map showing proposed driveway location, together with a table indicating sight distance. An agricultural data statement will be required on this application as well. This matter has been placed on the May 20 agenda for further discussion.

The **index** for the May 6, 2010 meeting is as follows:

1. Volunteer Fire Company of Center Brunswick – site plan – waiver of subdivision – approved with conditions;
2. Brunswick Associates of Albany, LP – Brunswick Woods Apartments PDD – site plan – approved with conditions;
3. Duncan Meadows Planned Development District – review and recommendation – completed and forwarded to Town Board;
4. National Grid – amended site plan – approved;
5. Pollock – Brunswick Plaza – concept site plan – no action taken;
6. Kinne – waiver of subdivision – 5/20/10.

The **proposed agenda** for the May 20, 2010 meeting currently is as follows:

1. Kinne – waiver of subdivision;
2. Reiser – commercial subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 20, 2010

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN, FRANK ESSER, KEVIN MAINELLO and VINCE 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 reviewed the draft minutes of the May 6, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Lisa Kinne for property located on Tamarac Road (Tax Map No. 83.-3-2.12), located north of Camel Hill Road and south of Higbee Road. Mark Danskin of Danskin Surveyors appeared for the applicant. Scott Gallerie, Highway Superintendent for the Rensselaer County Department of Engineering and Highways, was also present. Mr. Danskin reviewed for the Planning Board that Kinne owns approximately 20.5 acres on the east side of Tamarac Road, and seeks to create a building lot of approximately 5.8 acres. Mr. Danskin advised the Board that sight distances on Tamarac Road have been measured and added to the map, and that the sight distances are within DOT standards. Mr. Danskin then described the topography of the proposed waiver site for the Board. He indicated there was a steep slope towards the back of the property, but that it sloped gently towards Tamarac Road. He said that based upon the test holes

dug, the composition of the soil is loam, underlain by a clay lense and below that a clay loam mix; he did not note any mottling or groundwater. In his opinion, this is a good homestead site. He believes this is a well-drained lot and indicated that the proposed home would be located approximately 200' from the old wetland delineation. He explained that the flooding that he is aware of on the property occurred as a result of a pond breaking to the south, on the Esposito land. He stated that the Esposito pond has since been filled in.

Chairman Oster and Consulting Engineer to the Planning Board, Mark Kestner, visited the site, saw the proposed driveway, test holes, and had walked the property. Chairman Oster advised that there seems to be a natural swale at the toe of the slope, which would appear to catch drainage and run it to the north. Chairman Oster also indicated that they were out there in the rain and that the property seemed dry. Mr. Danskin indicated he will utilize the natural swale to drain around the house and will put a curtain drain in with swale on top. Scott Gallerie, the Highway Superintendent for the Rensselaer County Department of Engineering and Highways, then commented on the waiver application. He advised the Board that last summer there was approximately one foot of water on Tamarac Road at that location, and that the flooding appeared to back up over 80' onto the proposed site. He indicated that it looked like a big pond back to the toe of the slope. He further advised the Board that he had checked the culverts, and there appeared to be no blockage. Mr. Gallerie believes there will be a flooding problem which must be addressed if the proposed lot is to be developed. To his knowledge, that property has flooded 5 or 6 times in the recent past, and that the waiver lot is in the area of a low spot in the road. Gallerie stated he thought the proposed lot was a "marginal situation at best now".

Mr. Danskin advised the Planning Board that the proposed tile field will be approximately 85' from the nearest culvert under Tamarac Road. He further added that one

house will not increase the drainage into the culvert, and that he cannot design for a 100 year storm. Member Czornyj asked if the tile field could be relocated behind the house so that in the event of flooding, the tile field would not be under water. Mr. Danskin advised that he believes this is the best position for the tile field.

Chairman Oster then inquired of Attorney Coan as to the Planning Board's obligation, if any, to consider the Rensselaer County Department of Engineering and Highway's comments. Attorney Coan advised the Board that the comments of Scott Gallerie concerning the flooding conditions at the proposed waiver lot are on the record, and that while the Planning Board did not have to except any recommendations made by the Department of Engineering and Highways, the Board would have to consider the comments and make a reasoned elaboration as to its decision one way or the other.

Attorney Coan then advised the applicant that the wetland should be delineated in order to establish the extent of State DEC jurisdiction. According to Mr. Kestner, the DEC is aware that there is a proposal to subdivide the Kinne parcel. Currently, the wetland has only been delineated for USDA purposes. Member Czornyj recommended that the applicant obtain the wetland delineation before the Planning Board acted on the application. Mark Kestner indicated that wetland delineation is good for a period of three years.

Member Wetmiller then inquired whether or not a note could be placed on subdivision map concerning the flooding conditions that are known to exist at the site. Attorney Coan advised that such a note could be placed on the map advising future buyers of the condition. Mr. Kestner also indicated that written comments of the Rensselaer County Department of Engineering and Highways concerning the flooding conditions could be attached to the map in

lieu of specific notes on the map. John Kreiger will get in touch with the Rensselaer County Department of Engineering and Highways and see about getting such a letter.

This matter has been placed on the June 3, 2010 agenda for further discussion.

The next item of business on the agenda was the subdivision and commercial site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278. Henry Reiser appeared on behalf of the applicant, as did Scott Reese and Harold Berger, the applicant's engineers. Henry Reiser handed up a package of documents, including email correspondence between himself and Al Hewitt of the NYSDEC dated December 2009, which Mr. Reiser believes shows that the NYSDEC will issue a mining exemption for Phase I, and a letter from the New York State Department of Transportation dated April 5, 2010. Mr. Reiser also indicated that the neighboring or adjoining houses have been identified on the proposed subdivision map, and that the closest home is approximately 215' from the proposed building and approximately 110' from the property line.

Mr. Kestner indicated that on May 18, 2010 there was a meeting between the Rensselaer County Department of Health (RCDOH) and the New York State Department of Environmental Conservation (NYSDEC), at which time RCDOH asked NYSDEC to conduct a technical review of the proposed septic system.

With respect to that May 18, 2010 letter, Mr. Kestner explained that the NYSDEC is requiring the applicant to demonstrate that it has evaluated all other methods of disposal, including the effluent onsite through subsurface deposal, before the applicant will be permitted to discharge the effluent into the DOT drainage ditch. Mr. Kestner also suggested that Harold Berger meet with the DEC to discuss the applicant's soil/site evaluation to insure that the same is satisfactory to the DEC.

According to Scott Reese, the applicant updated the EAF to reflect the changes to the proposed project and site plan. That EAF was then handed up to the Planning Board for review.

Chairman Oster questioned what role, if any, the RCDOH is planning with respect to the technical review of the septic system. He further asked whether the RCDOH would simply accept the NYSDEC's technical review, or would it review the proposal and/or stamp the proposed septic system on its own. These are issues the applicant must address with the RCDOH. Mr. Berger indicated that he would try to obtain from the RCDOH, a letter indicating that the RCDOH has relinquished all responsibility for the technical review to the NYSDEC, and that it will accept the NYSDEC's sign off on the drawings. This matter has been placed on the agenda for the June 3rd meeting.

There are no items of new business.

As the first item of old business, the Planning Board was updated on the situation involving the Maxwell Subdivision on Tamarac Road. According to John Kreiger, West had puttings in the ground approximately 60' from the wetlands. Enforcement action by the NYSDEC is being considered. Mark Kestner and Chairman Oster had spoken with Maxwell on or about May 19, 2010, who acknowledged that the wetlands had grown in size.

Chairman Oster also advised the Board that current owner of the site, West, was unhappy with Mark Kestner and Chairman Oster going on his property. Accordingly, Chairman Oster believes it necessary to explain to applicants that during the application process Planning Board members and the Town's engineer have the right to go on the subject property for purposes of conducting review and inspection, but that such site visit can be scheduled on notice to the owner.

As a second matter of old business, Chairman Oster reported on the public hearing held on May 18, 2010, concerning the S.M. Gallivan, LLC operations on Oakwood Avenue in Troy. Chairman Oster and Member Czornyj attended the public hearing. Chairman Oster informed the Planning Board that the public hearing is still open, and the continuation of the public hearing is scheduled for June 30, 2010. He suggested that the Planning Board members go if at all possible. The Planning Board members would also like copies of the transcripts of comments presented at the public hearing for their consideration and review.

The **index** for the May 20, 2010 meeting is as follows:

1. Kinne – waiver of subdivision – no action taken - 6/3/10;
2. Reiser – commercial subdivision and site plan – no action taken – 6/3/10.

The **proposed agenda** for the June 3, 2010 meeting currently is as follows:

1. Kinne – waiver of subdivision;
2. Reiser – commercial subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 3, 2010

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board reviewed the draft minutes of the May 20, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Esser, the draft minutes of the May 20, 2010 meeting were unanimously approved without amendment.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278. Henry Reiser and Scott Reese appeared for the applicant. Mr. Reiser reviewed correspondence from the Rensselaer County Department of Health concerning agency responsibility for review of the proposed septic plan. Mr. Reiser confirmed that the Rensselaer County Department of Health indicates a coordinated review of the proposed septic plan will be undertaken by the Rensselaer County Department of Health and the New York State Department of Environmental Conservation. Mr. Reiser also generally reviewed correspondence received from the New York State Department of Environmental Conservation concerning the construction exemption to mining permit requirements, as well as correspondence from the New York State Department of Transportation concerning discharge issues. Chairman Oster inquired

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concerning SEQRA procedure, and specifically identification of SEQRA lead agency. Attorney Gilchrist stated that there were a number of SEQRA involved agencies on this application, and that SEQRA lead agency coordination could be undertaken at this time. SEQRA involved agencies include, as identified in the record, the Brunswick Planning Board, Rensselaer County Department of Health, New York State Department of Environmental Conservation, and New York State Department of Transportation. Attorney Gilchrist stated that lead agency coordination notices could be sent at this time, noting that if any additional permit requirements arose in the future (i.e. need for a mining permit), then the lead agency coordination process may need to commence again. With that understanding, the applicant would like to have the SEQRA lead agency coordination process commenced. Mr. Kestner reviewed the Environmental Assessment Form, noting that certain responses needed to be completed and/or amended. Chairman Oster inquired as to presence of any state or federal wetlands on the project site. Mr. Reiser stated that there were no NYSDEC wetlands on the project site as noted on the NYSDEC wetland maps, and that NYSDEC had been on the site in connection with construction of the residential subdivision to the rear of the commercial project site, and determined that wet areas along NYS Route 2 were not state jurisdictional wetlands. However, such wet areas may constitute federal wetland areas under the jurisdiction of the US Army Corps of Engineers, but that such wet areas are not within any of the proposed construction areas under the current site plan application. The Planning Board directed Attorney Gilchrist to commence the SEQRA lead agency coordination process, and this matter has been tentatively placed on the June 17 meeting for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Kinne for property located on Tamarac Road (Tax Map No. 83.-3-2.12). The applicant seeks to

create a building lot of approximately 5.8 acres on the east side of Tamarac Road. Mark Danskin appeared for the applicant. Mr. Danskin reported to the Planning Board that NYSDEC had not yet been on site to delineate wetlands. Further, Mr. Danskin explained that he had met with Scott Gallery of the Rensselaer County Highway Department, and that the County Highway Department requested that a 24' culvert be placed under the proposed driveway adjacent to Tamarac Road, and that the proposed tile field for the septic system be located a minimum of 1' above the pavement level of Tamarac Road. Mr. Danskin stated that both of the County Highway Department issues have been addressed. However, Mr. Danskin stated that he was still coordinating with NYSDEC on the wetland delineation issue, and also the issue concerning location of any potential NYSDEC wetland buffer areas. Mr. Danskin reported that there appears to be a difference of opinion within NYSDEC Region 4 as to whether the wetland buffer would include areas on the opposite side of Tamarac Road, and that such issue was still being deliberated within the Region. Mr. Danskin will continue to work with NYSDEC Region 4 on this application. This matter has been tentatively placed on the June 17 agenda for further discussion.

There was one item of new business on the agenda.

An application for waiver of subdivision has been filed by Robert MacCrone for property located at 3 Dearstyne Road. The current parcel totals approximately 102 acres. Mr. MacCrone seeks to divide the house and homestead lot from the balance of the vacant property. Mr. MacCrone proposes a house and homestead lot of approximately 5 acres, with a balance of the parcel remaining vacant land. Mr. MacCrone handed up a computer-generated sketch plan showing proposed lot lines, and depicting location of the existing house, driveway, barn, garage, well, and septic area on the proposed homestead lot. However, specific setback locations have

not been identified by Mr. MacCrone, and Member Czornyj requested that these measurements be added to the map for review by the Planning Board. The Planning Board members generally discussed the location of this property with the applicant, including the additional information needed on an amended subdivision plan for this waiver application. It was determined that this property is located in an agricultural district, and that an agricultural data statement will be required. Mr. MacCrone will work to revise the proposed waiver map, and this matter has been tentatively placed on the June 17 agenda for further discussion.

Chairman Oster noted that he is in receipt of a letter from Michael Schongar concerning the operation of the Gallivan property located on Oakwood Avenue, with the request by Mr. Schongar that the Planning Board require an amendment to the existing site plan concerning noise impacts. Upon advice of Attorney Gilchrist, Mr. Schongar's letter has been taken under advisement for further consideration.

Chairman Oster also noted receipt of a letter from the Brunswick No. 1 Fire Company concerning the proposed Duncan Meadows Planned Development District. Chairman Oster noted that this application remains pending before the Brunswick Town Board for consideration of the PDD application, and that the detailed comments received from the Brunswick No. 1 Fire Department would be addressed during site plan review in the event the Town Board approved the PDD action.

John Mainello requested to be heard by the Planning Board. Mr. Mainello is one of the principals of the Brunswick Meadows Planned Development District, and requested that the Planning Board consider amendment to the Planned Development District in terms of allowing construction to proceed on the project infrastructure while the condominium/homeowner association documents are being prepared for submission to the New York State Attorney

General's Office. Mr. Mainello confirmed with the Planning Board that there are no proposed changes to the construction plan itself, only the deferral of submission of the condominium/homeowner association documents to the Attorney General's Office while project infrastructure construction proceeds. Attorney Gilchrist stated that this is an issue for consideration by the Town Board in conjunction with the PDD approval, rather than the site plan approval granted by the Planning Board. Attorney Gilchrist stated that he would coordinate with Mr. Kestner and Supervisor Herrington on this matter and follow up with Mr. Mainello.

The **index** for the June 3, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – 6/17/10;
2. Kinne – waiver of subdivision – 6/17/10;
3. MacCrone – waiver of subdivision – 6/17/10.

The **proposed agenda** for the June 17, 2010 meeting currently is as follows:

1. Reiser – commercial subdivision and site plan;
2. Kinne – waiver of subdivision;
3. MacCrone – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 17, 2010

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

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

The Planning Board reviewed the draft minutes of the June 3, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the June 3, 2010 meeting were unanimously approved without amendment.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278. The Planning Board has not yet received all responses to the lead agency coordination notices. John Kreiger noted that NYSDEC has responded and has no objection. This matter is tentatively scheduled for July 1st if all notices are back; if not then the matter will be put on the July 15th agenda.

The next item of business on the agenda was the waiver of subdivision application by Kinne for property located on Tamarac Road (Tax Map No. 83.-3-2.12). Because the wetland and buffer delineation has still not been determined by the DEC, the matter has been adjourned per the applicant's request until the July 15th meeting.

The third item of business on the agenda was a waiver of subdivision application by Robert MacCrone for property located at 3 Dearstyne Road. The current parcel totals approximately 102 acres, from which Mr. MacCrone seeks to divide the house and homestead. Mr. MacCrone proposes a house and homestead lot of approximately 5 acres, with a balance of the parcel remaining vacant land. Mr. MacCrone handed up revised computer-generated sketch plans showing proposed lot lines, depicting location of the existing house, driveway, barn, garage, well, and septic area on the proposed homestead lot, as well as specific setback locations. Mr. MacCrone reviewed the new measurements and setbacks with the Planning Board members. Mr. MacCrone's neighbor was also present after having been notified by way of the Agricultural Data Statement. After hearing Mr. MacCrone's presentation to the Planning Board, they indicated they had no objection to the waiver application. John Kreiger also noted that Mrs. Pollack, an adjoining neighbor, had advised that she had no objection to the application.

Mr. MacCrone confirmed that the homestead site will be 5 acres and that the remaining property below Dearstyne Road will go with the 102 acres. Mr. MacCrone also intends to grant a right of way for access to the new parcel on the western boundary of the property.

With that, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Tarbox. The motion was unanimously approved and a negative declaration was adopted.

Member Czornyj then made a motion to approve the waiver application subject to the following conditions:

1. The five (5) acre parcel shall be surveyed and all side and rear setbacks will be properly complied with; and
2. That the survey map will be provided to John Kreiger, Building Inspector for his review and records.

Member Wetmiller seconded the motion with the above-stated conditions, and the waiver application with conditions was granted 6-0.

There was one matter of old business. Chairman Oster advised the Board that Michael Schongar was in attendance at the meeting to review his letter concerning the operation of the Gallivan property located on Oakwood Avenue, and his request that the Planning Board require Gallivan to come back before the Board for failing to comply with his site plan as originally approved.

Chairman Oster advised Mr. Schongar that all board members had received a copy of the letter and will take it under advisement. He further advised Mr. Schongar that the Planning Board has no jurisdictional powers, though applicants are told that if any changes are made to the originally approved site plan, they have to come back before the Board first. Attorney Coan then explained that an enforcement proceeding has been started by the Building Department and also reminded Mr. Schongar that the Town Board was simultaneously considering a PDD application by Gallivan. Attorney Coan explained the PDD process and indicated that the Town Board is aware of the noise issue and will consider it as part of the PDD application. In addition, the Planning Board will make a recommendation to the Town Board in connection with the PDD application. Chairman Oster told Mr. Schongar that the Planning Board was well aware of the issues raised by him in his letter and will take them into consideration when making its recommendation to the Town Board.

The **index** for the June 17, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – 7/1/10;
2. Kinne – waiver of subdivision – 7/15/10;
3. MacCrone – waiver of subdivision – approved with conditions;
4. Schongar letter.

The **proposed agenda** for the July 1, 2010 meeting currently is as follows:

1. Reiser – commercial subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 1, 2010

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

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

The draft minutes of the June 17, 2010 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the June 17, 2010 meeting were unanimously approved without amendment.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278, identified as Brunswick Farms. The Planning Board is currently undertaking SEQRA Lead Agency coordination. Written responses from all SEQRA involved agencies have not yet been received back by the Planning Board, and the thirty day timeframe in which to do so had not yet expired. Accordingly, this matter has been adjourned and set on the July 15, 2010 agenda for consideration of SEQRA Lead Agency designation.

Two items of new business were discussed.

The first item of new business discussed was a site plan presented by National Grid concerning the Sycaway substation located off Hillcrest Avenue behind the Rite Aid Pharmacy. Rick Spagnoli of National Grid presented the proposal to the Planning Board. It is noted that this

application requires a special use permit to be issued by the Brunswick Zoning Board of Appeals and that the ZBA has not yet acted upon that application. Therefore, Mr. Spagnoti is presenting the site plan for informational purposes to the Planning Board at this time. Mr. Spagnoti described the existing Sycaway substation, including a transformer bank and switch gear unit. National Grid is looking to add an additional transformer bank and switch gear unit to the Sycaway substation, primarily to meet increasing load requirements, timely electrical backup if needed, and the need to backup the existing transformer bank at the Sycaway substation. Mr. Spagnoti indicated that National Grid is preparing a full stormwater pollution prevention plan for this project, and will be submitting that document to the Town for review. Chairman Oster inquired whether there were any regulated wetlands on the property. Mr. Spagnoti stated that a wetlands delineation has been completed. Chairman Oster stated that he wanted National Grid to coordinate with NYSDEC concerning wetlands, and to insure that there will be no impact to DEC regulated wetlands or buffer areas as a result of the project. There was discussion concerning the installation of an additional fence at the site as well. Mr. Spagnoti stated that it was his understanding that the special use permit application is on the Brunswick ZBA's agenda for its July 19 meeting, and therefore requested that the site plan application be placed on the Planning Board's August 5 agenda. Mr. Spagnoti also stated that it was National Grid's goal to begin the site grading work and foundation work this Fall, and finish up all construction for the project next Summer. Chairman Oster stated that a site visit to look at the Sycaway substation area would be helpful, similar to the site visit that was performed at National Grid's Plank Road facility. Mr. Spagnoti stated that he would be happy to set that up and have a site visit by Planning Board members. This matter has been tentatively placed on the August 5 agenda, pending action by the Brunswick ZBA on the special use permit application. Chairman Oster stated that National Grid would need to set up an escrow account for engineering review on the

application, to which Mr. Spagnoti agreed. This matter is tentatively placed on the August 5 agenda.

The second item of new business discussed was a waiver of subdivision application by Paul Ashline for property located at 898 Church Street. Mr. Ashline stated that he and his wife had resided at 898 Church Street for close to 20 years, and had previously divided a piece of their lot off through an approved subdivision for the construction of a home for Mr. Ashline's mother-in-law. That action was previously approved by the Planning Board, and the house was constructed several years ago. Mr. Ashline's lot will be referred to as "Parcel 1", and the lot on which Mr. Ashline's mother-in-law resides will be referred to as "Parcel 2". Mr. Ashline has now sold Parcel 1 to a third party. During the course of that transaction, it was determined that a shed constructed for the benefit of Parcel 1 actually encroaches onto Parcel 2. This application seeks to adjust the lot line to include the shed within Parcel 1. The Planning Board inquired whether the remaining area of Parcel 2 met the size requirements for the zone. Mr. Kreiger confirmed that the zoning district is R-25, and that the resulting size of Parcel 2 will still be approximately 3/4's of an acre, and therefore compliant with the area requirements for the zone. The Planning Board next inquired whether the location of the shed with the adjusted lot line will meet setback requirements. Mr. Kreiger stated that the setback for structures is 15' in the zone, and that the shed will be more than 15' from the adjusted property line. The Planning Board next inquired about location of well and septic, to insure that the well and septic for each respective lot will remain on the lot with appropriate setbacks given the adjusted property line. The applicant discussed the location of the existing wells and septic systems for both Parcels 1 and 2, and confirmed that each respective lot will continue to include the well and septic without impact by the adjusted property line. 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 Tarbox. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the waiver of subdivision subject to the following two conditions:

1. That an additional map be created showing the location of each septic system on each lot with the adjusted property line, showing compliance with all applicable setback requirements for the septic system from the adjusted property line, with such map being filed with the Town Building Department; and
2. The adjusted lot line be shown through a merger deed, confirming that the property divided from lot 2 is merged into the deed for lot 1, with such merger deed being filed with the Town Building Department.

Member Christian seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver application approved subject to the stated conditions.

Two items of old business were discussed.

The first item of old business discussed was the Highland Creek Planned Development District final subdivision plat. Lee Rosen and Robert Marini appeared before the Planning Board for the owner. Mr. Rosen reviewed the prior approvals for the Highland Creek Planned Development District, including Town Board approval of the PDD on May 11, 2006, and the Planning Board's conditional final subdivision plat approval granted on August 2, 2007. Mr. Rosen explained that primarily due to litigation surrounding the Town's approval of Planned Development Districts including Highland Creek, the owner had not had the Highland Creek final plat recorded in the Rensselaer County Clerk's Office within applicable timeframes. Accordingly, Mr. Rosen is requesting that the Planning Board update its final plat approval so that the final plat can be recorded in the Rensselaer County Clerk's Office and meet applicable timeframes for recording that plat after stamp and signature by the Planning Board. Attorney Gilchrist confirmed the procedural history of the Highland Creek plat approvals and the pendency of litigation, which has finally been resolved in New York State Supreme Court and

Appellate Division. Mr. Kestner stated that he had reviewed the Highland Creek final plat currently submitted, and that it is the same plat in all respects as that which was previously reviewed and approved by the Planning Board in 2007. Attorney Gilchrist then reviewed a written Resolution which would provide an updated conditional final subdivision plat approval for the Highland Creek Planned Development District. That Resolution was then offered by Member Wetmiller and seconded by Member Mainello, and unanimously approved.

The second item of old business discussed was the waiver of subdivision application by Jansen for property located at 8 Winfield Lane. This waiver application had been previously approved by the Planning Board on October 1, 2009. However, Jansen had not timely filed the approved subdivision plat in the Office of the Rensselaer County Clerk within applicable timeframes. Accordingly, Jansen has applied to update that approval so that the plat can be recorded in the Rensselaer County Clerk's Office. The Planning Board confirmed that the subdivision plat is the same in all respects as that which was reviewed and approved on October 1, 2009. Thereupon, Member Czorynj made a motion to update the approval of the Jansen waiver of subdivision for property located at 8 Winfield Lane and Bulson Road subject to the same conditions as imposed in the previous approval dated October 1, 2009, namely:

1. Rensselaer County Health Department approval for water and septic; and
2. A driveway permit must be obtained from the Town prior to constructing a driveway onto Bulson Road.

That motion was seconded by Member Christian. The motion was unanimously approved, and the approval for the Jansen waiver of subdivision was updated subject to the stated conditions.

Mr. Kreiger reported that a waiver of subdivision application has been submitted by Berkshire Properties, LLC for property located at the end of Betts Road. The existing parcel is located on both sides of Betts Road, and the application seeks to divide that parcel into two

parcels divided by Betts Road. Berkshire Properties, LLC seeks to acquire title to one of the resulting parcels which is located adjacent to land which Berkshire Properties, LLC currently owns. This matter has been placed on the July 15 agenda for discussion.

The **index** for the July 1, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – 7/15/10;
2. National Grid – site plan – 8/5/10;
3. Ashline – waiver of subdivision – approved subject to conditions;
4. Highland Creek PDD subdivision plat – updated final conditional subdivision plat approval;
5. Jansen – waiver of subdivision – updated final conditional subdivision approval;
6. Berkshire Properties, LLC – waiver of subdivision – 7/15/10.

The **proposed agenda** for the July 15, 2010 meeting currently is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan;
2. Berkshire Properties, LLC – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 15, 2010

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

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

The draft minutes of the July 1, 2010 meeting were reviewed. It was noted that the original minutes were amended to include the Kinne waiver of subdivision application on the agenda for the July 15, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the July 1, 2010 meeting, as amended, were unanimously approved.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278, identified as Brunswick Farms. The Planning Board designated itself SEQRA Lead Agency as there were no objections by Rensselaer County Health Department or the NYSDEC. Furthermore, the NYSDOT did not send in any written response, and the thirty (30) day timeframe in which to do so has expired.

Harold Berger, on behalf of the Applicant, described changes to the proposed septic system for the Planning Board. Originally, subsurface sand filters had been proposed for each lot. However, DEC requires that the effluent be filtered more than one time in order to meet effluent standards, and DEC will not approve recirculation in a buried sand filter. Accordingly,

the applicant is now intending to use an open sand filter, known as an Advantix septic system, that was recommended for use by the DEC. The filters come as prepackaged units (approx. 8' x 16'), are set at grade, and filter approximately 25 gallons per square feet per day. When asked, Mr. Berger thought the separation distance between the units and the proposed buildings would be about 40'. The effluent will then discharge into the ditch.

Chairman Oster inquired whether odor would be a problem. Mr. Berger said no, since the unit is sealed once fully installed. The units also require approximately triple the septic tank capacity as compared to traditional septic systems. There is little maintenance required because the unit is self-cleaning. Consulting Engineer to the Planning Board, Mark Kestner advised that similar units have been installed at Schodack Landing and there is one in the Adirondack Park. Mr. Kestner further advised that the regulatory agencies are very positive about the use of such systems.

Mr. Berger explained that there is a mandatory maintenance agreement that must be entered into, and the units have 24 hour telemetry which will signal any problems with the system. The applicant will consider hooking the units up to a generator.

Mr. Berger will locate the units on the site plan and hopes to have it done in time for the public hearing. The applicant is proposing to install 1 unit on the lot with the gas station and 2 units on the other lot in case a restaurant is developed at that site.

The matter was then scheduled for public hearing on August 5, 2010 at 7:00 p.m. The matter will be first on the agenda following the public hearing.

The second item of business on the agenda was the waiver of subdivision application submitted by Berkshire Properties, LLC for property located at the end of Betts Road. The existing parcel, owned by Baumes, is located on both sides of Betts Road, and the application seeks to divide that parcel into two parcels divided by Betts Road. Berkshire Properties, LLC

seeks to acquire title to one of the resulting parcels which is located adjacent to land which Berkshire Properties, LLC currently owns in order to realign the entrance to the subdivision from Betts Road. Attorney William Doyle was present for the Applicant. Attorney Doyle explained that there will be a realignment of the subdivision lots, but that the number of lots will remain the same. Member Mainello asked whether the sight distance will be sufficient, to which Attorney Doyle responded yes. Member Wetmiller asked whether the newly acquired property will be attached to Berkshire's existing lands, and Attorney Doyle confirmed it would.

After looking at the map, a question was raised regarding the size of the remaining lot, and whether it would be compliant with the A-40 zoning. After discussion, it was agreed that the Baumes lot as it currently exists is undersized, which would be made smaller by the proposed subdivision. Accordingly, Attorney Doyle will go to the ZBA on August 16th for an area variance before the Planning Board will further consider the waiver application.

Attorney Coan then reviewed with the Planning Board that Betts Road is a highway-by-use and that there is disagreement by the Applicant's surveyor, Thew Associates, as to the extent of that highway-by-use in light of NYS Highway Law §189. Attorney Coan reviewed Highway Law §189 with the Planning Board and explained that the extent of the highway easement is determined by the width of the improvement, including those areas that the Town maintains, such as shoulders and ditches. Highway Law §189 gives the Town the right to extend the highway by use to 3 rods wide. Per Mark Kestner, Betts Road, including the areas maintained by the Town, has been surveyed at less than 3 rods wide. The Applicants' surveyor maintains the highway easement should be determined to be 3 rods in width. To resolve the issue, Attorney Doyle has advised the Applicant to take title to all property Baumes owns on the southwesterly side of Betts Road to the centerline thereof. The Town, however, will expressly reserve in the

resulting deed any and all rights to expand or maintain Betts Road as it may have under Highway Law Article 8, including but not limited to Section 189 thereof.

This matter has been tentatively placed on the agenda for August 19, 2010.

The third item of business on the agenda was the Kinne waiver of subdivision application for property located on Tamarac Road (Tax Map No. 83-3-2.12). Mark Danskin was present for the Applicant. Mr. Danskin reviewed for the Board the fact that DEC has delineated the wetland and buffer and determined that the proposed driveway for the new lot is not within the buffer. DEC's Nancy Heaslip has issued a letter to that effect, which the Board reviewed. Mr. Danskin confirmed there are adequate sight distances for the proposed driveway.

In response to a question from Member Tarbox about the potential that the septic system in the location proposed could flood, Mr. Danskin advised there was no other place to locate the septic system other than where proposed. Mr. Danskin described the proposed septic system, its location and proposed construction, including the use of the cobblestone swale. Mr. Danskin advised that the septic system still requires approval by the Rensselaer County Department of Health.

With that, Member Czorynj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved and a negative declaration was adopted.

Member Czornyj then made a motion to approve the waiver application subject to the following conditions:

1. That the septic plan must include the cobblestone swale at the rear lot as shown on the plans; and
2. That the septic system be approved by the Rensselaer County Health Department.

Member Wetmiller seconded the motion with the above-stated conditions, and the waiver application was granted 6/0.

One item of new business was discussed. Mr. Kreiger reported that a waiver of subdivision application had been submitted by Alfred Accorner for property located at 542 McChesney Avenue Extension. The existing parcel is approximately 3.5 acres, and the application seeks to divide 1.6 acres from that property to create a building lot for the Applicant's daughter. There have been no previous subdivisions of that property within the last seven (7) years.

In looking at the proposed site plan, Member Wetmiller questioned whether or not the identified pool was far enough away from the proposed lot line. Mr. Kreiger will confirm that it is. Member Tarbox then asked what zoning district the property was located in. Mr. Kreiger said the property is zoned as R-15. Prior to further discussion of this application by the Planning Board, Mr. Kreiger will determine the placement of the proposed septic system, and will confirm the location of the adjoining property owners' (Sullivan and Back) wells are relative to the proposed septic system. This matter has been placed on the agenda for the August 19, 2010 meeting.

There were three items of old business.

Chairman Oster advised that a site plan presented by National Grid concerning the Sycaway Substation located off Hillcrest Avenue behind the Rite Aid Pharmacy will be placed on the agenda for the August 19, 2010 meeting. He further advised that he and Mark Kestner have walked the site. National Grid is currently before the Zoning Board of Appeals on an application for a special use permit.

As a second matter of old business, Chairman Oster advised that the Planning Board has received materials from the Town Board requesting that the Planning Board make

recommendations concerning the scope of the proposed DEIS on the Oakwood Property Management, LLC Planned Development District (PDD) application. Member Esser wants to review the original and proposed site plan map before making any such recommendation. Attorney Gilchrist will make a request for any and all maps concerning the original approval with any conditions and concerning the proposed PDD site plan.

As a third item of old business Mr. Kreiger advised the Planning Board that Brunswick Harley Davidson is now in compliance with its site plan application, and its septic system has been fully installed and approved.

The index for the July 15, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – public hearing to commence on 8/5/10 at 7:00 p.m.;
2. Berkshire Properties, LLC – waiver of subdivision – 8/19/10 (tentatively);
3. Kinne – waiver of subdivision – approved with conditions;
4. Accorner – waiver of subdivision – 8/19/10;
5. National Grid – site plan – 8/19/10.

The proposed agenda for the August 5, 2010 meeting currently is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – public hearing;
2. Accorner – waiver of subdivision;
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 August 5, 2010

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

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

Chairman Oster reviewed the posted agenda for the meeting.

Chairman Oster noted that with respect to the Reiser Bros. Inc. commercial site plan application (Brunswick Farms), the Town Building Department has determined that the proposed "filling station" component of the commercial site plan will require a special use permit review by the Brunswick Zoning Board of Appeals. Accordingly, Chairman Oster stated that the Planning Board would open the public hearing on the commercial site plan and subdivision application, but adjourn the public hearing and keep it open pending coordination with the Brunswick Zoning Board of Appeals on the special use permit requirement. The notice of public hearing was read into the record, and noted that such notice had been published in the Troy Record, placed on the Town sign board, and placed on the Town website. The notice of public hearing had also been directly mailed to adjoining property owners and residents located in the Langmore Lane neighborhood. Chairman Oster then requested the applicant to present an overview of the project. Henry Reiser of Reiser Bros. Inc. presented an overview of the proposed project. Chairman Oster noted that the property is zoned B-15. Chairman Oster also noted for the

record that the application originally sought approval for additional commercial units along Route 2 in proximity to Langmore Lane, but that the application for approval of these additional commercial units had been withdrawn and may be the subject of a future application by the property owner, and that the current application seeks approval only for two commercial buildings located in proximity to the intersection of Route 2 and Route 278. Chairman Oster then opened the floor for receipt of public comment. Kathy Murray, 69 North Langmore Lane, stated that she was president of the Tamarac Regional Homeowners Association, and provided the following comments: that the project is inconsistent with the Town of Brunswick Comprehensive Plan adopted in 2001, that growth in the Town of Brunswick should not diminish the quality of life in the Town, that land use projects should protect natural resources and blend into the surrounding environment, that commercial growth should be located where there is existing infrastructure requirements, that there should not be significant site preparation to develop any single parcel, that the current proposal raised many questions including location, topography, being located on Route 2 as a "scenic byway", that too much material needed to be removed from the site in order to develop it, that there was question as to who would oversee any material removal, that this was proposed for a very busy intersection that is already strained in terms of traffic, that Route 2 should not be developed for commercial use, that Route 7 should be location for commercial development in the Town as it includes turning lanes and sidewalks, that surrounding property values should be protected, that additional traffic would be generated by this project which raised safety concerns, that the initial material removal raised questions concerning hours of construction and tracking of dirt onto highways, that in construction of the adjacent residential project by Reiser Bros. there were instances where homes shook and pictures fell from walls and walls cracked, that there is concern that material removal would result in similar impact, that there was significant concern regarding surface and subsurface water

transport, that there could potentially be impact to groundwater during excavation, that there was significant concerns regarding the proposed retaining wall, that potential impact to the Quackenkill Creek and Town aquifer should be examined, that a safety issue was raised concerning Tamarac students both walking and biking along Route 2 and Route 278, that there was no need for an additional gas station in Town, that the site was not suitable for development, that there would be no additional job opportunities as a result of this project, that there would be significant impact on surrounding properties, and that this project would detract from surrounding areas. Maureen Cox, 2 Longhill Road, concurred with the comments of Ms. Murray, and stated that water management during excavation was a significant concern, as well as potential surfacewater impact to the Langmore community, that there was concern regarding potential impact to septic systems in the Langmore neighborhood, that the Langmore residents were concerned that there would be significant impact on their properties, that this project would produce additional traffic at the Route 2/Route 278 intersection where there is already a traffic concern, and that commercial development should be directed away from Route 2 which should remain residential in character. Jim Tkachik, 387 Brunswick Road, stated that this project now seemed to be only the two commercial buildings, or "phase 1", and still had questions regarding the possibility of phase 2 construction which would permit additional commercial buildings along Route 2 heading to Langmore Lane, that this project does not comply with the Town Comprehensive Plan in terms of dramatically altering topography for site development, that he did not have a major complaint with phase 1, but when adding the potential phase 2 it would have an overall impact and have the appearance of a large expanse of pavement along Route 2, that the proposed parking lot was twice the width of Route 2 and would end up with a significant area of asphalt, that the project would have the appearance of a 4-6 lane highway along Route 2 which would not fit into the overall character, that his suggestion would be to avoid the strip mall

look along Route 2 and hide the parking behind the buildings, that appearance was a critical factor on this application, that the inclusion of sidewalks should be examined. Gary Goslin, owner of the Brunswick Barbeque and Brew on Route 2, stated that he felt the Route 278/Route 2 corner was already at capacity, that roadway improvements were not being proposed, that this would make an already dangerous intersection more dangerous and scary, and that this project should not add additional traffic to that intersection, with his concern being that if the Route 278/Route 2 corner gets choked off his business would be hurt, and further commented that impact to the historic schoolhouse should be included. Fran Beaudoin, 46 Buck Road, supports the comments of Ms. Murray, stated that 3 gas stations in the general vicinity is overkill, and had significant concerns regarding the retaining wall proposed for the project. Barbara O'Hearn, 28 Tamarac Road, stated that while this property was zoned commercial, you must look at the entire character of the area and master plan to determine what is an appropriate use, that there is no need for another gas station, that there is no need for this kind of commercial development, that no tenant had yet been identified for the second proposed building, that there are already vacancies along Route 2 including Tamarac Plaza and that this project would merely be creating additional vacant commercial space, and that this was not the appropriate type of development for this area. Jim Gardner, 11 Brookview Drive, stated that he has purchased one of the homes in the Brookhill Subdivision, and that he had concerns regarding this project's lighting, noise, odors, grade at the rear of the property, landscaping, and that the Town must protect the quality of adjacent residential properties. Chairman Oster did inquire of Mr. Gardner when he purchased the lot in the Brookhill Subdivision, was he informed about the potential for commercial use along the Route 2/Route 278 intersection. Mr. Gardner stated that he did know it was zoned commercial, but further stated that he did not go out to this location at night prior to the purchase of his home to determine what commercial use/light impact/traffic/noise conditions existed in

this location. Mr. Reiser stated that his prior broker for the Brookhill Subdivision, Coldwell Banker, had been put on notice by him that all perspective purchasers should be made aware of the potential commercial development, but that a number of issues had arisen with Coldwell Banker and they were no longer the broker for his project. Steve Hill, 4108 Route 2, stated that there was already significant traffic congestion at this location, that students do walk along Route 2 from the Route 2 ballfields to Stewarts, that this project could have an impact on the Town aquifer located along Route 2, that the large cut needed for site grading could impact water, and that he was concerned regarding safety for children walking and biking on Route 2 and the potential traffic impact at the Route 2/Route 278 intersection. Maureen Cox had further questions regarding SEQRA procedure, which were addressed by Chairman Oster, Attorney Gilchrist and Mr. Kestner. Chairman Oster then adjourned the public hearing, expressly keeping the public hearing open so that the Planning Board could coordinate with the Brunswick Zoning Board of Appeals on the special use permit requirement. Thereupon, Chairman Oster opened the regular business meeting for the Planning Board.

The draft minutes of the July 15 meeting were reviewed. It was noted that the name "Accornero" had been misspelled, and that all appropriate corrections would be made to the July 15 meeting minutes. It was also noted that both the Accornero and National Grid site plan matters should have been listed for consideration at the August 5, rather than the August 19 meeting. With those two corrections noted, Member Czornyj made a motion to approve the July 15 meeting minutes, which motion was seconded by Member Christian. The motion was unanimously carried, and the July 15 meeting minutes approved with the noted corrections.

The first item of business on the agenda was the site plan and commercial subdivision application by Reisers Bros. Inc. for property located at Route 2 and Route 278. It was again noted for the record that a special use permit application with respect to the "filling station" as

proposed in the application needed to be filed with the Brunswick Zoning Board of Appeals, and that the Planning Board will coordinate with the Brunswick Zoning Board of Appeals on this application. Chairman Oster noted that given the amount of information the Planning Board already has on the application, it would make sense to coordinate with the Brunswick Zoning Board of Appeals and hold a joint public hearing for the free exchange of comments and considerations by both Boards. In light of the special use permit application requirement, this matter has been adjourned at the Planning Board without date.

The next item of business on the agenda was the waiver of subdivision application by Alfred Accornero for property located at 542 McChesney Avenue Extension. Mr. Accornero seeks to divide an existing 3.5 acre parcel into two building lots, one approximately 1.6 acres and one approximately 1.9 acres in size. His proposal is to divide the property and transfer one of the building lots to his daughter and son-in-law for the construction of a home. The location of the existing septic system on the parcel was discussed, and noted on the subdivision map. It was noted that there is adequate sight distance for the construction of an additional driveway for the new building lot. Mr. Kreiger confirmed that all zoning setbacks and other zoning requirements are met with the proposed subdivision. The Planning Board discussed the need for a 16' driveway if the driveway is over 150' in length, and that the scale of the subdivision map showed that the proposed driveway is approximately 175' in length. It was noted that there was adequate area for a 16' wide driveway with 3' shoulders on this parcel. It was also noted that Rensselaer County Department of Health approval would be needed for the proposed water and septic plan. Member Wetmiller also wanted it noted that the new driveway would need to have a 2% back pitch over the first 10' off McChesney Avenue Extension. Mr. Kreiger then noted that the road was a County road, and that a County driveway permit would be required. Chairman Oster asked if there was any further discussion. Hearing none, Member Czornyj then made a motion to adopt

a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve a waiver of subdivision application subject to the following conditions:

1. Rensselaer County Department of Health approval for water and septic;
2. 16' wide driveway will be required if the driveway is in excess of 150' in length;
3. A 2% back pitch needed to be designed over the first 10' of the driveway from the public roadway; and
4. Driveway permit from Rensselaer County Highway Department.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by National Grid concerning the Sycaway Substation located off Hillcrest Avenue behind the Rite Aid Pharmacy. Nick Spagnotti of National Grid appeared on the application, together with additional National Grid representatives. Mr. Spagnotti stated that National Grid sought to upgrade the switchgear and transformer bank at the Sycaway Substation, which would increase reliability and improve the overall site. Mr. Spagnotti noted that he had appeared before the Planning Board at its July 1 meeting to present an overview of the proposed site plan. Mr. Spagnotti also noted that he had met with Mr. Kestner on July 13 concerning the stormwater pollution prevention plan, and that a site tour had occurred on that date as well. Mr. Spagnotti did note for the record that the Brunswick Zoning Board of Appeals issued a special use permit for this project at its July 19 meeting. Mr. Kreiger noted that the Brunswick Zoning Board of Appeals had held a public hearing on the special use permit application, and that there were no public comments received during the public hearing. Chairman Oster inquired whether the submitted site plan map showed

the location of the proposed pads for the new structures. Mr. Kestner stated that he was in possession of separate plans identified as "plot plan" and "foundation plan" which do show the location of the new concrete pads. Copies of these will be filed with the Brunswick Building Department. Chairman Oster also inquired as to the status of an easement from Bryce concerning vegetation removal. Mr. Spagnotti indicated that National Grid continued to work with Mr. Bryce on that, but that the easement was only for the purpose of clearing vegetation and did not require any offsite grading or other work outside of the National Grid property. Mr. Kestner confirmed that all of the proposed grading will be on the National Grid property, and that the Bryce easement concerned only future vegetation removal. Member Czornyj inquired about the location of a private shed off adjoining residential property onto the National Grid property. Mr. Spagnotti noted that the location of the shed did not impact the proposed work on the site plan, but that National Grid continued to work with that adjacent private property owner on the issue of moving the shed or issuing a license to keep the shed in its current location. Mr. Kestner stated that he had reviewed the stormwater pollution prevention plan on this site plan, and that all major issues had been addressed in the SWPPP, subject to only resolution of minor items. Member Mainello inquired as to the height of the new proposed switchgear building, and whether it was higher than the existing structure. Mr. Spagnotti stated that there could be a minor increase, but only 3'-4'. Chairman Oster inquired whether there was any additional lighting proposed on the site plan. Mr. Spagnotti stated that there was no additional lighting proposed in terms of light poles at the site, but that the new switchgear building would have similar lighting to the switchgear building currently on site. Mr. Kestner confirmed that there was no additional lighting proposed for the site. Chairman Oster inquired whether there were any further comments. Hearing none, Member Czornyj made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was

unanimously approved, and a negative declaration adopted. Member Mainello then made a motion to approve the site plan subject to completion of all final comments by Kestner Engineering on the SWPPP and confirmation that the easement from Bryce had been obtained for vegetation removal. That motion was seconded by Member Tarbox. The motion was unanimously approved, and the site plan application by National Grid approved.

Three items of new business were discussed.

The first item of new business discussed was a site plan application by Rensselaer Honda for its new location on Hoosick Road adjacent to the Capital Communications Federal Credit Union building. Rensselaer Honda seeks to add a fueling station to that location. Dan Cleary of Bohlor Engineering appeared for the applicant. Mr. Cleary stated that the Planning Board had approved the site plan for this Rensselaer Honda location in December, 2009. Currently, Rensselaer Honda is proposing to install a 1,000 gallon above-ground fuel tank toward the rear of the property for purposes of fueling automobiles that it sells and services, that the tank would be in a fenced area, that the location of the proposed tank would take up two parking spaces identified on the December 2009 site plan, that the actual tank location would be blocked off by Jersey barrier or other concrete block, that there would be no retail sales of gasoline to the general public, and that the fuel tank would be used strictly to fuel the vehicles sold or serviced by Rensselaer Honda. In terms of requisite parking spaces, Mr. Cleary stated that the December 2009 site plan included 75 parking spaces when 72 are required under the Zoning Code, and that with the addition of the proposed fuel tank there would be 73 parking spaces on the site where 72 are required. Mr. Cleary handed up specifications of the tank and filing location, and noted that John Ray Fuels would be the contractor installing and supplying the fuel. Upon question by Member Wetmiller, Mr. Cleary stated that the proposed fuel tank would have all required containment compliant with New York State Regulations. Chairman Oster raised the issue of

need for a special use permit for a "filling station", and Mr. Kreiger noted that that issue was being reviewed by the Town Attorney and Building Department at this time. Member Wetmiller inquired whether there would be any additional lighting for the fuel tank. Mr. Cleary stated that there were no additional pole lighting being proposed. Mr. Kestner inquired whether there was any specific fire suppression equipment being proposed. Mr. Cleary stated that whatever is required by New York State Regulation would be adhered to by John Ray Fuels in this installation. Member Czornyj and Mr. Kestner stated that it would be appropriate to coordinate with the fire department on this application, and Mr. Kreiger stated that he would forward a copy of the materials to the fire company. This matter has been tentatively placed on the August 19 agenda for further discussion.

The second item of new business discussed was a minor subdivision application submitted by Hart for property located on Langmore Lane. Mr. Hart stated that this minor subdivision had been previously approved after extension review by the Planning Board, but that it took him a significant period of time to obtain Rensselaer County Health Department approval, and that the timeframe for recording the subdivision plat in the Rensselaer County Clerk's Office has expired. This minor subdivision application is in all respects the same project previously reviewed and approved by the Planning Board, and Mr. Hart is requesting that the Planning Board merely update its approval so that the plat can be recorded in the Rensselaer County Clerk's Office. Mr. Hart stated that the Rensselaer County approval has now been stamped on the project plans. Mr. Kreiger confirmed that the new application fee for the minor subdivision had been paid, and an escrow established to pay all outstanding review fees. The Planning Board noted that SEQRA had been previously completed on this project, and that a negative declaration is on file. Member Czornyj then made a motion to update the approval of this minor subdivision so that it can be recorded in the Rensselaer County Clerk's Office, which motion was seconded

by Member Mainello. The motion was unanimously approved, and the Hart minor subdivision updated.

The third item of new business discussed was a waiver of subdivision application submitted by Precision Homes for an existing residential lot located on Riccardi Lane. Precision Homes is seeking to divide 15 Riccardi Lane, a 4.91 acre lot, into two building lots. Mr. Kreiger noted that there are already 12 lots located on this cul-de-sac road, and that Town Board approval would be required for a waiver of this lot restriction. This matter has been placed on the August 19 for formal referral of this matter to the Town Board.

It was noted that a waiver of subdivision application has been submitted to the Planning Board by Oakwood Property Management, LLC for property located on Oakwood Avenue. This matter has been adjourned without date pending further review of the issue of the waiver application with respect to the pending PDD application being reviewed by the Town Board.

The index for the August 5, 2010 meeting is as follows:

1. Reiser Bros. Inc. – subdivision and commercial site plan – adjourned without date;
2. Accornero – waiver of subdivision – approved subject to conditions;
3. National Grid – site plan – approved subject to conditions;
4. Rensselaer Honda – site plan - 8/19/10 (tentative);
5. Hart – minor subdivision – approved;
6. Precision Homes – waiver of subdivision – 8/19/10.

The proposed agenda for the August 19, 2010 meeting currently is as follows:

1. Precision Homes – waiver of subdivision;
2. Rensselaer Honda – site plan (tentative);
3. Berkshire Properties, LLC – waiver of subdivision (tentative).

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 19, 2010

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

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

The draft minutes of the August 5 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the waiver of subdivision application by Precision Homes for property located at 15 Riccardi Lane. The applicant seeks to divide an existing 4.91± acre lot into two building lots. Chairman Oster noted that the proposed subdivision map shows wetlands and a stream located on this lot, and further shows a proposed culvert for the stream crossing for a driveway. Chairman Oster stated that the presence of the wetlands needed to be confirmed, and determined whether the wetlands were under the jurisdiction of the Army Corps of Engineers or the New York State Department of Environmental Conservation (Chairman Oster stated that if these are under the jurisdiction of DEC, then an additional 100' buffer would need to be considered). Mr. Kestner stated that under the original approval for this project in 1997, there was a wetlands delineation done for the project and confirmed by the Army Corps of Engineers. There is correspondence from the Army Corps of Engineers in 1997 stating that it confirmed the wetland delineation, but that such

determination was valid only for a period of five years. Mr. Kestner stated that a wetland delineation update should be required, and coordination with Army Corps of Engineers should be pursued. Further, contact with DEC is appropriate, as the wetland may have increased in size and could be considered part of a DEC wetland. Mr. Kestner also noted that there was a stream on the subject lot coming from McChesney Avenue, and that it appeared to be a part of the watercourse from the existing detention basin designed for the Walmart project. Mr. Kestner noted that DEC does have jurisdiction over the stormwater detention basin. Mr. Kreiger stated that he would contact both DEC and Army Corps of Engineers concerning this matter. Member Czornyj noted that it appeared to him that the wetlands may have expanded in size from the time of the original project review and approval. The Planning Board also noted that this request sought the addition of a 13th lot on a cul-de-sac, and therefore the matter will also need to be referred to the Town Board for waiver of the 12 lot limit on a cul-de-sac road. Chairman Oster did note that the existing building lot is approximately 5 acres, and absent any wetland conditions impacting the ability to build on the lot, the addition of a 13th lot should not be a problem since the lot size would be more than adequate and the existing roadway is more than adequate to handle an additional lot. After further discussion, the Planning Board determined that the application should also be submitted as a minor subdivision, rather than a waiver application, as the applicant is a commercial builder seeking to offer the additional lot for commercial purposes. Further, the Planning Board confirmed that an updated wetland delineation will be required, including coordination with the Army Corps of Engineers and DEC. Also, the Planning Board is requiring topography on the proposed driveway to the proposed additional building lot. This matter has been adjourned without date, and Mr. Kreiger will contact the applicant regarding the additional information required for the application.

The second item of business on the agenda was the site plan application by Rensselaer Honda for the addition of a fueling station to its new location on Hoosick Road, for the purpose of fueling automobiles that it sells and services. Mr. Kestner noted that he had been contacted by Gus Scifo of Brunswick No. 1 Fire Department, indicating that Brunswick No. 1 wanted to be included in the review of this application. This matter has been adjourned without date pending a determination on zoning issues by the Building Department/Code Enforcement office.

The next item of business on the agenda was the waiver of subdivision application by Berkshire Properties, LLC, seeking to divide an existing parcel located at the end of Betts Road. William Doyle, Esq. appeared for the applicant. The Planning Board stated that this matter had previously been referred to the Zoning Board of Appeals on the issue of an area variance, as the subdivision would create a substandard lot on the east side of Betts Road. In turn, upon review of the area variance application, the Brunswick ZBA has referred the matter back to the Planning Board for discussion and recommendation on the issue of the area variance. Attorney Doyle generally reviewed the proposed subdivision with the Planning Board members. The application seeks to divide an existing lot, which includes property both on the east side and the west side of Betts Road. The portion on the west side of Betts Road does not have any existing structures, only the remains of a barn, and the lot owner seeks to transfer title to that portion to Berkshire Properties, LLC. The portion of the lot on the east side of Betts Road has an existing house, and would remain in ownership of the current owner. The zoning district is A-40, requiring 40,000 square feet for a building lot. Attorney Doyle noted that the portion of the lot on the east side of Betts Road with the existing house would be left undersized, at approximately 28,000 square feet, but it is already developed and currently used for residential purposes. Attorney Doyle noted that there was a public hearing at the Zoning Board of Appeals on the area variance application, and that only one comment was submitted from the public. The commenter, Norm

Fivel, 101 Wilrose Lane, had stated to the ZBA that he took no position on the area variance request, but wanted to confirm that the approval of the area variance did not result in a tacit approval of the Berkshire Properties Planned Development District application. Attorney Doyle stated that there were no other public comments received at the public hearing on the area variance application. Mr. Kreiger noted that the ZBA had observed that the application was unique, and that this was not a situation where the proposed subdivision was seeking to create a substandard lot which would then be used for residential construction; rather, this is a situation where the resulting substandard lot already has a house on it and is being used for residential purposes. Attorney Doyle confirmed that the size of the remaining residential lot on the east side of Betts Road was approximately 28,000 square feet. The Planning Board noted that there was a sliver of the remaining lot on the east side of Betts Road that did not appear to be part of the residential lot. Attorney Doyle explained that this sliver adjacent to Betts Road had been transferred to Capital District Properties as part of the Hudson Hills Planned Development District, with the intended purpose of widening Betts Road upon the construction of the Hudson Hills project. Attorney Doyle stated that the 28,000 square foot lot size did not include the sliver of land transferred to Capital District Properties for the Hudson Hills project. The Planning Board also confirmed that there were no setback compliance issues on this matter, as the house already exists on the portion of the lot on the east side of Betts Road. Member Wetmiller stated that the portion of the lot on the west side of Betts Road is vacant, currently not being used, and felt that transfer to Berkshire Properties for use in conjunction with the proposed PDD was actually a better use of the property, and that he also felt that this would not be a change in the character of the area since Betts Road already divided this parcel in half, and that area to the west of Betts Road was vacant and could be presumed not to have been even a part of the lot and house on the east side. Member Wetmiller also stated that the resulting lot on the east side of

Betts Road had already been built upon, and the area to the west of Betts Road was laying idle and simply added to overall lot size, and the division of Betts Road made it appear to be a separate lot to begin with. Member Wetmiller also felt that there would be no impact to the overall aesthetics or character of the area. Chairman Oster noted that the area on the west side of Betts Road would not be maintained as a separate lot, but would be merged into the lands of Berkshire Properties. Member Mainello inquired as to who owns the title to Betts Road which bisects the lot, since the road is a highway-by-use. Attorney Doyle stated that the proposed transfer by the current lot owner to Berkshire Properties would include not only the land on the west side of Betts Road, but also all right, title and interest in the roadbed would be transferred to Berkshire Properties as well. Member Mainello thought this was important, since he did not want to see a situation where the roadbed remained in ownership with the current lot owner, but that the sliver of land already transferred to Capital District Properties bisected the roadbed from the remainder of the lot located on the east side of Betts Road. Member Mainello thought that the transfer of the roadbed together with the area on the west side of the road was appropriate. The Planning Board also discussed whether the area variance would be substantial. On this issue, the Planning Board observed that the area of the lot on which the house sits on the east side of Betts Road already had the appearance of being a separate lot, currently being separated by Betts Road. It was important to the Planning Board that the applicant was not seeking to create a new, substandard building lot, but rather maintain the appearance of a separate lot on the east side of Betts Road. The Planning Board observed that there were a number of residential district lot sizes allowed in the Brunswick Zoning Code, including R-9 (9,000 square foot lot), R-15 (15,000 square foot lot), R-25 (25,000 square foot lot), and A-40 (40,000 square foot lot). The Planning Board felt it significant that the lot size of 28,000 square feet would be greater than the remaining 3 residential lot sizes in the Town, and that a 28,000 square foot lot was not unusual

under the Brunswick Town Code. Attorney Gilchrist reviewed the statutory elements for an area variance, which were then generally discussed by the Planning Board. In particular, the Planning Board observed that one element for an area variance is whether the situation is self-created, but noted that the statute stated that this was an element for consideration but was not determinative. Given the totality of the issues, the Planning Board felt that the issue of self-created hardship should not be determinative, particularly since this lot is already bisected by an existing roadway. The Planning Board directed Attorney Gilchrist to prepare a draft recommendation, and the Planning Board will further review that draft recommendation at its September 2 meeting.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by Lindsay Partnership, seeking to divide an existing lot on Kestner Lane (Tax Map No. 90.16-2-19). Mark Kestner noted that he was one of the partners in Lindsay Partnership, and recused himself from participating in any discussion or deliberation of the application. Mr. Kestner then generally described the proposal, indicating that this lot was obtained by Lindsay Partnership several years ago, and includes property on both sides of Kestner Lane. The application seeks to divide this single parcel, so that the area on each side of Kestner Lane will become a separate building lot. Mr. Kestner noted that the resulting lot sizes would be .83± acres and .54± acres, both well in excess of the 9,000 square foot requirement in the R-9 zoning district. The Planning Board members felt that the application was appropriate as a waiver, since this lot is already divided by Kestner Lane. Member Tarbox noted that there was a metal shed shown on one of these proposed lots. Mr. Kestner stated that this was owned by an adjacent lot owner, and that Lindsay Partnership had simply allowed this owner to keep the shed where it was located rather than immediately requiring him to relocate it. Mr. Kestner noted that if the Planning Board approved the subdivision waiver, that property owner would be notified that the shed would need

to be relocated. The Planning Board members wanted the opportunity to go to the site to review the area, and take a further look at the location. This matter has been placed on the September 2 agenda for further discussion.

The second item of new business discussed was a waiver of subdivision application by Brunswick Associates of Albany, LP concerning the Brunswick West Apartments Planned Development District. Paul Goldman, Esq. appeared for the applicant. Attorney Goldman explained that the applicant was seeking to divide the Brunswick West PDD area into two lots, solely for financing purposes in connection with the construction of the recently-approved amendment to the Brunswick West PDD. Attorney Goldman reviewed the subdivision layout, noting that each proposed parcel will have a minimum of 40 foot frontage directly onto Hoosick Road. Attorney Goldman stated that he would be preparing a declaration of reciprocal easements so that each lot would have public road access and access to all utilities in conjunction with the Brunswick West Apartments. Attorney Goldman stated that nothing would change on the project except for adding a line on a map, and that this would be done for financing purposes only. He indicated he had reviewed this with the assessment office for the Town, and that this would result in the issuance of 2 tax bills, but that this still be considered as one project by Brunswick Associates of Albany, LP. After further discussion, it was determined that the proposed declaration of reciprocal easements should be drafted and submitted to Attorney Gilchrist for review, and that Mr. Kreiger be allowed time to review the subdivision map to determine compliance with all area and setback zoning requirements. The Planning Board determined that this application could continue to be viewed as a waiver application in light of the fact that this subdivision was being requested for purposes of financing only and not creation of any lots or areas for sale. This matter has been placed on the September 2 agenda for further discussion.

Mr. Kreiger advised the Planning Board that the Brunswick Zoning Board of Appeals has referred the appeal of Oakwood Property Management, LLC to the Planning Board for review and preparation of an advisory opinion. Mr. Kreiger explained that Oakwood Property Management, LLC had filed an appeal on the Notice of Violation which he had issued concerning the operation located at 215 Oakwood Avenue, and that under the Brunswick Zoning Code, the Zoning Board of Appeals was referring the matter to the Planning Board for review and advisory opinion. Mr. Kreiger provided a copy of the appeal to each member of the Planning Board. Further, at the request of the Planning Board, Mr. Kreiger provided another copy of the approved site plan (2002) for the operation at 215 Oakwood Avenue to each member of the Board. Further, the Planning Board requested that Mr. Kreiger provide to each member copies of the minutes of the Planning Board review of the site plan application in 2002. The Planning Board determined to place this item on the agenda for the September 2 meeting, to be considered during a workshop session which will commence immediately after the regular business items of the Planning Board are concluded at the September 2 meeting.

The index for the August 19, 2010 meeting is as follows:

1. Precision Homes – minor subdivision – adjourned without date;
2. Rensselaer Honda – site plan – adjourned without date;
3. Berkshire Properties, LLC – waiver of subdivision – 9/2/10;
4. Lindsay Partnership – waiver of subdivision – 9/2/10;
5. Brunswick Associates of Albany, LP – waiver of subdivision – 9/2/10;
6. Oakwood Property Management, LLC – referral from Zoning Board of Appeals on administrative appeal of Notice of Violation – 9/2/10 (workshop).

The proposed agenda for the September 2, 2010 meeting currently is as follows:

1. Berkshire Properties, LLC – waiver of subdivision;

2. Lindsay Partnership – waiver of subdivision;
3. Brunswick Associates of Albany, LP – waiver of subdivision;
4. Workshop session to consider administrative appeal by Oakwood Property Management, LLC from Notice of Violation (referral from Brunswick Zoning Board of Appeals).

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 2, 2010

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

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

Chairman Oster reviewed the agenda for the September 2 meeting, noting that the site plan application of Rensselaer Honda for the addition of a fueling station at its new facility on Hoosick Road is added to the agenda.

The draft minutes of the August 19 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the August 19 minutes were unanimously approved without amendment.

The first item of business on the agenda was the Zoning Board of Appeals referral of the area variance application of Baumes for property located at 44 Betts Road (Tax Map ID No. 91.-2-25.22). William Doyle, Esq. had presented this matter to the Planning Board at its August 19 meeting, at which point the Planning Board had deliberated on the standards for the area variance review by the Zoning Board of Appeals. A draft written recommendation had been prepared and circulated to the Planning Board members based on that deliberation. The Planning Board then reviewed the draft written recommendation. It is noted for the record that Attorney Doyle had received a copy of the draft written recommendation, and had no comment or proposed changes

to that recommendation. After making one typographical correction to the written recommendation, the Planning Board members were in agreement that the draft written recommendation was consistent with their deliberation from the August 19 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the written recommendation was unanimously approved. The Planning Board directed Attorney Gilchrist to transmit the written recommendation to the Brunswick Zoning Board of Appeals. It is noted that Baumes/Berkshire Properties, LLC has a pending waiver of subdivision application for this property before the Brunswick Planning Board. The Planning Board tentatively scheduled consideration of the waiver of subdivision application for its October 7 meeting, pending action by the Brunswick Zoning Board of Appeals on the area variance application.

The next item of business on the agenda was the waiver of subdivision application by Lindsay Partnership for property located on Kestner Lane (Tax Map ID No. 90.16-2-19). Mark Kestner recused himself as review engineer for the Planning Board, and presented the waiver application as a partner of the Lindsay Partnership. Mr. Kestner generally reviewed the application, which seeks to divide the existing lot into two building lots. Mr. Kestner explained that the Lindsay Partnership acquired this parcel in 1976 as a single parcel, with portions of that parcel located on both sides of Kestner Lane. It is adjacent to Mr. Kestner's former engineering office. The applicant seeks to divide this one lot into two building lots, with the division being Kestner Lane, resulting in a building lot located on each side of Kestner Lane. The property is located in a R-9 zoning district, and each resulting building lot will be in excess of the minimum 9,000 square feet. The Planning Board did note that the map showed existing shed building from a third-party adjacent lot onto one of the proposed lots. Mr. Kestner stated that Lindsay Partnership had allowed the third-party adjacent owner to have his shed in that location, but that Lindsay Partnership could require that the shed be located so that it is off the Lindsay Partnership

property. Mr. Kestner noted that this property is already serviced by public water and public sewer. Chairman Oster inquired whether there were any further comments for discussion. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the waiver application approved.

The next item of business on the agenda was the waiver of subdivision application by Brunswick Associates of Albany, LP to divide the area of the Brunswick West Apartments PDD into two lots for financing purposes. This matter was addressed at the August 19 meeting, with two items requiring further investigation. First, Attorney Gilchrist noted that the applicant, through Attorney Paul Goldman, had forwarded a proposed Declaration of Reciprocal Easement for review. Attorney Gilchrist reported that he had reviewed the Declaration of Reciprocal Easement, had made certain comments on that document which were incorporated by the applicant, and that the Declaration of Reciprocal Easement was acceptable. Second, Mr. Kreiger looked into compliance with all building setback requirements with respect to the proposed subdivision line. Mr. Kreiger reported that all applicable setback requirements are met. Chairman Oster inquired whether there were any further issues for 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 unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver application subject to the condition that a copy of the Declaration of Reciprocal Easement as recorded in the Rensselaer County Clerk's Office be filed with the Brunswick Building

Department. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was the site plan application by Rensselaer Honda for the addition of a fueling station at its new location on Hoosick Road. Dan Cleary, PE appeared for the applicant. Mr. Kreiger noted for the record that upon review, his office has determined that a special permit will not be required on this application since no retail sales of gasoline to the general public are proposed. Chairman Oster inquired whether this would be the interpretation for all future applications. Mr. Kreiger reported that each application will need to be reviewed on its own facts, but that a significant factor in determining whether a proposal constitutes a "fueling station" requiring a special use permit will be whether the applicant is seeking to offer gasoline or petroleum products for retail sale to the general public, or whether the gasoline or petroleum storage is used exclusively for the applicant's own purposes and not made available for sale to the general public. Chairman Oster then noted that Rensselaer Honda had previously requested approval for a fueling station at its original location on Hoosick Road, and that in connection with the review of that proposal, the Planning Board had discussed requiring fire suppression, a concrete pad for the fueling area, as well as contained drainage, including an oil/water separator. Mr. Cleary stated that he had addressed the issue of fire protection with John Ray Fuels, who will be providing the fuel tank to Rensselaer Honda, and had also reviewed the applicable New York State Fire Code Provisions. It is Mr. Cleary's understanding that given the proposed tank size (1,000 gallons), there are no applicable requirements under the New York State Fire Code itself requiring fire suppression, and that local jurisdictional requirements would apply. Mr. Cleary did note that the New York State Fire Code requirements of setbacks from any building or structure, rights-of-way, and property lines are met under the current proposal, and therefore the application would otherwise be compliant

under the New York State Fire Code. Mr. Kestner noted that in connection with the prior application by Rensselaer Honda for the fueling station at its original location, Chazen Engineering had prepared the application and requested an opinion from the New York State Division of Codes regarding the need for fire suppression under the State Fire Code. Mr. Kestner noted that the New York State Division of Codes had rendered an opinion that fire suppression was required even in the instance where the capacity of the tank was 1,000 gallons. Mr. Kestner also noted that the City of Troy maintains a petroleum tank in Frear Park which appears to be 1,000 gallons in capacity, and that it does have fire suppression equipment, and handed out a picture of that tank to the board members and Mr. Cleary. Mr. Cleary stated that whatever the local jurisdiction may require will be followed, and that if the Planning Board is requiring fire suppression, then fire suppression could be installed. Mr. Cleary did note that fire suppression would add expense, and that if not required under State Fire Code or local jurisdictional requirements, the applicant's preference would be to avoid installation of the fire suppression equipment. However, if the Planning Board requires fire suppression equipment, such will be installed. Both Mr. Kestner and the Planning Board stated that it was appropriate to get comment from the Brunswick No. 1 Fire Department on this issue, and that the Planning Board will defer to the Brunswick No. 1 Fire Department on this issue. Member Mainello stated that he still felt that the installation of a concrete pad for the area where the cars will be fueled should be required. Chairman Oster noted that the Planning Board's concern regarding the fueling station at the original Rensselaer Honda location stemmed from the fact that that location is in close proximity to a stream and wetlands, and that those conditions were not present here. Chairman Oster also noted that he was not aware of any other fueling locations where a drain system with an oil/water separator was required. Member Mainello concurred, but still felt that a concrete pad would be appropriate since incidental spills are more likely to degrade blacktop and have the

potential to enter subsurface soil, whereas incidental spills onto concrete would generally be more contained and subject to evaporation before entering subsurface soil. The Planning Board members concurred with this opinion. Mr. Cleary stated that he would add a location for a concrete pad for vehicle fueling purposes to the site plan. Member Tarbox noted that the proposed tank location is situated between parking spaces, but felt that adjacent parking spaces should be removed so that there was more access to the tank and cars would not be parking in close proximity to the fuel storage tank. Mr. Cleary noted that under the Town's parking requirements, a total of 72 parking spaces are required for this application, and with the addition of the fuel tank, 73 parking spaces are provided. The Planning Board felt that the Brunswick No. 1 Fire Department should address this issue as well. Mr. Cleary noted that the fuel tank would be subject to periodic inspection by an independent company. The Planning Board will coordinate with the Brunswick No. 1 Fire Department for comments on this application, and this matter has been placed on the September 16 agenda for further discussion.

One item of new business was discussed.

A site plan application has been submitted by Edward Engel for the installation of a farm stand at the Engel Farm (former Welch Farm) on Route 2, 445 Brunswick Road, Tax Map No. 102-2-10. Edward Engel presented an overview of the application to the Planning Board, noting that he was looking to have the farm stand installed so that he could both plant and sell produce in the 2011 season. Mr. Engel did note that he had plans in the future to install a barn and trailer for his agricultural workers. Member Tarbox and Mr. Kreiger confirmed that the installation of the barn and trailer for agricultural workers did not require site plan approval and are allowed as agricultural uses. Mr. Kreiger did confirm that the proposed farm stand was compliant with applicable zoning. Mr. Engel stated that he has already obtained a driveway permit from NYSDOT for the driveway leading to his home that is currently being constructed on the

property, and the proposal is to use that same curbcut to access the farm stand. The proposed farm stand is approximately 48' x 64' with awnings and a rear loading area. Parking will be in front of the proposed building, with area for 20 parking spaces. The parking lot will be gravel, and the Planning Board noted that a handicapped parking space will need to be identified through signage. Mr. Engel stated that the farm stand will be seasonal only, not year round. Mr. Engel stated that there will be a bathroom facility and a separate septic system for the farm stand. The Planning Board required that the proposed location for the septic be added to the site plan. In terms of water supply, the proposal is to use water from the well drilled in connection with the home, since it had significant yield during its pump test. Member Wetmiller noted that a loading area was proposed for the farm stand, and said that the driveway leading to this rear loading area should also be noted on the site plan. The Planning Board noted that a public hearing on a site plan is discretionary, but has determined that a public hearing should be held given its location on Route 2. It is also noted that this application does need to be referred to the Rensselaer County Department of Economic Development and Planning for review and recommendation. The Building Department will request a full written narrative regarding all proposed activities to be conducted in the farm stand. This matter has been set down for public hearing to be conducted at the September 16 meeting at 7:00 p.m., to be followed discussion during the regular business meeting.

Mr. Kreiger informed the Planning Board that the subdivision application by Precision Homes for property located on Riccardi Lane has been withdrawn.

The Planning Board commenced discussion on the Zoning Board of Appeals referral of the Appeal by Oakwood Property Management, LLC from a Notice of Violation concerning operations at 215 Oakwood Avenue. The Planning Board members requested additional information, including all prior Planning Board minutes at which operations at this Oakwood

Avenue site were discussed, and also all applicable site plans and maps of current operations. This information will be distributed to the Planning Board members for review, and this matter has been placed on the September 16 agenda for further discussion at a workshop session.

The **index** for the September 2, 2010 meeting is as follows:

1. Baumes area variance referral from Brunswick Zoning Board of Appeals – recommendation adopted;
2. Lindsay Partnership – waiver of subdivision - approved;
3. Brunswick Associates of Albany, LP – waiver of subdivision – approved with condition;
4. Rensselaer Honda – site plan – 9/16/10;
5. Edward Engel – site plan – 9/16/10 (public hearing to commence at 7:00 p.m.);
6. Brunswick Zoning Board of Appeals referral of Oakwood Property Management, LLC Appeal from Notice of Violation – 9/16/10 – workshop session.

The **proposed agenda** for the September 16, 2010 meeting currently is as follows:

1. Edward Engel (Engel Farm) – site plan (public hearing to commence at 7:00 p.m.);
2. Rensselaer Honda – site plan;
3. Duncan Meadows Planned Development District – site plan;
4. Oakwood Property Management, LLC Appeal – referral from Zoning Board of Appeals.

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 16, 2010

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

ABSENT was VINCE WETMILLER.

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

Chairman Oster noted for the record that discussion of the referral from the Brunswick Zoning Board of Appeals on the Oakwood Property Management appeal would be adjourned, noting that the Brunswick Town Board will be holding a special meeting prior to the end of September to discuss matters pertaining to the Oakwood Property Management facility.

The Planning Board opened a public hearing with respect to the site plan application by Edward Engel (Engel Farm) for the installation of a farm stand with associated parking located at Route 2, 445 Brunswick Road. The Notice of Public Hearing was read into the record, with such notice having been published in the Troy Record, placed on the Town website, placed on the Town sign board, and mailed to all adjacent property owners. Chairman Oster requested the applicant to make a brief presentation of the proposal. Edward Engel stated that his family had been in farming for 6 generations at its old location in Colonie, and that it was now seeking to move to Brunswick. He intends to start crop production at this Route 2 site, and is now seeking to construct a farm stand to sell produce and other goods. The proposed farm stand is 48' x 64'. According to the narrative submitted with the application, the proposed farm stand will serve as a

retail location for produce grown on the farm, as well as a variety of fresh fruits and vegetables, and pumpkins, winter squash, and like produce. The farm stand will also be used for retail sale of local milk, eggs and cheese products, and also meat products from Oscars Smokehouse in Warrensburg, New York. The farm stand will also offer for retail sale pies, scones, cookies, brownies, biscuits, and cider donuts made on premises. The Engels also seek to install greenhouses, which will grow transplants from the crop fields, as well as vegetable plants for spring sale, bedding plants and hanging baskets in the spring, as well as mums in the fall. Christmas trees and wreaths may also be offered for sale during the holiday season. Mr. Engel mentioned the sight distances had been measured for access onto Route 2, and that NYSDOT had already issued a driveway permit, a copy of which he provided to the Planning Board. Chairman Oster then opened the hearing for receipt of public comment. Maureen Evers, 379 Brunswick Road, stated that the current lot was zoned A-40, and that a farm stand should be allowable, but felt that this proposed farm stand was too large, and questioned about necessary setbacks. Ms. Evers also stated that the number of items being offered for sale raises the question of whether the farm stand is commercial or agricultural, and whether a zone change would be required. Ms. Evers also raised concerns about traffic, both in terms of volume of cars as well as trucks delivering supplies. Ms. Evers questioned whether the speed limit on this section of Route 2 could be reduced. Ms. Evers concluded that she had no objection in principle to a farm stand at this location, but was concerned that the farm stand was too large and would result in impact on neighbors. Ms. Evers handed up a written comment letter to the Planning Board, which was also signed by Richard Beach. Ken Herrington, 88 Herrington Lane, commented that he was happy to see this piece of property stay in agriculture, stated that if a large barn and other agricultural buildings could be built on the land then he sees no problem with the size of the farm stand and considers it a reasonable compromise for the property, feels that this use would be

good for the neighbors, considers all uses associated with the farm stand to be agricultural oriented, stated that farmers need to start to diversify in order to stay in business, that this use will keep the area rural in character, and as Chairman of the Agricultural Committee of the Rensselaer County Legislature feels that this use is good for the town and the county. Jim Carlisle, 619 Pinewoods Avenue, asked whether there were any future plans for adding other uses to the property, and was also concerned that increased traffic would result in the need for a stop sign or traffic lights at the entrance way. Philip Herrington, Tamarac Road, provided comments both as a resident and business owner in the town as well as Supervisor of the town, stated that the former Welch Farm was prime property and was threatened by residential development, that he had put in effort as Supervisor to keep this location in agricultural and rural character, that he has been trying to maintain commercial uses in town along Route 7 and Route 2 near the intersection with Route 278, that he had worked with the Welch family in trying to keep this property in agriculture even though it was on the market for sale, that he has been pleased to welcome the Engel family to Brunswick, that the Engels had already built their home on the land, that the additional revenue stream from a farm stand would be supportive of that agricultural use, that certainly a majority of the products offered for sale at the farm stand would be grown on the property, that increased car traffic should not be that much of an issue but attention should be made to trucks entering and leaving the site, and concluded that this was one piece of land that the town was concerned about going into a non-agricultural use and is happy that the Engel family will keep it in agriculture. Hearing no further comments, Chairman Oster then closed the public hearing.

The Planning Board then reviewed the draft minutes of the September 2 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the September 2 minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Edward Engel (Engel Farm) for the installation of a farm stand with associated parking at 445 Brunswick Road. Chairman Oster read the full narrative for the site plan application into the record. Chairman Oster stated that the Planning Board wanted to determine all of the proposed uses for the farm stand, and that any action on the site plan would be limited to those activities, and that if there were any additional activities in the future that the applicant would need to come back to the Planning Board with an amended site plan that would be subject to further review. Chairman Oster stated that he had a concern that if baked goods were being offered at the farm stand, that this might eventually lead to a coffee bar or dining area with tables. Mr. Engel stated that he had no intention of having any sit-down dining area. Mr. Engel stated that the size of the farm stand is similar to what he had operated in Colonie, and that he had no room to offer any sit-down dining at all. Member Czornyj raised the question as to whether the bakery use and sale of baked goods was an agricultural use. This is a determination for the Code Enforcement Officer, who has determined that these uses are consistent with the agricultural zone. The Planning Board did discuss sight distances for the access road onto Route 2, noting that the current sign offering the Welch property for sale did limit the sight distance to a degree, but Mr. Kestner stated that upon his initial review, the sight distances should meet the standards for 55 MPH when the sign is removed, subject to his further detailed review. Chairman Oster reviewed items which needed to be added to the site plan, which were then listed by Mr. Kestner as follows: the parking lot should be sized per the Town Regulations for the proposed activities, and shown on the site plan; the septic location should be designed and shown on the site plan; and all stormwater facilities should likewise be shown on the site plan. Also, the NYS DOT curbcut permit will need to be reviewed for purposes of this proposed farm stand use. Chairman Oster asked whether the driveway that has been installed for the home on the property will be wide enough for use in

connection with the farm stand. Mr. Kestner will investigate that issue. Chairman Oster then asked about the anticipated truck traffic, and the truck loading area on the site plan. Mr. Engel stated that he generally utilizes a 16' box truck, and that any larger trucks delivering materials to the site would be very infrequent, and possibly only 5 deliveries per year. Member Czornyj asked about the anticipated business hours for the farm stand. Mr. Engel stated the farm stand would be open from 9:00 a.m. to 6:00 p.m. Monday – Saturday, and 9:00 a.m. to 4:00 p.m. on Sundays. Member Tarbox stated that Mr. Engel should also provide information on the months that the farm stands would be open, noting that there is little or no activity between January and April. Member Tarbox did note that income from a farm stand use needs to be made between May and December in order to be viable. Chairman Oster asked about selling Christmas trees and wreaths at this site. Mr. Engel stated that he was intending on selling Christmas trees and wreaths for additional income, and that would be limited to the holiday season. Member Mainello raised the issue of requiring an asphalt apron for a certain distance off Route 2 onto the gravel driveway. The Planning Board generally concurred, and Mr. Kestner will review the NYSDOT Permit for any asphalt apron requirements. Member Czornyj asked about lighting at the site, particularly for late afternoon and evening hours during the fall and early winter. Mr. Engel stated that there will no pole lights installed, and there would only be fluorescent lights under the awning of the farm stand. Mr. Engel did say he might have temporary lights for Christmas tree sales, but they would not be permanent. Mr. Kestner stated that the information on the proposed lighting should be added to the site plan. Chairman Oster then inquired about the meat sales and delivery of meat products from Oscars Smokehouse in Warrensburg. Mr. Engel stated that he did offer the meat products at his Colonie store, and that all deliveries were made in a 10' refrigerated truck. Mr. Engel stated that the future meat deliveries maybe by UPS on a weekly basis. Chairman Oster asked if this farm stand use would be the same as that which the

Engel family operated in Colonie. Mr. Engel said that it would be the same. Chairman Oster directed Mr. Engel to make the additions to the site plan requested, add the hours of operation and months of operation to the project narrative, and be prepared to respond to the comments raised at the public hearing. Chairman Oster inquired whether a response had been received from Rensselaer County Department of Planning. Mr. Kreiger reports that no response had yet been received, but that the 30 day period for such a response will expire before the October 7 meeting. This matter has been placed on the October 7 agenda for further discussion.

The next item of business on the agenda was the site plan application by Rensselaer Honda for the addition of a fueling station on Hoosick Road. Dan Cleary of Bohler Engineering was present for the applicant. Mr. Cleary stated that he had submitted a revised site plan, showing the addition of a concrete pad in front of the fueling area as well addressing fire department comments. Gus Scifo of the Brunswick No. 1 Fire Department was present at the meeting. Member Czornyj stated that fire suppression should be added to the petroleum tank area, and Mr. Cleary stated that fire suppression is included. The comments of the Brunswick No. 1 Fire Department were reviewed, including the suggestions that no daytime refilling of the storage tank be allowed, and that all refilling of the tank be done in the early morning or late evening; that a key for securing the fuel tank be placed in a Knox box; and that all fire code requirements of Chapter 22 of the New York State Fire Code be complied with. Mr. Kestner also stated that the concrete containment area around the fuel tank should be periodically pumped out or have a drain valve installed since there was no canopy proposed which would shed rain water. Mr. Cleary stated that either a drain valve would be installed, or a schedule for periodic pumping of the containment area would be included. Member Mainello commented on the concrete block barrier in front of the tanks, or whether ballards should be used. Mr. Cleary explained that the concrete containment area around the tank was separate and apart from the additional concrete

barriers used for further protection. The Planning Board was satisfied with the additional concrete block barriers. Chairman Oster asked whether there were any further comments regarding this application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Strict compliance with all requirements set forth on the site plan.
2. Compliance with comments from the Brunswick No. 1 Fire Department.
3. Compliance with Chapter 22 of the New York State Fire Code.

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

The next item of business on the agenda was the site plan application by ECM Land Development, LLC in connection with the Duncan Meadows Planned Development District. Francis Bossolini, PE and Mike Pigliavento were present for the applicant. Mr. Bossolini reviewed the procedural history of the PDD application, which was approved by the Town Board. Mr. Bossolini presented an overview of the project and site layout. This project includes 50 senior apartments, 88 condominium style units, and 78 townhome style units. Mr. Bossolini explained that all of the condominium style units and townhome style units will be within condominium ownership, and that the condominium association would own all of the common areas on the site, all internal roads and parking areas, and all stormwater facilities. Mr. Bossolini generally reviewed the public water and public sewer design for the project. Mr. Bossolini also generally reviewed the proposed stormwater plan for the project. Mr. Bossolini stated that he had been in initial discussion with the Brunswick No. 1 Fire Department on the layout of the project, and would send a set of the current plans to the fire department for review. Mr. Bossolini also generally reviewed the recreational field component of the project, that grading work would start

on this recreational area shortly, and that the project called for the recreational field and associated parking and concession area to be transferred to the town. Mr. Bossolini also reviewed the pedestrian connection along McChesney Avenue Extension and McChesney Avenue. Member Czornyj commented that the pedestrian connection did not go all the way to the end of the applicant's property along McChesney Avenue Extension. Mr. Kestner stated that the extension of the pedestrian connection would be part of a long range planning effort by the town, also in connection with the Sugar Hill Apartments and Highland Creek PDD project. Mr. Bossolini did state that the area north of McChesney Avenue Extension was not included within the PDD site, and a subdivision application to subdivide that acreage off the balance of this site would be submitted. Mr. Bossolini also said that a subdivision application would be submitted in connection with the area of the recreation field. Mr. Bossolini and Mr. Pigliavento then generally reviewed building elevations, both for the condominium style units as well as the townhouse style units. The Planning Board generally discussed the building elevations, most particularly the 8-unit condominium style buildings, and made several suggestions for improvements to the exterior of the buildings. Mr. Bossolini stated that they have not yet prepared any plans for the senior apartments, and may propose that the senior apartment phase of this project be reviewed after the condominium phase. This matter has been placed on the October 7 agenda for further discussion.

One item of new business was discussed.

An application will be submitted by Charles Farrell, Farrell Homes for a proposed 22-lot subdivision on property at the intersection of Town Office Road and McChesney Avenue Extension. Brian Holbritter presented a concept plan to the Planning Board for initial discussion. The proposed lots range in size from 1.5 acres up to 4.8 acres. A new subdivision road is being proposed, with all lots accessing off the new subdivision road except one lot, which will have

access directly off Town Office Road. The new subdivision street will be approximately 2,200' in length. Army Corps of Engineers wetlands have been delineated, and generally shown on the concept plan. Private water and private septic is being proposed. The applicant will submit a major subdivision application. This matter has been adjourned without date, pending submittal of the major subdivision application and fees.

Chairman Oster informed the Board that he had been contacted by Sharon Lawrence of the Averill Park Central School District, inviting a representative of the Brunswick Planning Board to participate in a long range planning task force to review school facilities for the Averill Park District. Chairman Oster noted that representatives from the Poestenkill Planning Board and the Sand Lake Planning Board had also been invited. The long range planning task force is described as a 19 person task force, which will work for approximately 6-8 months reviewing school facilities within the Averill Park District. Participation was strictly on a volunteer basis. Chairman Oster did note that he had discussed this with the Chair of the Poestenkill Planning Board, and that the Poestenkill Planning Board was not intent on having anyone participate, rather would provide information on current and anticipated projects in Poestenkill which could have an impact on school facilities. Upon discussion, the Brunswick Planning Board determined to take the same course, and inform the Averill Park District that it would not be participating as a member of the task force, but would provide any requested information concerning current and anticipated projects in Brunswick which could impact the Averill Park Central School District. Chairman Oster will send correspondence to Ms. Lawrence to that effect.

The index for the September 16, 2010 meeting is as follows:

1. Engel Farm – site plan – 10/7/10;
2. Rensselaer Honda – site plan – approved subject to conditions;
3. Duncan Meadows Planned Development District – site plan – 10/7/10;

4. Oakwood Property Management, LLC – referral from Zoning Board of Appeals – adjourned;
5. Farrell Homes – major subdivision – adjourned without date.

The **proposed agenda** for the October 7, 2010 meeting currently is as follows:

1. Engel Farm – site plan;
2. Duncan Meadows Planned Development District – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 7, 2010

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board reviewed the draft minutes of the September 16, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Engel Farm to install a farm stand with associated parking located at Route 2, 445 Brunswick Road. Chairman Oster noted for the record that the public hearing had been held at the September 16 meeting, and certain comments had been raised concerning the application. Chairman Oster noted that the applicant had submitted a revised project narrative to address the public comments. Edward Engel of Engel Farm reviewed the revised narrative and response to public comments. Concerning hours of operation of the farm stand, Mr. Engel noted that the hours are Monday through Saturday 9:00 to 6:00 p.m., and Sunday 9:00 to 4:00 p.m. The projected months of operation for the farm stand will be April through December. Chairman Oster wanted it noted for the record that these hours of operation apply only to the farm stand, and not the agricultural activities on the property. Member Czornyj noted that the site plan map still refers to the

property as "Lands of Welch", and that this must be amended to show the current owner as Engel. Chairman Oster noted that Mr. Engel had submitted a letter from NYSDOT, allowing the driveway to be widened to 24', which will provide better access for the farm stand use. Chairman Oster wanted to confirm that there were no zoning issues on this application. Mr. Kreiger stated that all proposed uses associated with the farm stand are consistent with the agricultural zoning district. Chairman Oster also noted that the sight distances are not listed on the current revised site plan, but that they had been listed on the previous version of the site plan, and that the sight distances do need to be added to the final site plan. Chairman Oster also noted that the parking lot area had been noted on the prior version of the site plan, and must be added to the final site plan. Member Czornyj stated that he approves of the traffic pattern for cars and trucks as shown on the revised site plan. Member Czornyj asked whether an asphalt apron off of Route 2 onto the access driveway should be shown on the site plan. Mr. Kestner noted that this was a requirement under the NYSDOT Permit. Nonetheless, a note will be added to the final site plan stating that an asphalt apron is required pursuant to the NYSDOT Permit. Chairman Oster noted that public comments concerning lighting had been addressed, and that all light fixtures for this project will include down lighting to prevent light spillage. Chairman Oster confirmed with Mr. Kreiger that a response to the General Municipal Law referral to Rensselaer County Planning had been received, and that the County Planning Department indicated that the project did not conflict with County plans and that local consideration shall prevail. The Board noted that the septic location had been placed on the site plan map, and confirmed that one well will service both the home and the farm stand. Member Wetmiller had a question regarding the septic location. Mr. Engel's engineer explained that the septic location was a result of a knoll on the property, and that given the site grades, the design is for a gravity system without the need for any pumping.

Chairman Oster noted for the record that the comment letter of Evers had been addressed and responses included in the revised narrative submitted by Engel. Chairman Oster inquired whether there were any further comments or questions by the Board. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the site plan subject to the following conditions:

1. Modification to the final site plan map to include "Lands of Engel" as the current owner of the parcel, addition of the parking area to the site plan map, addition of the sight distances from the access driveway onto Route 2, and a note added indicating that an asphalt apron is a requirement pursuant to the NYSDOT Permit.
2. Rensselaer County Health Department approval for water and septic.

Member Czornyj seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan approved subject to the stated conditions.

The second item of business on the agenda was the Duncan Meadows PDD site plan. Francis Bossolini, PE appeared for the applicant. Mr. Bossolini stated that he wanted to continue the discussion with the Planning Board concerning the site layout and architectural concepts, and stated that a revision to the 8-unit townhouse buildings had been made to address Planning Board comments and presented a new proposal to include two 4-unit buildings instead of one 8-unit building. The Planning Board generally regarded this as an improvement to the overall design of the project, and an improvement to the aesthetic appearance of these buildings. Mr. Bossolini stated that he had submitted a full Stormwater Pollution Prevention Plan to Mr. Kestner for review, which include various stormwater techniques to address stormwater compliance. Mr. Bossolini stated that he had received a letter dated October 4, 2010 from the Brunswick Fire

Company No. 1, and that he will be reviewing that comment letter and address the same on the site plan. Also, Mr. Bossolini stated that his office still needed to respond to technical comments of Kestner Engineering. Mr. Bossolini stated that he would set up a meeting with the Brunswick No. 1 Fire Department and Mr. Kestner to review these comments. Gus Scifo of the Brunswick No. 1 Fire Department was present and reviewed the comments in the Department's October 4 letter. The issue of a helicopter pad was raised, focusing on Comment No. 2 of the Fire Company's October 4 comment letter recommending that a 50' x 50' square paved helicopter pad be included within the parking area of the football field. The Planning Board had several comments and concerns on this recommendation, including maintenance of the paved area in the winter, the size of a helicopter pad, the fact that the Town would own the property and who would be responsible for future maintenance and potential liability issues, the size of the paved area in terms of kicking up gravel while helicopters are landing and taking off, and whether a helicopter pad at this location should be included. Mr. Scifo did indicate that these are simply recommendations of the Fire Department, and would be subject to further discussion and review. The location of fire hydrants were discussed, including the need to include bump-out for hydrant locations due to the fact that the internal roads for the project are 20' wide, with 2' paved wing gutters. Member Czornyj inquired about the senior housing apartment location and whether sidewalks would be included to the senior apartments. Mr. Bossolini stated that the current site plan application did not include the senior apartments, although the senior apartments were included in the PDD, and that an application for the senior apartment construction would be submitted in the future. There was discussion concerning the use of crosswalks on McChesney Avenue Extension, and the need to paint the crosswalks both on McChesney Avenue Extension and any walking areas on the internal project road system. Member Tarbox questioned the sight

distances regarding the entrances on McChesney Avenue Extension. Mr. Bossolini stated that the sight distances had been measured and were compliant with applicable standards and approved as part of the PDD approval. Member Tarbox also stated that it appeared the condominium buildings were very dense in the area behind the proposed football field with the access directly off of McChesney Avenue. Mr. Bossolini stated that the buildings have a minimum 60' separation, and the density was designed to keep maximum open greenspace. Mr. Kreiger stated that he would check compliance with applicable setback requirements for these buildings. Member Esser stated that he felt the interior roads on the project should be wide enough for bikers/walkers. Member Czornyj noted that there were no internal sidewalks to the project. Mr. Bossolini stated that there were no sidewalks proposed for the interior road system, but that the traffic for this project on the interior road systems is anticipated to be very light and that walkers would be able to walk on the shoulder of the road. On that issue, the Board discussed whether the interior roads should be wider than 20' with 2' wing gutters. A recommendation was made that the wing gutter on one side of the road could be widened to 4', and painted as a pedestrian walk area. Member Tarbox asked whether any on-street parking was included. Mr. Bossolini stated that there was limited on-street parking included for guests, but that the project had been designed for two parking spaces per unit, not including the space in front of the garage doors for each unit. The issue of requisite parking for both residents and guests will be further discussed by the Board. The Board inquired about the single Duncan lot on the corner of McChesney Avenue and McChesney Avenue Extension. Mr. Bossolini confirmed that that area was not included in the sale to his client, and was not part of the PDD project. Member Czornyj asked whether the project owner would be deeding land to Rensselaer County for the McChesney Avenue Extension widening for the walkway. Mr. Bossolini stated that no property would be

deeded to the County as work in widening the road for pedestrian access will be performed within the existing right-of-way. This matter has been placed on the November 4 agenda for further discussion.

One item of old business was discussed.

The waiver of subdivision application submitted by Berkshire Properties, LLC for property owned by Ian Baumes located at 44 Betts Road was discussed. William Doyle, Esq. appeared for the applicant. Attorney Doyle confirmed that an area variance had been granted by the Brunswick Zoning Board of Appeals concerning the resulting substandard lot. It is noted for the record that the Planning Board had provided the Zoning Board of Appeals with a positive recommendation on the issuance of such area variance. Attorney Doyle reviewed the status of the application, and that the matter was now fully submitted for consideration by the Planning Board for waiver of subdivision. Member Wetmiller wanted to confirm that the property to be transferred by Baumes to Berkshire Properties, LLC would be merged into the remaining lands of Berkshire Properties, LLC. Attorney Doyle confirmed that such merger would occur, and that this property would become part of the proposed Berkshire Properties Planned Development District application. 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 Wetmiller. The motion was unanimously approved, and a negative declaration was adopted. Thereupon, Member Czornyj made a motion to approve the waiver subdivision application subject to the condition that the property to be transferred to Berkshire Properties, LLC be merged into the remaining lands of Berkshire Properties, LLC. Member Esser seconded the motion subject to the stated condition. The motion

was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

Four items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Fred Fowler for property located at 14 South Lake Drive. Attorney Doyle generally reviewed the proposal, which is in the nature of a lot line adjustment. This matter will be placed on the October 21 agenda for further discussion.

The second item of new business discussed was a proposal by R. MacCrone for property located at 71 Dearstyne Road. It was noted that Mr. MacCrone had obtained a waiver of subdivision for this property several months ago. Mr. MacCrone is now reporting that he is looking to revise that project, with the goal of maintaining a small portion of land to build a smaller house for he and his wife, and be able to sell the remainder of the property. Mr. MacCrone generally discussed his proposal, noting that a formal application had not yet been submitted. There was discussion as to whether the project would constitute a waiver of subdivision or minor subdivision, and whether there would be 3 resulting lots. Mr. MacCrone indicated that he would coordinate with Mr. Kreiger on the appropriate submittal, and a proper application and fee would be submitted. This matter has been tentatively placed on the October 21 agenda in the event the proper application and fee have been submitted.

The third item of new business discussed was a waiver of subdivision application by Michael Hennessey for property located at 425 Moonlawn Road. Upon review, the Planning Board determined that two adjacent parcels were looking to exchange equal size pieces, with the resulting two lots maintaining the same size but have a different configuration. It was determined that each lot owner would need to submit a waiver of subdivision application, since a portion of

each lot would be divided and transferred. Mr. Kestner stated that the well and septic locations should be shown on the subdivision map. It was determined that this location had public water, but that each had private septic and that their location should be shown on the map. This matter has been placed on the October 21 agenda for discussion.

The fourth item of new business discussed was a waiver of subdivision application by Precision Homes for property located at 23-25 Riccardi Lane. Again, the applicant is looking to exchange land on two adjacent building lots, with the resulting lot sizes being the same but having a different configuration. In this case, the owner is looking to widen road frontage on a flag lot. This matter has been placed on the October 21 agenda for further discussion.

The Planning Board generally discussed the status of the Oakwood Property Management, LLC appeal before the Brunswick Zoning Board of Appeals, and the ZBA's referral of that appeal to the Planning Board for review and recommendation. It was determined that the Planning Board would further consider that review and recommendation subject to any action by the Town Board on this matter at the Town Board's October 14 meeting.

The Planning Board generally discussed the status of the Reiser Bros. site plan application, and the status of the special use permit in front of the Brunswick Zoning Board of Appeals. The Planning Board determined that a written referral from the Zoning Board of Appeals is requested before the Planning Board prepares a recommendation on the special use permit.

The **index** for the October 7, 2010 meeting is as follows:

1. Engel Farm – site plan – approved with conditions;
2. Duncan Meadows Planned Development District – site plan – 11/4/10;

3. Berkshire Properties, LLC/Baumes – waiver of subdivision – approved with condition;
4. Fowler – waiver of subdivision – 10/21/10;
5. MacCrone – waiver/minor subdivision – 10/21/10 (tentative);
6. Hennessey – waiver of subdivision – 10/21/10;
7. Precision Homes – waiver of subdivision – 10/21/10.

The **proposed agenda** for the October 21, 2010 meeting currently is as follows:

1. Fowler – waiver of subdivision;
2. Hennessey – waiver of subdivision;
3. Precision Homes – waiver of subdivision;
4. MacCrone – waiver/minor subdivision (tentative).

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 21, 2010

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

ABSENT was VINCE WETMILLER.

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

The draft minutes of the October 7, 2010 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the waiver of subdivision application submitted by Fred Fowler for property located at 14 South Lake Drive. William Doyle, Esq. appeared for the applicant. Mr. Doyle reviewed the proposal, which is in the nature of a boundary line adjustment. Mr. Doyle explained that the applicant seeks to expand the size of the parcel on which his home is situated, to include additional areas and recreational facilities. The resulting lot with the home will be approximately 6 acres. The remaining parcel owned by the applicant, which abuts Broadview Terrace, will be correspondingly reduced to approximately 6.8 acres. The width of the road frontage on Broadview Terrace for this remaining lot, which will remain vacant, is approximately 21.6 feet. Chairman Oster noted that he had discussed the application with Mr. Kestner, and that in the event a private driveway is installed for the 6.8± acre vacant lot that is over 150 feet in length, the Town standard will require a 16 foot wide

driveway with 2 foot shoulders. The road frontage of approximately 21.6 feet can accommodate the width of the driveway, but the width of the shoulders will be limited. Chairman Oster noted that in his opinion, this was not a significant issue. Chairman Oster did note that the vacant lot did have additional areas of frontage onto Broadview Terrace, but that it was in an area where there was a significant slope and creek, and not easily accessible. Further, Chairman Oster noted that the remaining lot is currently only one single building lot, and therefore a single private driveway through the 21.6± foot wide access would, in his opinion, be acceptable for a single building lot. Member Czornyj concurred, stating that the entire length of a private driveway for this remaining vacant lot can be 16 feet wide, and that he deems this to be acceptable on his application. Attorney Doyle understood that a private driveway to access this single building lot will be required to be 16 feet wide from its beginning at Broadway Terrace to any future home constructed on the parcel, and that the issue of a roadway width would need to be dealt with in the event any subsequent owner of this single vacant lot wished further subdivision. The Board noted that public water was available to both of these parcels. Chairman Oster asked if there were any further discussion. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve this waiver application subject to three conditions:

1. Any private driveway installed to service a single family home on the remaining vacant parcel must be a minimum of 16 feet wide for its entire length from Broadview Terrace to any future home, and that if any further subdivision was sought by such lot owner, the issue of road width would be addressed at that time.
2. Rensselaer County Health Department approval for septic for the remaining vacant lot.

3. The area divided from the vacant lot and transferred to the residential lot on which the Fowler home sits must be legally merged into the receiving lot, with proof of such merger filed with Mr. Kreiger.

Member Tarbox seconded the motion subject to the stated conditions, the motion was approved 6/0, and the application approved subject to the stated conditions.

Attorney Doyle at this time handed up to the members of the Planning Board revised prints for the proposed Berkshire Properties Planned Development District, and requested that that matter be placed on the November 4 agenda.

The second item of business on the agenda was the waiver of subdivision application by Michael Hennessey for property located at 425 Moonlawn Road. Mr. Kreiger noted that new maps had been filed on this application, and that this application sought the adjustment of a lot line between two residential lots on Moonlawn Road whereby a piece of each lot would be divided off for transfer to the opposite adjoining lot. Accordingly, the Planning Board had determined that this application constituted two waivers, each separating a piece of an existing lot and transferring it to an adjoining lot. Mr. Kreiger confirmed that a second waiver application had been submitted by the adjoining property owner, Kowalzik. Chairman Oster stated that these two waiver applications would be dealt with as joint applications. After brief discussion, Chairman Oster inquired whether there were any questions concerning the application. Hearing none, Member Tarbox made a motion to adopt a SEQRA negative declaration pertaining to both waiver applications as joint matters, which motion was seconded by Member Mainello. The motion was approved 6/0, and a SEQRA negative declaration adopted. Thereupon, Member Czorynj made a motion to approve these waiver applications as joint applications, subject to the condition that each divided piece be legally merged into the receiving lot, and that proof of such merger be filed with Mr. Kreiger. Member Esser seconded the motion subject to the stated

condition. The motion was unanimously approved, and the two waiver applications dealt with as joint matters were approved subject to the stated condition.

The third item of business on the agenda was a waiver application by Precision Homes for property located at 23-25 Riccardi Lane. This waiver application is similar to the Hennessey/Kowalzik matter, whereby Precision Homes seeks to create a boundary line adjustment between 23 and 25 Riccardi Lane. The purpose of this lot line adjustment is to extend an area of a flag lot to create additional road frontage. Precision Homes is currently the owner of each of these building lots. Upon brief discussion by the Planning Board, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve this waiver application subject to the condition that each divided piece be legally merged into the receiving lot, with proof of such merger being filed with Mr. Kreiger. Member Christian seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The fourth item of business on the agenda was a waiver/minor subdivision proposal by Robert MacCrone for property located at 71 Dearstyne Road. Mr. Kreiger noted that Mr. MacCrone continues to look into options in this matter, and that no formal application had yet been received by the Town. This matter has been adjourned without date.

Two items of new business were discussed.

The first item of new business discussed was a minor subdivision application by Tom Fatone for the remaining lands of Welch located between Route 2 and Pinewoods Avenue. Mr. Fatone appeared before the Planning Board, explaining that he is seeking a subdivision of the

remaining lands of Welch such that the area of the property on which he is storing equipment and blending topsoil would be purchased by Fatone, and that this area totals approximately 8 acres. The remaining land would stay in ownership by Welch. The Planning Board generally reviewed the application, including the historical use of the property by Fatone. The Planning Board noted that Welch had previously utilized the waiver process to divide its property for transfer to Engel, and therefore this application of the remaining lands of Welch would require an application as a minor subdivision. The Planning Board generally reviewed with the applicant the requirements for a minor subdivision application. Chairman Oster did review the applicable fees and review costs which are the responsibility of the applicant. The Planning Board also stated that a park and recreation fee is required for approval of a minor subdivision. After discussion regarding the requirements for the minor subdivision application in this matter, this has been placed on the November 4 agenda for further discussion.

The second item of new business discussed was a waiver of subdivision application submitted by the Caulkins Family Trust for property located on Bott Lane. Currently, a parcel exists totaling 9± acres, and this application seeks to divide off 7± acres of vacant land for transfer to an adjoining neighbor (Blake). The Caulkins Family Trust would retain 2± acres on which a house sits. This matter has been placed on the November 4 agenda for discussion.

One item of old business was discussed.

John Mainello appeared before the Board concerning the Brunswick Meadows Planned Development District. The Planning Board had previously approved both the site plan for the Brunswick Meadows project as well as a subdivision of the site plan parcel of approximately 18 acres from the remaining lands of Murley. Due to several factors including delay caused by litigation, the timeframe for filing the subdivision plat in the Office of the Rensselaer County

Clerk had expired. Mr. Mainello was before the Planning Board for the purpose of updating the subdivision approval, so that the plat could be recorded in the Rensselaer County Clerk's Office. Prior to any discussion on the matter, Member Mainello recused himself from any discussion or consideration of this matter. John Mainello presented the project to the Board, noting that there had been no project changes or amendments from the prior subdivision approval or site plan approval, and that he was merely requesting that the Planning Board update the approval for purposes of filing the plat in the County Clerk's Office. Attorney Gilchrist noted that given the fact that there had been no project changes or amendments, the prior SEQRA determination on this project remained in effect. Member Czornyj thereupon made a motion to update the subdivision approval for this project, which motion was seconded by Member Esser. The motion was approved 5/0 (Mainello recusing), and the minor subdivision approval updated accordingly.

Chairman Oster requested Attorney Gilchrist to update the Planning Board on the Oakwood Property Management matter. Attorney Gilchrist reviewed the Memorandum of Agreement on this matter. The agreement provides for a stay on the consideration of the PDD application and appeal pending before the Brunswick Zoning Board of Appeals. Given the stay of the pending appeal before the Brunswick ZBA, Attorney Gilchrist noted that the ZBA's request for a recommendation with respect to that appeal is likewise stayed, and no further action needs to be taken by the Planning Board at this time. Attorney Gilchrist did note that under the Memorandum of Agreement, Oakwood Property Management is required to submit a site plan application to the Planning Board for relocating its industrial operations to a parcel located to the north of the 5 acre parcel on which Oakwood Property Management had received site plan approval in 2002, with the new parcel commonly referred as the "Hasslinger Parcel". Attorney Gilchrist noted that the "Hasslinger Parcel" is located in the industrial district, and therefore the

site plan application was submitted directly to the Planning Board for review. Attorney Gilchrist noted that under the Memorandum of Agreement, the site plan application needs to be submitted to the Planning Board on or before November 1. Chairman Oster wanted it noted for the record that he was in receipt of both an email and letter (bearing date October 7, 2010) from Joanne and Dan Vadney, 1 Northstar Drive, and also a letter (bearing date October 7, 2010) from Michael and Marie Schongar concerning the Oakwood Management Property operations. Chairman Oster noted that these letters would remain in the file with the Planning Board, and would be considered in conjunction with the site plan application to be submitted by Oakwood Property Management. Given the timeframe set forth in the Memorandum of Agreement, the Planning Board has tentatively placed this matter on the November 4 for preliminary review. Member Esser noted that he felt it would be appropriate for the Planning Board to schedule a date to do a walk-through of the existing operations at the Oakwood Property Management facility to better understand and consider the site plan application.

The Planning Board discussed the status of the site plan/commercial subdivision application by Reiser Bros. for property on Route 2 and Route 278. The Planning Board recognized that the special permit application pending before the Brunswick Zoning Board of Appeals, and reviewed the minutes of the ZBA meeting held September 21, 2010 at which the ZBA referred the special permit application matter to the Planning Board for recommendation. The Planning Board agreed to place the issue of a recommendation concerning the special permit application on its November 4 agenda. Mr. Kestner also updated the Board that he had been contacted by Henry Reiser, and that Mr. Reiser was inviting the Planning Board members to the adjacent subdivision for purposes of doing a visual inspection and consideration of installing a berm with vegetation/trees to create a separation between the residential subdivision and the

proposed commercial project. The Planning Board members considered going to the site to do this site inspection.

The **index** for the October 21, 2010 meeting is as follows:

1. Fowler – waiver of subdivision – approved with conditions;
2. Hennessey/Kowalzik – waiver of subdivision – approved with condition;
3. Precision Homes – waiver of subdivision – approved with condition;
4. MacCrone – waiver/minor subdivision – adjourned without date;
5. Fatone – minor subdivision – 11/4/10;
6. Caulkins Family Trust – waiver of subdivision – 11/4/10;
7. Brunswick Meadows PDD – subdivision approval update – approved;
8. Reiser Bros. – site plan/commercial subdivision – 11/4/10;
9. Oakwood Property Management – status update – 11/4/10.

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

1. Fatone – minor subdivision;
2. Caulkins Family Trust – waiver of subdivision;
3. Berkshire Properties PDD – recommendation;
4. Duncan Meadows PDD – site plan (tentative);
5. Reiser Bros. – special permit referral/recommendation;
6. Oakwood Property Management, LLC – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 4, 2010

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

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

Chairman Oster reviewed the tentative agenda items for the November 4 meeting. The Oakwood Property Management, LLC site plan matter has been adjourned to the November 18 meeting.

The draft minutes of the October 21, 2010 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes were unanimously approved without correction.

The first item of business on the agenda was the minor subdivision application by Tom Fatone for property located between Route 2 and Pinewoods Avenue (Welch Farm). Chairman Oster noted that the application had been supplemented to meet the minor subdivision application requirements. Mr. Fatone noted that he had reviewed this matter with Mr. Kestner, and the location of an easement for a waterline extending from Pinewoods Avenue needs to be added to the subdivision map. Mr. Kestner confirmed that the location of a waterline easement for the proposed Fatone parcel should be shown on the remaining lands of Welch, and that the easement location should be shown on the subdivision map. Mr. Fatone also noted that he had

been working with National Grid, and that there will be a separate power meter installed for each of the proposed lots. Member Czornyj inquired about the driveway location for the proposed Fatone lot. Mr. Fatone stated that his attorney is still negotiating the issue of title concerning the existing driveway off Route 2, as to whether title to that access area will go with the Fatone parcel or remain with the Welch parcel. The Planning Board noted that in the event the existing driveway will be deeded to and become part of title to the Fatone parcel, then sight distance information will not be required since the driveway is already existing. However, in the event title to the driveway off Route 2 remains with the lands of Welch, with Fatone requiring an easement over such driveway, then a separate proposed driveway location from the Fatone parcel onto Route 2 must be shown on the subdivision plat, and sight distances for such driveway location must be included. Member Czornyj raised an issue regarding drainage. Mr. Fatone stated that the Welch land generally drained to the wetland area along Route 2, and then enters the drainage pipe under Route 2 through the drainage easement onto the lands of Engel. The Planning Board did note that the current application is for subdivision only, with no change or expansion in existing uses, and that the existing drainage will not be altered in any way. Mr. Fatone reiterated that this application seeks the division of land only, and there are no proposed changes whatsoever to existing uses of the parcels. Chairman Oster wanted it clear on the record that Mr. Fatone is not proposing any increase in operations or a change in site operations. Chairman Oster also noted that the application seeks subdivision of the land only, and in no way addresses site operations. Chairman Oster stated that in the event Fatone or any future property owner seeks to expand or alter site operations, Town approval will be required. The Planning Board confirmed that the waterline easement and driveway location (in the event title to the existing driveway will not be transferred to the Fatone parcel) must be added to the subdivision

plat. A public hearing is mandatory for this minor subdivision application. The Planning Board has set the public hearing for this application for the November 18 meeting at 7:00 p.m.

The second item of business on the agenda was the waiver of subdivision application by the Caulkins Family Trust for property located on Bott Lane. William Doyle, Esq. appeared for the Applicant. Attorney Doyle explained that the Caulkins Family Trust was looking to divide the 7± acres located on the easterly side of Bott Road, which is currently vacant land with an old barn, for transfer to the contiguous land owner to the south (Blake). The Caulkins Family Trust would retain the 1± acre parcel on the west side of Bott Road on which the residential home sits. Attorney Doyle confirmed that the 7± acre piece to be transferred to Blake will be merged into the Blake lot, and will not constitute a separate building lot. Chairman Oster inquired whether there were any questions on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration was adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the condition that the 7± acre piece be merged into the receiving lot of Blake, with proof of such merger being filed with the Brunswick Building Department. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the Berkshire Properties, LLC Planned Development District. William Doyle, Esq. appeared for the applicant. Attorney Doyle generally reviewed an updated set of drawings for this PDD proposal, highlighting the acquisition of additional land on the westerly side of Betts Road by Berkshire Properties, LLC and a corresponding change in the location to the proposed subdivision road as well as the addition of

3 proposed residential lots. Attorney Doyle stated that other than these changes, the PDD proposal remains primarily the same as previously reviewed by the Planning Board. Attorney Gilchrist noted that the Planning Board had previously prepared a recommendation to the Town Board on this PDD application, with the prior recommendation dated August 20, 2009. The Planning Board directed Attorney Gilchrist to make the appropriate edits to the prior recommendation noting the changes to the plan as described by Attorney Doyle, and otherwise confirming the prior recommendation. Member Czornyj inquired whether there was any additional parking being provided for the existing BMW motorcycle dealership. Attorney Doyle responded that additional parking will be provided, and that parking areas were currently being finalized with NYSDEC concerning the wetland buffer areas. Attorney Gilchrist will amend the prior Planning Board Recommendation on this PDD application, and the same will be reviewed by the Planning Board at its November 18 meeting.

The next item of business on the agenda was the site plan review of the Duncan Meadows Planned Development District. Francis Bossolini, PE appeared for the applicant. Mr. Bossolini stated that he had met with Mr. Kestner and Gus Scifo of the Brunswick No. 1 Fire Department to review the site plans. Gus Scifo of the Brunswick No. 1 Fire Department was present, and handed up to the Planning Board a letter dated November 4, 2010 reviewing all items which had been agreed upon and changes that will be incorporated into the project plans, and noting two items which the Brunswick No. 1 Fire Department continues to provide comments and one which there had not been final agreement. The two items that still need to be addressed and considered by the Planning Board concern the ability to backup fire equipment from the extreme westerly building located directly off McChesney Avenue, and the helicopter landing location in the area of the football field parking lot. Mr. Scifo generally reviewed his November 4

correspondence with the Planning Board. Mr. Kestner confirmed that the meeting between Mr. Bossolini, Mr. Scifo and Mr. Kestner was very productive, and thanked the Brunswick No. 1 Fire Department for its time reviewing the plans. Chairman Oster also thanked the fire department for the time it has devoted to reviewing the project plans, and providing comments and assistance to the Planning Board. Mr. Bossolini stated that he will be preparing final project plans to incorporate those items agreed to as listed in the Brunswick No. 1 Fire Department's comment letter of November 4. Member Czornyj then asked whether the project plans had been amended to add width to the wing gutter for the internal road system for the project, so as to provide for adequate walking area for project residents. Mr. Bossolini stated that the additional width to the wing gutter for the internal roads will be added when he prepares the final project plans. Mr. Bossolini also raised the issue of subdivision for the remaining lands of ECM land located to the north of McChesney Avenue, as well as the subdivision needed for the recreation parcel which will be transferred to the Town. Attorney Gilchrist stated that the subdivision of the land located to the north of McChesney Avenue should be accomplished through a minor subdivision application, and that such application should be submitted as soon as possible. Attorney Gilchrist then stated with respect to the recreation parcel, the final description of that parcel is still being developed, and the subdivision for that recreation parcel should be addressed at the time the final description has been agreed upon. The Planning Board determined that a public hearing should be held on the site plan, as well as the mandatory public hearing for the minor subdivision for the property located north of McChesney Avenue. It was determined that there is adequate information on this application to hold the public hearing. The public hearing will be held on the site plan as well as the minor subdivision application at the Planning Board's November 18 meeting to commence at 7:15 p.m. The Applicant will submit the minor subdivision application

and subdivision plat, as well as the final site plans, no later than November 15. Member Tarbox did inquire as to Mr. Kestner's investigation of the entrance road located directly off McChesney Avenue, and whether the sight distances were adequate in light of a dip which is located on McChesney Avenue in that general location. Mr. Bossolini stated that the dip in the road had been addressed in the plan for the project, and that the entrance road located off McChesney Avenue had been located so that the sight distances did meet code requirements given the speed limit on McChesney Avenue. Mr. Kestner stated that he will get road profiles from Mr. Bossolini to review.

The next item of business on the agenda was Reiser Bros. subdivision and commercial site plan matter, and specifically the special permit referral/recommendation from the Brunswick ZBA for the proposed filling station. Henry Reiser and Scott Reese were present for the Applicant. Mr. Reese generally reviewed a revised site plan, focusing on a revised grading plan that shows keeping approximately 1/3 of the graded material to remain onsite and used as a proposed berm to the adjacent residential subdivision area. Previously, all of the graded material was to be removed from the site from the first phase of development, and now approximately 1/3 of that material is proposed to be left onsite for berm construction. Mr. Reese also noted that Harold Berger, PE was completing the septic plans for this project, and should be submitting them shortly to NYSDEC for review. Also, Mr. Berger is working on preparing a response to the comments received during the public hearing. Both the septic plans and response to comments should be ready for the November 18 meeting.

The Planning Board generally discussed its recommendation on the special permit application for the filling station. The Planning Board noted that the location for the proposed curb cuts for this commercial project had been reviewed and accepted by NYSDOT; that the

filling station meets all of the size and setback requirements for the site; that a filling station is not out of character for that general location given the existing filling stations at Stewarts and the Sunoco Station on Route 2, as well as the historic use of the property across the street from this location as a gas station; that the economics of this proposal (i.e. whether a filling station would be an economically viable use) was not an issue to be addressed from a planning or zoning perspective; and that the revised grading plan showing maintenance of approximately 1/3 of the graded material onsite for berm construction is an improvement and provides additional screening between the filling station location and adjacent residential use. Mr. Reese and Mr. Reiser generally described the movement of the graded material onsite for berm construction, and noting that neither Town roads nor State highways would be used in connection with moving the grading material for berm construction. Member Esser stated that he would like to see a plan and profile for the proposed berms, both for the Planning Board's review as well as for the owners of the residential lots. Mr. Reese stated that he will prepare the plan and profile for the berm, and provide it to the Planning Board for review and neighbor concurrence. It was noted that topsoil will need to be put on the berms, and that the berms will be seeded and vegetated. Upon inquiry by Member Wetmiller, Mr. Reese described proposed drainage patterns in connection with the berm construction and the slope from the berms to the elevation for the filling station. Member Mainello raised issues regarding the total area of disturbance for the commercial project as well as the berm construction, and Mr. Reese stated that all disturbed areas will need to be incorporated into the Stormwater Pollution Prevention Plan for the project. Member Mainello also raised issues concerning comparing this proposed filling station with the Stewarts located opposite on Route 278, and with particular regard to the number of pumps as well as number of underground storage tanks. A total of one pump island with 3 pumps is being

proposed for the Reiser project, and a total of one pump island with 2 pumps is located at Stewarts. In terms of underground storage tanks, Mr. Kreiger noted that there were 3 underground storage tanks located at Stewarts, and Mr. Reiser indicated that one underground storage tank is being proposed for the Reiser location, which will be a fiberglass tank segregated for different grades of gasoline. It was also noted that the location of the underground storage tank, and any venting lines, on the Reiser location was approximately 400' from the closest residence, and that the residence located adjacent to the Stewarts underground storage tank was much closer. The Planning Board then generally discussed the location of a proposed diesel pump on the Reiser's site, including all traffic flow and turning radiuses for all types of vehicles which could utilize the diesel pump, including a tractor trailer. Mr. Reese confirmed that the site had been designed to allow for large truck access to the diesel pump, and have adequate room for exiting the site behind the commercial store and to the exit located off NYS Route 2. The Planning Board wanted it noted that it had evaluated the site for purposes of adequate ingress and egress for all vehicles to all proposed petroleum pumps, and found that the site was adequate. Member Tarbox inquired whether the gas station located on the other side of Route 2 could be reopened, resulting in 3 gas stations being located at the intersection of Route 278 and Route 2. Attorney Gilchrist stated that the former gas station located on the opposite side of Route 2 had discontinued operations, and before any additional gasoline sales could occur, a special permit would be required from the Town subject to site plan review. The Planning Board directed Attorney Gilchrist to prepare a proposed recommendation on the special permit application at the ZBA for the filling station based on the comments discussed at this meeting, and the Planning Board would review that draft recommendation at its November 18 meeting. The Planning Board also determined that additional information regarding the septic design as well as response to

public comments would be addressed at the November 18 meeting. In the event adequate information has been presented, the Planning Board is proposing to continue the public hearing on the site plan application at its December 2 meeting.

No new items of business were filed.

The **index** for the November 4, 2010 meeting is as follows:

1. Fatone – minor subdivision – 11/18/10 (public hearing to commence at 7:00 p.m.);
2. Caulkins Family Trust – waiver of subdivision – approved with condition;
3. Berkshire Properties PDD – recommendation – 11/18/10;
4. Duncan Meadows PDD – site plan and minor subdivision – 11/18/10 (public hearing to commence at 7:15 p.m.);
5. Reiser Bros. – subdivision and commercial site plan – 11/18/10.

The **proposed agenda** for the November 18, 2010 meeting currently is as follows:

1. Fatone – minor subdivision – public hearing to commence at 7:00 p.m.;
2. Duncan Meadows PDD – site plan and minor subdivision – public hearing to commence at 7:15 p.m.;
3. Berkshire Properties PDD – recommendation;
4. Reiser Bros., Inc. – subdivision and commercial site plan/recommendation for special permit to Brunswick ZBA;
5. Oakwood Property Management, LLC – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 18, 2010

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

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

Chairman Oster reviewed the agenda for the November 18 meeting. Chairman Oster noted that a public hearing had been scheduled for the minor subdivision of Fatone for property located on NY Route 2 and Pinewoods Avenue. The Town has received information that the contract by which Fatone was to purchase this property has been cancelled by the Seller, Welch. Fatone has ceased to be a contract vendee of the subject property. Chairman Oster noted this for the record, and as Fatone is no longer contract vendee of the subject property, Chairman Oster cancelled the public hearing and noted that the application will not be further acted upon. In the event that Welch and Fatone further negotiate a purchase contract, further application to the Planning Board may be made at that time.

The Planning Board thereafter held a public hearing on the site plan and minor subdivision application submitted by ECM Land Development concerning the Duncan Meadows Planned Development District. The Notice of Public Hearing was read into the record, and it was noted that such notice had been published in the Troy Record, placed on the Town website, posted on the Town sign board, and mailed to all adjacent property owners. Francis Bossolini,

PE was present for the Applicant. Mr. Bossolini presented an overview of both the minor subdivision application and site plan application. Mr. Bossolini noted that there had been minor changes made to the site plans, adding details with respect to sidewalks and walking paths, and also fire apparatus access in parking and driveway areas. Mr. Bossolini noted that he had received a further comment letter from the Brunswick No. 1 Fire Department dated November 18, 2010 and would review and respond to such comments. Mr. Bossolini commented that the proposed helicopter pad in the parking lot to the recreation field, and specifically the issue of whether such pad would be paved, was an issue for the Town of Brunswick as the Applicant could not commit to paving any area of the parking lot for the recreation field. The Applicant will prepare a gravel parking lot in conjunction with the recreation field construction, but will not commit to paving any area within that parking lot. Thereupon, Chairman Oster opened the floor for receipt of public comment. Johanna Di Rosie, 7 Riccardi Lane, stated that the intersection of Riccardi Lane and McChesney Avenue was difficult, and should be further studied. Ms. Di Rosie stated that the addition of a sidewalk area along McChesney Avenue Extension was a good idea, but wondered whether the sidewalk would be continued on McChesney Avenue. Mr. Bossolini commented that ECM Land Development was constructing the sidewalk areas on McChesney Avenue Extension, and it was his understanding that the Town was going to be pursuing discussions with other property owners/applicants in terms of extending a sidewalk area from McChesney Avenue Extension along McChesney Avenue to WalMart and Price Chopper. Further, Mr. Bossolini stated that the traffic study for this project was addressed in the Environmental Impact Statement, and all identified intersections have been examined. Mr. Kestner stated that the sight distances from Riccardi Lane onto McChesney Avenue were examined as part of the Brunswick Manor major subdivision, but that he would further review

that issue with the Highway Superintendent in light of the comment. Jim Tachik, 387 Brunswick Road, inquired into the sidewalk locations for the Duncan Meadows project. Mr. Bossolini stated that the sidewalks would be constructed on McChesney Avenue Extension. Paul Warren, 142 McChesney Avenue, stated that he already had an existing flooding problem coming off the land that is part of the Duncan Meadows project, and was concerned that the construction of a road would only increase the water runoff and impact his property. Mr. Kestner noted the comment, which had likewise been made during the Duncan Meadows PDD review, and that to address that comment a stormwater basin had been included and designed to transmit water away from the Warren parcel. Mr. Bossolini reviewed the stormwater plan, and noted that the post-construction runoff near Mr. Warren's property will be significantly mitigated and reduced from pre-construction conditions due to the addition of the stormwater basin and plan to direct stormwater flow. Tim Bollinger, 446 McChesney Avenue Extension, raised several questions concerning the traffic study. Mr. Bollinger stated that the McChesney Avenue/Route 7 intersection already is a problem, and will become much more of a problem if the Duncan Meadows projected traffic is added to that traffic flow. Mr. Bollinger also noted that the recreation field would now be owned by the Town, and taken off the Town tax rolls. Mr. Bossolini commented that the traffic study undertaken for the Duncan Meadows PDD did examine the McChesney Avenue/Route 7 intersection, and did take a cumulative analysis in terms of projected traffic not only from the Duncan Meadows project but also from the Sugar Hill Apartments and the proposed Highland Creek project on McChesney Avenue Extension. Attorney Gilchrist noted that the traffic study had been referred to the Rensselaer County Highway Department, and such department did not object to the traffic analysis. Mr. Maly, 5 Riccardi Lane, raised a question regarding the location of the recreation field and buildings in

relation to his property. Denise Kuhl, 170 McChesney Avenue, raised a question regarding the completion of the recreation field and transfer to the Town. Michael Medved, 7 Riccardi Lane, had questions concerning the recreation field, whether the field would include lights, and questions regarding the adequacy of parking for the recreation area. Chairman Oster inquired whether there were any further comments from the public. Hearing none, Chairman Oster noted that the Planning Board would keep the public hearing open since there had been minor modifications to the site plan after the time the original notice of public hearing had been published, and therefore the public hearing is left open and adjourned at this time.

The Planning Board then opened the regular business meeting.

The first item of business on the agenda had been the Fatone minor subdivision application. Given the cancellation of the purchase contract by the Seller, Welch, this matter has been removed from the agenda.

The next item of business on the agenda was the Duncan Meadows PDD site plan and minor subdivision application. Chairman Oster repeated that the public hearing remains open and adjourned, and that the public hearing must be closed before there is any final action to be taken on either the site plan or minor subdivision application. Further, Chairman Oster directed that Mr. Bossolini file the updated site plan map with the Building Department. Chairman Oster also reviewed the status of the escrow account established by ECM Land Development for engineering and legal review. Mr. Bossolini stated that he had reviewed this issue with the Applicant, and the Applicant will be addressing that issue. Member Czornyj identified the November 18, 2010 comment letter from the Brunswick No. 1 Fire Department. Mr. Bossolini confirmed that he received that comment letter today, and is planning to meet with the Brunswick No. 1 Fire Department again to address the remaining outstanding comments.

Member Czornyj thought that the most significant issue in the comment letter is the turnarounds for vehicle flow in the site. Mr. Bossolini stated that the turnaround area was part of the updates to the site plan and that he feels the traffic flow including the turnaround areas are compliant with State Code requirements. Chairman Oster wanted to make sure that all the items identified in the Fire Department's November 18 correspondence were on the record. Item No. 1 of the Fire Department's November 18 comment letter addresses the area for the backing out of vehicles from all of the buildings on the site plan. Mr. Bossolini was of the opinion that the current configuration is compliant with the New York State Code requirements, and there does appear to be a difference of opinion concerning code requirements. Mr. Kestner stated that there appears to be different opinions by the Applicant, the Fire Department, and the New York State Fire Code Compliance Office, and suggests that a meeting be set up to address this issue. Item No. 2 in the Fire Department's November 18 comment letter addresses the proposed helicopter pad in the parking area for the recreational field. Outstanding issues include size of any helicopter pad and whether such pad should be paved. Member Christian raised the issue of whether a helicopter landing area should be included at all. Member Tarbox agreed, stating that the Planning Board should consider whether a helicopter landing pad should be included at all. The Planning Board generally determined that this issue should be addressed by the Town Board, given the future transfer of ownership of the recreation area to the Town, and that the Planning Board will take direction from the Town Board on this issue. Attorney Gilchrist was directed to prepare a referral letter to the Town Board to address this issue of whether a helicopter pad should be included in the site plan for the recreation area. Steve Wilson of the Brunswick No. 1 Fire Department spoke to the need for a helicopter landing area, noting problems with landing a helicopter at either the WalMart or Price Chopper parking lot with pedestrians and cars, having the ability to land the

helicopter in an area that does not have light poles, and landing a helicopter in an area that is not populated. A member of the public, Tom Gallagher, also commented to the need for a helicopter landing pad. The Planning Board stated that this issue will be referred to the Town Board for consideration. There was a third item noted in the Fire Department's November 18 comment letter, also addressed traffic flow, which was addressed by the Planning Board. This matter has been placed on the December 2 Planning Board agenda for further discussion. Mr. Kestner reiterated that he is looking for additional information from Mr. Bossolini concerning the project entrance on McChesney Avenue.

The next item of business on the agenda was the Berkshire Properties PDD recommendation by the Planning Board. Pursuant to the discussion held at the November 4 meeting, a draft resolution to update the recommendation on the Berkshire Properties PDD application had been prepared. The Planning Board reviewed the update to the recommendation. Upon motion of Member Czornyj, seconded by Member Wetmiller, a resolution updating the recommendation of the Planning Board on the Berkshire Properties PDD application was unanimously approved.

The next item of business on the agenda was the referral from the Brunswick Zoning Board of Appeals concerning special use permit application by Reiser Bros. Inc. concerning the proposed filling station in connection with the pending site plan application for property located at the corner of NY Route 2 and NY Route 278. Based on the discussions held at the November 4 Planning Board meeting, a draft recommendation on the special use permit application was reviewed by the Planning Board. Upon motion by Member Czornyj, seconded by Member Christian, the recommendation on the special use permit application for the filling station in connection with the Reiser Bros. Inc. site plan application was unanimously approved. Scott

Reese was present for the Applicant, and presented a written response dated November 18, 2010 responding to comments made at the initial public hearing on the project. Jim Gardiner, 11 Brookhill Drive, was present at the meeting and asked to be heard. Chairman Oster noted that the public hearing on the site plan application remains open but has not been noticed for tonight's meeting. Member Esser noted that he had requested Mr. Gardiner to come to the meeting, specifically on the issue of the proposed berm between the site plan property and the lots in the Brookhill Subdivision. Chairman Oster allowed Mr. Gardiner to present comments. Mr. Gardiner stated that he had no issue whatsoever with the placement of the berm in its proposed location, that he had worked with Henry Reiser on both the berm location and construction, and that with the berm addition Mr. Gardiner has no problem with the Reiser site plan. Chairman Oster instructed the Applicant that there remains outstanding escrow deposit obligations, and informed Mr. Reiser that no further work will be done in this matter without further escrow filed by the Applicant.

The next item of business on the agenda was the site plan application by Oakwood Property Management, LLC for property located on Oakwood Avenue. Mr. Kestner formally recused himself from consideration of this application. Scott Reese and Terresa Bakner, Esq. were present for the Applicant. Attorney Bakner reviewed both the site plan application as well as the Petition to Rezone two adjacent parcels, currently pending before the Brunswick Town Board. With respect to the Petition to Rezone parcels, Attorney Bakner explained that both parcels were owned by Oakwood Property Management, LLC, and the petition seeks to rezone two parcels (Tax Map Parcels 90-1-12.2 and 90-1-13.1), referred to as Parcels 12 and 13. Attorney Bakner explained that the Applicant seeks to rezone these parcels to B-6, and has included a 101' buffer adjacent to the North Forty Subdivision. Attorney Bakner reviewed the

allowable uses in the B-6 under the Brunswick Zoning Ordinance, both principal uses as well as special permit uses. Attorney Bakner noted that the neighbors in the North Forty Subdivision requested that there be no filling station allowed on these parcels, even though a filling station is a special use permit use in the B-6 zone, and that the Applicant has consented to eliminating the filling station as an allowable special permit use. Attorney Gilchrist generally reviewed several pending matters on Oakwood Property Management, which include the site plan application before the Planning Board, rezone petition before the Brunswick Town Board, waiver of subdivision application before the Planning Board concerning the proposed transfer of property to Murray, as well as SEQRA coordination on these applications with the Brunswick Town Board. Attorney Bakner generally discussed the pending application for waiver of subdivision to allow Oakwood Property Management to transfer property to Murray, an adjoining property owner in the North Forty Subdivision. Chairman Oster, upon discussion by the Planning Board members, stated that such application would be continued to be reviewed as a waiver application by the Planning Board. Two waiver applications will be needed, as the proposed transfer includes portions of Parcel 12 and Parcel 13. Chairman Oster also noted for the record that he is in receipt of two letters dated November 18, 2010 from Donald Zee, P.C., and also a written memorandum from Attorney Bakner dated November 17, 2010, which responds to several inquiries by the property owners in the North Forty Subdivision. Attorney Bakner then generally reviewed the site plan application, which seeks amendment of the existing site plan for Tax Map Parcel 90-1-14, as well as site plan approval for Tax Map Parcel 90-1-15, with each parcel generally referred to as Parcels 14 and 15. Attorney Bakner noted that Parcel 14 is owned by Oakwood Property Management, LLC, while Parcel 15 is owned by Empire Land Holdings, LLC with Oakwood Property Management, LLC having the right to conduct operations on

Parcel 15. Attorney Bakner generally discussed the reorganization of operations on Parcel 14 and relocation of some of the operations currently being conducted on Parcels 12 and 13 onto Parcel 15. Attorney Bakner generally discussed the proposed site plan layout of operations both with respect to Parcel 14 and Parcel 15. Member Esser noted that the site plan drawing appeared to be a free hand drawing, and Mr. Reese stated that there was a computer conversion now available, and the same was provided to the Planning Board. Member Czornyj noted that a 50' setback has been shown on Parcel 15, but has not been continued and shown on Parcel 14. Attorney Bakner confirmed that the 50' setback is not shown on Parcel 14, and the Applicant will seek a waiver. Attorney Bakner explained that Oakwood Property Management, LLC was trying to maximize the use of Parcel 14, since Oakwood Property Management was reducing operations from Parcels 12 and 13 and relocating them onto Parcel 15. Attorney Bakner generally explained the existing operations on Parcel 14. The Planning Board generally discussed the site plan, including operations on Parcel 14, the location of fuel storage on Parcel 14, the proposed culvert connecting Parcels 14 and 15, lighting, total number of vehicles and other equipment to be stored on Parcels 14 and 15, vegetative screening and buffering. The Planning Board generally discussed the need to do a site visit to better familiarize themselves with existing operations, which will aid in the ongoing site plan review. Member Mainello inquired as to the reduction in operations from those currently existing on Parcels 12 and 13 which will be relocated onto Parcel 15, as well as ongoing operations on Parcel 14. The Applicant stated that the total current operations on Parcel 14, and on Parcels 12 and 13, total approximately 16 acres, and that the proposed utilization of Parcels 14 and 15 will reduce the total operations to approximately 5 acres. Member Tarbox asked if there would be any mulching operations relocated to property owned by Gallivan on Deepkill Road. Sean Gallivan stated that only farming operations are

occurring on Deepkill Road, and that he has no plan to move any mulching operations to Deepkill Road. Member Tarbox stated that the Planning Board should look at the mulching operations currently going on at the site during the site visit. Member Mainello also inquired as to the closest residence in the North Forty Subdivision to the proposed operations. It was noted that the adjoining property owners to the north adjacent to Parcel 15 is property owned by National Grid. The Applicant stated that operations will be moved farther away from the residences in the North Forty Subdivision from current operations. Attorney Bakner also reviewed a proposed stabilization plan for Parcels 12 and 13, and also generally discussed deed restrictions which will be added to wetland areas on the property. This matter has been placed on the December 2 agenda for further discussion.

The minutes of the November 4 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes were unanimously approved without amendment.

The **index** for the November 18, 2010 meeting is as follows:

1. Fatone – minor subdivision – withdrawn;
2. Duncan Meadows PDD – site plan and minor subdivision – public hearing held open – 12/2/10;
3. Berkshire Properties PDD – recommendation to Town Board;
4. Reiser Bros. Inc. – recommendation to Zoning Board of Appeals;
5. Oakwood Property Management, LLC – site plan and rezone petition – 12/2/10.

The **proposed agenda** for the December 2, 2010 meeting currently is as follows:

1. Duncan Meadows PDD – site plan and minor subdivision;
2. Oakwood Property Management, LLC – site plan and rezone petition.

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 2, 2010

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

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

The Planning Board reviewed the draft minutes of the November 18, 2010 meeting. Several corrections were noted. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes were approved with the corrections noted. A revised, final set of minutes will be filed with the Town.

The first item of business addressed by the Planning Board was a request by Landmark Development Group, LLC concerning the Highland Creek Planned Development District subdivision approval. Robert Marini was present for the Applicant. Mr. Marini is requesting a 90 day extension on the final conditional subdivision plat approval. The reason for this request is that the Applicant is finalizing a bonding security agreement and financial security issues with the Town concerning project infrastructure, which should be resolved shortly. Once those issues are solved, the Applicant will be in a position to have the final plat stamped and signed by the Planning Board and recorded in the Rensselaer County Clerk's Office. Mr. Marini confirmed that there were no changes made to the final plat, and that the Applicant was merely seeking the statutory 90 day extension for satisfaction of conditions attached to final plat approval. Chairman

Oster inquired whether there were any questions regarding the request. Hearing none, Member Czornyj made a motion to approve a 90 day extension for the final conditional subdivision plat approval on the Highland Creek Planned Development District, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a 90 day extension granted with respect to the final conditional subdivision plat approval on the Highland Creek Planned Development District.

The next item of business on the agenda was the site plan application in connection with the Duncan Meadows Planned Development District. Francis Bossolini, PE was present for the Applicant. Mr. Bossolini confirmed that a meeting was held on December 2, 2010 with Mark Kestner, Gus Scifo of the Brunswick No. 1 Fire Department, John Kreiger, Joseph McGrath of the New York State Building Code Department (NY Department of State), and Mr. Bossolini concerning Fire Code compliance issues for the project. Mr. Bossolini reported that fire apparatus access roads, road geometry, and building configuration was discussed, and that a consensus has been reached on configuration of the project that meets the letter and intent of the New York State Fire Code. Mr. Bossolini reports that this resolves all issues concerning Fire Code compliance issues raised by the Brunswick No. 1 Fire Department. Gus Scifo, who was present at the meeting concurred that Fire Code compliance issues have now been resolved. Mr. Bossolini will be submitting a letter for the record to that effect. The Planning Board confirmed that the issue of inclusion of a helicopter landing pad in the parking lot of the recreation field for this project has been referred to the Town Board for consideration. Mr. Bossolini confirmed that a full set of the current drawings for this project, with all detailed updates, are on file with the Town of Brunswick and have been distributed to the Planning Board members. Mr. Kestner stated that he had spoken with Town Superintendent Eddy and the County Highway Department

concerning the sight distance from Riccardi Lane onto McChesney Avenue with respect to the entrance road for the Duncan Meadows project. Mr. Kestner stated that more information was being developed, which may include removal of trees and some grading along McChesney Avenue. Mr. Kestner also confirmed that he will be meeting with Mr. Bossolini on details concerning sewage pump station for the project, and that this issue will be coordinated with the Highland Creek project. Member Mainello inquired as to the status of the stormwater and sight distance issue for the Warren parcel, 142 McChesney Avenue, in relation to the Duncan Meadows project. Mr. Bossolini stated that stormwater issues have been addressed in the stormwater plan for the Duncan Meadows project, and with the construction of the stormwater management facilities for the Duncan Meadows project, the Warren parcel should see an improvement in terms of stormwater impacts. Mr. Bossolini confirmed that he was continuing to work on the sight distance issue with respect to the parking of vehicles by Warren in front of his house, which do appear to be within the County highway right-of-way. Chairman Oster stated that a private lot owner parking vehicles in a County highway right-of-way should not be the Applicant's issue. However, Mr. Bossolini stated that he was continuing to work on this, and will coordinate with Mr. Kestner to insure that sight distances are compliant. Member Tarbox had some questions concerning the stormwater facility to the rear of the Warren lot, including whether a drainage pipe is open and may cause a safety issue. Mr. Bossolini stated that the structure is designed with adequate safety features. The Planning Board determined that all updated plans have now been filed with the Town, and all Fire Code compliance issues have been resolved, and is prepared to continue the public hearing on this project. The Planning Board has scheduled the continuation of the public hearing on the site plan and minor subdivision applications for its December 16 meeting at 7:00 p.m.

The next item of business on the agenda was the Oakwood Property Management, LLC applications concerning property on Oakwood Avenue. These applications include a site plan application before the Planning Board, a petition to rezone property pending in front of the Town Board which has been referred to the Planning Board for recommendation, a waiver of subdivision application concerning a proposal by Oakwood Property Management to transfer property to an adjoining property owner (Murray), as well as the SEQRA Lead Agency Coordination Notice received from the Town Board concerning these matters. It is noted on the record that Mr. Kestner has recused himself from consideration of these applications. LaBerge Engineering, P.C. is retained by the Town to serve as the review engineer for the Oakwood Property Management project. Terresa Bakner, Esq. and Scott Reese were present for the Applicant. Chairman Oster noted that he had received a telephone call from Sean Gallivan, who explained that he unfortunately had a business conflict and could not attend the meeting, but that his attorney and technical consultant would be present. Chairman Oster confirmed on the record the receipt of two letters from the office of Donald Zee, P.C., dated November 18, as well as a letter from Terresa Bakner, Esq. dated December 1, 2010 responding to the Zee letters. Mr. Reese and Attorney Bakner also handed up to the Planning Board a color photograph of concrete bins on the site in which landscaping materials are stored, and also an updated site plan with revision date 12/2/10. Chairman Oster wanted to confirm that the issue of a 50' setback on "Parcel 14" will need to be addressed, either through an area variance from the Zoning Board of Appeals or whether the Planning Board has the authority to waive that setback requirement. Attorney Gilchrist stated that he will research that issue. Member Czornyj noted that the updated site plan does show the existing building on the southern portion of "Parcel 14", but it does not appear to have a 50' setback. After discussion, it was noted that this building has existed on the

site since prior to acquisition by Oakwood Property Management, LLC, that it was not the subject of the current site plan application, and that any issue associated with that existing building was within the jurisdiction of the Building Department. Attorney Bakner then reviewed the response dated 12/1/10 to the two letters dated November 18 from Donald Zee, P.C. Chairman Oster confirmed that all wood mulching operations will occur entirely on "Parcel 14", which was the original parcel subject to the 2002 site plan approval. Attorney Bakner confirmed that was accurate. The Planning Board engaged in discussion concerning a proposed berm to be constructed by Oakwood Property Management on property that it currently owns as well as on property it seeks to transfer to an adjoining property owner (Murray), which is subject to a waiver of subdivision application pending before the Planning Board. Attorney Bakner stated that the part of the berm that will be located on the parcel to be transferred to Murray will be owned by Murray and all future owners of the Murray lot, whereas the part of the berm to remain on property retained by Oakwood Property Management, LLC will be owned by Oakwood Property Management. Chairman Oster inquired whether Murray or any future owner of the Murray lot could remove the berm in the future. Attorney Bakner stated that Murray and all future owners of the Murray parcel will be owning and managing that portion of the berm located on that property. Member Czornyj inquired whether the Planning Board could require the entire berm, including that portion located on the area sought to be transferred to Murray, to remain in perpetuity. Mr. Reese stated that portions of the berm will be owned and managed by two separate property owners, but that given the height and slope of the berm, it is not likely that the portion to be owned by Murray could be removed while the portion on the Oakwood Property Management parcel is maintained. Ronald LaBerge, P.E. concurred that if Murray were to remove the portion of the berm on his lot, the grade is so steep that a retaining wall

would be required to maintain the berm on the Oakwood Property Management parcel. Further, Mr. LaBerge stated that the Planning Board could certainly place a restriction on that part of the berm to be retained by Oakwood Property Management, requiring that the berm remain in place. The Planning Board generally discussed distinction between a deed restriction and a condition to be placed on any action on the site plan application. Member Mainello inquired whether the noise study which had been undertaken for this application showed that the berm will act as noise mitigation. Attorney Bakner stated that the berm will serve as a noise mitigation. Member Mainello then asked when Oakwood Property Management sought to transfer the property to Murray. Attorney Bakner stated that Oakwood Property Management is looking to transfer the property to Murray as soon as possible, and then build the berm after the property transfer. Attorney Bakner explained that the agreement between Oakwood Property Management and Murray includes the requirement by Oakwood Property Management to complete construction of the berm as well as permission for Oakwood Property Management to enter the property for berm construction. Member Esser asked how high the berm will be. Mr. Reese stated that the berm would be between 22' – 30' in height, with a 3/1 slope. The Planning Board then had questions concerning the proposed 101' buffer associated with the Petition to Rezone "Parcel 12" and "Parcel 13". Member Czornyj inquired whether the rear and side yard setbacks would be measured from the property line, or from the 101' buffer line. Attorney Bakner stated that the answer depended on the proposed use, and that all potential B-6 uses would need to be located exclusively on the rezoned area and that the 101' buffer would need to remain intact, whereas a multi-family housing proposal, which is allowed in all zoning districts in the Town of Brunswick pursuant to special use permit review, could include structures or accessories within the 101' buffer area. Attorney Bakner stressed that any future proposal for "Parcel 12" and "Parcel 13"

would be subject to Town review and approval. The issue of hours of operation for the Gallivan operations was also discussed by the Planning Board. It was noted that the original site plan approval for "Parcel 14", as well as the Best Management Practices for this facility included in the Memorandum of Agreement, limit the hours for operation of the grinders from 7:00 a.m. to 7:00 p.m. Attorney Bakner stated that there were no restrictions on the other activities on the Gallivan operation, including the parking and dispatch of trucks. Member Esser stated that complaints have been received by the Town concerning starting up large trucks in the middle of the night. A general discussion was held concerning those instances where a Planning Board could place hours of operation restriction in connection with site plan review. Concerning the issue of trucks leaving the site, Attorney Bakner reiterated that Oakwood Property Management was responding to public comments received that the neighbors did not have a problem with the Gallivan operations when they were on the original 5 acre "Parcel 14", which did include truck parking and dispatch, and that the current site plan application was seeking to again put those operations on "Parcel 14". Also, Attorney Bakner stated that the Town of Brunswick did not have a noise ordinance. Finally, Attorney Bakner stated that both "Parcel 14" and "Parcel 15" are within an industrial zoning district in the Town. The Planning Board also discussed the Petition to Rezone "Parcel 12" and "Parcel 13", particularly with respect to the presence of wetlands adjacent to Oakwood Avenue and the ability to construct an access road directly onto these two parcels off Oakwood Avenue. Attorney Bakner stated that the wetland delineation was pending with the Army Corps of Engineers, and a jurisdictional determination was expected soon. Regardless, Attorney Bakner stated that an Army Corps Nationwide Permit for road access through this wetland area to uplands would, in her opinion and experience, not be any issue to provide an access road into these two parcels directly off Oakwood Avenue. Attorney Bakner

also reiterated the request by the neighbors that a “filling station” not be permitted on “Parcel 12” and “Parcel 13”, even though a filling station is a special permit use within the B-6 Zoning District. Attorney Bakner stated that Oakwood Property Management, LLC was agreeable to this condition. The Planning Board also discussed the location of vegetative screening as required on the 2002 site plan approval. The Planning Board began discussion concerning the Town Board’s SEQRA Lead Agency Coordination Notice. The Planning Board members will further deliberate on that issue at its December 16 meeting. Attorney Gilchrist also stated that the Town Board has formally referred the Petition to Rezone “Parcel 12” and “Parcel 13” to the Planning Board for review and recommendation, and that the Planning Board members should start their deliberation on that recommendation as well. The Planning Board members will contact Oakwood Property Management directly for individual site visits to review current site operations. This matter is placed on the December 16 agenda for further discussion.

The **index** for the December 2, 2010 meeting is as follows:

1. Landmark Development Group – extension to final conditional subdivision plat approval/Highland Creek PDD – approved;
2. Duncan Meadows PDD site plan – 12/16/10 (public hearing to continue at 7:00 p.m.);
3. Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral – 12/16/10.

The **proposed agenda** for the December 16, 2010 meeting currently is as follows:

1. Duncan Meadows PDD – site plan and minor subdivision – public hearing to continue at 7:00 p.m.;
2. Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral.

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 16, 2010

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

ABSENT was CHAIRMAN RUSSELL OSTER.

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 site plan application in connection with the Duncan Meadows Planned Development District. Francis Bossolini, PE was present for the Applicant and made a brief presentation. There was one public comment offered by Bernice Cool of 170 McChesney Ave, who lives adjacent to the property being developed. Ms. Cool commented that the plans she reviewed at the library were different than those on file in Town Hall. She questioned the parking lot depicted on McChesney Ave and commented that sidewalks may not be appropriate on McChesney Avenue Extension. She is concerned about the football field and the traffic that will be generated as a result of the football games, and also inquired about the status of the proposed helipad.

Mr. Bossolini responded that the purpose of the gravel parking lot on McChesney Avenue is to allow the public access to natural preservation areas on the site. He also commented that McChesney Avenue Extension would be widened to accommodate the walking path. With respect to the football field, Mr. Bossolini commented that it was required as recreation space by

the Town Board. Finally, the issue of the helipad is before the Town Board for review. The helipad was not in the original PDD application, but was a suggestion from Brunswick Fire District No. 1.

There being no other public comments, Acting Chairman Michael Czornyj closed the public hearing on the Duncan Meadows Planned Development District site plan application.

The Board then moved into its regular meeting.

The first item of business on the agenda was the site plan application in connection with the Duncan Meadows Planned Development District. Francis Bossolini, PE was present for the Applicant. Mr. Bossolini stated he had received the sight distance profile for McChesney Avenue and the proposed driveway location. The profile has been submitted to the Planning Board and was reviewed by Mark Kestner. The Applicant took into account the neighboring property owners' vehicles that are often parked in the County right-of-way to determine if there would be any line of site obstruction, which the Applicant determined there would not be.

Mark Kestner then reviewed the Applicant's meeting with Fire Company No. 1. Mr. Bossolini agreed with the improvements suggested by the Fire Company No. 1 at that meeting. It was discussed that the condominium buildings are required to have sprinklers and that a decision on whether the garage areas have to be sprinklered will be made after the submission of building plans. The senior apartments have not yet been designed and will be reviewed for Fire Codes once submitted. Mr. Bossolini told the Board that instead of dumpsters, the Applicant was looking to use individual barrels. In addition, the Fire Apparatus Access Roads will have a 120' hammerhead and will be paved for weight. Fire Department access to the townhouses in the southeastern section of the project is deemed acceptable as there is a looped roadway. Finally,

Gus Scifo of Fire Company No. 1 submitted a letter to the Board and requested a walk-through when the first building is completed.

Mr. Bossolini stated there were ongoing discussions with the Highland Creek developers regarding the sewage pump station. There is a plan to have a single pump station built by Marini, and Duncan Meadows will tie into that station via gravity feed. Member Wetmiller asked if there would be 2 pumps and a generator with an emergency switch. Mr. Bossolini confirmed that would be the case. He further indicated there would be variable frequency drives to adjust frequency of pumps for flexibility.

Member Tarbox expressed some concern over cars having to back out of certain of the parking lots and asked if some adjustments could be made so as to allow people to pull straight out.

Acting Chairman Czornyj reminded Mr. Bossolini that the Applicant still owes outstanding review fees and that further action on the application could not be taken until the fees were paid. Mr. Bossolini stated that he understood.

Per Mr. Kestner, the Water Department is still reviewing the water system as it concerns the valve and hydrant locations. Mr. Kestner also gave Mr. Bossolini the SWPPP review.

This matter was placed on the January 6, 2011 agenda for further discussion.

The next item of business on the agenda was the Oakwood Property Management, LLC applications concerning property on Oakwood Avenue. These applications include a site plan application before the Planning Board, a petition to rezone property pending in front of the Town Board which has been referred to the Planning Board for recommendation, a waiver of subdivision application concerning a proposal by Oakwood Property Management to transfer property to an adjoining property owner (Murray), as well as the SEQRA Lead Agency

Coordination Notice received from the Town Board concerning these matters. It is noted on the record that Mr. Kestner has recused himself from consideration of these applications. Teresa Bakner, Esq. and Brendan Gallivan were present for the Applicant. Acting Chairman Czornyj advised that all Planning Board members had gone out and walked the property. He further advised that the waiver application still needed to be reviewed by the Board. Attorney Bakner advised that the archeology study had been performed and that the Applicant is moving forward with the Army Corps of Engineers on the wetland delineation.

Acting Chairman Czornyj also reiterated that the issue of a 50' setback on "Parcel 14" will need to be addressed. Attorney Gilchrist will research that issue. Acting Chairman Czornyj then stated the Planning Board needed to act on the SEQRA lead agency coordination notice. He reminded the Planning Board that the Town Board was seeking to be lead agency. Hearing no discussion, Acting Chairman Czornyj put the issue to a vote, and it was unanimously agreed that the Town Board could take lead agency. Attorney Coan was directed to send a letter on behalf of the Planning Board to the Town Board stating that the Planning Board agreed to the designation of the Town Board as lead agency for the Oakwood Properties project.

Member Esser then asked whether there would be any grinding operations on Parcel B6. Mr. Gallivan stated there would be some grinding on a smaller scale on the ½ acre parcel, using 1 or 2 portable grinders. Semis would be loaded and move mulch off that parcel. These operations were part of the original site plan. Truck parking will move to the area of the greenhouse.

Brendan Gallivan agreed to put 4' stakes along the property lines for inspection purposes. He also acknowledged the right of the Building Inspector to make periodic inspections.

Acting Chairman Czornyj stated that he wants to see the screening provided for in the original site plan installed. Currently there is a 6' fence, and he is concerned that you can see through the fence. Attorney Bakner said the Applicant will make a proposal to the Board concerning additional screening.

This matter has been placed on the January 6, 2011 agenda for further discussion.

There was one item of new business.

Joseph Magno, by Redmend Griffin, Esq., presented an application for waiver of subdivision concerning 38± acres on Route 2 and Route 351 (Tax Map ID No. 92.-6-6). The Applicant is proposing to divide off 18.92 acres from the site to be used for a single-family residence. The original application for waiver of subdivision was approved by the Planning Board on August 6, 2009, but the plat was never stamped and filed with the County Clerk. The Applicant has paid the application fee. According to Attorney Griffin, there are no changes to the plat, and John Kreiger has confirmed there were no conditions on the original approval. Mr. Kestner will review new plans against the original to ensure there have been no changes. The matter has been placed on the agenda for the January 6, 2011 meeting.

Finally, the Board reviewed the meeting minutes from the December 2, 2010 meeting. Acting Chairman Czornyj noted at page 4-5 of those minutes it states that the addition to the building shown on the Oakwood Property Development site plan on the southern portion of the Parcel 14 that does not meet the 50' setback is said to have existed on the site prior to Oakwood Property's acquisition of the same. Upon further review, it has come to the Board's attention that Oakwood Properties had made application for that addition in 2004. The original map shows the addition in compliance with the required setbacks, but the current map shows a violation thereof.

Acting Chairman Czornyj also stated that representatives of Oakwood Property told him, Chairman Oster and Mark Kestner that Oakwood had in fact constructed the addition.

With that, Member Wetmiller moved to approve the minutes. Said motion was seconded by Member Tarbox and unanimously approved.

The **index** for the December 16, 2010 meeting is as follows:

1. Duncan Meadows PDD site plan – 1/6/11;
2. Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral – 1/6/11;
3. Joseph Magno – waiver of subdivision application – 1/6/11.

The **proposed agenda** for the January 6, 2011 meeting currently is as follows:

1. Duncan Meadows PDD – site plan and minor subdivision;
2. Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral;
3. Joseph Magno – waiver of subdivision application.