

**PLANNING
BOARD
MINUTES**

2003

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD January 2, 2003

PRESENT were WILLIAM BRADLEY, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, DAVID TARBOX, JOSEPH WETMILLER and JOHN KREIGER, Superintendent of Utilities and Inspections.

ALSO PRESENT was MARK KESTNER, of Kestner Engineers, P.C., consulting engineer to the Planning Board.

ABSENT was SHAWN MALONE, Chairman.

The first item of business on the agenda was the MORRIS site plan. Appearing on behalf of the applicant were GARY MORRIS, Forrest Mayer, and Attorney Mark McQuerrey. The Applicant handed up an amended site plan for review. Mr. Mayer explained the amendments to the site plan, including changing the setbacks from 18' to 25', and also clarification as to the log storage areas. Member Czornyj stated that he still found the depiction of the log storage areas on the site plan to be confusing, and questioned where the exact location for all of the log storage areas were. Specifically, Member Czornyj noted that the site plan simply shows general areas depicted with arrows, rather than clear delineated storage areas. Also, Member Czornyj noted that the 25' setback requirement should be measured from the area leased by Mayer, not the entire property owned by Morris. Mr. Mayer stated that the changes to the setbacks would be easy to make, and would talk to his engineer. Member Esser concurred that the setbacks should be measured from the lease-line, not the Morris property line. Member Bradley inquired of Mr. Mayer whether any tree roots were being stored on the property. Mr. Mayer stated that no roots

were being stored on the property, and what Member Bradley saw in all likelihood were large pieces of firewood that had been transported from Bennington. Member Bradley inquired whether Mr. Mayer would be splitting or processing this firewood. Mr. Mayer stated that the wood needs to cure for about one year, and then he would be splitting and selling the firewood on-site. Member Czornyj raised the issue of required green space on the site plan. Member Czornyj noted that the site plan indicates 71% green space, but the vast majority of the leased site shows log storage denoted by a series of arrows. Member Czornyj wanted it known that the green space requirement means that the area devoted to green space is not used for any purpose, including temporary log storage. Member Czornyj again noted that the site plan was confusing because of the use of arrows, without any particular log storage areas marked or delineated by a bold line. Member Oster inquired whether board lumber was being stored in the employee parking area. Mr. Mayer stated that board lumber was on-site for a short period of time, but is now gone. Member Oster inquired whether a gate had been installed at the entrance, and whether the gate was going to be used in connection with hours of operation or days of operation for the facility. Mr. Mayer explained that he had considered this issue, and concluded that the gate which is installed at the property could be locked at all times with customers and delivery vehicles coming into the yard on an invite-basis only. Member Oster noted that he had been at the site the previous Sunday, that the rope across the gate area was down, and that a tractor trailer was in the parking area idling. When Member Oster approached the truck driver, the truck started to leave the site. Member Oster inquired whether Mr. Mayer was operating 7 days a week. Mr. Mayer stated that he was operating 7 day a week, and traditionally the facility does run 7 days a week during the winter. Member Oster inquired whether the truck drivers unload

their log shipment on their own, or does Mr. Mayer have employees on the site 7 days a week. Mr. Mayer responded that he was usually on the site 7 days a week, but that his employees were not there on weekends. Member Oster did note that the site was fairly well-organized, but that he did have a concern regarding truck deliveries on weekends. Mr. Mayer stated that he could add a lock to the gate which would stop weekend traffic. In fact, Mr. Mayer stated that any gate acceptable to the Town was fine with him and that he was flexible on this issue. Mr. Mayer did state that he does not have any unauthorized access problems at any of his other commercial locations. Mr. Mayer explained that the weekend work was necessary to make up for not working at night during the business week, and that the weekend work made up for lost time during the business week. Member Oster concluded by stating that it was important that Mr. Mayer know that hours of operation was a critical issue. Member Tarbox inquired as to the limit of the height of log piles on the property. Mr. Mayer stated that the log storage piles were limited to 12' in height, which is stated in the site plan. Member Wetmiller inquired as to the calculation for green space, which was noted at 71% on the site plan. Mr. Mayer stated that the total green space would be recalculated in consultation with his engineer. Member Czornyj stated that the green space calculation needed to be limited to the leased area, not the entire Morris property and that the green space requirement did not include areas for temporary log storage. Member Esser said the log storage areas as well as the green space needed to be clearly delineated on the site plan. Mr. Kestner offered that green space should be plotted on the site plan in green color, which would clearly identify and delineate the green space area and calculation for green space on the site plan. Member Esser inquired of Mr. Mayer whether any stone products were being stored or offered for sale on the property. Mr. Mayer stated that such activity was not occurring on the site right now, but he understood the Planning Board to require

any item which might occur in the future to be placed on the site plan. Mr. Mayer state that the site plan included projected future activities, but that these activities could be eliminated if they cause a problem or concern. Member Tarbox stated that it was not appropriate to have the public driving in to buy items with all the equipment and machinery located and operating on the property. Mr. Mayer stated that he does not sell to the general public, and could limit access to the site on an invite-basis only. Member Czornyj noted that the zoning compliance issue first discussed at the December 5 Planning Board meeting was still outstanding. Member Oster noted that the log storage areas on the current site plan were greater than the log storage areas shown on a July 2001 map presented to the ZBA. Mr. Mayer stated that he had not seen the July 2001 map until immediately before this meeting (January 2, 2003), and was not aware that such a map had been presented to the ZBA. Mr. Morris stated that he had prepared the map dated July 2001, and that he had submitted it to the ZBA in connection with the use variance discussion. Attorney McQuerrey inquired whether the zoning compliance issue spoke to the use of the property, or merely the areas devoted to that use depicted on the site plan. Attorney Gilchrist stated that the zoning compliance issue identified by the Planning Board included not only the extent of the operations on the property, but also the scope of those activities, including equipment used and products stored and offered for sale. A proposed resolution addressing this zoning compliance issues was then discussed. The following proposed resolution was read into the record:

RESOLUTION

WHEREAS, Gary D. and Christine A. Morris (hereinafter "Morris") are owners of approximately 24.4 acres of real property located at the intersection of Interstate Route 7 and Flower Road, Town of Brunswick, County of Rensselaer, State of New York; and

WHEREAS, Morris has represented to the Town of Brunswick that it has leased approximately 4 acres of such property (hereinafter "Lease Property") to the Forest A. Mayer Log & Timber Company

(hereinafter "Mayer"); and

WHEREAS, Morris has represented to the Town of Brunswick that Mayer has leased the Lease Property for the purpose of operating a log storage and wholesale distribution facility on the Lease Property; and

WHEREAS, log storage and wholesale distribution activities are currently being undertaken by Mayer on the Lease Property; and

WHEREAS, such use requires site plan approval by the Town of Brunswick Planning Board (hereinafter "Planning Board") pursuant to Part II, Section 2©) of the Site Plan Review Act of the Town of Brunswick; and

WHEREAS, such use of the Lease Property by Mayer has not received site plan approval from the Planning Board; and

WHEREAS, the Town of Brunswick, by Attorney Thomas R. Cioffi, Esq., transmitted a letter dated October 15, 2002 to both Morris and Mayer stating that site plan approval from the Planning Board is required for such use of the Lease Property (*see Exhibit "A"*); and

WHEREAS, such letter dated October 15, 2002 also identifies a use variance previously granted by the Town of Brunswick Zoning Board of Appeals (hereinafter "ZBA") for the Morris property and that site plan approval is an additional requirement above and beyond such use variance (*see Exhibit "A"*); and

WHEREAS, such letter dated October 15, 2002 also identifies a review by the Town of Brunswick of the existing use variance for the Morris property to determine whether current site operations at the Lease Property fall within the parameters of such use variance (*see Exhibit "A"*); and

WHEREAS, such letter dated October 15, 2002 also identifies several complaints received by the Town of Brunswick from persons residing nearby the Lease Property concerning excessive hours of operation, excessive noise, excessive smoke, excessive odor, and excessive vibration resulting from the activities of Mayer on the Lease Property (*see Exhibit "A"*); and

WHEREAS, Morris thereafter filed an application for site plan approval for the Lease Property with the Planning Board (*see Exhibit "B"* attached hereto); and

WHEREAS, the Morris site plan application was placed on the agenda of the Planning Board for its November 7, 2002 meeting; and

WHEREAS, Morris and Mayer attended the November 7, 2002 meeting of the Planning Board; and

WHEREAS, the Planning Board entertained discussion of the Morris site plan application at its November 7, 2002 meeting (*see Exhibit "C"* attached hereto); and

WHEREAS, in connection with its site plan application, Morris failed to submit a site plan in compliance with the requirements of the Site Plan Review Act at Part III, Section 3©); and

WHEREAS, the Planning Board required the preparation and filing of a site plan in compliance

with the Site Plan Review Act; and

WHEREAS, the Planning Board observed that the storage and wholesale distribution of logs is not a permitted use in the A-40 District in which the Lease Property is situate; and

WHEREAS, Morris stated that the ZBA, at a meeting held in October 2001, determined that a use variance previously obtained from the ZBA for a separate use on the Morris property also applies to the current use on the Lease Property; and

WHEREAS, the Planning Board stated it would review the Minutes of the meetings before the ZBA to investigate how the use of the Lease Property was described by Morris and/or Mayer to the ZBA in connection with such determination concerning the prior use variance; and

WHEREAS, the Planning Board placed the Morris site plan application on its agenda for further consideration at its December 5, 2002 meeting; and

WHEREAS, the Planning Board obtained the Minutes of the meeting of the ZBA held October 14, 2001 in connection with the Morris property (*see Exhibit "D"* attached hereto); and

WHEREAS, the Planning Board obtained the audio-cassette of the proceedings of the ZBA at its meeting held October 14, 2001 concerning the Morris property; and

WHEREAS, the Planning Board caused a transcript to be prepared from said audio-cassette of the proceedings before the ZBA of October 14, 2001 concerning the Morris property (*see Exhibit "E"* attached hereto); and

WHEREAS, the Planning Board obtained the site map, dated July 2001, presented by Morris to the ZBA in connection with the ZBA action of October 2001 concerning the Morris property (*see Exhibit "F"* attached hereto); and

WHEREAS, the Planning Board obtained the ZBA referral of the Morris matter to the Rensselaer County Department of Economic Development and Planning, which identified the action concerning the Morris property as "Applicant Proposes to Lease Farmstand for the Resale of Forest Products"; (*see Exhibit "G"* attached hereto); and

WHEREAS, Morris thereafter filed with the Planning Board a site plan for the Lease Property pursuant to the Brunswick Site Plan Review Act at Part III, Section 3©) (*see Exhibit "H"* attached hereto); and

WHEREAS, said site plan depicts current operations by Mayer on the Lease Property; and

WHEREAS, Morris further filed with the Planning Board a Full Environmental Assessment Form under the State Environmental Quality Review Act in connection with the site plan application (*see Exhibit "I"* attached hereto); and

WHEREAS, Morris and Mayer appeared before the Planning Board at its December 5, 2002 meeting; and

WHEREAS, at such December 5, 2002 meeting, Mayer submitted to the Planning Board a written narrative concerning its operations on the Lease Property (*see Exhibit "J"* attached hereto); and

WHEREAS, the Planning Board raised the issue of the full scope and extent of the current site operations by Mayer on the Lease Property as compared to the information considered by the ZBA during its deliberations leading to its action of October 2001 concerning the use variance on the Morris property; and

WHEREAS, the Planning Board determined to examine the full scope and extent of current operations by Mayer on the Lease Property as described on the site plan (*Exhibit "H"*), written narrative (*Exhibit "J"*), as well as the description of site operations during presentations to the Planning Board by Morris and Mayer at the November 7, 2002 meeting (*Exhibit "C"*); and

WHEREAS, the Planning Board determined to examine the full scope and extent of the information considered by the ZBA during its deliberations leading to its action of October 2001 concerning the use variance on the Morris property as described on the site map (*Exhibit "F"*), and representations by Morris to the ZBA at meetings held on September 17, 2001 and October 14, 2001 by the ZBA (*see Exhibit "D" and "E"* pertaining to October 14, 2001 ZBA meeting); and

WHEREAS, to aid in such review, the Planning Board obtained the audio-cassette of the ZBA meeting held September 17, 2001 and caused the preparation of a transcript to be made from such audio-cassette (*see Exhibit "K"* attached hereto); and

WHEREAS, the Members of the Planning Board also visited the Lease Property to witness the full scope and extent of current site operations by Morris thereon; and

WHEREAS, the Planning Board has fully considered the full scope and extent of current operations by Mayer on the Lease Property as compared to the information considered by the ZBA during its deliberations leading to its action of October 2001 concerning the use variance on the Morris property; and

WHEREAS, the Planning Board makes the following fact findings regarding the Morris representations to the ZBA of the scope and extent of site operations on the Lease Property:

- a. a site map dated July 2001 was submitted to the ZBA by Morris, which shows a "100' x 200' proposed forest product area veneer logs" to the west of the existing parking lot and building, a 50' x 100' "log display area" to the northeast of the existing building, and use of "existing 60' x 100' parking lot" (*See Exhibit "F"*);
- b. Morris represented to the ZBA at its September 17, 2001 meeting that "he [Mayer] goes around and buys hardwood logs that are veneer grade A quality and he would use these in this area of our land to store these logs to further ship them to furniture manufacturers throughout the United States. It's a ... he has one guy that would be working there mostly full time. There is no saw mill involved. They come in on a flatbed tractor trailer and they go out on a flatbed tractor trailer. They would have [a] loader there to unload the logs. They cut the ends of the logs off to get the right length. The piece of the logs that he cuts off he just sells those as firewood" (*See Exhibit "K"* at p. 1-2);
- c. Morris further represented to the ZBA at its September 17, 2001 meeting that "They'll have a ... as you go in the driveway on the right hand side, there used to be a pumpkin field, that would be two rows of logs and they would stack them. On the left side of the barn there would be a display area for his customers to come and look at the different varieties of logs that he does have." (*See Exhibit "K"* at p. 3);

- d. Morris further represented to the ZBA at its September 17, 2001 meeting that "They just use the chain saws and they cut the ends of the logs off there" (See *Exhibit "K"* at p. 4);
- e. Morris further represented to the ZBA at its September 17, 2001 meeting that "They don't de-bark them or anything all they do is just cut them to length there but they do have a loader where they have to lift the logs off and they pile them and what he was going to have to do was go in there with some crushed rock and make a few driveways where they have to get at his piles with the trucks" (See *Exhibit "K"* at p. 5);
- f. Morris further represented to the ZBA at its September 17, 2001 meeting that "on the right side as you come in there's an area approximately 100' x 200' that's a... you would have two separate lengths of piles of logs in that area... and then there would be another spot would be a display area next to the barn" (See *Exhibit "K"* at p. 5);
- g. Morris further represented to the ZBA at its September 17, 2001 meeting that "I think he [Mayer] mentioned at least three loads a day. Sometimes they bring these down from Tupper Lake up in the Adirondacks, and he would bring them here. He buys them from other fellows then he like stores them, grades them, and then this is where he cuts the end off whether they have to cut the end of each one or not, there is a chainsaw involved" (See *Exhibit "K"* at p. 7).;
- h. Morris further represented to the ZBA at its September 17, 2001 meeting that "That's why he said you'd probably have in his busy season which is in the winter when the summertime they kind of die down, because they don't log as much. But a couple, three trucks a day. They bring them in and then they unload them, then they grade them, then they load them up again when he's got a buyer some of these logs they also ship these overseas also" (See *Exhibit "K"* at p. 10);
- i. Morris represented to the ZBA at its October 14, 2001 meeting that "We had in the plans, there was 100 x 200 area that he [Mayer] wanted to use. I wrote on the plans that that's the area that he wanted. He said at one time that, on the side, that on the east side of the property he would have those fine logs displayed there and they would be laid out individual logs, but the other ones on the right side of the driveway as you pull in would be 100 x 200 area which would be piles of logs right there" (See *Exhibit "E"* at p. 6);
- j. Morris further represented to the ZBA at its October 14, 2001 meeting that "He's [Mayer] more or less a transfer agent from the lumber man in the woods to the furniture manufacturers" (See *Exhibit "E"* at p. 6); and

WHEREAS, the ZBA transcripts reflect that the full scope and extent of site operations on the Lease Property was a consideration of the ZBA in its determination, to wit:

- a. "I'm not certain whether you know I guess what concerns me a little bit is the amount of... whether it amounts to actually manufacturing on the site, cutting the logs and things, whether that's the variance they really need here, not for selling because they already have the right on the property to sell items not produced on the premises from the previous variance. But I guess it depends upon what the extent of that is. And I really don't have a handle for how much cutting there's going to be. And I think that's what these people are worried about... I think the first thing you have to determine is whether you think this is just the same thing you already have, which is the right to sell items which are not produced on the property... This wasn't clear to me from the papers, as

whether it is significant what they're doing what I think you said dressing the log, I'm not familiar with the term, but if you're going to be doing that to a hundred logs a day, that could tend to be significant. If it's one log a day... maybe what the variance they're asking for is actually like manufacturing type of things, not quite a saw mill... it's almost sounds more of a ... I don't know it almost like a kind of a like a light manufacturing... I don't know it sounds almost like a light manufacturing. I mean what would you call a saw mill? You'd call that manufacturing wouldn't you? You sure wouldn't call it... it's not commercial... It's less than a saw mill but it's more than selling antiques... Like I say I think it's a question of degree" (See *Exhibit "K"* at p. 5-7, 13);

- b. "What he currently has, we went through this at the last meeting and the reason that you asked, one of the reasons you asked this other gentleman to be here is because you wanted to get some idea of how much of this was manufacturing and how much of it was just sales. He has a use variance now that lets him sell things that are not manufactured on the premises, that are not produced on the premises. So he has the variance that lets him sell things in an area that's not zoned for it. So one of the issues is whether you are going to extend that variance to let them manufacture, as you were, these logs, if you feel that manufacturing is a big component of what's going on... If your determination is in your view of this is that all he's doing is selling, then you don't really have to do anything here, because he's already got a use variance... To me it would depend on how much, to me it would depend on how often it's being done" (See *Exhibit "E"* at p. 4-5); and

WHEREAS, the Planning Board makes the following fact findings regarding the Morris and Mayer representations to the Planning Board concerning the scope and extent of site operations on the Lease Property:

- a. The site plan submitted by Morris includes:
- Log storage area in the gravel parking area, including a loading ramp;
 - Log storage areas to the north, south, east and west of the gravel parking area;
 - Firewood storage area to the north and east of the gravel parking area;
 - Log and firewood storage areas are not denoted by square footage on the site plan;
 - A proposed temporary trailer (truck) with a 20' storage container;
 - Proposed porta-potty for employees;
 - Fuel storage tank with secondary containment;
 - Proposed dumpster;
 - Two (2) log cranes situated to the south of the gravel parking area;
 - Work barrier located to the south of the gravel parking area;
 - General note 3 states "normal stacked log height is 7' - 10'. Occasionally, logs may be stacked to a maximum height of 12'";
 - General note 7 states "log storage areas (shown hereon) are general areas for log storage. Logs may also be temporarily stored on this site on portions of gravel area";
- b. The written narrative filed in connection with the site plan provides that "the primary function of this facility will be to serve as a temporary distribution point for forest products *en route* to their various manufacturing facilities or consumers. An example of these products would include, but not limited to, logs, lumber, firewood, balsam and fir bows, decorative stumps and field stone to name a few. Most of these products require loading and unloading onto and off of trucks. In addition to this, some of these products will need additional preparation and pre-sales enhancement, which would include re-

scaling, re-packaging, re-grading or trimming"; and

WHEREAS, the Planning Board finds that there are significant factual distinctions concerning the full scope and extent of site operations on the Lease Property between the representations made by the Applicant to the ZBA as compared to the site plan, written narrative, and current on-site activities associated with the site plan application before the Planning Board, including differences in areal extent of operations; equipment utilized on site; extent of materials preparation; and types of products treated, stored, and offered for sale; and

WHEREAS, the Planning Board finds that such significant factual distinctions give rise to the issue of whether such additional activities constitute manufacturing on the Lease Property, or other commercial use outside the scope and extent of the current use variance issued by the ZBA in October 2001; and

WHEREAS, the Site Plan Review Act of the Town of Brunswick, at Part III Section 1, provides that prior to the submission of an application for site plan review, an applicant must have received any required approval from the ZBA; and

WHEREAS, the Zoning Ordinance of the Town of Brunswick, at Article III Section 5(1), provides that no building or land shall be used or occupied unless it is in conformity with the regulations for the district in which it is located; and

WHEREAS, the Zoning Ordinance of the Town of Brunswick, at Article V, Section 11(A), provides that the Superintendent of Buildings (Utilities and Inspection) of the Town of Brunswick is charged with the general and executive administration of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Current site operation by Mayer on the Lease Property is not a permitted use in the A-40 Zoning District under the Zoning Ordinance of the Town of Brunswick;
2. A use variance for the Morris property was previously issued by the ZBA in 1989 for the sale of items that are not produced on the Morris property;
3. The ZBA, in October 2001, determined that the existing use variance for the Morris property applied to log storage and sales activities as described by Morris to the ZBA in September and October 2001, as well as a site map dated July 2001;
4. The site plan application of Morris, including a site plan and written narrative, as well as inspection of on-going operations by Mayer on the Lease Property, show uses and/or activities which may fall outside the scope and extent of the activities described by Morris to the ZBA in connection with the ZBA determination in this matter of October 2001;
5. An issue of zoning compliance exists concerning the full scope and extent of activities included in the Morris site plan application pending before the Planning Board, in that the Planning Board requires clarification and interpretation of the full scope and extent of the use variance for the Morris property and whether such use variance applies to all current site activities included in the Morris site plan application;
6. Accordingly, the Planning Board hereby refers this matter to the Superintendent of

Utilities and Inspection for clarification and interpretation of the full scope and extent of the use variance for the Morris property, with specific regard to whether such use variance applies to all current site activities included in the Morris site plan application pending before the Planning Board.

ADOPTED at a meeting of the Town of Brunswick Planning Board on January 2, 2003 by a vote of ____.

Malone	_____
Bradley	_____
Czornyj	_____
Esser	_____
Oster	_____
Tarbox	_____
Wetmiller	_____

Shawn Malone, Chairman

Member Czornyj noted that he had observed additional equipment on the site and wanted that added to the Resolution. Member Oster inquired whether the port-a-john was sufficient for this site, or whether a permanent bathroom facility was required. Member Bradley stated that this was a Department of Health and Department of Labor issue, and not a Planning Board issue. Attorney Gilchrist confirmed that this issue was subject to County and State regulatory requirements. Member Oster said that the Planning Board should be aware of the requirements now, so that both the Planning Board and the Department of Utilities and Inspection would have a correct site plan in front of it when continuing to process this application. Attorney Gilchrist suggested that the applicant should make further investigation into all regulatory compliance, including this bathroom issue, and make sure that a correct site plan is submitted to the Town for further handling. Upon further discussion, the Planning Board Members were prepared to act on the Resolution. Attorney Gilchrist noted for the record that this Resolution was not subject to SEQRA pursuant to the provisions of 6NYCRR §617.5(c)(28), in that the Planning Board was engaging in review of a part of the application to determine compliance with technical requirements, including zoning compliance requirements. Member Czornyj moved to adopt the Resolution as discussed, with Member Esser seconding the motion. The Resolution was adopted by a 6-0 vote. Member Czornyj explained to the applicant that the Planning Board had determined that a zoning compliance issue is

outstanding, and the matter has been referred to the Department of Utilities & Inspection for a determination as to whether the existing use variance covers all of the activities and uses depicted on the current site plan. However, as that matter is pending with the Department of Utilities & Inspection, the applicant had heard several comments from Planning Board Members as to amendments required on the site plan, and that the applicant could move forward with amending his site plan pending the decision from the Department of Utilities & Inspection. Once the decision from the Department of Utilities & Inspection is made, the matter would proceed before the Town.

The second item of business on the agenda was the compliance issue at the WalMart Plaza. Mr. Kreiger noted that he had not been able to do a follow-up inspection as of January 2, but would schedule that as soon as possible. This matter will be placed on the agenda for the January 16 meeting.

Three items of new business were discussed.

The first item of new business discussed was an application for waiver of subdivision by MICHAEL HART, for property located off Langmore Lane. The owner of the property is Ken Hewitt, and Mr. Hart is the prospective purchaser of a subdivided lot. Mr. Hart appeared on the application. Member Czornyj inquired whether this application could be reviewed as a waiver of subdivision since an earlier waiver of subdivision for Mr. Hewitt's property had been granted approximately one (1) year ago. Attorney Gilchrist reviewed the subdivision regulations, and noted that a prior waiver of subdivision approval was an issue to be considered by the Planning Board but did not present a prohibition to considering the current waiver application. Mr. Hart explained that one lot had been divided off Mr. Hewitt's property approximately one year ago, and that such new lot had a separate tax identification number. However, Mr. Hewitt's remaining property was still under one tax identification number and was included in one deed. The subdivided lot of approximately one year ago did physically separate Mr. Hewitt's

remaining land, but such remaining lands were included under one tax identification number and one deed. Member Tarbox noted that because of the physical layout of the property, he is of the opinion that a waiver of subdivision review is appropriate. Member Czornyj stated that the Board needed to decide only if this application should be reviewed as a waiver of subdivision or minor subdivision application, and that the applicant would then need to prepare a subdivision plat per the subdivision regulations. Member Bradley and Member Oster were of the opinion that a waiver of subdivision application was appropriate. Upon further discussion it was determined by consensus of the Planning Board that the application would be reviewed as a waiver of subdivision. Mr. Hart was instructed to have a plat prepared in compliance with the Town's subdivision regulations, and that a proposed driveway and house location should be depicted on the plat. This matter will be placed on the agenda for the January 16, 2003 meeting.

The next item of new business discussed was an application for site plan approval submitted by SUBWAY CARDINAL FOOD GROUP, INC. George J. Cardinal, Jr. appeared on the application. The applicant seeks site plan approval to install a Subway shop at 662 Hoosick Road in the building formerly occupied by "First Dibs" miniature golf course and refreshment stand. The applicant explained that First Dibs was no longer a tenant at the site. The applicant explained that only limited changes to the site would be made, including moving a bathroom and creating additional office space. Further, the Subway shop would occupy only a portion of the existing building and that the owner may eventually lease the balance of the building. Member Oster inquired whether there is enough room in the building to lease out the remaining area. The applicant stated that there was more than enough room, including ample parking for an additional tenant. Member Czornyj inquired whether the Subway shop would be just a take-out location or whether seats would be provided to eat at the store. The applicant stated that both eat-in and take-out would be offered, but that ample parking existed for the number of tables planned for

the store. Member Oster noted that the site plan submitted was a copy of an older site plan, and it appeared that the applicant had merely made changes himself to the site plan. The applicant confirmed that he had changed the original site plan. The Planning Board Members informed Mr. Cardinal that he must have a new site plan prepared, stamped by a licensed surveyor or engineer pursuant to the site plan regulations of the Town. Mr. Cardinal stated that he would have an updated site plan prepared and filed with the Town. Attorney Gilchrist also informed the applicant that an Environmental Assessment Form under SEQRA must also be completed and filed. This matter will be placed on the agenda for the January 16, 2003 meeting.

The third item of new business discussed was an application by STEVE ECKER to subdivide property located at 65 Coons Road. The owner has approximately 50 acres at this location, and wishes to divide 13.02 acres off and convey to his son for purposes of constructing a residence. Member Czornyj noted that the drawing submitted in connection with the application did not show all 50 acres, nor provide any detail information as to the 13.02 acres to be divided. Upon discussion, it was determined by the Members of the Planning Board that a more detailed plan needs to be submitted by the applicant, which at least provides an area view of the property as well. This matter will be placed on the agenda for the January 16, 2003 meeting.

The proposed Minutes of the of December 19, 2002 Meeting were discussed. With one typographical error correction, Member Oster moved to approve the Minutes as proposed, which motion was seconded by Member Bradley. The Motion was carried 6-0, and the December 19 Minutes adopted.

The **index** for the January 2, 2003 meeting is as follows:

1. Morris - site plan - referred to Department of Utilities & Inspection;
2. WalMart Plaza - compliance issues - 1/16/03;
3. Hart - waiver of subdivision - 1/16/03;

4. Subway Cardinal Food Group, Inc. - site plan - 1/16/03; and
5. Ecker - subdivision - 1/16/03.

The **agenda** for the January 16, 2003 meeting as currently proposed:

Planning Board

1. WalMart Plaza - compliance issues;
2. Hart - waiver of subdivision;
3. Subway Cardinal Food Group, Inc. - site plan; and
4. Ecker - subdivision.

RESOLUTION

WHEREAS, Gary D. and Christine A. Morris (hereinafter "Morris") are owners of approximately 24.4 acres of real property located at the intersection of Interstate Route 7 and Flower Road, Town of Brunswick, County of Rensselaer, State of New York; and

WHEREAS, Morris has represented to the Town of Brunswick that it has leased approximately 4 acres of such property (hereinafter "Lease Property") to the Forest A. Mayer Log & Timber Company (hereinafter "Mayer"); and

WHEREAS, Morris has represented to the Town of Brunswick that Mayer has leased the Lease Property for the purpose of operating a log storage and wholesale distribution facility on the Lease Property; and

WHEREAS, log storage and wholesale distribution activities are currently being undertaken by Mayer on the Lease Property; and

WHEREAS, such use requires site plan approval by the Town of Brunswick Planning Board (hereinafter "Planning Board") pursuant to Part II, Section 2(C) of the Site Plan Review Act of the Town of Brunswick; and

WHEREAS, such use of the Lease Property by Mayer has not received site plan approval from the Planning Board; and

WHEREAS, the Town of Brunswick, by Attorney Thomas R. Cioffi, Esq., transmitted a letter dated October 15, 2002 to both Morris and Mayer stating that site plan approval from the Planning Board is required for such use of the Lease Property (*see Exhibit "A"*); and

WHEREAS, such letter dated October 15, 2002 also identifies a use variance previously granted by the Town of Brunswick Zoning Board of Appeals (hereinafter "ZBA") for the Morris property and that site plan approval is an additional requirement above and beyond such use variance (*see Exhibit "A"*); and

WHEREAS, such letter dated October 15, 2002 also identifies a review by the Town of Brunswick of the existing use variance for the Morris property to determine whether current site operations at the Lease Property fall within the parameters of such use variance (*see Exhibit "A"*); and

WHEREAS, such letter dated October 15, 2002 also identifies several complaints received by the Town of Brunswick from persons residing nearby the Lease Property concerning excessive hours of operation, excessive noise, excessive smoke, excessive odor, and excessive vibration resulting from the activities of Mayer on the Lease Property (*see Exhibit "A"*); and

WHEREAS, Morris thereafter filed an application for site plan approval for the Lease Property with the Planning Board (*see Exhibit "B"* attached hereto); and

WHEREAS, the Morris site plan application was placed on the agenda of the Planning Board for its November 7, 2002 meeting; and

WHEREAS, Morris and Mayer attended the November 7, 2002 meeting of the Planning Board; and

WHEREAS, the Planning Board entertained discussion of the Morris site plan application at its November 7, 2002 meeting (*see Exhibit "C"* attached hereto); and

WHEREAS, in connection with its site plan application, Morris failed to submit a site plan in compliance with the requirements of the Site Plan Review Act at Part III, Section 3(C); and

WHEREAS, the Planning Board required the preparation and filing of a site plan in compliance with the Site Plan Review Act; and

WHEREAS, the Planning Board observed that the storage and wholesale distribution of logs is not a permitted use in the A-40 District in which the Lease Property is situate; and

WHEREAS, Morris stated that the ZBA, at a meeting held in October 2001, determined that a use variance previously obtained from the ZBA for a separate use on the Morris property also applies to the current use on the Lease Property; and

WHEREAS, the Planning Board stated it would review the Minutes of the meetings before the ZBA to investigate how the use of the Lease Property was described by Morris and/or Mayer to the ZBA in connection with such determination concerning the prior use variance; and

WHEREAS, the Planning Board placed the Morris site plan application on its agenda for further consideration at its December 5, 2002 meeting; and

WHEREAS, the Planning Board obtained the Minutes of the meeting of the ZBA held October 14, 2001 in connection with the Morris property (*see Exhibit "D"* attached hereto); and

WHEREAS, the Planning Board obtained the audio-cassette of the proceedings of the ZBA at its meeting held October 14, 2001 concerning the Morris property; and

WHEREAS, the Planning Board caused a transcript to be prepared from said audio-cassette of the proceedings before the ZBA of October 14, 2001 concerning the Morris property (*see Exhibit "E"* attached hereto); and

WHEREAS, the Planning Board obtained the site map, dated July 2001, presented by Morris to the ZBA in connection with the ZBA action of October 2001 concerning the Morris property (*see Exhibit "F"* attached hereto); and

WHEREAS, the Planning Board obtained the ZBA referral of the Morris matter to the Rensselaer County Department of Economic Development and Planning, which identified the action concerning the Morris property as "Applicant Proposes to Lease Farmstand for the Resale of Forest Products" (*see Exhibit "G"* attached hereto); and

WHEREAS, Morris thereafter filed with the Planning Board a site plan for the Lease Property pursuant to the Brunswick Site Plan Review Act at Part III, Section 3(C) (*see Exhibit "H"* attached hereto); and

WHEREAS, said site plan depicts current operations by Mayer on the Lease Property; and

WHEREAS, Morris further filed with the Planning Board a Full Environmental Assessment Form under the State Environmental Quality Review Act in connection with the site plan application (*see Exhibit "I"* attached hereto); and

WHEREAS, Morris and Mayer appeared before the Planning Board at its December 5, 2002 meeting; and

WHEREAS, at such December 5, 2002 meeting, Mayer submitted to the Planning Board a written narrative concerning its operations on the Lease Property (*see Exhibit "J"* attached hereto); and

WHEREAS, the Planning Board raised the issue of the full scope and extent of the current site operations by Mayer on the Lease Property as compared to the information considered by the ZBA during its deliberations leading to its action of October 2001 concerning the use variance on the Morris property; and

WHEREAS, the Planning Board determined to examine the full scope and extent of current operations by Mayer on the Lease Property as described on the site plan (*Exhibit "H"*), written narrative (*Exhibit "J"*), as well as the description of site operations during presentations to the Planning Board by Morris and Mayer at the November 7, 2002 meeting (*Exhibit "C"*); and

WHEREAS, the Planning Board determined to examine the full scope and extent of the information considered by the ZBA during its deliberations leading to its action of October 2001 concerning the use variance on the Morris property as described on the site map (*Exhibit "F"*), and representations by Morris to the ZBA at meetings held on September 17, 2001 and October 14, 2001 by the ZBA (*see Exhibit "D" and "E"* pertaining to October 14, 2001 ZBA meeting); and

WHEREAS, to aid in such review, the Planning Board obtained the audio-cassette of the ZBA meeting held September 17, 2001 and caused the preparation of a transcript to be made from such audio-cassette (*see Exhibit "K"* attached hereto); and

WHEREAS, the Members of the Planning Board also visited the Lease Property to witness the full scope and extent of current site operations by Morris thereon; and

WHEREAS, the Planning Board has fully considered the full scope and extent of current operations by Mayer on the Lease Property as compared to the information considered by the ZBA during its deliberations leading to its action of October 2001 concerning the use variance on the Morris property; and

WHEREAS, the Planning Board makes the following fact findings regarding the Morris representations to the ZBA of the scope and extent of site operations on the Lease Property:

- (a.) a site map dated July 2001 was submitted to the ZBA by Morris, which shows a "100' x 200' proposed forest product area veneer logs" to the west of the existing parking lot and building, a 50' x 100' "log display area" to the northeast of the existing building, and use of "existing 60' x 100' parking lot" (See *Exhibit "F"*);
- (b.) Morris represented to the ZBA at its September 17, 2001 meeting that "he [Mayer] goes around and buys hardwood logs that are veneer grade A quality and he would use these in this area of our land to store these logs to further ship them to furniture manufacturers throughout the United States. It's a ... he has one guy that would be working there mostly full time. There is no saw mill involved. They come in on a flatbed tractor trailer and they go out on a flatbed tractor trailer. They would have [a] loader there to unload the logs. They cut the ends of the logs off to get the right length. The piece of the logs that he cuts off he just sells those as firewood" (See *Exhibit "K"* at p. 1-2);
- (c.) Morris further represented to the ZBA at its September 17, 2001 meeting that "They'll have a ... as you go in the driveway on the right hand side, there used to be a pumpkin field, that would be two rows of logs and they would stack them. On the left side of the barn there would be a display area for his customers to come and look at the different varieties of logs that he does have." (See *Exhibit "K"* at p. 3);
- (d.) Morris further represented to the ZBA at its September 17, 2001 meeting that "They just use the chain saws and they cut the ends of the logs off there" (See *Exhibit "K"* at p. 4);
- (e.) Morris further represented to the ZBA at its September 17, 2001 meeting that "They don't de-bark them or anything all they do is just cut them to length there but they do have a loader where they have to lift the logs off and they pile them and what he was going to have to do was go in there with some crushed rock and make a few driveways where they have to get at his piles with the trucks" (See *Exhibit "K"* at p. 5);
- (f.) Morris further represented to the ZBA at its September 17, 2001 meeting that "on the right side as you come in there's an area approximately 100' x 200' that's a... you would have two separate lengths of piles of logs in that area... and then there would be another spot would be a display area next to the barn" (See *Exhibit "K"* at p. 5);
- (g.) Morris further represented to the ZBA at its September 17, 2001 meeting that "I think he [Mayer] mentioned at least three loads a day. Sometimes they bring these down from Tupper Lake up in the Adirondacks, and he would bring them here. He buys them from other fellows then he like stores them, grades them, and then this is where he cuts the end off whether they have to cut the end of each one or not, there is a chainsaw involved" (See *Exhibit "K"* at p. 7).;
- (h.) Morris further represented to the ZBA at its September 17, 2001 meeting that "That's why he said you'd probably have in his busy season which is in the winter when the summertime they kind of die down, because they don't log as much. But a couple, three trucks a day. They bring them in and then they unload them, then they grade them, then they load them up again when he's got a buyer some of these logs they also ship these overseas also" (See *Exhibit "K"* at p. 10);

- (i.) Morris represented to the ZBA at its October 14, 2001 meeting that "We had in the plans, there was 100 x 200 area that he [Mayer] wanted to use. I wrote on the plans that that's the area that he wanted. He said at one time that, on the side, that on the east side of the property he would have those fine logs displayed there and they would be laid out individual logs, but the other ones on the right side of the driveway as you pull in would be 100 x 200 area which would be piles of logs right there" (See *Exhibit "E"* at p. 6);
- (j.) Morris further represented to the ZBA at its October 14, 2001 meeting that "He's [Mayer] more or less a transfer agent from the lumber man in the woods to the furniture manufacturers" (See *Exhibit "E"* at p. 6); and

WHEREAS, the ZBA transcripts reflect that the full scope and extent of site operations on the Lease Property was a consideration of the ZBA in its determination, to wit:

- (a.) "I'm not certain whether you know I guess what concerns me a little bit is the amount of... whether it amounts to actually manufacturing on the site, cutting the logs and things, whether that's the variance they really need here, not for selling because they already have the right on the property to sell items not produced on the premises from the previous variance. But I guess it depends upon what the extent of that is. And I really don't have a handle for how much cutting there's going to be. And I think that's what these people are worried about... I think the first thing you have to determine is whether you think this is just the same thing you already have, which is the right to sell items which are not produced on the property... This wasn't clear to me from the papers, as whether it is significant what they're doing what I think you said dressing the log, I'm not familiar with the term, but if you're going to be doing that to a hundred logs a day, that could tend to be significant. If it's one log a day... maybe what the variance they're asking for is actually like manufacturing type of things, not quite a saw mill... it's almost sounds more of a ... I don't know it almost like a kind of a like a light manufacturing... I don't know it sounds almost like a light manufacturing. I mean what would you call a saw mill? You'd call that manufacturing wouldn't you? You sure wouldn't call it... it's not commercial... It's less than a saw mill but it's more than selling antiques... Like I say I think it's a question of degree" (See *Exhibit "K"* at p. 5-7, 13);
- (b.) "What he currently has, we went through this at the last meeting and the reason that you asked, one of the reasons you asked this other gentleman to be here is because you wanted to get some idea of how much of this was manufacturing and how much of it was just sales. He has a use variance now that lets him sell things that are not manufactured on the premises, that are not produced on the premises. So he has the variance that lets him sell things in an area that's not zoned for it. So one of the issues is whether you are going to extend that variance to let them manufacture, as you were, these logs, if you feel that manufacturing is a big component of what's going on... If your determination is in your view of this is that all he's doing is selling, then you don't really have to do anything here, because he's already got a use variance... To me it would depend on how much, to me it would depend on how often it's being done" (See *Exhibit "E"* at p. 4-5); and

WHEREAS, the Planning Board makes the following fact findings regarding the Morris and Mayer representations to the Planning Board concerning the scope and extent of site operations on the Lease Property:

- (a.) The site plan submitted by Morris includes:
- Log storage area in the gravel parking area, including a loading ramp;
 - Log storage areas to the north, south, east and west of the gravel parking area;
 - Firewood storage area to the north and east of the gravel parking area;
 - Log and firewood storage areas are not denoted by square footage on the site plan;
 - A proposed temporary trailer (truck) with a 20' storage container;
 - Proposed porta-potty for employees;
 - Fuel storage tank with secondary containment;
 - Proposed dumpster;
 - Two (2) log cranes situated to the south of the gravel parking area;
 - Work barrier located to the south of the gravel parking area;
 - General note 3 states "normal stacked log height is 7' - 10'. Occasionally, logs may be stacked to a maximum height of 12'";
 - General note 7 states "log storage areas (shown hereon) are general areas for log storage. Logs may also be temporarily stored on this site on portions of gravel area";
- (b.) The written narrative filed in connection with the site plan provides that "the primary function of this facility will be to serve as a temporary distribution point for forest products *en route* to their various manufacturing facilities or consumers. An example of these products would include, but not limited to, logs, lumber, firewood, balsam and fir bows, decorative stumps and field stone to name a few. Most of these products require loading and unloading onto and off of trucks. In addition to this, some of these products will need additional preparation and pre-sales enhancement, which would include re-scaling, re-packaging, re-grading or trimming"; and

WHEREAS, the Planning Board finds that there are significant factual distinctions concerning the full scope and extent of site operations on the Lease Property between the representations made by the Applicant to the ZBA as compared to the site plan, written narrative, and current on-site activities associated with the site plan application before the Planning Board, including differences in areal extent of operations; equipment utilized on site; extent of materials preparation; and types of products treated, stored, and offered for sale; and

WHEREAS, the Planning Board finds that such significant factual distinctions give rise to the issue of whether such additional activities constitute manufacturing on the Lease Property, or other commercial use outside the scope and extent of the current use variance issued by the ZBA in October 2001; and

WHEREAS, the Site Plan Review Act of the Town of Brunswick, at Part III Section 1, provides that prior to the submission of an application for site plan review, an applicant must have received any required approval from the ZBA; and

WHEREAS, the Zoning Ordinance of the Town of Brunswick, at Article III Section 5(1),

provides that no building or land shall be used or occupied unless it is in conformity with the regulations for the district in which it is located; and


WHEREAS, the Zoning Ordinance of the Town of Brunswick, at Article V, Section 11(A), provides that the Superintendent of Buildings (Utilities and Inspection) of the Town of Brunswick is charged with the general and executive administration of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Current site operation by Mayer on the Lease Property is not a permitted use in the A-40 Zoning District under the Zoning Ordinance of the Town of Brunswick;
2. A use variance for the Morris property was previously issued by the ZBA in 1989 for the sale of items that are not produced on the Morris property;
3. The ZBA, in October 2001, determined that the existing use variance for the Morris property applied to log storage and sales activities as described by Morris to the ZBA in September and October 2001, as well as a site map dated July 2001;
4. The site plan application of Morris, including a site plan and written narrative, as well as inspection of on-going operations by Mayer on the Lease Property, show uses and/or activities which may fall outside the scope and extent of the activities described by Morris to the ZBA in connection with the ZBA determination in this matter of October 2001;
5. An issue of zoning compliance exists concerning the full scope and extent of activities included in the Morris site plan application pending before the Planning Board, in that the Planning Board requires clarification and interpretation of the full scope and extent of the use variance for the Morris property and whether such use variance applies to all current site activities included in the Morris site plan application;
6. Accordingly, the Planning Board hereby refers this matter to the Superintendent of Utilities and Inspection for clarification and interpretation of the full scope and extent of the use variance for the Morris property, with specific regard to whether such use variance applies to all current site activities included in the Morris site plan application pending before the Planning Board.

ADOPTED at a meeting of the Town of Brunswick Planning Board on January 2, 2003 by a vote of 6-0

Malone	<u>absent</u>
Bradley	<u>yes</u>
Czornyj	<u>yes</u>
Esser	<u>yes</u>
Oster	<u>yes</u>
Tarbox	<u>yes</u>
Wetmiller	<u>yes</u>


~~Shawn Malone, Chairman~~
Michael Czornyj, Acting Chairman

EXHIBIT

A

PHILIP H. HERRINGTON
SUPERVISOR

PAULA M. MONAHAN
TOWN CLERK

SAM SALVI
COUNCILMAN

PATRICK E. POLETO
COUNCILMAN

CAROLYN M. ABRAMS
COUNCILWOMAN

CARL CLEMENTE
COUNCILMAN

THOMAS R. CIOFFI
TOWN ATTORNEY



TOWN OFFICE

308 TOWN OFFICE ROAD
TROY, NEW YORK 12180-8809
Tel. (518) 279-3461
Fax (518) 279-4352

DOUGLAS J. EDDY
SUPT. OF HIGHWAYS

JAYNE M. TARBOX
RECEIVER OF TAXES

SYLVIA A. ROONEY
SOLE ASSESSOR

WILLIAM L. AUSTIN
SUPT. OF UTILITIES & INSP.

G. LAWRENCE KRONAU
TOWN JUSTICE

ROBERT H. SCHMIDT
TOWN JUSTICE

October 15, 2002

Mr. & Mrs. Gary D. ~~Morris~~
60 Flower Road
Troy, NY 12180

Forest A. Mayer
P.O. Box 707
Bennington, VT 05201

Re: Property Owned by Gary D. Morris and Christine A. Morris - Intersection of NYS Route 7
and Flower Road

Dear Mr. & Mrs. Morris and Mr. Mayer:

This correspondence concerns the activities currently being undertaken by you on the above-referenced premises.

As you must know, the Town has recently received numerous complaints from persons residing nearby concerning excessive hours of operation, excessive noise, smoke, odor, and vibration, all resulting from Mr. Mayer's activities on the premises.

In the course of investigating these complaints, it came to our attention that there is no existing Site Plan for these premises. Nor was any application for Site Plan approval filed with the Planning Board prior to the date Mr. Mayer began his operations at the site. This is an additional requirement above and beyond the use variance which had been previously granted by the Zoning Board of Appeals with respect to these premises, which we are also reviewing to determine whether the current activities on the premises fall within its parameters.

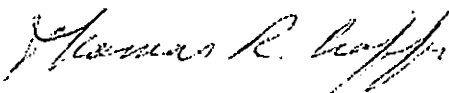
Accordingly, you, and each of you, are hereby advised that you are in violation of Part II, Section 2., of the Town of Brunswick Site Plan Review Act. You are further advised that you should cease operations on the premises until such time as you obtain Site Plan approval from the Planning Board

in accordance with the Site Plan Review Act. A copy of the Site Plan Review Act and an application for Site Plan review can be obtained from Superintendent of Utilities and Inspections John Kreiger.

The Site Plan Review Act authorizes severe penalties for violations, and provides that each week that a violation continues constitutes a separate additional violation. Unless you cease your operations immediately, and refrain from operating on the premises unless and until a Site Plan is approved for the premises, we will have no alternative but to commence appropriate enforcement proceedings in the Justice Court.

Thank you for your anticipated cooperation.

Very truly yours,



THOMAS R. CIOFFI
Town Attorney

cc: Town Board Members
Planning Board Members
Andrew Gilchrist, Esq.
Zoning Board of Appeals Members
John Kreiger

EXHIBIT

B

TOWN OF BRUNSWICK
Application to Develop

Date: 10-22-02

	Name	Address	Bus. Tel.	Res. Tel.
APPLICANT				
OWNER	<u>Grey & Chestnut Morris 60 Flower Rd Troy NY</u>			<u>279-3592</u>
BUYER				
DEVELOPER				
ATTORNEY				License #
ENGINEER				
SURVEYOR				

NOTE: ANY OF THE ABOVE MAY BE CONTACTED BY THE REVIEWING OFFICER

SPECIFIC APPLICATION

Property Location: RT 7 & FLOWER RDSize of Original Parcel: 24.44 Waiver of Subdivision Regulations

If Major Subdivision, a two-step procedure is required

 Minor Subdivision Preliminary Plat approval Site Plan Review Final Plat approval

COMPLETE APPROPRIATE BLOCK BELOW (Choose only one)

COMPLETE ONLY IF REQUESTING A WAIVER OF SUBDIVISION REGULATIONS

Parcel size to be conveyed: _____ Intended use: _____

Description of parcel to be conveyed: _____

Original property description on Town Tax Rolls: _____

Describe parcels conveyed within past 7 years (date, size & Purchaser): _____

 Scale drawing attached. Shows boundaries, adjacent property owners, public highways, public utilities, property lines including remainder of owner's tract, Min. scale 1" = 200'

COMPLETE ONLY IF REQUESTING A SITE PLAN REVIEW

SKETCH PLAN:

 All zoning in compliance

Submitted: _____

 \$50 Filing Fee paid

Approved: _____

 "Consultant Review" Deposit*

*Consultant Review Fund. The Planning Board requires that a fund be established with the Town Clerk to Absorb all "Consultant Review" costs.

COMPLETE ONLY IF APPLYING FOR A MINOR SUBDIVISION

Name of Subdivision: _____ Prefiling Conference date: _____

 Copies attached of any covenants or deed restrictions. Plat Plan, scaled 200' = 1" (Minimum), conforming to all requirements of ART V, §2. \$50 Fee paid, plus \$10 per lot.

- OVER -

EXHIBIT

C

Manning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD November 7, 2002:

PRESENT were Chairman SHAWN MALONE, WILLIAM BRADLEY, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, and JOHN KREIGER.

ABSENT was DAVID TARBOX and JOSEPH WETMILLER.

ALSO PRESENT was MARK KESTNER, of Kestner Engineers P.C., consulting engineer to the Planning Board.

The first item of business on the Agenda was the site plan application of MATTHEW DONLON, for property located on Hoosick Road, in front of the Price Chopper Plaza. In attendance on were Matt Donlon, owner, and Jesse Hunt. Mr. Hunt is seeking to lease the commercial property from Mr. Donlon to operate a tattoo shop. Mr. Hunt handed up a site plan, including a narrative of his business operations. Upon review of the site plan as well as the written narrative, Chairman Malone inquired whether a license was required from the State or County health departments for operation of a tattoo shop. Mr. Hunt responded that no license was required at the State level, and no license is required from Rensselaer County. Chairman Malone inquired whether any physical alterations to the building were planned. Mr. Hunt and Mr. Donlon responded that no physical changes to the building were planned except for the installation of a handicap access ramp. Chairman Malone inquired of Mr. Kestner whether the handicap access ramp was acceptable. Mr.

Kestner, upon review of the plan, stated that the access ramp plan was acceptable and that the entire site plan was acceptable. Member Bradley noted that this property had been in front of the Planning Board on prior occasions for different uses, and issues concerning setbacks and parking had previously been reviewed by the Planning Board. On the issue of parking, Mr. Hunt noted that five parking spaces were available, including the handicap parking space, and that his operation did not generate a lot of traffic. Mr. Hunt again explained that he only had one employee, and that each customer typically is in the shop for a long period of time. This results in minimal traffic generation, and the parking spaces at this location are adequate to handle customer need. Chairman Malone inquired of the Board Members as to any additional questions concerning the site plan. No additional questions were raised. Member Bradley thereupon moved to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was carried 5 - 0, and a negative declaration adoption. Thereafter, Member Oster moved to approve the site plan, which motion was seconded by Member Bradley. The motion was carried 5 - 0, and the DONLON site plan application was approved.

The second item of business on the agenda was the site plan application of GARY MORRIS. Mr. Morris was in attendance, and handed up a site plan to the Board Members for review. This property is located along Route 7, opposite Cooksboro Road. Mr. Morris is the owner of the property, and Forest Mayer is leasing the property. Mr. Mayer is operating a log processing and distribution operation on the property. Mr. Morris explained to the Planning Board that he had already appeared before the Brunswick Zoning Board of Appeals ("ZBA") in October 2001, and that the ZBA had approved the operation. Mr. Morris explained that the ZBA Members were concerned about the operation of chain saws at the property and that Mr. Mayer had agreed to the condition that

no chain saws be operated before 7:00 a.m. Member Czornyj inquired of Mr. Morris whether the ZBA was aware of other equipment being operated on the property other than chain saws. Mr. Morris confirmed that other equipment was being utilized at the site, and was unaware whether the ZBA knew this. Member Czornyj inquired whether the site plan handed up to the Planning Board was the same site plan that was before the ZBA. Mr. Morris responded that it was not the same site plan, but that there were only slight changes from the plan that was before the ZBA. Member Esser stated that he was a Member of the ZBA at the time the Morris application was reviewed in October 2001, and that several issues were discussed by the ZBA Members, including hours of operation and location of where logs would be stacked on the property. However, Member Esser stated that the ZBA concluded the use fell within a previous variance which had been granted to Mr. Morris for sale of agricultural/forestry products, and therefore the ZBA concluded that no new variance was required for the log processing and distribution use. Chairman Malone thereupon reviewed the Minutes of the ZBA Meeting of October 14, 2001, where the ZBA determined that the current activity conducted by Mr. Mayer was encompassed within the former variance which permitted the sale of agricultural/forestry products not produced on the premises. Chairman Malone opined that the current operation of log processing and distribution was not the same use as a farm stand, which formerly operated on the property under the prior use variance. Attorney Gilchrist thereupon stated that while Chairman Malone was of the clear opinion that the uses were drastically different, it was the opinion of the ZBA that the current use was encompassed within the former variance and that, therefore, no further variance was required. Chairman Malone requested that Mr. Mayer explain his operation on the property. Mr. Mayer stated that his business purchases logs and forest products from any vendor, trucks them to his facility, organizes and cleans up the product, and then loads the

product onto trucks for shipping. The logs are "cleaned up" by use of chain saws. Mr. Mayer explained that he has several of these facilities, and the location on Route 7 constituted the relocation of his operation from Bennington, Vermont. Mr. Mayer explained that trucks do come to the property at night time hours, but that he is trying to keep the operation limited to 7 a.m. to 7 p.m. Mr. Mayer emphasized that he was trying to be a good neighbor. Further, Mr. Mayer stated on the record that if the Brunswick community did not want this type of operation at that location, then he would not operate at that location; however, Mr. Mayer emphasized that it would be a severe economic impact for him to relocate prior to the end of his current lease term, which runs an additional 18 months. Chairman Malone noted that the night time operations at that location is an issue with neighboring property owners. Mr. Mayer stated on the record that he would cease night time work, and since he does operate at other locations he could be flexible in terms of truck traffic at night. Mr. Mayer offered that the hours of operation in Bennington, Vermont were limited to 6 a.m. to 6 p.m., and that he could operate this location from 7 a.m. to 7 p.m. Member Oster inquired whether Mr. Mayer was using the building on the site as an office. Mr. Mayer explained that he was not currently using that building as an office, but would like to be able to do that in the future. Member Czornyj inquired whether logs were being stacked near the property line. Mr. Mayer stated that logs were being stacked near the property line, but that he was unaware of any required setbacks. Member Czornyj stated that setback requirements were applicable, and that he must abide by them when preparing his site plan. Member Oster inquired whether the boundary line was identified in the field. Mr. Morris said that while pins were located on the property noting his boundary lines, the boundary line was not otherwise identified. Mr. Morris explained that the site being leased by Mr. Mayer totaled approximately 4 acres, and that Mr. Morris owned a total of

approximately 25 acres at this location. Mr. Kestner inquired whether the variance for the former use (farm stand) was limited in area. Attorney Gilchrist stated that the physical area encompassed under the variance was dependant on the site plan before the ZBA when it initially issued that variance for the farm stand. Mr. Kestner offered that the neighbors had complained that the current logging operation encompassed a greater area on the property than the former farm stand. Mr. Morris disagreed, stating that the current use actually takes up less area than the former farm stand use. Chairman Malone stated that this matter will be required to go through full site plan and SEQRA review. A full site plan in compliance with the site plan regulations of the Town needs to be prepared and submitted for review, and a Long Environmental Assessment Form should be prepared pursuant to SEQRA. Chairman Malone explained the procedure for site plan review, including the submission of the site plan to the Rensselaer County Department of Economic Development and Planning for comment, as well as the noticing and conducting a Public Hearing to allow all interested persons to comment on the application. Chairman Malone explained that the site plan needs to provide sufficient detail, including all operations currently being undertaken on the property or planned at any time in the future. In order to provide adequate time for the preparation of the site plan and completion of the Long Environmental Assessment Form, Chairman Malone placed this matter on the Agenda for the December 5, 2002 Meeting. Certain members of the public were in attendance at this meeting, and offered the following comments. Nancy Cupolo requested that the Planning Board review the audio tape of the Brunswick ZBA Meeting held October 14, 2001. Bernie Barber presented photographs of the current logging operation, as well as statements from concerned individuals regarding that operation. Mr. Barber stated that neither Mr. Morris nor Mr. Mayer fully explained the current operation when the application was before the

Brunswick ZBA. This matter will be placed on the December 5 Agenda.

No appearance was made regarding the ROBERT TALHAM waiver of subdivision application. This matter is adjourned without date.

Supervisor Herrington was in attendance, and raised two issues with the Planning Board.

First, Supervisor Herrington raised the issue of the site work undertaken at the BRUNSWICK NO. 1 FIRE DEPARTMENT property. Chairman Malone read the letter of Attorney Gilchrist to the Brunswick No. 1 Fire Company concerning the need for site plan review for these activities. Mr. Kreiger will confirm whether a site plan application for these activities has been filed by November 14, and if not Attorney Gilchrist will forward a letter to the Brunswick No. 1 Fire Company requesting an appearance before the Planning Board at its November 21 Meeting.

Second, Supervisor Herrington raised the issue of the Salvation Army facility on Route 7. Specifically, Supervisor Herrington has become aware of the fact that people are disposing of various kinds of material behind the Salvation Army building at night. This material has included gas containers as well as other potential flammable materials. In fact, the Center Brunswick Fire Company has been on the site on at least two occasions to address this situation. Chairman Malone noted that the site plan approved for the Salvation Army facility limited material drop-off to the front of the building only, and did not allow any loading in the back of the building. Accordingly, any materials dropped off behind the building is not part of the approved site plan for the property. Attorney Gilchrist suggested that this was a Town zoning enforcement issue, and that a letter should be sent to the Salvation Army facility identifying the problem and requiring the proprietors to correct the situation. In the event the proprietors do not correct the situation, then a number of remedies are available including requiring the Salvation Army to present a revised site plan and/or contacting law

enforcement to further patrol the area.

Attorney Gilchrist reviewed the status of the Local Law for the increase of fees for applications before the Planning Board.

The Minutes of the October 17, 2002 Meeting were reviewed. Chairman Malone made a motion to adopt the Minutes as proposed, which motion was seconded by Member Esser. The motion was carried 5 - 0, and the Minutes of October 17 Meeting approved.

The **index** for the November 7, 2002 meeting is as follows:

- a. Donlon - Site Plan - approved;
- b. Morris - Site Plan - 12/5/02;
- c. Robert Talham - Waiver of Subdivision - adjourned without date;
- d. Brunswick No. 1 Fire Department - compliance issues;
- e. Salvation Army - compliance issues.

The **agenda** for the November 21, 2002 meeting currently is as follows:

- a. Brunswick No. 1 Fire Department - compliance issues.

EXHIBIT

D

TOWN OF BRUNSWICK
ZONING BOARD OF APPEALS

308 TOWN OFFICE ROAD, TROY, NEW YORK 12180
PHONE: (518) 279-3461 - FAX: (518) 279-4352

DRAFT MINUTES

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on October 14, 2001, at 6:00 P.M.

Present at the meeting were: James Hannan, Chairman
E. John Schmidt, Member
Caroline Trzcinski, Member
Frank Esser, Member
Amy Serson, Member

Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary, and William Austin, Superintendent of Utilities and Inspections.

At 5:30 P.M., a Workshop Meeting was started at which the Board members discussed agenda items and reviewed the files. The Board scheduled the next meeting for November 26, 2001, due to a conflict in Mr. Cioffi's schedule. At approximately 5:45 P.M., Member Trzcinski made a motion to adjourn to Executive Session to discuss the pending Omnipoint litigation involving the proposed cell tower on Moonlawn Road. Member Esser seconded. The motion carried 5 - 0. Attorney Cioffi briefed the Board on the status of the litigation. At approximately 6:05 P.M., Member Serson made a motion to return to the regular session. Chairman Hannan seconded. The motion carried 5 - 0. No action was taken in the Executive Session.

At approximately 6:05 P.M., Chairman Hannan called the Regular Meeting to order. The first item of business was approval of the minutes of the September 17, 2001, meeting. Member Serson made a motion to accept the Draft Minutes as prepared with the following correction: Page 5, fifth paragraph, last line - the word "form" should be "from". Member Schmidt seconded. The motion carried 5 - 0.

The next item of business was the appeal and petition of BRENDA BROWDY, applicant, dated September 13, 2001, for a use variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed use of land and buildings located 2501 Creek Road, in the Town of Brunswick, to house and maintain horses, because the proposed use is not a permitted use in an R-25 Zone and may only be permitted by way of a use variance issued by the Zoning Board of Appeals. Attorney Cioffi read the Notice of Public Hearing aloud:

The Chairman asked whether anyone present had any objections. John Orecki, 41 Rutledge Lane, stated that his property does not adjoin, but he has some concerns. He is concerned that the

807

It was noted that an EAF needs to be submitted by the applicant. Member Schmidt said he would like to see something in writing from DMV which states that signs have to be a certain size. It was noted that the applicant is seeking 65 square feet of signage over and above what the Sign Law allows. The Chairman asked whether the pylon sign could be smaller. Mr. James said it had already been purchased and was very costly.

Member Schmidt said the pictures are deceiving. They make the signs look smaller than they are. Member Serson asked whether the "H" logo had to be affixed to the building. Mr. James said that is a Honda requirement. Member Trzcinski asked Mr. James whether he had ever seen Saratoga Honda. He said he had. Member Trzcinski said it is very tasteful. Mr. James said that they are not allowed anymore signage. The Chairman asked Mr. James to bring in any regulations issued by Honda regarding signs at its dealerships.

Member Serson made a motion to continue the public hearing to November 26, 2001. The Chairman seconded. The motion carried 5 - 0.

→

The next item of business was the further consideration of appeal and petition of GARY MORRIS and CHRISTINE MORRIS, applicants, dated July 17, 2001, for a use variance, pursuant to the Zoning Ordinance of the Town of Brunswick, in connection with the proposed commercial use of land and buildings located at 60 Flower Road, in the Town of Brunswick for the resale of forest products, because the proposed use is not a permitted use in an A-40 Zone and may only be permitted by way of a use variance issued by the Zoning Board of Appeals.

Gary and Christine Morris appeared in support of their application. Forest Mayer, who wants to operate the log business on the premises did not appear. There was some discussion about the way the business would operate. Mr. Morris handed up a copy of a draft contract between him and Forest Mayer.

Attorney Cioffi noted that The Morris' already had a use variance permitting them to sell items on the premises that were not produced on the premises. He read the minutes of the meeting at which that variance was issued. The real question here is whether that variance covers the activity which Mr. Mayer plans to conduct on the premises, i.e., dressing, selling and shipping veneer logs. If it does, the current variance application is moot. After some discussion, Member Schmidt made a motion to determine that the activity being proposed to be conducted on the premises by Forest Mayer is encompassed within the former variance and that, therefore, no further variance is required. The Chairman seconded. The motion carried 5 - 0.

As to the application of Hanley Sign Co. o/b/o Key Bank, N.A., relating to signs on its ATM kiosk, Mr. Austin advised that the applicants were abandoning the application.

There being no further business, Member Serson moved to adjourn. Member Esser seconded. The motion to adjourn carried 5 - 0 and the meeting was thereupon adjourned.

TOWN OF BRUNSWICK

Zoning Board of Appeals

9 Town Office Road, Troy, New York 12180

M I N U T E S

A Public Hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York was held on the 15th day of May, 1989 at 5:00 P.M.

PRESENT were:

JACK VanDERHOOF, Chairman

STANLEY FANE

FRANCIS BOURGEOIS

ROBERT WHITAKER, JR.

BERNARD COLEMAN

WILLIAM L. AUSTIN, Superintendent
of Utilities & Inspection

The next item of business was the application of GARY MORRIS & CHRISTINE MORRIS. Mr. Morris wants to set up a vegetable stand for the sale of vegetables and other items other than those which he himself grows. The Notice of Public Hearing was read by Chairman VanDerhoof. Mike Jarem of Route 7 in Brunswick who is the next door neighbor said that the Morris house was beautiful and that they have excellent parking facilities. Mrs. Morris said that this was a seasonal business and would only be open from July through December. There was a motion by Member Whitaker to grant the application, with a second by Member Fane, and the vote was 5 - 0 in favor.

EXHIBIT

E

Exerpt from Brunswick ZBA Meeting of 10/15/01

...

Chair: Held over is the application by Gary and Christine Morris.

Mr. Morris: First off, I had expected Forest Mayer, the fellow who wants to lease my property to be here tonight. I don't know if he's just delayed. I don't know if you can postpone this or if you have any other business first?

Chair: We can do that. Okay.

Mr. Morris: He travels through the state and might be delayed.

Chair (aside): Forest Mayer we requested Forrest Mayer to be here. We are going to hold for a little bit and see if this gentlemen comes in.....

...

[Later]

Chair: Mr. Morris?

Mr. Morris: I don't know. He must have been delayed, he travels far.

Chair: Do you have a way of calling him at all while you're here?

Mr. Morris: No I don't. What I did is I after the meeting last month, I discussed with him your concern of the noise of the chain saw and he had agreed to go for a 7 o'clock in the morning to a 7 in the evening restriction on the chain saw. I ask the Town at this time as no noise ordinance in the Town? I have a copy of the lease, I can show you that.

This is under other conditions.

Chair: I don't think it should be said in the lease. _____.

Voice (woman): Is there any people here that have a problem? No. That woman. Speak up

..... I mean I don't want to say anything.

Chair: Well maybe they should read that it's been changed from 7 am to 7 pm seven days a week. Let me read the lease.

Voice : Alright let me read the lease.

Mr. Morris: I have the first part of the lease.

Chair: Copy of that? Yeah that'll be good. We'll make copies of the lease for the Board to look at.

Voice : In the meantime this young lady would like to say something I believe.

Voice : Based upon the Board's recommendation our last visit we did go to see the T.O.s

Chair: Yes.

Voice : And from what we could see it was relatively quiet there was no logging there wasn't any chainsawing. You know that type of thing. We were just mostly concerned about that.

Chair: Yeah the similar type of business as that, matter of fact, I just talked to him the other day, he said it's just a couple logs per truck that they have to straighten out. If that's the situation, then it won't be you know 12 hours of chainsawing. If it's just random - "this log's got to be done and that log's got to be done" of the truck, then I don't have a problem with it.

Voice : Yeah but you don't have a problem with 7 o'clock on Sunday morning?

Chair: Well, I mean, he's not open, I don't believe, on a weekend and I hope that

Voice : Are you.... is this operation open on Sundays?

Mr. Morris: Because there is no noise ordinance in this Town, at this point in time, he doesn't want to operate on any restrictions. He would like to operate on a 24 hours a day,

7 days a week with no restrictions because there is no noise restriction in the Town. Not that he is going to do this, his business is exactly like the one in Pittstown. All his trucks, the noise, the emissions on his trucks are no... they have to be with the standard of the federal government for any over the road truck and it's a more or less the same as somebody out there during the night snowblowing their driveway in the winter or mowing their lawn in the summer. He did agree to the 7 to 7 change on the chainsawing. He would like that 7 days a week.

Voice : But the trucking is not included in the 7 to 7. Is that true?

Mr. Morris: No its not, he assured me that all his trucks and noise-emission meet any truck that's going down the highway right now. The noise limit. They run Route 7 24 hours a day.

Voice : What about idling, I mean there's a difference between trucking down Route 7 and idling.

Mr. Morris: Right. Yeah. You know the come in and unload and then their gone. But a.....because there's no noise. I can even hear night from the Herrington Farms when they're milking the cows. You know you can hear that noise, they start up the big machines. I mean its just noise does travel a long way. Its something that I live with when I moved in the territory that it was residential and farming.

Chair: You folks have anything further that you would like to add to this.

Voice : I had a place [inaudible] with chainsaw. As far as the trucks back and forth, I mean that's something that we live with when you're close to Route 7 anyway. But the chainsawing is different type of noise that if he's going to restrict it that's great.

Voice : That's the way I feel too. If there's some type of restriction in the lease.

Chair: It's 7 to 7, 12 hours a day, seven days a week.

Voice : This is a proposed lease it's not a signed lease.

Mr. Morris: No this is what I've proposed. And this lease is for one year also. Because at that time, if anybody really had any big objections to the way it went, then I wouldn't renew the lease. I'm try to....

Chair: Well you know the first thing's first, is that the Board has to grant you a variance. So you can agree to whatever you want, but if they don't grant a variance, you can't do it. So you can say that this person feels as though they should have.. be able to operate whenever they want because there is no ordinance in place, well the one thing that would stop that, is that if they don't get the variance, they can't operate at all.

Mr. Morris: I see. Okay.

Chair: So just understand that before you go to far.

Voice : Caroline, you have some questions?

Caroline: I would like to ask Tom under just what he said. Could we in our variance state that it would be alright 7 to 7, 6 days a week.

Tom: I think you have the right to put conditions.

Caroline: Well let's say not 6 days, but not Sundays.

Tom: You have... What he currently has, we went through this at the last meeting and the reason that you asked, one of the reasons you asked this other gentleman to be here is because you wanted to get some idea of how much of this was manufacturing and how much of it was just sales. He has a use variance now that lets him sell things that are not manufactured on the premises, that are not produced on the premises.

So he has the variance that lets him sell things in an area that's not zoned for it. So one of the issues is whether you are going to extend that variance to let them manufacture, as you were, these logs, if you feel that manufacturing is a big component of what's going on.

Mr. Morris: Could I say one thing. I talked to Forest about what you said before at the last meeting about manufacturing, and he said that this is not a manufacturer of logs.

Chair: Well only God can manufacture logs.

Mr. Morris: It's a transfer of logs, its not any type of manufacturing involved.

Tom: Well I'm just telling you that he has a variance now to sell. You don't have to do anything, and he can sell things that are produced on the premises. Correct? Mr. Austin?

Mr. Austin: Yes.

Tom: So if he I mean if all... If your determination is in your view of this is that all he's doing is selling, then you don't really have to do anything here, because he's already got a use variance.

Voice : Then by cutting off a log that means he's manufacturing.

Tom: To me it would depend on how much, to me it would depend on how often it's being done.

Voice : Right.

Tom: If they were being dressed, as Caroline puts it, off the premises in Vermont, then trucked there and sold out of there, then I would say clearly its just sales.

Caroline: Are they even being sold there or are they being just stopped there and being transferred to another transfer.

Mr. Morris: They just stop there and they're put on sale there on displays and then they're sold.

Caroline: And they're sold while their on your property?

Mr. Morris: Right. One truck brings logs in and they size them.

Caroline: When they leave your property Mr. Mayer no longer owns them?

Mr. Morris: Pardon?

Caroline: When they leave your property.

Mr. Morris: That's right he no longer... he sells those. He would sell those to another manufacturer who in turn takes and makes furniture out of these logs. He's more or less a transfer agent from the lumber man in the woods to the furniture manufacturers.

Voice : You know it would be wonderful to have trucks coming in 24 hours per day, but I can't visualize trucks coming in all the time to be unloaded. I mean I don't know that the lumber business is that good right now to have that many trucks coming in constantly. I just can't visualize it.

Chair: See trucking in from Canada.

Mr. Morris: Tupper Lake, Canada, Vermont. We had in the plans, there was 100 x 200 area that he wanted to use. I wrote on the plans that that's the area that he wanted. He said at one time that, on the side, that on the east side of the property he would have those fine logs displayed there and they would be layed out individual logs, but the other ones on the right side of the driveway as you pull in would be 100 x 200 area which would be piles of logs right there.

Chair: Keep in mind, you're being asked to improve a variance. Before this business can operate he's got to go the Planning Board for site plan approval and I would

assume these concerns would be raised there as well.

Caroline: I guess I'm a little confused as to why he's here.

Chair: He's here because Mr. Austin sent him here.

Caroline: Okay... I'm a little confused.

Chair: That's exactly what I said last time. Why are you confused?

Caroline: Because he already has a variance for selling products not used or made on the premises since 1986. In that variance, is he limited to selling specific products?

Chair: Didn't you bring that up at the last meeting? Don't you have that handy?

Caroline: That would exclude forest products? Is there something in that variance?

Voice : There is no forest products at all.

Mr. Morris: When I went for that variance, Bernie Coleman was the Board at that time. He said that he was worried that I was going to be selling tractors up there but I said no he would be selling any type of tractors.

Caroline: Was there a variance where he couldn't sell tractors?

Mr. Morris: I'm not sure, I read "not to sell tractors" in there. Yeah.

Chair: Do you ever sell Christmas trees?

Mr. Morris: Yeah I sold Christmas trees.

Chair: Note forest products.

Mr. Morris: I sold wreaths. We ran the business ourselves.

Chair: I remember that. Yeah.

Voice : Selling Christmas trees, you didn't have a chainsaw cutting Christmas trees did you?

Mr. Morris: Only if you wanted me to fit them in your trunk.

Caroline: (aside) there's no restriction. I don't see an actual order of restriction.

Chair: (aside) no there's not.

Caroline: Is that.... I mean...

Chair: This is 1989. This is not.... It says Mr. Morris... The next item of business is the application of Gary Morris and Christine Morris. Mr. Morris wants to set up a vegetable stand for the sale of vegetables and other items other than those which he himself grows. Some people said that they thought the property was beautiful. Mrs. Morris said that this is a seasonal business and we would only be open from July through December. There was motion by Member Whitaker to grant the application, seconded by Member Fayne, vote 5 - 0.

Caroline: But in their granting of the variance, they didn't place a restriction on only vegetable products or an exclusion from selling forest products.

Chair: Right, he sold Christmas trees which is a forest product.

Caroline: A forest product. There is no exclusion or no restriction saying that the... she said that it would only be open from July to December, but they didn't order a restriction in their variance saying that they could only operate from July to December. That's my interpretation.

Chair: The trucks that come in, are they boom trucks that are going to offload logs.

Mr. Morris: Well he has his own boom truck on the site.

Chair: On site.

Mr. Morris: Basically they're flatbed logging trucks. They're not the big type logging trucks that you see. They're long tractor trailer. When you see them rolling down the road they got the great big logs on them.

Chair: What kind of.. what site plan is there now? Is there a site plan for this? Does he need a site plan?

Voice : No.

Chair: Does he need a site plan?

Voice : No.

Chair: Why?

Voice : Well he had a sketch before of what he was going to do of where everything was located.

Chair: Why wouldn't he need a site plan?

Voice : I don't think it was a site plan was it?

Caroline: 1989? Oh I think so.

Voice : I'll look it up and see. I don't know.

Chair: Site plan law was in effect in '89?

Voice : I don't know.

Chair: Well do you have a little book?

Voice : [inaudible]

Caroline: In January 1991 and December of 1990 there were Planning Board meetings held.

Chair: I would venture to guess that if a truck comes in from Tupper Lake at 10 o'clock at night that Mr. Mayer is not going to be there waiting with his boom truck to offload this. Is he?

Mr. Morris: Well he has a guy that works for him.

Chair: Is the guy there....

Caroline: He's not going to sleep there overnight and wait for the load to...

Mr. Morris: No I don't think so. I mean that's a waste of that guy's time you know.

Voice : That's alright. They aren't going to get that many truckloads maybe at the very beginning.

Chair: Well I mean... you know I mean... if this has got to go to site plan. I think this has got to go to site plan, I mean it's the Planning Board's function to determine you know how the thing has to look.

Voice : Why do we have to go to site plan if he's already got a variance?

Chair: He's changing it. A site plan is entirely different from the right to operate the business.

Voice : Could he operate his vegetable stand, sell Christmas trees, and venire logs?

Caroline: We're here to give you [inaudible].

Mr. Morris: We could have a cattle farm here, also, I mean couldn't we? I'm just trying to....

Chair: If it were me you'd just cut off the ends of the logs and you'd have it made. Does he need to go to site plan or not?

Voice : If he doesn't need this then, why does he need to go to site plan? If you think this previous thing covers this, then why do we have to go?

Chair: I would have thought that whenever a business changed hands or whenever a you know something different is being done on a property you need a... you need a... it says "the following facilities require Planning Board review of site plan approval: all structures which are to be newly constructed, including but not limited to all sites for commercial or industrial use or public facilities, such as a) schools, fire houses, churches, governmental buildings b) all additions, deletions in structural or site changes to existing commercial or industrial areas; c) all changes in use.

Voice : One thing I think we should be concerned about is tracker trailers coming in and entering off Route 7.

Caroline: That's what I said DOT.

Voice : And make sure they have a good line of sight each way, which on one way you do, the other way there isn't and I don't know how far up is...

Mr. Morris: We sent all those papers to the County and the State for approval.

Voice : Alright. Good.

Voice: Our issue here is whether or not.... I think you have two issues here. Number 1, do you think that his approval from 1989 covers what he wants to do here? If so then you probably need to go no further. Because he's already got it. If that's the way you interpret it, then he's already got his variance.

Voice : I personally feel it does. My only thing is probably to limit maybe the chainsaw on Sunday morning, but then if somebody next door is cutting firewood, they can be out there at 7 o'clock.

Voice: Well I think either you... if you're going to take action then you have to.. What you'd be saying is that the old variance doesn't cover because it's a different use. Okay. Either you grant a new variance and put conditions on it or you deny it a new variance. If you feel as though the old variance covers what he's doing here then I think your inquiry is over.

Caroline: [aside] are you saying it's over? I would have to say that...

Voice: I'm not taking a position. I'm just saying.

Voice : Why did you just send it to County highway and not State highway?

Voice : I never send it to State.

Chair: It's always supposed to go to Planning....[inaudible exchanges]

Voice : Maybe as a consideration you may be able to get this gentleman to not work on Sunday morning.

Mr. Morris: I say that he's a very decent fellow, very respectable, and I think that you can get more from him but he just doesn't want to have to work under very many restrictions he said there.

Chair: Right. We can't... we can't... Mr. Oster is pointing out that the County... as we do in every case which involves a State Route, we send a request to the County we notify the County of this proposal and the County wrote back and said that.. basically said that the proposal does not have a major impact on County plans and that local consideration shall prevail. But it adds that the Town may want to limit the number of logs to store at one time to reduce fire hazards and ensure that the property is maintained in an orderly fashion. As I said before, you can't put restrictions on something if we're not acting on it.

Voice : What's the typical turn-around time on logs that come in?

Mr. Morris: Ah geez, I think it goes by the season. I don't think they do much business during the summertime.

Voice : ... doesn't do much business in the summertime.

Mr. Morris: No. It's the wintertime. Now they can see a lot of the facilities around that they're starting to draw in their wood piles now and ...

Voice : Is that his true first name?

Mr. Morris: Forest. Yes. Mayer. He just stopped in one day and said "Hey I love this building

and I'd really like to rent it." His kids go to school down here in New York. His wife brings them down every day. Seems like a real decent guy and I had discussed the fact that we tried to maintain the property and keep it neat all the time and I would expect the same thing from him.

Voice : I personally think we had a vegetable stand and brought in sweet corn, pick out the ones we want and threw away the ones that weren't any good. Looked at tomatoes and threw out some that were any good. And now he's taking trees, it's a different scope, but it's the same principle, you freshen up your product before you sell it. My feeling is he's already covered under the variance he's already got.

Voice : That's my feeling.

Voice : I'd like to make a motion that the Board finds that he is already covered by under the motion he's got.

Voice : I second it.

Chair: All those in favor?

Caroline: I however, would like to request a copy of the approved variance from 1989 be attached to this application and the Minutes so that 10 years down the road we're going to know.

Mr. Morris: Thank you. I'd just like to say that if there is any big problems with this that I don't want an operation that will ruin it or that's a sham.

Caroline: We'll be the first to tell you, I assure you.

[inaudible number of voices speaking at once]

Voice : And as far as Sunday well we do have Saturday Sabbath also, so it's kind of hard to limit Sunday or Saturday. So..

Caroline: I'm up at 5 every morning, so it doesn't matter to me.

Mr. Morris: Okay Thank you very much.

Voice : [inaudible] is not going to come back on us here?

Chair: Let's not

Voice : They give up on it.

Caroline: Who

Voice : [inaudible]

Chair: No did he say he's going do something just to push the button on this thing?

Voice : Who?

Chair: Mr. May?

Voice : Bye bye

Caroline: Can we make a motion to adjourn?

Chair: Are we done? Is that everything?

Caroline: Yes. Seats are empty.

Voice : Did you press the tape yet?

Caroline: No. I'm making a motion.

Voices Second

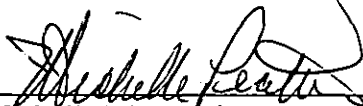
Chair: All those in favor.

Several Voices: Aye

CERTIFICATION

I, Michelle M. Peattie, certify that the foregoing transcript of the proceedings in the Town of Brunswick Zoning Board of Appeals was prepared from a cassette tape and is a true and accurate record of the proceedings to the best of my ability as certain portions of the tapes were inaudible. I was not present for the hearing and names of the Board Members were not available to me, nor were they mentioned before speaking.

By: _____


Michelle M. Peattie

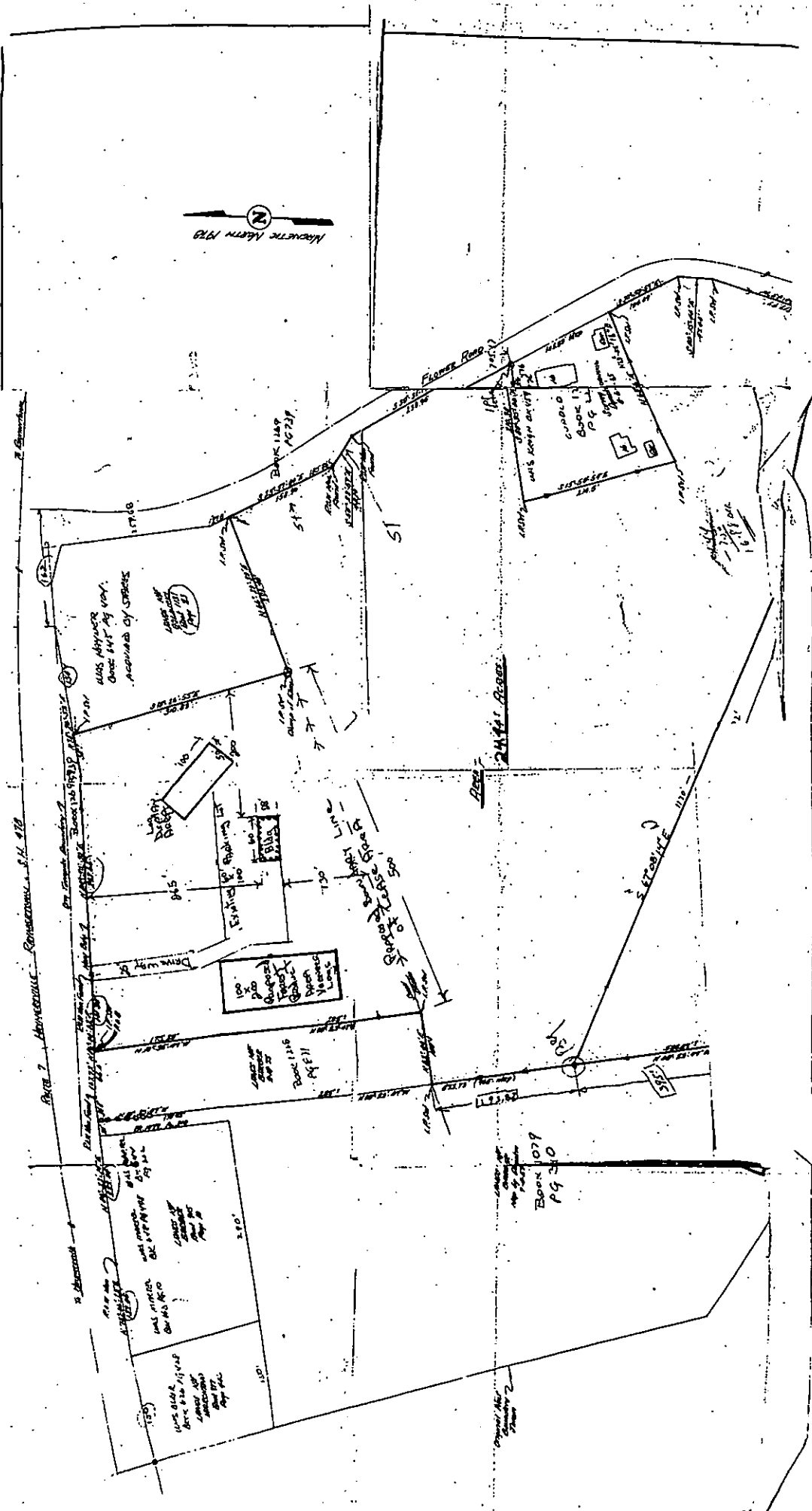
55 Wisconsin Ave.

Delmar, New York 12054

Dated: November 21, 2002

EXHIBIT

F



CHRISTINE Y
 GARY WHEELER
 SCALE: 1" = 40'
 JULY 2001
 64 PAVEN ROAD

EXHIBIT

G

REFERRAL FORM

Rensselaer County Bureau of Budget,
 Research and Planning
 County Office Building
 1600 Seventh Avenue
 Troy, New York 12180

Office Use Only

RCBP# _____

Received _____

Local Action:

Approved _____ Denied _____

1. This form and all supporting material shall be submitted in final form directly by the referring agency, not by the individual applicant. Any changes made after your submission will require resubmittal.
2. This Referral is forwarded to the Rensselaer County Bureau of Budget, Research and Planning for review in compliance with Sections 239 l and 239 m of Article 12-B of the General Municipal Law for the State of New York. Non-referral may jeopardize zoning action.
3. All new zoning ordinances and text amendments must be referred to the Bureau. A referral is also required for any zoning action affecting property located within 500 feet of:
 - Municipal Boundary;
 - Boundary of any existing or proposed county or state park or other recreation area;
 - Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway;
 - Existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines;
 - Existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated.

FROM: Municipality: Town of Brunswick

Local Agency: Legislative Body
 Board of Appeals
 Planning Board

APPLICANT (Name): Gary & Christine Morris

LOCATION OF PROPERTY TO BE CONSIDERED: _____
NYS Route 7 at Flower Road

ACTION REQUESTED: New Zoning Ordinance Special Permit
 Zoning Map Amendment Variance
 Zoning Text Amendment Other _____

PRESENT ZONING: A-40

REQUIRED ENCLOSURES:

1. Map of affected property and adjacent areas, may be tax map.
2. Complete description of proposed action and supplemental material.

8/9/01
Date


Referring Officer (Signature)

Supt of Util & Insp
Title

RCBP # 01-64

Returned by Municipality _____

NOTIFICATION OF ZONING REVIEW ACTION

TO: William L. Austin MUNICIPALITY: Brunswick

APPLICANT: Gary & Christine Morris

SUBJECT: Use Varinace

LOCATION: NYS 7 at Flower Road

PROJECT DESCRIPTION: Applicant proposes to lease farmstand for the resale of forest products.

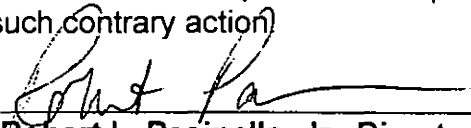
Please be advised that Rensselaer County Economic Development and Planning has acted on the above subject as follows:

After having carefully reviewed the information submitted as part of the subject referral, Rensselaer County Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail.

The Town may want to limit the number of logs at the store at one time to reduce fire hazards and ensure that the property is maintained in an orderly fashion.

Please return a report of the final action you have taken to Rensselaer County Economic Development and Planning. This report is due within seven days after the final action. If your action is contrary to the recommendation of Rensselaer County Economic Development and Planning, Section 239-m of Article 12-B requires the adoption of a resolution fully setting forth the reasons for such contrary action.

Date 8/14/01



Robert L. Pasinella, Jr., Director
Economic Development and Planning
Rensselaer County Office Building
1600 Seventh Avenue
Troy, New York 12180
(518) 270-2914

Return within 7 days of final action to:

Rensselaer County Economic
Development and Planning
County Office Building
Troy, New York 12180

REPORT OF FINAL ACTION

FROM: Municipality: Brunswick

- Local Action
- Legislative Body
- Board of Appeals
- Planning Board

APPLICANT: Gary & Christine Morris
60 Flower Road
Troy, NY 12180

- ACTION REQUESTED:
- New Ordinance
 - Zoning Map Amendment
 - Zoning Text Amendment
 - Special Permit
 - Variance
 - Other _____

- COUNTY ACTION:
- Local Consideration
 - Approval
 - Approval with Modifications
 - Disapproval

- LOCAL ACTION:
- Approval
 - Approval with Modification
 - Disapproval

DATE OF LOCAL ACTION: _____

If local action is contrary to the recommendation of the County Planning Office, Section 239-m of Article 12-B requires adoption of a resolution fully setting forth the reasons for such contrary action.

FILE OUT ONLY
TRAIL OF FORM

14-16-4 (8/85)—Text 12

PROJECT ID. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

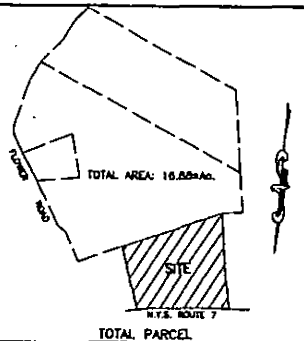
PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR GARY & CHRISTINE MORRIS	2. PROJECT NAME FOREST MAYER
3. PROJECT LOCATION: Municipality Brunswick County RENSSE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 1976 RT 7 & COOKS BORO RD	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/Alteration	
6. DESCRIBE PROJECT BRIEFLY: Resale of Forest Products.	
7. AMOUNT OF LAND AFFECTED: Initially 4 AC acres Ultimately 4 AC acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(ies) and permit(s)/approval(s)	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit(s)/approval(s)	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: GARY D MORRIS	Date: 10-2-01
Signature: Gary D Morris	

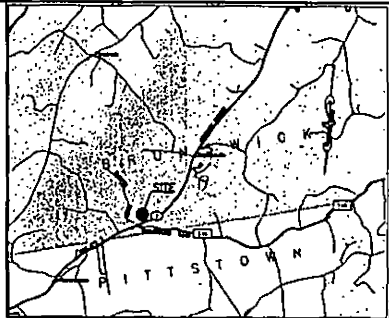
If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

EXHIBIT

H



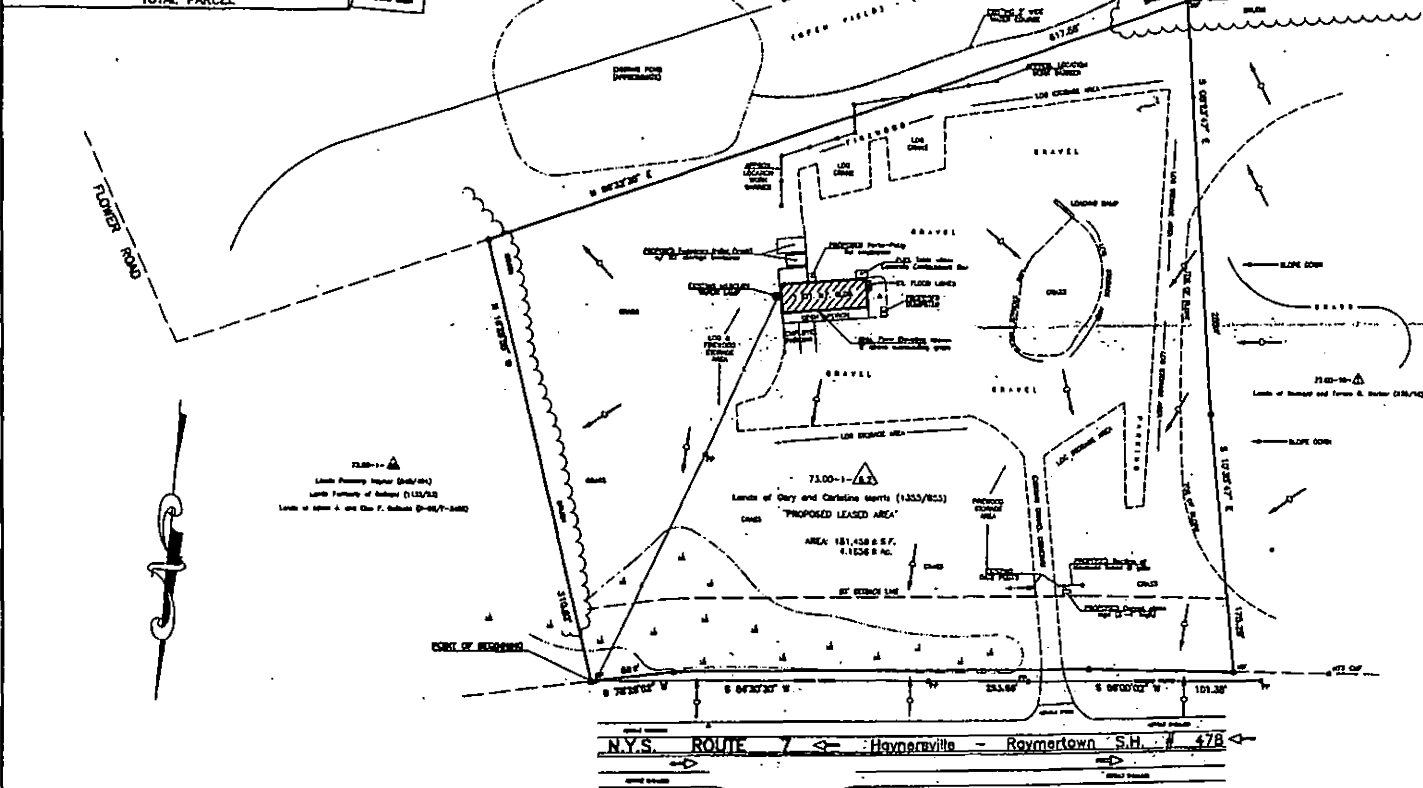
- GENERAL NOTES:**
1. This Site Plan shows existing conditions. The purpose of this Site Plan is for a change of use. No alterations are anticipated to the existing grade, drainage or lighting.
 2. This site is not a public facility and is not open to the public. The only traffic to this site will be limited to pick-up and delivery of logs and employees working to and leaving site.
 3. Harvest stands by logs to be 7'-10'. Occasionally logs may be stacked to a maximum height of 12'.
 4. Site is generally flat. Areas denote surface drainage flow. All grade changes are indicated.
 5. Existing lighting to remain with no anticipated changes.
 6. Soil characteristics: P8 - Pittsford gravelly, sil. loam.
 7. Log storage areas (shown hatched) are general areas for log storage. Logs may also be temporarily stored in this site on portions of ground area.



KEY MAP:

ZONED: A-40 Agricultural
A PERMITTED USE: Forestry & Nursery Operations

- LEGEND:**
- E/T/C Overhead Elec./Tel./Cable Lines
 - P.P. Power Pole
 - Fence
 - Transect Station
 - T.C. Tax Map Parcel Number
 - L.P.F. Iron Red Found
 - C.M.F. Concrete Monument Found
 - F.M. Field Monument
 - (C) Contained
 - (S) Scoured
 - (D) Dredged
 - M.R. Map Reference
 - D.R. Dred Reference
 - D.S. Dredge Direction of D. & Prop. Surface Drainage
 - W.C. Wet Condition / Drainage Arise



- DEED REFERENCE:**
1. Michael and Margaret Jeram to Gary & Christine Morris, dated April 2, 1963 and recorded in Book-1356 / Page-983.
- MAP REFERENCES:**
1. Map of a Portion of the Lands of Michael and Margaret Jeram, prepared by Gerald H. Buckstone, L.S., dated February 1979.
 2. Town of Brunswick Tax Map # 7300-1-6.2

DRAWN: Gary and Christine Morris
60 Flower Road
Troy, N.Y. 12180

LESSEE: Forest A. Mayer Log & Timber Co.
P.O. Box 707
Bennington, Vt. 05201

This project is not intended to be used for any purpose other than that for which it was prepared and no warranty is made by the engineer or architect for any other use.



"SITE PLAN"
SHOWING EXISTING & PROPOSED CONDITIONS
PROPOSED LEASED PARCEL—ROUTE 7, BRUNSWICK

Scale: 1" = 40'	Date: November 5, 2002	Prepared by: F.J.M. / J.
Municipality: Town of Brunswick	Research by: F.J.M., Jr.	
County: Rensselaer	Drawn by: F.J.M., Jr.	
State of New York	Sheet: 1 of 1	
Prepared for: Gary and Christine Morris		
FREDERICK J. METZGER N.Y.S.L.L.S. NO. 49617		
P.O. BOX 237 - TROY, NEW YORK 12182		
OFFICE PHONE: (518) 763-0288 (11/02/25) FAX: (518) 763-1183		

EXHIBIT

I

FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE—Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a CONDITIONED negative declaration will be prepared.*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

* A Conditioned Negative Declaration is only valid for Unlisted Actions

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION SITE PLAN		
LOCATION OF ACTION (Include Street Address, Municipality and County) RT-7 (HOOK ROAD) TOWN OF BRUNSWICK - RENSSELAIRE COUNTY		
NAME OF APPLICANT/SPONSOR GARY & CHRISTINE MORRIS		BUSINESS TELEPHONE (518) 279-3592
ADDRESS 600 FLOWER RD		
CITY/PO Troy, NY 12180	STATE NY	ZIP CODE 12180
NAME OF OWNER (if different) SAME AS ABOVE		BUSINESS TELEPHONE (518) 279-3592
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION Seeking SITE PLAN APPROVAL FOR "CHANGE OF USE" IN AN A-40 AGRICULTURAL ZONE.		

Please Complete Each Question—Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential (suburban) Rural (non-forest) Agriculture Other _____

2. Total acreage of project area: 4.1656 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	3.4 acres	3.4 ac
Forested	_____ acres	_____ ac
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ ac
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	_____ acres	_____ ac
Water Surface Area	_____ acres	_____ ac
Unvegetated (Rock, earth or fill)	_____ acres	_____ ac
Roads, buildings and other paved surfaces	<u>1.2^t</u> acres	<u>1.2^t</u> ac
Other (Indicate type) _____	_____ acres	_____ ac

3. What is predominant soil type(s) on project site? PITTSFORD GRAVELLY SILT LOAM P+B

- a. Soil drainage: Well drained _____ % of site Moderately well drained 90+ % of site
 Poorly drained 10- % of site (Northeast corner of site)

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the Land Classification System? 3 acres. (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

5. Approximate percentage of proposed project site with slopes: 0-10% 27% % 10-15% _____ %
 15% or greater _____ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? 6 (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to _____
 Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formation)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: 2 mile watercourse South of Site - feeds man made Pond
 a. Name of Stream and name of River to which it is tributary No known name
16. Lakes, ponds, wetland areas within or contiguous to project area:
 a. Name man made Pond South of Site b. Size (In acres) 1/2 ± Acre
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-A Section 303 and 304? Yes No Not To My Knowledge
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article of the ECL, and 6 NYCRR 617? Yes No Not To My Knowledge
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 16.88 ± acres.
- b. Project acreage to be developed: 1.2 ± acres initially; 1.2 ± acres ultimately.
- c. Project acreage to remain undeveloped 15.68 ± acres.
- d. Length of project, in miles: _____ (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed N/A %;
- f. Number of off-street parking spaces existing 2; proposed 20 (2 part time employees)
- g. Maximum vehicular trips generated per hour 1-2 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| Ultimately | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
- i. Dimensions (in feet) of largest proposed structure N/A height: N/A width: N/A length: _____
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed? Yes No N/A
 a. If yes, for what intended purpose is the site being reclaimed? N/A
 b. Will topsoil be stockpiled for reclamation? Yes No
 c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
 Yes No
6. If single phase project: Anticipated period of construction (EXISTING) months, (including demolition).
(0-12 months)
7. If multi-phased:
 a. Total number of phases anticipated N/A (number).
 b. Anticipated date of commencement phase 1 N/A month N/A year, (including demolition).
 c. Approximate completion date of final phase N/A month N/A year.
 d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction 0; after project is complete 2 (part time)
10. Number of jobs eliminated by this project 0.
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
 a. If yes, indicate type of waste (sewage, industrial, etc.) and amount N/A
 b. Name of water body into which effluent will be discharged N/A
13. Is subsurface liquid waste disposal involved? Yes No Type N/A
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
 Explain _____
15. Is project or any portion of project located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
 a. If yes, what is the amount per month N/A tons
 b. If yes, will an existing solid waste facility be used? Yes No
 c. If yes, give name N/A; location N/A
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
 e. If Yes, explain N/A
17. Will the project involve the disposal of solid waste? Yes No
 a. If yes, what is the anticipated rate of disposal? N/A tons/month.
 b. If yes, what is the anticipated site life? N/A years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
 If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day N/A gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
 If Yes, explain _____

25: Approvals Required:

	Yes	No	Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, Town, Village Planning Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site PLAN	Nov. '02
City, Town Zoning Board	<input type="checkbox"/>	<input type="checkbox"/>		
City, County Health Department	<input type="checkbox"/>	<input type="checkbox"/>		
Other Local Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Other Regional Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
State Agencies	<input type="checkbox"/>	<input type="checkbox"/>		
Federal Agencies	<input type="checkbox"/>	<input type="checkbox"/>		

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
- What is the zoning classification(s) of the site? A-40 AGRICULTURAL
- What is the maximum potential development of the site if developed as permitted by the present zoning?
NOT KNOWN
- What is the proposed zoning of the site? N/A
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N/A
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes
- What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
Corn fields, Scattered Residences, Farms / Agricultural A-40 Zoned
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes
- If the proposed action is the subdivision of land, how many lots are proposed? N/A
 a. What is the minimum lot size proposed? N/A
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate/avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name GARY MORRIS Date Dec 5, 2002
 Signature [Signature] Title OWNER

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceed

IMPACT ON TRANSPORTATION

14. Will there be an effect to existing transportation systems? NO YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: _____

IMPACT ON ENERGY

15. Will proposed action affect the community's sources of fuel or energy supply? NO YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

NOISE AND ODOR IMPACTS

16. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? NO YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

17. Will Proposed Action affect public health and safety? NO YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

18. Will proposed action affect the character of the existing community?
 NO YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or
If You Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change.
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

Appendix B
State Environmental Quality Review
Visual EAF Addendum

This form may be used to provide additional information relating to Question 1.1 of Part 2 of the Full EAF.

(To be completed by Lead Agency)

Visibility	Distance Between Project and Resource (in Miles)				
	0-1/4	1/4-1/2	1/2-3	3-5	5+
1. Would the project be visible from:					
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site or structure listed on the National or State Registers of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The State Forest Preserve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Wildlife Refuges and state game refuges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Natural Landmarks and other outstanding natural features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• National Park Service lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Rivers designated as National or State Wild, Scenic or Recreational?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A site, area, lake, reservoir or highway designated as scenic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Municipal park, or designated open space?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• County road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Local road?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)					
<input type="checkbox"/> Yes <input type="checkbox"/> No					
3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?					
<input type="checkbox"/> Yes <input type="checkbox"/> No					

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which generally describe the surrounding environment.

	Within	
	*1/4 mile	* 1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input type="checkbox"/>
River, Lake, Pond	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, Overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input type="checkbox"/>	<input type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

- * 1/2 mile Yes No
- * 1 miles Yes No
- * 2 miles Yes No
- * 3 miles Yes No

* Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is _____.

NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	FREQUENCY			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT

J



FOREST A. MAYER
LOG and TIMBER CO.

Thursday, December 5, 2002

Attn.: Planning Board
Town of Brunswick, New York

Regd.: Written Narrative Description
Forest A. Mayer Log and Timber Co.- Wood Yard

The primary function of this facility will be to serve as a temporary distribution point for forest products en route to their various manufacturing facilities or consumers.

An example of these products would include, but not limited to, logs, lumber, firewood, balsam and fir boughs, decorative stumps and field stone to name a few.

Most of these products require loading and unloading onto and off of trucks. In addition to this, some of these products will need additional preparation and pre-sales enhancement, which would include re-scaling, re-packaging, re-grading or trimming.

Initially, during our original process of choosing this location for our operation, we took into consideration some of the following factors.

- The proximity of this site in relation to New York Route 7 weighed heavily.
- The generally flat, stable terrain has sufficient room and access for the required handling of these products, (as previously stated).
- We seriously took into consideration the economic supplementing of the surrounding business community and how we could adapt and contribute to it.

Overall, we feel that this facility will generate a positive contribution to the community.

EXHIBIT

K

**Transcripted Excerpt of the
Town of Brunswick Zoning Board of Appeals Meeting and Public Hearing
of
September 17, 2001**

Chairman: At this time we are going to look at a motion by Mr. and Mrs. Morris. Tom would you ...

Tom: Notice is hereby given that a public hearing of the Zoning Board of Appeals of the Town of Brunswick, Rensselaer County, New York will be held on the 17th day of September, 2001 at 6:00 p.m. at the Town Office Building located at 308 Town Office Road, in the Town of Brunswick on the appeal and petition of Gary Morris and Christine Morris, Applicants, dated July 17, 2001 for a use variance pursuant to the zoning ordinance of the Town of Brunswick in connection with the proposed commercial use of the land and buildings located at 60 Flower Road in the Town of Brunswick for the resale of forest products because the proposed use is not a permitted use in an A-40 Zone and may only be permitted by way of use variance issued by the Zoning Board of Appeals.

Chairman: Mr. and Mrs. Morris?

Mr. Morris: Yes.

Chairman: Would [you] like to come up and kind of position yourself to be able to talk to everybody and explain what you would like to do?

Mr. Morris: Okay. Right now we have a piece of property off of Route 7 on Flower Road and we ran it as a farm stand there for a number of years. At that time we went and got a variance to bring in products from the outside that we couldn't grow [on] our own. The farm kind of went down the tubes because of the deer in the area. We put this request in for these forest products, they call them veneer logs. This fellow would like to lease our land. His name is Forrest Mayer from Bennington Vermont. He goes around and buys hard wood logs that are veneer grade A quality and he would use these in this area of our land to

store these logs to further ship them to furniture manufacturers throughout the United States. It's a ... he has one guy that would be working there mostly full time. There is no saw mill involved. They come in on a flatbed tractor trailer and they go out on a flatbed tractor trailer. They would have [a] loader there to unload the logs. They cut the ends of the logs off to get the right length. The piece of the logs that he cuts off he just sells those as firewood.

ZBA Member (woman): On that property? I'm sorry, I didn't mean to interrupt, on that property he would sell those pieces for firewood?

Mr. Morris: What he does with those is he loads those pieces in a truck that he has and then people that want to buy that he has to bring that to his house, he doesn't allow them to load on the property he has to bring them to their property

ZBA Member (woman): Now is this the place that is on Benmont Avenue?

Mr. Morris: No. This is on Route 7 just a ...

ZBA Member (woman): No I mean this Forrest Mayer is in Bennington?

Mr. Morris: Mayer. Yes. It's right in Bennington.

ZBA Member (woman): But is it on Benmont Avenue?

Mr. Morris: Aw jeez it might be I never really saw his place there.

ZBA Member (woman): Because there is a place...

Mr. Morris: Yeah. There is a place over there

ZBA Member (woman): I understood that they shipped logs down to New York City to the Port Authority.

Mr. Morris: Right. Yeah. He does business all over the United States. Texas and midwest. He does have a spot in Bennington, Vermont. Yes, he does. In fact I believe he has to leave that place there because they're going to be putting in a building there, that area there, and

he'd like to come in to New York.

ZBA Member (woman): Prime area.... industrial area

Mr. Morris: Right. Yeah the way the law reads, I went over this with Bill there, if I was to do, I can do forest production on my own, if I did it for myself. But if I have somebody else come in and do this, then I have to get a variance.

ZBA Member (woman): So that I understand, he's going to bring in logs there.

Mr. Morris: Right.

ZBA Member (woman): Maybe dress them to a certain eight foot or whatever.

Mr. Morris: Right.

ZBA Member (woman): And then he's going to load them and take them somewhere else.

Mr. Morris: Right. Later on. They'll have a, Mary, as you go in the driveway on the right hand side, there used to be a pumpkin field, that would be two rows of logs and they would stack them. On the left side of the barn, there would be a display area for his customers to come and look at the different varieties of logs that he does have. I've told him from the start there you know we've always tried to keep the place neat.

ZBA Member (woman): I know it's always tidy.

Mr. Morris: Also, the Town uses the front of the building for a medivac area and also I let the Town put a dry hydrant in the pond, I said both those areas would have to remain open to the Town helicopter you know because they've airlifted people out of there in emergencies and I would like to do this on a one year lease. I'd like to lease it to the fellow. The reason I'm doing this is you know I have two boys in college and you know the expense of that there. After I've rented it after we got done with that fruit stand, we rented to a retired phone guy. We had it as an antique shop. Then it seemed to be no problem. But this would be a year round thing. Most of their big work is done in the winter time when

they do a lot of the logging and then it kind of dies down in the summer somewhat there.

I don't know if there is any questions.

Chairman: Let me ask at this time anybody from the audience who would like to comment in the audience in favor of this. Okay

ZBA Member 2: Names and addresses please.

N. Cupalo: Frank and Nancy Cupalo, 26 Flower Road.

Chairman: Okay. Thank you. Okay go right ahead.

N. Cupalo: Well the question I just had was I guess then the traffic flow or the traffic pattern isn't on Flower Road then, it is on Route 7?

Mr. Morris: Route 7, yes.

N. Cupalo: Off Route 7 only?

Mr. Morris: Yes. Access off Route 7 only. I have taken the property we own a little bit of land there and I've divided the property off for this fellow which is approximately around 4 acres. But it goes from starts at Route 7 and then you know where we got the pond out in the back the line runs the length of the [inaudible] right through the pond and it's all on the Route 7 side it wouldn't be anything to do with access from Flower Road there.

F. Cupalo: How much cutting do you have going in there?

Mr. Morris: They just use the chain saws and they cut the ends of the logs off there.

F. Cupalo: What kind of hours of the day do you...I don't want to see somebody cut 5 o'clock in the morning.

Mr. Morris: No. Yeah. Jeez I don't really know. If there's any kind of noise stipulation that the Town there, I'd have to tell the fellow he'd have to go with that too.

Chairman: We could probably...

Voice: Do they take the bark off the logs?

Mr. Morris: No they don't de-bark them or anything all they do is just cut them to length there but they do have a loader where they have to lift the logs off and they pile them and what he was going to have to do was go in there with some crushed rock and make a few driveways where they have to get at his piles with the trucks.

Chairman: How does this compare with TL products, you know further out.

Mr. Morris: I don't think that one I've been up there before. He's along the same line of business but of course I think that guy has a much larger area there. I've never even walked up into there. But I laid it out on the survey plan where we would have the logs. I had him down on the property and talked with him a few times on the right side as you come in there's an area approximately 100' x 200' that's a ... you would have two separate lengths of piles of logs in that area. And that land is adjacent to Bernie Barber. I talked to all my neighbors and I have had no objection from anyone that surrounding the land right there. And then there would be another spot would be a display area next to the barn.

ZBA Member (woman): Would that be using the building?

Mr. Morris: The building, he wants to use the building for a small office there. And I said that if you're going to leave any trucks there, I'd like to have them parked like maybe behind the barn, there is spots.

Chairman: So all this could be stipulated in the lease that you put together.

Mr. Morris: That's right. Yes.

Chairman: Do you have any further questions folks?

F. Cupalo: There was just the noise factor. That's all I was thinking about.

Chairman: When I first saw this and I talked to Mr. [inaudible] about it, I wasn't sure whether or not the the previous variance wouldn't cover it because you know the reselling and whatnot. I'm not certain whether you know I guess what concerns me a little bit is the amount of...

whether it amounts to actually manufacturing on the site, cutting the logs and things, whether that's the variance they really need here, not for selling because they already have the right on the property to sell items not produced on the premises from the previous variance. But I guess it depends upon what the extent of that is. And I really don't have a handle for how much cutting there's going to be. And I think that's what these people are worried about.

Voice: I think its occasional, you know once in a while.

Chairman: I don't think it's occasional I mean they're going to cover your lot right?

Mr. Morris: No. This is going to be yeah

ZBA Member (woman): But we could stipulate them from 7:00 to 3:00.

Mr. Morris: You know... they could be... you know they're going to be needing a truck to come in and pick up a truckload or two at night.

Inaudible portions of several people speaking at once.

Chairman: They're going to need...I'm not sure how much of that is within our jurisdiction and how much is within the Planning Board's jurisdiction. You have to come here first for the variance. I think the first thing you have to determine is whether you think this is just the same thing you already have, which is the right to sell items which are not produced on the property. First, you have the farm stand, which is perfectly legitimate, they didn't need anything for that. Then they wanted to bring stuff in from outside, and you got a variance for that.

Mr. Morris: Right. That's correct.

Chairman: So they have a right to sell items from there that are not on the premises.

Mr. Morris: Yes.

Chairman: From what I'm hearing tonight, and I... you know this wasn't clear to me from the

papers, is whether it is significant what they're doing what I think you said dressing the log, I'm not familiar with the term, but if you're going to be doing or they're going to be doing that to a hundred logs a day that could tend to be significant. If it's one log a day...

ZBA Member (woman): I think it would be more than one.

Chairman: Well see I don't know. Maybe what the variance they're asking for is actually like manufacturing type things, not quite a saw mill. Its more than just selling is what I'm saying it would be a different story if they dressed the logs in Vermont and they brought them over here to sell that would be strictly a commercial or retail type of thing. Now you know you get to the point where you know what are you talking about I mean, if you're a hardware store selling lawn mowers but they're assembling them on the premises are they manufacturing. Probably not. But this is a little different and that's a judgment that I think you folks have to make.

Voice : They don't debark them there right?

Mr. Morris: No. They don't debark them or anything.

Voice: How many loads.. How many logs... I don't know how much TL handles. I know TL doesn't work on weekends. I know they're not open on Saturdays and Sundays. I don't know what in order to make this thing profitable, I would assume that this man's got to bring in a pretty fair amount of logs.

Mr. Morris: Right. I think he mentioned at least three loads a day. Sometimes they bring these down from Tupper Lake up in the Adirondacks, and he would bring them here. He buys them from other fellows then he like stores them, grades them, and then this is where he cuts the end off whether they have to cut the end off each one or not, there is a chainsaw involved.

Chairman: It just occurred to me, I don't know if this jives with anybody's plans for this, I was

going to mention before that you're going to need Did you get the thing from the county on this?

Voice: Yeah

Chairman: You need that. You also need a SEQRA form because this isn't a residential application. I was wondering if it might be helpful for the Board, I don't know if this can be arranged to have this gentleman come in and explain and then it's not second hand saying you would ..[inaudible]...just so they can hear it from him. That might be another option that you could have. And we could get them to fill out the SEQRA form.

ZBA Member (woman): He might know more precisely what hours he intends to have an employee there.

Chairman: Right.

Voice: Yeah

Chairman: These folks out here are concerned about noise. I don't know if you're going to have those backup things.

ZBA Member (woman): beepers.

Chairman: and all that stuff you know I think maybe you might want to hear that

Voice: You know if it's a couple hours a day like that it's one thing but if it is from 8 at night.

Chairman: The county we did send the referral to the county. And the county said basically it's a local matter. But they said you may want to limit the number of logs that you want to store at one time to reduce fire hazard and to make sure that the property is maintained in an orderly fashion. Once again, that's more a obligation of the Planning Board on site plan, certainly something we can be mindful of but those are my suggestions. I don't know how you want to proceed.

Voice: I like the idea of having this gentleman come in and speak to us. I think that would answer a lot more questions.

Mr. Morris: Would I have to wait another month? Because I've like been waiting three months now.

Chairman: Well you filed the application in July

Mr. Morris: July yeah. Now it's September - the end of September.

Chairman: Well first of all it's two month. Yeah they can't they can't they can't give the variance until they have...

Voice: Is TL Forest Products the same type of operation?

Mr. Morris: Yes. Well that's his competition that fellow right there.

Voice: Where is that?

Voice: TL is up by Joseppi's Restaurant. Do you folks know where that is?

Voice: Oh yeah on the right hand side?

Voice: On the right hand side. So it may be a good idea to go up and take look at that. I know maybe we should go up and look at it as well. Talk to this gentleman who's going to operate this.

F. Capulo: Well as long as they're selling I don't have a problem with selling. I mean I didn't even know about the cutting.

Chairman: They've already got the right to sell.

F. Capulo: If it's a minimal amount of cutting I have no problem with it. But if it's a major amount of cutting that I'm going to be hearing all day and all night. You know that's the only thing.

Chairman: Well now's the time to be satisfied because once it's there, it's there

Voice: I don't know whether you's know this, but you talking about veneer logs, is that all that's going to be on the premises just veneer, or are they going to bring a load of logs in pick out the veneer and take the rest of them some place else.

Mr. Morris: No. He just deals in veneer.

Voice: That's all he's bringing in?

Mr. Morris: Right just veneer. That's the way it was explained to me. Just veneer logs. And then they have quite a few areas, I've traveled the Adirondacks quite a bit, and there's different areas all over that they buy these logs and the people bring them in.

Voice: Well veneer logs are really a very small percentage of logs that come off of any lot.

Mr. Morris: That's right. That's why he said you'd probably have in his busy season which is in the winter when the summertime they kind of die down, because they don't log as much. But a couple, three trucks a day. They bring them in and then they unload them, then they grade them, then they load them up again when he's got a buyer some of these logs they also ship these overseas also.

ZBA Member (woman): In your mind have you written down your contract with him or your lease.

Mr. Morris: Yeah. Well I have a lawyer, Tony Jordan out of Greenwich.

ZBA Member (woman): Because he could say 7 - 4, no weekends, things like that can all be incorporated into the lease.

Mr. Morris: I see. Right yeah. Well I have the lease written. I haven't got it. But I also put in there anything that was happened to be hydraulic oil spill or he would be responsible for any environmental damages or anything like that. The way I...

Chairman: Maybe that would be a good thing to have them produce if you do have another session.

ZBA Member (woman): And that would satisfy your neighbors too.

Voice: Did you discuss hours of operation in your lease at all?

Mr. Morris: Yes he did. He said that he does run you know quite often even in the winter time, I would imagine he even does it at night time like loading up a truck. Like, trucks to us on Route 7 there's hundreds that go by every day. But . . .

N. Capulo: I would just state that the Morris' are great neighbors, I mean we're very supportive of them and their business, we just really weren't clear as to what it would entail. And our concern is you know again if there are big trucks coming in and out all different hours, then you know we would be concerned about that. [inaudible] you know a residential neighborhood and you know again that was our concern and our concern was also that they weren't going to be coming up and down Flower Road which is a dead end. They'll be coming on Route 7. But they've been very responsible about businesses in the past and we're very pleased. So you know I guess that was just our concern was the hours of operation and what it would entail we just weren't clear.

Voice: Maybe you may have an opportunity to take a look at TL Products and give me a basic a rough idea of how it works.

ZBA Member (woman): Which is a very neat. You can hardly tell from the road what it is.

Voice: It's immaculate.

Chairman: Mr. and Mrs. Capulo, you should also know that if this Board decides to grant the variance that it then has to go to the Planning Board for site plan approval and these same issues you know especially the ones relating to hours and things like that, they're more in the realm of the Planning Board's jurisdiction than this Board's. So you'd have an opportunity to revisit that again at that point. So...

Voice: At this point in time, I think if there are any other Board Members that would like to see anything brought in by these folks by the fellow who they are planning on leasing the property to any requests?

ZBA Member (woman): Perhaps the gentleman could address if he would have to do anything in the night.

Mr. Morris: Right. I do believe that it could be...

ZBA Member (woman): You don't mind if it starts at 7 or even 6 or even 5 but I wouldn't want him loading in my yard have him loading at 2 am.

Mr. Morris: As far as loading the truck, I would think he that he might have to load a truck during the night.

Voice: Does this person operate any other drop spots in the area?

Mr. Morris: In Bennington right now as far as I know.

Voice: Just in the one in Bennington?

Voice: What's his name again?

Mr. Morris: Forrest Mayer.

Voice: I guess the lease, the proposed lease I should say, and I don't know if he could bring us anything that says, I mean anything other than his verbal word, I don't know if he has any written documents that would say what he intends to do for capacity-wise, volume.

Voice: Well he has two areas where he is going to store it. That's indeed the confines for the storage.

Voice: Yeah.

Chairman: It's not a big area for it.

Voice: In and out, in and out.

Inaudible portions of several people speaking at once.

Voice: Alright, I think we'd like to hold this over

Mr. Morris: I'd just like to say on the noise factor too, I know that it's an agricultural area first and residential and that there are farm tractors that are going throughout the night and they haul.

Voice: Throughout the night?

Mr. Morris: Yes and when they're harvesting and all that. We have a very busy road because of the

farming that goes on there too so there is other noise that comes around.

Voice: Do you think that this would be possible for this gentleman to come in?

Mr. Morris: Sure

Voice: I mean you could arrange that?

Mr. Morris: Sure. That would have to be at the next meeting?

Voice: That would be October....

Chairman: October 15

Voice: There's no way that falls under the right formula for forest products?

Chairman: No because they're not even farmed on the premises. I think.. You know I mean...After hear .. I guess you'll get to know better when you get to talk to him personally. It's almost sounds more of a... I don't know it almost like a kind of a like a light manufacturing.... I don't know it sounds almost like a light manufacturing. I mean what would you call a saw mill? You'd call that manufacturing wouldn't you you sure wouldn't call it... It's not commercial.

Voice: It's not a saw mill.

Chairman: It's less than a saw mill but it's more than selling antiques.

Voice: But he may be just straightening out the bumps.

Chairman: like I say I think it's a question of degree.

Voice: Okay. May I have a motion to hold the hearing over until October 15th.

Voice: I make a motion that we keep the Public Hearing meeting over until October 15th.

Voices: I'll Second it

Voice: all those in favor

Voices: Aye (unanimous)

Voice: Do we need a SEQRA

Chairman: He needs a SEQRA Form. You have to see Mr. Austin for a SEQRA form.

Mr. Morris: Okay.

Chairman: Every action that the Board takes they have to what's called the State Environmental Quality Review Act and the Board has to consider environmental impact on any application which is made. And this would probably be an unlisted action under SEQRA, you have fill out that form and then the Board has to... You have to fill out the front side. Okay? And then the Board fills out the back at the meeting and then makes a determination whether it will have a significant effect on the environment.

Mr. Morris: Okay. You need this for the next meeting.

Chairman: The next meeting. If you can get it to him sooner...

Mr. Morris: Sure. Okay thank you very much for your time.

[ZBA moved onto next matter relating to KeyBank]

CERTIFICATION

I, Michelle M. Peattie, certify that the foregoing transcript of an excerpt of the Meeting of September 17, 2001 of the Town of Brunswick Zoning Board of Appeals was prepared from a cassette tape and is a true and accurate record of the proceedings to the best of my ability as certain portions of the tapes were inaudible. I was not present for the hearing and names of the Board Members were not available to me, nor were they mentioned before speaking.

By: 

Michelle M. Peattie
55 Wisconsin Ave.
Delmar, New York 12054

Dated: December 12, 2002

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD January 16, 2003

PRESENT were CHAIRMAN SHAWN MALONE, WILLIAM BRADLEY, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, DAVID TARBOX, JOSEPH WETMILLER and JOHN KREIGER, Superintendent of Utilities and Inspections.

ALSO PRESENT was MARK KESTNER, of Kestner Engineers, P.C., consulting engineer to the Planning Board.

The meeting opened at 7:30 p.m. No representatives were present on behalf of any of the applicants for matters on the agenda. Therefore, the Board proceeded to review the proposed minutes of the January 2, 2003 meeting. Upon discussion, Member Bradley made a motion to accept the proposed minutes as written, which motion was seconded by Member Oster. The motion was approved 7-0 and the minutes of the January 2, 2003 adopted as written.

At 7:35 p.m., MICHAEL HART appeared in connection with his application for waiver of subdivision for property located off Langmore Lane. Mr. Hart handed up a plat prepared in compliance with the Town's subdivision regulations, as directed by the Planning Board at the January 2, 2003 meeting. Chairman Malone inquired whether the only proposal for this newly-created lot was the construction of a single family residence. Mr. Hart stated that the construction of a house was the only plan for this lot. Chairman Malone noted that the lot totals 16.25 acres, and that if Mr. Hart wanted to do anything in addition to constructing one single family house, he must come back before the Planning Board for further review. Mr. Hart understood this and reiterated that his only plan is to construct one single family residence.

Member Wetmiller stated that during the review of the previous application for waiver of subdivision for this property (approximately one (1) year ago), drainage was a critical issue. The members of the Board concurred that drainage was a critical issue but found that the construction of one single family residence would not cause any drainage problems. Chairman Malone, however, again reiterated that any further proposals for this newly-created lot would require further Planning Board review, especially in light of the drainage issue. Again, Mr. Hart stated he understood any further proposals for the property would require further Town review.

Member Czornyj stated that Mr. Hart should review and comply with all specifications for private driveways, especially since the private driveway for this parcel appeared to be greater than 150' in length. Mr. Hart stated that he was not sure when the single family residence would be built, but he would review and comply with the private driveway specifications in consultation with the Town Building Department. It was noted that a letter had been sent to the two (2) adjoining property owners concerning the non-agricultural use of agricultural district property in compliance with the New York Agricultural and Markets Laws. Mr. Hewitt, one of the two adjacent property owners, appeared at the January 2, 2003 meeting and had no objection. Mr. Buck, the other adjacent property owner, received notice of this issue from the Planning Board, and Member Tarbox informed the Board that he had spoken with Mr. Buck who stated he had no objection to the application. Thereupon, Member Czornyj moved to adopt a Negative Declaration on the application under SEQRA, which motion was seconded by Member Esser. The motion was approved 7-0 and a Negative Declaration adopted. Member Tarbox thereafter made a motion to approve the waiver of subdivision application, which motion was seconded by Chairman Malone. The motion was approved 7-0 and the waiver of subdivision application was

approved.

Chairman Malone inquired of Mr. Kreiger as to the status of his inspection at the WalMart Plaza, with specific regard to the storage containers behind the WalMart Store. Mr. Kreiger stated that he had spoken with the store manager, but that access to these containers had become difficult given the amount of snowfall over the past month. Member Esser stated that a letter should be sent to the WalMart store, which provided a certain amount of time in which to have the storage containers removed. Additionally, the letter should address the continued storage of materials on the sidewalks. Mr. Kreiger will prepare and send such a letter to the WalMart Store manager, with a copy to Planning Board Attorney Gilchrist. Mr. Gilchrist will then forward a copy of that letter directly to WalMart national headquarters in Bentonville, Arkansas.

One item of new business was discussed. An application for site plan approval has been received from Morris Massary for the installation of storage units at the SUGAR HILL APARTMENTS off McChesney Avenue Extension. The proposal calls for the installation of 9 storage unit buildings, each of which is 74' x 22' containing 18 storage units. The members of the Board reviewed the site plan, as well as the picture of the type of proposed storage unit building. The members noted that the owner of the real property was unclear, both on the application form and the site plan. The correct legal owner of the property should be noted on the application. Mr. Kestner noted that the original site plan approval for the apartment complex contained conditions, some of which may have included limitations on additional buildings on the property. A review of the site plan approval for the apartment complex needs to be undertaken. The members of the Planning Board tried to orient the plan for the storage unit buildings in relation to the overall apartment complex site plan. The members of the Board

concluded that an amended site plan needed to be prepared which showed all of the buildings on the property, all of the internal roads on the property, and the location of the proposed storage units. Upon further discussion, the members of the Planning Board concluded that the following additional information was required on the application:

- A revised site plan showing all of the existing buildings, internal roads, and location of the proposed storage units;
- Stormwater management plan to address concerns on drainage;
- Lighting detail for lights to be installed at the proposed storage units;
- A written narrative as to use of the proposed storage units;
- A presentation on the architecture and building materials of the proposed storage units, and whether it was exactly as depicted on the picture presented with the site plan;
- Information on hours of operation for the storage units, including access and security issues;
- An example of a proposed lease for the storage units, with information on limitations as to what items can be stored; and
- Correct information on the owner of the real property, including the requirement that the owner appear before the Board in connection with the site plan application.

Mr. Kreiger will inform the applicant that this additional information is required on the application.

Mr. Kreiger presented to the Planning Board the updated application form for applications to the Planning Board in light of the updated fee structure. The Town Board has adopted a Local Law increasing fees for applications before the Planning Board, and such Local Law has been filed with the Department of State and is now in effect.

Attorney Gilchrist and the Board members discussed the issue of infrastructure

improvements in connection with approved subdivision plats. Specifically, a policy will be put in place for approval of all future subdivision applications. This policy will require actual construction of all necessary infrastructure, or the posting of sufficient security (i.e. performance bond, letter of credit, etc.) with the Town for required infrastructure, prior to approved plats being stamped and signed by the Planning Board. Attorney Gilchrist will prepare a memorandum on the proposed policy for circulation.

The **index** for the January 16, 2003 meeting is as follows:

1. Hart - waiver of subdivision - approved; and
2. WalMart Plaza - compliance issues - follow-up by Department of Utilities and Inspection.

The **agenda** for the February 6, 2003 meeting as currently proposed:

1. Subway Cardinal Food Group, Inc. - site plan;
2. Ecker - subdivision; and
3. Sugar Hill Storage Units - site plan.

Manning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD February 6, 2003

PRESENT were CHAIRMAN SHAWN MALONE, WILLIAM BRADLEY, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, DAVID TARBOX, JOSEPH WETMILLER and JOHN KREIGER, Superintendent of Utilities and Inspections.

ALSO PRESENT was MARK KESTNER, of Kestner Engineers, P.C., consulting engineer to the Planning Board.

The first item of business on the agenda was the site plan application of SUBWAY CARDINAL FOOD GROUP. Present on behalf of the applicant was George Cardinal, President of the Subway Cardinal Food Group. This applicant previously appeared before the Board with a site plan application to install a Subway store in the commercial location on Route 7 adjacent to the Eckerd Drugstore, and currently occupied by the "First Dibs" miniature golf course. The Applicant has now presented a site plan for the Subway shop at a new location. The current proposed location is the commercial space on Route 7 opposite Ted's Fish Fry, currently occupied by the Hairways Salon. Chairman Malone noted that an issue to examine was the adequacy of parking at this location. Mr. Cardinal responded that the survey provided on the site plan application shows proposed parking. Further, Mr. Cardinal stated he had been in contact with the New York State Department of Transportation on the planned curb cut for this commercial location in connection with the Route 7 reconstruction project. Mr. Cardinal has incorporated the proposed curb cut into the site plan. Chairman Malone noted that the Route 7 reconstruction project was not yet complete, and that the curb cut could change. Mr. Kestner

stated that the Department of Transportation did have a "final" plan for the curb cuts for the reconstruction project, but that the construction project was obviously not yet complete. Mr. Cardinal noted that the proposed commercial space for the Subway shop totalled 1200 square feet, and that an interior floor plan was provided in the submitted plan; however, the interior floor plan was preliminary only, and that the preliminary plan showed more seating than what Mr. Cardinal planned for this location. The final interior floor plan would be prepared in compliance with any restrictions placed by the Planning Board in terms of number of seats. Chairman Malone noted that the Planning Board will focus on the number of seats and/or square footage of the commercial space, as this relates directly to the number of parking spaces required under Town regulation. Mr. Cardinal responded that both he and his consultant had reviewed the parking regulations and feel that the site plan complies with the parking requirements for fast food restaurants. Both Chairman Malone and Mr. Kestner noted that there is also a proposed office, plus three existing apartments at this location, and that parking needs to be provided for all of these uses. Mr. Cardinal noted that he was not the current owner of the property, but did intend on purchasing the property from its current owner in the near future. The current owner of the property was also present at the meeting. The Board inquired of the current owner as to available parking for the apartments at this location. The current owner stated that a two-car garage on the site was available for parking for the apartments, but that it was currently rented to the Sycaway Body Shop adjacent to this location. Chairman Malone confirmed that the two-car garage was leased to the Sycaway Body Shop and therefore stated that these parking spaces could not be utilized on the current site plan. The current owner also noted that the tenants park along the side street located adjacent to this commercial space. Mr. Kestner stated, however, that

this parking is not shown on the site plan, and that at any rate, parking on a highway right-of-way did not constitute necessary off-street parking. Member Oster inquired whether additional parking could be provided on the east side of the building, in an area that is currently green space. Member Czornyj noted that while additional parking could be provided in that location, the green space would be lost. Upon further discussion on parking requirements, it was determined that a total of 21 spaces is required for this commercial location, according to the following:

Restaurant (Subway):	15 spaces required based on restaurant total square footage and/or number of seats (24 seats) and three employees;
Office:	1 space required;
Three Apartments:	4.5 spaces required (1.5 space per apartment);
Total:	20.5 spaces; therefore 21 spaces required.

The Board instructed Mr. Cardinal to have the site plan amended to show the requisite number of parking spaces for this location. Also, Member Czornyj noted that drainage will also be an issue to be examined at this location, and Chairman Malone noted that lighting must also be shown on the site plan. Chairman Malone confirmed that the application fees had been paid by the Applicant. This matter will be placed on the agenda for further consideration at the March 6, 2003 meeting.

The next item of business on the agenda was the ECKER SUBDIVISION. No one was present on behalf of the Applicant. The matter was adjourned without date.

The next item of business on the agenda was the site plan application by Brunswick Associates ("Massary") for the Sugar Hill Apartment storage units. Appearing on behalf of the Applicant was Rick Danskin. Mr. Danskin handed up a set of revised site plans and written narrative as per the request of the Planning Board. Mr. Danskin reviewed the amended site plan

regarding stormwater management for this site. Mr. Danskin stated that drainage ditches had been proposed for the shoulders of the access drive to the proposed storage units, which would then drain out into the adjacent open fields. In the paved area around the proposed storage units, the proposal was to pitch the surface so as to collect stormwater in catch basins, which would then collect and divert stormwater to a gravel dispersal area. All stormwater would be managed on-site. Mr. Danskin stated that stormwater management will be handled in the same sheet flow drainage pattern as is currently be used with the apartment complex. Given the size of the green space on-site, there is several hundred feet of open area to disperse stormwater. Mr. Kestner inquired how close this location was to both the Riccardi Lane subdivision and the Heather Ridge subdivision. Mr. Danskin stated that several hundred feet exists between these subdivisions and the apartment complex. Member Wetmiller inquired whether the stormwater outlet pipe would create a ditch and potential erosion problems. Mr. Danskin stated that the drainage pipe would lead to a graveled area, which would disperse the water without creating erosion. Mr. Kestner stated that when this apartment complex was approved in 1990, a forever wild area was created. Mr. Kestner presented Minutes of the Planning Board from November and December 1990, which in fact conditioned the original site plan approval on the creation of a conservation area. Mr. Danskin confirmed that the proposed storage units are in the conservation area. Mr. Danskin further confirmed a conservation easement was conveyed by the owner to the Town of Brunswick for this area. Chairman Malone stated that legal review would be required on the terms of the conservation easement, and whether the current proposal was allowed under the terms of that conservation easement. Mr. Danskin stated that he would provide a copy of the conservation easement, as well as the proposed site map to Attorney Gilchrist for review. Chairman Malone noted that since the conservation easement was granted to the Town of

Brunswick, the Town Board will need to address the issue of the conservation easement. The Board went on to review other items on the site plan. Mr. Danskin noted that lighting detail is shown on the site plan, which utilizes lights designed to keep glare to a minimum. Mr. Danskin reviewed the written narrative for the project, which includes proposed hours of operation limited to daylight hours. Chairman Malone inquired whether the area of the storage units would be fenced. Mr. Danskin stated that the current plan shows no fence, but rather a berm with tree planting. Chairman Malone inquired how the owner was to control access to the storage units. Mr. Danskin stated that this was an issue to be addressed by the owner, who was not in attendance at this meeting. Mr. Danskin did note that a gate was to be installed at the entrance drive to the storage units, but that a fence was not currently proposed around the storage unit area. Member Czornyj noted that if a fence was proposed to be installed on the site, it needs to be shown on the site plan now. Chairman Malone inquired whether the storage units would be available for use by the general public. Mr. Danskin stated that the storage units would be used exclusively for tenants in the apartments and will not be available to the general public. Mr. Danskin noted that the access drive to the storage units is not directly off McChesney Avenue, but is rather accessed off an internal road in the apartment complex as a further indication that the storage units are not available for general public use. Mr. Danskin also handed up a proposed lease for the storage units, which would be an addendum to the standard apartment lease. Chairman Malone noted that the hours of operation in the draft lease stated 6 a.m. - 10 p.m., but Mr. Danskin noted that this was only a draft and subject to final review by attorneys. Chairman Malone inquired when the owner of the property, Massary, would be available to discuss these issues with the Board. Mr. Danskin noted that Mr. Massary was currently in Florida, but that he may return in time for the February 20, 2003 meeting. Chairman Malone has tentatively placed this application on the

agenda for the February 20, 2003 meeting, and directed Mr. Danskin to forward information on the conservation easement to Attorney Gilchrist for review.

The next item of business on the agenda was the waiver of subdivision application by TALHAM for property located on North Lake Avenue. Appearing on behalf of Mr. Talham was Rick Danskin. Mr. Danskin handed up a revised grading plan to address the Planning Board's concerns regarding the steep slope on this site. Mr. Danskin explained that a 1,600 square foot residence (40' x 40') was proposed for this lot, with a cut into the existing slope and construction of an 8' to 10' high retaining wall, approximately 15' behind the proposed house location. The property would then be re-graded to the existing slope to the top of the hill. With the cut and retaining wall proposal, the driveway grade from North Lake Avenue to the proposed house location is 6%. Drainage would be handled at the retaining wall by the installation of drainage features to divert the water around the retaining wall, down the east side of the property, and discharge into an existing drainage ditch along North Lake Avenue. Mr. Kestner reviewed the grading plan. Mr. Kestner confirmed that the driveway grade is at 6% with this proposed grading plan, with the installation of a 8' to 10' high retaining wall approximately 15' behind the proposed house location. Member Oster inquired on the septic disposal system. Mr. Danskin explained that a septic system will be installed where a septic tank is installed near the proposed house location, but the wastewater will then be pumped up the hill to a tile field located upgradient from the house. Member Oster inquired whether such a septic system is feasible. Mr. Danskin confirmed that such a septic system is feasible and in fact exists at Mr. Talham's existing home directly adjacent to this proposed lot. Mr. Danskin noted that a septic disposal system needs to be 300' from the reservoir, and that the location of this proposed system complies with that requirement. Member Oster inquired as to the existing driveway leading to Mr. Talham's current house and whether any portion of that driveway exists on the proposed new lot. Mr. Danskin

confirmed that the driving lane of the existing driveway does not encroach onto the new proposed lot, but that a parking/turn-around area associated with the existing driveway does encroach onto the proposed new lot. Accordingly, an easement will be granted by Mr. Talham to the proposed new lot, and that such an easement will be shown on the site map. Member Oster noted that his concern, as well as the concern of the remaining Board Members, centered on the steepness of the driveway and the steep slope of the site. However, given the current grading plan, his concern as to the grade of the site had been addressed. Chairman Malone discussed conditions to be attached to any approval for this application. These conditions include:

1. Rensselaer County Health Department approval for the septic design;
2. All drainage from this site needs to be maintained on-site, and not impact any adjacent properties. Specifically, drainage features need to be installed in the area of the proposed retaining wall to divert drainage to a catch basin on the east side of the lot, which will collect run-off to an underground pipe, which will then transfer the drainage to the existing drainage ditch and culvert on North Lake Avenue. These drainage features need to be shown on the site map, and subject to approval by the Building Department prior to issuance of building permits;
3. A culvert needs to be installed under the proposed driveway to maintain proper drainage in the ditch adjacent to North Lake Avenue (the installation of the culvert needs to be approved by the Rensselaer County Highway Department according to County highway specifications);
4. The proposed septic system location needs to be shown on the site map, in relation to the location of the retaining wall;
5. The easement for the existing driveway to the adjacent Talham lot needs to be shown on the site map.

With these conditions, Member Czornyj moved to adopt a negative declaration on the application, which motion was seconded by Member Oster. The motion was carried unanimously, and a negative declaration adopted. Member Czornyj thereupon made a motion to approve the waiver of subdivision subject to the five conditions listed above, which motion was seconded by Member Oster. The motion was approved unanimously, and the application for

waiver of subdivision approved subject to the conditions listed above.

The next item of business on the agenda was a waiver of subdivision application by SHEILA MCGRATH, for property located near the intersection of Moonlawn and Hakes Road. Appearing on behalf of the Applicant was Mark Danskin. Mr. Danskin handed up a plat showing all of the existing property of McGrath, the proposed new lot, as well as the adjoining properties. Mr. Danskin also handed up a detailed plan for the proposed new lot showing house location, access off Moonlawn Road, driveway location, and septic location. The property sits in a R-15 zone, and all set-back requirements are met on the current plan. A full fill septic system is proposed, which will be subject to Rensselaer County Health Department review and approval. Mr. Danskin stated that the last subdivision of this property occurred in the 1980s, and that no land had been divided off of the McGrath property within the last seven (7) years. The Board discussed drainage issues concerning the McGrath property. Mr. Danskin stated that due to development of surrounding properties, a good portion of the McGrath property had become wet. However, the lot proposed on this application was not wet and had no drainage issues. Mr. Kestner inquired whether the drainage from this proposed lot would flow onto the remaining lands of McGrath. Mr. Danskin stated that the drainage would flow onto the remaining lands of McGrath, and the applicant understood this. Following discussion, the Board determined to treat the application as a waiver of subdivision. Member Oster made a motion to adopt a negative declaration, which motion was seconded by Chairman Malone. The motion was unanimously adopted, and a negative declaration adopted on the application. Member Bradley made a motion to approve the waiver of subdivision, which motion was seconded by Chairman Malone. The motion was adopted unanimously, and the McGrath waiver of subdivision application approved.

One item of new business was discussed. Mark Danskin informed the Board that a subdivision proposal would be submitted by PROVOST to address a current situation where

three residences are located on one lot. Mr. Danskin proposes to subdivide the property into three lots, and construct an extension of a road and install a cul-de-sac. The Board stated that it would entertain the proposal upon submission of a formal application.

The Board proceeded to review the proposed minutes of the January 16, 2003 meeting. Upon discussion, Member Czornyj made a motion to accept the proposed minutes as written, which motion was seconded by Member Oster. The motion was approved unanimously, and the minutes of the January 16, 2003 meeting were adopted as written.

The **index** for the February 6, 2003 meeting is as follows:

1. Subway Cardinal Food Group - site plan - 3/6/03;
2. Ecker Subdivision - adjourned without date;
3. Sugar Hill Storage Units - site plan - 2/20/03;
4. Talham - waiver of subdivision - conditional approval;
5. McGrath - waiver of subdivision - approved; and
6. Provost - subdivision - adjourned without date.

The **agenda** for the February 20, 2003 meeting as currently proposed:

1. Sugar Hill Storage Units - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD February 20, 2003

PRESENT were CHAIRMAN SHAWN MALONE, WILLIAM BRADLEY, MICHAEL CZORNYJ, RUSSELL OSTER, and DAVID TARBOX.

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

ABSENT was FRANK ESSER and JOSEPH WETMILLER.

The first item of business on the agenda was the site plan application of SUGAR HILL APARTMENTS (BRUNSWICK ASSOCIATES) for installation of storage units at the Sugar Hill Apartments. Appearing on behalf of the Applicant was Rick Danskin. Mr. Danskin explained that he had met with Attorney Gilchrist prior to this meeting to discuss the issue of the conservation easement on the property. The Applicant understood that the area proposed for the construction of the storage units was within the area of a conservation easement previously conveyed by Brunswick Associates to the Town of Brunswick. Under the terms of the conservation easement, construction of the proposed storage units is not permitted. The Applicant is aware that it needs to address the issue of the conservation easement with Brunswick Town Board. However, the Applicant requested feedback from the Planning Board on amendments it had made to its site plan for the proposed storage units. Mr. Danskin explained that the storage units will be constructed as depicted in the pictures presented as part of the site plan application. Mr. Danskin further explained that the use of the storage units would

be solely for the tenants of the apartments. Mr. Danskin further explained that the hours of operation for the storage units is proposed to be 6:00 a.m. - 10:00 p.m. Mr. Danskin further explained that the Applicant did not want to install a fence or gate, but rather would police the area itself with its on-site staff. Member Czornyj inquired how close the homes on Heather Ridge Road were to the area of the proposed storage units, and whether the site plan depicted where the tree line was between these two properties. Mr. Danskin reviewed the site plan, and stated that the distance between the nearest home on Heather Ridge Road and the location of the proposed storage units was over 600'. Member Czornyj asked whether the homeowners on Heather Ridge Road could see the storage units. Mr. Danskin stated that the Heather Ridge homeowners would be able to see the storage units, but that they could already see the apartment buildings as well. Chairman Malone inquired as to the height of the proposed storage unit buildings. Mr. Danskin introduced Sandy Feldblum, architect for Brunswick Associates. Mr. Feldblum explained that the height of the proposed storage units is 10', plus a two foot cedar shingled roof. The buildings would be wood frame, not metal. The buildings will be bricked, with the cedar shingled roofs to match the apartment buildings already located on the property. All four sides of the buildings will be bricked and cedar shingled. The doors to the storage units will be wood or fiberglass, in beige or wood tones. Mr. Feldblum explained that a hedgerow of pines would be installed to create a visual barrier around the storage units. Mr. Feldblum confirmed that landscaping will be installed on the back side of the storage units as well, to create a visual screen for the homeowners on Heather Ridge Road. Mr. Kestner inquired as to the proposed lighting for the storage units. Mr. Feldblum stated that lights will be installed on the buildings, to be lighted on ly when the storage units are open for use. The lights will not be

on during nighttime hours. Tim Owens, General Manager for the Sugar Hill Apartments, was also in attendance. Mr. Owens stated that use of the storage units would be limited to tenants of the apartments only, and that terms of the use of the storage units would be controlled through the apartment leases. Mr. Owens confirmed that the lights would not be on at night as the times the storage units would be open for tenant use is planned to be limited to 6:00 a.m. to 10:00 p.m. Member Oster confirmed that if any changes to the site plan were proposed in the future, including putting any fence around the storage units, that the Applicant would need to come back to the Board for an amendment to the site plan. Mr. Owens understood, and agreed to do so. Member Czornyj also inquired of Mr. Owens as to the tree line between the apartment complex and Heather Ridge Road, and landscaping in general for the proposed storage units. Mr. Owens stated that all existing tree lines will be maintained for this project, and that additional hedgerow of pines would be installed around the storage units. Member Czornyj stated that based on his review of the site plan, the area of the proposed storage units seemed to be very close to existing trees. Both Mr. Danskin and Mr. Feldblum stated that the exact placement of storage unit buildings would be worked so as not to lose any trees on the property. Attorney Gilchrist reviewed the issue of the conservation easement on the property with the Planning Board Members, and the necessity of referring this conservation easement to the Town Board for further determination prior to the Planning Board acting upon the site plan. This matter will be referred to the Town Board for consideration of the conservation easement issue.

The next item of business on the agenda was and appearance by SEAN GALLIVAN, currently operating a commercial use at 215 Oakwood Avenue. Adjacent to his commercial use, and on property owned by Mr. Gallivan, at 211 Oakwood Avenue, an automobile repair shop existed which operated under an approved site plan. Mr. Gallivan explained that his prior tenant

had been removed and that new tenant (John Monhoal, operating as Advanced Auto Center) sought to lease the premises and continue the same use upon the property. Mr. Gallivan confirmed that the only auto repair operations were brakes, suspension, clutch, tires, and tune-ups. No body work was planned for the facility. Further, although the approved site plan allowed car sales up to 22 car limit, Mr. Monhoal had no present plans to sell any cars at the location. Chairman Malone inquired of Mr. Gallivan whether all the work at the auto repair shop would occur within the building. Mr. Gallivan confirmed that all repair work would be within the building, and that no work would be conducted outside. Chairman Malone noted that Mr. Gallivan is the landlord for the property, and that he was operating his own commercial business next door. Mr. Gallivan came before the Planning Board for site plan approval of his current commercial use at 215 Oakwood Avenue, and has been in compliance with that approved site plan. Chairman Malone was of the opinion that Mr. Gallivan would insure that the auto repair shop was maintained in a proper fashion, as it was next door to his existing business. Chairman Malone inquired of Attorney Gilchrist whether site plan approval was required. As there is no change in use of the property, nor any structural modifications proposed, and as an approved site plan exists for an auto repair shop at that location, the use is within the existing approved site plan and a new site plan approval is not required.

The next item of business on the agenda was an appearance by HAROLD BERGER. Mr. Berger was presenting a concept plan for subdivision for property located off Route 351. The property is owned by Bragin. Mr. Berger had previously appeared before the Board in May 2002 with a concept plan for this property, but with another developer who would develop the site. The current developer for this property will be Wedgewood Builders, which is proposing a 12 lot subdivision with a cul-de-sac. Chairman Malone reminded Mr. Berger that issues associated

with the application would be site distances on Route 351, as well drainage issues for the property. Mr. Berger confirmed that these were issues to be analyzed, but that a full subdivision plat with proposed grades had not yet been developed. Mr. Kestner then stated that he was currently contracting with Wedgewood Builders for his property in North Forty West, and therefore felt that he should not participate in the review of this subdivision application when it is submitted. Member Bradley concurred that a potential conflict exists. Attorney Gilchrist stated that retaining an independent engineering consultant for this application would be appropriate, and that the applicant would need to escrow monies to cover that expense. Mr. Berger agreed, and stated that he would now begin to prepare the complete subdivision application to be submitted to the Board within the next two months.

Mr. Kreiger stated that no new applications had been received. Mr. Kreiger understood that both the Ecker subdivision and Young's Family Auto site plan were in preparation, but had not yet been filed with his office.

The Board reviewed the compliance status of the WALMART in Brunswick Plaza. Mr. Kreiger confirmed that the metal containers which had been located to the rear of the store in the November-December 2002 time frame had been removed, but that new containers had been placed in the lawn and garden area. Chairman Malone stated that a letter needed to be sent to WalMart setting a specific time limit as when all these containers must be removed from the property. Attorney Gilchrist reviewed his letter forwarded to the WalMart headquarters in Arkansas concerning the requirements for the issuance of a final Certificate of Occupancy, including transfer of title to the property of the pump station on McChesney Avenue, as well as a final accounting of all required fees and payments by WalMart to the Town. Chairman Malone requested that the letter to be sent to WalMart also include a time frame in which the property of

the pump station needed to be transferred to the Town, so that this matter could finally be concluded. Attorney Gilchrist will prepare and forward that letter to WalMart.

Chairman Malone inquired as to what the status of the RICCARDI LANE was, and whether that road was completed. Superintendent of Highways, Doug Eddy, was present and stated that Riccardi Lane was not yet completed, and the cul-de-sac had not even been constructed for the end of the road yet. Attorney Gilchrist reviewed with the Board the new policy of the Town on future approvals of subdivisions and site plans in which new roads are to be constructed, including the requirement of filing a performance bond and setting time frames within which the road needs to be constructed and dedicated to the Town.

The proposed Minutes of the February 6, 2003 meeting were reviewed. The Minutes were corrected to note that Member Esser was absent from the February 6, 2003 meeting. With this correction, Member Czornyj moved to approve the Minutes as written, which motion was seconded by Member Oster. The motion was carried 5-0, and the Minutes approved.

The **index** for the February 20, 2003 meeting is as follows:

1. Sugar Hill Storage Units - site plan - referral to Town Board on conservation easement issues;
2. Gallivan - 211 Oakwood Avenue - no action required;
3. Bragin - subdivision - adjourned without date (complete application to be filed);
4. WalMart - compliance issues - adjourned without date.

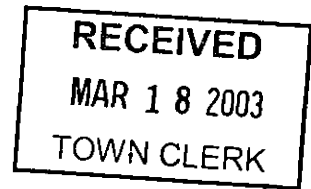
The **agenda** for the March 6, 2003 meeting as currently proposed:

1. Subway Cardinal Food Group - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD March 6, 2003

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

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

ABSENT was FRANK ESSER.

The first item of business on the agenda was the site plan application of SUBWAY CARDINAL FOOD GROUP. George Cardinal was present on behalf of the applicant. Mr. Cardinal submitted a new site plan which depicted additional parking spaces and provided a lighting plan. Chairman Malone reviewed the changes to the site plan with Mr. Cardinal. Mr. Cardinal explained that additional parking had been included along the back of the building, which provides the required 21 parking spaces. Mr. Cardinal also identified the additional lighting for the building and the parking areas as depicted on the site plan. Chairman Malone inquired whether any of the lighting would spill onto Route 7. Mr. Cardinal stated that no light would spill onto Route 7 with the proposed lighting plan. Mr. Kestner reviewed the proposed drainage plan, which included catch basins to handle stormwater runoff. Member Czornyj inquired whether the parking lot would be immediately blacktopped which could result in additional stormwater runoff. Mr. Cardinal stated that the parking area would eventually blacktopped and striped, but this work would not be done for approximately one year until the Route 7 reconstruction project was complete. This would eliminate the need to rip out pavement

in connection with the completion of the reconstruction of Route 7. Mr. Kestner confirmed that excavation will occur in front of this location since the water and sewer will be replaced as part of the Route 7 reconstruction project. The site plan as submitted does provide asphalt for the parking area. Member Czornyj stated that a condition to site plan approval should include a specific type of crushed stone for the parking area until the pavement is installed upon completion of the Route 7 reconstruction project. Member Czornyj asked how the parking spots would be delineated while crushed stone was being used. Mr. Cardinal stated that he would put in temporary delineation markers for parking spots until such time as the parking area is paved and striped. Chairman Malone inquired whether a sign would be installed for this Subway Shop. Mr. Cardinal stated that a sign would be installed, and the submission would be in compliance with the Town's sign law. Member Czornyj inquired about the amount of green space on the site plan. Mr. Cardinal noted that the site plan shows a total of 47% of green space on the site. Member Tarbox inquired whether a retaining wall would be installed in the back of the building to provide for the additional parking area. Mr. Cardinal stated that a retaining wall would be installed in connection with the parking plan. Mr. Kestner stated that he was satisfied with the proposed drainage plan, but that the runoff may need to be taken under the walkway in front of the store. Mr. Cardinal stated that that issue would be addressed and agreed to. Attorney Gilchrist noted that this final site plan needs to be forwarded to the Rensselaer County Planning Department pursuant to the General Municipal Law, as the site is within 500' of a State highway. Accordingly, this matter will be referred to the Rensselaer County Planning Department for review and comment in compliance with the General Municipal Law. The application will be placed on the agenda for the March 20, 2003 meeting, contingent on receiving comments from

the Rensselaer County Planning Department.

The second item of business on the agenda was a minor subdivision application by JEFF ALDERMAN, for property located off Grange Road and Brunswick Park Drive. Mark Danskin appeared on behalf of the applicant. Mr. Danskin noted that a waiver of subdivision was approved for this property in 2001, which allowed the construction of one single family home. The total area of this property is approximately 45 acres. The current proposal is to carve out a total of 5 new lots, with the majority of the site remaining in the possession of Mr. Alderman. Two new subdivided lots are proposed for the end of Brunswick Park Drive. This proposal would add a cul-de-sac at the end of Brunswick Park Drive, and provide two additional building lots off the cul-de-sac (a one acre lot to the west and a 3/4 acre lot to the east). Mr. Danskin stated that this location is within the R-15 zone, and is serviced by municipal water. The Planning Board raised the issue that there exists currently 22 lots on Brunswick Park Drive, which is currently a dead-end road. Adding a cul-de-sac to the end of this road, and adding two additional building lots, would result in a total number of 24 lots off a cul-de-sac road. The Town Code limits the number of lots off a cul-de-sac road to a total of 12. This issue was referred to Attorney Gilchrist for further research. Member Czornyj noted that Mr. Alderman intends to keep a triangular-shaped piece of property off the proposed cul-de-sac, and inquired why this was not included in one of the building lots. Mr. Danskin stated that Mr. Alderman wanted to keep this piece of property for access to his remaining lands. Mr. Kestner asked about the details of the proposed cul-de-sac, and whether it met the requirements of the Town Code that a 50' radius be provided around the entire cul-de-sac. Mr. Danskin stated that he would need to investigate that matter further. Members Tarbox and Czornyj noted that a significant amount of fill had been placed on the Alderman property off Grange Road, and inquired whether this fill

extended to any of the proposed building lots off Brunswick Park Drive. Mr. Danskin stated that the proposed lots did not contain any of the fill that was being placed off Grange Road.

Chairman Malone stated that the Board needed time to review this proposal, including a site visit before any further action on the application would be entertained. Moving to the proposed additional three lots, Mr. Danskin explained that these additional three lots are proposed to be non-building lots, and are proposed to be added off of the back of existing lots located on Grange Road (Route 142). The proposal was to transfer these non-building lots to the existing lot owners on Grange Road, so as to provide larger lots for these existing homeowners. The Board inquired as to the proposed access to the remaining Alderman lands, which total approximately 40 acres. The Board raised concerns regarding retention of property by Mr. Alderman which could be used in the future for access to Grange Road, which in turn could lead to additional subdivision of the remaining Alderman lands. Mr. Danskin explained that Mr. Alderman had no plans to subdivide his remaining land in the future, but rather wanted only to build his home upon the remaining lands. Chairman Malone requested that Mr. Alderman appear on the application, and explain to the Board both his current and long-term plans for the property. This matter will be placed on the agenda for the March 20, 2003 Meeting.

Chairman Malone stated that on future enforcement issues pertaining to approved site plans and subdivision plats, it will be the policy of the Planning Board to refer such matters to the Office of the Superintendent of Utilities and Inspection, as well as the Town Attorney, for enforcement.

One item of new business was discussed. An application for site plan approval has been submitted by AT&T to install additional panels on the Cingular tower, located at 806 Hoosick Street, together with the construction of additional building(s) at the base of the tower. Mr.

Kreiger informed the Board that the application for a special use permit was pending before the Zoning Board of Appeals and the matter is not yet to the Planning Board. In the event a special use permit is granted, the matter will come before the Planning Board for site plan review concerning the additional building(s) proposed for the base of the tower.

The proposed Minutes of the February 20, 2003 meeting were reviewed. Upon motion of Member Oster, and seconded by Chairman Malone, the proposed Minutes were unanimously adopted without amendment

The **index** for the March 6, 2003 meeting is as follows:

1. Subway Cardinal Food Group - site plan - 3/20/03;
2. Alderman - minor subdivision - 3/20/03; and
3. AT&T - site plan - adjourned without date.

The **agenda** for the March 20, 2003 meeting as currently proposed:

1. Subway Cardinal Food Group - site plan;
2. Alderman - minor subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD March 20, 2003

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

ALSO PRESENT was JOHN KREIGER, Superintendent of Utilities and Inspections.

ABSENT were FRANK ESSER and MARK KESTNER.

The first item of business on the agenda was the site plan application of SUBWAY CARDINAL FOOD GROUP. Chairman Malone reviewed the comments of the Rensselaer County Bureau of Economic Development and Planning pursuant to its General Municipal Law §239-m review. The Rensselaer County Planning Department determined that the proposal does not have a major impact on County Plans, and that local consideration shall prevail. The Board again reviewed the site plan and noted that all of its comments had been addressed and incorporated into the site plan. Thereupon, Member Czornyj made a motion pursuant to SEQRA to adopt a negative declaration, which motion was seconded by Member Wetmiller. The motion was unanimously carried and a negative declaration adopted on the application. Member Bradley thereupon made a motion to approve the site plan application, which motion was seconded by Member Oster. The motion was unanimously carried, and the site plan application approved.

The second item of business on the agenda was the minor subdivision application of ALDERMAN, for property located off Grange Road (Route 142) and Brunswick Park Drive. Appearing on the application was Mark Danskin, and Jeff Alderman. Mr. Danskin made several

statements concerning the application. First, the area identified as a trail/pathway/driveway located behind the proposed three lots off Grange Road was intended to be used as a bicycle path to access the remaining lands of Alderman. Member Czornyj inquired whether anyone on a bicycle would still need to utilize the driveway of Discanio to access the bike path and Mr. Danskin responded in the affirmative. Second, as to the trail demarked on the application between the lands of Discanio and Brunswick Park Drive, Mr. Danskin stated that this area was designed for a water line to be connected to the lands of Discanio. Third, as to the Board's question whether the driveway currently servicing the Discanio property could be relocated so as to provide a roadway for further subdivision of the remaining lands of Alderman, Mr. Danskin as well as Mr. Alderman agreed not to relocate the driveway for this purpose. Fourth, regarding the fill material being placed on the Alderman property and whether such fill material has encroached on adjoining property owned by National Grid (former NIMO property), Mr. Danskin stated that the Alderman property had been staked by the Army Corps of Engineers for wetland purposes, and that the limit of fill had not encroached either on the wetland area nor on any adjoining property. Fifth, Mr. Danskin confirmed that fill was placed on proposed Lot #1 off the Brunswick Park Drive proposed cul-de-sac, but that this would not present any future building issues. Chairman Malone noted that there was a lot of fill on the Alderman property. Mr. Danskin confirmed that a significant amount of fill had been placed on the property, but had been done in compliance with all Army Corps of Engineer limits. Member Czornyj inquired whether Mr. Alderman was going to convey the area being filled in along Grange Road to Discanio, as was presented to the Board in December 2001. Mr. Alderman stated that while he had planned to do so previously, Mr. Discanio is no longer interested in buying this property, and

that Mr. Alderman would retain title to it. Chairman Malone inquired whether Mr. Alderman had any plan to connect Grange Road with Brunswick Park Drive. Mr. Alderman stated that he had no plan to do so, and would not do so. Mr. Danskin added that the contours of this property would not allow a connector road between Brunswick Park Drive and Grange Road. Member Tarbox noted that Mr. Alderman has not retained enough property with frontage on Route 142 for such a connector road. Mr. Danskin noted that an historic subdivision proposal had been made with a paper street connecting Brunswick Park Drive with Grange Road but that no County Health Department approval had been obtained and the project was never completed. Member Czornyj inquired whether this application should be categorized as a minor or major subdivision application, since the property will have been divided into at least four lots (Discanio, two proposed lots off Brunswick Park Drive, and remaining lands of Alderman) or as many as seven lots (Discanio property, two lots off Brunswick Park Drive, three lots off Grange Road [non-building lots] and remaining lands of Alderman). Upon discussion, it was determined that this application is properly treated as major subdivision. Member Czornyj noted that Highway Superintendent Eddy had spoken to him concerning the proposed cul-de-sac at the end of Brunswick Park Drive, and that Superintendent Eddy would like a full cul-de-sac constructed at the end of Brunswick Park Drive for purposes of snow plowing and maintenance. Mr. Danskin noted that a fire hydrant is existing in the area which would be planned for the radius of a proposed cul-de-sac, and that issue would need to be addressed. Member Oster inquired whether any additional lots were planned or were possible off the proposed cul-de-sac at the end of Brunswick Park Drive. Mr. Danskin responded that at least one additional lot could be created off the cul-de-sac if Mr. Alderman were to purchase the National Grid (NIMO) property. Member Oster noted that if all of the property off the proposed cul-de-sac at the end of

Brunswick Park Drive were included in building lots, this would effectively eliminate the possibility of building a connector road between Brunswick Park Drive and Grange Road. Mr. Danskin noted that if the addition of future lots off of the proposed cul-de-sac was an issue with the Board, Mr. Alderman would agree to limit the total number of lots to two off the proposed cul-de-sac. The issue of the allowable number of lots off a cul-de-sac road was discussed. Chairman Malone and Member Czornyj reviewed the subdivision regulation provision with Attorney Gilchrist concerning the number of allowable lots off a cul-de-sac road. Attorney Gilchrist stated that he would further research this issue. Currently, a total of 22 lots exist on Brunswick Park Drive, which is a dead-end road. These lots appear to predate the adoption of the current subdivision regulations. The current regulations limit the number of residences allowable off a cul-de-sac road to a total number of 12. With the addition of 2 building lots, the total number of lots to be serviced by this cul-de-sac road would total 24. Attorney Gilchrist will research this issue as to the application of the subdivision regulation to the Alderman subdivision plat. Member Tarbox also wanted the amount of fill which had been placed on proposed Lot #1 off Brunswick Park Drive to be examined. Member Tarbox had inspected the property, and identified a total of 19 piles of fill which still remain on the property. Upon further discussion, the Members of the Board determined that the 3 proposed non-building lots off Grange Road did not appear to present any issues, and the transfer of these properties to the existing homeowners off Grange Road posed no issue. The Board members confirmed that the issues of concern include the proposed cul-de-sac and future subdivision of the remaining lands of Alderman. Mr. Danskin stated that he would coordinate with Superintendent Eddy on the issue of the construction of the proposed cul-de-sac, and Attorney Gilchrist stated that he would review the issue of the total number of lots allowed off a cul-de-sac road. This matter was adjourned

without date.

The next item of business on the agenda was a submission of a concept site plan by Thomas Burke for property located at the corner of Route 7 and Route 142, bordered by Sweetmilk Creek Road. Also appearing on the application was Percy Cotton. Mr. Cotton presented the concept site plan, which envisions the construction of a convenience store with a gasoline filling station on the subject property, currently owned by Kordana. The property totals approximately 1.27 acres. Mr. Cotton noted that the property itself includes an abandoned Town Road (the former location of Sweetmilk Creek Road) which Mr. Burke would like to properly acquire from the Town of Brunswick (this acquisition allow the applicant to meet the 35% minimum green space on the site plan). The concept site plan depicted three points of access to the site, including one off Sweetmilk Creek Road and two off Route 142 (the access nearest the intersection of Route 142 and Route 7 is proposed to be entrance only). Mr. Cotton conceded that the intersection of Route 142 and Route 7 is a difficult one, and this proposal may require analysis of the traffic signal timing issues. Certainly, NYSDOT will need to address these issues. Chairman Malone inquired where the petroleum underground storage tanks were proposed to be located on the property. Mr. Cotton said that had not yet been determined, and this was a very preliminary site plan. Chairman Malone asked whether there was a considerable amount of shale outcropping on the property. Mr. Cotton conceded that this was an issue, and that test pits would be dug shortly for purposes of location of a sanitary waste water system as well as the location of the underground storage tanks. Chairman Malone inquired whether the site would be using a private water supply. Mr. Cotton stated that a public water line was currently being constructed in the vicinity, and that this property would be connected to a public water supply. Mr. Kreiger confirmed that a water main was being installed for the Stewarts Shop

in this location, and that this property would likewise be connected to the water main. Chairman Malone inquired of Mr. Burke whether he had constructed and/or operated this type of shop anywhere else. Mr. Burke stated that he did not own any other shops of this type, but that he had been in commercial real estate for approximately 25 years and that he was a tenant at many locations with comparable convenience type stores. Member Bradley generally discussed traffic flow issues, and the difficulty of traffic flow in the Sweetmilk Creek/Route 7/Route 142 corridor. Member Czornyj inquired whether any take-out food was proposed for this convenience store. Mr. Cotton stated that take-out food would be offered and a drive-through window was proposed for the store. Chairman Malone inquired of Mr. Burke whether there were any other convenience-type stores which he operated in the area, so that the Planning Board members could visit them for inspection. Mr. Burke stated that he operates a store on West Avenue in Saratoga Springs. Member Wetmiller inquired whether any site distance calculations had been done on Sweetmilk Creek Road for this property. Mr. Cotton stated that this work had not yet been done. Member Czornyj asked whether approval from NYSDOT had been obtained for the two proposed entrances off Route 142. Mr. Cotton stated that he had only very preliminary discussions with NYSDOT thus far. Chairman Malone then noted that there would be a number of issues which needed to be addressed on this site plan, including the environmental issue associated with petroleum storage and sale as well as traffic issues. Member Bradley also noted that, in his opinion, sanitary disposal on this site was a concern given the amount of shale. This matter was adjourned without date.

Three items of new business were discussed. First, the site plan application of Hoffman

Car Wash is in the process of being revised, after Hoffman had resolved issues with NYSDOT concerning access off the reconstructed Route 7. Mr. Kreiger anticipated receipt of the revised site plan shortly, and this matter will be placed on the next Planning Board agenda scheduled for April 3.

The second item of new business discussed was the receipt by Mr. Kreiger of a survey of the existing property of Joe Ecker, who has submitted a subdivision application. The members of the Board reviewed the survey as provided, which is not in the form necessary under the subdivision regulations for a subdivision application. Mr. Kreiger will speak directly with Mr. Ecker and explain a proper submission for a subdivision application.

The third item of new business discussed was Mr. Kreiger's receipt of a proposal by the Brunswick WalMart for amending the site plan to include the use of outside storage containers, trailers, and outside display of merchandise. The only submission received by Mr. Kreiger on this matter was a sketch plan. The members of the Planning Board directed Mr. Kreiger to contact WalMart, and require that a formal site plan for the proposed changes be submitted. Upon further discussion, it was determined that Attorney Gilchrist would forward a letter to WalMart's counsel concerning this site plan issue, as well as certain outstanding compliance issues.

The proposed minutes of the March 6, 2003 meeting were reviewed. Upon motion of Member Oster, as seconded by Member Czornyj, the proposed minutes were unanimously adopted without amendment.

The **index** for the March 20, 2003 meeting is as follows:

1. Subway Cardinal Food Group - site plan - approved;
2. Alderman - major subdivision - adjourned without date;
3. Burke - concept site plan - adjourned without date;
4. Hoffman - site plan - 4/3/03;
5. Ecker - subdivision - adjourned without date; and
6. WalMart - site plan amendment - adjourned without date.

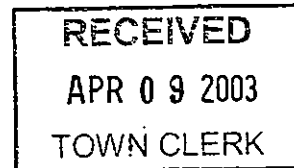
The **agenda** for the April 3, 2003 meeting as currently proposed is:

1. Hoffman - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD April 3, 2003

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

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

The first item of business on the agenda was the site plan application of HOFFMAN DEVELOPMENT CORP. The application seeks to modify the existing HOFFMAN CAR WASH located at 672 Hoosick Road. Appearing on behalf of the Applicant was Bill Simpson, Project Engineer. Mr. Simpson presented a revised site plan. This matter had been preliminarily reviewed by the Planning Board in December 2002. Thereafter, the Applicant met with the New York State Department of Transportation ("NYSDOT") concerning a 20' drainage easement located on the west side of the HOFFMAN property. HOFFMAN sought to have NYSDOT reduce the drainage easement to 15' so as to allow contemplated site modifications under the site plan. Discussions between HOFFMAN and NYSDOT lasted approximately two months, at the end of which NYSDOT refused to reduce the 20' drainage easement. HOFFMAN thereafter finalized its site plan, which was resubmitted to the Planning Board. Mr. Simpson reviewed the concept of the site modifications, which include realignment of traffic flow, reduction in curb cuts along Route 7, extension of the automatic car wash building, addition of a two-bay touch free wash facility, and an upgraded landscaping plan. The modification of the curb cut along

Route 7 would provide for a single entrance lane to the west of the automatic car wash building, and right turn and left turn only exit lanes. The entrance lane will be extended further into the HOFFMAN property to provide for stacking of cars, and to accommodate the proposed extension of the automatic car wash building. The proposed two bay touch free wash facility will be located to the east of the existing self-serve washing facility. The landscaping plan will include greater grass areas, planting of trees and flowers. HOFFMAN DEVELOPMENT CORP. has added a landscape division to upgrade the landscaping at all of its locations. HOFFMAN has also submitted a stormwater management plan for the facility, which envisions draining the site to the rear of the property. The stormwater management plan has been based on adequate retention for a 25 year storm. Mr. Simpson also reviewed the proposed lighting plan for the facility. Mr. Simpson likewise reviewed the proposed exterior of the new facilities, which will utilize the same brick and roof line to blend into the existing structures. Finally, Mr. Simpson reviewed proposed signage on the buildings to demark the automatic wash, self-serve wash and touch free wash facilities. Chairman Malone inquired whether the property was wide enough to allow for the addition of the touch free wash bays. Mr. Simpson responded that the property had sufficient space to add the touch free bay facility, and meets set-back and side yard requirements. Member Esser inquired as to the employee parking areas, which allow only a 14' backup area as depicted on the site plan. Member Esser opined that this did not allow adequate space for cars parking in these spots to back-up, especially since the traffic flow for the wash facilities also went through this area. Mr. Simpson stated that the site plan can be modified to move the employee parking areas further into the green space area, thereby providing additional back-up area for these parking spots. Member Esser inquired whether the patrons of the touch free

service bays remained in their cars or exited their cars during the wash cycle. Mr. Simpson stated that the patrons remained in their cars, so that no patrons would be walking around the property while their vehicles were being washed. Member Esser then inquired about the inverts for the drainage swales, and whether they had been properly designed. Mr. Simpson stated that the drainage swales have been designed to provide adequate retention for a 25 year storm, and that he would check the detail of the proposed inverts. Mr. Kestner inquired as to the design of maximum depth of water in the drainage swales in anticipation of a 25 year storm. Mr. Simpson responded that a maximum depth of 4' is anticipated. Both Mr. Kestner and Member Esser stated that this issue needed to be further analyzed. Member Czornyj discussed the green space on the site, and the site plan requirement that no paving (except for entrances) will be permitted within 10' of the front line of the site. The Hoffman site plan anticipates landscaping within the NYSDOT right-of-way for Route 7, but not directly on the Hoffman property. Attorney Gilchrist reviewed the site plan requirement on green space, and noted that the regulations allow the Planning Board to take any appropriate action it deems necessary to modify this requirement as long as it maintains the overall intent of the green space/landscaping provisions of the site plan regulations. Member Wetmiller raised concern regarding the exit lanes from both the automatic car wash and the self-serve washing bays, and whether the plan provides for adequate traffic flow. Mr. Simpson stated that even if cars exiting the self-service washing bays go in front of the exit from the automatic wash building, the computer on the automatic car wash system will stop the conveyor so that there will be no accident potential or stacking problem anticipated. Member Czornyj inquired whether there would be signage noting "exit only" lanes. Mr. Simpson stated that "exit only" signage will be installed. Mr. Simpson concluded by stating these proposed modifications at this site were designed to improve both the services to customers as well as

appearance of the site. Chairman Malone inquired whether the signage on the exterior of the buildings could be reduced. Mr. Simpson stated that the signage was needed so people could identify the appropriate areas, and that the signs needed to be on the exterior of the building so that they could be easily seen. The signs cannot be installed within the building since the doors will be closed during the winter months and customers would not be able to see them. Chairman Malone alerted the Applicant that a variance from the Town's sign ordinance might be needed from the Zoning Board of Appeals. Mr. Simpson acknowledged this. Member Esser inquired how snow removal would be completed at the site. Mr. Simpson explained that the snow will either be plowed to the rear of the property, or removed from the site if necessary. Member Wetmiller again raised concern about the traffic flow in the exit lanes from these facilities. Chairman Malone and Mr. Kestner stated that an alternate traffic design could be established if the existing building were moved further back off Route 7 and onto the property, thereby allowing a greater exit area onto Route 7. Mr. Simpson responded that such an option presents major difficulties since the mechanical equipment for the automatic wash building is in the front of the building near Route 7, rendering such an approach economically infeasible and difficult from an engineering perspective. Moreover, moving the existing building itself makes the project economically infeasible. Chairman Malone and Members Czornyj and Esser stated that the traffic flow at this site remained a concern. Mr. Simpson said that the traffic plan had already been reviewed by NYSDOT and conceptually approved. Chairman Malone then required the Applicant to obtain a letter from NYSDOT, stating that NYSDOT approved of the traffic flow plan. In addition, the Board wanted written approval from NYSDOT that landscaping within the NYSDOT right-of-way was acceptable to NYSDOT. Chairman Malone directed Mr. Kestner to review the site plan in detail with Mr. Simpson, and coordinate the review of the traffic flow with

NYSDOT and Mr. Simpson. Mr. Simpson also stated he would modify the site plan for the employee parking area as well as check the detail on the inverts for the drainage pattern for the site. This site plan will be forwarded to the Rensselaer County Department of Economic Development and Planning for General Municipal Law review. Chairman Malone noted that the required escrow fee had been established for the engineering review by the Planning Board. This matter will be placed on the agenda for further consideration at the April 17, 2003 meeting.

The second item of business on the agenda was the site plan application of GARY MORRIS. This matter concerns the current wholesale log storage and distribution facility on the MORRIS property located at the intersection of Route 7 and Flower Road. A resolution had been adopted by the Planning Board on January 2, 2003 referring the application to the Superintendent of Utilities & Inspection for clarification and interpretation of the full scope and extent of a use variance issued by the Zoning Board of Appeals for the MORRIS property, with specific regard to whether such use variance applies to all current site activities included in the MORRIS site plan application pending before the Planning Board. Mr. Kreiger reported his decision to the Planning Board, stating that in his opinion the full extent of activities depicted on the pending site plan fall within the scope and intent of the use variance issued by the Zoning Board of Appeals for this property. Therefore, the site plan application is referred back to the Planning Board for site plan review. Chairman Malone, thereupon, stated that the Planning Board Members required additional time to re-familiarize themselves with the site plan, and requested that the Applicant review any changes to the site plan since this matter was last before the Planning Board. In attendance on the application were GARY MORRIS and Forrest Mayer. Mr. Mayer stated that a 25' setback had been added, as well as additional green space, which eliminated certain storage areas to allow adequate setback from the property lines. Member

Czornyj stated that the site plan still needed to provide specifically designated areas for all storage operations, rather than just depicting general locations by arrows. Member Czornyj reviewed with Mr. Mayer the need for clearly delineated storage areas, with specific boundary lines identified, so that the site plan can be adequately reviewed by the Board. Mr. Mayer understood this request, and will have the site plan revised accordingly. Member Esser inquired as to the hours of operation for chain saws as limited under the Zoning Board of Appeals use variance. Mr. Morris stated that he had agreed to limit chain saw operation from 7 a.m. to 7 p.m. Chairman Malone again inquired of Mr. Kreiger whether his opinion was that all site activities fall within the scope of the ZBA use variance. Mr. Kreiger stated that his opinion was that all of the current site activities do fall within the scope of the ZBA use variance, and that he had reviewed this matter with the ZBA Chair who stated that the ZBA was fully aware of all current site activities when it made its decision on the applicability of the existing use variance for the property. Attorney Gilchrist then reviewed the procedure on this application, including the Planning Board Resolution of January 2, 2003 which referred the matter for zoning clarification to the Superintendent of Utilities & Inspection, Mr. Kreiger's decision on that referral, and the transfer of the site plan back to this Planning Board for site plan review under the Town's site plan regulations. Given Mr. Kreiger's interpretation, there is no issue concerning the zoning compliance of the current site plan application; therefore, the Planning Board's site plan review must proceed. Member Czornyj inquired whether there were any wetlands on the property, given that the current site plan depicts a "wet condition" on the property near Route 7. The applicant stated that there were no wetlands on the property. Attorney Gilchrist directed the applicant to

confirm that no New York State protected freshwater wetlands exist on the property, and that no activities were anticipated within the wet areas for compliance with Federal Wetland Regulation. The applicant stated that this wetland review would be completed. Chairman Malone directed Mr. Kreiger to confirm that the appropriate escrow for engineering review had been maintained with Town. Chairman Malone inquired of Mr. Mayer as to the current hours of operation at the facility. Mr. Mayer stated that he had agreed to a 7 a.m. - 7 p.m. restriction on the use of chain saws and heavy equipment, but he had not interpreted that restriction to apply to truck traffic. Rather, Mr. Mayer stated that he was voluntarily attempting to limit all activities at this site to 7 a.m. - 7 p.m. Mr. Mayer stated that he did feel there was difference between the operation of heavy equipment on the site and having a truck idling at the site, even if that truck was off-loading logs. Chairman Malone stated that this matter will need to be further reviewed by the Board. Chairman Malone reviewed the requirements for this application to proceed, including an updated and revised site plan which should be reviewed by Mr. Kestner. Chairman Malone also suggested that a meeting be set up on site with the Board's engineer as well as the engineer for the Applicant to review the updated site plan as compared to existing site activities. Mr. Mayer stated that he would have the site plan updated immediately, but that it may not be ready for the next meeting. Accordingly, this matter will be placed on the agenda for the May 1, 2003 meeting. Attorney Gilchrist stated that as soon as the site plan was updated, it should be filed with the Town so that it can be forwarded to the Rensselaer County Department of Economic Development and Planning for General Municipal Law review. Chairman Malone also stated that a long environmental assessment form should be completed on the application, and that a

public hearing will be held on the site plan in the future. Mr. Bernie Barber was in attendance at the meeting. Mr. Barber inquired whether the Board Members and Mr. Kestner, when visiting the site to review the updated site plan, could take the opportunity to go to his property and consider the impacts of the operation upon his property. Another member of the public inquired how this facility can continue to operate while the site plan review process was continuing, in light of the Town Attorney's letter stating that all site operations should cease pending completion of the site plan review. Attorney Gilchrist stated that the jurisdiction of this Planning Board is limited to site plan review under the Town's site plan regulations and the New York Town Law, and that enforcement activities fall outside the Planning Board's jurisdiction.

Mr. Kestner had stated that a meeting had been set up for he and Mr. Kreiger to meet at the WALMART pump station property with engineers retained by WALMART for purpose of delineating the property to be transferred from WALMART to the Town. The meeting is currently scheduled for April 17, 2003.

Mr. Kreiger informed the Board that he had been contacted by a Mr. Whitehouse, who wants to put a second principal residence on his property located along Route 7. Member Czornyj inquired whether a second principal structure could be placed on one building lot, or whether subdivision was required. Attorney Gilchrist reviewed the zoning ordinance with the Planning Board Members, and stated that the schedule of uses and area requirements does not provide for more than one principal structure per building lot, and allows only limited accessory structures on the same building lot. In the event two principal dwellings are planned, then

subdivision of the property would be required. This matter will be placed on the April 17, 2003 agenda for further discussion.

The Planning Board Members reviewed the proposed Minutes of the March 20, 2003 meeting. Upon motion of Member Czornyj, as seconded by Member Bradley, the Minutes of the March 20, 2003 meeting were adopted as written.

The **index** for the April 3, 2003 meeting is as follows:

1. Hoffman Development Corp. - site plan - 4/17/03;
2. Morris - site plan - 5/1/03;
3. Whitehouse - subdivision - 4/17/03.

The **agenda** for the April 17, 2003 meeting as currently proposed is:

1. Hoffman Development Corp. - site plan;
2. Whitehouse - subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

RECEIVED
APR 29 2003
TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD April 17, 2003

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

ABSENT was JOSEPH WETMILLER.

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

The first item of business on the agenda was the HOFFMAN DEVELOPMENT CORP. site plan application. Appearing on behalf of the Applicant was Bill Simpson. Chairman Malone acknowledged receipt of a letter from consulting engineer Mr. Kestner stating that he had contacted the New York State Department of Transportation ("NYSDOT") concerning the proposed layout of the HOFFMAN DEVELOPMENT CORP. site upgrades, and that NYSDOT did not have any problem with the proposed layout on the site plan. In addition, Mr. Kestner provided to Chairman Malone a copy of a letter from NYSDOT by William Logan, Regional Traffic Engineer, dated April 10, 2003, stating that NYSDOT conceptually approved the location and layout of the revisions to the Hoffman Carwash access as shown on the site plan. In addition, Chairman Malone reviewed correspondence from the Rensselaer County Department of Economic Development and Planning, which reviewed the Hoffman Carwash site plan and determined that local considerations shall prevail. The one comment raised by the County planning agency concerned appropriate signage at the access points to alert travelers on Route 7 as to the appropriate access points. Mr. Simpson proceeded to provided additional information

on points previously raised by the Board in review of the site plan. First, Mr. Simpson stated that the site plan had been revised to provide 40' for backup area for employee parking on the site. Second, Mr. Simpson reviewed the issue of water retention under the Stormwater Management Plan for the site, which has been designed to accommodate a 25 year storm. Mr. Simpson explained that the calculations had been prepared for the site upgrades so that no additional stormwater discharge would result as compared to current, existing conditions. Mr. Kestner stated that he had likewise reviewed the Stormwater Management Plan for the site. Mr. Kestner explained that drainage swales will be installed to direct water to the back of the facility, and that the additional parking areas are designed to promote sheeting to provide stormwater runoff to the back of the facility. Mr. Kestner reviewed the calculations and stated that the Stormwater Management Plan was properly designed to accommodate a 25 year storm. In addition, HOFFMAN will install a "snowt" oil-water-debris separator so that the stormwater management facilities will operate properly without any backup. Chairman Malone inquired whether these facilities will need to be maintained. Mr. Kestner said that these facilities will require regular maintenance, and Mr. Simpson stated that maintenance and cleaning of the stormwater management features will be part of the regular clean-out of site catch basins. Mr. Simpson went on to explain that the site plan had been reviewed to determine if adequate spacing has been provided for the exit areas out the front of the carwash and self-service bays. This area has been widened to accommodate all exiting traffic, and the consideration of the collision control within the automatic carwash area will eliminate any potential for automobile accidents in the exit area. Mr. Kestner stated that NYSDOT has suggested that windows be installed on the side of the automatic carwash building so that patrons exiting the self-service carwash area could see

whether cars were in line to be exiting from the automatic carwash area. Mr. Kestner stated that NYSDOT opined that the exit area would not cause any problems on Route 7, but had the potential to cause a backup problem on the Hoffman property. Chairman Malone opined that windows installed on the side of the automatic carwash building may not address the issue since patrons would likely not look in or out of the windows. Member Czornyj also stated that the automatic carwash equipment inside the building would block the windows as well. Upon discussion, the Planning Board was satisfied with the area in front of the automatic carwash and self-service carwash buildings, and that area would adequately provide for safe vehicle exiting. Mr. Simpson stated that the NYSDOT also had no objection to Hoffman installing landscaping within the DOT right-of-way. Mr. Kestner reviewed the lighting plan for the facility, and stated that the lights in the front of the buildings might be intense. Mr. Simpson responded that the proposed lighting is a standard lighting package at all Hoffman Carwash facilities, and that the intensity of the light is provided to be able to see inside of a car in the self-service bays, and for overall safety of patrons. Mr. Simpson stated that the light intensity at the buildings was 59 foot-candles, and that the light intensity at the Hoffman property line at this location was 2-3 foot-candles. Member Czornyj inquired whether any light would encroach onto the Route 7 right-of-way. Mr. Simpson stated that while some light may spill onto Route 7, it was very low intensity. Chairman Malone then inquired of Mr. Simpson and Mr. Hoffman as to whether Hoffman would object to coming back before the Planning Board in the event it was determined that the lights, as installed, were too intense at this location. Both Mr. Simpson and Mr. Hoffman stated that they would have no problem doing so. Member Tarbox inquired whether the debris which is located at the back of the Hoffman property would be cleaned up during the site upgrades. Mr. Simpson said that the site would be cleared of all existing debris in connection with facility upgrade.

Chairman Malone inquired what Hoffman does with the silt and dirt that is washed off the cars. Mr. Hoffman stated that this material was discharged to the back of the Hoffman property with the review and approval of the New York State Department of Environmental Conservation ("NYSDEC"). Upon further discussion, Member Bradley made a motion to adopt a negative declaration under SEQRA for the application, which motion was seconded by Member Czornyj. The motion was passed unanimously and a negative declaration adopted on the application. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. All changes to the site plan as discussed at this meeting must be depicted on a site plan that is stamped and signed by a licensed professional engineer and submitted to the Town Building Department;
2. If the lights as installed prove to create a problem due to intensity, HOFFMAN DEVELOPMENT CORP. will agree to come before the Planning Board with a plan to reduce the intensity of the lights, and that HOFFMAN DEVELOPMENT CORP. expressly agrees to do so;
3. Appropriate signage to demark all access points will be installed per the site plan to address the concern raised by the Rensselaer County Department of Economic Development and Planning;
4. HOFFMAN DEVELOPMENT CORP. agrees to comply with the Town of Brunswick sign law concerning all signs to be installed at the site;
5. HOFFMAN DEVELOPMENT CORP. agrees to regularly maintain all stormwater management facilities, including the oil-water-debris separator; and
6. All debris at the rear of the Hoffman property will be removed during site

upgrades.

Member Esser seconded this motion. The motion was unanimously adopted, and the HOFFMAN DEVELOPMENT CORP. site plan approved subject to the stated conditions.

The second item of business on the agenda was the minor subdivision application of RANDY WHITEHOUSE for property located at 1569 Route 7. Randy Whitehouse appeared on the application. Mr. Whitehouse reviewed a subdivision plat which identified an existing 18 acre parcel which he owns, and from which he seeks to split off 4.4 acres on which he plans to build a 2 bedroom house for his in-laws. Mr. Whitehouse also handed up to the Planning Board a septic design plan for the proposed residence which has been approved by the Rensselaer County Department of Health, bearing date April 8, 2003. Mr. Whitehouse stated that he will maintain ownership of the 4.4 acre parcel. The Planning Board noted that this property abuts Route 7 and that approval of the NYSDOT for driveway access will need to be obtained. Mr. Whitehouse stated that he did not plan on installing a driveway, but rather having access to the house off of his existing driveway. The Planning Board members stated that despite this current plan, Mr. Whitehouse still required NYSDOT approval for a driveway access onto Route 7 in order to have an approved buildable lot at this location. Mr. Whitehouse stated that he had a prior approval from NYSDOT in connection with a prior plan for the property, but that the NYSDOT approval had expired. The Board directed Mr. Whitehouse to again apply to NYSDOT for a driveway approval for the proposed 4.4 acre lot, and present the NYSDOT approval to the Board in connection with the subdivision application. Member Czornyj inquired of Mr. Whitehouse whether the property would be used solely for residential purposes. Mr. Whitehouse confirmed that the 4.4 acre parcel would be used exclusively for residential purposes, and that no other use was planned or part of the subdivision application. The Board directed Mr. Whitehouse to

complete an Environmental Assessment Form in connection with the subdivision application. The Board confirmed that the NYSDOT approval for the driveway would likewise be required. Mr. Whitehouse stated that he would provide both of those items for the application. This matter will be placed on the agenda for the Board's May 1, 2003 meeting.

Mr. Kestner reviewed a meeting he and Mr. Kreiger had with WALMART representatives and its consulting engineers concerning the BRUNSWICK WALMART. First, both Mr. Kestner and Mr. Kreiger met with a representative from Bergman Associates, consulting engineers to WALMART concerning the pump station property to be conveyed by WALMART to the Town. The location of the property was confirmed and Bergman Associates is in the process of preparing a description of the property for conveyance to the Town. Mr. Kreiger and Mr. Kestner likewise met with the current store manager and assistant store manager of the BRUNSWICK WALMART concerning current site uses and the process for obtaining approval to amend the approved site plan. Specifically, Mr. Kestner and Mr. Kreiger discussed the issues of storage containers on the property, as well as the display of store merchandise on the sidewalks and parking area. Mr. Kestner and Mr. Kreiger informed the managers that a formal site plan needed to be prepared to amend the existing approved site plan concerning these items. The WalMart managers stated that the plan would include approval to use containers behind and on the side of the WalMart building for storage of merchandise, and that the display of seasonal items in the front of the building and/or the parking area was desired. Mr. Kreiger and Mr. Kestner explained that all of these items needed to be depicted on a site plan, and submitted to the Planning Board for formal review as an amendment to the existing approved site

plan. The WalMart managers anticipated the completion and submission of such a site plan within 30 days. Member Tarbox inquired of Mr. Kestner whether the required payments by WalMart to the Town under the existing approved site plan had been calculated and paid by WalMart. Mr. Kestner stated that the Town was completing its calculation of these amounts, which has proved to be a difficult task due to the length of time and transition of personnel from the date of the original approval. Member Oster stated that this should be a priority of the Town to finalize this project as it will result in additional funds to the Town.

Three items of new business were discussed.

First, Mr. Kreiger is in receipt of a site plan application by the BRUNSWICK GROUP concerning additional parking for the strip plaza adjacent to the "Silver Strawberry" building on Route 7. The BRUNSWICK GROUP seeks to provide additional parking for this strip plaza behind the Silver Strawberry building. The Board members noted that this plan would require significant excavation and shale removal behind the Silver Strawberry building. In addition, the Board members inquired as to who owned the Silver Strawberry property, and whether the BRUNSWICK GROUP had the legal right to place additional parking for its mall on adjacent property. From the face of the application, it appears that the BRUNSWICK GROUP has an easement for ingress/egress on the Silver Strawberry property, but does not have an easement or other property right in the area behind the Silver Strawberry building for any purpose, including parking. Chairman Malone inquired whether this was a proper application. Attorney Gilchrist stated that the BRUNSWICK GROUP needs to provide documentation to the Board as to its legal right to use this property, or the owner of the Silver Strawberry property (Fiachetti) needs

to be part of this application and appear before the Planning Board. The Board members also inquired whether the BRUNSWICK GROUP needed site plan review for the addition of any new tenants to the strip plaza, since new tenants do alter the parking requirements for the facility. In particular, the existing Tai Kwan Do tenant has resulted in a significant parking problem at this location. Mr. Kestner will obtain the original site plan approval from several years ago in order to determine whether a condition was placed requiring Planning Board review on any new tenants. Mr. Kreiger will apprise the applicant of these issues, and the matter will be adjourned without date.

Mr. Kreiger apprised the Board that a representative of the BRUNSWICK PRESBYTERIAN CHURCH had requested that the church expansion site plan was moving forward, and that the CHURCH would like to be placed on the May 1 agenda. Chairman Malone inquired whether a site plan application, stamped site plan, and application fee had yet been submitted. Mr. Kreiger said that these items had not been submitted yet. Chairman Malone said that the matter could be placed on the May 1 agenda as long as the appropriate application materials were submitted prior to that date to allow the Board members time to review them.

Chairman Malone apprised the Board members that he had been contacted by Kenny Kerns concerning property bordering Farrell Road and Liberty Road. Mr. Kerns is looking to develop the property into 45 lots, with a concept plan including a number of cul-de-sacs. Mr. Kerns inquired of Chairman Malone whether this was a concept that the Board would consider. Upon discussion, the Board members concurred that Chairman Malone should request Mr. Kerns to put a more detailed drawing together so that the Board could adequately consider the concept.

The proposed Minutes of the April 3, 2003 meeting were reviewed. Upon motion of Member Czornyj, as seconded by Member Esser, the Minutes of the April 3, 2003 meeting were approved as written.

A letter written by Mr. and Mrs. Cupolo to the Brunswick Town Board, dated April 3, 2003, regarding the log processing and distribution facility operating on the property owned by Gary and Christine Morris was reviewed.

The **index** for the April 17, 2003 meeting is as follows:

1. Hoffman Development Corp. - site plan - approved;
2. Whitehouse - minor subdivision - 5/1/03;
3. WalMart - amendment to site plan - adjourned without date;
4. The Brunswick Group - site plan - adjourned without date;
5. Brunswick Presbyterian Church - site plan - 5/1/03; and
6. Kerns - major subdivision - adjourned without date.

The **agenda** for the May 1, 2003 meeting as currently proposed is:

1. Whitehouse - minor subdivision;
2. Brunswick Presbyterian Church - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD May 1, 2003

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

ABSENT was FRANK ESSER.

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

Chairman Malone noted that several matters which had been tentatively scheduled for the May 1 meeting had been postponed upon request of the applicant. These matters include the MORRIS site plan application, BRUNSWICK PRESBYTERIAN CHURCH site plan application, and WHITEHOUSE subdivision application. Each of these matters will be placed on the agenda for the May 15, 2003 meeting.

The first item of business on the agenda was the site plan application of the BRUNSWICK GROUP. Harold Berger, P.E., appeared on behalf of the applicant. Mr. Berger reviewed the site plan with the Board. The BRUNSWICK GROUP seeks to add 20 additional parking spaces behind the existing "Silver Strawberry" Plaza. Seventeen (17) of the proposed parking spaces would be for the benefit of the BRUNSWICK GROUP Plaza and three of the proposed parking spaces would be for the benefit of the "Silver Strawberry" Plaza currently owned by Faschetti. The BRUNSWICK GROUP currently has an easement for ingress/egress on the Faschetti property, but it remains unclear whether the BRUNSWICK GROUP has the legal authority to construct and utilize parking spaces on the Faschetti property. Member Tarbox

inquired of Mr. Berger what the existing BRUNSWICK GROUP easement allowed on the Faschetti property. Mr. Berger was not sure, as he has not yet had the opportunity to review the easement. Mr. Berger did report that a legal agreement was being negotiated between the BRUNSWICK GROUP and Faschetti for this use, but that the discussions had not yet been finalized. Chairman Malone inquired whether the property behind the BRUNSWICK GROUP Plaza could be utilized for additional parking. Mr. Berger stated that there was simply not enough room, as the existing topography was a very steep rock wall behind the BRUNSWICK GROUP Plaza. Chairman Malone inquired as to how the BRUNSWICK GROUP planned to remove the rock behind the "Silver Strawberry" Plaza in the area for the proposed parking spaces. Mr. Berger responded that the applicant planned on using a jackhammer and ripping the rock away. Chairman Malone responded that before the Board could proceed further with the site plan application, the Planning Board would need to be presented with a legal document showing the legal right of BRUNSWICK GROUP to perform work on the Faschetti property, and also that Faschetti should attend the Planning Board meeting as well, since the work would be performed on his property. Mr. Berger reiterated that a legal agreement between the parties was being worked out. The Board noted that since the proposed site plan is within 500' of Route 7, the site plan needs to be forwarded to the Rensselaer County Department of Economic Planning and Development for review under the General Municipal Law. Attorney Gilchrist will forward the site plan to the County for review. Member Bradley inquired whether the same entrance and exit area as currently used at the BRUNSWICK GROUP Plaza would continue to be used for the new proposed parking areas. Mr. Berger responded that the same entrance and exit would be utilized. Mr. Berger inquired whether the Board had a favorable opinion of the site

plan. Chairman Malone responded that more information was needed, most particularly the legal right of BRUNSWICK GROUP to perform the work on the Faschetti property. Further, Chairman Malone wanted some additional information on the impact of the jackhammer and ripping of rock upon the "Silver Strawberry" Plaza and the BRUNSWICK GROUP Plaza. Member Wetmiller inquired whether such work would be safe for the existing buildings. Mr. Kestner responded that such work would have an impact on the existing buildings, and that it would be appropriate to have a report on pre-work conditions as well as post-work conditions, and possible video of the rock removal as well. Member Oster inquired whether it was cost effective for BRUNSWICK GROUP to construct these parking spots in the proposed location. Mr. Berger responded that it was not cost effective, but that BRUNSWICK GROUP had no other available area to install additional parking. Mr. Kestner inquired as to how patrons would walk from the new proposed parking area to the BRUNSWICK GROUP Plaza, and what lighting was proposed. Mr. Berger responded that a specific plan on lighting had not yet been prepared. Member Czornyj offered that whatever would be proposed would be an improvement over patrons parking in the Feather's Furniture parking lot and walking across Route 7, which is presently being done. Mr. Kestner reminded the Board that the original site plan approval for this BRUNSWICK GROUP Plaza considered the type of tenant proposed, and considered the necessary parking for such specific tenants. Specifically, Mr. Kestner provided the Board with a copy of the Minutes of the Planning Board meeting held June 18, 1992, where this site plan was approved subject to, among others, the following two conditions:

1. No combination of uses will require more than 31 parking places
2. The owner must notify the Town Building Inspection in writing of any change in occupancy to ensure that the site does not exceed the maximum allowable number of parking spaces.

Chairman Malone offered that these conditions had not been adhered to in the past, most particularly when the Tai Kwon Do tenant moved into the building. Mr. Berger stated that the issue of parking focused on the peak parking periods, and that the peak parking periods did create a problem at this location. Mr. Kestner also reminded the Board that BRUNSWICK GROUP was supposed to remove the shale from the front of the mall adjacent to Route 7, and install landscaping, and that these activities had not yet occurred. Members Wetmiller and Tarbox further recalled an issue with the western-most lease space in the mall, and that such lease space could not be leased out. It was Members Wetmiller and Tarbox's recollection that this restriction may be due to a drainage issue. Mr. Kestner stated that the prohibition on the western-most lease space may pertain to a building code issue regarding the necessary number of exits from that lease space, since that location is in close proximity to the shale mountain behind the BRUNSWICK GROUP Plaza. Mr. Kestner stated that he would research that issue. The site plan will be forwarded to the Rensselaer County Department of Economic Development and Planning. The application will be adjourned without date pending receipt by the Planning Board of a legal agreement which allows BRUNSWICK GROUP to construct these proposed parking spaces on the Faschetti property.

Two items of new business were discussed.

First, Mr. Kreiger provided the Board with copies of the special use permit/site plan application by AT&T WIRELESS for the wireless communication tower located at 806 Hoosick Street. This matter is currently before the Zoning Board of Appeals on the special use permit application. Following the action by the Zoning Board of Appeals on the special use permit application, the matter will need to go before the Planning Board on site plan approval. The site plan aspect of this application seeks to add two additional equipment sheds at the base of the

tower, each approximately 6' x 6'. The applicant is not proposing to change the height or width of the tower, but rather co-locate additional communication panels on the existing tower. This matter will be placed on a Planning Board agenda upon completion of Zoning Board of Appeals action regarding the special use permit application.

The second item of new business discussed was a subdivision application by PALMER for property located on Route 7. MR. PALMER had been before the Zoning Board of Appeals with an application for an area variance, claiming that a building lot which had been created through subdivision in 2000 did not meet minimum lot width requirements under the Zoning Code. The Zoning Board of Appeals inquired when the subdivision was approved by the Planning Board and investigated the Planning Board Minutes. On July 6, 2000, the Planning Board approved an application for waiver of subdivision for this property. The proposal as presented to the Planning Board at the July 6, 2000 meeting called for 2.45 acres to be purchased from a Mr. Leopold, to then be split between the PALMERS and the Tarboxes. Palmer would receive 1.28 acres (the lot in question) and the Tarboxes would receive 1.17 acres. The Tarboxes stated that such 1.17 acres would be used for an access road to other Tarbox property. It was further represented to the Board that the PALMER parcel of 1.28 acres would be added to the existing, adjacent property owned by PALMER. Based on such representations, the Planning Board approved the waiver of subdivision application at it July 6, 2000 meeting. PALMER now seeks to construct a house on the 1.28 acre parcel, apparently never having merged the 1.28 parcel into the existing lands of PALMER. Due to the fact that the 1.28 acre parcel does not have minimum lot width as required under the Brunswick Zoning Code, PALMER sought an area variance from the Zoning Board of Appeals. Based on the Minutes of the July 6, 2000 meeting, the 1.28 acre parcel was not approved by the Planning Board as a building lot, but

rather was approved to be merged into the existing PALMER parcel. The Zoning Board of Appeals thereupon directed PALMER to apply for subdivision approval to subdivide a lot off the existing PALMER parcel. The Board generally discussed the matter and questioned why an area variance would be needed if PALMER owns sufficient property to subdivide a conforming building lot off of his existing property. PALMER has requested to be on the agenda for the May 15, 2003 meeting. Chairman Malone stated that the matter could be placed on the May 15 agenda if the Applicant submitted a subdivision plat in conformance with the subdivision regulations.

Chairman Malone reviewed with the Board members a copy of a letter he received dated December 30, 2002 by Adam Golinski concerning the use of the MORRIS property on Route 7 as the log distribution facility. This matter will be further discussed upon submission of the amended site plan by MORRIS.

The Board reviewed the proposed Minutes of the April 17, 2003 meeting. Upon motion of Member Oster, seconded by Member Czornyj, the Minutes were unanimously approved as written.

The **index** for the May 1, 2003 meeting is as follows:

1. Morris - site plan - 5/15/03;
2. Brunswick Presbyterian Church - site plan - 5/15/03;
3. Whitehouse - minor subdivision - 5/15/03;
4. The Brunswick Group - site plan - adjourned without date;
5. AT&T Wireless - site plan - adjourned without date; and

6. Palmer - minor subdivision - 5/15/03.

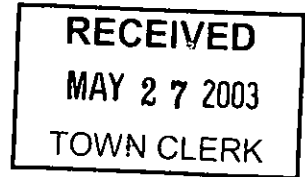
The **agenda** for the May 15, 2003 meeting as currently proposed is:

1. Morris - site plan;
2. Brunswick Presbyterian Church - site plan;
3. Whitehouse - minor subdivision;
4. Palmer - minor subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD May 15, 2003

PRESENT were WILLIAM BRADLEY, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, DAVID TARBOX, and JOSEPH WETMILLER.

ABSENT was CHAIRMAN SHAWN MALONE.

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

The first item of business on the agenda was the site plan application of the GARY MORRIS. Appearing on the application were Gary Morris and Forrest Mayer. Mr. Mayer handed up a revised written narrative concerning the activities on the property, which limited the products to be sold on the property to logs, lumber, and firewood, and eliminating stumps, boughs, and field stone. The Board Members reviewed the revised narrative with Mr. Mayer. Member Oster turned to the site plan, and asked Mr. Mayer to clarify general note #7. Member Oster stated that note #7 seemed to be contradictory with the specifically identified log storage areas on the map; whereas note #7 stated that material may also be stored on the gravel areas. Mr. Mayer responded that logs may need to be unloaded on the gravel in order to be categorized and then put in the permanent storage areas, and therefore there may be temporary placement of the logs on the gravel area, but not permanent storage. Mr. Mayer explained that given the different volume of logs on the property at different times, logs may need to be unloaded wherever there is room on the gravel portion of the property to be categorized before being placed into the permanent storage areas. It is the permanent storage areas that are specifically

identified on the site map. Member Oster stated that note #7 should be clarified. Member Tarbox inquired whether the logs placed on the gravel to be categorized would be removed and put in permanent storage by the end of that particular business day. Mr. Mayer said "no". Member Czornyj inquired how long the logs would be on the gravel area to be categorized. Mr. Mayer stated that the temporary placement on the gravel could be 3-4 days maximum, but should be less than that in the ordinary course. Member Czornyj then asked if any of the logs placed in permanent storage would be removed from the permanent storage area for any reason prior to sale. Mr. Mayer said that this could happen, for such things as additional processing for a particular customer. Member Oster then stated that he was at the site on May 15, and that there appeared to be a new storage area for wood out in front near Route 7. Mr. Mayer stated that this was a pile of wood that would be used for firewood, and that the pile had been continuously added to since operations commenced on the site. Mr. Mayer stated that it was his intention to have that firewood ready for sale in the upcoming season. Member Oster stated that he thought the pile was becoming too big. Mr. Mayer stated that the size of the pile could be restricted, and that there was no problem in doing that. Member Czornyj stated that he thought it was an eyesore to have this firewood pile out front near Route 7. Mr. Mayer stated that there was no need to have this wood pile out front, and that it could be moved to a location toward the rear of the property. Mr. Mayer stated that no additional firewood would be added to this pile, and that a new firewood pile would be started toward the rear of the property. Member Czornyj stated that he was also at the site on May 15, and inquired whether there were any encroachments outside the perimeter markers. Mr. Mayer stated that there were no encroachments outside the marked areas, and that he had confirmed through measurement that all the setbacks were being

complied with. Member Czornyj asked whether the perimeter and setback areas were demarked on the property in any way. Mr. Mayer stated that they were not currently, but that they could be marked with flags or otherwise if the Board deemed this necessary. Member Oster inquired whether trucks had been having any problems pulling out onto Route 7, and whether there had been any occasions when passing cars had to stop suddenly for an exiting truck. Mr. Mayer stated that no such problems had occurred since he had been operating on the site. Member Oster asked whether there were any sight line problems at the entrance/exit point, given that cars were likely passing this location at 55-65 m.p.h. Further, Member Oster stated that the sight distances should be placed on the site plan, so that the sight distances were in compliance with NYSDOT and Town standards. Mr. Mayer stated that this issue had not yet been addressed, but that he would have his engineer calculate the sight distances and place that information on the site plan. Member Czornyj also noted that while the site plan designated employee parking areas, it appeared that cars were parking anywhere on the site. Mr. Mayer stated that the employees were routinely parking in the employee parking area, but that customers seem to be parking wherever there was an open space. Member Czornyj responded that the parking areas, both and employee and customer, should be properly demarked on the property by way of signage or other marker. Mr. Mayer agreed to this. Member Czornyj then inquired why all the green space had not been identified on the site map around the perimeter of the site operations. Mr. Mayer stated that he did not know this was a requirement, but that all of the green space would be added to the site plan. Member Oster inquired whether hours of operation for this facility should be included as a site plan note. Attorney Gilchrist stated that such a condition, if deemed appropriate by the Board, should be attached as a condition to site plan approval. Member Oster inquired regarding the current hours of operation on the facility. Mr. Mayer

responded that he has been trying to adhere to 7 a.m. to 7 p.m. as much as possible, and was making every effort to address concerns raised about off-hour operations. Member Oster inquired as to what hours of operation for the facility were realistic for the business. Mr. Mayer responded that 7 a.m. to 7 p.m. was acceptable. Mr. Kestner stated that he had likewise visited the site on May 15, and found that the on-site operations were accurately reflected on the site plan. This included a fuel tank being placed on a concrete barrier, a dumpster on site, a Port-a-John on site, the log storage areas and the lighting of the site. Member Oster inquired whether any additional signage was planned for the business. Mr. Mayer stated that no additional signs were planned. Member Oster generally inquired why Mr. Mayer had identified this particular location for the log distribution business. Mr. Mayer responded that he had driven by this location for years, and thought that it was a perfect location for his business; he thought logistically the property worked very well for his customers and suppliers, and that a country setting with country appeal was attractive for his customers. Member Czornyj inquired whether Mr. Mayer's engineers had investigated whether any wetlands were on the property. Mr. Mayer stated that his engineer had reviewed the NYS Freshwater Wetlands maps, and that no NYS protected wetlands existed on the property. Further, Mr. Mayer stated that his engineer had determined that no federal wetlands existed on the property either. Mr. Mayer did state that he could obtain letters from the state and federal agencies concerning this if necessary. Attorney Gilchrist reviewed the procedural status of the application. The site plan, as amended per the discussion of this meeting needs to be forwarded to the Rensselaer County Department of Economic Development and Planning for review and recommendation. Further, the applicant has filed a Full Environmental Assessment Form, and the Planning Board must conduct its SEQRA Review before moving to the site plan itself. Under SEQRA, the Planning Board must

identify a lead agency, and thereafter the lead agency must make a determination of environmental significance. The determination of environmental significance will either be a negative declaration, at which point the Planning Board would move forward with site plan review; alternatively, the lead agency could adopt a positive declaration, meaning that the lead agency has determined that there may be at least one significant environmental impact from the action. In the event a positive declaration is adopted, the lead agency then could conduct a scoping session to determine the issues to be addressed in an Environmental Impact Statement, and the applicant would need to have such an Environmental Impact Statement prepared for review. Mr. Kestner reviewed the required amendments to the site plan, which includes calculation of sight distances and placing this information on the site plan, adding additional green space locations on the site plan, designating parking areas on the site, and relocating the firewood storage area to the rear of the property. Mr. Mayer stated that his engineer would be contacting Mr. Kestner to make sure that the site plan was amended properly. The Board questioned whether any agricultural district issues under the New York Agriculture and Markets Law were applicable. Attorney Gilchrist will investigate this issue. This matter will be placed on the June 5 agenda. Mr. and Mrs. Bernie Barber were in attendance, and stated that the impacts from this business on his property including noise and diesel fumes, were significant, and again invited the Board Members to his property to experience this first-hand. The Board thanked the Barbers for their input.

The next item of business on the agenda was the site plan application of the BRUNSWICK PRESBYTERIAN CHURCH. At request of the applicant, this matter will be adjourned to the June 5 meeting.

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

RANDY WHITEHOUSE. Appearing on the application was Randy Whitehouse. Mr. Whitehouse handed up to the Board a Short Environmental Assessment Form, plus a copy of the NYSDOT driveway permit which he had obtained. Member Czornyj asked whether the driveway for which the NYSDOT permit had been obtained is shown on the subdivision plat. Mr. Whitehouse stated that it was not shown on the subdivision plat itself, but was shown on the specification page for the septic system. Member Czornyj stated that the driveway must be shown on the subdivision plat. Mr. Whitehouse then showed the Board Members a picture of the proposed house to be constructed on the site, which is a Lindal Cedar home. Mr. Whitehouse informed the Board that he was now a dealer of these homes. Thereupon, Mr. Czornyj inquired whether Mr. Whitehouse planned on using this house as a show house for commercial purposes. Mr. Whitehouse stated that he did not intend to use this house for any commercial purposes, but rather for residential use only. Mr. Czornyj, in very clear and exact terms, stated that this proposed lot and house, if approved, could be used solely and exclusively for residential purposes only, and any use of the property in any manner whatsoever for commercial purposes would be a violation of subdivision approval and the Zoning Code of the Town of Brunswick. Mr. Whitehouse then stated he didn't understand why the house could not be used as a show house. Member Czornyj, again in clear and precise terms, stated that if Mr. Whitehouse's plans included using the property for commercial purposes, then that plan needs to be presented to the Planning Board now, as it results in a different application than the one pending for residential subdivision. Mr. Whitehouse then stated that he did not and would not use the property for commercial purposes, and would continue with the application for a residential lot. Member

Czornyj then confirmed with Mr. Whitehouse that the application pending before the Board was for subdivision of property for residential purposes only, and that the property would not be used for any commercial purposes whatsoever, including but not limited to using the house as a show house, to let potential customers look at a constructed Lindal Ceder Home, or for any signage or advertising for Lindal Cedar Homes. Mr. Whitehouse confirmed that the property and the home would not be used for any commercial purposes whatsoever. Thereupon, Members Oster and Czornyj stated that the subdivision plat needed to show the driveway location, and should also show the location of the proposed house. Mr. Whitehouse stated that he would have the subdivision plat amended accordingly, and confirmed that he would construct the driveway under the current NYSDOT driveway permit. This matter has been tentatively placed on the June 5 agenda, subject to the receipt of the amended subdivision plat.

The next item of business on the agenda was the site plan application of the BRUNSWICK GROUP. The Board was informed that the BRUNSWICK GROUP and Mr. Faschetti were still trying to come to agreement on use of the Faschetti property for parking spaces. This matter will be adjourned until further notice from the applicant. Further, the original approved site plan allowing construction of this strip mall required notification to the Planning Board prior to any new tenant going into a leased space due to concerns over appropriate parking. The BRUNSWICK GROUP had not notified the Town concerning new tenants at the strip mall, which has resulted in a current parking problem at this location. The Department of Utilities and Inspection will notify the BRUNSWICK GROUP regarding this issue, and direct BRUNSWICK GROUP to appear before the Planning Board to discuss the

current parking issues.

The next item of business on the agenda was a subdivision application by PALMER for property located on Route 7. As stated in the May 1, 2003 minutes, PALMER had been before the Zoning Board of Appeals with an application for an area variance, claiming that a building lot had been created through subdivision in 2000 as approved by the Planning Board. PALMER had stated to the Zoning Board of Appeals that the lot does not meet minimum lot width requirements under the Brunswick Zoning Code, and therefore had applied to the ZBA for an area variance. The ZBA reviewed the Minutes of the Planning Board for July 6, 2000, and determined that the 1.2 acres divided and acquired by PALMER were represented to the Planning Board as property to be merged into the existing adjacent lands of PALMER. However, PALMER did not merge the 1.2 acres into his existing lands, but rather maintained it as a separate 1.2 acre parcel. PALMER has been receiving two separate tax bills for his lands, which are identified with two separate tax parcel numbers. As the 2000 Planning Board approval of the subdivision resulting in the 1.2 acre parcel required the same to be merged into the existing PALMER property, the ZBA sent PALMER to the Planning Board to file an application for subdivision approval. PALMER is now before the Planning Board with the application to create the subdivided 1.2 acre parcel. The issue has arisen, however, that the 1.2 acre parcel does not meet the minimum width requirements for an approved lot under the Brunswick Zoning Code. The New York Town Law addresses the situation where an application for subdivision includes a lot which does not comply with the zoning regulations, and permits an immediate application to the municipal ZBA for approval of an area variance. The New York Town Law goes on to

provide that the ZBA, upon receipt of such an area variance application, must request the Planning Board to provide a written recommendation concerning the proposed variance. The ZBA had requested such a recommendation from the Planning Board. Member Czornyj inquired of PALMER whether any additional area could be cut off his existing property so as to create a lot which did comply with the Town's Zoning regulations for minimum lot width. PALMER responded that due to the location of the septic system which services his house, and the grade of the property, it was not possible to carve out any existing property. PALMER's existing septic tank and leach field is very close to his existing property boundary, and does not allow for additional property to be attached to the 1.2 acre parcel. Member Oster questioned whether the Planning Board would be setting a precedent if they recommend approval of the area variance. Member Wetmiller opined that no precedent would be set since the Planning Board has examined the parcels in question, both the Board and the Applicant have exhausted all possibilities for the creation of a conforming lot, and that there would be no significant impact on the surrounding neighborhood given the agricultural and residential uses. Members Wetmiller and Tarbox inquired of PALMER and Superintendent Kreiger whether the 1.2 acre parcel had sufficient area for water and septic requirements. Both Mr. Palmer and Mr. Kreiger confirmed that the 1.2 acre parcel did have sufficient area for the placement of a well and leach field in compliance with Health Department regulations. Member Tarbox stated that a driveway permit would need to be obtained from NYSDOT off Route 7. MR. PALMER indicated that he would apply for that permit from NYSDOT. Member Czornyj inquired whether PALMER should do that now, prior to any action by the ZBA or Planning Board. MR. PALMER questioned whether he could have Town action on these applications, since there would be fees associated with

applying for a NYSDOT permit which he did not want to incur if this is something that the Town would not approve at any rate. Member Wetmiller stated that an approval could be expressly contingent on obtaining a driveway permit from NYSDOT. After further discussion, the Board directed Attorney Gilchrist to begin preparation of a written recommendation on the area variance issue, to be further discussed at the Planning Board's June 5 meeting.

Superintendent Krieger raised three new items of business.

First, the owner of the subdivision approved for 18 Ledgestone Road (CHEUNG) inquired whether the escrow money she had placed with the Town for the subdivision review could now be released. Mr. Kestner stated that he had not yet prepared his invoice for the review of that project, and that the escrow money should not be released until he has done so. Mr. Kestner stated that he would prepare that invoice and forward it to the Town.

Second, Superintendent Kreiger stated that he had been contacted by representatives of the BRUNSWICK WALMART, who informed him that an amended site plan for the BRUNSWICK WALMART facility should be received by the Board on or around May 16, 2003 for further review by the Planning Board. In the event the site plan is received as indicated, this matter may be placed on the June 5 agenda.

Third, Superintendent Krieger inquired of the Board members whether they had received any information on a proposed subdivision entitled "BALD MOUNTAIN SUBDIVISION". None of the Board members had heard of this application. This matter will be placed on the June 5 agenda in the event a complete subdivision application has been timely received.

The proposed Minutes of the May 1, 2003 meeting were reviewed. Upon motion of Member Oster, seconded by Member Bradley, the Minutes were unanimously adopted as written.

Planning Board

The **index** for the May 15, 2003 meeting is as follows:

1. Morris - site plan - 6/5/03;
2. Brunswick Presbyterian Church - site plan - 6/5/03;
3. Whitehouse - minor subdivision - 6/5/03;
4. The Brunswick Group - site plan - adjourned without date;
5. Palmer - minor subdivision - 6/5/03;
6. Brunswick WalMart - amended site plan - 6/5/03 (contingent on receipt of complete application); and
7. Bald Mountain Subdivision - subdivision application - 6/5/03 (contingent on receipt of complete application).

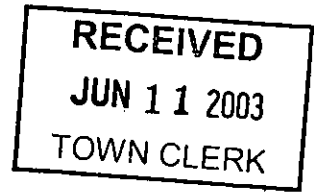
The **agenda** for the June 5, 2003 meeting as currently proposed is:

1. Morris - site plan;
2. Brunswick Presbyterian Church - site plan;
3. Whitehouse - minor subdivision;
4. Palmer - minor subdivision
5. Brunswick WalMart - amended site plan; and
6. Bald Mountain Subdivision - subdivision application.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD June 5, 2003

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

ABSENT was MICHAEL CZORNYJ.

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

The first item of business on the agenda was an amended site plan application by WALMART for the Brunswick Square Plaza. Appearing on behalf of the applicant were Jack Buholz of Bergman Associates, and Jerry Langtu, Assistant WalMart Store Manager. Mr. Buholz stated that operational issues had arisen at the Brunswick WalMart concerning the use of large storage containers and other merchandise stored on the exterior of the building, and that he had met with both Mark Kestner and John Kreiger concerning these issues. Specifically, the Town had raised concern regarding the use large metal containers for the storage of merchandise in the rear of the store, and putting other merchandise on the front sidewalk in and around the Garden Center, none of which had been approved as part of the original site plan approval for this location. Mr. Buholz explained that an amended site plan had been prepared to address these issues. First, the amended site plan shows certain container storage areas to the rear of the building, with certain of these areas for summer use only, others for winter use only, and others for year-round use. The amended site plan also shows areas for merchandise display on the front sidewalk areas. The amended site plan also shows a proposed seasonal garden display area

located in the front parking lot. Member Esser inquired as to what type of merchandise was proposed for the seasonal garden area in the front parking lot. Mr. Buholz explained that the area would be sectioned off using portable blocks with wood railing/fencing, and bulk seasonal items would be offered such as mulch, top soil, large plants, and block/stone items. Member Esser asked whether customers would be walking to this display area from the store. Mr. Buholz said that customers would walk from the main store, and that a stop sign and cross-walk could be included leading to the seasonal display area. Chairman Malone asked whether any other WalMart location in the area had such a display area in the parking lot, so that Board Members could see how such a proposed operation works. Mr. Buholz stated that the closest one was in Plattsburgh. Member Oster asked whether customers would pay for this merchandise in the parking lot area. Mr. Buholz stated that the customers would pay for the items in the current Garden Center, not out in the parking lot display area. The Board next reviewed the container storage area to the rear of the building, and raised concern that this container storage area presented a potential fire hazard in terms of fire apparatus access. Further, Chairman Malone noted a wood pallet and cardboard storage area. Chairman Malone asked how many wood pallets are stored outside the building. Mr. Langtu stated that there could be up to approximately 250 stacked pallets accumulating during a work week, prior to being picked up on the weekend. Chairman Malone asked how many baled cardboard bundles are stored to the rear of the store. Mr. Langtu stated that approximately 15-20 bales could accumulate prior to being picked up. Chairman Malone also noted that the wood pallet and cardboard storage area could present a potential fire hazard. Chairman Malone, and seconded by the entire Board, felt that this use needed to be reviewed by the Fire District. Chairman Malone also noted that there were certain

trailers depicted on the amended site plan to the rear of the Garden Center, and inquired as to what these were used for. Mr. Langtu stated that large seasonal items were stored in these trailers, including such things as patio furniture. At this point, Chairman Malone and Member Esser returned to the proposed merchandise display in the front parking lot, and raised serious concerns about that use. Mr. Buholz stated that the parking lot area would be used only part of the year, from approximately April 1 through September 30. Chairman Malone stated that people would be milling about in the parking lot to review the merchandise, returning to the Garden Center to pay for any items, pulling cars up to this area to pick up the bulk items, all to occur in a general parking area, and that this use would create a pedestrian safety issue in an area already congested near the main entrance off Route 7. Chairman Malone also noted that a minimum amount of parking spaces are required for this plaza, and that the Board would need to check the number of parking spaces lost through this proposed use against the original site plan approval. Chairman Malone stated that, at a minimum, the Board would need analysis of traffic patterns/flows through the parking lot, and analysis of the parking/loading areas in connection with the proposed display area, and that traffic flow and safety concerns for pedestrians was of utmost concern. Member Esser also stated that such a use would make the plaza look like a warehouse, not a retail facility; that such a use would make the main entrance to the plaza very congested and messy; and that since items on pallets would be displayed in this area, forklifts or other heavy equipment would be needed in this area to place the products at that location. Mr. Buholz inquired whether the sentiment of the Board was that the display area in the front parking lot was not a good idea. Chairman Malone, as well as the remaining Planning Board Members, stated that they did not think the display area in the front parking lot was feasible for this location. Mr. Buholz stated that he would work with the store management to come up with a

different plan for the display of the seasonal bulk merchandise. Mr. Buholz then inquired as to the other parts of the amended site plan, including the container storage and display of merchandise on the front sidewalks. Chairman Malone stated that these parts of the amended site plan needed to be reviewed by the Fire District for public safety purposes. Chairman Malone inquired as to how much time Mr. Buholz needed to come up with a different concept for the seasonal bulk item display. Mr. Buholz stated that he needed to discuss that with the store management. Chairman Malone reiterated that in the interim, WalMart was not to violate any conditions of the existing site plan approval, including no outside storage of merchandise.

Member Oster then inquired of the Board Members as to its sentiment on displaying merchandise on the front sidewalk. Member Tarbox stated that such a use should have annual review by the Planning Board to determine whether the time-frame of the display, as well as the types of items displayed, are in compliance with the current proposal. Member Esser stated that he did not have any problem with the display of merchandise on the front sidewalk, as long as it was maintained in a neat and orderly fashion. Member Wetmiller stated that sidewalk merchandise display was acceptable as long as the merchandise was removed prior to the winter, so that adequate snow removal for pedestrian safety could be maintained. Mr. Langtu stated that a condition limiting the sidewalk merchandise display to summer months would be acceptable. Chairman Malone concluded that merchandise display on the front sidewalk would be acceptable as long as it was maintained in a neat and orderly fashion in a designated area, and as long as adequate pedestrian walkway safety was maintained. However, Chairman Malone stated that the amended site plan still needed to be reviewed and commented upon by the Fire District. Mr. Buholz inquired whether the Board could send the site plan to the Fire District for comment on the container storage area in the rear of the property as well as sidewalk merchandise display,

while he was working with store management on revising the parking lot merchandise display area. Superintendent Kreiger will forward the amended site plan with instruction to the Fire District. Member Bradley noted that the amended site plan was not stamped and signed by a licensed professional engineer, and instructed the applicant to do so on any further submissions to the Board. Lastly, Mr. Langtu raised the issue of putting up a tent in the parking lot area for a limited period (i.e. 10 days) for selling discounted items. Chairman Malone stated that this was not a Planning Board issue, but rather he should contact Superintendent Kreiger regarding that issue. This matter has been tentatively placed on the agenda for the Board's July 17, 2003 Meeting concerning the revised amended site plan.

The second item of business on the agenda was the site plan application of Brunswick Presbyterian Church. The applicant did not appear.

The next item of business on the agenda was the application of RANDY WHITEHOUSE for minor subdivision. At the last meeting concerning this application, the Planning Board required that the subdivision plat identify the driveway location and proposed house location. This information has been added to the plat. Mr. Whitehouse informed the Board that he had now obtained a wetlands permit from NYSDEC concerning a previous proposal which placed part of the structure in the wetlands buffer, but that his current plan keeps all proposed structures out of the wetlands and buffer area. Chairman Malone inquired whether the existence of the wetlands or this NYSDEC wetlands permit had any relevance to the current minor subdivision application. Attorney Gilchrist stated that the current proposal did not place any structures or any use whatsoever in the wetland or buffer zone, and therefore the NYSDEC wetlands permit, which was issued in connection with a prior concept, had no applicability to this application. Mr. Whitehouse reminded the Board that he obtained a highway permit from NYSDOT for the

driveway, and had obtained approval from the Rensselaer County DOH on the septic system design. Chairman Malone reviewed the Minutes of the Board's meeting of May 15, 2003, reiterating the representation that the proposed home would be used for residential purposes only, and for no commercial purpose whatsoever. Chairman Malone again inquired whether Mr. Whitehouse was a dealer of these particular homes, and Mr. Whitehouse stated that he was a dealer. Chairman Malone asked if Mr. Whitehouse had any plan whatsoever to use the house as a show house or for any other commercial purpose. Mr. Whitehouse again stated that he would not use the home as a show house, nor use the house for any commercial purpose whatsoever. Chairman Malone wanted the review of the May 15, 2003 Minutes expressly incorporated herein. The owners of all agricultural district property within 500' of this location were on notice of the application and had no objection. Member Oster made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Bradley. The motion was adopted 5-0, with Member Tarbox abstaining, and a negative declaration adopted. Member Bradley thereupon made a motion to approve the minor subdivision application with the condition that the proposed home be used for residential purposes only, with no commercial use whatsoever. Member Esser seconded that motion. The motion was approved 5-0 with Member Tarbox abstaining.

The next item of business on the agenda was the subdivision application of PALMER. The subdivision application of Palmer requests approval of a substandard lot not being in compliance with the minimum lot width requirements under the Brunswick Zoning Code. PALMER has an application for an area variance for this proposed lot pending at the Brunswick

ZBA. In connection with that area variance application, a recommendation needs to be made by the Planning Board. The Board approved a Resolution recommending that the Brunswick ZBA grant the area variance to Palmer, said Resolution being adopted 5-0 (Member Tarbox abstaining). The Resolution will be transmitted to the ZBA. This matter will be tentatively placed on the agenda for the Board's June 19 meeting, contingent on the ZBA acting upon the area variance application at its meeting to be held on June 16, 2003.

The next item of business on the agenda was an application for major subdivision approval submitted by ISAAKSON, known as the BALD MOUNTAIN SUBDIVISION. Appearing on the application was Steve Rutkey, P.E., of Maxim Engineering. Mr. Rutkey presented a sketch plan of the proposal for preliminary review by the Board. The proposal seeks a nine-lot subdivision on 20.8 acres of property located in the A-40 Zone. One entry road is proposed with a cul-de-sac. A significant portion of the proposal leaves areas open and forever wild, and the applicant has not yet determined whether this property should be shared by the lot owners (i.e. Home Owner's Association), donated to the Town or other conservancy group, or other proposal. Mr. Rutkey did note that some areas within the project were wet and may present federal wetlands review. After minor discussion, Chairman Malone stated that a complete subdivision application with filing fee and escrow deposit needs to be filed with the Town. At that point, Mr. Kestner will inspect the property and review the subdivision plat in conjunction with Mr. Rutkey. This matter has been adjourned without date.

Mr. Kreiger reviewed several items of new business.

First, a minor subdivision application has been filed by MICHAEL HART for property

located off Langmore Lane. Mr. Hart proposes 3 lots on 16 acres. Mr. Hart proposes to retain most of the property in one large building lot, on which he proposes to build his house. The two remaining smaller lots Mr. Hart proposes for sale. Upon discussion, the Board stated that other proposals for this property have been reviewed in the past by the Board, and the key issue on all of these proposals, including the present one by Mr. Hart, is drainage. The Board, together with Mr. Kestner, stated that a stormwater management plan as well as a drainage plan should be prepared for this application. The Board also noted that the proposal included a shared driveway. The Town does not approve of shared driveways to separate lots, and that separate access to a public road should be afforded for each lot. Mr. Kestner will review the filed documents, and discuss them with Mr. Hart's engineer. This matter has been tentatively placed on the agenda for the Board's June 19 meeting.

The second item of new business is a subdivision application by MICHAEL WALSH for property located on Dearstyne Road. A three lot subdivision is proposed. Upon review of the application materials, the Board was unclear as to who was the current owner of the property and who the correct applicant should be, and that these matters need to be clarified. This matter has also tentatively been placed on the June 19 agenda.

The third item of new business is a waiver of subdivision application by J. BURHANS for property located on Deepkill Road. The owner seeks to divide 5.66 acres from a total of 13.13 acres. This application raised issues regarding existing lot lines, and the Board stated that a review of the existing deeds for the property needs to be undertaken. Further, this property is in close proximity to an agricultural district, and notice under the New York and Agriculture

Markets Law may need to be made. This matter has also been tentatively placed on the June 19 agenda.

The fourth item of new business presented was a subdivision application by AMY BLAIR for property located off Moonlawn Road. Ms. Blair seeks to divide 1.369 acres off her existing parcel, leaving herself 0.5 acre. She seeks to transfer the 1.369 acre parcel to her adjacent neighbor. Information on the zone in which this property sits, as well as the minimum lot size for that particular zone, is required. This matter has been placed on the June 19 agenda.

The fifth item of new business presented was property located on Tamarac Road owned by DAN CAREY, and whether subdivision approval was required before Mr. Carey could transfer part of his property to a third party. Upon review, the Board determined that a subdivision application should be submitted in connection with this matter.

Mr. Kreiger informed the Board that the Town has approved the rezoning of property located adjacent to the Burger King on Route 7 to allow the construction of a proposed Dunkin Donuts, and that a site application should be filed shortly for such use.

Chairman Malone noted that the first meeting of the Board for July is scheduled for July 3, 2003, and inquired of the Board Members whether a quorum would be available given the July 4 holiday. A majority of the Board Members, as well as Mr. Kestner and Attorney Gilchrist, will be out of Town for the holiday. Accordingly, the Planning Board will not be meeting on July 3, 2003, and will then hold its regular meeting on July 17, 2003.

The proposed Minutes of the May 15, 2003 meeting were reviewed. Upon motion of Member Oster, seconded by Member Tarbox, the Minutes were approved as written.

The **index** for the June 5, 2003 meeting is as follows:

1. Brunswick WalMart - amended site plan - 7/17/03;
2. Brunswick Presbyterian Church - site plan - adjourned without date;
3. Whitehouse - minor subdivision - approved;
4. Palmer - minor subdivision - 6/19/03;
5. Isaakson / Bald Mountain Subdivision - major subdivision application - adjourned without date;
6. Hart - minor subdivision - 6/19/03;
7. Walsh - minor subdivision - 6/19/03;
8. Burhans - waiver of subdivision - 6/19/03;
9. Blair - minor subdivision - 6/19/03; and
10. Carey - minor subdivision - adjourned without date.

The **agenda** for the June 19, 2003 meeting is tentatively as follows:

Planning Board

1. Palmer - minor subdivision;
2. Hart - minor subdivision;
3. Walsh - minor subdivision;
4. Burhans - waiver of subdivision; and
5. Blair - minor subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

June 9, 2003

Brunswick Zoning Board of Appeals
Town Attorney
3 Diana Place
Troy, New York 12180
Attn: Thomas Cioffi, Esq.

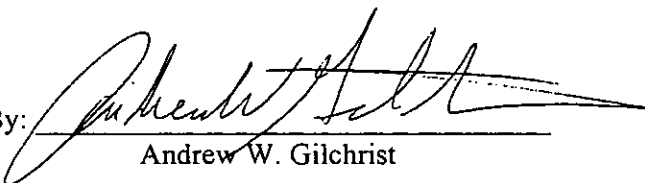
Re: Palmer - Area Variance

Dear Tom:

Enclosed please find a Resolution adopted by the Brunswick Planning Board concerning the pending application by Palmer for an area variance. This Resolution was adopted by the Board at its June 5, 2003 meeting.

The Resolution was adopted under New York Town Law §277(6), and recommends approval of the area variance application in this matter.

Respectfully yours,

By: 
Andrew W. Gilchrist

AWG/mmp

cc: Shawn Malone
William Bradley
Michael Czornyj
Frank Esser
Russell Oster
David W. Tarbox
Vince Wetmiller
Hon. Philip Herrington

John Kreiger
Mark Kestner
James Hannan
Joseph Jabour
E. John Schmidt
Amy Serson
Caroline Trzcinski

RESOLUTION

WHEREAS, the applicant, Palmer, has applied to the Planning Board for subdivision approval to create a 1.28 acre building lot (the "Parcel") on property along Route 7; and

WHEREAS, the Parcel was described as part of a waiver of subdivision approved by the Planning Board on July 6, 2000; and

WHEREAS, the Minutes of the Planning Board meeting of July 6, 2000 reflect that the Planning Board was informed that the Parcel would be added to Palmer's existing, adjacent property; and

WHEREAS, the Parcel was not merged into Palmer's existing property; and

WHEREAS, Palmer interpreted the Planning Board approval of waiver of subdivision on July 6, 2000 as creating the Parcel as a separate and distinct building lot; and

WHEREAS, the Parcel was given a separate tax identification number by the Town of Brunswick; and

WHEREAS, the Parcel does not comply with the Brunswick Zoning Regulations for minimum lot width for a building lot; and

WHEREAS, Palmer, in or about Spring 2003, applied to the Brunswick Zoning Board of Appeals ("ZBA") for an area variance pertaining to minimum lot width for the Parcel, for purpose of constructing a single family residence; and

WHEREAS, the ZBA, in reviewing the Minutes of the Planning Board meeting held July 6, 2000, determined that the Parcel is not a separate building lot, and should have been merged into Palmer's adjacent property; and

WHEREAS, Palmer has now applied to the Brunswick Planning Board for subdivision approval of the Parcel as a separate building lot; and

WHEREAS, the subdivision application of Palmer requests approval of a building lot which does not comply with the minimum lot width standards contained in the Brunswick Zoning Regulations; and

WHEREAS, New York Town Law §277(6) provides that an applicant seeking approval of a subdivided lot which does not comply with zoning regulations may immediately apply to a zoning board of appeals for an area variance, which Palmer has done; and

WHEREAS, New York Town Law §277(6) requires the Planning Board to make a written recommendation concerning the proposed area variance;


NOW, THEREFORE, THE PLANNING BOARD RESOLVES AS FOLLOWS:

1. Due to the location of a residence and existing septic system on Palmer's adjacent property, additional land cannot be divided from Palmer's property to add to the Parcel to comply with the minimum lot width requirements;
2. The Planning Board has examined the subdivision plat and finds that Palmer has exhausted all possibilities for creating a conforming building lot for the Parcel;
3. The Planning Board finds that the construction of a single family residence on the Parcel is not in conflict with the surrounding neighborhood character;
4. The Planning Board finds that, in this case based on the subdivision plat and submissions therewith, an area variance is not significant; and
5. The Planning Board recommends to the ZBA that an area variance be granted in this case.

5-0

ADOPTED at a meeting of the Town of Brunswick Planning Board on June 5, 2003 by a vote of

Malone	<u>yes</u>
Bradley	<u>yes</u>
Czornyj	<u>absent</u>
Esser	<u>yes</u>
Oster	<u>yes</u>
Tarbox	<u>abstain</u>
Wetmiller	<u>yes</u>



Shawn Malone, Chairman

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD June 19, 2003

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

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

The first item of business on the agenda was the application by PALMER for minor subdivision. Appearing on the application was Mrs. Palmer. Chairman Malone reported that the variance concerning the minimum lot width requirements for this subdivision application was approved by the Brunswick Zoning Board of Appeals ("Brunswick ZBA"), allowing the subdivision application to proceed before the Planning Board. Mrs. Palmer wanted to amend one of the proposed lot lines on the subdivision plat to square off the proposed lot, and thereafter properly merge the remaining land into their existing parcel. With this minimal adjustment, the proposed new lot is 1.02 acres, and meets all zoning requirements other than the minimum lot width, for which the variance has been obtained from the Brunswick ZBA. Thereupon, Member Czornyj made a motion to adopt a negative declaration on the application, which motion was seconded by Chairman Malone. The motion was approved 6-0, (Member Bradley not present for the vote), and a negative declaration adopted. Member Czornyj then made a motion to approve the application for minor subdivision conditioned on the following: 1) a revised subdivision plat be submitted to the Brunswick Building Department on or before July 17, 2003, showing the

adjusted lot boundary line; and 2) the remaining property from the originally-proposed lot be formally merged into the lands of PALMER by means of deed. The said motion was seconded by Chairman Malone. The motion was approved 6-0 (Member Bradley absent for the vote), and the application approved with the stated conditions.

The second item of business on the agenda was the application by MICHAEL HART for a minor subdivision of property located off Langmore Lane. Appearing on the application was Michael Hart. Mr. Hart explained that the subdivision proposal had been amended to show separate driveways for each proposed lot, rather than a shared driveway as initially proposed. Member Czornyj inquired whether this application should be considered a major subdivision, because of the number of lots which had been approved within the past several years at this location. Member Czornyj thought that the overall development at this location had been segmented, and should be reviewed collectively. Attorney Gilchrist stated that the current applicant, Mr. Hart, was not the owner of all the properties of concern to Member Czornyj, and had not been engaging in a segmented development process; rather, Mr. Hart had purchased 16± acres from a common owner and was now seeking to subdivide only his 16± acres. However, Attorney Gilchrist explained that for purposes of the environmental review under SEQRA, issues arising out of this particular application which may impact surrounding properties are proper items for review. Chairman Malone stated that Mr. Hart was aware of these regional issues when he presented the application to create the 16± acre parcel which he subsequently purchased, and that the Planning Board was told at that time that Mr. Hart sought only to construct his home on the 16± acres. Nonetheless, Chairman Malone recognized that Mr. Hart was entitled to present his current application for subdivision, but should not be surprised that these regional impact

issues are of a concern to the Board. Thereupon, the Board stated that the drainage from the HART property onto downgradient properties is of significant concern, given that drainage problems already exist at this location. Mr. Kestner stated that he had reviewed the Applicant's proposed drainage plan, which seeks to alter existing drainage patterns and redirect stormwater surface runoff to both new drainage swales and existing stormwater catch basins. Chairman Malone stated that he, together with Mr. Kestner, had walked this property approximately three years ago in connection with a prior proposed project, and that a serious drainage problem did exist at this location, and particularly with existing homes along Langmore Lane. Chairman Malone, together with remaining Board Members, stated that a stormwater management plan and drainage plan in connection with the HART application might be an opportunity to improve existing drainage patterns, and create better stormwater runoff patterns not only in connection with the HART application but the existing runoff problems at the Langmore Lane residences. The Board Members, together with Mr. Kestner, stated that a more detailed drainage plan needed to be put together so that the overall drainage pattern, as well as destination of surface water runoff, was clarified and able to be clearly analyzed. The Board was concerned that while improvements could be made at certain locations in terms of stormwater runoff, they did not want to create any additional drainage problems at other locations. Mr. Hart's engineer, Harold Berger, was also present at the meeting. Mr. Berger stated that he was involved in the prior proposal for this location approximately three years ago, and that a plan had been put together which included new drainage swales and piping stormwater runoff to catch basins, but that the proposal became too expensive for the project. Chairman Malone again questioned the redirection of stormwater runoff, and where that stormwater would be going, and would it be causing a problem for any other properties. Mr. Kestner stated that the Applicant needed to

analyze all of these issues in a detailed stormwater management plan and drainage report. Mr. Kestner stated that the stormwater and drainage plan needed to analyze both pre-development and post-development scenarios. Mr. Berger concurred that these plans needed to make sure that any off-site properties do not receive any more water than is currently there, and that while the HART subdivision could not completely solve existing drainage problems on other properties, the proposed stormwater and drainage plan might help the situation. Members Czornyj and Wetmiller inquired about drainage swale design. Mr. Hart stated that he would like to be able to plant grass in the swales, rather than constructing the swales with rock. Mr. Kestner stated that the swale design would depend on both amount and direction of stormwater flow, and that the swales will be properly designed according to accepted engineering standards. Mr. Hart stated that the stormwater and drainage plan would be developed, and requested that this matter be placed on the July 17 agenda for further discussion. Notifications will be sent out to owners of agricultural district property under the New York Agriculture and Markets Law.

The third item of business on the agenda was the application by MICHAEL WALSH for minor subdivision of property located on Dearstyne Road. Tom Walsh, Sr. and Mike Walsh, together with Harold Berger; appeared on the application. Tom Walsh, Sr. stated that he wanted to subdivide his property to allow three lots, two of which already had people ready to build residences, including his son Mike Walsh. The Board reviewed the proposed plat, and noted that there was no topographical information, no proposed driveway or house location, and no proposed septic location. Tom Walsh, Sr. stated that he would like to have the one lot for his son, Mike Walsh, approved so that he could start construction of his home during this building season. The Planning Board stated that they would like to see the requested information, including topographical information on the plat, before they would approve any lot, and that they

would like all three lots reviewed at once. The Applicant agreed to add the additional information to the plat, and requested that this matter be placed on the Planning Board agenda for its July 17 meeting. A public hearing will be required in connection with this subdivision application. A public hearing will be scheduled for this application for July 17, 2003 at 7:15 p.m. if the revised subdivision plat is filed with the Town on or before June 30, 2003. This will allow any interested members of the public to review the final plat prior to the public hearing. Notification to owners of agricultural district property will be made on this application pursuant to the New York Agriculture and Markets Law.

The fourth item of business on the agenda is a waiver of subdivision application by J. BURHANS. Ms. Burhans was present on the application. Ms. Burhans seeks to divide her existing property into two lots, transfer her existing house on one of the lots, and build a new house on a remaining lot. Member Wetmiller recused himself on this application, as he owns adjoining property. The Applicant also stated that she owns a separate 15 acres behind this tract of property for purposes of a privacy buffer. Upon discussion by the Board Members, it was determined that both proposed lots have sufficient road frontage, and otherwise complies with code provisions. Mr. Kestner confirmed that the proposed driveway location for the new lot has adequate site distances, which are shown on the plat. Member Oster raised the issue of the boundaries of one of the proposed lots, which does traverse an existing lot line such that a small portion of one of the proposed lots needs to be divided off the adjoining property, but cannot be allowed as a separate lot on its own due to its small size and non-compliance with lot size requirements. Accordingly, any motion to approve the application needs to be conditioned on this small portion being legally merged with the remaining property comprising one of the subdivided lots. This lot line issue arises because of the existence of a pond and stable, which

Ms. Burhans would like included in one of the proposed lots. Following further discussion, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was motion was seconded by Chairman Malone. The motion carried 6-0 (Member Wetmiller abstaining), and a negative declaration adopted. Thereupon, Member Oster made a motion to approve the waiver of subdivision subject to the condition that the portion of one of the proposed lots divided from an adjoining tract be legally merged with the remaining property of the proposed lot, such that a substandard building lot is not created. This motion for conditional approval was seconded by Member Czornyj. The motion was approved 6-0 (Member Wetmiller abstaining), and the application approved.

The next item of business on the agenda was the application by AMY BLAIR for minor subdivision of property located on Route 2 approximately 1 mile east of Route 351. Ms. Blair seeks to divide the rear portion of her property and transfer the same to her neighbor. Upon review, the Planning Board Members found the plat confusing since it identified two proposed lots, but also identified three separate parcels comprising the BLAIR property. Ms. Blair stated that there was originally one deed associated with the property, but that there may now be two deeds, and that a mortgage may be on only one of the parcels but not all of the parcels. Thereupon, the Planning Board Members requested that these issues be clarified by the Applicant, and that a subdivision plat be submitted which clarifies these issues. This matter will be placed on the July 17 agenda.

The next item of business on the agenda was the site plan application of MORRIS. The Board reviewed the revised site plan submitted by the Applicant. Mr. Kestner reviewed the

revised site plan, which now shows a 25' setback and green space areas around the entire perimeter of the site, shows a one-story building housing the office, provides driveway site distances leading out onto Route 7, shows the log and firewood piles moved from areas close to Route 7 to the rear of the site, shows certain truck parking areas moved in compliance with Board recommendation, and information on State and Federal wetland issues added as a site plan map note. The Planning Board was satisfied that its issues raised regarding the prior site plan had been addressed by the Applicant on the current plan. Attorney Gilchrist then reviewed the SEQRA procedure on this site plan application with the Planning Board Members. Given that the Applicant has now submitted a complete application for site plan approval, including a Long Environmental Assessment Form ("EAF"), plus submitted additional information which the Board deemed necessary to make its SEQRA determination, the Planning Board, as lead agency, is required to make its determination of environmental significance on the application. Under 6 NYCRR §617.6(b)(1)(ii), that determination of environmental significance must be made within 20 days of the receipt of such application and supplemental information. In order to make that determination, the Planning Board, as lead agency, must review the information contained in the long EAF, in conjunction with the information gleaned from the site plan and other supporting information. Attorney Gilchrist then explained that the Board needs to adopt either a negative declaration, under which the Planning Board determines that there may be no significant environmental impacts arising from the proposed action; alternatively, the Planning Board may adopt a positive declaration, in which the Planning Board determines that there may be one or more potential significant environmental impacts arising from the proposed action. In order to

make that determination, the Planning Board thereupon reviewed the information contained in the long EAF. Both Part I and Part II of the long EAF was reviewed by the Board. The Planning Board identified certain issues from the long EAF, including noise, odor, and compatibility with surrounding properties, that may be potentially significant, and require further information. Additionally, under Part II of the long EAF, the Board determined that there exists public controversy surrounding the site plan application, as many adjoining and nearby property owners have commented on the application and current site operations throughout this application process. Based upon this review of the information in the long EAF, as well as the site plan and supplemental information, and focusing on the issues of noise, odor, compatibility with surrounding properties, and public controversy arising from the application, a motion was made by Member Oster to adopt a positive declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was adopted 7-0, and a positive declaration adopted under SEQRA on this application. The Board then determined that a scoping meeting under 6 NYCRR §617.8 was appropriate on this application to identify the specific issues which must be addressed in an Environmental Impact Statement. Accordingly, this matter will be set down for a public scoping meeting to be held on July 17, 2003, with a notice of that hearing being published as well as letters being sent to adjoining property owners. This matter will be placed on the agenda for the July 17, 2003 meeting.

The next item of business on the agenda was the site plan application of AT&T for the tower location at 806 Hoosick Road. Appearing on the application was Attorney Melissa Nickson, of the law firm of Phillips, Lytle, Hitchcock, Blaine & Huber, LLP. AT&T seeks to

add communication panels to the tower located at 806 Hoosick Road, and also construct two equipment cabinets and fencing at the base of the tower. Mr. Krieger reported that the Brunswick ZBA had issued a special use permit to AT&T for this use at its meeting held on June 16, 2003. The Rensselaer County Department of Economic Development and Planning recommendation was reviewed, which stated that local consideration shall prevail. Mr. Kestner inquired of Ms. Nickson whether AT&T had any other towers planned for construction in the Town of Brunswick. Ms. Nickson responded that there were no plans to add any additional towers in the Town of Brunswick during this second phase build-out, but that a third phase build-out would be pursued by AT&T at some point in the future. It was noted that the height of the communication panels to be added to the tower was changed at the request of the ZBA. It was also noted that the ZBA had issued a negative declaration on the application. Upon further discussion, Member Bradley made a motion to adopt a negative declaration under SEQRA concerning the site plan, which motion was seconded by Chairman Malone. The motion was carried 7-0. Member Czornyj then made a motion to approve the site plan, which motion was seconded by Member Esser. The motion was carried 7-0, and the site plan application approved.

The next item of business on the agenda was the site plan application of BRUNSWICK PRESBYTERIAN CHURCH. Appearing on the application was Richard Jones, Architect; Brad Grant, of Frazier & Associates, Engineers; Rob Goldman, Construction Manager; and Chris Garrison, a member of the BRUNSWICK PRESBYTERIAN CHURCH. Mr. Jones reviewed the concept site plan for the proposed church expansion. The church proposes to expand the facility toward the rear of the property, in the area of the current parking lot. A single story structure is proposed, which includes a high gable roofing structure. The addition will have both a main

level to accommodate 300 persons, and a balcony to accommodate 100 persons. Parking will remain on the south side of the existing church structure, and a new parking area is proposed for the northeast corner of the property. The entrance road to the new parking area will be relocated on the north side of the property, closer to an adjoining residential property. Screening is proposed between the church property and such adjoining residential property, to provide buffer between the residence and the church. The expansion and proposed parking area will move facilities farther east on the property, toward the brook and cemetery area, but not encroach with any structure or parking area into them. Mr. Jones provided schematics of proposed expansion. Mr. Jones stated that the proposed height of the structure, as well as front, rear, and side setbacks, are within Brunswick Code requirements. Further, Mr. Jones stated that the number of parking spots proposed in the new parking area is in excess of that which is required under the Brunswick Code. Mr. Grant reviewed in concept a stormwater management plan which has been prepared on the application, which analyzes both pre-development and post-development runoff. Mr. Grant also reviewed a proposed grading plan for both the new access driveway and building location, concluding that minimal grading will be required for the project. In terms of stormwater management, dry wells are proposed for the site to accommodate any additional stormwater runoff, and vegetation and design features will be installed to address any runoff from the proposed parking area to the brook on the east side of the property. Member Oster inquired whether the design of the expansion considers visual impact from Route 351 as you are looking to the existing church. Mr. Jones stated that elevations have not been prepared from the viewpoint of Route 351, but did state that some of the roof area of the proposed expansion would be visible as one looks at the church from Route 351. Member Czornyj inquired as to the

capacity of the existing church facility. Mr. Jones stated that the existing church can accommodate 200 persons. Member Czornyj then said the proposed expansion itself would add twice as much occupancy, and the total occupancy for the structure would triple from 200 to 600. Mr. Jones stated that the existing church facility was approximately 10,000 square feet, and the addition itself is proposed at 20,000 square feet, for a total building footprint of 30,000 square feet. Member Tarbox inquired whether any sprinkler system was proposed for the expansion. Mr. Jones stated that no sprinklers were planned, that sprinklers were not required by Code, and that fire resistant construction materials would be used. Member Esser inquired as to what the existing church facility would be used for in the future. Mr. Jones responded that the facility would be used only for special occasions, and would be vacant for most of the time. Chairman Malone inquired whether the church services would be consolidated in connection with the expansion. Mr. Garrison stated that the same schedule of church services would be maintained. Member Oster inquired further regarding the impact on the adjacent residential property. Mr. Jones stated that a vegetative buffer is proposed, which will reduce any light impact upon the residential property. Member Oster inquired whether anyone from the church had yet discussed this proposal with the adjoining homeowner. Mr. Jones stated that they had met with the homeowner, who prefers 6' trees be installed rather than any type of fence or other structure. Mr. Jones went on to explain that the church has met with many neighbors to address concerns, and will continue to meet with the neighbors to try to resolve any issues concerning the expansion. Mr. Jones also stated that a lighting plan had been included in the application materials, stating that there will be minimal light spillage off this site. Member Esser inquired as to the number of full time employees at the church. Mr. Garrison stated that a total of 11 full-time employees

were employed for both the church and the day care center, and that 7 part-time employees were employed by the church. Member Esser then stated that the number of employees, when added to the number of children in both the day care and preschool, meant that there could be approximately 50-70 people at the church on an given day, outside the time of church services. Member Esser then inquired whether the on-site septic system was designed properly for these number of people. Mr. Grant explained that the on-site septic system was upgraded in 1989, with a 2,000 gallon septic tank and tile field, and that the septic design was adequate for the number of persons anticipated at the Church. Mr. Kestner inquired whether any new activities were planned for the use of the expansion other than those currently offered at the existing church. Mr. Garrison stated that no new activities were planned, but rather continuation of the existing activities. Chairman Malone inquired whether Mr. Kestner had an opportunity to review the submitted application materials. Mr. Kestner stated that his review was not complete. Chairman Malone inquired whether an escrow for engineering review had been established on the application. An engineering escrow had not yet been set up. Chairman Malone required a \$2,000.00 engineering escrow be established by the Church with the Town. The Church consented to this. This matter will be placed on the July 17, 2003 agenda for further discussion on the application materials.

Three items of new business were discussed.

The first item of new business is an application for minor subdivision made by BARBARA BELASCIA, for property located on Bonesteel Lane. Mrs. Belascia explained that in approximately 1968, three lots along Bonesteel Lane were merged into one tract, and now has one tax identification number. She wishes to separate these lots again. Chairnan Malone

reviewed the submitted documents on the application, and informed Mrs. Belascia that a subdivision plat in compliance with the subdivision regulations was required on the application. Mrs. Belascia stated that a subdivision plat would be prepared, and requested that this matter be placed on the July 17, 2003 agenda. This matter will be on the July 17 agenda for further review.

The second item of new business on the agenda discussed was a subdivision application by ECKER. This matter had been before the Planning Board previously, with application materials and a subdivision plat which did not conform with the requirements of the subdivision regulations. The applicant had not yet submitted a plat in compliance with the subdivision regulations. Chairman Malone stated that this matter will not be discussed by the Planning Board until a complete application in compliance with the subdivision regulations is filed.

The third item of new business on the agenda was the subdivision application of ALDERMAN. Mr. Kreiger updated the Planning Board that the Town Board had adopted a local law dealing with the issue of the number of permissible lots off a cul-de-sac road. The ALDERMAN application seeks to construct a cul-de-sac at the end of Brunswick Park Drive, and add two additional residential lots. The total number of current lots off Brunswick Park Drive exceeds the 12 lots allowable under the subdivision regulations for a cul-de-sac road and therefore the Town Board adopted a local law which allows a variance from that standard in appropriate circumstances. A copy of the local law was provided to each of the Planning Board Members and Attorney Gilchrist. This matter will be placed on the July 17, 2003 agenda for further discussion concerning the application of the local law upon this application.

The proposed Minutes of the June 5, 2003 meeting were reviewed. With two typographical corrections, a motion was made by Member Esser to approve the Minutes as

corrected, which motion was seconded by Member Bradley. The motion was carried 7-0, and the corrected Minutes adopted.

The **index** for the June 19, 2003 meeting is as follows:

1. Palmer - minor subdivision - conditional approval;
2. Hart - minor subdivision - 7/17/03;
3. Walsh - minor subdivision - 7/17/03;
4. J. Burhans - waiver of subdivision - conditional approval;
5. Blair - minor subdivision - 7/17/03;
6. Morris - site plan - 7/17/03;
7. AT&T - site plan - approved;
8. Brunswick Presbyterian Church - site plan - 7/17/03;
9. Belascia - minor subdivision - 7/17/03;
10. Ecker - subdivision - adjourned without date; and
11. Alderman - major subdivision - 7/17/03.

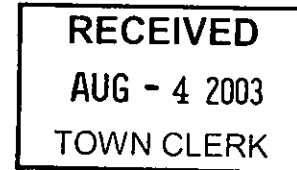
The **agenda** as currently proposed for the July 17, 2003 meeting is:

1. Hart - minor subdivision;
2. Walsh - minor subdivision;
3. Blair - minor subdivision;
4. Morris - site plan;
5. Brunswick Presbyterian Church - site plan;
6. Belascia - minor subdivision; and
7. Alderman - major subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD July 17, 2003

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

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

A Public Hearing was held on the minor subdivision application of Thomas Walsh for property located off Dearstyne Road, commencing at 7:15 p.m. Chairman Malone read the published Notice of Public Hearing into the record. Representing the Applicant was Harold Berger, who presented the subdivision plat to the Board. In general, Mr. Berger reviewed the subdivision plat creating three lots. The Applicant seeks approval on two lots only for building purposes and installation of utilities, with the third lot not approved for building purposes nor for sale or transfer prior to Rensselaer County Health Department approval. A map note pertaining to lot #3 was added as follows: "This lot is not submitted for utility approval at this time. It may not be transferred in title until such time as utilities are approved by RCHD." Mr. Berger reported that perc tests were scheduled for septic systems on the two building lots for July 18 with Rensselaer County Health Department. Mr. Berger noted that the proposed driveways were over 150' in length, but complied with the private road specifications for the Town, and also had acceptable slope. Mr. Berger did note that there was a sight distance issue exiting lot #1; a tree removal will allow 250' sight distance, whereas regulations require a 360' sight distance.

Therefore, signage will be required at this location. Chairman Malone stated that he had walked the property with Mr. Kestner. Mr. Kestner noted that culverts will need to be added for the driveways and Mr. Berger stated that the Applicant would work directly with the Town Highway Superintendent. Mr. Walsh did note that 42" PVC culvert pipe had already been added on one of the lots. Chairman Malone reviewed the agricultural notification statement sent to Capital District Farms pursuant to New York Agriculture and Markets Law, and noted that no response had been received from Capital District Farms. Member Czornyj inquired as to the sight distance issue, inquired whether the driveway could be moved on the lot to increase the sight distances. Mr. Berger explained that the driveway could not be moved, given the topography of the lot. Any movement of the driveway would result in non-compliance with the slope requirements for the driveway. Member Tarbox inquired whether a driveway was already being cut in on one of the proposed building lots. Mr. Walsh stated that tree cutting had started, but that the driveway had not yet been cut in. Member Tarbox stated that it did not appear the location of the tree cutting was in compliance with the driveway location on the subdivision plat, and that the grade in the area where the trees were being cut appeared to be very steep. Mr. Berger responded that the driveway location would be in compliance with the approved plat, and that cutting would be done in order to reduce the slope for the driveway. Chairman Malone asked for any comments from members of the public. No public comments were offered. Chairman Malone thereupon closed the public hearing.

The first item of business on the agenda was the subdivision application of Thomas Walsh. Chairman Malone inquired whether there was any further discussion on the subdivision plat by the Board Members. Hearing none, Member Bradley offered a motion to adopt a

negative declaration under SEQRA, which was seconded by Chairman Malone. The motion was carried 7-0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the subdivision plat conditioned on the following:

1. Appropriate signage required for the sight distance issue;
2. Rensselaer County Health Department approval on the two building lots; and
3. Lot No. 3 is not approved for building purposes, nor for transfer or sale until such time as Rensselaer County Health Department has approved a water and septic plan.

This motion was seconded by Member Bradley and approved 7-0.

The next item of business on the agenda was the subdivision application of MICHAEL HART for property located off Langmore Lane. Appearing on the application were Michael Hart and Harold Berger. Mr. Berger discussed the stormwater management plan which had been prepared on the application. Mr. Berger stated that Scott Reese of Erdman Anthony had prepared the stormwater management plan, and his conclusion was that no additional stormwater runoff would result from the proposed subdivision. Nonetheless, Mr. Berger stated that the applicant was still proposing the installation of a drainage culvert plus retention basin to accommodate a ten-year storm. Mr. Kestner noted that the swale location offered by the current applicant was in the same place as in a prior subdivision project which had been presented to the Planning Board; specifically, between Woodcut and the proposed homes. Mr. Kestner discussed the drainage flow pattern under the proposed stormwater management plan with the Board, noting that the runoff was to stay completely on the applicant's property. A 10' wide swale was proposed, 1½' in depth. Chairman Malone inquired whether Mr. Kestner had reviewed the entire stormwater management plan. Mr. Kestner stated that he had reviewed the stormwater management plan, and it adequately covered the stormwater runoff issues. Mr. Berger stated that with the prior

subdivision project before the Board, the cost of a drainage pipe was fatal to the project. In the current application by Mr. Hart, no pipe is proposed; rather, stormwater is diverted through a swale to a detention basin, all completely on the property of Hart. Member Bradley noted that the issue of appropriate drainage was critical given the current problems associated with West Nile virus. Mr. Kestner made two technical comments on the drawings:

1. Cross-culverts should be shown on the driveways to the subdivided lots; and
2. The swale proposed on Lot No. 2 must show how the water is diverted through the swale to the detention basin.

Member Wetmiller inquired how the swale would be kept clear of debris so that it would function properly. Mr. Hart stated that the Board must keep in mind that the post-construction runoff is less than pre-construction conditions, and that the site does not need any drainage features, but that he is proposing to install them anyway because of historical problems associated with runoff at this location. Mr. Kestner responded to Member Wetmiller by stating that the swales were properly designed according to engineering standards and this would reduce debris build-up. Chairman Malone inquired whether the proposed drainage features would improve conditions. Mr. Kestner stated that the proposed drainage features would improve current runoff conditions. Mr. Berger stated that stormwater runoff issues were minimal based on this design plan, which was confirmed by Mr. Kestner. Chairman Malone directed Mr. Berger to meet with Mr. Kestner to finalize the subdivision plat. This matter will be scheduled for Public Hearing for August 7, 2003 commencing at 7:15 p.m.

The next item of business on the agenda was the minor subdivision application of AMY BLAIR for property located off Route 2. Ms. Blair presented a revised subdivision plat, which showed both existing lot lines and proposed new lot lines to comply with existing code

requirements. The applicant seeks to transfer the subdivided portion of her property to her neighbor. The Board members confirm that the subdivided portion of the property from Ms. Blair's Lot would not have road frontage, and therefore would not be a buildable lot, and that the merger into the property of her neighbor was a condition to any approval. Ms. Blair understood and agreed to that condition. Thereupon, Member Bradley made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Czornyj. The motion was approved 7-0, and a negative declaration adopted. Member Czornyj then made a motion to approve the subdivision plat conditioned on the following:

1. The subdivision did not create a buildable lot; and
2. The subdivided lot to be transferred by Ms. Blair to her neighbor must be merged by deed into the neighbor's existing parcel, and that proof of merger must be submitted to the Planning Board.

This motion was seconded by Member Esser, and approved 7-0.

The next item of business on the agenda was the subdivision application of BELASCIA. This matter was adjourned to the August 7 meeting at the request of the applicant.

The next item of business on the agenda was the subdivision application of ALDERMAN. Appearing on the application were Jeff Alderman and Rick Danskin. The issue presented to the Planning Board was the waiver of requirements of the subdivision regulations pursuant to newly adopted Local Law No. 4 of 2003, adopted by the Town Board on June 12. The issue presented is waiver of subdivision requirements concerning the proposed cul-de-sac at the end of Brunswick Park Drive, both as to the required radius, as well as the number of allowable lots off a cul-de-sac road. The Planning Board Members discussed the Local Law, and inquired what was required of the Planning Board. Attorney Gilchrist reviewed Local Law No. 4

with the Planning Board Members, which requires the Planning Board, upon application, to make a recommendation to the Town Board as to whether certain requirements under the subdivision regulations should be waived with respect to a particular application. These recommendations need to be made on a case by case basis, dependant on the particular location as well as the particular application. Chairman Malone noted that the cul-de-sac had already been built by ALDERMAN at the end of Brunswick Park Drive, apparently in consultation with the Town Highway Superintendent. Chairman Malone inquired why the matter was even before the Planning Board if the cul-de-sac had already been built. Attorney Gilchrist noted that this application was unusual in that the non-compliant cul-de-sac had already been constructed by the applicant, whereas in the ordinary course the feature would not be built and plans could be discussed and amended. Chairman Malone further stated that the matter had apparently already been decided by the Town, since the cul-de-sac had been constructed in consultation with the Town Highway Superintendent. Attorney Gilchrist reminded the Board that a recommendation on the application to waive the subdivision requirement was still mandatory under Local Law No. 4 and that the Planning Board had to address both the radius of the cul-de-sac, as well as the number of allowable lots off the cul-de-sac road. Mr. Danskin noted that a 60' radius on the cul-de-sac was provided except in the area where the NIMO easement existed. Member Czornyj noted that the Applicant did own sufficient property, and could have extended Brunswick Park Drive and then built a full, compliant cul-de-sac deeper into his property. Member Czornyj noted that the Applicant did not do this merely because he wants to add additional subdivided lots. Member Czornyj inquired whether there was any limit on the length of a cul-de-sac road,

which would prohibit the Applicant from extending Brunswick Park Drive deeper into his property. Mr. Kestner stated that there was no ordinance in the Town of Brunswick limiting the length of a cul-de-sac road. Member Esser noted that the cul-de-sac was an improvement at the end of Brunswick Park Drive. The Planning Board members generally agreed that a cul-de-sac addition was beneficial at the end of Brunswick Park Drive, but had a difference of opinion as to the proper construction and design of the cul-de-sac. Mr. Kreiger noted that there were currently problems associated with plowing Brunswick Park Drive, and that a cul-de-sac would help snow removal. A resident on Brunswick Park Drive was in attendance at the meeting, and noted for the record that they were in favor of the cul-de-sac. Member Tarbox inquired as to how a fire hydrant would be located in the middle of the cul-de-sac. Mr. Danskin responded that the Town Water Department did not want the hydrant moved, but rather a cul-de-sac built around the hydrant. Member Tarbox asked why the fire hydrant could not be moved, and why the Planning Board was bound by the current design. Attorney Gilchrist stated that the Board was not bound by the current design, and could make any recommendation it chose to the Town Board, including a denial of the waiver based upon the current design. Mr. Danskin then stated that the application was for the current design of the cul-de-sac only, and that the Applicant did not want to make any changes to it. Chairman Malone then again stated that the Planning Board's hands were tied since the cul-de-sac was already built in consultation with the Town Highway Superintendent. Members of the Board generally concurred that they would like the Town Highway Superintendent to attend the meeting on August 7, to further discuss how the cul-de-sac was designed and built and get the Town Highway Superintendent's opinion before it made its

recommendation to the Town Board. Accordingly, this matter is adjourned to the Board's meeting on August 7, and the Town Highway Superintendent will be requested to attend.

The next item of business on the agenda was the site plan application of MORRIS. A Public Scoping Meeting is to be held under the SEQRA regulations following the Board's adoption of a positive declaration on the site plan application. Chairman Malone read the Public Notice for the Public Scoping Meeting into the record. Attorney Gilchrist reviewed the SEQRA procedural status of the application, including the purpose of the Public Scoping Meeting. Specifically, a Public Scoping Meeting allows members of the public, as well as the Applicant, to present comments to the Planning Board for the Board's consideration in adopting a final scope of the issues to be analyzed in the Environmental Impact Statement for this project. Appearing on behalf of the Applicant were Gary Morris and Forest Mayer. Mr. Mayer stated that he felt his business was in full compliance with applicable New York Law, and that there were no violations. Mr. Mayer did not feel that any of the issues discussed on the application need to be further analyzed, but would await the Board's direction in that regard. Chairman Malone opened up the floor to members of the public to provide comment on issues to be addressed in the Environmental Impact Statement. Bernie Barber appeared, and presented a series of photographs regarding the historic use of the property (antique store) as well as the current log distribution business. Mr. Barber complained of pollution from trucks, trucks blocking the driveway into the facility, trucks not being able to make the turn into the facility, trucks traveling on the shoulder of Route 7, trucks causing traffic safety concerns, noise emanating from the use of chain saws and idling trucks, hours of operation of the facility, the

number of pieces of equipment running at one time on the facility increasing noise impacts, as well as safety on the site itself, as there is not always an employee when logs are delivered to the site. Member Oster inquired of Mr. Barber whether he agreed that the operation was seasonal in nature. Mr. Barber disputed this, and said that the work on the site was constant throughout the year, with 5-6 hours of idling trucks. In fact, Mr. Barber said that the noise was terrible on the July 4 holiday, and that the entire July 4 weekend was noisy. Dawn Broe, Plank Road, spoke in favor of the business, stating that she was happy with the business. Ms. Broe stated that logging had a rich history in the area, and that tractors haying fields had as much noise impact as this business. Mr. Broe favored the preparation of an Environmental Impact Statement to shed light on science and facts as opposed to mere allegations against the business. Mr. Barber again spoke regarding the visibility of the logs and trucks, and the impact of the facility on his property values. Mr. Morris stated that other surrounding property owners, including Mrs. Colletti and Mr. Gruff, had no opposition to the log distribution use. Hearing no further comment from members of the public, Chairman Malone closed the Public Scoping session. The members of the Board will now consider the application materials as well as the comments received at the Public Scoping Meeting, and prepare a final scoping document for the Applicant on which to base the preparation of the Environmental Impact Statement.

The next item of business on the agenda was the site plan application of the Brunswick Presbyterian Church. Appearing on the application were Richard Jones, Architect, and Brad Grant, Engineer from Frazier & Associates. Chairman Malone noted that he had visited the site, and noted that the access way from White Church Lane to the proposed new parking lot was a fairly significant grade. Mr. Grant stated that the driveway would be at a significant grade, but

slightly below 13% at its steepest point. Mr. Grant acknowledged that this was a "challenging site" because of the steepness of the grade. Mr. Grant noted that the elevation at White Church Lane was 94' and the elevation at the proposed parking area was 108'. Mr. Kestner noted that private driveway standards for the Town of Brunswick establish a maximum grade of 12%. Mr. Kestner inquired whether any cut could be made to reduce the grade in the driveway area. Both Mr. Grant and Mr. Jones stated that a cut would be difficult, and that the proposed driveway was in substantial compliance with the Town's specifications. Member Esser inquired how far dry well DW3 existed from the property line. Mr. Grant acknowledged that this dry well was very close to the property line, and Mr. Esser said that this should be reviewed. Mr. Kestner inquired of the Applicant whether any test pits had been installed for the dry well locations. Mr. Jones acknowledged that there were no test holes dug in the rear of the property near the proposed dry wells. Member Esser inquired whether there would be any erosion problems associated with the steep slope on the driveway. Mr. Jones opined that there would not be any erosion problems, and that existing culverts could handle the stormwater runoff. Mr. Grant stated that the stormwater runoff proposal for the entrance driveway was for the runoff to enter into a swale, then drain off and percolate back into the ground. Member Esser inquired as to the water supply well on the site. Mr. Grant stated that there was no well log available, but that all evidence showed sufficient yield out of the well to accommodate the proposed expansion. Chairman Malone inquired whether any Board Member had any additional questions. Member Wetmiller inquired as to the proposed parking scheme in the new parking lot, and stated that angled parking spaces should be considered. Mr. Jones responded that angling parking spaces made it very tight, that there was not enough room for that layout and that driveway width becomes an issue. Mr. Jones opined

that this would create a traffic flow problem. Members Wetmiller and Czornyj stated that traffic flow problems would be reduced, with the incorporation of one-way traffic flow through the parking area. Member Esser again stated that the grade on the driveway is significant and that this may prove to be a problem during the winter season. Member Esser also stated that he thought the stormwater runoff needed to be further addressed, particularly the runoff onto White Church Lane. Member Tarbox thought this would be a good opportunity to have White Church Lane improved in connection with this construction project. Mr. Jones stated that White Church Lane was a town road. Member Tarbox commented that the Town Highway Department should be consulted regarding White Church Lane and the driveway into the facility, and that the Eagle Mills Fire Department should be consulted on the failure to have any sprinkler system in the proposed expansion. Mr. Jones repeated that non-combustible building materials would be used, and that the new structure would be separated from the existing wood frame structure with a fire wall. This matter will be set down for Public Hearing on August 7, 2003 at 7:30 p.m. The site plan will be forwarded to the Rensselaer County Planning Department for review under the General Municipal Law, as well as to the Eagle Mills Fire Department.

The next item of business on the agenda was the site plan application by MR. GARCIA for a DUNKIN' DONUTS store on Route 7 next to the existing Burger King. Appearing on the application were Tom Davis of ABD Engineering, as well as Mr. Garcia. Mr. Davis noted that the Town Board had granted a re-zoning application for this location in April, 2003. Mr. Davis noted that the site plan had been designed to be consistent with the traffic flow and stacking lanes of the adjacent Burger King facility. There will be a joint easement at the entrance way with Burger King for access. Mr. Davis noted that there would be no work in the public right-of-way

along Route 7 other than sewer and stormwater improvements. Regarding stormwater, Mr. Davis stated that the stormwater management plan was calculated to comply with the 50-year storm, which allows a tie-in to the State drainage system along Route 7. Mr. Davis noted that Mr. Garcia had worked with the neighboring property owners, particularly with respect to the steep grade on the property, and that the current site plan was acceptable to the neighbors.

Member Esser noted that a 10' wide water and sewer easement existed along the boundary line with the residential neighbor. Mr. Davis stated that the Applicant would work with the neighbor and will comply with all water and sewer line easement locations. Chairman Malone noted that the exact location of the water and sewer line should be shown on the site plan prior to construction. Member Esser inquired regarding the proposed retaining wall with the adjacent residence, and whether that retaining wall had an underdrain and where that drain led to. Mr. Davis stated that the retaining wall does have an underdrain, which is tied into the State storm drain along Route 7. Member Wetmiller stated that a 13' high retaining wall is extensive. Mr. Davis stated that the retaining wall would be properly engineered, and would be both stable and safe. Mr. Kestner asked whether any of the stormwater runoff was directed to neighboring properties. Mr. Davis responded that all drainage is directed onto the DUNKIN' DONUTS property, which is then tied into the storm drain system on Route 7. Mr. Davis stated that no drainage would go onto the adjoining residential property. Mr. Davis stated that 24" pipes would be used for drainage purposes, and such oversized pipes would provide the benefit of additional stormwater retention. Mr. Kestner inquired of the stockade fence on the site plan. Mr. Davis responded that the stockade fence would be located 10' from the property line with the adjoining residential property, located all on DUNKIN' DONUT property, and that the adjacent

landscaping was also all located on DUNKIN' DONUTS property. The owner of the adjoining residential property was in attendance. She indicated that she did not know enough about the drainage issues, and would rely on the engineers for DUNKIN' DONUTS as well as the Town in that regard. She thought that the hours of operation should be restricted so as not to create an impact on her home. Mr. Garcia stated that a 10:00 p.m. close time would be acceptable, but that a DUNKIN' DONUTS franchise agreement requires the store to stay open until midnight unless the Town requires an earlier closing time. The Planning Board was inclined to impose a 10:00 p.m. closing time if this was satisfactory to the neighboring property owner. Mr. Garcia stated that he needed to be able to open the store at 5:00 a.m. The neighbor stated that a 5:00 a.m. start time was not objectionable, as long as garbage pick-up was not occurring during the middle of the night. Mr. Garcia said that he would work with the neighboring property owner on that issue. The neighboring property owner stated that she liked the fence near the retaining wall for safety purposes. Member Wetmiller raised a concern regarding the first parking spot near the entrance to the parking area, in that if a car was backing up from this spot it could cause a stacking problem near the entrance to the store. The Applicant will address this issue. Chairman Malone stated that the site plan needed to be sent to the Rensselaer County Planning Agency for review, and that this matter will be placed on the agenda for further discussion at the August 7 meeting.

The subdivision application of ALDERMAN was again entertained, specifically the issue of the cul-de-sac at the end of Brunswick Park Drive. The Superintendent of Highways, Doug Eddy, was in attendance. Mr. Eddy stated that he was told by Mr. Alderman that the cul-de-sac could not be built with the required radius because of building constraints on a proposed

subdivided lot in terms of septic and drainage. With this proviso, Mr. Eddy stated that Mr. Alderman has done what the Town recommended in terms of constructing the cul-de-sac. Chairman Malone inquired whether the Town had approved the design and construction of the cul-de-sac as it is presently comprised. Mr. Eddy responded in the affirmative, but again provided that he was informed by the Applicant that it could not be built in any other location. Member Czornyj inquired whether the Town was satisfied with what amounts to half a cul-de-sac. Mr. Eddy responded that the Town can work with it as built, that it was better than what was previous at that location, that the construction of the cul-de-sac was adequate, and that the Town would be able to perform snow removal adequately. Member Czornyj asked whether a fire truck could go around the cul-de-sac. Mr. Eddy responded that he did not think it could do so without stopping first. Mr. Kestner inquired of Mr. Eddy whether a full cul-de-sac could be built if the cul-de-sac were moved deeper into the lands of ALDERMAN. Mr. Eddy said it could be done, but that he was told that the owner could not do it because of building constraints. Chairman Malone inquired whether any trucks or buses could turn around this cul-de-sac without stopping and doing a three-point turn. Mr. Eddy stated that a truck or bus probably could not make the turn without stopping. Mr. Kestner stated that it appears that the Applicant represented to Mr. Eddy that he couldn't put the cul-de-sac anywhere else on the site. It was determined that Mr. Kestner, Mr. Eddy, and Chairman Malone would meet at the cul-de-sac before the August 7 meeting to do a site inspection. The Applicant will be invited to attend.

The next item of business on the agenda was a waiver of subdivision application by CAREY. Mr. Carey owns property on Tamarac Road, which is divided by a NIMO right-of-way. Mr. Carey seeks to divide off the part of his property on the opposite side of the NIMO

right-of-way from his residence, and transfer that to his neighboring property owner. The Board reviewed the materials submitted on the application, and stated that the divided lot would not be for building purposes, and would need to be merged into the adjoining landowner's property through a deed merger. Mr. Carey was agreeable to this. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 7-0, and a negative declaration adopted. Member Czornyj made a motion to approve the waiver of subdivision conditioned on the submission of a final subdivision plat, with a map note showing that the subdivided lot was not for building purposes and must be merged into the adjoining property owner's property through deed merger. Member Oster seconded the motion, which was approved 7-0.

One item of new business was discussed. WALMART will be making a submission of a site plan application, and requested to be placed on the August 21 agenda. Chairman Malone stated that the matter will be placed on the August 21 agenda.

The Minutes of the meeting from June 19, 2003 were reviewed. Member Wetmiller made a motion to approve the Minutes as written, which motion was seconded by Chairman Malone. The motion was carried 7-0, and the Minutes approved.

The **index** for the July 17, 2003 meeting is as follows:

1. Walsh - subdivision - approved;
2. Hart - subdivision - August 7, 2003;
3. Blair - subdivision - approved;
4. Belascia - subdivision - adjourned to August 7, 2003;
5. Alderman - subdivision - August 7, 2003;

6. Morris - site plan - August 7, 2003;
7. Brunswick Presbyterian Church - site plan - August 7, 2003;
8. Dunkin' Donuts - site plan - August 7, 2003; and
9. Carey - waiver of subdivision - approved.

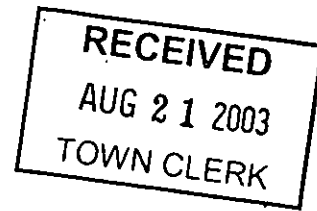
The **agenda** for the August 7, 2003 meeting currently is as follows:

1. Hart - subdivision - Public Hearing;
2. Brunswick Presbyterian Church - site plan - Public Hearing;
3. Hart - subdivision;
4. Brunswick Presbyterian Church - site plan;
5. Belascia - subdivision;
6. Alderman - major subdivision;
7. Morris - site plan;
8. Dunkin' Donuts - site plan;
9. Sugarhill Apartments - site plan; and
10. Calhoun - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD August 7, 2003

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

ABSENT was RUSSELL OSTER.

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

A Public Hearing was held on the minor subdivision application of Michael Hart for property located off Langmore Lane, commencing at 7:15 p.m. Chairman Malone read the published Notice of Public Hearing into the record. Representing the Applicant were Michael Hart, owner, and Harold Berger. Mr. Berger presented the subdivision proposal to the Board and members of the public attending the meeting. Mr. Berger explained that a previous application had been made to the Planning Board by another owner in 2000, seeking the subdivision of the subject property into five lots. At that time, an issue was raised concerning drainage, and the proposal was ultimately withdrawn. Mr. Hart has submitted a subdivision plat for this property seeking three lots. The lot sizes are approximately 2.05 acres, 2.13 acres, and 12.06 acres. The proposed drainage system is similar to that of the previous application in 2000, but has been updated. The current drainage proposal is for a series of swales to be constructed along property lines, collected into a pipe, which will then discharge into a retention basin. Further, a small pipe will be built at the base of the proposed retention basin in order to avoid water buildup in the basin, and it is designed to empty within a few hours after a storm event. Mr. Berger also

explained the septic disposal systems plan for the lots. Chairman Malone read into the record a letter received from a Tamarac Regional Homeowners Association, by Floyd Wakefield. The Tamarac Regional Homeowners Association raised concerns concerning drainage, and did not want the current application to negatively affect any existing homeowners. The Association further wanted to see the application limited to three lots only. The Association also raised concerns concerning water pressure and the private septic disposal systems. Chairman Malone opened the floor to comments from members of the public. Fred Lynch, 28 Langmore Lane, inquired of the size of the retention area for the proposed drainage system. Mr. Hart stated that a retention basin would be constructed, which will look like a depression in the ground. Mr. Kestner responded that the Town had raised a concern about water retention in the basin, and that this concern had been addressed by a proposed pipe to be constructed at the bottom of the retention basin which will drain the basin within a few hours after a storm event. Mr. Kestner also noted that the retention basin had been designed on a ten year storm. Mr. Lynch asked what would happen if the retention basin overflowed. Mr. Kestner responded that the system was designed to handle a ten year storm event; however, if the retention basin did overflow in a catastrophic storm, it would flow onto the retained lands of Mr. Hart, and then ultimately onto the lands of Proctor. Any overflow water would not flow onto Langmore Lane. Member Esser inquired whether the overflow line to be built at the bottom of the retention basin might fill with silt, thereby negating its effectiveness. Mr. Berger explained that a stone filter would be put over the overflow line at the base of the retention basin. Mr. Kestner added that the design for the overflow line provides for low maintenance, and that the stone filter would address the silt issue. Mr. Kreiger noted that he had received telephone calls from both John Hewitt and Hank Buck,

who had no objection to the Hart subdivision application. Mr. Lynch inquired of the Board whether any further subdivision of the Hart property could occur. Chairman Malone stated that the current application was for the three lots only, and that if Mr. Hart wanted to further subdivide this property he would need to come back before the Planning Board for approval, which would also include another public hearing. Member Bradley noted that the proposed overflow pipe at the bottom of the retention basin is an excellent design to address any standing water issues (including the West Nile Virus threat), but that the pipe will require periodic maintenance. Chairman Malone called for any additional comments from members of the public. No further comments were received from the public. Chairman Malone inquired whether any Planning Board Members had any questions for either Mr. Hart or Mr. Berger. Hearing none, Chairman Malone closed the Public Hearing on the Hart subdivision application.

Chairman Malone opened the Public Hearing concerning the site plan application of the Brunswick Presbyterian Church for a proposed expansion to the church facility located on White Church Lane. Chairman Malone read the published Notice of Public Hearing into the record. Brad Grant, of Frazier Associates, consulting engineers, was present. However, Mr. Grant stated that Richard Jones, the architectural firm retained by the Church, was not yet in attendance. Chairman Malone left the Public Hearing open but adjourned the same, to allow time for Mr. Jones to appear.

Thereupon, Chairman Malone opened the regular meeting of the Brunswick Town Planning Board.

The first item of business on the agenda was the minor subdivision application of MICHAEL HART. Appearing on the application were Michael Hart, owner, and Harold Berger. As stated during the prior Public Hearing, Mr. Berger explained to the Planning Board that he

had consulted with Mr. Kestner. On the north end of the property, Mr. Berger explained that two options were available:

1. the discharge could continue to flow into a wetland across an existing easement on the lands of Benac; or
2. the drainage could be collected into a drainage system and diverted through pipes.

Concerning this north end discharge, it was determined that the better option is to keep the discharge flowing to the wetland as currently occurs, since the drainage plan will not generate any additional post-construction flows. Mr. Berger noted that this maintains the natural drainage course, and drainage onto Langmore Lane will not be affected. The swale along the back of all the lots, which carries the remainder of the drainage to a retention basin, was presented by Mr. Berger. Mr. Kestner concurred that all of the concerns concerning off-site drainage impacts had been addressed by the applicant, and that this proposal will not increase any runoff to existing homeowners in the area. Member Czornyj inquired as to a turn-around at the end of Langmore Lane, which now simply dead ends. Mr. Kestner reported that the Town Highway Superintendent would like to see a better turn-around for trucks, emergency vehicles, etc. Mr. Kestner proposed that a condition be added to an approval that an appropriate turn-around, or cul-de-sac, be required in consultation with the Town Highway Superintendent. Chairman Malone inquired whether this left the issue open-ended. Further, Member Czornyj asked whether a full cul-de-sac could be constructed. Mr. Hart stated that a cul-de-sac would be beneficial not only to him but for the existing homeowners. Chairman Malone asked whether there was enough room to construct a full cul-de-sac. Mr. Kestner stated that a 60' radius for a cul-de-sac was required under Town specifications, and therefore 120' would be required.

Mr. Hart stated that there is approximately 85' available at the end of the current public road. Chairman Malone inquired whether the Planning Board had the jurisdiction to require the construction of a cul-de-sac in this case. Attorney Gilchrist stated that if the cul-de-sac were required on the Hart property, then the Board had the jurisdiction to require it as part of the approved subdivision. However, if the cul-de-sac is planned on an existing public road, then the Planning Board does not have the jurisdiction to require the construction of a public improvement on an existing public road as part of the subdivision. Attorney Gilchrist offered that the real issues appeared to be who would build the cul-de-sac, and who would pay for it. Chairman Malone in consultation with Mr. Kestner and Mr. Berger, stated that a condition will be attached to final subdivision approval that an upgrade to the existing dead-end road will be required in consultation and approval of the Town Highway Superintendent prior to stamping and signing the subdivision plat. Mr. Hart was in agreement with this approach. Member Tarbox wanted it noted on the record that the Applicant was proposing an 18' excavation in connection with the drainage system, and that this planned for a significant amount of grading work. Mr. Hart concurred that this was his proposal. Member Tarbox wanted the record to note that this proposal was presented by the Applicant, not the Planning Board. Member Czornyj asked whether Mr. Kestner opined that all of the issues raised on the plat had been addressed by the Applicant. Mr. Kestner stated that all of the issues had been adequately addressed. Thereupon, Chairman Malone made a motion to adopt a negative declaration under SEQRA on the application, which was seconded by Member Czornyj. The motion was carried 6-0 (Member Oster absent), and a negative declaration adopted. Member Wetmiller then made a motion to approve the minor subdivision application with the following conditions:

1. An improvement to the existing dead-end street to provide for an adequate turn-

around must be designed in consultation with the Town Highway Superintendent, and the Town Highway Superintendent must approved its construction prior to the plat being stamped and signed;

2. The 18' excavated trench is included at the request of the applicant.

That motion was seconded by Chairman Malone, and carried 6-0 (Member Oster absent). The Hart subdivision has received final conditional approval.

Richard Jones, architectural consultant to the Brunswick Presbyterian Church, now being in attendance, Chairman Malone adjourned the regular business meeting of the Planning Board, and reopened the Public Hearing on the site plan application of the Brunswick Presbyterian Church. Appearing on behalf of the Applicant were Richard Jones and Craig Jones, architects, and Brad Grant, of Frazier & Associates, consulting engineers. Mr. Jones presented an overview of the site plan as discussed in previous meetings, including the proposed structural expansion and proposed parking lot area. Mr. Grant overviewed the grading and drainage plans for the project. Mr. Grant explained the scheme of the drainage plan as collecting water in catch basins and off roof drains, diverted to dry wells on the site, and recharged to groundwater. Mr. Grant explained that the drainage at the proposed driveway had been redesigned to collect the runoff into a drainage system, which will then be tied into the existing dry wells which have been constructed in connection with the lower parking lot project. Mr. Jones then overviewed the vegetation plan and lighting plan, and reviewed drawings of the proposed new building.

Chairman Malone read into the record letters he had received on the application. First, a letter from Sandra Monahan, 161 White Church Road, was read into the record. Ms. Monahan is a

concerned citizen, and shocked at the size of the proposed addition. Ms. Monahan states that this will be a tremendous change to the area. Ms. Monahan further states that a traffic problem already exists at the Route 351/White Church Road intersection. Ms. Monahan states that the noise from the existing traffic is enormous, and this proposed expansion will only add to it. Ms. Monahan stated that this proposal will change the character of the area. Next, Chairman Malone read into the record a letter received from Dorothy Arthur, of 86 White Church Lane. Ms. Arthur states that she is opposed to the expansion, as it is in essence a commercial project in a residential hamlet area. Ms. Arthur states that there are already problems with flooding in the area, and this proposal will only make the problem worse. Ms. Arthur concludes that the proposed expansion is too large for the area. Chairman Malone then opened the floor for receipt of comments from members of the public. Robert Foster, of 30 White Church Lane, provided the following comments. First, Mr. Foster stated that traffic was a significant concern, as congestion already exists on Sundays. Mr. Foster inquired whether the Planning Board can require a traffic study. Next, Mr. Foster raised concern over drainage, and impact to flooding in the area. Mr. Foster stated that it appeared twice as much water would be entering the creek which flows behind the Church property. Mr. Grant stated that while stormwater runoff will increase with the building expansion, the proposed drainage plan will address and collect that increased runoff, divert the runoff to dry wells, and ultimately to infiltrate through the ground to groundwater. Mr. Foster stated that he doubted such a drainage plan would work and asked whether Mr. Grant had reviewed the properties downstream. Mr. Grant stated that he had examined peak flows from higher elevations down through Route 351, and had personally

walked the creek bed and considered it in his stormwater plan. Mr. Foster replied that Mr. Grant had no idea of the amount of water in the spring and fall, and that the creek currently cannot handle the amount of runoff. Mr. Foster stated that water will come onto his property. Mr. Foster inquired whether the Applicant had considered the full amount of spring runoff. Mr. Grant replied that the full extent of spring runoff had been modeled for this location. Mr. Grant conceded that the culvert along Route 351, owned and maintained by New York State, had been modeled on a 10-year storm event, and that some storm events will overflow the culvert. However, Mr. Grant stated that his stormwater plan has considered existing conditions, and is designed not to create any additional post-construction stormwater runoff. Mr. Foster stated that he could not see how increased runoff from the roof, driveway, and parking areas will not impact the creek and downstream properties. Mr. Grant stated that retention facilities were designed to handle any increased stormwater flows. Mr. Foster also inquired as to how far from the old cemetery plot will the new building be located. Mr. Jones stated that a survey had been done of the entire site, and that the new building would be located approximately 15' from the edge of the old cemetery. Mr. Foster inquired what would happen if human remains were encountered during construction. Mr. Jones stated that in that event construction would be halted until the remains could be properly moved. Louis Hutter, 228 White Church Road, next spoke. Mr. Hutter started by stating that he was opposed to the project as a whole. Mr. Hutter stated that the project was much too large, that it was a "mega" project, and that it will greatly impact the pastoral setting of the area. Further, Mr. Hutter stated that the project would not be in compliance with the Town comprehensive plan currently being undertaken, in that this area was

designed to remain pastoral in setting. Mr. Hutter stated that his property was located at the bottom of the hill across from Route 351, and that even the existing church had a significant impact on his property. In particular, the newly constructed parking lot on the lower area of the property was addressed by Mr. Hutter. Mr. Hutter claims that the lighting on the new lower parking lot creates a significant glare impact to his property. Further, Mr. Hutter stated that binding conditions should be attached to any approval, and that the Planning Board should be conservative in this regard for the benefit of the Town. Mr. Hutter stated that the larger area surrounding Route 351 and Route 2 is getting overcrowded in general, and that the area is losing its rural and pastoral character. Mr. Hutter also opined that the Church was not a benefit to the Town, and that a large part of its congregation came from outside the Town. Mr. Hutter charged the Church as not being a good neighbor. Mr. Hutter alleged that the Church was using the new lower parking lot, but that it was not yet completed. In particular, Mr. Hutter stated that all of the items required on the lower parking lot for the benefit of the neighbors had not yet been installed. Mr. Hutter further charged the Church with not respecting Town regulations, including a new sign which was recently installed at the intersection of Route 351 and White Church Lane. Mr. Hutter stated that a traffic study should be required, which includes traffic flows on Route 351, White Church Road, and White Church Lane. Mr. Hutter also stated that regardless of the outcome of that traffic study, he did not want to see any expansion of the Route 351/White Church Road/White Church Lane intersection, in that the addition of a turning lane or traffic light would only further impair the character of the area. Mr. Hutter went on to state that there was a problem with the parking plan for the proposed expansion, as not enough spots have been provided. Mr. Hutter stated that the Church appeared before the Planning Board in the fall of

2002 and stated that the lower parking lot was required even for the existing building, but that the current expansion application reduces the total number of parking spaces available at the Church from present. In conclusion, Mr. Hutter stated that there were major problems with the drawings as presently prepared and presented to the Board. Kevin Ware, Menemsha Lane, next spoke. Mr. Ware stated that he was a 15 year resident of the Town, and was a member of the Church for the past 11 years. Mr. Ware disputed the vast majority of what Mr. Hutter had stated. Mr. Ware stated that the Church does serve the Town, and that the great majority of its congregation were Town of Brunswick residents, or from Towns immediately adjacent to the Town of Brunswick. Mr. Ware stated that the proposed expansion is located behind the existing building, is lower in elevation, and will be hidden by the existing steeple. This will not result in a negative visual impact on the area. Mr. Ware stated that the Church went to great lengths to prepare an architectural design that would fit into the existing Church. Further, the proposed expansion is to serve the existing congregation, not just a building to attract new members in the future. Steve Derby, 172 Lockrow Road, next spoke. Mr. Derby stated that he had been a resident of the Town of Brunswick for 21 years and a member of the Church for the past 15 years. Mr. Derby stated that the proposed parking plan on the site plan application provided adequate parking spots for even the busiest service on Sunday. Mr. Derby also stated that he was personally hurt by the accusation that the Church was not a good neighbor. Mr. Derby stated that the Church has been growing for the past 20 years, and the expansion is needed for its current members. Mr. Derby stated that the Church has a deep commitment to this site, and did not want to move to another location in order to provide adequate facilities for its members. Mr. Derby also stated that the Church had the financial ability to maintain the Church even after the

expansion. Sue Bell, 211 White Church Road, next spoke. Ms. Bell stated that she had concerns regarding increased traffic, and that a study of traffic impact should be required. Ms. Bell also had concerns regarding the lighting plan, since the Church already lit their sign plus a flag all night long and that these lights were already intrusive. Robert and Jane Polley, 8 White Church Lane, spoke next. Mrs. Polley stated that there were serious problems with existing drainage and flooding problems, not just at times of spring runoff or significant storms, but throughout the year. Concerning the lower parking lot constructed last fall, Mrs. Polley stated that not all the landscaping had been put in, that drainage problems already existed and that the lights around the lower parking lot were intrusive being left on for 24 hours a day. Mrs. Polley stated that she and her husband had moved here for the rural character of the area, and that this proposal impacted that character. Mrs. Polley stated that the site was too small for the proposed expansion in that the proposed building was just too large for the lot. Mrs. Polley stated that she was happy the Church was expanding, but that this site was not the appropriate location to do so. Mrs. Polley concluded by stating that nine houses exist on White Church Lane, and that all of the property owners were against this proposal. Roy Roden, 222 White Church Road, next spoke. Mr. Roden concurred that traffic impacts were an issue, and that a traffic study should be required. Mr. Roden did state that the building expansion would not bother him since he could not see it from his house, but that looking at the plans, he did think the building was too large for the site. Liz Oster, 87 Tambul Lane, next spoke. Ms. Oster is the Church historian, and was on the building committee for the proposed expansion. Ms. Oster explained that the committee took great lengths to have the new structure fit in and be consistent with the existing building, as well as the surrounding property. Ms. Oster stated that she would not be willing to continue to sit in a

Church that had to turn people away because there was not enough room. Ms. Oster did state that the Church reaches out to the community and is a good neighbor. Donna Wingate, 80 Farm-to-Market Road, next spoke. Ms. Wingate owns property at a higher elevation and looks down on the Church. For nine months out of the year when leaves are not on the trees, Ms. Wingate can see the Church building and grounds clearly. Ms. Wingate stated that the Jones architectural firm did take the time to meet with surrounding property owners, explain the proposed expansion, and that Ms. Wingate is of the opinion that the proposed expansion has a pleasant look, fits into the existing building and the surrounding area, and that while she was initially concerned about the expansion, her concern has been addressed and she supports the application.

David Oster, 88 Tambul Lane, next spoke. Mr. Oster stated that he has been a resident of the Town for 47 years, and likewise has been a member of the Church during that time. Mr. Oster pointed out that many additional homes have been built over the past several years on White Church Road, and that the rural character had already been changed by increased residential development. Mr. Oster stated that the Church does many things for the community, including providing meals to the needy and providing much needed daycare facilities. Mr. Oster wanted it known that the Church was not merely inward looking, but does reach out to the community.

Mr. Oster stated that this project was not designed in a void, but rather both the Church and its architectural consultants had met with the neighbors to go over design. Mr. Oster stated that the lower parking lot had already eased traffic and parking problems which had existed, and that cars no longer need to park on White Church Lane during services. Jeffrey Sullivan, 54 White Church Lane, next spoke. Jeffrey and Wendy Sullivan live adjacent to the Church and will be most affected by the project. Mr. Sullivan inquired whether there was any further expansion

proposed for the future, or whether this included the entire project. Mr. Jones explained that the proposed site plan included all of the proposed expansion, but that one part of the project (Educational Center) may not be currently constructed due to funding. Mr. Sullivan stated that while the Church and its architectural consultants had met with he and his wife early on, the current plan was not shown to them in the beginning, that the current plan was much larger than initially presented to them, and that in his opinion the proposed expansion is much too large for the site. Mr. Sullivan stated that the Church had stated that a 50' setback would be maintained to the Sullivan property. Mr. Jones responded that the Town regulations on side yard setback is 30' and that the plan provided for a 47' side yard setback. Mr. Sullivan responded that given the size of the project, as is now depicted on the current plan, a greater setback should have been included to buffer his property. Mr. Sullivan charged that the Church had taken advantage of him, in that the Church had expanded its plan after having initially met with he and his wife. Mr. Sullivan stated that the driveway proposed was a mere 7' from his property line, and that this driveway will in essence be a commercial driveway immediately next door to his house. Mr. Sullivan next challenged the application on the number of parking spots provided, further arguing that the proposal was much too big for the size of the property. Mr. Sullivan then confirmed, in consultation with Mr. Jones, that the proposal for the expansion included only a total of 147 spaces, a reduction of 9 spaces overall from current, despite a significantly larger building. Mr. Sullivan did state that the lower lot had been constructed very well, that traffic patterns and parking problems had improved and that his property had not been impacted by the new lights around the new lower parking lot. However, Mr. Sullivan stated that the proposed expansion to the building was much too big, and that a reasonable compromise should be discussed which

allowed for an expansion, but within reason, and certainly not to the extent as depicted on the current proposal. Mr. Sullivan stated that the project has grown much larger than what he and his wife were initially shown and agreed to, and that the Church should now compromise from its existing application and reduce the size of the proposed expansion. Kevin Brand, 56 White Church Lane, next spoke. Mr. Brand was concerned about the vegetation plan, as it does not provide an adequate buffer to surrounding properties. Mr. Brand also stated that the proposed traffic pattern put headlights directly at his property. Mr. Brand also stated that the building was grossly oversized for the lot, and had too much of an impact on surrounding properties. Mrs. Pollack, 66 White Church Lane, spoke next. Mrs. Pollack stated that the lights are already an existing problem, that the size of the expansion is much too large, and that a traffic study should be required. Mr. Kreiger stated that he had been in consultation with the Eagle Mills Fire Department concerning the application, that the Chief of the Eagle Mills Fire Department expressed concern about adequate access to the building, and that the Fire Department would be providing a letter to the Planning Board outlining their concerns. Chairman Malone inquired whether any additional persons wished to be heard on the application. Hearing none, Chairman Malone closed the public hearing concerning the Brunswick Presbyterian Church site plan.

Chairman Malone re-opened the Board's regular business meeting.

The second item of business on the agenda was the site plan application of the BRUSNWICK PRESBYTERIAN CHURCH. Member Esser stated that he continued to have concern about the grade of the proposed driveway. Mr. Grant stated that the profile of the entire driveway had been revised, and that the maximum grade of the driveway is now at 12% in compliance with Town regulation. Member Esser also raised concern about the proximity of

proposed Dry Wells #2 and #3, in that they were too close to the property line and too close from adjoining property owners. Mr. Grant stated that these dry wells could be moved back from the property line. Member Bradley inquired why the current site plans were not stamped and signed by a professional engineer in compliance with the Education Law. Mr. Grant stated that the original site plans filed with the Town had in fact been sealed, but that the current review sets had not yet been stamped and signed pending further modification based on comments from the Planning Board and public. Member Tarbox inquired whether a drainage pipe in connection with the revised drainage plan for the driveway area would need to be put under White Church Lane. Mr. Jones stated that the drainage pipe will need to go under White Church Lane, and that a part of White Church Lane would need to be excavated in order to install that drainage pipe. Member Esser stated that he concurred with members of the public that traffic was a concern and that a traffic study should be required. Member Czornyj, in reviewing the parking space design, noted that a few of these spaces were only 7' off the property line, and that a few of the proposed spaces should be eliminated in order to maintain an adequate buffer to surrounding properties. Member Esser inquired what the existing Worship Center would be used for after the expansion was built. Mr. Jones stated that the existing Worship Center would be used for special events, weddings, and other events which would be more appropriate for a small chapel. The Associate Pastor for the Church confirmed the future use of the existing chapel. Chairman Malone stated that it appeared a traffic study was an issue, as well as appropriate setbacks for the benefit of surrounding property owners and access for appropriate fire protection. Mr. Jones offered that a traffic study was already under way and it will be provided once it has been completed. Mr. Jones further stated that the existing drainage flows along Route 351 are maintained by the New

York State Department of Transportation, and that the Church has no right to alter it. Mr. Kestner stated that a drainage report should be prepared which analyzes the total drainage area, including the Church property and surrounding properties which would analyze increased flows from the proposed expansion project, how it will be detained on the site, and what impact to the creek and surrounding properties any additional stormwater runoff would have. Mr. Jones then stated that the current site plan for the proposed expansion has not changed since the Church had been in front of the Planning Board for site plan approval on the construction of the lower parking lot. Member Tarbox asked Mr. Jones what had been shared with the Sullivans. Mr. Jones stated that they had always reviewed with the Sullivans the site plan as currently proposed, and that there were no modifications increasing the building size after the Church had met with the Sullivans. Mr. Kestner confirmed that there would be no snow being plowed onto the property of the Sullivans. Mr. Jones stated that no snow would be plowed onto the Sullivans' property, but plowed onto the Church property and removed from the site by truck if necessary. Mr. Jones stated that this Church expansion would not result in a significant impact to the area, was not a commercial use, and that the Town's regulations were factored into the overall design for the expansion. Mr. Jones stated that the building would not result in the site being overbuilt. Mr. Jones stated that traffic would not be as big an impact as the surrounding property owners thought, and that a traffic study was currently under way. Mr. Kestner confirmed that there would be no future expansions, and that the current footprint as shown on the site plan was all that the Church was considering. Mr. Jones stated that the Church expansion was only as depicted on the site plan, that all of the facility may not be currently built due to funding. Mr. Jones stated that the lighting plan in connection with the expansion would actually improve

conditions, in that existing lights on the back of the Church building would be removed and the lighting to be installed was designed to keep light on the property only, without any spillage on the surrounding properties. Mr. Jones concluded by stating that the current site plan was a good proposal for the property, that the Church had listened to and responded to concerns of the neighbors in its design, and that the Church had taken into account Town regulations in the design. Mr. Jones stated that the Church was working hard to make this a good project.

Chairman Malone stated that the application could not move forward without the additional information, most particularly the traffic study. Chairman Malone inquired of Mr. Jones when the traffic study currently being undertaken would be completed. Mr. Jones thought that the traffic study would be done within one week. Chairman Malone stated that this application will be placed on the agenda for the Board's August 21 meeting.

The next item of business on the agenda was the minor subdivision application of BARBARA BALASCIO. Mrs. Balascio appeared, and stated that the required information on the survey had been completed. Mrs. Balascio also stated that the Rensselaer County Health Department had received a water and septic plan for the lots. Mrs. Balascio explained that three lots were proposed which included one lot with an existing house, and two new residential lots. The Planning Board determined that the application was now complete and that this matter will be set for Public Hearing on August 21.

The next item of business on the agenda was the major subdivision application of JEFFREY ALDERMAN for property located off Route 142 and BRUNSWICK PARK DRIVE. Appearing on the application were Jeffrey Alderman and Richard Danskin. Mr. Danskin noted that he had met at the site with Chairman Malone, Mr. Kestner, and Mr. Kreiger to review the

cul-de-sac at the end of Brunswick Park Drive. Mr. Kestner had made certain recommendations on improvements to the cul-de-sac, which Mr. Danskin has incorporated into the plan. Further, Mr. Danskin has changed the plan to bring the property line on proposed lot #1 directly to the edge of the cul-de-sac, eliminating any area for a future road leading to the remaining lands of Alderman. Attorney Gilchrist reviewed Brunswick Local Law No. 4 with the Planning Board members, which allows the waiver of subdivision specifications by the Town Board. The Applicant is now before the Town Board requesting two waivers on this application, both as to cul-de-sac design specifications and the number of allowable lots on a cul-de-sac street. Local Law No. 4 requires a recommendation by the Planning Board prior to Town Board action. First, the issue of the waiver of the cul-de-sac specifications was addressed. Member Czornyj noted that the current plan does remove additional material from the bank around the cul-de-sac, which will allow 5' of storage area for snow removal at the edge of pavement around the cul-de-sac. Mr. Danskin noted that this had been incorporated into the plan in compliance with the discussions in the field with Town officials. Member Czornyj and Mr. Kestner confirmed that the current plan provides for a 50' radius on the cul-de-sac to the outside of pavement, with 5' available for snow removal storage. Member Bradley thereupon made a motion to provide a positive recommendation to the Town Board to approve the variance for the cul-de-sac as currently designed. Member Wetmiller again inquired of Mr. Kestner whether the current cul-de-sac design worked from an engineering perspective. Mr. Kestner said that the cul-de-sac is properly designed, and both Mr. Kestner and Chairman Malone concurred that an adequate turn-around area for trucks and buses was provided. Chairman Malone seconded Member Bradley's motion, and the motion was approved 6-0 (Member Oster absent). Next, the number of

allowable lots off Brunswick Park Drive was addressed. The Planning Board Members noted on the record that only two additional lots were proposed on the current application, and these would be added to the existing number of lots on Brunswick Park Drive. Any future lot proposed for Brunswick Park Drive would likewise require a waiver under Town Local Law No. 4 of 2003. Chairman Malone made a motion to adopt a positive recommendation to the Town Board to grant the waiver for these two additional lots only, as depicted on the current subdivision application. This motion was seconded by Member Bradley and passed 6-0 (Member Oster absent). Attorney Gilchrist will forward these positive recommendations to the Town Board for action at its August 14 meeting. Presuming that the Town Board acts upon this project at its August 14 meeting, Chairman Malone set a Public Hearing on the subdivision application for August 21.

The next item of business on the agenda was the site plan application of MORRIS. Attorney Gilchrist reviewed a proposed scoping document which listed the issues discussed by the Planning Board members and received from members of the public during the Public Scoping Meeting held at the July 17 meeting. The Planning Board members concurred with the proposed scope, which includes:

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

The Planning Board adopted these issues as the scope for the Environmental Impact Statement

("EIS") to be prepared on the application. Gary Morris was in attendance. The Planning Board explained to Mr. Morris that it had adopted these issues as the scope of EIS, and that the Applicant needed to prepare the EIS to address these issues and submit it to the Planning Board when complete. Mr. Morris understood this procedure, and stated that a consultant would be retained to prepare that document. The Planning Board set a time limit by which a draft EIS needed to be submitted, establishing October 2, 2003 as the deadline for submission or appearance by the Applicant to explain why the document had not been completed and submitted by that date. This matter is adjourned pending receipt of the DEIS from the Applicant.

The next item of business on the agenda was the site plan application by MR. GARCIA for a DUNKIN' DONUTS store on Route 7 next to the existing Burger King. Appearing on behalf of the application was Tom Adress of ABD Engineers, consulting engineers for the project. Mr. Kreiger initially noted that the Rensselaer County Department of Economic Development and Planning had reviewed the application, and determined that local consideration shall prevail. Mr. Kestner then reviewed the site plan. An existing water line on the east side of the property in the area of the proposed fence and grading for the retaining wall had been identified, and that appropriate consideration of the water line had been included in the plans. The parking plan was reviewed, and deemed adequate. Mr. Kestner did note that the lighting plan did not provide specific numbers on intensity, and that a further submission on the lighting plan should be required. The Applicant confirmed that the operating hours of 5:00 a.m. to 10:00 p.m. were acceptable. The Planning Board is in receipt of a letter from Andrew Johnston, 743 Hoosick Road, and that he has no objection to the Dunkin' Donuts project. The Board members inquired of Mr. Kestner whether there were any remaining issues on the site plan, after

he had reviewed the same with ABD Engineering. Mr. Kestner said that all issues had been adequately addressed. Thereupon, Chairman Malone made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Bradley. The motion was carried 6-0 (Member Oster absent), and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Store operating hours are limited to 5:00 a.m. - 10:00 p.m.; and
2. Submission of amended lighting plan with light intensity calculations to be submitted and accepted by the Town Engineer.

The motion was seconded by Member Wetmiller, the motion was adopted 6-0, and the site plan approved with conditions.

The next item of business on the agenda was the site plan application of SUGARHILL APARTMENTS to construct self-storage units on the property. Appearing on behalf of the Applicant was Richard Danskin. Attorney Gilchrist reviewed a letter received from Philip Dixon, Esq., special counsel retained by the Town Board in connection with the application. The area of the proposed self-storage unit construction is subject to a conservation easement required in connection with the approval for the apartment complex, and therefore an amendment to the conservation easement as well as to the PDD adopted for this project, was required. This matter had been sent to the Town Board for consideration of amendment to the conservation easement and PDD. Upon information, the Town Board had held a Public Hearing in connection with such amendments. In consideration of the amendment to the conservation easement and PDD, the Town Board requested the recommendation of the Planning Board, as set forth in Attorney Dixon's correspondence to Attorney Gilchrist. Attorney Gilchrist explained to the Planning

Board that a recommendation was needed as to whether the conservation easement and PDD should be amended for this application. Mr. Danskin explained that while he initially presented the application as being limited to self-storage units for the use exclusively of residents of Sugarhill Apartments, these self-storage units would also be available to the two additional apartment complexes owned by Massry. This had been explained to the Town Board, and had been discussed during the Public Hearing held by the Town Board. If it was determined in the future that the separate apartment complexes needed their own self-storage units, that would be the subject of separate applications in the future. Upon further discussion, Member Czornyj made a motion to adopt a positive recommendation on the variance to the conservation easement and PDD, which motion was seconded by Chairman Malone. The motion was carried 6-0 (Member Oster absent): Attorney Gilchrist will forward the recommendation to the Town Board for consideration.

The next item of business on the agenda was a site plan application by ITZ SYSTEMS, for the site of the former trooper barracks on Route 7 owned by Calhoun. ITZ Systems seeks to use the existing building for its business, which entails low voltage wiring for security, telephone, and cable operations. The Applicant explained that hours of operation are generally limited to 8:00 a.m. to 5:00 p.m., and that the employees merely pick up job information and materials in the morning before proceeding to various work sites. The Applicant explained that the footprint of the building will not be changed. The Applicant further explained that no retail sales would take place out of this location, and that no signage would be required. In sum, the Applicant seeks to locate his business in the existing building. Member Czornyj made a motion to adopt a negative declaration on the application, which motion was seconded by Chairman

Malone. The motion was carried 6-0 (Member Oster absent), and a negative declaration adopted. Member Czornyj then made a motion to approve the site plan application, which motion was seconded by Member Wetmiller. The motion was carried 6-0 (Member Oster absent), and the site plan approved.

One item of new business was discussed. Shawn Gallivan had spoken with Chairman Malone concerning property which he owned on Dearstyne Road, which was adjacent to property owned by Niagara Mohawk. The proposal concerned a subdivision of that property. It was determined by the Board that a waiver of subdivision application should be filed by Mr. Gallivan.

The Minutes of the meeting from July 17, 2003 were reviewed. With the correction of two typographical errors noted on page 9 and page 12, Member Wetmiller made a motion to adopt the Minutes, which motion was seconded by Member Esser. The motion was carried 6-0 (Member Oster absent), and the Minutes approved with typographical correction.

The **index** for the August 7, 2003 meeting is as follows:

1. Hart - minor subdivision - Public Hearing;
2. Brunswick Presbyterian Church - site plan - Public Hearing;
3. Hart - minor subdivision - approved with conditions;
4. Brunswick Presbyterian Church - site plan - 8/21/03;
5. Belascia - minor subdivision - 8/21/03;
6. Alderman - major subdivision - 8/21/03;
7. Morris - site plan - 10/2/03;
8. Garcia - Dunkin' Donuts site plan - approved with conditions;

9. Sugarhill Apartments - site plan - 8/21/03; and
10. ITZ Systems - site plan - approved.

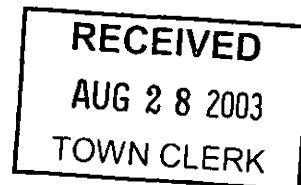
The **agenda** for the August 21, 2003 meeting currently is as follows:

1. Belascia - minor subdivision - Public Hearing;
2. Alderman - major subdivision - Public Hearing;
3. Belascia - minor subdivision;
4. Alderman - major subdivision;
5. Brunswick Presbyterian Church - site plan; and
6. Sugarhill Apartments - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD August 21, 2003

PRESENT were CHAIRMAN SHAWN MALONE, WILLIAM BRADLEY, MICHAEL CZORNYJ, DAVID TARBOX, and JOSEPH WETMILLER.

ABSENT were FRANK ESSER and RUSSELL OSTER.

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

A Public Hearing was held on the minor subdivision application of Barbara Belascio for property located off Bonesteel Lane, commencing at 7:15 p.m. Chairman Malone read the published Notice of Public Hearing into the record. Appearing on the Application was Barbara Belascio. Ms. Belascio presented an overview of the subdivision plat, and explained that the two new building lots had already received water and septic approval from the Rensselaer County Health Department. Chairman Malone opened the floor to comments from members of the public. Paul Engster, Esq., attorney for Leonard Duncan, property owner on McChesney Avenue Ext., spoke on the application. Mr. Engster explained that Mr. Duncan had no objection to the Belascio subdivision application, but wanted the Planning Board to consider the fact that Duncan is allegedly experiencing erosion problems on his property as a result of runoff from the Rouse Development, and that since the Belascio property was downgradient from the Duncan property, runoff problems could result in the future on the Belascio property. Hearing no further comments from the public, Chairman Malone closed the public hearing.

A public hearing was held on the major subdivision application of JEFFREY ALDERMAN for property located on Route 142 and at the end of Brunswick Park Drive, commencing at 7:20 p.m. Chairman Malone read the published Notice of Public Hearing into the record. Appearing on behalf of the application were Rick Danskin and Jeffrey Alderman. Mr. Danskin gave an overview of the proposed subdivision and cul-de-sac to be constructed at the end of Brunswick Park Drive. Chairman Malone opened the floor to comments from interested parties. Margaret Penders spoke. Ms. Penders owns the lot next to proposed lot #2 at the end of Brunswick Park Drive. Ms. Penders stated that lot #2 was too wet to build on. Ada McGill, 16 Brunswick Park Drive, next spoke. Ms. McGill stated that she had wanted to build a house on property next to Penders, but was told several years ago that it was unbuildable because of wet conditions. Mr. Danskin and Mr. Alderman responded. Mr. Alderman stated that the property is not classified as a wetland, and that the wet condition was due to existing drainage culverts being plugged and not maintained. Mr. Danskin stated that proposed lot #2 was not being offered as a building lot at this time, and could only be built upon in the event a septic plan is approved by the Rensselaer County Health Department. Mr. Danskin stated that Rensselaer County Health Department had already looked at the property, and has initially stated that a fill septic system would be adequate once the existing drainage patterns are opened and the property drains properly. Francesse Penisi, 21 Brunswick Park Drive, next spoke. Ms. Penisi stated that there is a right-of-way on her property for drainage purposes, but that it never has water in it, and that it is always dry. It has been her experience that each house has diverted water away from it, and that the existing drainage right-of-way on her property has never had any water in it. Eloy Rivage, 31 Brunswick Park Drive next spoke. Mr. Rivage state that the drainage right-of-ways

along Brunswick Park Drive belong to the Town and they have not been maintained for the last 20 years. Mr. Rivage questioned what party would maintain drainage culverts in the future. Mr. Kestner stated that he had reviewed these issues, and that two drainage patterns exist along Brunswick Park Drive. The first is a drainage pipe in the area of lot #16 along Brunswick Park Drive, in close proximity to North Lake Avenue. A second drainage culvert exists at the end of Brunswick Park Drive, in the area of the Alderman proposed subdivision. This drainage culvert has likewise not been maintained, causing water to stay on proposed lot #2, rather than drain through the culvert to the lands of NIMO. Norm Alderman stated that he had discussed this matter with Doug Eddy, Superintendent of Highways for the Town, and that Mr. Eddy is now aware of this drainage culvert, and he is planning to open it up by removing brush. Further, Norm Alderman stated that both the Highway Superintendent and Phil Harrington, Supervisor, are aware of these drainage issues, and will be working on correcting them. Loretta Raymond, 33 Brunswick Park Drive next spoke. Ms. Raymond stated that she supported the application, particularly the construction of the cul-de-sac. Currently, vehicles are turning around at the end of Brunswick Park Drive in her driveway, and that the addition of the cul-de-sac will help the situation. Brenda McGill, 19 Brunswick Park Drive next spoke. Ms. McGill inquired how the fill which has been placed along Route 142 would affect these drainage issues. Jeffrey Alderman responded that the fill had been placed along Route 142 under permit from the Corps of Engineers, who had inspected the site with both Mr. Kestner and Mr. Eddy to confirm that the fill had not encroached on any wetland areas. Mr. Kestner confirmed that the Army Corps had delineated the wetlands on the property, and had limited the fill so as not to disturb existing wetlands. Eloy Rivage provided further comment in support of the cul-de-sac, stating that he has witnessed fire trucks and other types of trucks turning around in the cul-de-sac with no problems,

and that it is a great improvement over the dead-end road. Hearing no further comments from the public, Chairman Malone closed the public hearing.

Thereupon, Chairman Malone opened the regular meeting of the Brunswick Town Planning Board.

The first item of business on the agenda was the minor subdivision application of BARBARA BELASCIO for property located off Bonesteel Lane. Appearing on the application was BARBARA BELASCIO. The Planning Board members discussed the comments received during the public hearing on this application concerning erosion and potential run-off from the Duncan property. It was confirmed by both the Applicant and Planning Board members that there was no run-off or erosion problem existing on the BELASCIO property, and that the Rouse property and Duncan property are a significant distance from the proposed subdivision area. Chairman Malone inquired whether any of the Board members had any additional questions or concerns concerning the subdivision proposal. 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, Member Czornyj made a motion to approve the minor subdivision application, which motion was seconded by Member Bradley. The motion was approved 5-0, and the minor subdivision application of Barbara Belascio was approved.

The second item of business on the agenda was the major subdivision of JEFFREY ALDERMAN. It is confirmed both by Mr. Kestner and Attorney Gilchrist that the Brunswick Town Board had approved waivers for this application concerning the cul-de-sac specifications and the number of allowable lots off Brunswick Park Drive. This provides jurisdiction to the Planning Board to proceed with the subdivision application. Chairman Malone asked the

applicant to respond to the public comments concerning the drainage issues. Mr. Danskin stated that the drainage pipe located near lot #16 on Brunswick Park Drive was not near the ALDERMAN property, but rather was closer to North Lake Avenue. Concerning the drainage culvert next to proposed lot #2, the drainage culvert had not been maintained and was currently plugged. It is Mr. Danskin's understanding that the Town will assist in clearing this drainage culvert to reopen surface water flows. Further, part of the cul-de-sac proposal was to install a storm drain to collect run-off from the cul-de-sac, and that this storm drain, together with the culvert maintenance, will address surface water flows in that location. JEFFREY ALDERMAN confirmed that he is deeding to the Town a 10' drainage easement between lot #1 and the Raymond property, which will allow the natural drainage course to continue to the lands of NIMO. Mr. Danskin stated that the wet condition on proposed lot #2 had been caused by the culvert backup, and that proper maintenance will help address that situation. Mr. Kestner confirmed that the storm drain installed on the cul-de-sac will adequately drain the cul-de-sac itself, and that the proposed subdivision at the end of Brunswick Park Drive will not add any additional stormwater run-off or alter drainage patterns. Mr. Danskin confirmed that the application also includes dividing three lots from the Alderman property immediately to the rear of homes existing on Route 142, for the purpose of transferring this property to the existing homeowners for use as extended backyards. These subdivisions along Route 142 are expressly not for building lots, but solely for transfer to existing homeowners to be merged into their existing lots. Member Tarbox noted that ALDERMAN still had access off the cul-de-sac at the end of Brunswick Park Drive, over the lands of NIMO. JEFFREY ALDERMAN stated that he did not intend on building a through road in this area, and he did not want through traffic in the area since he was building his home there. Member Wetmiller wanted the record to show that, in

his opinion, these two additional lots off Brunswick Park Drive should be the total number of allowable lots at that location, and that any future proposal for additional lots should not be allowed. Attorney Gilchrist reiterated that before MR. ALDERMAN could obtain approval for any additional lots off Brunswick Park Drive, he would need to obtain an additional waiver from the Town Board since there are already in excess of 12 lots off Brunswick Park Drive. In connection with any such waiver application, a recommendation from the Planning Board will need to be made at that time. Hearing no further discussion, Member Bradley made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was carried 5-0, and a negative declaration adopted. Thereupon, Chairman Malone made a motion to approve the ALDERMAN major subdivision subject to the following conditions:

1. Lot #2 off Brunswick Park Drive is not approved for building purposes until a water and septic plan is approved by the Rensselaer County Health Department and drainage culverts have been properly cleared to the satisfaction of the Town Engineer;
2. Construction of the cul-de-sac is either completed to the satisfaction of the Town Engineer, or security is posted with the Town of Brunswick in form and amount satisfactory to the Town Board for all road completion costs;
3. Lot #1 off Brunswick Park Drive is subject to Rensselaer County Health Department approval; and
4. The three lots created along Route 142 are not separate building lots, but are to be

transferred to the adjacent property owners and merged into their properties through deed merger, with evidence of deed merger to be submitted to the Planning Board.

Member Bradley seconded the motion, which was carried 5-0. The ALDERMAN major subdivision has been granted conditional final subdivision approval.

The third item of business on the agenda was the site plan application of BRUNSWICK PRESBYTERIAN CHURCH. The representatives of the CHURCH informed the Town that a traffic study has not yet been completed, and further that the Town is not yet in receipt of a letter from the Eagle Mills Fire Department. Accordingly, this matter has been adjourned, and will be placed on the agenda for the September 4 meeting.

The next item of business on the agenda is the site plan application of SUGAR HILL APARTMENTS for construction of self-storage units. It was noted that the Town Board adopted a resolution amending the PDD and conservation easement for this property, which allows the construction of the units on the property. However, upon review of the Town Board resolution, at paragraph 7 thereof, the resolution states that 1.7 acres is to be excluded from the conservation easement. However, the 1.7 acre area is for the footprint of the storage unit buildings, without the addition of driveway areas and proposed vegetation. A total of 4.62 acres is needed to be removed from the conservation easement area, which will include the 1.7 acre building footprint. Rick Danskin, appearing on behalf of Sugar Hill Apartments, stated that the 4.62 acre carve-out was discussed by the Town Board, and also understood during the public hearing held by the Town Board on the issue. Any action by the Planning Board on the proposed site plan will be

conditioned upon a clarification and/or correction of the Town Board resolution. Mr. Danskin explained that the self-storage units would be limited to use by residents of Sugar Hill Apartments, Brunswick Apartments, and Brunswick West Apartments. Mr. Danskin presented pictures of the view shed of the proposed storage unit area taken from the Heather Ridge properties, which depicts that the self-storage units will be located behind an existing tree-line, and will not be visible from the Heather Ridge area. Chairman Malone inquired whether the adjacent property owner, Clifford Bonesteel, had any objection to the storage units when the Town Board held its public hearing. Mr. Danskin stated that Mr. Bonesteel spoke in favor of the proposal, and stated that the apartments had been a "good neighbor". This was confirmed upon review of the Minutes of the Town Board meeting. Mr. Kestner reviewed the drainage plan for the self-storage unit proposal and deemed it to be adequate. Mr. Kestner did note that the Planning Board should be provided with light meter readings after the storage units were built and the lights functional to confirm that there is no spillage or undue glare. Chairman Malone confirmed that the hours of operation for the self-storage units would be limited to 6 a.m. to 10 p.m. daily, and that appropriate signage limiting these hours would be required to be posted at the self-storage units. Mr. Danskin agreed to this condition, noting that the hours of operation of 6 a.m. to 10 p.m. daily is set forth on the site plan. Upon hearing no further discussion, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was carried 5-0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Hours of operation are limited to 6 a.m. to 10 p.m. daily, with signage displaying these hours operation to be posted at the self-storage units;
2. Clarification and/or correction to the resolution adopted by the Town Board concerning the total amount of acreage to be removed from the conservation area on this property; and
3. Submission of light meter readings from the lights after installation and operation at the self-storage units.

Member Bradley seconded this motion, which was carried 5-0. The site plan was approved subject to the above-listed conditions.

The next item of business on the agenda was the site plan application of WALMART, to amend the existing approved site plan. Appearing on behalf of WALMART was Pete Geovenco, of Bergman Engineers, consulting engineers for WALMART. Mr. Geovenco confirmed that WALMART last appeared before the Board on this proposed revised site plan on June 5, 2003. At that time, the Planning Board objected to any merchandise display in the front parking lot area, and that feature of the amended site plan had been eliminated. Mr. Geovenco described the proposed merchandise display on the front sidewalk, and striping the area immediately adjacent to the front sidewalk display area for loading/unloading. Mr. Geovenco confirmed that a 5' clearance for walkway through the sidewalk display area is depicted on the amended site plan, and that this walkway is adequate for pedestrian flow. Further, the sidewalk display area will be limited to April 1 through August 31. The amended site plan also shows trailer storage behind the building, in areas designated for trailer storage. Lastly, the amended site plan shows designated areas for cardboard and pallet storage. Chairman Malone reviewed a letter received

from the Brunswick No. 1 Fire Company, through its Chief Ed Thompson, stating that the Fire Company has no objection to the amended site plan, but that a minimum 27' clearance behind the cardboard and pallet storage areas must be maintained in order to provide adequate access for fire protection. Also, the Fire Department suggested that a maximum of three (3) trailers be allowed on the rear of the property at any one time. Mr. Geovenco confirmed that a 27' right-of-way has been maintained behind the cardboard and pallet storage areas. Mr. Geovenco stated that the proposed amended site plan does show more than three (3) trailer areas in the back of the store, and additional trailer locations near the Garden Center. Member Tarbox inquired how many trailers were currently located behind the building. Mr. Geovenco confirmed that there were five (5) trailers presently on site. Mr. Kestner asked how large the trailers were. Mr. Geovenco stated that they were similar in size to what is being proposed on the amended site plan, which is approximately 45' trailers. Chairman Malone asked whether the trailers were secure. Mr. Geovenco stated that the doors are locked, and that a block is placed on the fifth wheel of the trailer to stop the trailer from being taken away. Mr. Kreiger stated that the comment from Brunswick No. 1 Fire Company concerning the three (3) container limit is probably referring to three trailers side by side, rather than the total number of trailers to be stored behind the building. Mr. Kestner reiterated that the 27' right-of-way is to be maintained behind the designated pallet and cardboard storage area. Mr. Geovenco confirmed the 27' right-of-way will be maintained. Member Czornyj confirmed that the merchandise to be displayed on the front sidewalk would provide adequate area for pedestrian walking, as well as maintaining adequate access to all doors. Mr. Geovenco confirmed that adequate pedestrian walkways are maintained, and that all doors are provided adequate access as depicted on the amended site plan. Mr. Geovenco said that the

plan, if approved, will be given to the store manager to follow and will be able to be policed by the Town. Member Czornyj asked whether the property housing the pump station had yet been transferred to the Town. Mr. Geovenco thought that a deed had been prepared and submitted to the Town for review, but that the process was not yet completed. Member Tarbox asked whether the fees required under the original site plan approval had been confirmed and paid by WALMART. Mr. Geovenco had no information on that issue. Attorney Gilchrist stated that it would appropriate to condition any action on a request for amended site plan approval that all existing conditions to the original site plan be satisfied, including transfer of the pump storage property as well as payment of all required fees. Hearing no further discussion, Member Bradley made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was carried 5-0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the amended site plan subject to the following conditions:

1. Completion of the transfer of the property on which the pump station sits to the Town of Brunswick;
2. Payment of all required fees by WALMART to the Town of Brunswick under the original site plan approval; and
3. Issuance of a final Certificate of Occupancy by the Town of Brunswick to WalMart.

Member Wetmiller seconded this motion. The motion was carried 5-0, and the amended site plan received conditional final approval.

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

SEAN GALLIVAN, for property located off Deepkill Road. MR. GALLIVAN explained a piece of property which totals 143 acres, which is bisected by lands owned by NIMO. This bisection creates an 80 acre area adjacent to a 30 acre farm currently owned by GALLIVAN, and also a second 63 acre area. Chairman Malone inquired of MR. GALLIVAN what his intention was for use of the 80 acre area. MR. GALLIVAN stated that he wanted to mow it and add it to the existing farm. Member Wetmiller asked if this 143 acres is under one deed. MR. GALLIVAN said that it was described in one deed, and therefore was requesting approval of a waiver of subdivision for the 80 acre parcel and 63 acre parcel. MR. GALLIVAN stated that he wanted to maintain the 80 acre parcel as a separate parcel, not to be merged into his existing 30 acre farm. MR. GALLIVAN explained that he owns a 35' wide strip of property connecting this 80 acre parcel to Deepkill Road, and therefore the 80 acre parcel was not landlocked. Member Tarbox asked whether the 63 acre parcel had access to a public road. MR. GALLIVAN stated that it did have direct access to Deepkill Road. The Planning Board determined that the map submitted on the application was sufficient for a waiver of subdivision application, and MR. GALLIVAN paid the waiver of subdivision application fee. Member Czornyj thereupon made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 5-0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Wetmiller. The motion was carried 5-0, and the waiver of subdivision approved.

Two items of new business were discussed.

First, a site plan application will be filed by JOSEPH CRAWLEY to commence a new

business at 668 Hoosick Road, in the structure formerly occupied by First Dibs. A site plan application has been submitted, and the matter will be placed on the agenda for the September 4 meeting.

The second item of new business was a site plan application by RENSSELAER HONDA to install an above-ground tank and gas pump at the Rensselaer Honda facility. Chairman Malone stated that the application raises issues concerning tank specifications and safety, that the application should be forwarded to the Brunswick No. 1 Fire Department for review, and that the Applicant needed to show compliance with both State and Federal regulations concerning the tank and pump installation. This matter will be adjourned pending receipt of this information.

Chairman Malone noted for the record that with respect to the pending site plan application of the BRUNSWICK PRESBYTERIAN CHURCH, a letter had been received from Louis Hutter, 228 White Church Road, dated August 12, 2003, providing additional comments on the site plan application. Chairman Malone also noted that the BRUNSWICK PRESBYTERIAN CHURCH had forwarded a response to the Hutter letter prepared by Richard E. Jones Associates, dated August 15, 2003. These letters will be further addressed at the Planning Board's September 4 meeting when the BRUNSWICK PRESBYTERIAN CHURCH site plan application is on the agenda.

The proposed Minutes of the August 7, 2003 meeting were discussed. Member Czornyj clarified that at page 15, the Minutes should reflect that certain parking spaces of the BRUNSWICK PRESBYTERIAN CHURCH site plan were less than 7' from the property line. Member Tarbox noted that page 16 of the proposed Minutes should be amended to show that

Richard Jones, Architect to the BRUNSWICK PRESBYTERIAN CHURCH, confirmed that the proposed site plan showed the full extent of the proposed addition, and that no future building expansions were anticipated. With these changes, Member Czornyj made a motion to approve the Minutes as amended, which motion was seconded by Chairman Malone. The motion was carried 5-0, and the Minutes adopted.

The **index** for the August 21, 2003 meeting is as follows:

1. Belascia - minor subdivision - - Public Hearing;
2. Alderman - major subdivision - Public Hearing;
3. Belascia - minor subdivision - approved;
4. Alderman - major subdivision - conditional final approval;
5. Brunswick Presbyterian Church - site plan - adjourned to 9/4/03;

6. Sugarhill Apartments - site plan - approved with conditions;
7. WalMart - amended site plan - approved with conditions; and
8. Gallivan - waiver of subdivision - approved.

The **agenda** for the September 4, 2003 meeting currently is as follows:

1. Brunswick Presbyterian Church - site plan; and
2. Crawley - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:15 p.m. on Thursday, August 21, 2003, at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the subdivision plat submitted by Barbara Balascio pursuant to Article V of the Subdivision Regulations of the Town of Brunswick relative to a proposed subdivision of property located on Bonesteel Lane. Copies of the subdivision plat are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: August 11, 2003
Brunswick, NY

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

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:20 p.m. on Thursday, August 21, 2003, at the Brunswick Town Hall, 308 Town Office Road, Brunswick, New York, to review the subdivision plat submitted by Jeffrey Alderman pursuant to Article V of the Subdivision Regulations of the Town of Brunswick relative to a proposed subdivision of property located on Brunswick Park Drive and Route 142. Copies of the subdivision plat are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: August 11, 2003
Brunswick, NY

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

Manning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD September 4, 2003

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

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

The first item of business on the agenda was the site plan application of BRUNSWICK PRESBYTERIAN CHURCH. Appearing on behalf of the Applicant were Richard Jones and Craig Jones of Rich Jones Architects, Brad Grant of Frazier & Associates, and Mark O'Donnell of Manning & Associates, traffic consultants. Richard Jones explained that the setbacks for all pavement and parking areas were amended on the site plan to come into conformance with Brunswick Code requiring 7' minimum setback from the property line for all pavement, parking, and driveways. Richard Jones also reviewed the proposed planting schemes on the site plan, with the provision of vegetation that is "deer proof". Mr. Jones reviewed the following vegetation types depicted on the site plan: Sugar Maples, Red Maples, Elm, Juniper, White Pine, Blue Spruce, Red Cedar, Dogwood and other pine species. Chairman Malone inquired whether this was a sufficient vegetative screen between the Church property and the Sullivan property to the north. Mr. Jones stated that this vegetation plan provided a significant buffer between the Church property and the Sullivan property, and includes various types of vegetation along that property line. Chairman Malone inquired whether anyone representing the Church had spoken to

Mr. Sullivan after the Public Hearing on this site plan. Mr. Jones confirmed that he had spoken with Mr. Sullivan, particularly with respect to the issue of vegetative screening between the properties. Chairman Malone inquired whether a 7' setback on all parking and driving areas had been maintained around the entire property. Mr. Jones stated that a 7' buffer had been maintained from all driving and parking areas. Mr. Jones also responded to comments regarding accessibility to the property for fire fighting equipment. Mr. Jones explained that the site plan now called for the installation of terra pavers on the east side of the property behind the proposed Church expansion. These terra pavers allow grass to grow up through openings which result in these areas being mowed in the summer, but also allowed to be plowed in the winter. The area of the terra pavers will be 20' wide on the east side of the property and will be maintained throughout the year as an access way for emergency vehicles. Member Czornyj inquired whether a 7' setback had been maintained for a sidewalk toward the rear of the property. Mr. Jones confirmed that the 7' setback had not been maintained for a sidewalk, but he would reduce the sidewalk area on the site plan to come into a 7' setback compliance. Chairman Malone inquired of Mr. Kreiger whether any response had been made from the Eagle Mills Fire Department as to concerns regarding emergency vehicle accessibility. Mr. Kreiger stated that while he had been promised a response from the Fire Department, none had yet been received. Mr. Grant next reviewed the supplement to the drainage report for the project. Mr. Grant first explained that dry wells had been relocated on the site, to be closer to pavement areas to collect surface water runoff. Next, Mr. Grant explained the supplement to the drainage report, where he analyzed the entire 400 acre watershed of which the Church property as well as downstream properties were part. Mr. Grant explained that the watershed for this area totaled 400 acres, and that the Church

property was approximately 5.5 acres of that total. Further, Mr. Grant explained that the new parking areas, including both the lower parking area (already constructed) as well as the proposed upper parking lot, added .9 of an acre of additional impervious surface to the watershed. Mr. Grant noted that the location for the proposed addition to the Church was in the area of the existing rear parking lot, and therefore adds no additional impervious surface to the project. Mr. Grant recalculated pre- and post-drainage flows, and concluded that both peak flows and creek levels remained unchanged from pre-construction conditions. As to the increase runoff from the additional .9 acre of impervious surface, the dry wells proposed for the site are designed to collect the runoff and return it to groundwater. Mark O'Donnell discussed the traffic impact study that had been prepared for the project. The traffic report analyzes the impact of this project on adjacent roadways and the intersection of Route 351 and White Church Lane. It was determined by Mr. O'Donnell that peak hours for traffic flows from this facility was Sunday mornings from 8:30 to 10:30 a.m. Studying the traffic flows during this period of time, it is concluded that the service level on adjacent roadways and the intersection of Route 351 and White Church Lane is good. O'Donnell calculated the proposed increase in traffic from the addition of the new worship center, and the impact of this increased traffic on adjacent roadways and the intersection of Route 351 and White Church Lane. Under this analysis, it is determined that the level of service on the adjacent roadways and the intersection of Route 351 and White Church Lane remains good considering the Church expansion. Therefore Mr. O'Donnell concludes in his report that the proposed site plan does not warrant any required improvements to adjacent roadways or the intersection of Route 351 and White Church Lane. Mr. Kestner stated that he reviewed Mr. Grant's stormwater management plan and drainage report, and is satisfied that it is complete and adequately addresses drainage concerns. Mr. Kestner has not yet had the

opportunity to review the traffic report, as he was provided it only at the this evening's meeting. Chairman Malone wanted the record to note that the neighbors of this project had concerns regarding stormwater runoff. Mr. Kestner responded that drainage runoff in this entire 400 acre watershed is a problem currently and does not result from the Church facility, which totals only 5.5 acres within this 400 acre watershed. Further, Mr. Kestner is satisfied with the drainage report that shows minimal additional drainage from the Church expansion, and that dry wells are proposed to address this minimal increased runoff. Chairman Malone noted that Mr. Kestner needed time to review the traffic study which had been submitted at this evening's meeting, and also a formal response from the Eagle Mills Fire Department on emergency vehicle accessibility. Mr. Kestner stated that the Fire Department should be provided the updated site plan, with the terra pavers to the east side of the property. Mr. Kreiger will forward the current site plan to the Fire Department. Chairman Malone will contact the Fire Department directly, and request a formal written response. Member Tarbox inquired as to a pipe noted on the site plan at the back of the proposed Church expansion. Mr. Jones stated that this pipe is connected to a roof drain, and discharges to an area of a proposed dry well. Member Tarbox next asked whether the entire access road area adjacent to the Sullivan property maintains a 7' setback from the property line. Mr. Jones replied that the access road does maintain a 7' setback, but at the corner there is only a 4' access because of the radius of the turn. Member Tarbox stated that a 7' setback should be maintained even at the corner, since the Sullivan property was in such close proximity to this project. Mr. Jones stated that he would shift the turn area and maintain a 7' setback on all paved areas along the Sullivan property line. Member Czornyj inquired whether existing trees between the Church property and the Sullivan property would be removed during construction. Mr. Jones stated that the existing trees would be removed, but a complete vegetation plan is proposed for

this property line. Member Czornyj asked whether Mr. Sullivan had reviewed this plan for the vegetative buffer between the properties. Mr. Jones stated that he had reviewed this plan with Mr. Sullivan. Chairman Malone noted that this matter will be placed on the agenda for the September 18 meeting, with the issues of the traffic report and response from the Eagle Mills Fire Department to be addressed.

The second item of business on the agenda was the site plan application of JOSEPH CRAWLEY. Mr. Crawley appeared on the application. Mr. Crawley proposes to utilize the former "First Dibs" commercial property on Route 7 for a screen printing business. Mr. Crawley currently operates his business on 15th Street near College Avenue, but is being forced out of that location due to the RPI expansion. Mr. Crawley has been in this business since 1988 and has owned his current business since 1991. Member Esser inquired as to the total number of employees. Mr. Crawley stated that he has six (6) employees. Member Esser asked whether any retail sales would be made out of this location. Mr. Crawley stated that very minimal retail sales would be offered, but the majority of his work is wholesale. Member Czornyj asked whether the current parking lot at this location would be changed since it is currently painted with an American flag. Mr. Crawley stated that he is proposing to sealcoat the parking area, have the lot striped for parking, and provide two handicap parking spaces in the parking lot. Chairman Malone noted that the site plan shows a total of 20 parking spaces, including two (2) handicap parking spaces, which is more than is required for the business proposed for the location. Chairman Malone asked Mr. Crawley whether he would be using the entire building for his business. Mr. Crawley stated that he would use the entire building. Mr. Crawley also noted that he was making no physical or structural changes to the building, but merely putting his equipment in the existing structure. Member Czornyj noted for the record that if Mr. Crawley

wanted to anything further at this location, whether it entailed a structural change or not, he must come back before the Board for a review of an amended site plan. Mr. Crawley understood this. Mr. Crawley also noted for the record that all of the inks and dyes in connection with his business are non-toxic, that he has no special handling or storage requirements, nor any special disposal requirements. Member Oster asked as to the hours of operation for the business. Mr. Crawley stated that he operates his business from 8 a.m. - 5:00 p.m. Monday through Friday, and would operate on Saturday mornings out of this location. Member Oster asked whether any activities occur outside the building. Mr. Crawley stated that there are no activities outside the building, and all the operations are within the building. Member Esser inquired as to signage. Mr. Crawley stated that he would merely resurface the existing sign on Hoosick Street, but that he was also considering a sign on the building. Chairman Malone stated that if Mr. Crawley was proposing to increase the signage at this location, including a sign on the building, he would need the approval of the Zoning Board of Appeals. Mr. Crawley inquired whether window signage was included in these rules. Mr. Kreiger stated that signage in windows was included within the Town of Brunswick sign law. Hearing no further comment, Member Czornyj made a motion to adopt a negative declaration on the site plan, which motion was seconded by Member Oster. The motion carried 7-0 and a negative declaration adopted. Member Czornyj then made a motion to approve the site plan subject to the sealcoating and re-striping of the parking lot per the site plan. Member Oster seconded the motion. The motion carried 7-0 and the site plan approved.

The next item of business addressed by the Planning Board was the waiver of subdivision application by MICHAEL CZORNYJ. As a Board Member, Mr. Czornyj recused himself from

any discussion or vote on the application. Mr. Czornyj presented a waiver of subdivision application for property located at 39 GREEN STREET. The property currently totals 180' x 100', located at an R-9 Zone. Mr. Czornyj is seeking to divide this lot into two lots, each 90' x 100', each with 90' road frontage. One lot already has an existing home on it, and the new proposed lot is for a new single family home. Public water and sewer are available at this location. Mr. Czornyj noted that the average lot size in terms of road frontage in the immediate area is generally 60'-90'. Chairman Malone inquired whether Mr. Czornyj sought to build on the new lot, or merely offer it for sale. Mr. Czornyj stated that he would be selling the lot. Hearing no further discussion, Chairman Malone made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was carried 6-0 (Czornyj recused), and a negative declaration adopted. Next, Member Oster made motion to approve the waiver of subdivision, which motion was seconded by Member Esser. The motion was carried 6-0 (Czornyj recused), and the waiver of subdivision approved.

Mr. Kreiger informed the Board that he had been working with Mr. DelSignore concerning his property located off Route 278. Mr. Kreiger reports that Mr. DelSignore has been removing dirt and fill from the area adjacent to Route 278 in the area of a water line, and that work continues. Further, Mr. DelSignore has made all required improvements to the structures housing the ambulance service, and is continuing to work on the trees at the location. Mr. DelSignore had inquired of Mr. Kreiger whether he needed to appear before the Planning Board on these issues. Mr. Kestner stated that if Mr. DelSignore was doing everything compliance with the existing approved site plan, then he would not need to come back before the Planning Board;

however, if Mr. DelSignore was changing anything from the approved site plan, then he would need to come back before the Board. Member Czornyj stated that there were certain compliance issues outstanding on this site plan, including the fill over the water main, catch basins to be installed near the salt storage shed in connection with NYSDOT facility at the location, and the issue of whether appropriate fill had been used by Mr. DelSignore. Member Oster also raised the issue of whether the fill used by Mr. DelSignore was clean fill. Hearing that certain issues remained outstanding on this site plan, Chairman Malone stated that Mr. DelSignore should appear before the Planning Board to address and resolve these issues. Mr. Kreiger will inform Mr. DelSignore.

The proposed Minutes of the meeting of August 21, 2003 were reviewed. Upon motion of Member Esser, seconded by Member Oster, the proposed Minutes were adopted as proposed upon a vote of 7-0.

Chairman Malone noted for the record that nothing had yet been received from Rensselaer Honda concerning a proposal to install a petroleum underground storage tank and gas pump. Mr. Kreiger will inquire of Rensselaer Honda as to the status of that proposal.

Mr. Kreiger also noted that he had been contacted by representatives of WNYT concerning the proposed Dopler radar installation on the WNYT antenna located on Bald Mountain Road. A site plan application for this installation would be complete and submitted shortly, and WNYT had requested that this matter be placed on the agenda for the Planning Board's meeting of October 2, 2003.

The **index** for the September 4, 2003 meeting is as follows:

1. Brunswick Presbyterian Church - site plan - 9/18/03;
2. Crawley - site plan - approved; and
3. Czornyj - waiver of subdivision - approved.

The **agenda** for the September 18, 2003 meeting currently is as follows:

1. Brunswick Presbyterian Church - site plan; and
2. DelSignore - site plan - compliance.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

RECEIVED

SEP 26 2003

TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD September 18, 2003

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

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

The first item of business on the agenda was the site plan application of BRUNSWICK PRESBYTERIAN CHURCH. Appearing on behalf of the Applicant were Richard Jones and Craig Jones of Richard Jones Associates, Architects, as well as Chris Garrison from the Brunswick Presbyterian Church. Richard Jones presented an update on the site plan, and reviewed all site plan changes to address prior comments. First, the radius of the corner of the entrance driveway and adjacent to the Sullivan property to the north has been amended to maintain a 7' setback from the property line. Next, all proposed sidewalks have likewise been changed to maintain a 7' setback from property boundaries, which necessitated minor relocation of storm drain features. Details had also been provided on handicap curb ramps, as well as the terra pavers proposed to the rear of the expansion for purposes of emergency access. Mr. Kestner reviewed the traffic report which had been submitted by the Applicant. Mr. Kestner stated that the traffic assessment had been adequately performed and confirms that the road system, particularly the intersection of White Church Lane and Route 351, has adequate service to handle anticipated increase in traffic at the peak hour, which is identified as Sunday morning. Further,

Mr. Kestner noted that in the event any traffic stacking problem arose in the future, the ability to handle that was in the control of the Church, as the Church had the ability to reschedule times when it held services. Member Tarbox inquired why the traffic study did not analyze traffic at noon hour when a lot of traffic existed on Route 351. Mr. Kestner stated that the traffic engineers had used the peak hour of anticipated traffic out of the Church, and did add an assumed level of existing traffic. Member Tarbox stated that the speed of vehicles on Route 351 is a concern, and the amount of vehicles exiting White Church Lane directly onto White Church Road, and using White Church Road as access to Route 2, was also a concern. Member Tarbox also stated that during the Public Hearing, traffic on Route 351 and White Church Road was identified as a concern. Mr. Jones responded that Route 351 already has adequate road capacity, identifying the service level of Route 351 as Level B on existing conditions, and as Level C with the proposed expansion, both of which are deemed adequate for traffic. Mr. Garrison also noted that the Church had requested its members to use Route 351 as access to Route 2, rather than using White Church road. Mr. Garrison also noted that the Church has committed to run in its bulletin a reminder to its members to use Route 351 to access Route 2, rather than White Church road, and also to observe all posted speed limits on White Church Road. Member Tarbox stated that the biggest issue is traffic on White Church Road, both in terms of number of cars and speed. Mr. Jones responded that both the speed and reckless driving of drivers using White Church Road was beyond the control of the Church and should be noted to the local police or State Troopers. Member Czornyj asked whether more analysis was required in the traffic study. Mr. Kestner stated that the traffic analysis was adequate, that the traffic engineers had studied the anticipated traffic increase during peak hour flows. Member Esser asked whether the traffic study should be

expanded to analyze traffic on Route 351 during morning and afternoon rush hours during the work week. Mr. Kestner inquired of the Applicant how many children were currently at the day care on the premises. Mr. Garrison responded that approximately 50 children utilized day care services during the week, but that the facility for the day care center will not be expanding under the current proposal. Member Tarbox noted that any pre-existing conditions did not need to be further analyzed, rather only any new or additional traffic from the proposed Church expansion. On this issue, Member Tarbox noted that the Applicant has stated that Church services occurred only on Thursday evening and Sunday mornings. However, Member Tarbox had visited the site on a Wednesday evening, and that it looked very busy. Mr. Garrison reviewed the weekly schedule of the Church. On Monday evenings, approximately 30-40 individuals attend a bible study class. On Tuesday evenings, the Church's Board meets and generally 12-24 people attend. On Wednesday evenings, the Church choir meets, with approximately 40 people. On Thursday evenings, the Church holds a service. On Friday and Saturdays, the Church is generally quiet. On Sunday mornings, the Church holds its services. Chairman Malone inquired whether the activities described on Monday through Wednesday are currently taking place. Mr. Garrison stated that they currently exist. Chairman Malone inquired whether these activities will continue to exist, whether the Church expands or not. Mr. Garrison stated that these activities would continue regardless of the Church expansion. Chairman Malone inquired whether the only area identified for expansion is the area where church services occur, and the only anticipated increase in use of the facility were during church services. Mr. Garrison answered in the affirmative. Chairman Malone noted that the traffic report had analyzed the anticipated increase in traffic during peak flow from the Church services, that being Sunday morning. Chairman Malone also noted that White Church Road being used as a "cut-through" from Route 351 to Route 2 is an

existing problem, it is not solely Church related. Chairman Malone also noted that the Church was trying to address this current issue through reminders in their bulletin, and that the Church should continue to do that. Member Esser inquired when the services were held by the Church on Sunday mornings. Mr. Garrison responded that the services are held at 8:45 and 10:30 a.m. Member Esser inquired when the service that commenced at 8:45 a.m. was completed. Mr. Garrison responded that the service usually ends around 10:00 or 10:15 a.m. Member Esser stated that the Church's second service should be moved to 11:00 a.m., in order to avoid any traffic overflow problem which may result from one service letting out while the second service is beginning. Mr. Kestner concurred that this would eliminate potential stacking problem. Mr. Garrison concurred that this was a good idea. Chairman Malone noted that the Eagle Mills Fire District had raised a concern about the emergency access. Member Czornyj noted that the site plan provided for a 285' emergency access area. Mr. Jones stated that one lane emergency access was allowed pursuant to code up to 300' in length, and that this site plan provided for 285' length and therefore was code compliant. Member Wetmiller noted that the area to the rear of the proposed expansion, where the terra pavers were planned, must be plowed during the winter with appropriate signage to limit the area to emergency access. Mr. Jones stated that a condition to the site plan should be maintenance of a terra paver area during the winter, as well as appropriate signage. Member Esser noted that if the area of the terra pavers was to be used for emergency access, then a sidewalk curb cut would be required. Mr. Jones agreed. Member Esser noted that this would result in two more parking spots being lost. Mr. Jones stated that the number of parking spots, even with another two being lost, met with Town code requirements for number of parking spots. Chairman Malone noted that the Planning Board will again attempt to obtain a letter from the Eagle Mills Fire Department outlining their concerns, so that the Applicant has a

fair opportunity to respond. This matter will be placed on the Planning Board's Agenda for the October 2, 2003 meeting. Member Bradley asked whether any impact to the Brookside Cemetery had been considered. It was noted on the record that Member Bradley is a member of the Board of Directors of the Brookside Cemetery, but also that the neighbor directly to the north, Wendy Sullivan, was likewise on the Board of Directors of Brookside Cemetery, and any impact of this project on the Cemetery should be considered. Mr. Garrison responded that the Church had met with the Brookside Cemetery Board and had discussed any impact to the Cemetery. Specifically, automobile access to the Brookside Cemetery will continue to be from a road to the south of the Church property, and the access directly to the Cemetery from the Church parking lot will be limited to pedestrian access. This matter will be placed on the Board's agenda for the October 2, 2003 meeting.

The next item of business on the agenda was site plan application of DELSIGNORE to amend the existing site plan for property located off Route 278. Appearing on behalf of the Applicant was Dewey DelSignore. Mr. DelSignore presented a concept plan to the Planning Board, and explained that he seeks to extend one of the existing commercial buildings on the site in order to accommodate a new tenant, Smith Commercial Tire. Smith Tire seeks to relocate from an existing tenancy, but wants to stay in the Town of Brunswick. The expansion will be approximately 60-75', but will be in line with the existing commercial building. The area the expansion is currently housed by a smaller building, which would be eliminated as part of the expansion. Chairman Malone and Member Tarbox inquired whether all of the operations of the Smith Tire will be occurring within the commercial building. Mr. DelSignore stated that he believed all of the activities would be occurring indoors, but would confirm this with Smith. Member Czornyj inquired whether any outstanding issues on the original site plan remained, and

whether this prohibited the Planning Board from proceeding on the Application to amend the site plan. Attorney Gilchrist stated that there did appear to be outstanding compliance issues on the original site plan, but the completion of these could be part of the review process on the amended site plan. Mr. Kreiger reviewed the status of outstanding issues. First, Mr. Kreiger noted that the fill which had been placed on the water line adjacent to Route 278 was being addressed by the Applicant. Mr. DelSignore reported that he had been working with the Water Department, and already removed a significant amount of the fill in the area of the water line. The Water Department had reviewed this work, and asked that more of the fill be removed. Mr. DelSignore indicated that he should be done with this work within the next two weeks, and that his long-term goal in that area was to seed the area and place a sign for the commercial property. Second, Mr. Kreiger noted that work on the building housing the Mohawk ambulance had been completed. Third, Mr. Kreiger raised the issue of trees that were required on the original site plan. On that issue, Mr. DelSignore stated that he was more than willing to put the trees in the locations identified on the original site plan, but that the only land use opposite the location on the original site plan for the tree planting was a corn field, and that there could be better locations on this site to plant trees for vegetative screen. Mr. DelSignore would like to propose locations on the amended site plan for tree planting. Chairman Malone inquired whether Mr. DelSignore would have sufficient time to submit a complete site plan in accordance with the Town regulations in order to be placed on the agenda for the Board's October 2 meeting. Mr. DelSignore stated that he would have the site plan completed, and requested that the matter be placed on the October 2 Agenda. Member Oster noted that everything should be placed on the amended site plan,

including any area specified on the site for storage of used tires.

The next item of business on the agenda was the site plan application of RENSSELAER HONDA for installation of an underground petroleum storage tank and gasoline pump. Appearing on behalf of the Applicant was Jack Shipley, Sales Manager for Rensselaer Honda. Chairman Malone and Member Bradley initially noted that the site plan submitted by the Applicant was not stamped or sealed by a licensed professional engineer. Second, Chairman Malone noted that the application did not include tank specifications, nor any information concerning wetlands on the property. Further, the application was silent as to any review of this application by the New York State Department of Environmental Conservation. Chairman Malone inquired of Mr. Shipley whether he had any information concerning any of these issues. Hearing none, Chairman Malone rescheduled this matter for the Planning Board's October 2 meeting, and directed the applicant to have an engineer or other qualified professional appear on the application as presented to the Planning Board.

The next item of business on the agenda was an application by GARY JOHNSTON, for waiver of subdivision for property located at 397 Tamarac Road. The property currently totals 17.84 acres, on which sits a home and pond. The Applicant seeks to divide 7.69 acres out of the 17.84 acres, which would include the home and pond. The Applicant seeks to sell the house together with the pond, and retain the remaining 10.15 acres as vacant. Approximately two years ago, the Applicant had received a waiver of subdivision for approximately two acres off of this parcel for construction of a home for their son. Member Czornyj inquired whether the prior waiver of subdivision prohibited consideration of the current subdivision waiver application.

Attorney Gilchrist stated that the regulations provide that a prior waiver of subdivision within the previous 7 years can be considered by the Board but is not a direct prohibition on a waiver application. Upon further discussion of the proposal, Chairman Malone stated to the Applicant that piecemeal subdivision of property cannot be tolerated by the Town of Brunswick and that if the Planning Board were willing to entertain the current waiver application, it was doing so at its discretion. The consideration of prior waivers is for the purpose of prohibiting avoidance of full minor or major subdivision review by way of piecemeal waivers over time. On this application, Chairman Malone noted that this did not appear to be an effort to piecemeal the property, and that he considered the waiver application appropriate at this time. Upon further discussion, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was carried 7-0, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision subject to the provision that no further waivers of subdivision should be allowed for the remaining 10.15 acres, and that any future subdivision of this property would be subject to complete application as either minor or major subdivision. With this provision, Member Oster seconded the motion, which carried 7-0, and the application approved.

Mr. Kreiger notified the Board that he had been contacted by The Brunswick Group regarding the strip mall opposite Feathers Furniture on Route 7. The Brunswick Group indicated that it will be investigating the feasibility of constructing a parking lot to the rear of the building in light of the withdrawal of the application for additional parking behind the Silver Strawberry building.

Mr. Kreiger also noted that the Subway Shop being constructed on Route 7 under the approved site plan was proceeding, but that the owner appears to have demolished a garage and was building an additional structure onto the existing building. Upon discussion, the Planning Board determined that the construction of an extension of the existing building was not discussed on the approved site plan, and to the contrary, the Applicant reported that he would be doing no structural alterations to the existing building. Accordingly, the Planning Board directed Mr. Kreiger to notify the Applicant, and direct him to submit an amended site plan on the current activities at the site.

Mr. Kreiger also notified the Board that he had been contacted by Forrest Mayer, who had requested an extension until November in which submit the DEIS on the site plan application for the wholesale forest operation on Route 7. Attorney Gilchrist also noted that he had been contacted by the environmental consultant retained by Mr. Mayer for the DEIS preparation, and that there did appear to be a reasonable basis for extending the time-frame in which to submit the DEIS to the Town from October through November.

The Planning Board reviewed the proposed minutes of the September 4, 2003 meeting. Upon motion of Member Oster, seconded by Member Esser, the proposed Minutes were approved 7-0 as written.

The **index** for the September 18, 2003 meeting is as follows:

1. Brunswick Presbyterian Church - site plan - 10/2/03;
2. DelSignore - amended site plan - 10/2/03;
3. Rensselaer Honda - site plan - 10/2/03; and
4. Johnston - waiver of subdivision - approved.

The **agenda** for the October 2, 2003 meeting currently is as follows:

1. Brunswick Presbyterian Church - site plan;
2. DelSignore - amended site plan;
3. Rensselaer Honda - site plan; and
4. WNYT - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

RECEIVED

OCT 10 2003

TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD October 2, 2003

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

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

The first item of business on the agenda was the site plan application of BRUNSWICK PRESBYTERIAN CHURCH. Appearing on behalf of the Applicant were Richard Jones and Craig Jones of Richard Jones Associates, architects for the Applicant. Chairman Malone noted for the record that a comment letter had been received from the Eagle Mills Volunteer Fire Company Inc. concerning the application. Chairman Malone also noted for the record a letter by Richard Jones Associates had been received which responded to each of the items raised by the Eagle Mills Fire Department. Chairman Malone inquired of Mr. Kestner whether the responses by Jones to the letter of the Eagle Mills Fire Department were adequate. Mr. Kestner stated that the Fire Department letter raised three issues, two of which were building code compliance issues which were properly addressed by the Superintendent of Utilities and Inspections at the time of building permit application. The third issue raised by the Fire Department was proximity to a fire hydrant. The site plan is in compliance with New York State Fire Code as well as New York State Building Code concerning distance to fire hydrant or water supply for fire suppression. Mr. Kestner raised the possibility of installing a dry hydrant by the Church to cut

down on the distance to the nearest fire hydrant. The Applicant agreed to this. Chairman Malone inquired whether any of the Board Members had any remaining questions on the site plan application. Hearing none, and determining that all issues raised on the site plan application had been adequately addressed by the Applicant, Member Bradley made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion carried 7-0, and a negative declaration adopted. Thereupon, Chairman Malone made a motion to approve the site plan subject to the following conditions:

1. Full compliance with the site plan as amended during the review process;
2. Full compliance with the vegetation plan submitted on the application;
3. Full compliance with the lighting plan submitted on the application, including the removal of existing lights on the rear of the existing Church facility, and addressing light spillage from existing exterior lights on the Church facility on both the north and south side;
4. Full compliance with the stormwater management plan and drainage plan submitted on the application;
5. Maintenance of the 20' wide terra paver area on the east side of the building, including snow removal, and installation of signage that such 20' wide area is limited to emergency access;
6. No snow removal or plowing onto any adjacent properties; and
7. Installation of a dry hydrant in consultation with the Town consulting engineer and Superintendent of Utilities and Inspection.

Member Esser seconded the motion. The motion carried 7-0, and the site plan approved with the

stated conditions.

The application to amend site plan by DELSIGNORE and the site plan application by RENSSELAER HONDA were adjourned at the request of the applicants.

The next item of business on the agenda was site plan application of WNYT-TV for the construction and operation of a Doppler radar weather facility on a 46 acre parcel owned by WNYT located off Bellview Road. The facility will consist of a 120' high self-supporting tower with an 18' high radome protecting an antenna mounted on top of the tower, bringing the total height to 138'. Two other towers already exist on the property: a 300' high County-owned 911 tower and a 738' high Broadcast Tower. Appearing on behalf of the application was Robert Bergdorf, Esq., attorney for WNYT, Richard Klein of WNYT, and Scott Reiss of Erdman Anthony. Mr. Bergdorf presented the application, reviewing the site plan and also the tower's specifications. Submitted in support of the application were the Town application form, project description and narrative, analysis of compliance with the Town site plan review standards, RF emissions report, full Environmental Assessment Form and Agricultural Data Statement. The Planning Board members noted the completeness and thorough nature of the application form and supporting documents. Mr. Kreiger reported that he had received comment back from the Rensselaer County Department of Economic Development and Planning that the County was still awaiting a determination as to whether the Doppler facility would have any impact upon the County's 911 tower. Mr. Klein stated that he had already discussed this matter with the County concerning any interference with the 911 tower, and that no impact would result from the Doppler facility given that they operated on different frequencies. The Board inquired whether there would be any interference with the radio and video transmission of the WNYT tower. Again, Mr. Klein stated that there would be no interference given that the towers work on

different frequencies. Attorney Bergdorf also stated that the transmission issues were controlled by the FCC, and that if there were any interference problems, it would be the burden of WNYT to address and correct them in terms of operating its Doppler facility. A member of the public, Barbara Rea, 225 Bellview Road, inquired whether she could comment on the application. Chairman Malone allowed such comment. Ms. Rea inquired as to what the pulse power of the Doppler facility would be. Mr. Klein responded that the pulse power will be 250 Kilowatts. Again, Ms. Rea inquired whether there would be any interference with her radio and video units, given that she lived in close proximity. Mr. Klein confirmed that there would be no interference given the different frequencies on which these units operate. Ms. Rea did state for the record that WNYT has been a good neighbor, keeping the area fenced with posted signs. Given that the Board has neither received final comment from the Rensselaer County Department of Economic Development and Planning, and given their time-period in order to provide comment has not yet expired, this matter has been placed on the agenda for the Board's October 16 meeting for further action upon receipt of comment from Rensselaer County.

Three items of new business were discussed.

The first item of new business discussed was a minor subdivision application of JOSEPH LUCIANO, 363 Pinewoods Avenue. Mr. Luciano currently owns 17 acres with an existing house at 363 Pinewoods Avenue. The Applicant seeks to divide this property into three lots, one of which will include the existing house. All three lots will have access to Pinewoods Avenue, and have adequate frontage. Upon general discussion of the proposed project, the Applicant was informed as to the subdivision plat requirements under the Subdivision Regulations, was directed to put proposed house and driveway locations on the plat as well as information concerning site distances on the Pinewoods Avenue. Additionally, the Applicant was instructed to complete an

Environmental Assessment Form and file the same with the Town. As this residential use is within 500' of agricultural district property, a notification under the Agriculture and Markets Law will be sent. This matter will be scheduled for Public Hearing on November 6 at 7:15 p.m.

The second item of new business discussed was a waiver of subdivision application by Bruce and Lynn Moody for property located at 362 Garfield Road. The Applicant currently owns 130 acres, of which approximately 20 acres is requested to be divided off for transfer and construction of a single family home. The remaining land would be retained for agricultural purposes. As this application requests a non-agricultural use within 500' of agricultural district property, a notice pursuant to the Agriculture and Markets Law will be sent. This application will be placed on the agenda for the October 16 meeting.

The third item of new business discussed was an application by BARBARA REA, SUSAN REA KAYNE, and PETER REA for waiver of subdivision for property located on Bellview Road. Upon review, the Board determined that the application was incomplete and that an appropriate map needs to be submitted on the application. Further, the Board will inform the Applicant that all owners of the property (BARBARA REA, SUSAN REA KAYNE, and PETER REA) must appear on the application. This matter will be set down for the Board's October 16 meeting.

The Planning Board reviewed the proposed minutes of the September 18, 2003 meeting. An addition was made with respect to the site plan application of the BRUNSWICK PRESBYTERIAN CHURCH, adding that the Applicant agreed to address light spillage from an existing light structure on the south side of the existing building. With such addition, Member Oster made a motion to approve the Minutes, which was seconded by Member Czornyj. The motion carried 7-0 and the Minutes approved as amended.

The **index** for the October 2, 2003 meeting is as follows:

1. Brunswick Presbyterian Church - site plan - approved;
2. DeISignore - amended site plan - adjourned;
3. Rensselaer Honda - site plan - adjourned;
4. WNYT - site plan - 10/16/03;
5. Luciano - minor subdivision - 11/6/03;
6. Moody - waiver of subdivision - 10/16/03; and
7. Rea - waiver of subdivision - 10/16/03.

The **agenda** for the October 16, 2003 meeting currently is as follows:

1. WNYT - site plan;
2. Moody - waiver of subdivision; and
3. Rea - waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD October 16, 2003

PRESENT were WILLIAM BRADLEY, MICHAEL CZORNYJ, FRANK ESSER, RUSSELL OSTER, DAVID TARBOX, and JOSEPH WETMILLER.

Due to a conflict, Chairman Malone was unable to attend the beginning of the meeting but did arrive as the meeting was in progress.

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

The first item of business on the agenda was the ALDERMAN subdivision, and the issue of the amount of the performance bond for infrastructure improvement (cul-de-sac and water line). Appearing on behalf of the Applicant was Mark Danskin. Member Oster reviewed the issue with the Board, stating that the Town Board and Town Attorney requested the Planning Board to make a recommendation as to the proposed bond amount for infrastructure. Mr. Kestner stated that he had met with the Superintendent of Highways, Doug Eddy, and prepared an estimate for paving the cul-de-sac and extension of a water line. An amount of \$5,600.00 was estimated for paving and an amount of \$1,500 was estimated for extension of the water line. Accordingly, the Town has recommended an escrow amount of \$7,100.00 in total, with half that amount to be deposited in cash and half that amount to be deposited in performance bond as being satisfactory to the Town. Mr. Danskin stated that both the amount and form of the security were acceptable. Member Oster stated that the Planning Board was not approving the bond, but merely making a recommendation as to the bond amount to the Town Board. The performance

bond still needs to be reviewed and approved by the Town attorney as to form and substance. Mr. Danskin understood this. Member Czornyj made a motion to recommend that the Town accept security in the amount of \$7,100.00 for construction of infrastructure on the Alderman subdivision, with half the amount to be posted in cash, and half the amount to be posted in performance bond. The motion was seconded by Member Esser, and approved 6-0.

The next item of business on the agenda was the site plan application of WNYT for the installation of a Doppler radar facility on its property located on Bald Mountain. Appearing on behalf of the applicant were Robert Bergdorf, Esq. and Richard Klein of WNYT. Attorney Bergdorf reviewed the application with the Board, reviewing the material presented to the Board at the October 2 meeting. The only issue outstanding following the October 2 presentation was the review and recommendation by the Rensselaer County Department of Economic Development and Planning. The County provided comments on October 14, 2003, stating that the County has determined that the application does not have a major impact on County plans and that local consideration shall prevail. The County did state that WNYT should provide in writing the provision for remedy and relief for any harmful interference which may be caused to the Rensselaer County E-911 facility at this location, and that the Town may consider requiring a safety disconnect at the base of the radar tower used in conjunction with the Doppler tower. In response to these comments by the County, WNYT provided correspondence dated October 16, 2003 stating that interference issues are extremely unlikely in that these facilities operate on different frequencies, but that if interference were to occur WNYT must comply with all FCC Rules and Regulations with respect to any RF interference. With regard to the disconnect suggested by Rensselaer County, WNYT stated that the Doppler system design includes the

provision for such disconnect as part of the standard lock-out necessary for work on the system. Member Wetmiller stated that if interference with the E-911 system were to occur, how does either the County or WNYT know about that interference. Mr. Klein responded that the equipment will immediately identify the problem, and the Doppler system will be shut down until the interference issue is resolved. Member Czornyj confirmed that the Doppler system would be shut down if any interference were to occur with the County E-911 system. Mr. Klein acknowledged that the Doppler system would be shut down in such instance. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA on the site plan application, which motion was seconded by Member Oster. The motion was approved 6-0 and a negative declaration adopted. Member Oster then made a motion to approve the site plan application, which motion was seconded by Member Esser. The motion was carried 6-0, and the site plan approved.

The next item of business on the agenda was the waiver of subdivision application by BRUCE and LYNN MOODY, for property located at 362 Garfield Road. The Applicant currently owns 130 acres, of which approximately 20 acres is requested to be divided off for transfer and construction of a single family home. The remaining land would be retained for agricultural purposes. This matter was addressed by the Planning Board at its October 2 meeting. The necessary notice under the Agriculture and Markets law had been sent to all owners of agricultural property within 500' of this proposed subdivision, and no responses or comments were received by the Board. Member Czornyj noted that the proposed subdivision results in approximately 1.0 acre of the retained land by Moody being physically separated from the remaining acreage by a road, and that the record should reflect that this one acre is not a separate building lot but remains part of the retained acreage as a single lot. The Applicant

understood and agreed to this. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was adopted 6-0, and a negative declaration adopted. Member Oster then made a motion to approve the waiver of subdivision conditioned on the stipulation that the 1.0 acre physically separated from the Moody retained acreage by a public road remains part of the Moody lot and not creating a separate building lot. Member Czornyj seconded the motion with such condition. The motion was approved 6-0, and the waiver of subdivision approved subject to the stated condition.

The next item of business on the agenda was the waiver of subdivision application by BARBARA RAE for property located on Bald Mountain. No one appeared on the application. This matter is adjourned without date pending notification by the Applicant with the Building Department.

The next item of business on the agenda was a waiver of subdivision application by ROD OWENS for property located on Farm-to-Market Road in proximity to White Church Road. Mr. Owens owns a total of 81 acres, which includes one lot of approximately 2 acres on which his house sits, and 79 acres on a separate lot which is vacant land. Mr. Owens' property is adjacent to property owned by Moyer, totaling 17 acres. Moyer has signed a contract with Mr. Owens whereby Mr. Owens will purchase approximately 12.8 acres of Moyers' total of 17 acres, subject to approval of the subdivision of the Moyer property by the Planning Board. Owens thereby appears before the Board as contract vendee of the subdivided 12.8 acres. Moyer intends to retain the 4.2 acres on which his house sits, but to put that property plus the house on the market for sale. Member Wetmiller inquired whether Owens intended to merge the 12.8 acres into his existing property, or leave the 12.8 acres as a separate lot. Initially Mr. Owens stated that he intended to merge the 12.8 acres into the 79 acre vacant property he currently owns. He

explained that he receives two tax bills from the Town, one for the 2 acre parcel on which his house sits, and a separate tax bill for the 79 acre vacant parcel. Thereupon, discussion ensued regarding merger of the 12.8 acre parcel into the Owens' property or retaining the 12.8 acre parcel as a separate lot. The Planning Board explained that if Owens sought to keep the 12.8 acre lot as a separate building lot, then the Board will need additional information concerning access and site distances onto Farm-to-Market Road for driveway and access purposes, in order to determine whether the 12.8 acre parcel had adequate road frontage and site distances for a building lot. Further, additional information regarding site topography and water and septic issues would need to be explored. The Board further explained that if this parcel would be merged into the existing 79 acre vacant parcel, then it would not be deemed a separate building lot and these issues would not need to be discussed presently. However, the Board informed Mr. Owens that if he ever sought to build on the property, or divide the 12.8 acre parcel off for future use and/or sale, Owens would need to return to the Planning Board with an application for subdivision at that time. Following such discussion, Owens stated that he would agree to merge the 12.8 acre parcel into his existing 79 acre vacant parcel. Member Czornyj also stated that the retained 4.2 acre parcel by Moyer would have to comply with all Health Department setback requirements for water and septic, so that the location of the septic system and tile field on the Moyer property was important in terms of locating a lot line for the subdivision. Owens understood this issue, and agreed to such condition. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6-0, and a negative declaration adopted. Member Wetmiller then made a motion to approve the waiver of subdivision, subject to the following conditions:

1. The 12.8 acre parcel divided from Moyer property must be merged into the existing Owens' 79 acre parcel, thereby not creating a separate building lot with the 12.8 acre subdivision; and
2. The 4.2 acre Moyer Parcel must comply with all Health Department setback requirements for water and septic.

Member Czornyj seconded the motion. The motion carried 6-0, and the waiver of subdivision approved subject to the stated conditions.

The next item of business on the agenda was a waiver of subdivision application by MARJORIE RODEN, for property located on White Church Road. Roden seeks to divide 1.5 acres from her existing property, and transfer it to her niece and nephew who own adjacent property. Roden intends to have the 1.5 acre property merged into the property of her niece and nephew, thereby squaring off the property owned by the niece and nephew. Upon discussion of the maps submitted with the application, Member Oster noted that the map was confusing as presented because it shows four separate lots owned by Roden, rather than one parcel from which the 1.5 acres was being divided. The Applicant was not sure why the map was depicting four lots. Member Czornyj also noted that the map should show dimensions and the surrounding land, all set to a scale so that the Board Members were cognizant of how the 1.5 acre subdivision affected the balance of the Roden property. Member Czornyj stated that the concept of dividing the 1.5 acres off for transfer to the Applicant's niece and nephew was not a problem, but that the map submitted on the Application was confusing. Member Czornyj instructed the Applicant to provide measurements, scale, depiction of surrounding property, and demonstration of both the

1.5 acre parcel to be transferred and the retained property of Roden, all on the map with the application. The Applicant agreed to prepare an amended map for submission and review by the Planning Board.

The next item of business on the agenda was a waiver of subdivision application by CHARLES and NANCY RAYMOND for a lot located in the Winfield Estates Subdivision. Raymond is a contract vendee of Lot #2 in Winfield Estates, currently owned by Dan Moquin. A complicated issue was presented to the Planning Board on this application. In attendance were Nancy Raymond and Dan Moquin. Raymond and Moquin stated that the owner of Lot #1 in the Winfield Estates Subdivision, Anthony O'Hare, had constructed his driveway leading to his house on Lot #1 over a small portion of Lot #2. Apparently, at the time of construction, Troy Savings Bank owned Lot #2, among others, through foreclosure. In January 2003, Troy Savings Bank sold Lot #2 to Moquin. Thereafter, in approximately February 2003, Troy Savings Bank gave an easement to O'Hare for that portion of the driveway located on Lot #2, even though Troy Savings Bank had transferred Lot #2 one month prior to Moquin. Moquin now seeks to transfer Lot #2 to Raymond, and the issue of the driveway has caused a complication. Rather than resolve this issue with Troy Savings Bank and O'Hare through the relocation of the driveway on the O'Hare lot, Raymond and Moquin have made application to the Planning Board to divide a small piece of Lot #2 on which the O'Hare driveway now sits, and transfer that small piece of property to O'Hare to be merged into the O'Hare lot. This approach seeks to eliminate any issue concerning an easement over Lot #2. The Board inquired of Raymond where she intended to put a driveway for access onto Lot #2. Raymond stated that she wanted to put the driveway next to

O'Hare's driveway. This raised concern on the part of the Planning Board members as to appropriate setback issues and drainage and runoff issues. Mr. Kestner stated that the original approved subdivision plat for Winfield Estates should be checked to determine where the driveway locations for both Lots #1 and #2 were approved, because it appears that the driveway locations for each lot would now be changed, which could raise planning issues such as setbacks and site distances. Member Wetmiller noted that there would be no need for waiver of subdivision or easements if O'Hare put the driveway on his lot where it was originally approved. It was noted on the record that a Certificate of Occupancy has been issued to O'Hare for his house, but it was presumed by the Town at that time that the driveway had been constructed on O'Hare's lot, not on Lot #2. The Town was completely unaware of any easement having been issued by Troy Savings Bank to O'Hare, nor of the improper driveway location. Further, the Board noted that all of this discussion was contingent on O'Hare agreeing to merge any subdivided parcel into his existing lot, and that O'Hare was not present on the application. Upon further discussion, it was concluded that the Board was not opposed to the waiver application in concept, but required O'Hare to agree to the merger of the subdivided parcel into his lot, either through appearance before the Board or through written instrument confirming such agreement. It was noted explicitly for the record that an approval was not made at the October 16 meeting, nor was the driveway location by O'Hare approved at the October 16 meeting. This matter will be held over for further discussion at the November 6 meeting.

One item of new business was discussed. An application for site plan approval will be submitted by Ginsburg for the building currently occupied by Smith Tire on Route 7. Smith Tire

will be relocating and Ginsburg seeks to convert the building into office space. This will require site plan review. The matter will be placed on the November 6 agenda for discussion.

Rod Owens, who was still attendance at the meeting, requested clarification from the Board on the approved waiver of subdivision from earlier in the meeting. Mr. Owens stated that if he needed to go to the New York State Department of Transportation for a driveway permit for the subdivided 12.8 acre parcel, why was there a need to merge that parcel into his existing 79 acre lot. The Board explained to Mr. Owens that this had been thoroughly discussed earlier in the meeting and that regardless of the need for an NYSDOT driveway permit, the Town subdivision regulations require the Board to analyze issues including access, site distances, and topography if an application to create a separate building lot was presented to the Board. Mr. Owens understood and reiterated that the 12.8 acre parcel approved earlier in the meeting would be merged into his 79 acre lot.

The Minutes of the October 2, 2003 meeting were reviewed. Upon motion by Chairman Malone, seconded by Member Oster, the Minutes of the October 2, 2003 meeting were approved as written.

The **index** for the October 16, 2003 meeting is as follows:

1. Alderman - subdivision - bond amount recommendation;
2. WNYT - site plan - approved;
3. Moody - waiver of subdivision - approved;
4. Rae - waiver of subdivision - adjourned without date;
5. Owens - waiver of subdivision - approved;
6. Roden - waiver of subdivision - 11/6/03;

7. Raymond/Moquin - waiver of subdivision - 11/6/03; and
8. Ginsburg - site plan - 11/6/03.

The agenda for the November 6, 2003 meeting currently is as follows:

1. Luciano - minor subdivision (including Public Hearing at 7:15 p.m.);
2. Roden - waiver of subdivision;
3. Raymond/Moquin - waiver subdivision; and
4. Ginsburg - site plan.

Manning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

RECEIVED
NOV 17 2003
TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD November 6, 2003

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

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

A Public Hearing was held in connection with the minor subdivision application of Joseph Luciano for property located on Pinewoods Avenue. At 7:15 p.m., Chairman Malone read the Notice of Public Hearing into the record. Chairman Malone requested the Applicant, Joseph Luciano, to overview the project for the benefit of interested members of the public. Mr. Luciano explained that he currently owns 17 ± acres on Pinewoods Avenue, on which his house sits. Mr. Luciano plans to divide the property into 3 lots. His current house will sit on one lot, and the two new lots will be 4 acres and 10 acres, respectively. All lots will have direct access onto Pinewoods Avenue. Chairman Malone opened up the floor for comments from members of the public. Jack Keefe, 353 Pinewoods Avenue addressed the Board. Mr. Keefe explained that he lived below Luciano on Pinewoods Avenue, and that he had no objection in general to the subdivision plan. Mr. Keefe's concern was the impact of the subdivision on water and drainage. Mr. Keefe presented a map depicting surface water courses on the property. Mr. Keefe explained that he was concerned about additional driveways impacting natural surface and groundwater flow, and potential impact to his house, and particularly a flooding problem in his basement. Mr.

Keefe explained that the driveway to proposed lot #3 was in an area that is very wet, and may present potential impact to his property. Mr. Keefe explained generally that the area was wet in certain spaces, including a pond in the woods behind these properties. Also, water ponds in an area near Luciano's current driveway, with standing water for several weeks in the spring.

Therefore, Mr. Keefe stated that he wanted to make sure that the proposed subdivision, including the driveways, took into account proper drainage facilities so as not to impact his property. Also, Mr. Keefe raised a concern about visibility and sight lines from the proposed driveways onto Pinewoods Avenue. Member Oster inquired of Mr. Luciano whether there was any culvert under his current driveway. Mr. Luciano explained that he does have a culvert under his existing driveway, and also a catch basin to handle surface water run-off. Mr. Luciano explained that he proposed to install a catch basin near the Keefe property in the area of the driveway for lot #3, put a culvert pipe under the new driveway for lot #3 which would extend under his current driveway and drain off and away from the Keefe property. Mr. Luciano's goal is to reduce surface water backup on both his property and the Keefe property in connection with the new driveways to be installed. Chairman Malone inquired of Mr. Keefe whether this proposed drainage plan was acceptable. Mr. Keefe stated it was acceptable as long as it was installed properly and monitored to make sure it was operating properly. Mr. Luciano confirmed that he would work with Mr. Keefe to address any concerns he had regarding drainage. Member Wetmiller inquired whether there was enough grade on the property to drain the water away from Keefe. Mr. Luciano confirmed that sufficient grade did exist, and that he had a surveyor look at the property to confirm proper surface water run-off. Chairman Malone inquired whether any additional members of the public wish to comment. Hearing none, Chairman Malone closed the

Public Hearing.

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

The first item on the agenda was the minor subdivision application of Luciano. Chairman Malone inquired whether any members of the Board had any further questions regarding the subdivision application. Hearing none, Member Oster made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 7-0 and a negative declaration adopted on the application. Thereupon, Chairman Malone made a motion to approve the application for minor subdivision with the following conditions:

1. Strict compliance with the drainage plan as discussed during the Public Hearing;
2. Luciano must provide a map with the locations of all catch basins and coverts;
and
3. Luciano must improve sight lines for the proposed driveways onto Pinewoods Avenue by removing and/or cutting vegetation.

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

The next item of business on the agenda was the waiver of subdivision application by Roden. No one appeared on the application, and the matter was adjourned.

The next item of business on the agenda was the waiver of subdivision application by Moquin/Rheeman. Appearing on the application were Rheeman, with her attorney Frank Saratori, and Moquin, with his attorney Marsha Doyle. Chairman Malone overviewed the application, as discussed at the October 16 meeting. Attorney Doyle handed up to Chairman Malone two letters from O'Hare, which confirmed that O'Hare agreed to take the proposed

divided parcel on which the subject driveway sits and merge it by deed into his existing lot. These letters were reviewed by the Planning Board members and counsel and deemed satisfactory. Attorney Saratori inquired as to Planning Board requirements in terms of relocating the house and driveway on the lot to be acquired by Ms. Rheeman. The Board explained that since the approved subdivision plat had identified specific house and driveway locations, any change to those would need to be reviewed through an amended lot layout/site plan to be presented to the Board. Mr. Kestner also stated that this subdivision was on private well and septic systems, and any change to house location, driveway location, well location, and septic location needs to be reviewed in order to determine compliance with appropriate setbacks, not only from lot lines but well and septic locations on adjacent lots. Attorney Saratori confirmed that Harold Berger, P.E. had been retained, and that a revised site plan had already been prepared showing the alternate well and septic locations, and that this revised site plan had already been reviewed by the Rensselaer County Health Department. An application by Rheeman for amended lot layout/site plan will be submitted, and the matter will be placed on the Planning Board agenda for the November 20 meeting. Upon the waiver application, Member Oster made a motion to adopt a negative declaration, which motion was seconded by Chairman Malone. The motion was approved 7-0, and a negative declaration adopted. Thereupon, Chairman Malone made a motion to approve the waiver of subdivision subject to the following condition:

1. The subdivided parcel must be transferred to O'Hare, and proof of that transfer to O'Hare and merger into the O'Hare lot by recorded deed must be submitted to the Planning Board within 30 days; and
2. Failure of the Applicant to submit proof of deed merger by O'Hare within the 30 day period will result in revocation of the approval of the waiver of subdivision.

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

The next item of business on the agenda was a site plan application by Ginsburg. Mr. McDermott appeared on behalf of the Applicant, and presented a sketch plan showing a change of use of the building behind the Harley Davidson Shop in which Smith Tire currently operates. The Applicant seeks to renovate the existing structure, to provide one commercial space plus 3 offices. Ginsburg also seeks to re-side the building and add a porch to match the existing Harley Davidson building. Ginsburg also seeks to landscape the building, and have it blend into the existing Harley Davidson structure. McDermott explained that the Curves Fitness Center, currently in the Brunswick Plaza next to the Silver Strawberry building, seeks to relocate into the commercial space anticipated on the site plan. McDermott also explained that 2 of 3 offices already had prospective tenants, and that only one office would remain for lease. Member Oster inquired whether there was sufficient bathroom facilities for these proposed changes.

McDermott stated that the existing bathroom would service the 3 offices, and a new bathroom would be installed in connection with the Curves Fitness Center. Member Oster also inquired whether there were any elevation problems in connection with the renovation. McDermott confirmed that there would be no changes to the structure, only the addition of a porch on the front and side of the building. No work was planned for the rear of the building where the land tends to drop off. The topography will be delineated on the final site plan. Mr. Kestner also stated that all areas where any work was anticipated must be shown in detail on the site plan, and an area block depicting all of the Ginsburg property must be put on the site plan as well.

McDermott stated that he would be using the underlying site plan presented in connection with the Harley Davidson renovations as the base map for the site plan on the Smith Tire building.

Chairman Malone confirmed that the final site plan must include all requirements under the Town's site plan regulations. This matter will be placed on the November 20, 2003 agenda.

Gary Morris appeared before the Planning Board to provide an update on the status of the preparation of the Draft Environmental Impact Statement ("DEIS") in connection with the Forrest Mayer log distribution facility on Route 7. Mr. Morris explained that the environmental engineer retained by Mr. Morris had completed all site work, and that the DEIS was being prepared. The DEIS will be completed shortly, and Mr. Morris requested that this matter be placed on the November 20 agenda. Chairman Malone requested that a copy of the DEIS be sent to Mr. Kestner prior to the November 20 meeting for review.

Chairman Malone noted for the record that on all future applications to the Planning Board, Applicants must be advised that action will not be taken by the Planning Board on the application at the initial meeting. The Planning Board must be afforded an opportunity to review an application in detail, allow for adequate inquiry and engineering analysis by Mr. Kestner, prior to action by the Board. Applicants have recently been submitting applications immediately prior to Planning Board meetings, and expect action on the applications at the initial meeting. This does not afford the Planning Board adequate opportunity to consider the application, and results in undue expectations by applicants on the timing of the review process. Accordingly, all new applications received by the Building Department will not be considered as action items at the initial meeting, but will rather be discussed only as new business items, which in turn may be placed on subsequent agendas for action.

The Board reviewed the proposed minutes of the October 16, 2003 meeting with one

typographical error noted (“Raymond” changed to “Rheeman”). Member Oster made a motion to approve the Minutes as written, which motion was seconded by Chairman Malone. The motion was approved 7-0, and the Minutes adopted.

The **index** for the November 6, 2003 meeting is as follows:

1. Luciano - minor subdivision- Public Hearing;
2. Luciano - minor subdivision- approved with conditions;
3. Roden - waiver of subdivision - adjourned;
4. Moquin/Rheeman - waiver of subdivision - approved with conditions;
5. Ginsburg - site plan - 11/20/03; and
6. Morris - site plan - 11/20/03.

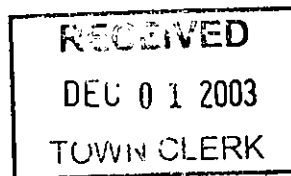
The **agenda** for the November 20, 2003 meeting as currently proposed:

1. Morris - site plan;
2. Ginsburg - site plan;
3. Rheeman - amended lot layout/site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD November 20, 2003

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

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

ABSENT was MICHAEL CZORNYJ.

The first item of business on the agenda was the site plan application of GARY and CHRISTINE MORRIS. Attending on behalf of the Applicant were Gary Morris, Forrest Mayer, and Mark Millspaugh, P.E. of Sterling Environmental Engineering P.C. The Applicant has filed a Draft Environmental Impact Statement ("DEIS") addressing the issues raised by the Board in its scoping document under SEQRA. Mr. Millspaugh presented the DEIS to the Board. First, Mr. Millspaugh reviewed the analysis concerning noise impacts. Mr. Millspaugh explained that the noise data generated from the operating equipment presented a worst case scenario, since the noise readings were taken at a time when the equipment was in full operation at a distance from 50'. The noise data from the equipment operation did not utilize a time-weighted average approach, which measures the noise from general facility operations over a long period of time, and then averages the noise over the entire term. Rather, in this case, the noise data for the equipment operation was taken at one discrete time with the equipment under full operation, thus providing a worst case scenario. Mr. Kestner requested a copy of the noise meter backup data package, so that he could analyze the raw data as well as the presentation of that data in the

DEIS. Mr. Millspaugh indicated he would provide the backup data on the noise meter directly to Mr. Kestner. Mr. Millspaugh generally described the noise assessment protocol adopted by the New York State Department of Environmental Conservation ("NYSDEC"), as applied to this facility and described in the DEIS. In general, a change from background noise levels greater than 3 decibels is considered an insignificant impact not requiring mitigation measures, whereas an increase of 3-6 decibels above background noise levels is considered an impact requiring mitigation. Taking into account background noise levels as generated from traffic utilizing Route 7, the increase in decibel levels at the nearest residential receptor as a result of equipment operation at the log facility is less than 3 decibels and the DEIS concludes that noise impacts are insignificant and require no mitigation measures. Chairman Malone stated that the change in noise was not just an issue of increase in decibels, but a change in pitch or frequency, which can be very annoying to some people. Member Bradley seconded this observation. Mr. Millspaugh responded that the frequency issue is a subjective analysis, since a change in frequency could be annoying to one person, but not annoying to another. In order to adjust for this subjective aspect, the noise assessment protocol adopted by NYSDEC takes into account these issues when setting the 3 decibel and 6 decibel increase limits. Member Oster asked whether 73.6 decibels, which was the measurement for background noise off Route 7, was an average decibel level. Mr. Millspaugh responded the 73.6 decibels was average for a highway and the number was not out of the ordinary. Member Tarbox confirmed that the noise readings taken from the equipment were taken at a time when the equipment was operating and under load. Mr. Millspaugh stated that the readings were taken when the equipment was in operation under normal operating circumstances. Member Tarbox asked whether there was any need for ear protection, given the

decibel level of the operating equipment. Mr. Millspaugh stated that he was not sure of the OSHA standards for ear protection when operating the equipment, but that the measurements were taken at a point 50' from the operating equipment and then adjusted for distance to the nearest residential receptor. Member Wetmiller asked whether a time-weighted average was used for the background noise off Route 7. Mr. Millspaugh stated that a time-weighted average for the noise generated from Route 7 was used, so that the noise readings were not stated too low at a point in time when no cars were passing, nor stated too high at a point in time when a truck was passing. In order to get a true average of the noise generated during the day, a time-weighted average for the noise from Route 7 was used. In addition, Mr. Mayer stated that the noise readings taken from the equipment was at a time when the equipment was fully operational, and that they were trying to make as much noise as possible to create a worst case scenario. Member Tarbox inquired how the elevation to the Barber residence affected the noise analysis. Mr. Millspaugh stated that the elevation and the distance will tend to attenuate the noise at this residential receptor. Mr. Millspaugh also added that the noise analysis did not include any reduction in noise due to vegetation, again providing a very conservative and worst case scenario. If the vegetation were taken into account, the noise readings would be further reduced at the nearest residential receptor. Mr. Millspaugh then reviewed the traffic analysis contained in the DEIS. Mr. Millspaugh stated that NYSDOT records for that portion of Route 7 adjacent to the project site indicate annual average daily traffic counts of 10,762 vehicles. On average, this project generates only 5 to 10 truck loads per day. Mr. Millspaugh concludes that this additional traffic is insignificant compared to the 10,700+ vehicle trips per day currently carried by NYS Route 7. Mr. Kestner inquired as to sight distances in both the easterly and westerly directions leaving the facility. Mr. Millspaugh stated that the site plan shows a 1000'

sight distance to the east, and a 700' sight distance to the west. Mr. Kestner and Mr. Millspaugh will review the sight distances according to accepted NYSDOT criteria, and supplementation to the DEIS will be made on this issue. Mr. Oster inquired what could be done if the sight distances were inadequate under the NYSDOT criteria. Mr. Millspaugh and Mr. Kestner stated that signage could be used to caution travelers of trucks entering and exiting, but such a decision would be up to NYSDOT. Finally, Mr. Millspaugh reviewed the discussion of compatibility with community character as presented in the DEIS. Attorney Gilchrist then reviewed the SEQRA procedure with the members of the Board and the Applicant. This application has received a positive declaration, and a public scoping session was held, resulting in the scoping document identifying the three issues which have been addressed in the DEIS. The issue before the Board now is whether the DEIS, as presented, is complete and adequately addresses the three issues identified in the scoping process. Once the Board determines that the DEIS is complete, it will be formally accepted. At that point, the document will be made available for public inspection, and a public hearing will be held to receive comment on the document. The Applicant will then be required to respond to the comments received on the DEIS, and the responsiveness document will become the Final Environmental Impact Statement. At this point, the Board needs to be satisfied that the DEIS is complete and adequately addresses the issues raised in the scoping document. Chairman Malone noted that the issues of the noise data as well as traffic needs to be supplemented by Mr. Millspaugh, and reviewed by Mr. Kestner. This matter will be placed on the agenda for further consideration for the December 4, 2003 meeting.

The next item of business on the agenda was the site plan application of RHEEMAN. This matter has been adjourned to the December 4, 2003 meeting.

The next item of business on the agenda was a site plan application of Ginsburg for the

former Smith Tire building located to the rear of the Harley Davidson Shop on Route 7.

Appearing on behalf of the Applicant was Ray Darling of Earth Tech Engineering. Mr. Darling handed up a preliminary site plan for initial review by the Planning Board. The Applicant seeks to remodel the former Smith Tire building, putting in three professional offices and one commercial space. The commercial space has been tentatively leased to the Curves exercise facility, and two of the three professional offices have already been tentatively leased. The preliminary site plan layed out proposed parking for the facility, calculating the required number of parking spaces for the proposed use. Mr. Kestner noted that the Town Code does not specifically provide for required parking spaces for an exercise facility, and requested that the Applicant provide some data from the Curves facility currently located in the plaza next to Silver Strawberry for information on number of customers and anticipated parking. This will help the Town in calculating minimum parking spaces for this site plan. Mr. Tarbox asked where the current septic system was located on this property, as it was not depicted on the preliminary site plan. Mr. Darling stated that the property owner was not certain as to the location of the existing septic system. Mr. Tarbox, as well as Mr. Kestner and the remaining Board members, stated that the location of the septic system needs to be shown on the site plan, as well as Health Department approval for the proposed upgrades to the building. Chairman Malone required the Applicant to obtain the additional information on the septic system and show it on the site plan. Mr. Kestner asked whether any proposed lighting was shown on the site plan, and whether any information on the type and intensity of the lights were provided. Mr. Darling stated that the site plan did show light locations, and that information on the intensity of the lights would be provided. Mr. Kestner stated that he had just received the preliminary site plan, and had not yet had a chance to review the plan in detail. He will do so and provide a comment letter on the

preliminary site plan. Mr. Darling asked whether the concept as presented on the preliminary site plan was acceptable to the Board. Chairman Malone stated that the concept seemed acceptable to the Board, but that issues remained on the specific site plan, including the septic system, parking, and lights. Mr. Darling acknowledged these issues, and stated that this information will be provided on an amended site plan. Mr. Kestner added that an area map showing the entire property owned by Ginsburg would be helpful, as well as an area sectioned off for the current site plan for purposes of green space calculation. This matter will be placed on the agenda for consideration at the December 4, 2003 meeting.

The next item of business on the agenda was the BRUNSWICK MANOR SUBDIVISION, and specifically the issue of RICCARDI LANE. Riccardi Lane is located off McChesney Avenue. Appearing on behalf of the owner was Mark Danskin. The issue presented to the Planning Board was the dedication of Riccardi Lane to the Town, so that the Town would plow and otherwise maintain Riccardi Lane during the upcoming winter. As explained by Mr. Danskin and reviewed by the Board, Brunswick Manor was approved as a 2—phase subdivision. Phase I of the subdivision includes 6 residential lots, and that part of Riccardi Lane off of McChesney Avenue extending to the end of lot number 6. Phase II of the subdivision included lots 7 - 12, and includes the extension of Riccardi Lane to its end. Currently, Riccardi Lane within Phase I has been constructed and completed through the installation of the binder course. The top coat of pavement has not yet been applied. It is that part of Riccardi Lane within Phase I that the owner now seeks to dedicate to the Town. Mr. Kestner, together with Doug Eddy, Highway Superintendent, and Mr. Riccardi met at the site to examine the road. Mr. Kestner, in

consultation with Mr. Eddy, provided the following comments:

1. Mr. Riccardi is to construct a "T" type turn-around from the front of lot 6 where the pavement ends to the existing gravel road gate. The "T" turn-around must be 60' wide and constructed utilizing crusher run compacted with a vibratory roller;
2. The stormwater drainage from the pavement wing gutter is to be directed toward the lower transformer pad and the witness stake at the end of the water line is to be cut;
3. The owner is to furnish the Town with a performance bond or other security in an amount sufficient to cover the installation of the top coat of pavement; and
4. In the event Phase II of the subdivision is not constructed within 2 years, the owner will construct a full cul-de-sac on the next lowest lot #7 which meets Town highway standards, namely 120' diameter width, and 100' diameter outside pavement radius.

Members of the Planning Board asked why this issue was before the Planning Board, rather than the Town Board. Mr. Kestner reported that since this was a temporary modification to the approved subdivision plat, the Town thought the matter should be presented to the Planning Board. The members of the Planning Board had concern regarding the length of time for the installation of the top coat of pavement, as well as the length of time for the owner to build out the lots in Phase II in the subdivision. Further, Member Wetmiller stated that it should be a condition to this temporary modification that the balance of Riccardi Lane must be constructed prior to the transfer of any lot and/or issuance of any building permit for any lot within Phase II.

Upon further discussion, Attorney Gilchrist stated that these concerns could be adequately addressed through a bonding and security agreement between the Town and the owner, and stated that he would draft such document for review by the Planning Board Members, as well as the Town Attorney and Town Board members. This matter will be placed on the agenda for further discussion at the Board's December 4, 2003 meeting.

Two items of new business were discussed.

First, a site plan application has been submitted by INDEPENDENT WIRELESS ONE to co-locate facilities on the tower located on Route 7 near the auto dealerships. Mr. Kreiger reported that the application had been approved by the Zoning Board of Appeals, and that site plan review was required for the installation of a utility shed at the base of the tower. This matter will be placed on the agenda for discussion at the Board's December 4, 2003 meeting.

The second item of new business discussed was a site plan application by TROY CITY GARAGE, 810 Hoosick Road. Mr. Kreiger was informed that a site plan would be submitted, but he has not yet received a site plan as of the November 20 meeting. Therefore, this matter will not be placed on the December 4, 2003 agenda, and will be preliminarily reviewed upon receipt of the submitted site plan.

The proposed minutes of the November 6, 2003 meeting were reviewed. The minutes were modified to note the absence of Members Tarbox and Czornyj, and otherwise the minutes were acceptable as written. Member Wetmiller made a motion to approve the Minutes as modified, which motion was seconded by Member Esser. The motion was approved 6-0, and the Minutes adopted.

The **index** for the November 20, 2003 meeting is as follows:

1. Morris - site plan - 12/4/03.;
2. Rheeman - site plan - 12/4/03;
3. Ginsburg - site plan - 12/4/03;
4. Brunswick Manor - road dedication - 12/4/03;
5. Independent Wireless One - site plan - 12/4/03; and
6. Troy City Garage - site plan - adjourned without date.

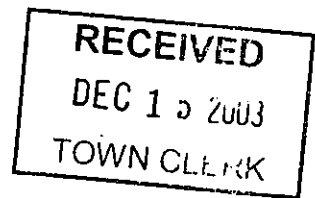
The **agenda** for the December 4, 2003 meeting as currently proposed:

1. Morris - site plan;
2. Rheeman - site plan;
3. Ginsburg - site plan;
4. Brunswick Manor - road dedication; and
5. Independent Wireless One - site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD December 4, 2003

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

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

ABSENT was MICHAEL CZORNYJ.

The first item of business on the agenda was the site plan application of GARY and CHRISTINE MORRIS. Appearing on behalf of the Applicant were Mark Millsbaugh, and P.E. Peter Kehoe of Sterling Environmental Engineering P.C., and Forrest Mayer. On behalf of the Applicant, Sterling had submitted additional information in support of the Draft Environmental Impact Statement ("DEIS") on this application, which included detailed information on methodology and measurements concerning the noise assessment. This was submitted under Sterling cover letter dated December 1, 2003. Mr. Kestner discussed the additional noise information with the Board Members. Specifically, Mr. Kestner reviewed the methodology used by Sterling in collecting the noise data, which is in compliance with the methodology used by the New York State Department of Environmental Conservation ("NYSDEC") in assessing noise impacts. Mr. Kestner concluded that the methodology used by Sterling for the noise assessment on the Morris property was in accordance with the NYSDEC guidance. Accordingly, Mr. Kestner stated that, in his opinion, the DEIS plus the supplemental noise information is complete in terms of noise impacts. Turning to the issue of traffic, Mr. Kestner stated that the sight

distances from the entrance to the Morris property on Route 7 in the easterly direction meet New York State Department of Transportation ("NYSDOT") standards. However, Mr. Kestner stated that the sight distances in the westerly direction do not meet NYSDOT standards, and suggested to the Board that this issue be referred to NYSDOT for further consideration since it is within NYSDOT jurisdiction. Mr. Kestner stated that there were several options for NYSDOT to consider, including signage and/or vegetation removal to increase sight line distances. However, this matter is within the jurisdiction of NYSDOT. As per the Town requirements on the site plan application pertaining to traffic in the DEIS, Mr. Kestner was of the opinion that the information was complete on the issue of traffic impacts as presented in the DEIS. The Board confirmed with the Applicant that the issue of the sight lines onto Route 7 would be referred to NYSDOT. The Chairman inquired of the Board members whether there were any questions for either the Applicant's consulting engineer or Mr. Kestner. Member Wetmiller asked Mr. Kestner about the sight distance issue on Route 7 and who would make the final decision on mitigation. Mr. Kestner stated that NYSDOT will control all issues associated with entering and exiting Route 7, including mitigation, since that is in the exclusive jurisdiction of State. Member Esser asked whether the entrance to the site could be moved farther to the east so as to increase the sight line distance in the westerly direction. Both Mr. Kestner and the Applicant stated that the property along Route 7 in the easterly direction from the current entrance has a wet condition, and relocating the entrance road would require significant engineering and alteration of the property. Mr. Kestner reiterated that NYSDOT has exclusive control over the Route 7 issues, but that the Planning Board could make certain recommendations to NYSDOT in terms of signage or other mitigation. Chairman Malone inquired of Attorney Gilchrist as to the appropriate SEQRA

procedure at this point. Attorney Gilchrist stated that the Board was considering only the issue of completeness, and not approval of the findings in the DEIS. Specifically, Attorney Gilchrist stated that the SEQRA regulations require the Planning Board to consider whether the Applicant has fully and completely addressed the issues identified for investigation in the scoping session, and if so, accept the DEIS as complete and available for public inspection and comment. In the event the DEIS is determined to be complete, it will be published and available for public inspection and comment, including a public hearing for the receipt of statements by interested members of the public on the DEIS document. Once the public comment period on the DEIS has ended, all of the comments will be forwarded to the Applicant. The Applicant at that point is required to respond to the comments received on the DEIS, and the responsiveness document becomes the Final Environmental Impact Statement for the project. With this procedure stated, the Chairman made a motion to accept the DEIS as complete, including the DEIS document dated November 18, 2003 as supplemented by the Sterling Environmental Engineering submission dated December 1, 2003 on noise impacts. Member Oster seconded the motion. The motion was approved 6-0, and the DEIS on the Morris site plan application is accepted as complete. The DEIS document will now be made available for public inspection at the Office of the Town Clerk, and a public hearing on the DEIS will be scheduled for January 15, 2004.

The second item of business on the agenda was the site plan application of RHEEMAN for amended lot layout for Lot #2 in Winfield Estates Subdivision. Appearing on behalf of the Applicant was Nancy Rheeman and Attorney Frank Saratori. Attorney Saratori reviewed with the Board the waiver of subdivision approval which was recently granted by the Board for this lot. Further, Mr. Saratori presented the amended lot layout prepared by a licensed engineer, which has been approved by the Rensselaer County Health Department for water and septic. Mr.

Kestner stated that the Board's main concern was making sure that all the appropriate setbacks for water and septic were maintained, and the approval of the Rensselaer County Health Department has already been obtained confirming that the setbacks are in compliance. Member Wetmiller inquired of Mr. Kestner whether the sight distances were adequate for the revised driveway location. Mr. Kestner confirmed that the sight distances were adequate for the new driveway location. Thereupon, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Bradley. The motion was approved 6-0, and a negative declaration adopted. Thereupon, Member Oster made a motion to approve the site plan application for the revised lot layout in compliance with the submitted site plan as approved by the Rensselaer County Health Department, which motion was seconded by Member Esser. The motion was approved 6-0, and the site plan application for the amended lot layout approved.

The next item of business on the agenda was a site plan application of Ginsburg for the former Smith Tire building located to the rear of the Harley Davidson building on Route 7. Upon request of the Applicant, this matter was adjourned to the meeting of December 18, 2003.

The next item of business on the agenda was a site plan application of INDEPENDENT WIRELESS ONE for the installation of additional antenna and related equipment at the telecommunications tower located on Route 7. Appearing on behalf of the Applicant was Kevin Savage, Development Manager for Independent Wireless One. Mr. Savage explained that the Applicant seeks to add six antenna to the tower at the 170' level, and install a 9' x 12' concrete pad at the base of the antenna for the installation of call processing equipment. All of the equipment at the base of the tower will be within the existing compound, and the existing access road will be used. Mr. Savage confirmed that the Zoning Board of Appeals had already granted a

special use permit for this use, conditioned upon site plan approval. Member Wetmiller inquired whether any equipment or building is planned for outside the fenced compound area. Mr. Savage stated that nothing is proposed outside of the fenced compound area. Further, Mr. Savage explained that a new building or shed was not planned. Rather, Independent Wireless One installs equipment on a concrete pad without the need for a shed or building. Member Oster inquired how many companies were now located on the tower. Mr. Savage explained that Independent Wireless One will be the fourth company located on the tower and that Verizon Wireless has a proposal pending with the Town of Brunswick to add a fifth company to the tower. Mr. Kreiger noted that the original approval for the telecommunications tower limited the total number of companies to five, and thereafter a structural engineering analysis will be required for the structural integrity of the tower. Mr. Savage offered that the Independent Wireless One application did include a structural engineering analysis, which concluded that the tower is structurally sound even upon the installation of a fifth company to the tower. Mr. Kestner inquired whether Independent Wireless One planned any additional telecommunications towers for the Town of Brunswick, or whether the installation at this tower on Route 7 necessitated another tower for service reasons. Mr. Savage stated that there are no plans to add an additional telecommunications tower to the Town of Brunswick; rather, Independent Wireless One is nearing the end of its buildout requirements for its service locations. Hearing no further discussion, Member Oster made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was carried 6-0, and a negative declaration adopted. Member Tarbox thereupon made a motion to approve the site plan application, which motion was seconded by Member Esser. The motion was carried 6-0, and the site plan application of Independent Wireless One was approved.

The next item of business on the agenda was the road dedication issue of RICCARDI LANE in the BRUNSWICK MANOR SUBDIVISION. There was no appearance by any representative of Riccardi. A proposed Bonding and Security Agreement for road dedication requirements was reviewed by the Board members. The Board members felt the proposed Bonding and Security Agreement adequately addressed its concerns and inquired of Attorney Gilchrist as to appropriate procedure. Attorney Gilchrist explained that the issue of road dedication was one properly before the Town Board, and that this matter had been presented to the Planning Board only because the construction of a temporary T-turn-around at the end of Riccardi Lane in Phase I of the subdivision, and ultimately the possibility of constructing a full cul-de-sac at that location, presented a change to the proposal approved under the subdivision plat. As to the road dedication issue, including bonding requirements, such issues were within the jurisdiction of the Town Board. Attorney Gilchrist further explained that the Planning Board could make a recommendation to the Town Board, recommending that the Town Board should accept the road as a public road only upon Mr. Riccardi's agreement and signature of the Bonding and Security Agreement and submission of necessary performance bonds. Chairman Malone suggested that the Board should recommend that the Town Board, upon acceptance of the road construction by the Town Highway Superintendent and Town Engineer, accept Riccardi Lane within Phase I of the Brunswick Manor subdivision as a public road only upon Mr. Riccardi signing the proposed Bonding and Security Agreement and posting the necessary performance bonds pursuant to that agreement. Upon further discussion, Chairman Malone made a motion to recommend that the Town Board, upon acceptance of road construction by the

Town Highway Superintendent and Town Engineer, accept Riccardi Lane as a public roadway within Phase I of the Brunswick Manor Subdivision upon the express condition that Mr. Riccardi execute the Bonding and Security Agreement and post the necessary performance bonds.

Member Tarbox seconded the motion, which was carried 6-0. This recommendation will be transmitted to the Town Board for further action.

Several items of new business were discussed.

The first item of new business discussed was the site plan application of HOOSICK ASSOCIATES for installation of a fuel tank at the RENSSELAER HONDA facility located at 770 Hoosick Road. Engineering plans were submitted by the Applicant, which were prepared by Chazen Engineering. It appears from the engineering plans that a 2000 gallon double walled steel tank is proposed, with a reservoir system in the event of a leak or spill. Upon further review of the engineering plans, several questions by the Board members arose. The engineering plans did not identify a pump location for dispensing gasoline. The proposed tank location is in close proximity to the stream and wetland near the property. No information on security or safety had been provided on the application. No information on compliance with DEC tank regulations was supplied. The Board directed Mr. Kreiger to request additional information on the site plan concerning these issues, and resubmit the same before the matter is placed on an agenda for action.

The second item of new business discussed was a site plan application by VERIZON WIRELESS for installation of antenna on the telecommunications tower located on Route 7. The VERIZON WIRELESS application is on the agenda for the Brunswick Zoning Board of

Appeals on a special use permit application for December 15, 2003. The Applicant would like this matter placed on the Planning Board agenda for site plan review at the December 18, 2003 meeting. This matter will be tentatively placed on the agenda for the December 18th meeting pending action by the Zoning Board of Appeals on the special use permit application.

The third item of new business discussed was a subdivision application by ANDREA GINSBURG for property located off Town Office Road. The Applicant seeks to divide 4.30 acres out of the existing 83.36 ± acre parcel. This property is the back end of the parcel owned by Ginsburg which houses the Brunswick Harley business on Route 7. The matter will be placed on the agenda for the Board's December 18, 2003 meeting.

The fourth item of new business discussed was a site plan application by THE BRUNSWICK GROUP for installation of a parking lot behind the plaza located next to the Silver Strawberry building on Route 7. Several questions arose regarding this application, including the methodology of rock removal behind the plaza building, safety considerations, drainage considerations, and whether the Applicant had completed landscaping requirements under its existing site plan approval. This matter will be placed on the Board's December 18, 2003 agenda for further discussion.

The fifth item of new business discussed was a site plan application by TROY CITY GARAGE to extend the building located on Route 7. This matter will be tentatively placed on the December 18, 2003 agenda, pending receipt of an amended site plan.

The proposed minutes of the November 20, 2003 meeting were reviewed. Upon motion of Member Esser, seconded by Member Oster, and approved 6-0 the Minutes adopted as written.

The **index** for the December 4, 2003 meeting is as follows:

1. Morris - site plan - 1/15/04;
2. Rheeman - site plan - approved;
3. Ginsburg - site plan - adjourned to 12/18/03;
4. Independent Wireless One - site plan - approved;
5. Riccardi Lane - Brunswick Manor Subdivision - recommendation approved;
6. Rensselaer Honda - site plan - adjourned without date;
7. Verizon Wireless - site plan - 12/18/03;
8. Ginsburg - subdivision - 12/18/03;
9. Brunswick Group - site plan - 12/18/03; and
10. Troy City Garage - site plan - 12/18/03.

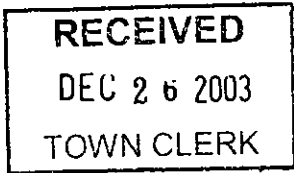
The **agenda** for the December 18, 2003 meeting as currently proposed:

1. Ginsburg - site plan;
2. Verizon Wireless - site plan;
3. Ginsburg - subdivision;
4. Brunswick Group - site plan; and
5. Troy City Garage - site plan.

Manning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD December 18, 2003

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

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

ABSENT was MICHAEL CZORNYJ.

The first item of business on the agenda was the waiver of subdivision application by GINSBURG for property located on Town Office Road. Appearing on the application was Andrea Ginsburg. The Applicant seeks to divide 4.30 acres from the full Ginsburg parcel, which totals 90± acres. The proposed 4.30 acre parcel is located 1500' south of Route 7 on Town Office Road, has 183' of road frontage on Town Office Road, and is approximately 806' deep. Ms. Ginsburg seeks to construct a single family residence on the parcel. The property is zoned for residential purposes, has adequate road frontage, and does not present any sight line issues. Upon review of the proposed plat, it was found to be in conformance with the Town's subdivision regulations for waiver of subdivision. Upon further discussion, Member Bradley made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was carried 6-0 and a negative declaration adopted. Member Tarbox then made a motion to approve the waiver of subdivision application, which motion was seconded by Member Bradley. The motion was approved 6-0, and the waiver of subdivision application granted.

The second item of business on the agenda was the site plan application of GINSBURG to modify the building formerly housing Smith Tire located to the rear of the Brunswick Harley Davidson shop. Upon request of the Applicant, this matter was adjourned to the Planning Board's meeting of January 15, 2004.

The next item of business on the agenda was the site plan application of VERIZON WIRELESS to co-locate a twelve panel antenna onto the wireless communications tower located at 807 Hoosick Road, together with installation of a shed to house equipment at the base of the tower. Appearing on behalf of the Applicant was James Hulme, Esq., and Sara Mayberry, Project Manager for Verizon Wireless. Ms. Mayberry generally described the antenna equipment planned for installation at the 140' level on the existing telecommunications tower, as well as the shed to house equipment to be located at the base of the tower. The existing roadway to the telecommunications tower would be used. Verizon Wireless generally has a technician inspect the equipment on a monthly basis. The application included a structural analysis prepared by a licensed structural engineer, which concludes that the existing tower is adequate to support the load of the existing antenna array plus the proposed Verizon Wireless installation. The Applicant noted that the Brunswick Zoning Board of Appeals had issued a Special Use Permit for this use at its meeting held on December 15, 2003. Further, this matter has been referred to the Rensselaer County Department of Economic Development and Planning for review, and the County has determined that local consideration shall prevail. The Board members had questions regarding the shed to be installed at the base of the tower. The Applicant explained that the existing fenced area would need to be extended, and the prefabricated shed would be installed in the extended fence area. The total extension of the fenced area is

approximately 36' x 20'. Hearing no further questions, Member Bradley made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6-0 and a negative declaration adopted on the application. Member Oster then made a motion to approve the site plan application as proposed, which motion was seconded by Member Esser. The motion was carried 6-0, and the site plan approved.

The next item of business on the agenda was a site plan application by BRUNSWICK GROUP for additional parking areas for the strip mall located to the west of the Silver Strawberry building. No one appeared on behalf of the application. This matter is adjourned without date, pending further notification by the Applicant.

The next item of business on the agenda was a site plan application by TROY CITY GARAGE for the construction of an addition to the existing building located at 810 Hoosick Road. The Applicant proposes to extend the front of the building to enlarge the showroom area. Chairman Malone inquired whether the extension meets setback requirements under the Town Code. The Applicant explained that the expansion complied with Town Code for front yard setbacks, and that the site plan was drawn to be conservative on that issue so that there were no problems in terms of setback from Route 7. Mr. Kestner inquired whether the calculations were made from the existing DOT right-of-way, and whether the current Route 7 reconstruction project affected the right-of-way lines. The Applicant explained that there was no change by DOT to the right-of-way during the reconstruction project, and that the setback was calculated from the correct DOT right-of-way. The Applicant explained that the site plan submitted on the application depicted an 1800 square foot warehouse expansion that was previously approved by the Brunswick Planning Board but has not yet been built. The Applicant wanted to show this expanded warehouse area so that a complete parking plan could be presented at this time which

incorporates the warehouse expansion. The Planning Board analyzed the total number of required parking spaces under the site plan regulations. When adding the 1800 square foot warehouse expansion (approved but not yet built) with the 2200 square foot showroom expansion proposed under the current application, the facility will total 21,600 square feet. Under code requirements, a total number of 36 parking spots will be required. The site plan calculations showed a total number of 36 spots, and therefore in compliance with code requirements. However, upon further review of the site plan, the Planning Board discovered that the preparer of the site plan had miscounted the total parking spaces provided and had provided only 35 parking spaces on the site plan. The Applicant explained that there was more parking currently existing in the area of the 1800 square foot warehouse expansion, and that those spaces would continue to be used until such time as the warehouse expansion was completed. However, the Planning Board members stated that the current plan, which anticipates the 1800 square foot warehouse expansion in the future, must be in code compliance for a total number of parking spaces. Further, Mr. Kestner raised an issue concerning fire access in light of the revised parking plan. The Applicant raised the option of eliminating the 1800 square foot warehouse expansion, even though it was already approved, since his current plans do not include expanding the warehouse area. By eliminating the 1800 square foot warehouse expansion, a significant number of additional parking spaces are provided, which eliminates any issue regarding necessary parking space requirements. The Applicant stated he would like the opportunity to amend the site plan to eliminate the 1800 square foot warehouse expansion, with full knowledge that if the site plan is approved without the expansion, he is giving up the prior approval and would no longer have the right to construct the 1800 square foot warehouse expansion unless he again appeared before the Planning Board for further site plan review. The Applicant understood this,

and indicated he would prepare a revised site plan eliminating the 1800 square foot warehouse expansion. Mr. Kestner also suggested that the Application be reviewed by the Fire Department concerning adequate emergency vehicle access. This matter will be placed on the agenda for the Planning Board's January 15, 2004 meeting.

The next item of business on the agenda was the site plan application of RENSSELAER HONDA for installation of a petroleum bulk storage tank at the Rensselaer Honda facility. Appearing on behalf of the Applicant was Joel Bianci of Chazen Engineering. Mr. Bianci overviewed the site plan, which calls for the installation of an above-ground 2000 gallon petroleum tank, which will be a double walled tank in compliance with federal and State bulk storage requirements. The site plan also called for construction of secondary containment around the tank in the event of a catastrophic tank release. The Applicant also proposes to replace an existing surface water outfall line discharging to the creek on the site with a new pipe and gate valve system with a hand wheel which will need to be closed during bulk fuel deliveries to the tank. According to the tank specifications submitted on the application, the pump will be located on the top of the bulk storage tank. Mr. Bianci stated that Rensselaer Honda will be required to use best management practices when having the tank filled, as well as when cars are being fueled on site. Chairman Malone, together with Mr. Kestner, stated that they understood how the primary and secondary containment was planned when bulk deliveries were being made to the tank, but could not see how containment would occur when cars were being fueled on site. Further, Mr. Kestner had concerns about the lack of any roof or other cover over the tank, and the impact of both stormwater and snow directly onto the tank system. Mr. Kestner also raised a concern regarding adequate fire suppression in the absence of a canopy over the tank, and stated that canopies over fueling areas are now designed to include adequate fire suppression. Member

Wetmiller inquired what will happen if there is a catastrophic release during a fuel bulk delivery. The Applicant stated that the tank itself had secondary containment in the amount of 110% of tank capacity, as well as further containment around the tank area. Accordingly, the Applicant stated that adequate containment in compliance with State and federal regulations were proposed with respect to petroleum bulk storage and bulk deliveries. Chairman Malone also raised a concern regarding fire suppression, given that a number of parked cars, each with fuel tanks as well, would be located in close proximity to this fuel tank. Member Esser raised concern about how likely it would be that a bulk delivery employee would shut off the gate valve, thereby eliminating potential discharge to the adjacent creek. Mr. Kestner suggested that a walkway to the gate valve be installed, which would need to be maintained in the winter, and appropriate signage would be required. Member Wetmiller stated that a review by the Fire Department would be necessary given the concern regarding fire suppression. Member Oster also raised concern about the fueling of cars on the site, and concurred with Chairman Malone and Mr. Kestner that a impervious pad should be required in the area where cars would be fueled, which would divert any spillage to a drain which would then be connected to an oil water separator. Upon further discussion, the Board members inquired why a roof should not be installed not only over the petroleum bulk tank, but also the pad on which cars would be fueled. Mr. Bianci stated that the site plan provided compliance with the minimum standards required for petroleum bulk storage, and that any extra requirements of the Town would be considered by the Applicant for inclusion on the site plan. Chairman Malone also requested further information on safety features concerning the hose and nozzle system on the tank. Mr. Kestner stated that he would

prepare a comment letter overviewing the concerns of the Board on the site plan, and also establish an amount to be escrowed with the Town for engineering review on the application. Member Oster raised a concern regarding security, and access to the fuel tank. Mr. Bianci stated that the entire perimeter of the Rensselaer Honda facility is now fenced and secure. This matter will be placed on the Planning Board's January 15, 2004 agenda for further consideration.

The next item of business on the agenda was a waiver of subdivision application by Joseph M. Bruno, Jr. regarding property located at 303 Bulson Road. The Applicant seeks to divide 7.155 acres out of an existing 26.331 acre parcel, on which a house was recently constructed. The existing 26.331 acre parcel has two points of access onto a public road (Rifenburg Lane), in addition to a 20' wide right-of-way over the adjoining lands of Arnold, and over which Bruno and Arnold maintain a common driveway. The proposal seeks to divide the 7.155 acres from the existing parcel, but leave only the 20' wide right-of-way as the sole access to a public roadway. A copy of the easement and/or other legal documents creating the right-of-way were not provided on the application. The subdivision regulations of the Town provide that in the event a lot is created through subdivision which is accessed only through a private roadway, that private roadway must meet all Town construction specifications for a public roadway in order to protect and promote public health and safety, particularly in terms of emergency vehicle access. The application as submitted was not in compliance with this code requirement, and the Board had concerns regarding emergency access as well as maintenance of the 20' right-of-way over a common driveway as the sole means of access to the proposed lot. As the application as submitted was not in compliance with the subdivision standards of the

Town, it could not be approved in its proposed form. Upon further discussion, an alternative line adjustment was proposed which maintained adequate access onto Rifenburg Road, so that the code provision pertaining to sole access through a private roadway would not be applicable. The applicant understood the issue, and was in agreement with amending the proposed subdivision so that the resulting lot on which the newly constructed house sits also has frontage directly onto Rifenburg Road, a public roadway. With this amendment to the map submitted on the application, Member Bradley made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6-0, and a negative declaration adopted on the application. Thereupon, Member Wetmiller made a motion to approve the waiver of subdivision application upon the following condition:

1. A new subdivision plat be prepared by a professional engineer in compliance with the revised sketch prepared at this meeting which shows a minimum 40' wide access directly onto Rifenburg Road in compliance with the private driveway specifications for the Town of Brunswick, in addition to the 20' wide right-of-way over the lands of Arnold onto Bulson Road, and that the final acreage of each lot on this two lot subdivision be noted on the final plat as well.

With this condition, Chairman Malone seconded the motion. The motion was approved 6-0, and a waiver of subdivision application as amended was conditionally approved. The Applicant stated that he would submit the amended plat in conformance with the modified map immediately. A copy of the amended sketch map was maintained by the Town following the meeting.

Three items of new business were discussed.

First, a waiver of subdivision application has been received from MARJORIE RODEN concerning property located at 79 WHITE CHURCH ROAD. This application was a modification of an earlier waiver of subdivision application by RODEN for the same property, which the Board asked for further clarification and information on the submitted plat. Upon review, the Applicant seeks to divide 1.5 acre of her existing parcel, and transfer that parcel to an adjacent property owner. This matter will be placed on the agenda for further review on the Board's January 15, 2004 agenda.

The second item of new business discussed was a waiver subdivision application by ECKER for property located at 165 COONS ROAD. The Applicant seeks to divide 13± acres from a 43± acre parcel for the construction of a single family residence. This matter will likewise be placed on the Board's January 15, 2004 agenda.

The third item of new business discussed was a site plan application submitted by BERKSHIRE PROPERTIES OF NEW YORK LLC for property located at 845 HOOSICK ROAD. This parcel totals 25.33 acres, with the area adjacent to Hoosick Road zoned commercial, with the balance of the property zoned residential/agricultural. The Applicant seeks to construct a BMW MOTORCYCLE facility on that portion of the property zoned commercial. This matter will be placed on the Board's agenda for its January 15, 2004 meeting.

The minutes of the December 4, 2003 meeting were reviewed. Upon motion of Member Esser, seconded by Member Oster, and Minutes were approved as written by vote of 6-0.

The **index** for the December 18, 2003 meeting is as follows:

1. Ginsburg - waiver of subdivision - approved;
2. Ginsburg - site plan - adjourned to 1/15/04;
3. Verizon Wireless - site plan - approved;
4. Brunswick Group - site plan - adjourned without date;
5. Troy City Garage - site plan - 1/15/04;
6. Rensselaer Honda - site plan - 1/15/04;
7. Bruno - waiver of subdivision - approved with condition;
8. Roden - waiver of subdivision - 1/15/04;
9. Ecker - waiver of subdivision - 1/15/04; and
10. Berkshire Properties of New York LLC - site plan - 1/15/04.

The **agenda** for the January 15, 2004 meeting as currently proposed:

1. Morris - site plan - Public Hearing on DEIS (7 pm);
2. Ginsburg - site plan;
3. Troy City Garage - site plan;
4. Rensselaer Honda - site plan;
5. Roden - waiver of subdivision;
6. Ecker - waiver of subdivision; and
7. Berkshire Properties of New York LLC - site plan.