

PLANNING BOARD

MINUTES

2012

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 5, 2012

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board held a public hearing concerning the site plan application by Monolith Solar Associates for the proposed installation of a carport-type solar panel system to be located at the Brunswick Harley Davidson facility on Route 7 (Tax Map No. 91.-4-12.111). Attorney Gilchrist read the Notice of Public Hearing into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town website, placed on the Town sign board, and mailed to adjoining property owners. The Applicant, represented by Steven Erby, gave a brief presentation of the proposal. Chairman Oster opened the floor for receipt of public comment. Frank Brennanstuhl generally stated that he was in support of the proposal. Hearing no further comment, Chairman Oster closed the public hearing.

The Planning Board then reviewed the draft minutes of the December 15, 2011 meeting. Upon motion by Member Czornyj, seconded by Member Christian, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the site plan application by Monolith Solar Associates. Chairman Oster stated that he had discussed with Mr. Kestner the issue of structural

integrity of the supports for the solar panels in light of the use as a carport. Specifically, Chairman Oster stated that the issue is maintaining the structural integrity of the installation in the event of a vehicle collision with a structural support. Mr. Kestner reported that he had contacted the engineer located in Arizona who had prepared the engineering drawing, and discussed the issue of the structural support in light of potential vehicle collision. The Arizona engineer indicated that updated drawings dated November 2, 2011 together with engineering calculations for the support system had been prepared. Mr. Kestner confirmed that the Town is in possession of the updated drawing and the engineering calculations, and that he could review that with Mr. Kreiger in relation to building permit application review. Mr. Kestner reported that some jurisdictions request that the structural support columns be filled to approximately 4-5' above grade with concrete, rather than requiring any kind of bollard system. Mr. Kestner reiterated that this structural issue could be reviewed and determined at the building permit stage together with Mr. Kreiger and the Brunswick Building Department. Chairman Oster confirmed that this issue can and should be addressed by the Building Department as part of the building permit application process, and that from a site plan review perspective the application was complete. Member Esser stated that the Planning Board viewed the application as a car-port system, with the inference that cars or other vehicles would routinely be pulling in and out. Stuart Ginsburg stated that the storage area under the solar panels would not be used on a daily basis, and would not be for public use. Mr. Kreiger confirmed that the site plan application had been forwarded to the Rensselaer County Department of Economic Development and Planning, which responded that it had no objection and that local consideration shall prevail. Chairman Oster inquired whether there were any further comments or questions on the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA,

which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the site plan subject to the following conditions:

1. All structural issues with respect to the support columns and structural integrity to withstand any vehicle collision to be addressed by the Brunswick Building Department and consulting engineer during building permit application review; and
2. Any storage under the solar panels is for the use of the site owner only, and not for general public use.

Member Esser seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Monolith Solar Associates site plan approved subject to the stated conditions.

The next item of business on the agenda was the amendment to site plan of Johnston Associates, for the addition of a storage shed at the rear of existing buildings at the Brunswick Square Plaza. No one was present on the application. The Planning Board directed Mr. Kreiger to contact the Applicant, and determine whether he is intent on proceeding with the application. This matter is adjourned without date.

The next item of business on the agenda was the site plan application by David Leon for a Planet Fitness facility to be located at 660 Hoosick Road, in the former Rite Aid building. Mr. Kestner confirmed that the Applicant was changing the engineer for the project, and that the new engineering firm would be submitting additional information, and requested that this matter be placed on the January 19, 2012 agenda. The Planning Board generally discussed issues regarding the property line for the project site, stormwater facility location, and the layout of parcels for the various uses at this location. Mr. Kreiger will obtain the relevant Tax Map for this location.

The index for the January 5, 2012 meeting is as follows:

1. Monolith Solar Associates – site plan – approved with conditions;
2. Johnston Associates – amendment to site plan – adjourned without date;
3. Planet Fitness – site plan application – 1/19/12.

The proposed agenda for the January 19, 2012 meeting currently is as follows:

1. Planet Fitness – site plan application.

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 19, 2012.

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

ABSENT was VINCE WETMILLER.

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

The Planning Board reviewed the draft minutes of the January 5, 2012 meeting. Upon motion by Member Czornyj, seconded by Member Christian, the minutes were unanimously approved as drafted.

The first item of business on the agenda was the site plan application of David Leon for a Planet Fitness facility to be located at 660 Hoosick Road, in the former Rite Aid building. Chairman Oster indicated that the Planning Board had received the site plan application fee, the full Environmental Assessment Form, and the storm water plan. Chairman Oster also noted that a letter had been sent concerning establishing an escrow for legal and engineering review. The escrow rules were explained to the Applicant including that the initial escrow amount to be deposited would be \$1,500.00. James Easton, WSP Sells, Consulting Engineers, and David Leon, Applicant, appeared on behalf of the Applicant. Mr. Easton explained the project, indicating that the Applicant was proposing to construct a 30' addition to the rear of the building for rest rooms and locker room areas. Mr. Easton explained that the application involved six tax map parcels consisting of a total of approximately 3.2 acres. The parcels which will be merged

into 1 lot, are located in both the commercial and residential zoning districts, but the building is located solely within the commercial district. The Applicant explained that on the 3.2 acre site, the green space proposed comprised approximately 57% of the total area. Mr. Easton also explained that the site plan regulations require 81 parking spots for a facility of this size, but the Applicant was proposing 121 parking spots. Mr. Easton explained that there are easements for ingress, egress and utilities between the Planet Fitness parcel and the neighboring parcel where the screen printing facility is located. Mr. Easton explained that the application seeks a lot line adjustment which locates the lot line such that the screen printing business would have to cross onto the Planet Fitness parcel, for ingress and egress to Route 7. As proposed the lot line adjustment would also place the storm water detention basin entirely within the Planet Fitness parcel, although portions of the screen printing facility are serviced by that storm water detention basin. The Applicant also proposes to install a water line from Route 7 to the building in order to install sprinklers. In addition, and as a consequence of expanding the existing parking areas, the Applicant proposes to add one new light fixture on an existing pole on the western side of the existing parking lot as well as two new light poles. The existing building currently has a drive-thru area that the Applicant is proposing to remove. Chairman Oster asked whether emergency vehicles would be able to access the rear for firefighting and other emergency purposes. Mr. Easton explained that with the 30' addition to the rear of the building, emergency vehicles would not be able to drive around the rear of the building, but fire trucks would be able to access all points of the building within it. The Applicant also explained that the existing parking and proposed additional parking on the west side of the parking lot would not be curbed and there would be no landscaping in the rear, so fire trucks would be able to get closer to the building on that side. Mr. Kreiger explained that, because the building will have sprinklers, fire trucks must

be able to access all points of the building within at least 300 feet. Chairman Oster explained to the Applicant that the fire district serving this area would receive a copy of the plans and would be expected to review and comment on the proposal. The Applicant agreed to provide an extra set of the plans to Mr. Kestner, who agreed to forward a copy of the plans to the fire district. Member Esser asked whether the eastern side of the parking lot where the Applicant proposes additional parking would only be one-way in and one-way out. The Applicant explained that, as currently proposed there is only one-way in and one-way out for those particular spots located on the Planet Fitness proposed lot. The question was also posed whether the lot line adjustment as currently proposed would render the next door facility a non-conforming status. Mr. Easton explained that both existing buildings are currently in non-conforming status and that the proposed lot line adjustment would bring the Planet Fitness proposed building into conforming status and the screen printing facility would remain in non-conforming status. Chairman Oster asked whether the screen printing facility would continue to have access over the proposed Planet Fitness access drive for ingress and egress to Route 7. The Applicant explained that they will provide easements for access to Route 7 for the facility next door. Chairman Oster explained that in similar situations of shared driveways the Planning Board has required the lot line to be located such that each lot contains half of the access drive, with cross-easements between the parcels for ingress and egress. The Applicant explained that it preferred to locate the lot line as proposed because utilities that service the Planet Fitness facility are actually located on the eastern side of the current access road. Mr. Kestner stated that a utility easement could address that issue. Member Mainello asked whether the Applicant would consider shifting the proposed lot line as currently located near the screen printing facility to the west in order to make both lots conforming. Member Czornyj asked whether the storm water detention basin

being located on one parcel could give rise to a potential dispute regarding drainage from the screen printing facility. Mr. Easton explained that it would provide drainage easements for the screen printing parcel. Mr. Kestner asked whether the power line would be relocated. Mr. Easton explained that it was his understanding that Niagara Mohawk plans to install the line underground and the Applicant will provide to the Planning Board a letter from Niagara Mohawk to that effect. Member Czornyj asked the Applicant whether it would relocate the 6 proposed additional parking spaces located on the western side of the parcel nearest Route 7 to somewhere else on the parcel. The Applicant explained that the grade in the rear of the parcel may prevent additional parking in the rear of the parcel and that the front spaces in that area were important given expected volume. Mr. Easton identified that the additional parking on the western side of the lot was approximately 68' wide. Member Mainello asked whether there could be additional landscaping at the front of the lot in order to better screen those additional front parking spaces. The Applicant agreed to provide additional landscaping and screening at the front of the lot. A question was asked regarding whether there is a current building located in the southwestern portion of the proposed Planet Fitness lot. The Applicant explained that a neighbor currently has a shed located there, and that the prior owner of the Planet Fitness lot permitted that neighbor to continue to use that building. The Applicant is willing to continue to allow the neighbor to use the building, but is also willing to remove the building if the Planning Board would prefer that. Mr. Kestner asked whether the Applicant felt it could stay within the one acre limit of disturbance as proposed. Mr. Kestner explained that the proposal is within approximately 1,500 square feet of requiring the preparation of a storm water pollution prevention plan. Mr. Easton explained that approximately 15,000 square feet of the proposed disturbed area is not actually considered a "disturbance" under the DEC regulations and therefore the Applicant would not

have difficulty complying with the 1 acre limit. Chairman Oster asked whether there would be a side entrance to the building. The Applicant explained that there is no side entrance proposed for the facility because the club monitors access and it is difficult to monitor access when there is more than one point where customers can enter the building. However, the building does contain a fire exit and an additional fire exit is proposed. The Applicant explained that the Planet Fitness facility would be opened 24 hours a day during the week, closing at 9:00 p.m. on Friday evenings and then being opened from 7:00 a.m. to 7:00 p.m. on weekends. He also explained that there would be video surveillance in the parking lot and within the building. The Applicant indicated that the proposal would involve 22 employees. The Planning Board discussed whether it should schedule a public hearing at this time. Mr. Tingley explained that since the Applicant is submitting additional information and the project would require engineering and legal review, the Board should consider allowing the Applicant to submit the additional information and schedule the public hearing at the next Planning Board meeting. Mr. Tingley explained that if the Planning Board was inclined to schedule a public hearing at this time, the public hearing would need to be continued beyond the next meeting in any event in order to allow the public full access to the complete record and to allow necessary engineering and legal review to be completed. The Applicant asked the Board to schedule a public hearing. The Applicant explained that he would be incurring costs soon and would like to at least get an indication whether the public was in favor or against the proposal. Chairman Oster explained that even if a public hearing was scheduled, the public hearing would necessarily be continued beyond the February 2, 2012 meeting date and that there could be no decision on the application until at least February 16, 2012. The Applicant agreed to submit updated plans by Monday or Tuesday so that the application materials were submitted to the Planning Board in advance of the public hearing

if it could be scheduled for February 2, 2012. At the Board's request, the Applicant also agreed to place stakes at the corners of the proposed parking lot so that Planning Board members could see where the proposed additional parking would be located on the site. Chairman Oster indicated that a public hearing would be scheduled for February 2, 2012.

The next item of business on the agenda was the application for waiver of subdivision made by Richard Hart, Julia McDonald, and Nancy Galvin. Mr. Kreiger explained the application to the Board, indicating that the lot line adjustment sought to correct a misunderstanding of the existing property line. One of the property owners had a survey performed and realized that a portion of what they believed was their neighbor's property was actually located within their parcel. The lot line adjustment seeks to include that portion of the property within the lot of the owner who had been maintaining it, and in exchange the owner would transfer an approximately equal portion of property to his neighbor. Member Czornyj asked whether this application should be considered two waivers of subdivision requiring the payment of two fees and an additional application. Mr. Tingley explained that he could look into that issue and the Planning Board could be provided an answer by the next Board meeting. The Planning Board generally discussed that, on prior applications, involving similar situations where there were two lot line adjustments proposed, the application was treated as one application and only one fee was collected. Member Czornyj asked whether this should be considered one application or two applications. Mr. Tingley explained that if the Board had on prior similar applications considered the applications to be one application requiring payment of only one fee, then it would be appropriate for the Board to do so on this application as well. The Board decided that it would treat the application as one application. Mr. Kreiger identified that a short environmental assessment form had been completed and was submitted with the application.

Member Tarbox made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration was adopted. Member Mainello then made a motion to approve the application which was seconded by Member Esser. The motion was unanimously approved.

The next item of business on the agenda was the waiver of subdivision of Eric Graue. The application concerned a forty acre parcel which the Applicant was seeking to divide in order to sell the house that is located on the parcel, while retaining ownership of the vacant land. Member Tarbox explained that he was an adjoining landowner and therefore recused himself. A question was posed whether the application allowed sufficient room for a driveway, and Member Kreiger answered that there is sufficient road frontage for both proposed lots. A question was also posed whether the vacant land, which would be a newly created lot, was a buildable lot. The Planning Board generally discussed that it believed that there were areas on the vacant land that would be sufficient to build on, but that the application could be approved with a condition to that effect. Mr. Kreiger identified that a short environmental assessment form was received with the application. A motion was made by Member Christian to adopt a SEQRA negative declaration, and was seconded by Member Czornyj. The motion was approved unanimously, with Member Tarbox abstaining. Member Esser then made a motion to approve the waiver of subdivision application on the condition that the newly created lot which is currently vacant contains a buildable area. Member Czornyj seconded the motion, and the motion was approved unanimously, with Member Tarbox abstaining.

The next item of business on the agenda concerned the used car lot next to Feathers Furniture. Member Czornyj indicated that it appeared that portable lights were being used to

light up a parking lot and may have been left on overnight. The Board also discussed that it appeared that portions of the lot were being used in violation of the existing site plan.

The index for the January 19, 2012 meeting is as follows:

1. Planet Fitness – site plan application – public hearing scheduled;
2. Hart, McDonald, and Galvin – waiver of subdivision – approved;
3. Graue – waiver of subdivision – approved with condition.

The proposed agenda for the February 2, 2012 meeting currently is as follows:

1. Planet Fitness – site plan application – public hearing.

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 2, 2012

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board opened a public hearing on the site plan application submitted by David Leon for property located at 660 Hoosick Road (Tax Map Nos. 101.8-9-1, 101.8-9-7, 101.8-9-16, 101.8-9.19, 101.8-9-20, and 101.8-9-21), where the Applicant proposes to open a Planet Fitness facility to be located in the former Rite Aid Pharmacy building. The Notice of Public Hearing was read into the record, noting that the Notice had been published in the Troy Record, placed on the Town Sign Board, placed on the Town website, and mailed to owners of all adjacent properties. David Leon was present on the application, together with James Easton of WSP Sells, Consulting Engineers. Mr. Easton presented an overview of the proposed project, which includes a 3,000 addition to the existing building on the site, which will be approximately 30' of additional building off the rear of the existing structure, increased parking areas, stormwater modifications described in a stormwater report filed on the application, installation of a new water service to support a sprinkler system in the building, revised lighting and landscaping. Mr. Easton also stated that at the request of the Planning Board, the corners of proposed parking lot extensions were staked in the field; copies of the National Grid proposed

work to underground the utilities had been filed, noting that National Grid had already started this work; the adjustment of a lot line between this use and the adjacent screen printing building so as to provide for appropriate building setbacks for each lot; increased landscaping near the existing and proposed parking areas; and submission of a full plan sent to the Brunswick No. 1 Fire Department for review. Mr. Leon then generally reviewed the landscaping plan and renderings for improvements to the building. Chairman Oster then opened the floor for receipt of public hearing. Charles Tutunjian, owner of the adjacent property on the opposite side of Hillcrest Avenue, commented that he was not opposed to the plan but was interested in the stormwater management system. Mr. Easton described generally the stormwater plan, and indicated that a full stormwater report had been submitted and is currently being reviewed by the Town. In general, Mr. Easton stated that the plan was to capture all stormwater from this particular site and direct it to a stormwater basin to the rear of the existing building, with no stormwater leaving the site in the direction of Hillcrest Avenue or any properties further to the west. Frank Brennanstuhl, 27 Dusenberry Lane, stated that the proposed landscaping would be an improvement to the site, and that he would propose that no stop light be installed at this location on Hoosick Road. Chairman Oster noted that the Planning Board would be keeping the public hearing open, as the Applicant still needs to file for review on this application a number of easement documents concerning access, stormwater, and utilities which should be available for the public to review as well. Therefore, hearing no further comment at this meeting, the Chairman determined that the Planning Board would keep the public hearing open and continue the public hearing at its February 16, 2012 meeting at 7:00 p.m.

The Planning Board then opened the regular business meeting. The Planning Board reviewed the draft minutes of the January 19, 2012 meeting. Upon motion by Member Czornyj,

seconded by Member Christian, the minutes of the January 19 meeting were unanimously approved as drafted.

The first item of business on the agenda was the site plan application submitted by David Leon for the proposed Planet Fitness facility at 660 Hoosick Road. The Planning Board confirmed that the plan set that was currently before the Planning Board for consideration has a last revision date of January 20, 2012. Chairman Oster noted that the plan set had been sent to the Brunswick No. 1 Fire Department for review and comment, and noted that Gus Scifo of the Brunswick No. 1 Fire Department was present. Mr. Scifo handed up to the Board a comment memo from the Brunswick No. 1 Fire Department dated February 2, 2012, containing 3 recommendations. Mr. Scifo reviewed the 3 recommendations. First, the Fire Department is recommending that a recessed knock box be installed in the area of the front entrance way to the building. The second recommendation was to provide an access road completely around the building, not for fire apparatus but for customers using the fitness center. Mr. Scifo explained that the Fire Department's recommendation was based on the situation where a fire or other emergency was occurring at the facility, and fire apparatus was blocking the entrance way from the parking lot to the access road onto Hoosick Road, and that an access road completely around the building would allow a secondary access way for customers to leave the parking lot. Mr. Easton responded by saying there was an existing 28' wide lane in the front of the building, and even if fire apparatus was parked in this area, a car should be able to access out of the front parking lot, and further commented that this area could be extended up to 30' in width with a bump-out curb to allow for better access. Mr. Leon stated that requiring a road completely around the building would make this project difficult, in that there was no room to the rear of the proposed addition for an access road, that there was a significant amount of bedrock in that area,

and a significant drop off which makes road construction nearly impossible. Mr. Leon stated that one alternative would be a one way exit onto Hillcrest Avenue, but that he would not propose doing this. Member Christian inquired of Mr. Scifo why a full ladder truck would be used at this facility, given that it is only a one story building. Mr. Scifo stated that even though it is a one story building, the ladder truck would be used because there is a significant amount of equipment on the roof, and that there may be a situation where the roof would need to be cut. Chairman Oster stated from a practical standpoint, if customers had to leave in such a situation they would probably simply drive over the lawn area to leave the premises. Chairman Oster then said that a better approach would be to have the Applicant and the Fire Department work together on a plan for locating a ladder truck in the event of an emergency at this facility. Mr. Leon said that he was willing to work with the Fire Department on both the access plan as well as an evacuation plan in the event of an emergency. The Planning Board generally felt this was a good resolution to the issue, particularly in light of the physical limitations to the rear of the building area. Member Tarbox also said that the Applicant should consider putting some type of lower curbing toward the front of the access road as it approaches Hoosick Road, which would allow easier emergency exit along the front part of the property onto the access road and then onto Hoosick Road. Mr. Easton stated that he would look into that. Mr. Scifo then concluded by saying the third recommendation in the Fire Department memorandum was that if this site is given final approval, the Fire Company would like to see a copy of the layout of the interior of the building showing gym equipment area, restrooms, locker area, etc., for use by the Fire Department in pre-planning in case of an EMS or fire related incident. Mr. Leon confirmed that he would install a knox box at the facility and provide a copy of the floor plan layout to the Fire Department, and also confirmed that he would work with the Fire Department on both an access plan and an

emergency evacuation plan. Member Czornyj inquired as to any proposed curbing on the west side of the parking lot adjacent to Hillcrest Avenue. Mr. Easton stated that there was no curbing being proposed, since part of that area would actually be a cut, and that there would only be approximately 1' of drop off toward the front of the lot between the parking area and Hillcrest Avenue. Mr. Leon also said that he could use some of the existing boulders that are located toward the front of the lot on the west side of the parking lot, interspersed with landscaping. Chairman Oster raised the issue of the location of the zoning district boundary line on this parcel between B-15 and R-9. Mr. Easton confirmed that the entire building, including the area of the proposed building expansion, is all located within the B-15 zoning district. Mr. Kestner stated that he had researched prior Planning Board minutes, and found the minutes from May 2, 1996 for the original site plan for the Fay's Drugs which was the original user at this location. The Planning Board minutes from May 2, 1996 reflect that both the Planning Board attorney and Zoning Board attorney were of the opinion that the commercial use and building were compliant with underlying zoning districts. Mr. Kreiger also confirmed that he had reviewed Zoning Board Minutes for the original site plan, and determined that the only action taken by the Zoning Board was a sign variance, and that no other variances were considered or issued by the Zoning Board. Chairman Oster inquired whether Mr. Leon would be purchasing the parcel on which the screen printing business is located. Mr. Leon stated that he did have that site under contract. Chairman Oster noted that this issue addressed the side yard setback required for pavement, as noted in the Site Plan Regulations at §3(C)(17), which was reviewed by Mr. Kreiger. Mr. Kreiger did note that this section of the Site Plan Regulations does provide that where the setback requirements restricts the effective development of the site, the Planning Board may take any appropriate action it deems necessary to modify this requirement. Upon discussion, the Planning Board

determined that given the existence of both commercial uses, it would be appropriate in this case to waive the setback requirement for pavement from the lot line in this particular case. It was noted that this would be expressly provided for in any action taken in this application. Mr. Kestner inquired into the extent of the work by National Grid to put the electric utility underground. Mr. Easton generally discussed the work that was being undertaken by National Grid. Member Esser had a question regarding proposed signage. Mr. Leon indicated that he would have a sign on the building itself, and would use the existing sign for the Rite Aid but replace it with the Planet Fitness display. Attorney Gilchrist then reviewed the easements which should be submitted for review, including cross-easements for access, drainage, and utilities. There was a general discussion concerning the lot line location for the access road servicing both the Planet Fitness building and the screen printing building, and various options were discussed. It was determined that the existing lot line which includes the entire entrance road onto to the parcel which will house the Planet Fitness could be maintained, but that the proposed cross easements needed to be submitted for review by the Planning Board and Planning Board counsel. The Planning Board also noted that there was a shed located to the rear portion of the Planet Fitness site which was actually owned by an adjacent residential property owner. Mr. Leon said that he would rather allow that shed to be maintained, rather than requiring the residential owner to remove it. The Planning Board stated that it would note in the minutes that the shed existed on the site but that it was an encroachment by the adjoining residential property owner, and that the matter remained a private matter between these property owners. Any action on the site plan would note that it did not include approval of maintaining the shed in that location. Mr. Kreiger noted that the site plan had been forwarded to the Rensselaer County Department of Economic Development and Planning, and that the County had responded that it had no comments and that

local consideration shall prevail. This matter has been placed on the February 16 agenda for continuation of the public hearing, as well as consideration of the site plan.

One item of new business was discussed.

A site plan application will be made by McCloskey for a proposed seasonal ice cream trailer to be located at the Tamarac Plaza. Mr. Kreiger noted that he had not yet received the appropriate application form, but anticipated it would be filed shortly. This matter is tentatively placed on the February 16 agenda, conditioned on the receipt of the appropriate application form and fee.

The index for the February 2, 2012 meeting is as follows:

1. David Leon – site plan application – 2/16/12 (continuation of public hearing at 7:00 p.m.);
2. McCloskey – site plan – 2/16/12 (tentative).

The proposed agenda for the February 16, 2012 meeting currently is as follows:

1. David Leon – site plan application – (public hearing to be continued at 7:00 p.m.);
2. McCloskey – site plan.

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TOWN OF BRUNSWICK
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MINUTES OF THE PLANNING BOARD MEETING HELD February 16, 2012

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

ABSENT was FRANK ESSER.

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

The Planning Board continued the public hearing on the site plan application by David Leon for a Planet Fitness facility at 660 Hoosick Road, in the building previously used by Rite Aid. James Easton of WSP Sells was present on the application, as was David Leon. Mr. Easton explained that due to work performed by National Grid on the site, there has been a change in the site plan. Mr. Easton also confirmed that he had submitted an amended Long Environmental Assessment form to the Town for review, and had also submitted copies of both the existing easements for the property as well as some proposed draft easement language for review by the Town.

Mr. Easton explained that in response to questions raised by Mr. Kestner regarding underground utility installation and proposed pavement, travel lane, and possibly parking in the area of the underground utility, Mr. Easton had followed up directly with National Grid. Mr. Easton and Mr. Leon were then informed that National Grid had installed an above-ground switch gear pad and transformer pad, together with a series of bollards, in an area that had been proposed as a travel lane and parking. As a result, the Applicant has reconfigured certain travel

lane areas and relocated certain parking spots. Mr. Oster confirmed that the same number of parking spots is being proposed as on the previous site plan, that there is a reduction in the overall disturbance and paved area, and that the overall green space on the site increases. Mr. Easton confirmed that the same number of parking spots are being provided, and with the reconfigured parking and travel lane area, there is an approximate 3,500 square feet reduction in the area of disturbance. Mr. Kestner confirmed that based upon his initial review of the revised site plan, it does appear that the total area of disturbance has been reduced, but that his office will confirm the total reduction of disturbance upon submission of a revised site plan and stormwater report. Mr. Kestner also confirmed that his office would confirm turning radius for cars in relation to the revised parking spot locations. Member Czornyj inquired whether the emergency access way from the front parking lot to the access road onto Hoosick Road had been added. Mr. Easton confirmed that an emergency access way from the front parking lot across green space area to the access road leading onto Hoosick Road has been added. It was noted by Mr. Easton that there is no existing curbing in that location, and will only require the addition of a concrete or paved area from the existing parking lot to the front access road. Mr. Easton then confirmed that his office had submitted the existing easements and proposed easement language for review. Attorney Gilchrist stated that the existing easements for the site would need to be amended, and that the proposed language submitted by the Applicant would require further amendment and review by the Town prior to construction. In addition, Attorney Gilchrist noted that given the existence of the stormwater basin on private property, and that the basin serves more than one parcel, that the Town would require the Applicant to execute the Town's Stormwater Management Facilities Maintenance Agreement. Chairman Oster then opened the floor for receipt of any additional public comment. Jim Tachick, 387 Brunswick Road, stated that he felt

the Planet Fitness would be a good addition to the Town, but was considering with the amount of traffic leaving this facility onto Hoosick Road, and that no traffic light was being proposed for this entrance way. Mr. Tachick suggested that there be a left turn lane and right turn lane for exiting vehicles from the parking lot. In relation to this Mr. Tachick inquired as to the anticipated number of people at this facility. Mr. Leon stated that based on his experience with his other locations, the busiest time should be on Monday evenings between 5:00 p.m. and 7:00 p.m. and Saturday mornings. He would anticipate that during those peak times, there may be as many as 50-70 cars per hour, but that the usual traffic is between 25 and 30 cars per hour. Mr. Tachick also said that there were too many parking spots for this location. Mr. Leon stated that based on his experience, these parking spaces will be needed at this location. Chairman Oster followed up on the comment concerning cars leaving the facility, and that the issue would be a left hand turn exiting the facility, which could result in stacking of cars leaving the parking lot, particularly for cars wishing to turn right leaving the facility. Mr. Easton stated that based upon established trip generation numbers for gym/fitness centers and drug stores, there is more projected traffic from a drug store than a gym/fitness center during evening hours due to a drive-up window, which the Rite Aid store did have at this location. The Planning Board members noted that as a practical matter, the experience at that location when it was a Rite Aid drug store is that making a left hand turn exiting the parking lot can be difficult, and can take an extended time to make a left hand turn onto Hoosick Road. Mr. Leon stated that he would like to keep the entrance road as currently constructed, and monitor that situation for any car stacking issues. Member Wetmiller inquired whether there would be any additional pole lighting given the addition of parking spots in the rear of the building. Mr. Easton stated that they would still have the same proposed pole location, but would now be proposing to add an additional light head to

provide some additional lighting to the rear of the parking lot area. Chairman Oster inquired whether the public hearing could be closed. Attorney Gilchrist stated that the Planning Board needed to consider whether the change to the site plan was significant, and if yes, the Planning Board should consider keeping the public hearing open. Upon discussion, the Planning Board determined that the change to the parking space locations and paved areas was by necessity as a result of the work by National Grid, and were of the opinion that the change was not a significant change to the overall site plan. Given that concurrence, Chairman Oster then closed the public hearing on the Planet Fitness site plan.

The regular meeting of the Planning Board was then opened.

The Planning Board reviewed the draft minutes of the Planning Board meeting for February 2, 2012. Member Wetmiller noted one correction, which requires the addition of the words "square feet" after the number 3,000 when speaking about the 3,000 square foot addition to the existing building in relation to the Planet Fitness site plan. With the noted correction, Member Czornyj made a motion to approve the minutes of the February 2 meeting, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the February 2, 2012 meeting minutes approved as corrected.

The first item of business on the agenda was the site plan application by David Leon for the proposed Planet Fitness facility at 660 Hoosick Road. Mr. Kestner noted that the Applicant had submitted a revised Long Environmental Assessment form to address comments previously made by his office, and that the revised Long EAF was complete for a SEQRA determination to be made. With respect to the Applicant's stormwater report, there remains certain engineering issues which needed to be addressed, which include an assessment of post development flows and a change to the outlet configuration of the stormwater basin; confirmation that the

stormwater basin will safely pass the 100 year storm event, with 1' of free board being deemed sufficient; and confirmation that the total disturbed area would be less than 1 acre. Mr. Kestner noted that in light of the revised site plan, the total area of disturbance did appear to be reduced, and that his office would compare the total reduction in disturbed area and total amount of disturbed area being below 1 acre. Mr. Kestner also stated that the Applicant should provide an accurate depiction of the National Grid conduits in relation to the proposed water service, and would require a minimum separation of 10'; a verification that the parking nearest the existing screen printing store has sufficient room for turning movements; and that his office would participate in the review of any additional easement language submitted by the Applicant. Member Mainello noted that there is one manhole in the pavement area of the front parking lot, and that if the manhole cover were removed, it appears to be a 16-17 foot drop. Member Mainello recommended that a lock cover be required on this manhole. The Applicant was in agreement. Chairman Oster inquired whether there were any further questions or comments on the site plan. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. The Applicant must submit final proposed easements concerning access, utilities, and drainage for review and acceptance by the Town of Brunswick prior to the issuance of any work permit for the site;
2. The Applicant must execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick;
3. Subject to all final engineering comments and review of photometrics for the additional lights required for the revised parking plan;

4. Confirmation that less than 1 acre of total disturbance results from the site plan, as reviewed by the Town Building Department and consulting engineer;
5. The Planning Board has waived the setback requirements for pavement from the property line between the Planet Fitness parcel and the screen printing parcel, which the Planning Board felt was in conformance with the overall intent of the site plan regulations but addressed the practical need for pavement and parking area in relation to the two existing commercial structures;
6. Installation of a Knox box at the Planet Fitness facility per the recommendation of the Brunswick No. 1 Fire Department;
7. The coordination between the Applicant and the Brunswick No. 1 Fire Department on a fire apparatus access plan and emergency evacuation plan;
8. Applicant is to submit a final floor plan to the Brunswick No. 1 Fire Department;
9. The shed depicted on the site plan toward the rear of the Planet Fitness parcel is not an approved structure on the site plan;
10. A lock must be added to the manhole cover for the manhole located in the front parking lot; and
11. Payment of all engineering review escrow fees.

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

The next item of business on the agenda was the site plan application submitted by Charles McCauley for a proposed seasonal ice cream concession trailer to be located at the Tamarac Plaza on Route 2. Mr. McCauley was present, and stated that he is an electrical contractor and lives in Wynantskill, and proposes a seasonal ice cream concession trailer to be located in the parking lot of the Tamarac Plaza located on Route 2. Mr. McCauley stated that the trailer is a 28' camper that he is proposing to renovate, for purposes of soft serve ice cream and dessert concession. The trailer will have self contained water and waste disposal. The trailer would be connected to an electrical outlet, which would have its own meter. Mr. McCauley

plans to operate the business between May 1 and Columbus Day, and generally between 3:00 p.m. and 9:00 p.m. Chairman Oster inquired whether the trailer would remain portable, and would be pulled away from the location at the end of the season. Mr. McCauley stated that the trailer would remain portable, that he did intend on pulling the trailer at the end of the season, but during the season would add a skirt around the trailer base. Chairman Oster asked for more detail regarding the utilities. Mr. McCauley stated that the bathroom in the camper would be for employees only, that there would not be a bathroom facility provided for customers, that water would be brought in and that there would not be any kind of private water supply to the camper, but that there would be a separate electric hookup with a separate meter. The Planning Board asked whether Mr. McCauley knew whether the used car sales would be continuing, or whether that business had been discontinued. Mr. McCauley stated that it was his understanding that used cars were not being sold in the winter, but that it was the intent of that business owner to recommence used car sales in the spring, and have that business operate in the spring, summer, and fall. Member Mainello noted that this camper area is proposing to take up an additional 4 parking spaces in the parking lot. Chairman Oster stated that it looked like the owner of the plaza was slowly taking away parking spots for additional businesses. The total of 10 parking spots were dedicated for used car sales, and 4 additional parking spots were being proposed for elimination in connection with ice cream sales. Member Czornyj also noted that as a practical matter additional parking spots on each side of this ice cream concession would also be lost. Member Mainello asked whether there would be any issue with putting this concession trailer on the lawn, so that parking spaces in the parking lot would be maintained. The Planning Board was interested in pursuing that option. Chairman Oster inquired whether the Planning Board felt a public hearing was necessary on the application. The Planning Board generally concurred that

a public hearing should be held. The Planning Board noted that a complete site plan needed to be submitted by Mr. McCauley, which showed the proposed location for the concession trailer, all lighting, proposed barrier from the parking area to the proposed concession trailer location, location of all electrical connections, and if the trailer is to be located on the grassed area, a proposed crusher walkway. Mr. McCauley understood the requirements, and stated that he would submit the information immediately. This matter has been placed on the March 1 agenda for further consideration.

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

Mr. Kreiger noted that he had been contacted by Henry Reiser concerning his proposed commercial site plan at the intersection of Route 2 and Route 278, that there has been a revision to the proposed wastewater system, and that Mr. Reiser was requesting to be placed on the next Planning Board agenda so that he could generally review the revised plan with the Planning Board. Chairman Oster stated that the matter would be placed on the March 1 agenda for discussion.

Chairman Oster also noted that the Town Comprehensive Plan Committee would be holding a public meeting on March 6, 2012 at the Tamarac School.

The Planning Board also held further general discussion on the concept of commercial uses in parking areas at existing commercial sites in general, and the proposed ice cream concession trailer in the Tamarac Plaza parking lot specifically. The Planning Board generally concurred that the McCauley site plan application would be deemed an amendment to the overall Tamarac Plaza site plan, and not as a separate site plan within the parking area of the Tamarac Plaza. In this way, the overall traffic movement and parking areas for the entire Tamarac Plaza would be considered.

The index for the February 16, 2012 meeting is as follows:

1. David Leon – Planet Fitness site plan – approved with conditions;
2. McCauley – site plan – 3/1/12.

The proposed agenda for the March 1, 2012 meeting currently is as follows:

1. McCauley – site plan;
2. Reiser – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 1, 2012

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

ABSENT were CHAIRMAN RUSSELL OSTER and FRANK ESSER.

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

The Planning Board reviewed the draft minutes of the February 16, 2012 meeting. Upon motion of Member Wetmiller, seconded by Member Mainello, the draft minutes of the February 16, 2012 meeting were unanimously approved.

The first item of business on the agenda was the site plan application submitted by Charles McCauley for operation of a seasonal ice cream concession trailer proposed to be located at the Tamarac Plaza on Route 2. The Applicant was not present, and this matter has been placed on the March 15, 2012 agenda. Mr. Kreiger reported that a recommendation had been received from the Rensselaer County Department of Economic Development and Planning, which has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail. However, the County did comment that since many of the customers will be coming from the playing fields located to the east and that they would be required to cross the entrance driveway to the parking lot at the Tamarac Plaza, the County suggested that provisions be made for the pedestrian access, or the ice cream concession trailer site should be moved to the east side of the access driveway. The County suggested that pedestrian access

could include sidewalks or cross walks across the access driveway that is lit during evening business hours. Mr. Kestner also stated that the Planning Board should consider children coming from the Route 2 soccer fields to this ice cream concession, which would require the children to go around the existing fence between the Tamarac Plaza and the soccer fields, bringing a number of children close to Route 2, which could present a safety issue. These matters will be discussed at the March 15 meeting.

The next item of business on the agenda was the commercial site plan application submitted by Reiser Bros. for property located at the intersection of Route 2 and Route 278. Scott Reese, Steve Dean, Henry Reiser, and John Reiser were present for the Applicant. The purpose of the meeting was to have the Applicant update the Planning Board on changes which have been made to the proposed site plan. Mr. Reese reviewed these changes. The changes include the use of on-site septic systems, which in turn necessitated the elimination of one proposed commercial building and reconfiguration of the proposed subdivision to allow adequate on-site area for the septic systems. Mr. Reese explained that a total of 3 commercial lots were being proposed, and each would have its own water and on-site septic system. The new project engineer, Steve Dean, was currently meeting with the Rensselaer County Department of Health concerning the on-site septic system design, and Mr. Reese reports that the Rensselaer County Department of Health wanted input from the Brunswick Planning Board as to whether there were any comments or concerns on a concept basis before the County proceeded with a more detailed review of the septic proposal. Mr. Reese generally explained that it was the same basic commercial lot layout, including a proposed gas station on a corner lot on Route 2 and Route 278, one commercial building located on a separate lot immediately to the west with the last commercial lot being at the intersection of Route 2 and Langmore Lane. There is an open area

for a septic system located between the western commercial lot at the corner of Route 2 and Langmore Lane and the middle commercial lot, designed to service the wastewater from the gas station lot. Mr. Reese reiterated that the current proposal was for site plan approval on only the gas station lot on the corner of Route 2 and Route 278, and the commercial lot immediately adjacent to the west, and that the last commercial lot located at the corner of Route 2 and Langmore Lane was not being advanced currently for site plan review. Member Mainello reviewed the updated Full Environmental Assessment Form, and indicated that the form says the project is only one phase, but that Member Mainello recalled that the gravel extraction for the project was to be completed in multiple phases. Mr. Reese generally explained that with the revision to the proposal, there would be less total amount of material to be removed from the site. Mr. Kestner wanted to confirm that there was 50,000 cubic yards of material to be removed. Mr. Reese stated that he would need to verify that amount. Member Christian asked whether some of the material was going to be relocated to the top of the slope on the site, for purposes of berm construction. Mr. Reese generally confirmed that some of the material would be relocated on-site for berm construction, but there would still need to be material removed from this site. Member Wetmiller said with respect to the first commercial lot for the gas station, the proposed layout was for an irregular-shaped lot with a 30' wide portion located to the rear of this project site to connect to a septic area located further to the west. Member Wetmiller asked whether this 30' wide area for a wastewater line was adequate for purposes of future repair and maintenance. Mr. Reese stated that with a 30' wide area, equipment would be able to access that area for future repair and maintenance. Member Wetmiller inquired whether the proposed final slope for this 30' wide area would impact the ability of equipment to access the waste line in the future. Mr. Reese opined that the area would remain accessible to equipment. In general,

Member Wetmiller stated that the proposed on-site septic design was superior to the previous wastewater treatment plant proposal. Mr. Kestner followed up and stated that while the area for the gas station lot for the wastewater line was 30' wide, he was still concerned whether this area was accessible for equipment given the proposed final grades. Mr. Kestner inquired whether the layout of the proposed gas station facility was the same as previously presented to the Planning Board. Mr. Reese stated that there was no change to the layout of the proposed gas station site plan. Mr. Kestner asked about the commercial lot immediately to the west of the gas station lot. Mr. Reese stated that with regard to this commercial lot, a building of the same square footage was being proposed, but there has been a change in the lot size and configuration due to the change in septic design. Mr. Kestner asked whether the proposed berm behind the homes located at the top of the slope had been changed. Mr. Reese stated that the berm was generally the same as has been previously proposed. Mr. Kestner noted that part of the berm on the top of the slope was being built on two residential lots, and suggested that the Applicant submit something in writing showing that the lot owners were in agreement with the berm construction. Henry Reiser indicated that he had spoken with the lot owners, and that he will get something in writing from them. Mr. Kestner asked about the berm construction location, and whether that impacted any leach field area on the residential lots located at the top of the slope. Mr. Reese stated that he had located the actual leach fields on the site plan, but had not put in the expansion areas for these leach fields on the map, but confirmed that the berm would not impact the expansion areas for the existing leach fields on the residential lots. Member Mainello asked whether the septic design for the commercial lots was a raised bed system. Both Mr. Reese and Mr. Dean confirmed that these would be raised bed systems. Member Czornyj asked whether the proposal to have trucks go around the rear of the gas station building as on the original site

plan was impacted by the new septic design, including a wastewater line going to the rear of that commercial lot. Mr. Reese stated that the new septic design would not impact the ability of trucks to go around the rear of the gas station building. Member Czornyj asked whether the stormwater discharge was being handled in the same manner as on the previous site plan. Mr. Reese stated that the general stormwater design was the same, including a control structure on the gas station lot which would then outlet to the NYSDOT open drainage swale on Route 2, and that he would be updating the stormwater plan for the project. Mr. Kestner asked whether the proposed entrances on Route 278 and Route 2 are the same as on the prior site plan. Mr. Reese confirmed that the same entrances are being used. Member Czornyj asked about the proposed stone wall construction to the rear of the gas station lot. Mr. Reese and Mr. Reiser confirmed that a "ready rock" concrete block retaining wall is proposed to be installed, which would be approximately 100' long and will vary in height between 8' at its highest point and going to 2' at its lowest point. Member Tarbox was concerned about this retaining wall because of the amount of surface water and groundwater shedding off the residential project at the top of the slope. Mr. Reese stated that the retaining wall will be fully engineered, and will address all surface water and groundwater issues. Attorney Gilchrist reviewed the current procedure on this application. The Planning Board had opened a public hearing on the prior site plan proposal, and had kept that public hearing open pending additional information concerning wastewater design. Also, since a "filling station" was being proposed for the project, the matter had also been referred to the Zoning Board of Appeals for consideration of a special permit which is required for construction of a "filling station". Attorney Gilchrist confirmed that the Planning Board is serving as SEQRA Lead Agency, and Mr. Kreiger noted that the Zoning Board of Appeals was now waiting for the Planning Board to make a SEQRA determination before any action on the

special permit application for the "filling station". As Attorney Gilchrist understood, the Applicant was at the March 1 Planning Board meeting for purposes of consideration of a concept or sketch plan by the Applicant so that it could relay any comments the Planning Board had on a concept basis to the Rensselaer County Department of Health. Mr. Reese and Mr. Dean confirmed that status. Member Czornyj then stated he did not have any objection to the change on a concept basis, and in fact it provided for more greenspace on the overall project site than previously proposed. Member Wetmiller also stated that he felt the current proposal was a better septic design. Member Mainello also stated that he had no major objection to the proposed layout, but did want clarification on the gravel extraction. Henry Reiser did state that there would be a change to the proposed gravel removal, and that he was still anticipating that there would be 2 phases of gravel extraction, but the underlying commercial build-out would be done all at once without a construction phasing plan. Member Mainello confirmed that he wanted an accurate description of the gravel extraction, including volumes, as well as the proposed construction plan for the commercial buildings. Member Mainello also wanted to confirm that the Applicant was not proposing any current project for the third commercial lot located at the intersection of Route 2 and Langmore Lane. Mr. Reiser stated that there are no current plans for construction on that third commercial lot. The Planning Board generally concurred that it did not have any significant objection on a concept basis to the current proposal, including the onsite septic systems, and that a full detailed site plan submittal would need to be filed with the Planning Board to continue the site plan review. This information will need to include detail concerning the proposed gravel extraction as well as the construction schedule, and a clear comparison between the prior commercial proposal and the current commercial proposal. Also, the Planning Board is requiring that appropriate amendments to the revised Environmental

Assessment Form be submitted. This matter will be placed on the March 15 agenda for further discussion.

Mr. Kreiger reported that there are no new items of new business.

Mr. Kreiger reported that there is one item of old business to be discussed. Paul Engster, Esq., of Johnston Associates was present to submit a concept site plan for the addition of a maintenance shed to the Johnston Associates/Wal-Mart Plaza, as well as a proposal to install a new ATM machine in the parking lot area adjacent to Hoosick Road in the Johnston Associates section of the plaza. Attorney Engster generally discussed the proposal with the Planning Board. Attorney Engster generally described the maintenance shed as being approximately 24' x 24', and that the building would be further engineered and an elevation submitted if the Planning Board had no objection to the concept proposal. Also, Attorney Engster explained that the lender projected to use the ATM anticipates a design calling for 4 cars to access the ATM at any one time, and that it would anticipate the elimination of 11 parking spaces for the ATM construction and operation. Again, Attorney Engster stated that full engineering detail would be submitted if the Planning Board had no issue on a concept basis. Member Tarbox asked about the impact to greenspace and parking space requirements. It was confirmed that the overall greenspace and parking requirements were calculated on the entire Johnston Associates/Wal-Mart Plaza PDD, and that the recent Wal-Mart expansion project added a significant amount of greenspace to the overall Plaza site. Attorney Engster stated that he would have the overall plaza greenspace and parking requirements detailed upon submission of the full site plan application. The Planning Board generally discussed traffic flow around the proposed ATM location, as well as lighting of the ATM. The Planning Board did not have an opposition on a concept or sketch plan basis, and Attorney Engster will then have a more detailed site plan prepared and submitted

to the Planning Board for review. This matter has been placed on the agenda for the March 15 meeting. Mr. Kreiger reported that the Rensselaer County Department of Economic Development and Planning had commented on this application, determining that the proposal did not have a major impact on County plans and that local consideration shall prevail. Mr. Kreiger did note that the County raised one comment, that the maintenance shed should not be used for purposes other than maintenance of the property and equipment used on the property, and should not be available for public rental or other use. Attorney Engster confirmed that this maintenance shed was for onsite use only, both by Johnston Associates for purposes of property maintenance as well as for storage by tenants as allowed by Johnston Associates.

The index for the March 1, 2012 meeting is as follows:

1. McCauley – site plan – 3/15/12;
2. Reiser Bros. – commercial site plan – 3/15/12;
3. Johnston Associates – site plan – 3/15/12.

The proposed agenda for the March 15, 2012 meeting currently is as follows:

1. McCauley – site plan;
2. Reiser Bros. – site plan;
3. Johnston Associates – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 15, 2012

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

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

The draft minutes of the March 1, 2012 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the March 1, 2012 meeting were approved as drafted.

The first item of business on the agenda was the site plan application of McCauley, who seeks to conduct a seasonal ice cream concession trailer to be located at the Tamarac Plaza on Route 2. Charles McCauley was present on the application. Mr. McCauley stated that he has submitted a site plan prepared by a licensed engineer, which shows the proposed layout of the concession trailer, including a gravel/crusher run 4' walkway from the parking lot to the concession trailer, and an 8' gravel/crusher run area in front of the trailer for customer use. The site plan also depicts a location for 3 picnic tables, although Mr. McCauley stated that there could be up to 4-5 picnic tables. The Planning Board noted that the site plan should show the total area designated for picnic table use, which may include 3 to 5 tables. Mr. McCauley also reviewed the proposed lighting and security camera system to be installed, and further described the electrical service hookup with available separate electric meter. Mr. McCauley also stated

that the trailer was self-contained, and that there would not be any septic system proposed. Rather, Mr. McCauley states that all wastewater will be collected and held in a holding tank, to be periodically pumped out. Mr. McCauley stated that there would be no public bathroom available, and that water would be available in the concession trailer for washing dishes and utensils, and for general cleaning, and that a bathroom would be available for employees only within the trailer. Mr. McCauley stated that he has analyzed the potential water use at the facility, and is of the opinion that a holding tank with periodic pumping will be adequate. Chairman Oster reviewed the recommendation received from the Rensselaer County Department of Economic Development and Planning on this application. While the County stated that the proposal does not have a major impact on County plans and that local consideration shall prevail, it did provide comments on the application. Chairman Oster reviewed the comments of the County Planning office, which provided that since many of the customers will be coming from the playing fields to the east and will be required to cross the entrance driveway to the Tamarac Plaza, accommodation for the pedestrian access should be made or the trailer site moved to the east of the access driveway. The County suggested that pedestrian access could include sidewalks or a cross walk area across the entrance driveway that is lit during evening business hours. Mr. McCauley stated that placing the trailer on the east side of the entrance driveway is problematic since there is no electric service available in that location. Mr. McCauley did state that he was in agreement with painting a cross walk across the entrance driveway, and that the cross walk should be appropriately lit, and that the lighting on the trailer could be positioned to adequately light the cross walk area. Mr. McCauley did question why this would be a requirement for his application when it was not a requirement for the Subway shop that is located in the Tamarac Plaza. The Planning Board generally responded that the Subway shop was

located in one of the existing retail spots in the strip mall, and thus did not require any Planning Board site plan review nor County recommendation. In this case, the Planning Board stated that site plan review is required since the plaza owner is proposing to have an additional retail location off the parking lot. This also requires County Planning Department review. The Planning Board accepted the County Planning Department comment as an issue of public safety, with which the Planning Board concurs. Mr. McCauley was in agreement. Member Czornyj raised the issue of the fence separating the Tamarac Plaza from the recreation fields to the east, noting that children may seek to go to the ice cream concession at the Tamarac Plaza from the recreation fields, which would require them to go around the fence and be in close proximity to Route 2. Member Czornyj recommended that Mr. McCauley look at the concept of adding a gate or other opening in the fence to eliminate the issue of children going around the fence in proximity to Route 2. Mr. McCauley questioned who owned the fence, and if the fence was not owned by the plaza owner, Mr. McCauley questioned how he could address that issue. The Planning Board directed Mr. Kreiger to coordinate with Mr. McCauley on that issue. Mr. McCauley then also added with respect to the cross walk across the entrance driveway, in addition to adding the cross walk and making sure it was appropriately lit during evening hours, Mr. McCauley thought that adding signage for a pedestrian cross walk would be a good idea. The Planning Board concurred. Chairman Oster inquired whether Mr. McCauley had investigated the option of locating this commercial venture in one of the existing vacant retail spaces in the plaza. Mr. McCauley responded that he had investigated that issue with the plaza owner, but that the plaza owner would require a one year lease even though the proposed business is seasonal. As an alternative, the landlord is willing to enter into a seasonal lease for this location off the parking lot rather than in one of the existing retail spaces in the plaza. The

Planning Board noted for the record that the Town should carefully consider all applications seeking to place retail uses in or directly off of parking lot areas. Member Wetmiller again raised a concern regarding the wastewater generated from the concession trailer, and questioned how a holding tank would work given the volume of water he anticipated would be used. Mr. McCauley stated he had analyzed the total volume of water to be used, and was of the opinion that a holding tank would be more than adequate and would require only periodic pumping by a septic service. Mr. McCauley stated that he would personally monitor the water use, and also that there would be a gauge on the holding tank which will be monitored for pumping. Member Wetmiller noted for the record that this issue did need to be closely monitored by Mr. McCauley, and that in his opinion the holding tank would need to be pumped very frequently. Member Mainello asked Mr. Kreiger about the total number of parking spaces required for the plaza, including this concession trailer. Mr. Kreiger did subsequently investigate that issue, and determined that there were currently a total of 93 parking spaces for the Tamarac Plaza, with 8 being dedicated to the used car display associated with the used car sales. This leaves 85 total spaces available for parking for the remaining retail uses. Mr. Kreiger then looked at the current tenants of the plaza, plus similar uses to the former tenants located at the plaza, and also added the required parking for the proposed concession trailer, and determined that the plaza required 78 parking spaces, and that a total of 85 were available. The Applicant will be informed about the parking statistics. Mr. McCauley then stated he was under the impression that the public hearing would be held at the March 15 meeting, and questioned the Planning Board as to why the application could not be approved at this meeting. Chairman Oster reviewed the minutes of the February 16 meeting, and after further discussion, it was confirmed that a public hearing will be required for this site plan application, that a public hearing has not yet been noticed, and that the

public hearing will be held on April 5th commencing at 7:00 p.m. The Planning Board confirmed that issues requiring resolution on this application include written confirmation from the plaza owner authorizing Mr. McCauley to submit the site plan, written confirmation from the plaza owner concerning installation of the pedestrian cross walk and signage near the entrance driveway, and further investigation regarding a gate or other opening in the fence between the Tamarac Plaza and the recreation fields to the east. Mr. McCauley was also directed to bring a picture or façade of the trailer for the public hearing. This matter is scheduled for public hearing on April 5 commencing at 7:00 p.m.

The next item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for property located at the intersection of NYS Route 2 and NYS Route 278. Scott Reese was present for the Applicant, together with Henry Reiser and John Reiser of Reiser Bros. Inc. Mr. Reese confirmed the layout of the proposed 3 lot subdivision, and the Applicant was currently seeking site plan approval for commercial uses on two of these lots. Mr. Reese generally reviewed the information which had been previously presented at the March 1 meeting, emphasizing that each lot now has its own private water and private septic system. Mr. Reese explained that since the March 1 meeting, he has prepared and submitted additional detail drawings regarding drainage and lighting, and had also submitted a project narrative. Mr. Reese confirmed that the use of proposed lot 1 is for the convenience store and gas station use, which is also currently pending before the Zoning Board of Appeals for a special permit as a "filling station", and that there was a proposed commercial building for lot 2. Mr. Reese confirmed that there is no current site plan submitted for the third commercial lot at the intersection of NYS Route 2 and Langmore Lane. Mr. Kestner asked whether the commercial use on lot 2, which had previously been described as a restaurant, would have a drive-thru area.

Mr. Reese stated that no final tenant had been identified, but that the layout had been designed to leave room for a drive-thru area although one is not being currently proposed. Henry Reiser stated that he was hoping to have two uses going to this commercial building similar to an existing commercial building at the end of Oakwood Avenue, and is trying to identify a bank for one side of the commercial building and a restaurant or sports bar for the other side of the building, and that the bank would have a drive-thru teller availability. Mr. Kestner noted that both he and Mr. Kreiger had met with Mr. Reese to discuss the project generally. Mr. Kestner did inquire as to the total amount of material to be extracted and removed from the site in connection with construction activities. Mr. Reese stated that approximately 50,000 cubic yards of material needed to be cut from the site, that approximately 8,200 cubic yards would then remain onsite for berm construction, with the remainder of the material to be removed from the site. Mr. Reese and Mr. Reiser both confirmed that the original plan called for approximately 130,000 cubic yards of material to be removed, but due to changes in the site plan as a result of in-ground septic systems, the amount of that material had been reduced to 50,000 cubic yards of cut, with only approximately 42,000 yards to be removed from the site. Mr. Reese did confirm that this is a single phase project, both with respect to the material removal as well as the commercial building construction on lots 1 and 2. Mr. Kestner wanted to confirm that NYSDOT had given preliminary approval for curb cuts on Route 278 and Route 2 for all of these 3 proposed lots, including lot 3 even though a final site plan is not yet submitted. Mr. Reese confirmed that NYSDOT has granted preliminary approval for all curb cuts to Route 2 and Route 278, including a curb cut for proposed lot 3. Mr. Kestner asked for additional detail concerning the retaining wall to the rear of lot 1. Mr. Reese handed up additional information concerning the proposed "ready rock" retaining wall, noting that there was still engineering to be completed

on the retaining wall installation. Attorney Gilchrist then reviewed the procedural status of the application. The Planning Board is serving as SEQRA Lead Agency on this action, and that a SEQRA determination needs to be made by the Planning Board prior to any final action by either the Zoning Board of Appeals concerning the special permit on the "filling station", and any action by the Planning Board on the commercial subdivision and site plan applications. The Planning Board will allow additional public comment on the revisions to this commercial proposal prior to making a SEQRA determination, and inquired whether there was adequate information to continue the public hearing. Mr. Kestner stated that he felt there was adequate information submitted on the project revisions to allow the continuation of the public hearing and get public input for consideration by the Planning Board, and would concur on continuing the public hearing at the next Planning Board meeting. Mr. Kestner did note that some additional detailed plans are being prepared by Mr. Reese, and is of the understanding that these additional detailed plans will be submitted by March 26, but that the application materials currently on file with the Town are adequate for continuation of the public hearing. Member Tarbox asked whether the proposed building elevations and façade will remain the same as previously described to Mr. Reiser. Mr. Reiser stated that he was still looking to have the same façade to the buildings. Member Tarbox stated that Mr. Reiser should have the building elevations showing the proposed façade available at the continuation of the public hearing. The Planning Board then generally discussed the layout of the proposed parking spaces and pump island on the "filling station" lot, and the potential for relocating parking spaces to assist in vehicle movement through the lot. There is also general discussion regarding stormwater management on this project, particularly with respect to lot 2. The public hearing on this application will be continued and noticed for the April 5 meeting commencing at 7:15 p.m.

The next item of business on the agenda was the site plan application by Johnston Associates, seeking to amend the existing site plan for the Brunswick Square Plaza located at Hoosick Road to add a storage shed at the rear of the existing structure and an ATM machine in the parking area adjacent to Hoosick Road. Paul Engster, Esq. of Johnston Associates was present on the application. Mr. Engster handed up additional information concerning the proposed ATM. Mr. Engster generally reviewed information concerning total greenspace on the Johnston Associates portion of the Brunswick Square Plaza. Mr. Engster then described the location of the proposed storage shed, which is being proposed to be 24' x 24' in size. Mr. Kestner then stated he had gone to the site to measure the area of the proposed storage shed, and specifically the distance between the existing blacktop travel lane and the stockade fence located near the property line. Mr. Kestner stated that the distance between the pavement edge and the stockade fence is approximately 31'. Mr. Kestner noted that there was additional blacktop installed to make the travel lane wider, which is not depicted on the submitted site plan. Mr. Engster confirmed that the travel lane was widened as a result of the drive-thru area for the Trustco Bank. Mr. Kestner stated that based on his measurement, installing a 24' building in a 31' area would be tight, particularly considering necessary setback areas which would require the building to be approximately 2' off of the paved area. Mr. Engster noted that initially he had proposed a 10' x 20' building, but that his engineer had recommended a larger building based on the site plan. After further discussion, Member Czornyj suggested relocating the shed to a different area, which could accommodate the 24' x 24' building without any impact to the travel lane. There was then general discussion concerning setback requirements and code requirements for side yard and rear yard accessory buildings, which will be further investigated by Mr. Kreiger and Attorney Gilchrist. Chairman Oster then raised the issue concerning the ATM proposal, and

whether this would require an amendment to the existing Planned Development District approval since it would be adding an additional retail area to the plaza. The Planning Board noted that while the storage shed is deemed an accessory building to the existing retail space, the installation of an additional freestanding ATM is deemed to be an addition of a retail use to the plaza which may require an amendment to the PDD approval. Mr. Engster agreed that the ATM installation may require an amendment to the PDD approval. Chairman Oster inquired whether this proposed ATM tenant could simply use the existing ATM structure located in the former SEFCU tenant location, which would not require any additional review or approval by the Planning Board. Mr. Engster will investigate that option. Mr. Engster concurred that it would be a better approach to separate the installation of the utility building from the proposal to add an ATM to the parking lot area, and pursue those options separately. The Planning Board stated that in the event this proposed ATM tenant were to simply use the existing ATM facilities at the former SEFCU location, that use could immediately commence without any further Town review, whereas the proposal to install a freestanding ATM facility in the parking lot may require review by both the Town Board and the Planning Board. Mr. Engster will continue to work with his engineer and Mr. Kestner concerning the proposed utility building location, after consultation with Mr. Kreiger concerning required setbacks. This matter is placed on the April 5 agenda for further discussion.

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

The index for the March 15, 2012 meeting is as follows:

1. McCauley – site plan – 4/5/12 (public hearing to commence at 7:00 p.m.);
2. Reiser Bros. Inc. – commercial subdivision and site plan – 4/5/12 (public hearing to continue at 7:15 p.m.);

3. Johnston Associates, Inc. – site plan – 4/5/12.

The proposed agenda for the April 5, 2012 meeting currently is as follows:

1. McCauley – site plan – 4/5/12 (public hearing to commence at 7:00 p.m.);
2. Reiser Bros. – commercial subdivision and site plan – 4/5/12 (public hearing to continue at 7:15 p.m.);
3. Johnston Associates, Inc. – site plan – 4/5/12.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 5, 2012

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

ABSENT was GORDON CHRISTIAN.

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

Chairman Oster reviewed the business agenda for the April 5 Planning Board meeting which includes the site plan application of McCauley (public hearing at 7:00 p.m.), commercial subdivision and site plan application by Reiser Bros. (public hearing to continue at 7:15 p.m.), and amendment to site plan by Johnston Associates.

The Planning Board opened the public hearing on the site plan application of Charles McCauley. Attorney Gilchrist read the Notice of Public Hearing into the record, stating that the notice had been published in The Troy Record, placed on the Town Sign Board, mailed to all owners of adjoining properties, and was placed on the Town website. Chairman Oster requested the Applicant to give an overview of the proposal. Mr. McCauley generally reviewed the site plan, which proposes to site and operate a seasonal ice cream concession trailer to be located at the Tamarac Plaza on Route 2. Mr. McCauley generally reviewed the trailer location, electrical hookup to the trailer, water usage, wastewater handling, area proposed for picnic tables, and seasonal operation from May 1 to Columbus Day, generally 3:00 p.m. to 9:00 p.m. Chairman Oster then opened the floor for receipt of public comment. Joe Castiglione, 4005 Route 2, owner

of Guiseppi's and the Sunoco Station, stated that he operates a permanent establishment, not a temporary one, and that he is required to have full water and septic with full bathrooms, and he anticipates that any patrons of this seasonal concession trailer will simply walk over and use the bathrooms at his store rather than have bathrooms available for this seasonal concession trailer, that he pays taxes based on operating 12 full months not on a temporary basis, that ice cream sales will be messy and require multiple cleanups and should require bathroom facilities, and that he is concerned that his bathrooms will be used to support this temporary concession trailer. James Tachik, 387 Brunswick Road, questioned why a proposed tenant is the Applicant on this site plan application, rather than the landlord, and that the landlord should be required to be present, and further questioned whether any approval for this site plan application would be limited to Mr. McCauley, or could be transferred to a different tenant, and whether the approval would be limited only to ice cream concession or any retail use. Chairman Oster did respond that a proposed tenant or contract vendee can be an appropriate Applicant on the site plan application, in the event there is written authorization by the underlying property owner in the file. In this case, there is written authorization by the underlying property owner for this site plan application. Frank Brennanstuhl, 27 Dusenberry Lane, questioned why this proposal is not being located in one of the empty storefronts in the existing plaza, and if it will be approved for an outside temporary trailer location, then the location should be on the side of the facility and not out on the front grassed area, that children from the soccer fields will be walking very close to Route 2 and across an access road and parking lot which raises a safety issue, and whether the same rules regarding signs are applicable to a temporary seasonal concession trailer as opposed to the plaza building. Chairman Oster responded that while the Planning Board had previously discussed the option of installing a gate in the fence between the soccer fields and the Brunswick

Plaza, this was merely a suggestion, and that the Applicant did speak with the Town of Brunswick, which owns the fence, and determined that the fence was installed for two primary reasons, including the fact the plaza owner at that time did not want parents of soccer players parking in the plaza parking lot and walking to the soccer fields, and that the Town was not in favor of having kids from the soccer fields walking over to the plaza through the parking lot. Chairman Oster reiterated that the addition of a gate to that fence was not a requirement of the Planning Board, but merely an option to investigate, which the Applicant complied with. Chairman Oster confirmed that the Town of Brunswick is not in favor of placing a gate in the fence between the soccer fields and the Brunswick Plaza. Hearing no further comment, the Planning Board closed the public hearing on the McCauley site plan.

The Planning Board then continued the public hearing on the subdivision and site plan application by Reiser Bros. for property located on NYS Route 2 and NYS Route 278. Attorney Gilchrist read the Notice of Public Hearing into the record, stating that the notice had been published in The Troy Record, placed on the Town Sign Board, mailed to owners of property adjacent to the project site and also to owners within the Langmore Lane neighborhood, and also placed on the Town website. Chairman Oster requested that the Applicant present an overview of the project, including the most recent project changes. Scott Reese, on behalf of the Applicant, stated that the proposal now included a three-lot subdivision of property located in the B-15 Zoning District, that on one lot located at the corner of Route 278 and Route 2 a gas station/convenience store is being proposed, that on the next lot to the south located along Route 2 a restaurant/bank/retail building is being proposed (with no current specific tenant or final end use), and that the third commercial lot located at the intersection of Route 2 and Langmore Lane is vacant and not being proposed for current construction. Mr. Reese reviewed the revised on-

site septic plan, and the increased greenspace for the project site. Mr. Reese also reviewed the soil/gravel removal plan, which given the project revisions has resulted in less total volume of material proposed to be removed from the site. Chairman Oster stated that this application had been the subject of a previous public hearing which had been left open, and that given the changes to the application, the Planning Board felt it appropriate to continue the public hearing so as to allow the public to become aware of the proposed project changes and be allowed to comment. Chairman Oster then opened the floor for receipt of public comment. Kathy Murray, 69 North Langmore Lane, and president of the Tamarac Regional Homeowners Association, stated that this area is known for its scenic vistas, rolling hills, quality of rural life setting, aesthetic values, rural lifestyles, and a very peaceful location; that the subdivision plan for the Brook Hill Subdivision did not show anything concerning a commercial development being pursued along Route 2 and Route 278, and that the possibility of future commercial development was left wide open with no pre-planning; that this proposal would change the rural character of the area; that Route 2 is a scenic byway; that there are no sidewalks or bike lanes on Route 2 for safety; that this area cannot safely handle additional traffic which would be generated from this project; that the Town's Master Plan states that development should not impair the quality of life; that if this project is completed it would result in increased asphalt, dumpsters, lights, noise, and traffic congestion; that the area cannot support three gasoline stations for only 1,300 people living in the Cropseyville area; that even if this is built, it may result in another empty mall or retail location; that the Applicant "accepted by default" restriction on commercial development by pursuing residential development in the Brook Hill Subdivision first; that this entire proposal should be reviewed rather than being reviewed in bits and pieces; and also handed up written comments to the Planning Board dated April 5, 2012 for the project file; and that a petition

signed by almost 50 residents of the Brook Hill Subdivision and Tamarac area homeowners association was handed up for the file. Kathryn Romano, 15 Brook Hill Drive, stated that her property was directly above the Route 2/Route 278 intersection; that when she bought her property from the Applicant there was discussion of "small quaint shops", with no mention of a gas station, convenience store, restaurant or sports bar; that the size and height of the buildings are not appropriate; that this proposal will negatively impact her quality of life; that her property will be impacted by odors and smells of cooking; she is concerned about a sports bar and the serving of alcohol; that a bar/restaurant should not be allowed so close to Tamarac School; that a bar/restaurant could give rise to violence; that this proposal will result in increased noise and traffic; that she will be impacted by dumpsters located behind these proposed buildings; that the proposed berms and buffers will not work, resulting in a very stressful and potentially unhealthy impact; that this site is too small for the proposed uses; questioned whether there was any noise ordinance in the Town; and that this project should be denied; and further handing up a copy of written comments dated April 5, 2012 for the file. Gary Washock, 13 Long Hill Road, commented on increased traffic, safety concerns, stormwater compliance with wetlands and streams in close proximity, and stated he agreed with the concerns of both Kathy Murray and Kathryn Romano, and that this project should be denied. Jane Qualkensteen, 81 North Langmore Lane, stated she had moved into her home in 2011, that the area is quiet and scenic and light pollution will impact the ability to see stars at night, questions how this project can move forward when there are restrictions on her property as to location of clotheslines due to the beauty of the area. Gladys Washock, 13 Long Hill Road, also agreed that light pollution would impact the scenic quality of the area and the ability to see stars, that this would remove the quality of life, that a third gas station in this immediate location is ridiculous, that this would

only result in chaos, and that the Applicant should think about the community that they are intruding on. Shawn Nealon, 54 Wygmore Lane, stated that he is a lifelong resident of the Town of Brunswick, that he welcomes this proposal, that he thinks competition is good, that providing more opportunities keeps business and money in the Town of Brunswick, that Route 7 and Route 2 are the only major arteries in Town and that they must locate businesses there, that the Town must have businesses to mitigate residential property taxes, that this is a reasonable proposal, and that the proposed new commercial uses will be good for the residents of the Town. James Gardner, 11 Brook Hill Drive, stated that between the existing Stewart's Shop, the trucks from the quarries, and Tamarac School there is already noise and light pollution in this area; that he has had many discussions with Henry Reiser, and that he is not opposed to commercial development at this location if the development is done properly; that he is definitely not in favor of having a sports bar located at this site; that this area is not the idyllic situation that other speakers have created, and that the Applicant should be given a chance to address all issues raised by the public; and that given the proximity of his property to the project site, he has more to lose than anyone from this project other than the Murray's. Brenda Beaudoin, 46 Buck Road, stated that her daughter and granddaughter had recently moved into the Brook Hill Subdivision; that while the Town needs commercial development, a sports bar and a gas station at this location is not a good idea; that this proposal will result in unreasonable traffic and safety impacts. Chairman Oster noted that he had discussed the application documents with Mr. Kestner, and that apparently the application drawings are not complete, and that a full stormwater report had not yet been submitted, and therefore he is recommending that the public hearing remain open. Chairman Oster repeated that the purpose of reconvening the public hearing were to get the initial comments of the surrounding property owners, and that the

Applicant will need to respond to these comments. It was the unanimous opinion of the Planning Board members that the public hearing should be kept open, and adjourned to be reconvened at a later date.

The Planning Board then opened the regular business meeting.

The draft minutes of the March 15, 2012 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the March 15, 2012 meeting were unanimously approved as drafted.

The first item of business on the agenda was the site plan application by Charles McCauley to conduct a seasonal ice cream concession trailer to be located at the Tamarac Plaza on Route 2. Chairman Oster noted that the McCauley site plan now includes the area noted for picnic table use and the crosswalk on the access road to the parking lot. Member Mainello inquired whether the picture of the façade of the concession trailer is part of the record, and whether that specific façade will be binding on this proposal. Attorney Gilchrist stated that the picture of the façade of the concession trailer is part of this application file, and the Planning Board can condition any action on this application to require that specific trailer façade or equivalent. Chairman Oster inquired what the rear of the concession trailer would look like from the Route 2 vantage point. Mr. McCauley stated that it would look like the rear of a small house, somewhat similar to the sheds being sold at the Shed-Man business on Route 2. Chairman Oster confirmed that Mr. McCauley had spoken with the Town of Brunswick concerning a gate to be installed in the fence between the soccer fields and the Brunswick Plaza lot, and that the Town was not in favor of installing a gate since the fence was initially put in at the request of the plaza owner to avoid parents of soccer players parking in the plaza parking lot and walking to the soccer fields, and also to reduce the events of children walking from the soccer field area into the

parking lot at the Brunswick Plaza. Chairman Oster confirmed that the Applicant did address this issue. Member Czornyj stated that he still had a significant concern regarding children walking in close proximity to Route 2 to get around the fence to get to the ice cream concession trailer from the soccer fields, and that the ice cream concession trailer would be attractive to small kids who might be at the soccer fields. Mr. McCauley responded that there was already a crosswalk across Route 2 at the location between the soccer fields and the Brunswick Plaza near the fence, and that in his opinion there was at least 13 feet between the end of the fence and the shoulder of Route 2, which should provide adequate room for any children walking from the soccer fields to the Brunswick Plaza. Member Czornyj thought that this safety issue should be studied further, and inquired whether the Planning Board could require a study of that issue. Attorney Gilchrist stated that the Planning Board could require additional information on that safety issue in the event the Planning Board deemed it significant. Mr. McCauley responded that he had already agreed to install a crosswalk across the entrance road to the parking lot, and that kids may already be coming from the soccer fields to the Brunswick Plaza to go to the Subway Shop and the other shops located in the plaza. Member Czornyj asked who would paint the crosswalk and maintain it. Mr. McCauley stated that he would paint the crosswalk and maintain it. Chairman Oster asked whether the trailer would be removed at the end of the season. Mr. McCauley stated that he planned to move the trailer off the Brunswick Plaza site at the end of the season, and bring it back in the Spring. Member Tarbox stated that he was also concerned about the safety of children and could not support this application the way it is now because it is an attraction to small kids from the soccer fields going over to the concession trailer near Route 2 and through the parking lot at the Brunswick Plaza, and stated that he felt this project should also not be approved since there was existing open retail spaces in the Brunswick Plaza in which this

business could locate. Chairman Oster also agreed that this Brunswick Plaza has several empty retail spaces, and rather than locating a concession trailer near the parking lot or on the greenspace, this business should be located in one of the existing empty retail spaces. Chairman Oster stated that it did not make sense to him to allow a concession trailer to be located on the greenspace when there were open and unused retail spaces in the existing plaza building. Mr. McCauley stated that a concession trailer is easier to approve with the Rensselaer County Health Department. Also, Mr. McCauley stated that there could be bathroom facilities available in the existing plaza building, rather than kids going over to the Sunoco Station. Member Czornyj stated that this raises another concern that kids would now be going through the front parking lot from the concession trailer area to go to the bathroom within the plaza building. Member Czornyj also was concerned that Mr. McCauley's site plan showed a crosswalk having been painted from the used car sales location to the Brunswick Plaza retail buildings, but that in fact that crosswalk had never been painted as required on the site plan for the used car sales. Member Czornyj asked whether the Planning Board could require compliance with the prior used car sales site plan before acting on any further site plans for the Brunswick Plaza. Attorney Gilchrist stated that it was within the Planning Board's discretion to require any outstanding compliance issues be resolved prior to acting on an additional site plan for this location. Member Tarbox asked whether this site plan would be limited to Mr. McCauley's use of a concession trailer. Attorney Gilchrist stated that the site plan would not be limited to Mr. McCauley, but would rather be an approved use at the Brunswick Plaza in the future, but such approval would be limited to ice cream concession, at the specific location depicted on the site plan, with a specific trailer façade or style if required by the Planning Board. Member Wetmiller inquired whether the site plan would need to be modified if there were any changes to the

wastewater or septic proposal. Attorney Gilchrist stated that an amendment to the site plan would be required if a change to the site was necessitated, but that the Planning Board had no jurisdiction over the septic or wastewater compliance. Mr. Kestner did state that he had contacted the Rensselaer County Health Department regarding this proposal, and that the County Health Department had no record of any applications having been made for this facility. Chairman Oster inquired of the Board members as to their opinion of this proposal. Member Esser stated that Member Czornyj makes a valid point regarding the safety of children, and that he would support the proposal if the trailer were located on the east side of the access road to the Brunswick Plaza parking lot, and a gate were installed in the fence between the Brunswick Plaza and the soccer fields, but that he was not in favor of the proposal as currently presented. Member Mainello stated that he did not have any problem with the site plan as proposed, if in fact there was strict compliance with the site plan limitations and requirements. Member Czornyj stated that he had significant concern regarding safety, and was also of the opinion that this matter should not proceed until all compliance issues regarding this prior site plan for the used car sales area are resolved. Member Wetmiller stated that he was concerned regarding an additional use in the parking lot area or the greenspace area at the Brunswick Plaza when there are existing retail spaces that are vacant within the plaza building. Member Tarbox stated that he was concerned regarding safety, and cannot support this proposal in its current form. Chairman Oster stated that he tended to agree with Member Wetmiller, and that while he had no problem in concept with an ice cream concession trailer, he felt that its approval at this location was not proper since there were a number of empty retail spaces in the plaza building which could be utilized for this use. Mr. McCauley stated that the project would probably not work financially if there was a requirement to locate the ice cream concession within one of the existing tenant

spaces in the plaza building, and that the concession trailer proposal could work economically given the more limited Health Department requirements. Based on this discussion, the Planning Board directed Attorney Gilchrist to prepare a proposed resolution for action on the site plan. This matter is placed on the April 19 agenda for further discussion.

The next item of business on the agenda was the subdivision and site plan application by Reiser Bros. Inc. for property located at NYS Route 2 and NYS Route 278. Chairman Oster noted that there were several public comments which the Applicant will need to address. Mr. Reese initially responded that a proposed use of the commercial building proposed for the second lot to the south of the proposed gas station/convenience store is a 3,500± square foot building which is designed for potential multiple options, and that the design was made for the maximum needs for one of the potential end uses, which happens to be a bar/restaurant, which requires the greatest number of parking spaces as well as a larger area for the septic system, and therefore the lot has been designed for the maximum potential end uses allowable under the zoning code. Mr. Reese stated that while a restaurant or bar could be a potential end use for this commercial building, there is no definite end use being proposed. Chairman Oster then had Mr. Kreiger review all of the allowable uses within the B-15 Zone. Mr. Kreiger reviewed the zoning code, and recited all of the allowable uses within the B-15 Zoning District under the Brunswick Zoning Code. Chairman Oster confirmed that there is a distinction between the zoning of the site, and the site plan review undertaken by the Planning Board. Chairman Oster stated that the Planning Board does not determine the allowable uses at the site, but rather the allowable uses are listed in the Brunswick Zoning Code and placed on the Brunswick Zoning Map. Rather, the Planning Board reviews site plans pursuant to the Site Plan Review Standards for any of the allowable uses under the Brunswick Zoning Code. Mr. Reese then continued, stating that the proposed

sizes of these commercial lots need only be 15,000 square feet under the Brunswick Zoning Code, and that lots of a size of 111,000± square feet are being proposed; that under the Brunswick Zoning Code, the maximum lot coverage for this location is 40% of the lot, whereas only 3% is being proposed on this site plan; that the commercial buildings being proposed are 3,500-4,000± square feet, whereas many of the homes in the Brook Hill Subdivision are in the range of 2,000 square feet; that the proposed commercial buildings will be limited to 35 feet in height, have peaked roofs with shingles, in an effort to have the buildings fit within the character of the area; that the Site Plan Regulations in Brunswick require only 35% greenspace, whereas this proposal is for 74% greenspace; that the proposed roof elevations for the commercial buildings will be below the proposed berm height to be constructed at the rear of the project site; that down-lighting is being proposed to reduce light spillage; that the proposed entrances to the commercial lots have been identified and approved by the New York State Department of Transportation; that under the original proposal for this project approximately 130,000 cubic yards of material was proposed to be removed off-site, and with the project modifications that amount has been reduced to approximately 50,000 cubic yards; that in terms of the general character of the area, there are already gas stations, convenience stores, and restaurants located along Route 2; that in terms of stormwater, the Applicant will be required to follow all NYSDEC Stormwater Requirements; and that the potential environmental impacts of this project still need to be reviewed under SEQRA. Chairman Oster noted that some of the public commented that this area does not need another gas station, convenience store, or restaurant, and asked whether the Applicant had conducted any market study. Mr. Reese stated that the proposals were a business decision by the Applicant, and were allowable uses under the Brunswick Zoning Code. Chairman Oster wanted to confirm that a full stormwater report had not been submitted yet on

the application. Mr. Reese confirmed that given changes to the project, that a modification to the stormwater report still needed to be prepared to comply with the current NYSDEC Stormwater Regulations, and that report still needs to be submitted to Mr. Kester for review. Chairman Oster noted that many of the comments received from the public were emotional issues, quality of life issues, and addressed aesthetics and character of that location, and that the Applicant will need to address these comments in some manner. Chairman Oster did state that the public was concerned about another restaurant proposal when other restaurants had not been successful along Route 2. Henry Reiser stated that he wanted to keep his options for end use open, and was willing to pursue any of the allowable end uses under the Brunswick Zoning Code. Chairman Oster noted that there was a difference in terms of impacts between a bank and restaurant for example, and the Applicant would need to address this on the record. Mr. Reiser also stated he thought the proposal would actually reduce noise impacts to the Brook Hill and Langmore area from the traffic noises along Route 2 and Route 278. Member Czornyj stated that while there was existing noise during the day, the issue will be potential noise at night, particularly from a restaurant/bar. Chairman Oster stated that the Planning Board needed to digest all the public comments received, both verbal and written, and that the Applicant needed to submit additional information on the application, and therefore this matter is placed on the April 19 agenda for further discussion. The April 19 meeting will not be for purposes of continuing the public hearing, and that the public hearing will be continued upon due notice at a later date. Member Mainello requested Mr. Reiser to submit all restrictions included in the Brook Hill Subdivision lots to the Planning Board for review. Mr. Reiser stated that he would submit a copy of the deed restrictions for the Brook Hill Subdivision. This matter is placed on the April 19 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by Johnston Associates, to amend the existing site plan for the Brunswick Square Plaza located at Hoosick Road to add a storage shed at the rear of the existing retail building. Paul Engster was present for the Applicant. Mr. Engster confirmed that the application is now limited to installation of the storage facility to the rear of the existing retail buildings, and that the proposal to add an ATM to the front parking lot area has been withdrawn, and if the ATM proposal is pursued by the proposed tenant, that matter will need to proceed to the Town Board for an amendment to the Planned Development District. Mr. Engster confirmed that he had reviewed this matter with Mr. Kreiger concerning the setback requirements for the building location, but ultimately determined with his engineer that the original location proposed worked better on the site for several reasons, including the fact that it was located further away from Route 7 and located more to the rear of the existing building. To address any issues concerning setbacks, the proposed building has been reconfigured to a 20' x 28' footprint, with an appropriate offset from the travel lane behind the retail buildings. The Planning Board then generally discussed building location and stormwater management. The Planning Board also wanted to confirm that this use of the storage facility is restricted to Johnston Associates and tenants in the plaza, and is not available for use by the general public. Mr. Engster confirmed that the use will be so limited. Member Mainello asked what the storage facility would generally be used for. Mr. Engster stated that he would be storing lawnmowers, snowblowers, and have an area for existing tenants to store materials including outdoor chairs and umbrellas, as well as packaging materials for the UPS Store during peak holiday times. The Planning Board members also discussed the proposed height of the storage building as well as its exterior façade, and Mr. Engster stated that he would prepare a rendering to present to the Planning Board for review. The Planning Board raised the

total greenspace issue, and Mr. Engster stated that with the recent amendment to the Brunswick Square PDD adding the former DiGiovanni parcel, the storage facility will not impact total required greenspace. The Planning Board determined that a public hearing would be required for this application, and Mr. Engster concurred. Mr. Engster stated that he would have details regarding the storage facility, including its exterior, prepared for the public hearing. A public hearing has been scheduled for the May 3 meeting to commence at 7:00 p.m. It was also noted that a review letter had been received from the Brunswick No. 1 Fire Department dated April 5, 2012, a copy of which was provided to Mr. Engster. Mr. Engster stated that he had no problem with including a key to the storage shed in the Knox box already installed at the site, but suggested that mounting a fire extinguisher on the exterior of the storage building was not a good idea, and that he would have an extinguisher located inside the storage building. This matter is set for public hearing to commence at 7:00 p.m. at the May 3 meeting.

Three items of new items were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Julie Harper, 12 Berkshire Drive, Tax Map No. 113.3-1-4.15. The Applicant is seeking to divide 4 acres off an existing 9.2 acre site to be transferred to the adjoining property owner, which will then be merged into the adjoining property owners lot, and not be used for a separate building lot. The Planning Board requested Mr. Kreiger to investigate the location of the existing well and septic on the two lots. This matter is placed on the April 19 agenda.

The second item of new business discussed was a site plan application submitted by Steven Chan, 685 Hoosick Road, Tax Map No. 90.20-11-5, which is the Plum Blossom Restaurant. The Applicant is proposing a building addition to the rear of the restaurant building, which had already been commenced but is now the subject of a stop work order. The Planning

Board requested Mr. Kreiger to clarify the proposed use for the building expansion, which could affect the total required parking spaces for the site. This matter is placed on the April 19 agenda for preliminary review.

The third item of new business discussed was a referral from the Brunswick Town Board of a Planned Development District application by Dave Mulino for installation and operation of a paint ball facility on Oakwood Avenue. This matter is placed on the April 19 agenda for a presentation by the Applicant.

Mr. Kreiger also noted that he has been presented with an application to locate a church in one of the existing retail spaces in the Gateway Plaza on Hoosick Road, but that an issue concerning required total parking spaces needs to be addressed by the Zoning Board of Appeals.

The index for the April 5, 2012 meeting is as follows:

1. McCauley – site plan – 4/19/12;
2. Reiser Bros. Inc. – subdivision and site plan – 4/19/12;
3. Johnston Associates, Inc. – amendment to site plan – 5/3/12 (public hearing to commence at 7:00 p.m.);
4. Harper – waiver of subdivision – 4/19/12;
5. Steven Chan – site plan – 4/19/12;
6. Mulino – PDD referral – 4/19/12.

The proposed agenda for the April 19, 2012 meeting currently is as follows:

1. McCauley – site plan;
2. Reiser Bros. – subdivision and site plan;
3. Harper – waiver of subdivision;
4. Chan (Plum Blossom) – site plan;
5. Mulino – PDD referral.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 19, 2012

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

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

Chairman Oster reviewed the agenda for the April 19 meeting, noting that the subdivision and site plan application of Reiser Bros., Inc. has been adjourned at the request of the Applicant. The Reiser application will be placed on the agenda for the May 3, 2012 meeting.

The draft minutes of the April 5 meeting were reviewed. One typographical correction was made at page 15, replacing "new items" with "new business". Subject to the typographical correction, Member Czornyj made a motion to approve the draft minutes of the April 5 meeting, which motion was seconded by Member Mainello. The motion was unanimously approved, and the April 5 meeting minutes were approved subject to the typographical correction.

The first item of business on the agenda was the site plan application by Charles McCauley for the installation of a seasonal ice cream concession trailer to be located at the Tamarac Plaza on NYS Route 2. Charles McCauley was present. Also present was Ken Bruno, managing member of Tamarac Plaza, LLC, owner of the Tamarac Plaza. Mr. McCauley stated that he had considered the deliberation of the Planning Board at the April 5 meeting, had further reviewed the prior discussions of the Planning Board, and had further meetings and discussions

with the Rensselaer County Department of Health, and presented a revised proposal to the Planning Board. Specifically, Mr. McCauley proposes to relocate the ice cream concession business to the east side of the Tamarac Plaza lot, east of the access roadway and parking area, and in proximity to the property line between the Tamarac Plaza and the recreation fields. Mr. McCauley stated that he is proposing to install a permanent wood shed building, not a seasonal trailer. The permanent wood shed building would remain in place on the site, but continue to be operated only between May 1 and Columbus Day. Mr. McCauley said he was interested in executing a five (5) year lease with Tamarac Plaza, LLC, and he is intending to be a permanent business in the Town of Brunswick. Mr. McCauley also explained that based upon his discussions with the Rensselaer County Department of Health, he is now proposing to connect the permanent wood shed building to water and septic, and have use of restrooms in the Tamarac Plaza building for his customers. Mr. McCauley stated that he would no longer be proposing to use a holding tank which would be periodically pumped, but rather install a wastewater line directly to the septic system utilized by the Brunswick Plaza. Mr. McCauley reports that the Rensselaer County Department of Health stated that the permanent woodshed structure connected to water and septic was a more acceptable proposal. Mr. McCauley stated that given the proposed new location of the business, the crosswalk across the access road would no longer be required. Mr. McCauley also stated that he is proposing to locate the business in an area where there is no parking identified in the parking lot in front of the building location. Chairman Oster stated that the Planning Board's engineer, Mr. Kestner, had made inquiry with the Rensselaer County Department of Health, and that there was a potential issue concerning the temporary trailer and use of a holding tank for wastewater, and that the revised proposal to locate the business in a permanent wood shed building and connect to the septic system for the Tamarac

Plaza addresses and solves this issue. Chairman Oster also stated that given the revised location of the business, the crosswalk along the access road to the parking lot no longer seems necessary. Chairman Oster did say that the issue regarding pedestrian safety and the fence between the recreation fields and the Tamarac Plaza remains an issue, and that the Planning Board may want to coordinate with NYSDOT and the Town of Brunswick regarding the fence since the fence is located up to the edge of the right-of-way for NYS Route 2. Member Wetmiller stated that he always felt that the holding tank for wastewater was going to be a problem, and that connecting into the septic system for the Tamarac Plaza is a much better approach. Member Czornyj then stated that he agreed a crosswalk in the area of the access road may no longer be necessary, but he is of the opinion that a crosswalk should still be added in proximity to the revised business location. Mr. McCauley stated that he would comply with whatever requirements the Planning Board had concerning installation of crosswalks. Chairman Oster re-visited the pedestrian safety issue, and stated that the reasons for the initial fence installation should be investigated, and that there does now seem to be adequate parking at the recreation fields to address any initial concern that patrons of the recreation fields would utilize the Tamarac Plaza parking lot. Mr. Kestner also reviewed his understanding of the history regarding the installation of the fence. Member Czornyj stated that he remains concerned regarding the safety of children going from the recreation fields to this ice cream concession business, particularly since kids will be walking in close proximity to Route 2, and that based on his site observation, there does exist a berm in the general location of the end of the fence and the Route 2 right-of-way, which may require children to walk in close proximity to the shoulder of Route 2. Chairman Oster stated that in his opinion, one option would be the elimination of one length of fence near the Route 2 right-of-way, while retaining the remaining of the fence area. This would potentially allow adequate

room for pedestrians to go from the recreation field to the Tamarac Plaza without walking in close proximity to Route 2. Chairman Oster made it clear that the Planning Board was not focusing the pedestrian safety issue only on the McCauley site plan, but that this issue concerning pedestrian safety between the recreation field and the Tamarac Plaza apparently exists today as well. It was noted that the Planning Board was analyzing this issue given that one of the site plan standards which the Planning Board must address is pedestrian circulation and safety. Mr. Bruno stated that he was willing to work with the Town on this issue, but reminded the Board that the site plan in front of the Board members concerned the Tamarac Plaza, and not the recreation fields. Mr. Bruno confirmed that he would support the removal of a section of the fence or the installation of a gate, which ever was acceptable or desirable by the Town. The Planning Board then addressed the issue of whether the modification of the site plan discussed at this meeting was a significant change so as to require re-opening of the public hearing. After discussion, the majority of the Planning Board members determined that this was not a significant change to the proposed site plan, and that reopening of the public hearing was not necessary. The Planning Board next addressed the site plan as currently proposed. Attorney Gilchrist stated that the Planning Board should consider the site plan on the presumption that no change would be made to the fence between the recreation fields and the Tamarac Plaza, and whether the Planning Board members deemed the site plan to be approvable without any change to the fence. After further deliberation, the majority of the Planning Board members deemed the site plan to be approvable even if there were no change to the fence between the recreation field and the Tamarac Plaza, but would strongly recommend to the Town that a change be made to the fence, with options including removal of a section of the fence next to the Route 2 right-of-way, removal of a section of the fence within the middle of the fence length, or installation of a gate in

the fence. The Planning Board would recommend that the plaza owner (Mr. Bruno), business owner (Mr. McCauley), Supervisor Herrington, Town Board member Salvi, and John Kreiger meet to discuss this fence issue. Member Mainello wanted to confirm that the façade of this permanent wood shed building would be the same as previously presented for the trailer, and that the façade would be maintained. Mr. McCauley stated that the façade would be the same, and would be maintained in the future. Member Mainello also had suggestions concerning crosswalk locations, which were discussed by the Planning Board and Mr. McCauley. The Planning Board then generally discussed the site plan, determining that the revised location was an improvement over the previous location, and the connection to water and septic addressed the wastewater and Rensselaer County Health Department issues. The Planning Board also then discussed conditions which it would deem appropriate on this site plan. The Planning Board determined that it was ready to act upon the site plan. Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved by a vote of 5-2, with Member Czornyj and Member Christian voting no. Accordingly, a negative declaration under SEQRA was adopted. Thereupon, Member Mainello made a motion to approve the McCauley site plan subject to the following conditions:

1. The operation of the ice cream and dessert concession business is permitted from May 1 through Columbus Day of the calendar year. Operating hours are limited to Monday through Friday, 3:00 p.m. to 9:00 p.m.; weekends, 12:00 p.m. to 9:00 p.m.
2. The items offered for sale shall be limited to those presented by the Applicant, including ice cream and dessert items only.
3. The building to be installed will be permanent to the site, and will not be removed at the end of the operating season; the façade of the permanent wood shed structure shall be the same or equivalent to the façade presented by Mr. McCauley during site plan review.

4. Pedestrian crosswalks shall be installed and located in areas to be finalized by the Brunswick Building Department, and must be painted and maintained at all times while the ice cream concession business is in operation.
5. Public restrooms shall be available for customers of the ice cream concession business in the Tamarac Plaza building; signage shall be installed at the ice cream concession building noting that bathrooms are available in the Tamarac Plaza building.
6. The owner/operator of the ice cream concession business must notify the Brunswick Building Department annually prior to resumption of operation to allow the Brunswick Building Department adequate opportunity to inspect the building, signage, and pedestrian crosswalks to determine compliance with the site plan approval.
7. All required permits, licenses and/or other approvals from the Rensselaer County Health Department must be obtained by the owner/operator of the ice cream concession business, and copies of all permits and approvals of the Rensselaer County Health Department shall be provided to the Brunswick Building Department before operation of the ice cream concession business is allowed.
8. The owner/operator of the ice cream concession business must provide proof to the Brunswick Building Department that all required permits, licenses, and/or other approvals of the Rensselaer County Health Department are valid and/or renewed prior to resumption of concession operations in all subsequent years.
9. The owner of the Tamarac Plaza and owner of the ice cream concession business must meet with the Town of Brunswick to discuss options concerning the fence located between the Tamarac Plaza site and the adjacent recreation fields. The Planning Board members recommend that the Town of Brunswick consider a change to such fence, with options including removal of a section of fence adjacent to the NYS Route 2 right-of-way; removal of a section of a fence near the middle of the fence in proximity to the Tamarac Plaza buildings; or installation of a gate in the fence to allow pedestrian access between the recreation fields and the Tamarac Plaza. The Planning Board makes this recommendation to allow pedestrian access only.

Member Esser seconded the motion subject to the stated conditions. The motion was approved by a vote of 5/2, with Members Czornyj and Christian voting no. Thereupon, the site plan was approved subject to the stated conditions.

The next item of business on the agenda was the Reiser subdivision and site plan. This matter has been adjourned to the May 3, 2012 meeting.

The next item of business on the agenda was the waiver of subdivision application by Julie Harper for property located at 12 Berkshire Drive, Tax Map No. 113.3-1-4.15. Julie Harper was present. Ms. Harper explained that she is seeking to divide 4 acres off her existing 9.2 acre lot to be transferred to an adjoining property owner. Chairman Oster confirmed that the application fee has been paid. The Planning Board generally discussed the map, identifying the adjacent owner to which the 4 acres would be transferred. The adjacent owner, now or formerly "Carl", owns 3 parcels bounded by Atlantic Avenue and Pleasant Street, with deeds for these parcels identified in Liber 1462, CP 14 and Liber 1450, CP 234. The Planning Board made it clear that this 4 acre subdivision would not result in a separate lot, and was required to be legally merged into one of the lots owned by "Carl". Ms. Harper understood this requirement. The Planning Board also confirmed that there is no setback issue concerning well and septic on the Harper lot in the event this subdivision is approved. Mr. Kestner also noted that Ms. Harper had used a map previously prepared by his office on this application, and stated that the Planning Board should require a separate waiver map be prepared by a separate licensed engineer. Chairman Oster inquired whether there were any further questions or comments on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted under SEQRA. Member Czornyj then made a motion to approve the waiver application subject to the condition that the 4 acres divided off the Harper parcel be legally merged into one of the lots referenced on the map owned by "Carl", that such lot have frontage along the public street, that proof of legal merger into the "Carl" lot be

filed with the Brunswick Building Department, and that Harper prepare a new waiver map signed by a licensed professional engineer or land surveyor. Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by Steven Chan to add an addition to the rear of the Plum Blossom Restaurant located at 685 Hoosick Road, Tax Map No. 90.20-11-5. Steven Chan was present. Mr. Chan explained that he was seeking approval to put the addition on the back of the restaurant for purposes of creating more storage for the restaurant business, including relocating coolers and freezers and providing more storage area for furniture. Mr. Chan also explained that this would provide a greater area for the kitchen, which currently is too small and creates potential safety issues. Chairman Oster inquired whether the addition was to add one floor or two floors. Mr. Chan stated that the addition was a one floor addition only. Chairman Oster noted that the Board reviewed a copy of the previous site plan, noting that the Board had waived the 35% greenspace requirement on the prior site plan due to the widening of Route 7, and wanted to confirm that this addition would not further reduce greenspace. Upon review, the Planning Board determined that the proposed addition was limited to an area that was identified as a patio on the previous approved site plan, and that there would be no further loss of greenspace. The Planning Board then discussed the foundation that had been installed in the area of this proposed addition. Mr. Kreiger confirmed that the foundation had been placed on bedrock, that he did not identify any structural issues, and that compliance issues would be addressed through the building permit process. Member Wetmiller wanted to confirm that the addition was for one story only, without the possibility of installing a second floor. Mr. Chan stated that the addition was one story only, and limited to storage. The

Planning Board determined that this constituted a minor modification to the existing approved site plan, and determined that a public hearing was not necessary. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved, and a negative declaration adopted under SEQRA. Member Czornyj then made a motion to approve the site plan subject to the condition of the installation of a knox box pursuant to the comments of the Brunswick No. 1 Fire Department. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the site plan approved subject to the stated condition.

The next item of business on the agenda was the Planned Development District referral by the Town Board of the Mulino Planned Development District application. Attorney Tom Kenney and David Mulino were present. This PDD application seeks approval to install and operate a paint ball recreation facility on 13.6 acres located off Oakwood Avenue and Farrell Road. Mr. Mulino is leasing the property from the property owner (Murley), access to the site is off Farrell Road to a parking area, that the facility will be open to the public only on Saturday and Sunday from 8:30 a.m. to 5:00 p.m., that three paint ball fields are proposed, that it is anticipated to be approximately 75 - 100 players on the weekend, and that the nearest home to this area is approximately 2,500 to 3,000 feet away and is owned by the son of the property owner. Chairman Oster asked whether the paint ball guns result in any noise. The Applicant stated that some noise is generated but the guns are air operated, act similar to a pellet gun, and produce a noise of 60-70 decibels at the loudest, which will not present any noise impacts at the property line. The Planning Board asked Mr. Kreiger regarding any parking requirements. Mr. Kreiger stated that there were no specific parking requirements in the code for recreation uses, but that the Applicant is proposing 60 parking spaces. The Planning Board stated that this

should be adequate for 75-100 patrons on the weekends. The Applicant also stated that there was adequate room to expand the parking area if necessary. It was confirmed that this was proposed for recreation use only, and not for any type of league or tournament play. Chairman Oster asked whether there were any spectators at these types of facilities. The Applicant said that there are areas for spectators on the "speed ball" area, but that there is safety netting entirely around the speed ball field, and that all national standards applicable to paint ball facilities will be adhered to. Attorney Kenney reiterated that there were national standards applicable for paint ball facilities, and that all such standards would be adhered to. Member Tarbox asked whether the access road off of Farrell Road had already been cut in, and whether the Board members could drive into the site. The Applicant stated that the access road had been cut in, that the road is 26 feet wide, and that it is accessible. Chairman Oster inquired whether there were any wetlands on the project site. The Applicant responded that there were no wetlands on the project site itself, and that the wetland area on the underlying parcel are adjacent and along Oakwood Avenue, off the specific 13.6 acre project site. Concerning bathroom facilities, the Applicant stated that port-a-johns would be used. The Applicant confirmed that firearms were not allowed on the site, and that the site would not contain any shooting range. The Applicant confirmed that a gate would be installed on the entrance road. The Applicant stated that the facility would be open year round, but that use was very slow in the winter months. The Applicant also stated that the project site would be double posted, specifically that the site would be posted in a perimeter of approximately 200 feet from the playing area, and also posted from the interior of the site from the perimeter of the playing area, which results in a 200 foot buffer between anyone on the outside of the project site from the players utilizing the recreation field. John Mainello, realtor for the underlying property owner, also confirmed that the underlying parcel will be properly

posted. The Planning Board generally discussed the application, and concurred that it would issue a positive recommendation to the Town Board. Attorney Gilchrist was directed to prepare a draft positive recommendation for review by the Board at the May 3 meeting.

No new items of business were filed.

Mr. Kreiger did report that comment letters had been received from the Brunswick No. 1 Fire Department on the Wal-Mart expansion project and the Johnston Associates site plan.

The index for the April 19, 2012 meeting is as follows:

1. McCauley – site plan – approved with conditions;
2. Reiser Bros. Inc. – subdivision and site plan – 5/3/12;
3. Harper – waiver of subdivision – approved with conditions;
4. Chan (Plum Blossom Restaurant) – site plan – approved with condition;
5. Mulino – PDD referral – 5/3/12.

The proposed agenda for the May 3, 2012 meeting currently is as follows:

1. Johnston Associates – site plan (public hearing to commence at 7:00 p.m.);
2. Mulino – PDD referral;
3. Reiser Bros., Inc. – subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 3, 2012

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

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

Chairman Oster reviewed the revised agenda for the May 3 meeting, noting that the Reiser subdivision/site plan application has been adjourned to the meeting of May 17, 2012.

The Planning Board held a public hearing on the application by Johnston Associates, LLC to amend the site plan for the Brunswick Square Plaza to add a storage/maintenance shed to the rear of the existing retail structure. The Notice of Public Hearing was read into the record, noting that the Public Hearing Notice was published in the Troy Record, placed on the Town sign board, placed on the Town website, and mailed to all adjacent property owners. Paul Engster, Esq. was present for the Applicant, and presented a brief overview of the proposal, which is to install a storage/maintenance building to the rear of the existing Trustco Bank. The storage/maintenance facility is for use only to maintain the premises and for limited storage for existing tenants. The storage/maintenance building is not for public lease or income purposes. The proposed storage/maintenance facility is approximately 20' x 28', and an elevation showing the proposed building exterior has been submitted. Mr. Engster stated that he was trying to have the building fit in visually with the existing structure. Mr. Engster then stated that there were no

changes to the site plan from the previous presentation to the Planning Board. Chairman Oster then opened the floor for receipt of public comment. No member of the public wished to provide comment. After adequate opportunity, the Planning Board then closed the public hearing.

The regular meeting of the Planning Board was then opened.

The draft minutes of the April 19, 2012 meeting were reviewed. It was noted that the name "Mulino" is corrected to "Mulinio" throughout the minutes. With that correction noted, Member Czornyj made a motion to approve the April 19 minutes, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the minutes of the April 19 meeting adopted subject to the noted correction.

The first item of business on the agenda was the site plan application by Johnston Associates for the Brunswick Plaza. Chairman Oster noted that the Planning Board was in receipt of comment from the Brunswick No. 1 Fire Department concerning the installation of a fire extinguisher on the outside of the storage/maintenance building. Chairman Oster was of the opinion that placing a fire extinguisher on the exterior of the building would likely result in the fire extinguisher being stolen or damaged, they thought that a fire extinguisher should be required inside of a storage/maintenance building. Mr. Engster stated that he would definitely have a fire extinguisher on the inside of the storage/maintenance building, but would agree to contact the Brunswick No. 1 Fire Department, meet with the Fire Department, and try to accommodate them in terms of their comment that a fire extinguisher should be on the outside of the building. Chairman Oster inquired whether there were any further comments from the Planning Board. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a negative declaration adopted under SEQRA. Member Czornyj

then made a motion to approve the site plan application, subject to the condition that Mr. Engster contact and consult with the Brunswick No. 1 Fire Department concerning the Fire Department's comment about installation of the fire extinguisher on the exterior of the building, but with a requirement, at a minimum, a fire extinguisher be provided on the interior of the building. Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan application approved subject to the stated conditions. Mr. Engster then stated that the site plan which had been submitted showed only the Johnston Associates portion of the Brunswick Plaza, and that he would have a site plan of the entire Brunswick Square Plaza prepared for the Building Department showing the addition of the storage/maintenance shed.

The second item of business on the agenda was the Mulinio Planned Development District application, upon referral for recommendation from the Town Board. This matter had been discussed by the Planning Board members at its April 19 meeting, and a draft Resolution and Recommendation had been prepared. The Planning Board members reviewed the draft Resolution and Recommendation in detail with the Applicant. Two items were amended. At paragraph 1(g), it was noted that a net would also surround the "speed ball field", and the net would be approximately 12' high. At paragraph 1(h), it was noted that the paint ball facility would also be available to law enforcement personnel for training purposes during Monday through Friday, 8:30 a.m. to 5:00 p.m. It was further discussed that the law enforcement personnel training would not allow any firearms to be used at this facility. The Planning Board members generally discussed potential noise generation, and distances to surrounding residences. After final deliberation, the Planning Board unanimously adopted a positive recommendation on the Mulinio Planned Development District application, with limited amendments to the draft

Resolution and Recommendation as discussed at the meeting. The Planning Board attorney will prepare the final Resolution and Recommendation, and forward the recommendation to the Town Board for consideration.

Chairman Oster noted that Gus Scifo of the Brunswick No. 1 Fire Department had arrived at the meeting, and informed him that the Johnston Associates site plan application was approved, subject to the condition that Mr. Engster will contact the Brunswick No. 1 Fire Department and coordinate with them on the Fire Department's recommendation concerning the fire extinguisher installation.

There were no new items of business to discuss.

Chairman Oster noted that training through the Capital District Regional Planning Commission is available, and reviewed an announcement concerning an upcoming planning seminar. The Planning Board members also discussed the option of in-house training, and requested Attorney Gilchrist and Mr. Kestner to investigate that option.

Chairman Oster also noted that an invitation had been received concerning a meeting of the Rensselaer Plateau Alliance for May 31, 2012 to generally discuss a conservation plan.

The index for the May 3, 2012 meeting is as follows:

1. Johnston Associates, LLC – site plan – approved with condition;
2. Mulinio – PDD referral and recommendation, positive recommendation adopted.

The proposed agenda for the May 17, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 17, 2012

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

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

Chairman Oster reviewed the agenda for the May 17 meeting.

The draft minutes of the May 3, 2012 meeting were then reviewed. Member Czornyj made a motion to approve the May 3, 2012 minutes, which motion was seconded by Member Wetmiller. The motion was unanimously approved and the minutes of the May 3 meeting adopted.

The first item of business on the agenda was the Reiser subdivision and site plan application by Reiser Bros., Applicant. Scott Reese and Henry Reiser appeared on behalf of Applicant to update the Board. He advised that the Applicant was still working on the stormwater report and had just received information concerning the location of the waterline at the intersection of Route 278 and Route 2. He then handed up copies of a letter dated May 17, 2012, submitted in response to public comments made at the April 5, 2012 public hearing. The letter specifically addressed 10 public comments. Mr. Reese read the letter to the Planning Board. Concerning Applicant's response to the second public comment about Route 2 being a scenic byway, Chairman Oster pointed out that Route 2 is designated a scenic highway in the

Town's Comprehensive Plan. He suggested that Mr. Reese look at that section of the Comprehensive Plan. With regard to the public comment concerning lack of sidewalks or bike lanes on Route 2 for safety, Mr. Reese asked the Board whether there was any plan to link the ballfields. Member Czornyj indicated there had been some preliminary discussion of creating walking trails. Chairman Oster asked if the Applicant would put in sidewalks to connect the businesses on the project site. Mr. Reese said no, there would be no sidewalks as the green area and existing slopes would be used for the septic system and that the project had been redesigned for drive-up business. Member Czornyj referred Mr. Reese to the Comprehensive Plan which expresses desire to see interconnected sidewalks for buildings within walking distance.

With respect to the public comment regarding "small, quaint shops", Mr. Reese indicated the Applicant would bring photos of the proposed buildings to the next meeting, and stated they would be colonial in style, in keeping with the "Brunswick town character".

Chairman Oster reminded the Applicant that the public hearing was still open. Member Mainello wants verification that the Applicant has responded to all the public comments. In addition, Chairman Oster said the Board would take time to review the Applicant's responses to the public comments.

Member Wetmiller thought that concern expressed at the public hearing was not so much about the appearance of the shops, but rather that there would be a bar/restaurant at that location. Mr. Reese indicated the Applicant used a bar as a potential tenant for the purpose of calculating the minimum number of parking spaces required. Applicant is leaving its options open.

Chairman Oster stated that with respect to the Applicant's response to concern about the number of gas stations in the area, that the real concern was over the number of gas stations "clustered" in such close proximity to each other. Mr. Reese said the area and attendant traffic

could support an additional gas station in that area. Mr. Reiser clarified that the proposal was really for a convenient store which would have a few gas pumps, as opposed to a full service gas station.

Member Mainello reminded the Applicant that the Board had received 3 letters regarding the proposed project prior to the public hearing, and that the Applicant needed to respond to those comments. In addition, Chairman Oster acknowledged receiving a letter from Bob and Lori Borden dated May 2, 2012.

Mr. Reese stated the Applicant intended to submit the full stormwater report to Mr. Kestner next week. Applicant has now confirmed the depth and location of the water line *vis a vis* the proposed detention basin. Mr. Kestner will confirm with the Water Department what intentions are with respect to the sleeve which was installed when the road was relocated. Mr. Reiser said the sleeve was currently staked.

This matter was placed on the agenda for the June 7th meeting provided that the Applicant had the stormwater report to Mr. Kestner in sufficient time for review and comment.

The next item of business was the referral by the Town Board of Marini Builder's application to amend its PDD approval. Andrew Brick, Esq., Robert Marini and Lee Rosen were all present for the Applicant.

Chairman Oster indicated he was in receipt of a copy of a letter from the Applicant to Councilman Poletto regarding Applicant's desire to amend the project and PDD approval. Attorney Brick read that letter into the record. The Applicant is proposing to redesign the project to consist of 160 multi-family residential units. The Applicant then submitted a handout supporting the request for the amendment and containing information on reduced environmental impact of the amended project and demographic data.

The Applicant explained the project's footprint would be much smaller with significantly increased permanent greenspace. The Applicant is proposing to construct 40 4-plex multi-family units closer to McChesney Avenue Extension. The amended project will reduce over a mile of roadway and cause less land disturbance, less traffic and a reduction of water and sewer impacts. According to the Applicant, there will be no increase in environmental impacts. The Applicant displayed landscape and elevation drawings. The 4 unit buildings would be designed to look like single family homes with different design elements.

The multi-family units would be targeted to empty nesters, though the project would not be age-restricted.

Chairman Oster asked if units would be marketed as condominiums. Attorney Brick stated that the Applicant would like to rent the units until such time as the condominium market turns around. Attorney Brick described current condominium lending conditions and submitted a second handout regarding financing difficulties.

Chairman Oster then asked if the Applicant was actually proposing apartment units and whether there was a timeframe in which the apartments would be converted to condominiums. Lee Rosen said that a condo declaration would be filed on "day 1" and that the project would be assessed as condominiums. The project would be centrally managed and maintained. Member Czornyj asked how long the Applicant foresaw the rental status. Mr. Rosen stated it will take a while for the housing market to recover and that there was still a need for this type of rental housing.

Robert Marini described the proposed units as being between 1,400 and 1,550 square feet with attached garages, which would rent between \$1,250 and \$1,500 per month. He said he could not maintain the project as 162 single family homes. There will be common driveways and

approximately 70-80 feet between the buildings, which is more than originally called for between the single family homes.

Chairman Oster asked if the Town Board was clear that the proposal is to rent the units, rather than market as condominiums. Lee Rosen said the Town was aware of the plan to rent. Chairman Oster asked Attorney Coan if she knew differently. Attorney Coan responded that there was a need for the Applicant to clarify for the Town what is actually being proposed.

Member Czornyj asked what intentions, if any, the Applicant had for the undeveloped land. The Applicant said it would be permanent greenspace. Member Czornyj would like to include that in any recommendation to the Town Board. Currently, there is some farming on the land and because of the proximity to the proposed residential units, Chairman Oster thinks that may have to be taken into consideration when contemplating the recommendation. Mr. Marini pointed out there would be difficulty accessing the area currently being farmed after the project was built out. He further stated they were looking at the possibility of donating land to the Rensselaer County Nature Conservancy.

The matter was placed on the agenda for the June 7 meeting.

There were three items of new business.

The first item of new business was the minor subdivision application by Cornelius Malone for property located on Moonlawn Road, Tax Map No. 103.00-3-1.111. Cornelius Malone was present. Mr. Malone explained he wanted to divide a 28.37± acre parcel owned by the Trust of Arlene Mehner into three 9± acre residential building lots. There are buyers for each of the proposed lots. Chairman Oster confirmed the application fee has been paid and advised the Applicant that he would have to pay applicable review fees. In addition, a \$500 escrow account would have to be established. Mr. Malone indicated his understanding.

Mr. Malone explained that houses would be constructed on each of the newly created lots. He advised that he has already obtained temporary driveway permits from the County Highway Department. The Planning Board generally discussed the map, and Chairman Oster noted that the Board would like to see the driveway sight distances included on the map, as well as identification of proposed drainage culverts. The Applicant stated that the sight distances on lots 1 and 2 were no problem, but that since lot 3 was located at the top of a hill, that the County Highway Department wanted the existing driveway relocated toward the bottom of the slope, closer to lot 2.

Chairman Oster stated that the Board members would likely go out and visit the site. He asked that the proposed property lines and driveways be staked.

The matter was placed on the June 7th agenda, at which time a public hearing will be scheduled.

The second item of new business was the waiver of subdivision application by Matt and Lee Wagar. The Applicants were not present. Applicants propose to divide a 2.6± acre building lot off of a 35± acre lot, Tax Map No. 83.-3-2.2 located at Tamarac Road and Higbee Road to be used for residential purposes. The Applicants are currently proposing to use the frontage on Higbee Road, but Mr. Kreiger has confirmed with the Town Highway Department that Higbee Road has been abandoned by the Town. Per discussion with Mr. Kreiger, the Applicants have agreed to move the driveway to Tamarac Road, a public road.

The matter was placed on the agenda for the June 7th meeting.

The third item of new business was the waiver of subdivision application by Marjorie Roden for property located on White Church Road, Tax Map Identification No. 103.-7-15.11.

The Applicant was not present. Applicant proposes to divide off 1.5 acres with a barn on it, from a 69.6± acre parcel.

It was confirmed for the Board that there had been no prior subdivisions of the property within the last 7 years. It is the purchaser's intention to use the barn for equipment storage. The issue was raised that the subdivided 1.5 acre parcel would have an accessory structure on it without a residence or other primary structure, which is not allowable.

There was no old business to discuss.

The index for the May 17, 2012 meeting is as follows:

1. Reiser Bros., Inc. – subdivision and site plan – 6/7/12;
2. Highland Creek – amended PDD referral and recommendation – 6/7/12;
3. Malone – minor subdivision – 6/7/12;
4. Wagar – waiver of subdivision – 6/7/12;
5. Roden – waiver of subdivision.

The proposed agenda for the June 7, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan;
2. Highland Creek – amended PDD referral and recommendation;
3. Malone – minor subdivision;
4. Wagar – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 7, 2012

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

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

Chairman Oster reviewed the agenda for the June 7 meeting. Chairman Oster noted that the waiver of subdivision application by Wagar for property located on Tamarac Road and Higbee Road has been adjourned at the request of the Applicant to the June 21 meeting agenda.

The draft minutes of the May 17, 2012 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the May 17, 2012 meeting were unanimously approved without correction.

The first item of business on the agenda was the subdivision and site plan application by Reiser Bros. for property located along NYS Route 2 and NYS Route 278. Scott Reese was present for the Applicant. Mr. Reese reviewed his letter dated May 17, 2012 which responded to comments raised at the public hearing, as updated by him on June 5, 2012. Mr. Reese also stated that he had submitted to the Town and Mr. Kestner an updated Stormwater Pollution Prevention Plan (SWPPP) on this project. Mr. Reese noted that the underground utilities had now been located at the site, and that he was waiting for the Town Water Department to provide him with information regarding elevation of a waterline sleeve in the area of Route 2 and Route 278. Mr.

Kreiger noted he had photographs of this intersection, and that he would distribute those photographs to the Planning Board members for review. Mr. Reese also stated that he had discussed the location of an 18" culvert which exists under NYS Route 2 with NYSDOT, but there is not a record to indicate an engineering basis for having installed the culvert. Mr. Reese requested that the public hearing on this application be reconvened. Chairman Oster noted that the May 17, 2012 letter prepared by Mr. Reese had been discussed at the May 17 meeting, and further noted that the letter had been updated on June 5 to specifically respond to written comments that had been received by the Planning Board on this application. Member Mainello wanted to confirm that all of the public comments received on this application had been addressed in Mr. Reese's May 17 letter as updated on June 5. Chairman Oster stated that it was his opinion that all of the public comments had been addressed in Mr. Reese's letter. Mr. Kestner also confirmed that the update made by Mr. Reese on June 5, 2012 did address the written comments received by the Planning Board on this application. Mr. Kestner stated that he had received the updated SWPPP from Mr. Reese, and that he had completed his preliminary review, finding that it was adequate for purposes of reconvening the public hearing. Mr. Kestner then stated that the 100 year flood plain in this area had been located on the site plan, and that it appeared part of this project is located in the flood plain. However, the Applicant has addressed this by putting the building elevation for the proposed convenience store and gasoline filling station at a level above the flood plain elevation, and further that the petroleum underground storage tanks for the filling station would be tied down in compliance with NYSDEC requirements for installation of underground storage tanks in flood plain areas. Mr. Kestner noted that the underground storage tanks are at a lower elevation at the adjacent Stewarts Shop and that the Stewarts' underground storage tanks are likewise tied down pursuant to NYSDEC

requirements. Mr. Reese noted that one of the comments the Planning Board had concerned sidewalks. Mr. Reese stated that the Applicant has designed the project so that there is an adequate area adjacent to NYS Route 2 for future installation of a sidewalk or other pedestrian walkway, but that the topography of the site did not support bringing a sidewalk into the project site itself. Member Czornyj felt that an internal sidewalk between the proposed commercial buildings on the site would be a good idea. Member Tarbox stated that the Board should make sure that there is adequate area for future sidewalk installation along the public roadway. Member Tarbox also raised a question regarding the SWPPP, and how the stormwater would be handled in the area of the filling station and petroleum underground storage tanks. Mr. Reese responded that a storage vessel is proposed for the convenience store/filling station which will collect stormwater prior to discharge into an existing drainage ditch along NYS Route 2. Mr. Reese stated that an infiltration area is proposed for the second commercial lot. Member Wetmiller inquired what would happen in the event there were a petroleum spill or leak from the underground storage tank in terms of contaminating stormwater runoff. Mr. Reese responded that there were mechanisms designed to address accidental spills or releases from the underground storage tanks. Member Wetmiller also inquired as to the size of the stormwater storage vessels. Mr. Reese stated that a pre-treatment storage tank would be included of approximately 2,500 gallons, and that the total stormwater storage vessel would be approximately 55' x 86', with a 5' storage bay. There was further discussion regarding the location of the stormwater storage vessels in relation to the flood plain. The Planning Board determined that there was adequate information to reconvene the public hearing, particularly the availability of the updated SWPPP, and scheduled the public hearing to reconvene at the June 21 meeting at 7:00 p.m.

The next item of business on the agenda was the referral by the Brunswick Town Board of the Highland Creek Planned Development District amendment application for recommendation. Andrew Brick, Esq. and Lee Rosen were present for the Applicant. The Planning Board members generally discussed the water and sewer infrastructure, as well as proposed phasing for the project. The Planning Board members also discussed the plan for condominium conversion, but noted that given current market conditions, the Applicant is proposing an initial period of rental for the proposed units. Chairman Oster specifically noted that he had a concern regarding the total number of rental units being constructed in the Town of Brunswick, and questioned whether the Town can support this number of rental units or wishes to have this number of rental units. Chairman Oster feels that the Planning Board recommendation should include a condition stating that the Town Board should consider the issue of total number of rental units in the Town, its potential impact on tax base, and its potential impact on school districts. Chairman Oster noted that this was not a specific opposition to this project, but was an issue he feels the Town Board should consider. Attorney Brick stated that this Applicant had designed this project not to be standard rental units, but rather be built for condominium conversion and unit ownership. In this regard, Attorney Brick stated the layout and fit-up of these units were designed for ultimate ownership, not merely rental units, and the design layout for this site supported a condominium-type community rather than merely designed for rental units. The Planning Board members then discussed whether the proposed road is to be dedicated to the Town as a public road and when that dedication should occur. The Planning Board members had extended discussion regarding the standards to which the road is built, the construction phasing for this project, the potential condominium conversion phasing for this project, and its relation to the timing of any acceptance of this road as a public roadway by

the Town of Brunswick. The Planning Board members also had extended discussion regarding the greenspace area on this project site, and the Applicant's proposal to transfer that green area to a land conservancy. The Planning Board members discussed the option of allowing agriculture to continue in this open space, and how this could be accomplished through a land conservancy ownership or a conservation easement option. The Planning Board also generally discussed the impact of a land conservancy ownership upon real property tax base. The Planning Board members also deliberated on including sidewalks for this project, including participation in establishing a pedestrian walkway area along McChesney Avenue Extension with other PDD projects in this location. Based on the deliberations, the Planning Board directed Attorney Gilchrist to draft a proposed recommendation for review by the Planning Board members at the June 21 meeting.

The next item of business on the agenda was the minor subdivision application by Cornelius Malone for property located on Moonlawn Road. Mr. Malone stated that he had submitted a revised subdivision plat showing topography, and that he had discussed the driveway locations with the Rensselaer County Highway Department, which has informed Mr. Malone that the revised driveway locations are satisfactory. Mr. Malone had revised the location of the proposed driveway on Lot #3 based on discussion with the Rensselaer County Highway Department. The Planning Board informed Mr. Malone that he needed to submit to the Planning Board either written confirmation of approval for the driveway locations from the Rensselaer County Highway Department, or to supply sight distance information for these proposed driveway locations on the subdivision plat for consideration by the Planning Board. Mr. Malone understood this, and stated that he would supply written authorization from the Rensselaer

County Highway Department for the driveway locations. This matter has been set for public hearing at the June 21 meeting at 7:15 p.m.

Three items of new business were discussed.

The first item of new business discussed was the waiver of subdivision application submitted by Roden for property located on White Church Road. The Applicant seeks to divide one existing parcel for transfer to a third-party. The resulting parcel to be transferred to the third-party has an existing barn located on it, and the subdivision would result in a parcel with an accessory structure but without any principal structure. Accordingly, a variance from the Zoning Board of Appeals is required. Mr. Kreiger informed the Planning Board that this matter will be considered by the Zoning Board of Appeals at its June 18 meeting, and the Applicant has requested that this waiver application be tentatively placed on the June 21 Planning Board agenda subject to action by the Zoning Board of Appeals at its June 18 meeting. This matter is tentatively placed on the June 21 agenda, subject to action by the Zoning Board of Appeals at its June 18 meeting.

The next item of new business discussed was the site plan application by the Haven Baptist Church for change of occupancy of a tenant space in the Gateway Plaza located at 564 Hoosick Street. The church seeks to utilize an existing empty space in the Gateway Plaza, and proposes no structural changes at all. Mr. Kreiger had previously advised the Planning Board that this application had been submitted, but that the issue of adequate parking spaces for this proposed new use had been referred to the Zoning Board of Appeals. Mr. Kreiger explained to the Planning Board members that with the addition of the church use, plus the other existing uses in the Gateway Plaza, a total of 67 parking spaces is required under the Brunswick Town Code, whereas only 44 parking spaces exist at the Gateway Plaza. Mr. Kreiger informed the Planning

Board members that a public hearing had been held by the Zoning Board of Appeals on the waiver of parking space requirements, and that the Zoning Board of Appeals had approved such waiver to allow the change of occupancy to the church use with the existing total parking spaces at this site. The Planning Board members asked the church representative as to when services would be held at this location. Services are generally to be held on Sunday morning and Sunday evening and also Wednesday evening. Mr. Kreiger informed the Planning Board members that the Zoning Board members took into consideration the fact that the times for church services are different than peak times for the other tenant uses at the Gateway Plaza, and that the Zoning Board members felt there would be adequate parking available during the times of these church services. The Planning Board considered whether to hold a public hearing on this site plan application. Mr. Kreiger reported that at the Zoning Board public hearing, no one raised any comment. In light of this, the Planning Board felt that an additional public hearing would not be required. The Planning Board members reviewed the layout of this space for the church, and questioned whether there was a secondary means of ingress and egress provided. Mr. Kreiger stated that this was a fire code compliance issue, and that he would check into the requirements for this use and whether a secondary means of ingress and egress is required. Chairman Oster inquired whether there were any further questions or comments on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the site plan allowing for this change in occupancy subject to the condition that the tenant comply with all fire code requirements for this use in terms of secondary means of ingress and egress. The motion was seconded by Member Czornyj subject to the stated condition. The motion was

unanimously approved, and the site plan allowing for the change of occupancy was approved subject to the stated condition.

The third item of new business discussed was a waiver of subdivision application submitted by Edward Bonesteel for property located at 78 Willard Lane. The Planning Board reviewed the proposal, which seeks to divide an existing 17.74 acre parcel by means of transferring pieces of this parcel to the two adjacent parcels, thereby enlarging the size of these adjacent parcels, and resulting in a smaller lot with a house on it for potential commercial sale. The Planning Board determined that the application amounts to two lot line adjustments. This matter is placed on the June 21 agenda for further discussion.

The index for the June 7, 2012 meeting is as follows:

1. Reiser Bros., Inc. – subdivision and site plan – 6/21/12 (public hearing to reconvene at 7:00 p.m.);
2. Highland Creek amendment – recommendation - referral and recommendation – 6/21/12;
3. Malone – minor subdivision – 6/21/12 (public hearing to commence at 7:15 p.m.);
4. Roden – waiver of subdivision – 6/21/12 (tentative);
5. Haven Baptist Church – site plan for change of occupancy – approved subject to condition;
6. Bonesteel – waiver of subdivision – 6/21/12.

The proposed agenda for the June 21, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan (public hearing to reconvene at 7:00 p.m.);
2. Malone – minor subdivision (public hearing to commence at 7:15 p.m.);

3. Highland Creek Planned Development District amendment – referral and recommendation;
4. Wagar – waiver of subdivision;
5. Roden – waiver of subdivision (tentative);
6. Bonesteel – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 21, 2012

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

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

The Planning Board reconvened the public hearing on the Reiser Bros. application for commercial subdivision and site plan for property located on NY Route 2 and NY Route 278. The Notice of Public Hearing was read into the record, and stating that the Notice had been published in the Troy Record, placed on the Town website, placed on the Town sign board and mailed to all adjacent property owners and owners of lots in the Langmore neighborhood. Scott Reese was present for the Applicant. Mr. Reese presented an overview of the project, including three commercial lots. On the first commercial lot, the Applicant seeks to construct a convenience store with gas station; on the second commercial lot, the Applicant seeks to construct an approximate 3,500 square foot building for commercial use, including potential restaurant, sports bar, bank, or other commercial use; there is no current development plan for the third commercial lot adjacent to Langmore Lane. Mr. Reese stated that there had been a few changes to the site plan since the last presentation to the Board, including an addition to the proposed berm between the commercial lots and residential lots in the Brook Hill Subdivision, and adding evergreen buffer to the berm; that a sidewalk area had been proposed along the parameter of the project connecting to NY Route 2, and that the Applicant had explored extending the sidewalk further into the commercial site but was inhibited from doing that due to the site grades; presented building elevations and visual assessment

of the project from the view point of the residential lots in the Brook Hill Subdivision; and confirmed that the proposed commercial use is consistent with the zoning for the property. Chairman Oster stated that the Planning Board had already received a number of public comments at prior public hearings and letters, and that the Planning Board had considered such prior comments and had the Applicant submit responses to those comments, and that the Planning Board was looking to receive any new or additional comments, with particular regard to the updated stormwater plan and modifications to the commercial site plan. Katherine Romano, 15 Brook Hill Drive, stated that the zoning for the site should be changed, that the proposed commercial uses could not have been taken into account when the Brook Hill Subdivision was approved, that her house in the Brook Hill Subdivision will be approximately 75 yards to the proposed commercial building on commercial lot #2, that this proposal could have potential health impacts given the impairment of peace and enjoyment of their residential properties, that hours of operation for these proposed commercial uses should be considered, that the May 17 letter from the Applicant responding to public comments was inadequate, that the letter from Heer Realty did not address property values and was very vague, that the proposed septic systems for the commercial lots were too close to the residential lots and were within an aquifer, that there would be light pollution from this proposal, that the Applicant did not inform the purchasers of the residential lots in the Brook Hill Subdivision concerning his commercial plans, that this proposal should be changed to provide for buildings that are more similar to the historic school house along NY Route 278 and Buck Road, that the Applicant and Planning Board should be seeking better alternatives for this site, and handed up a full written comment letter for the Board's consideration. The Planning Board noted that the written comment letter will become part of the record. Kathy Murray, 69 North Langmore Lane, and president of the Tamarac Regional Homeowners Association, stated that while zoning may allow these uses, this proposal does not make common sense; that it is not consistent with the Town's Master Plan; that this will have an

impact on the character of the area; that the Applicant's response to concerns regarding traffic are inconsistent; that this project will result in noise impacts, odor impacts, lighting impacts, impacts to water; that there should not be a gas station within a flood plain; that the residents do not want this proposal and that it is the residents that should be considered; that while this project may fit legal requirements it is not ethical; and also handed up a written comment letter to the Planning Board. The Planning Board noted that the written comment letter will become part of the record. John McCarthy, 81 North Langmore Lane, stated that he had purchased his lot in the Brook Hill Subdivision nine months ago from the Applicant, that the Applicant had presented this area as peaceful and quiet, and that the Applicant had not informed him about the extent of the commercial proposal, that the Applicant had not met at all with the residents about this commercial project, that his property value will go down, and that the Applicant needs to work more closely with the residents. Paul Barringer, 4 Long Hill Road, stated that the proposed left hand turn from NY Route 2 into the commercial site was going to result in a problem, and was also concerned about the requirement that a certain percentage of lots in the Brook Hill Subdivision be required to be fully constructed before the Town would take over the roads in the Brook Hill Subdivision, and that with this commercial project being proposed, it is unlikely that the remainder of the residential lots in the Brook Hill Subdivision would sell thereby putting the existing residents in the Brook Hill Subdivision at risk of not having the road taken over by the Town, and that the Applicant was not being honest with the Planning Board. Jim Tchacik, 387 Brunswick Road, concurred that there would be a problem with the left hand turn off of NY Route 2 into the entrance to this commercial project, questioned the traffic flow pattern at the gas station with particular regard to room for trucks, that the building elevations for the convenience store and gas station did not include the gas canopy, and that the Applicant was making trouble for himself by not being creative, and that if there were no identified tenants what will the specifics of a site plan approval include. Jan Valkenstein, 81 North

Langmore Lane, stated that she was the owner of one of the vacant lots in the Brook Hill Subdivision overlooking this commercial project. Marsha Barringer, 4 Long Hill Road, stated that she did not want a sports bar at this location, and questioned why a restaurant was being proposed when other restaurants in the immediate area have not been able to stay open, and that no one wants a restaurant or bar at the end of a residential road. Mike Romano, 15 Brook Hill Drive, stated that the berm proposed between the commercial properties and the residential properties was behind lots 2 and 3 in the Brook Hill Subdivision, and that he is the owner of lot 4, and stated that the berm should continue and go behind lot 4 as well, but be put on the Reiser property not on his property. Member Esser questioned whether the owners of lots 2 and 3 had consented to having part of the proposed berm constructed on their private property. Henry Reiser of Reiser Bros. was present, and stated that the owners of those lots had given permission. Mr. Gardner, owner of lot 3, was present and stated that he had given permission for the berm construction on his property, that noise and light pollution already exist at this location, that he agreed to the berm since he thinks it could be an improvement over existing conditions, and that while he would rather not see anything constructed at this location it is consistent with zoning and that the berm may be an improvement over existing conditions. Joe Castiglione, owner of Giuseppe's on NY Route 2, stated that there would not be enough parking on site for a proposed restaurant use. Katherine Romano, 15 Brook Hill Drive, also stated that the berm should be extended behind her lot (lot 4 of the Brook Hill Subdivision), but should be constructed on the Reiser property. Chairman Oster stated that the public should be aware that the Planning Board has no control over the zoning on this site, and that any comment concerning the zoning of this property should be made to the Town Board or the Zoning Board of Appeals. Chairman Oster inquired whether there were any further public comments. Hearing none, Chairman Oster asked the Planning Board members whether the public hearing should be closed at this time. The Planning Board members concurred that the public hearing should be closed on this application. At that point,

Chairman Oster formally closed the public hearing on this application. Chairman Oster stated that the Applicant would need to address any new comments received at this meeting, and further that the Planning Board would need to complete the SEQRA review on this application.

The Planning Board next opened a public hearing on the minor subdivision application of Cornelius Malone for property located on Moonlawn Road. The Notice of Public Hearing was read into the record, stating that the notice had been published in the Troy Record, placed on the Town website, put on the Town sign board and mailed to all owners of adjacent properties. Cornelius Malone was present for the application, and gave a general presentation concerning the proposed 3-lot subdivision. Mr. Malone confirmed that the Rensselaer County Highway Department had granted approval for the driveway locations for these three lots. Chairman Oster then opened the floor for receipt of public comment. Michele Krill, 1 Michele Manor, inquired whether the water for these three lots would be connected to public water or be private wells. Mr. Malone stated that each of these lots would have a private well, and would not hook up to any public water. Sheryl Burke, 209 Moonlawn Road, questioned the driveway location for proposed lot 3, noting that the speed of traffic on Moonlawn Road is a problem. Mr. Malone stated that the driveway location had been relocated on proposed lot 3 at the recommendation of the Rensselaer County Highway Department, and that the county had approved the revised driveway location. Chairman Oster inquired whether there were any further public comments. Hearing none, the Planning Board closed the public hearing on the Malone minor subdivision application.

The Planning Board reviewed the draft minutes of the June 7, 2012 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the June 7, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application by Cornelius Malone for property located on Moonlawn Road. Chairman Oster noted that the public hearing had

been completed, that the Applicant had submitted proof from the Rensselaer County Highway Department for approval of the driveway locations, and confirmed that the lots would have private wells and not be connected to public water. Mr. Malone stated that the County Highway Department had approved the location of each proposed driveway, but will require an individual permit for each driveway when the lots are constructed. Mr. Kreiger confirmed that the County has approved the driveway locations for the overall project, but the County does require an individual driveway permit for each of the lots at the time of construction. Mr. Kestner also confirmed that the subdivision plat should be amended to note that the lots are subject to Rensselaer County Health Department approval for septic and also for private water supply wells. Member Tarbox noted that this property is generally wet, and that the buyers of the lots should be on notice of generally wet conditions in that location. The Planning Board noted that the approval of the Rensselaer County Health Department would be needed for septic locations, and building permit would be required for home construction. Chairman Oster inquired whether there were any further questions or comments from the Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the 3 lot minor subdivision subject to the following conditions:

1. Rensselaer County Highway Department permit for each driveway on each subdivided lot;
2. Rensselaer County Health Department for well and septic for each lot prior to residential construction;
3. Subdivision plat amended to add note that Rensselaer County Health Department approval is required for well and septic; and
4. Payment of park and recreation fee.

The motion was seconded by Member Tarbox subject to the stated conditions. The motion was unanimously approved, and the minor subdivision approved subject to the stated conditions.

The next item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for property located on NY Route 2 and NY Route 278. Chairman Oster stated that he was concerned regarding the comment about lack of communication between the Applicant and the owners of lots in the Brook Hill Subdivision and Langmore neighborhood, but that the Planning Board is focusing solely on the merits of the subdivision and site plan applications. Further, Chairman Oster stated that the Planning Board does not make any determination concerning the financial viability of any proposed business, but rather focuses on the merits of the subdivision and site plan application pursuant to the standards in the Town Code. Mr. Reiser stated that he had taken time to design this project with thought of the general character of the area, and was of the opinion that this proposal did fit into the character of that immediate area. Member Esser wanted the dumpster locations for these commercial lots identified on the site plan. Member Czornyj stated that while he was pleased that the Applicant considered the installation of sidewalks or pedestrian walkways, he wanted to confirm that these would be built in connection with the project. Mr. Reese stated that the sidewalks internal to the project site would be built, but that the walk areas adjacent to NY Route 2 could not be built without NYSDOT approval. The Planning Board had further discussion regarding the proposed berm to the rear of the commercial site and lots 2 and 3 of the Brook Hill Subdivision, and specifically whether that berm could be extended to the rear of lot 4. The Planning Board members noted that this area also served as access for future maintenance purposes for the septic area servicing lot 1, and was also in close proximity to a water line. Member Mainello raised the issue of the expansion for the septic systems for the adjacent lots in the Brook Hill Subdivision, and whether those had been considered in connection with the location for berm installation. Mr. Reese stated that the expansion areas had been considered, and the proposed berm location was outside the expansion area. Mr. Reese also generally discussed drainage associated with the berm. Member Esser raised a question regarding elevations of the road/driveway and manholes.

Chairman Oster also noted the public comment regarding left turn off NY Route 2 into this commercial site, and whether that would pose a traffic problem. Mr. Reese stated that he had reviewed that proposed driveway location with NYSDOT, and that NYSDOT had given conceptual approval to that location. The Planning Board discussed the visual assessment of the project from the adjacent homes in the Brook Hill Subdivision, the impact of the berm and proposed trees on the view shed of the valley, the distance between these homes and the proposed commercial buildings, and the conflict between adding a vegetative screen and impairing the view of the mountains and valley from the Brook Hill Subdivision lots. Member Esser inquired about grading of the slope adjacent to NY Route 278, and how that slope would be held during construction. Mr. Reese stated that during construction, the slope would be held by a seed and mulch mixture or hydroseeding, with perennials then being planted to hold the slope permanently. Chairman Oster noted that a comment had been received from the Town Superintendent for Water regarding the location of the proposed gas station/convenience store in a flood plain. Mr. Reese stated that the Applicant will respond to that comment in writing, but that he was coordinating with NYSDEC regarding the petroleum underground storage tank location in flood plain areas. Mr. Reese also generally discussed the stormwater management design, including incorporation of an oil – water separator and gate valve to address any potential petroleum release. Member Esser stated that the proposed tank size and tank location for all underground storage tanks needs to be shown on the site plan. The Planning Board also generally discussed the pump locations for both gasoline and diesel. Member Mainello next raised the issue regarding potential odors and how the Applicant was going to address potential odors from both a restaurant as well as the gas station. Mr. Reese stated that the gas station use is similar to the existing condition at the Stewarts shop, and as to the restaurant, odor could be addressed through the installation of filters, and also that the Applicant would consider limiting the restaurant to a sit-down restaurant type use only so that there was no drive-thru. The Planning Board generally

concluded that the issue of odor generation, including exhaust from trucks at the gas station, must be examined. Attorney Gilchrist confirmed the procedure, which requires the Planning Board to next consider a determination of environmental significance under SEQRA, after which the Applicant needed to have the special permit acted upon by the Zoning Board for the "filling station", and ultimately then the Planning Board must address the proposed subdivision and commercial site plan. This matter is placed on the July 5 agenda for further discussion.

The next item of business on the agenda was the Highland Creek Planned Development District amendment, and referral of this application by the Brunswick Town Board for recommendation. Andrew Brick, Esq., attorney for the Applicant, was present and presented updated traffic information as well as updated school district impact information to the Planning Board. Attorney Brick noted that he had spoken with the Brittonkill School District Superintendent, who confirmed that the Brittonkill District can immediately absorb an additional 28 students projected from the proposed amendment to the Highland Creek project. The Planning Board then generally reviewed a draft recommendation based upon deliberation at the June 7 meeting. The Planning Board noted that an addition to the draft recommendation needs to be made, adding that the owners of the Sugar Hill Apartments on McChesney Avenue Extension also indicated that they would be willing to participate in the construction of pedestrian walkway areas on McChesney Avenue Extension in front of the Sugar Hill Apartment complex. The Planning Board then generally discussed with the Applicant the proposal to rent these units prior to condominium conversion, the potential for these units staying as rental units as opposed to condominium conversion, and the timing on potential condominium conversion. It was noted that in the event the Town Board approves the amendment to the Planned Development District, the Applicant will need to present a detailed site plan to the Planning Board for review, at which time further discussion regarding phasing would be entertained. The Planning Board members then completed the deliberation on the

recommendation, and adopted the draft recommendation as revised by a vote of 6/0 (Member Mainello abstaining). The Planning Board recommendation is generally a positive recommendation, subject to certain issues which the Planning Board feels the Town Board should consider prior to acting on the proposed amendment. The Planning Board recommendation will be forwarded to the Town Board for consideration.

The next item of business on the agenda was the waiver of subdivision application by Wagar for property located at Tamarac and Higbee Road. Brian Holbriiter was present for the Applicant. The Planning Board raised the issue of whether Higbee Road remained a public road. Mr. Kreiger stated that he inquired with the Town Highway Superintendent, and that the Town Highway Superintendent stated that Higbee Road had been officially abandoned, but that the Town was still researching the public record for the official abandonment. Mr. Kreiger did confirm that the Town does not maintain Higbee Road, and has not done so for several years. The Planning Board members and Mr. Holbriiter had extended discussion regarding Higbee Road, determining that further research was required regarding the status of Higbee Road as a public road or having been officially abandoned. In the event Higbee Road is a public road, the current proposed subdivision would be considered by the Planning Board. In the event Higbee Road has been officially abandoned and is no longer a public road, revision to the proposed subdivision would be required to meet the required frontage for the proposed lot on the public road. Mr. Kreiger was directed to further investigate that issue with the Town Highway Department and Town Attorney. This matter is placed on the July 19 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Marjorie Roden for property located at 79 White Church Road. Mr. Kreiger confirmed that the Brunswick Zoning Board of Appeals had issued a special permit for this project to allow the existing barn to remain on a separate lot without a principal structure, for use as storage of equipment.

Member Czornyj inquired whether a residence could be built on this lot. Mr. Kreiger stated that the Applicant had presented to the Zoning Board of Appeals that in the short term, the only use of the lot would be for storage of equipment in the barn, but that the purchaser of the lot could potentially construct a home on the lot in the future. The Planning Board wanted to make the record clear that in the event a residence is constructed on this lot in the future, it would be subject to approval by the Rensselaer County Health Department for well and septic. Chairman Oster inquired whether there were any further questions regarding the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision subject to the condition that in the event a residence is constructed in the future, approval from the Rensselaer County Health Department for water and septic is required. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was the waiver of subdivision application by Edward Bonesteel for property located at 78 Willard Lane. The Planning Board reviewed the application, again noting that the proposal amounted to a lot line adjustment. This application seeks to divide off two portions of an existing residential lot for transfer to each adjacent lot, thereby creating larger adjacent lots and resulting in a smaller residential lot from the original parcel. The resulting smaller residential lot will be put on the market for sale. The Planning Board noted that one of the existing adjacent lots did not have frontage on a public road and was serviced by an easement, and that the Applicant had already revised that easement in connection with this proposed subdivision and that the revised easement had been filed in the Rensselaer County Clerk's Office. It is noted for the record that this lot serviced by an easement to a public road is an existing condition,

and will not be changed as a result of this waiver application. Mr. Kreiger also noted that this lot line adjustment would address and correct an existing encroachment issue on these lots. The Planning Board informed Mr. Bonesteel that the portions of the original lot transferred to the adjacent lots must be merged into the title for the adjacent lots. Mr. Bonesteel understood this condition. Chairman Oster inquired whether there were any further questions or comments on the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved; and a negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the waiver application subject to the condition that portions of the original lot transferred to the adjacent lots be legally merged into the adjacent lots, with proof of merger submitted to the Town Building Department. Member Czornyj seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

Mr. Kreiger reported that there were no items of new business.

The index for the June 21, 2012 meeting is as follows:

1. Reiser Bros., Inc. – subdivision and site plan – 7/5/12;
2. Malone – minor subdivision – approved with conditions;
3. Highland Creek – amended Planned Development District application – recommendation adopted;
4. Wagar – waiver of subdivision – 7/19/12;
5. Roden – waiver of subdivision – approved with condition;
6. Bonesteel – waiver of subdivision – approved with condition.

The tentative agenda for the July 5, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

June 21, 2012

**RESOLUTION ADOPTING A RECOMMENDATION
ON THE PROPOSED AMENDMENT TO THE
HIGHLAND CREEK PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the Town of Brunswick Town Board ("Town Board") approved the Highland Creek Planned Development District ("PDD") through Resolution No. 37 of 2006; and

WHEREAS, such Highland Creek PDD approval allowed for the construction of up to 170 residential lots on a total of 210± acres located on McChesney Avenue Extension; and

WHEREAS, the Town of Brunswick Planning Board ("Planning Board") thereafter granted final subdivision plat approval for 162 residential lots on the Highland Creek PDD site; and

WHEREAS, the Planning Board also approved a construction phasing plan for the Highland Creek PDD project; and

WHEREAS, Marini Homes, LLC, as Owner and Applicant ("Owner"), has now filed an application with the Town Board to amend the Highland Creek PDD approval to allow for 160 multiple-residential units in 40 buildings with 4 units per building, in lieu of the approved 162 residential lots; and

WHEREAS, the Town Board has referred such application to amend the Highland Creek PDD to the Planning Board for recommendation; and

WHEREAS, the Owner presented the application to amend the Highland Creek PDD to the Planning Board at meetings held May 17, 2012 and June 7, 2012; and

WHEREAS, the Planning Board deliberated on such application at its meetings held May 17, 2012 and June 7, 2012;

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

1. The Planning Board adopts a positive recommendation on the application to amend the Highland Creek PDD, and recommends that such amendment be approved, subject to the following comments which should be considered by the Town Board:

- a. The Planning Board acknowledges that the long-term plan of the Owner is to convert all multi-family residential units to condominium ownership; however, due to current real estate market conditions, the Owner is not certain as to when the condominium conversion will commence or be completed. Until such time as the units are converted to condominium ownership, the Owner intends on renting the constructed multi-family units. Despite having made a positive recommendation on this application to amend the Highland Creek PDD, the Planning Board also encourages the Town Board to consider the total number of rental units in the Town of Brunswick, both existing and approved for construction, with particular regard to the number of rental units recently approved for construction in the Town. This includes the additional apartments approved and constructed in the Sugar Hill Apartment complex (the "Glen"), as well as the additional apartments approved and constructed in Brunswick Woods. This also includes the proposal now pending before the Town Board to eliminate the age restriction on the 50 apartment units proposed for the Duncan Meadows Planned Development District. While the Planning Board does not make this general comment as a negative observation for this particular project, it is a general comment which the Planning Board considers a significant issue for consideration by the Town Board.

- b. The Planning Board notes that the Town of Brunswick has not accepted and taken over the internal roads in apartment complexes in the Town, and that the road systems in the existing apartment complexes in the Town have remained private. Recent examples include the Sugar Hill Apartments (including the "Glen"), and Brunswick Woods. The Planning Board acknowledges that the road system in the Highland Creek PDD is designed to meet Town public road standards as established in the original Highland Creek PDD approval, and that the original Highland Creek PDD approval intended that the roads be dedicated as public roads. However, the original Highland Creek PDD approval included single family detached lots, not rental units. Accordingly, the Planning Board recommends that the Town Board should not accept the road system in the amended Highland Creek PDD project as a public road until such time as the condominium conversion occurs. The Planning Board acknowledges this is a difficult issue, especially in light of the fact the condominium conversion could also occur in phases, such that part of the constructed project could consist of condominium-ownership units while part of the constructed project remain rental units. However, the Planning Board feels that acceptance of the road in this project by the Town should not occur until the condominium conversion for the project is completed, or at least until a significant percentage of the total number of units for this project have been converted to condominium ownership.

- c. The Planning Board recommends that in the event the Town of Brunswick accepts a conservation easement on the revised greenspace area for this project, that some type of agricultural use be allowed to remain on the revised greenspace area as part of the restrictions in the conservation easement. The Planning Board acknowledges that the Owner also intends on investigating the transfer of title of the revised greenspace area to a land conservancy. In that case, restrictions on the land in the revised greenspace area would be subject to negotiation between the Owner and such a land conservancy. However, the Planning Board recommends that the Town Board encourage an allowance of agricultural use on the revised greenspace area, even in the event title to the property is transferred to a land conservancy.
- d. The Planning Board recommends that the Owner participate in the construction of a pedestrian walkway area along the shoulder of McChesney Avenue Extension, consistent with the approval conditions for the Duncan Meadows Planned Development District and Wal-Mart expansion project. This will require coordination with the Town of Brunswick and Rensselaer County Highway Department. The Planning Board also notes that the Owner of the Sugar Hill Apartments has indicated it will participate in, and cooperate with the Town of Brunswick on, a pedestrian walkway on McChesney Avenue Extension in front of the Sugar Hill Apartments. The Planning Board also recommends that the Town Board require some type of sidewalk or pedestrian walkway along the internal road in the Highland Creek PDD project.
- e. The Planning Board recommends that the Owner coordinate with the owner of the Duncan Meadows Planned Development District project on water line and sewer line construction, which should also include coordination and consultation with the Town of Brunswick Water and Sewer Department. This coordination should, at a minimum, include the issue of looping the water lines and potentially reducing the number of pump stations by connecting sewer system lines

2. In the event the Town Board approves the amendment to the Highland Creek PDD, the Owner will be required to submit an application for site plan review for the revised multi-family unit layout for review by the Planning Board.

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

PLANNING BOARD CHAIRMAN OSTER	VOTING <u> Aye</u>
MEMBER CZORNYJ	VOTING <u> Aye</u>
MEMBER ESSER	VOTING <u> Aye</u>
MEMBER CHRISTIAN	VOTING <u> Aye</u>
MEMBER TARBOX	VOTING <u> Aye</u>
MEMBER WETMILLER	VOTING <u> Aye</u>
MEMBER MAINELLO	VOTING <u>Abstain</u>

The foregoing Resolution was thereupon declared duly adopted.

June 21, 2012

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 19, 2012

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

ABSENT was KEVIN MAINELLO.

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

The Planning Board reviewed the draft minutes of the June 21, 2012 meeting. Upon motion of Member Czornyj, seconded by Member Esser, the draft minutes of the June 21, 2012 meeting were unanimously approved without change.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for property located NY Route 2 and NY Route 278. Scott Reese was present for the Applicant. Henry Reiser and John Reiser were also present. Mr. Reese presented responses to additional public comments received by the Planning Board at the June 21 meeting. Mr. Reese submitted to the Planning Board a letter prepared by his office dated July 17, 2012 which addressed comments concerning location of a gas station near an aquifer, odor generation, as well as presenting site plan updates. Mr. Reese discussed the proximity of the proposed gas station to an aquifer, specifically addressing potential for surface and subsurface petroleum spills. With regard to surface spills, Mr. Reese explained that the project was designed to direct all surface drainage to a series of catch basins, and discharging to an oil/water separator; a gate valve is proposed which can be closed in the event of a surface spill

to prevent petroleum from reaching the subsurface, and that a series of catch basins with piping connecting to a subsurface stormwater management facility designed for non-infiltration with a 3,000 gallon capacity. Regarding the underground petroleum storage, Mr. Reese stated that the underground storage tanks were designed to be in full compliance with all applicable regulations, including leak protection, interstitial monitoring, and secondary containment systems. In addition, Mr. Reese stated that the soils in this location were predominantly dense shale, which did not promote infiltration. The Planning Board generally discussed whether the surface spill containment provisions were sufficient. Member Christian observed that tankers coming to the site to fill underground storage tanks are now generally designed with multiple chambers, so that the risk of a significant surface spill from tank filling is reduced. Mr. Kestner also stated that the system is designed to adequately address any surface spills in connection with vehicle fueling. Chairman Oster inquired whether the petroleum systems at the Sunoco Station and Stewarts were similarly designed. Mr. Kestner stated that the Sunoco Station did have an oil/water separator, and Member Christian commented that all underground storage tanks currently in use need to meet all applicable regulations for spill prevention. Member Esser discussed the location of the underground storage tanks, which have all been located outside of the floodplain in this area. Member Tarbox inquired whether the gate valve was triggered automatically in the event of a fuel surface spill, or needed to be operated manually. Mr. Reese stated that the gate valve had a manual shutoff, but could be located close to the entrance to the store to allow quick access, and that the facility will have an emergency action plan in the event of a fuel spill which will be reviewed with all employees. Mr. Reese then generally discussed the pump location for diesel fuel, location of underground storage tanks out of the floodplain, elevation of the sleeve for a pipe under NY Route 2, and that the site plan currently shows expansion areas for the septic

fields for the residences located in the Brook Hill Subdivision. On the issue of odor, Mr. Reese stated that potential odor impacts were specific to a particular tenant that may occupy one of the retail units on proposed Lot #2, that a number of different odor mitigation measures could be put in place dependent on a particular tenant, but that right now no particular tenant is identified and therefore any potential odor generation and odor mitigation measures were speculative at this time. Mr. Reese confirmed that the Applicant is not sure what the particular tenant or end use will be for the retail units on proposed Lot #2, but would come back to the Planning Board if the particular tenant identified for one of their retail units resulted in odor impacts to the community, at which time particular odor mitigation measures could be discussed and implemented. Member Czornyj said that coming back to the Planning Board would need to be required not only for odor but for potential noise impacts as well. Again, Mr. Reese stated that potential odor and noise generation would be tenant specific. Chairman Oster then confirmed that when a final plan for a specific tenant in the retail units on proposed Lot #2 were finalized, the Applicant will need to come back before the Planning Board for further review. Mr. Reese understood this and agreed to this procedure. Henry Reiser stated that the issue of noise had been addressed by implementing a buffer and trees between the commercial use and adjacent residential use in the Brook Hill Subdivision. Mr. Reese also stated that he had submitted additional information concerning truck traffic circulation for the gas station/convenience store on Lot #1. Chairman Oster inquired whether there was any proposed signage on the site to indicate the truck route. Mr. Reese stated that signage and also painting arrows on the pavement were options that could be examined. Member Wetmiller stated that signage should be required for the entrance off NY Route 278 in particular, and specifically regarding right hand turns off NY Route 278 into the gas station/convenience store. Member Czornyj inquired about extension of the traffic

circulation pattern for Lot #1 going, in part, onto Lot #2. Mr. Reese stated that the entire area was proposed to be paved, and that cross easements could be proposed between the two lots for purposes of traffic circulation. Henry Reiser stated that the principal use for the diesel fuel pump would be dump trucks, but that a traffic circulation pattern for tractor trailers can be accommodated. The Planning Board then generally inquired regarding procedural status. Attorney Gilchrist stated that the public hearing on the commercial subdivision and site plan proposals was completed and that the Planning Board had closed the public hearing. Attorney Gilchrist then stated that the Planning Board, serving as SEQRA lead agency, needed to make a SEQRA determination on this action. Attorney Gilchrist noted that part of the action included the consideration of a special permit application by the Brunswick Zoning Board of Appeals, but that the Brunswick ZBA could not act upon the special permit application until the Planning Board rendered its SEQRA determination. Concerning the SEQRA determination, Attorney Gilchrist stated that the action before the Planning Board was a 3-lot subdivision, a specific site plan for proposed Lot #1, a general site plan for a commercial building on proposed Lot #2, and no site plan nor any specific site plan use proposed for proposed Lot #3. In this regard, Attorney Gilchrist stated that from a SEQRA perspective, the Planning Board needed to make a determination of environmental significance concerning the 3-lot subdivision, and the specific site plan for proposed Lot #1 (the gas station/convenience store), but that the Planning Board had only before it a general site plan for a commercial building with parking areas for proposed Lot #2, and no site plan for proposed Lot #3. Attorney Gilchrist stated that the Planning Board did not have a specific site plan for Lot #2, and that many of the public comments received on the site plan application addressed potential uses which could generate noise and odor impacts, but that the application did not have a specific tenant or a specific use for the retail units proposed

for Lot #2. Attorney Gilchrist stated that the Planning Board could only make a determination of environmental significance on a generic basis concerning proposed Lot #2, with the understanding that the Applicant would need to come back to the Planning Board for further SEQRA review and specific site plan review once specific uses were identified for the retail units in Lot #2. After further discussion, the Applicant stated that it would identify specific uses for the retail units in Lot #2, and that any action by the Planning Board on that specific site plan for Lot #2 would be limited to the identified tenants or specific uses for the retail units on Lot #2, and that if any different end use or specific tenant was proposed for the retail units on Lot #2, an amendment to the site plan would be required so that potential environmental impacts from the different commercial uses for Lot #2 could then be analyzed. The Planning Board carefully reviewed that option, and the Applicant understood that it would submit a specific site plan for Lot #2, and that upon the submission of such additional information, the Planning Board could review that specific site plan for Lot #2 with regard to potential significant environmental impacts, which could then allow them to make a specific SEQRA determination with respect to the proposed uses for Lot #2 in addition to the proposed use for Lot #1. The Applicant understood that in the event different tenants or commercial uses were proposed for the retail units in Lot #2 in the future, the Applicant would need to submit an amended site plan for review by the Planning Board. In addition, the Planning Board made it clear that once the specific site plan for Lot #2 were submitted and reviewed by the Planning Board, a determination would also be made as to whether any additional public hearing would be required. The Applicant then stated it would submit additional and specific site plan information for proposed Lot #2, which would be presented and discussed at the August 2 meeting. Member Tarbox then discussed the option of a pedestrian walkway on NY Route 2 and NY Route 278. Mr. Reese stated that a

sidewalk was proposed on the Applicant's property along NY Route 2, but that coordination with NYSDOT would be required before any pedestrian walkway was proposed adjacent to NY Route 2 within the State right-of-way. As to NY Route 278, Mr. Reese stated that the Applicant was already proposing a pedestrian walkway closer in proximity to NY Route 278 given the grading plan. The Planning Board was generally satisfied with the additional pedestrian walkways proposed adjacent to NY Route 278 and on the Applicant's property along NY Route 2. This matter is placed on the August 2 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Wagar for property located off Higbee Road and Tamarac Road. Lee Wagar was present, but Brian Holbriiter was not present at this meeting. Mr. Kreiger reported that he had reviewed records of the Town between 1987 and 2002, and could find nothing of record regarding a formal abandonment of Higbee Road. Mr. Kreiger did confirm that the Town does not have a deed for Higbee Road, and that to the extent Higbee Road was a public road at one point in time, it was a highway by use and not a deeded highway owned by the Town. Mr. Kreiger stated that in his discussions with Highway Superintendent Eddy, Mr. Eddy confirmed that since he became Town Highway Superintendent in 2002, the Town has not maintained Higbee Road, and that it was Mr. Eddy's understanding that Higbee Road had been officially abandoned. The application did include a copy of a letter dated 1993 from the then-Town Attorney stating that Higbee Road was a public road. Upon further discussion, it was determined that additional research needs to be undertaken on the issue of the legal affect of the Town not maintaining for a period of several years a public highway-by-use, and also the issue of the width of the public highway-by-use at this location. Also, the Applicant indicated that Higbee Road now has a gate across it at a certain location, which had been installed by the adjacent property owner with the consent of Wagar:

This issue likewise needs further research. This matter is placed on the August 16 agenda for further discussion.

One item of new business was discussed.

An application for waiver of subdivision has been submitted by John Pember for property located at 63 Creek Road. The Applicant seeks to divide 1.10± acres from an existing 5.729± acre parcel. This matter is placed on the August 2 agenda for discussion.

The index for the July 19, 2012 meeting is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan – 8/2/12;
2. Wagar – waiver of subdivision – 8/16/12;
3. Pember – waiver of subdivision – 8/2/12.

The proposed agenda for the August 2, 2012 meeting currently is as follows:

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

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 2, 2012

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

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

The Planning Board reviewed the draft minutes of the July 19, 2012 meeting. Two corrections were noted. At page 2, line 10, the following is added: "Mr. Kestner also stated that with the inclusion of an emergency action plan and employee training, the system is designed to adequately address any service spills in connection with vehicle fueling." At page 3, line 23, the phrase "for the diesel pumps" is added to the last sentence. With these corrections, Member Wetmiller made a motion to approve the minutes, which motion was seconded by Member Czornyj. The draft minutes of the July 19 meeting with the noted corrections were then unanimously approved.

The first item of business on the agenda was the commercial subdivision and site plan application of Reiser Bros. Inc. for property located on NY Route 2 and NY Route 278. Scott Reese, Henry Reiser and John Reiser was present for the Applicant. Mr. Reese noted that the Applicant had submitted a revised project narrative dated July 27, 2012 as well as a revised Environmental Assessment Form. The principal revision to the project is that the Applicant is now proposing that the 3,500 square foot commercial building proposed for Lot #2 will not

include a restaurant or automobile/equipment service use, even though such uses are allowed in the B-15 zoning district. The Applicant stated that this proposal was included to address public comments, principally from the homeowners in the Brook Hill Subdivision and Langmore Lane area, concerning potential odor, noise and lighting impacts from a restaurant/sports bar in the commercial space on Lot #2. Further, Mr. Reese stated that in the event a bank were to locate in the commercial space in Lot #2, the Applicant agrees that there would be no outdoor ATM to eliminate any potential lighting impacts. Mr. Reese reviewed proposed hours of operation for both the convenience/filling station proposed use on Lot #1 and the commercial building on Lot #2. Specifically, the Applicant is proposing hours of operation for the convenience/filling station on Lot #1 to be consistent with the operating hours of Stewarts located on NY Route 278 and Tamarac Road, that being Monday – Sunday 4:30 a.m. to 11:00 p.m. The Applicant is proposing hours of operation for the commercial building on Lot #2 to be Monday – Sunday 7:00 a.m. to 11:00 p.m. Chairman Oster reiterated that with the submission of the revised project narrative and revised EAF, that both the Planning Board and the public needs to be aware that the Applicant is agreeing to prohibit a restaurant use and an automobile/equipment service use for the commercial building on Lot #2 unless a proposed amendment to the site plan is submitted to the Planning Board for further review both under SEQRA and the Site Plan Review Regulations of the Town. Chairman Oster noted that the Applicant is proposing this prohibition to address comments from the public regarding odor, noise, lighting, and impacts from hours of operation. The Applicant stated that it is proposing to eliminate those uses for Lot #2 to address public comments, with the understanding that if a restaurant or automotive use is proposed in the future, it will require an amendment to the site plan and will be subject to further SEQRA review and site plan review. Chairman Oster again confirmed for the record that the restaurant and

automotive/equipment service uses for Lot #2, even though allowed in the B-15 zoning district, are expressly prohibited on consent of the Applicant unless and until an application to amend the site plan is made in the future to propose such uses on Lot #2, which application to amend the site plan will be subject to further SEQRA review and site plan review. Therefore, Chairman Oster said the current proposal for commercial uses on Lot #2 are for those uses allowed in the B-15 zoning district, except for restaurant and automotive use. The Applicant understood and agreed to this prohibition, and the members of the Planning Board understood that review of the site plan for Lot #2 was now limited to the commercial uses allowed in the B-15 zoning district except for restaurant and automotive uses, and that restaurant and automotive uses would be prohibited on Lot #2 unless and until an application is made in the future to amend the site plan. Member Czornyj then raised a question regarding the grading of the site, build-out of the commercial buildings on the site, and whether this project will be phased. Member Czornyj noted that the Environmental Assessment Form provides that the project will be phased, and inquired whether this is consistent with the NYSDEC letter regarding compliance with the Department's Policy on the construction exemption from the State Mining Law Requirements. The Applicant stated that the grading of this site would not be phased, but that the entire grading plan, including the grading on Lots 1 and 2, would be done in one phase. The Planning Board then discussed the construction build-out, and whether the construction would be phased between Lot 1 and Lot 2, and whether this was consistent with the NYSDEC Policy on the construction exemption to the State Mining Program. Mr. Reese stated that he would further review the NYSDEC letter on the applicability of the construction exemption from the State Mining Laws to this project, and will provide further clarification. Member Czornyj stated that he did not want the Applicant to be in a position where it was not in compliance with NYSDEC

requirements for the construction exemption from the State Mining Program. Member Esser inquired about the stormwater plan for the project, including management of stormwater runoff after the site was graded and during construction activities. Mr. Reese stated that stormwater during the construction phase will be handled by temporary stormwater controls, which is mandated under the stormwater pollution prevention plan. Member Wetmiller inquired as to how long the temporary stormwater controls would work. Mr. Kestner stated that the temporary stormwater controls needed to be maintained and operational during all construction activities, which is a requirement under the stormwater pollution prevention plan. Member Tarbox asked whether the Planning Board could provide for conditions on the gravel removal for the project site, and when such conditions would be imposed. Attorney Gilchrist stated that since NYSDEC has applied a construction exemption to this project, and that a State Mining Permit is not required, that the Planning Board would be permitted to add conditions to the gravel removal for this project, and that any such conditions would be imposed at the time of action on the subdivision and site plan itself. Chairman Oster wanted to confirm with the Planning Board members what its SEQRA determination would cover on this action. Attorney Gilchrist said that with the further submission of the Applicant concerning specific uses for proposed Lot #2, the SEQRA determination made by the Planning Board would address the three lot commercial subdivision, and the proposed uses for Lot 1 and Lot 2. Attorney Gilchrist reiterated that the Applicant had not submitted any site plan for Lot #3, and therefore the SEQRA determination would not cover any proposed use for Lot #3, but rather would address the creation of a commercial building lot bounded by proposed Lot #3. Mr. Kestner advised Mr. Reese that the Environmental Assessment Form must be further revised to note that a zoning determination must be made by the Brunswick Zoning Board of Appeals, and that a special use permit required

from the Brunswick Zoning Board of Appeals for the proposed filling station on Lot #1. The Planning Board reviewed a schedule for this action, and anticipates making a SEQRA determination on this action at its meeting to be held on August 16. Thereafter, the Applicant will need to pursue its application for special use permit before the Zoning Board of Appeals for the filling station on Lot #1. In the event the Zoning Board of Appeals approves the special use permit for Lot #1, then the Planning Board will move forward with action on the commercial subdivision and site plan applications. Member Tarbox also reiterated that the application include the area for pedestrian walkway/sidewalk adjacent to NY Route 278, and that the sidewalk provision on the Applicant's property along NY Route 2 be included. The Applicant was in agreement. This matter is placed on the August 16 agenda for consideration of a SEQRA determination on this action.

The next item of business on the agenda was the waiver of subdivision application by John Pember for property located on Creek Road. John Pember, Sr., residing at 17 Langmore Lane, was present for the Applicant. The application is being made by Mr. Pember's son. Chairman Oster confirmed that all application fees had been paid for this application. Chairman Oster explained to Mr. Pember that this proposed division of land would result in a lot with an existing barn on it, and that the Brunswick Code does not allow an accessory structure, such as a barn, to exist on a divided lot without a principal structure, such as a residence. When the Applicant has indicated that he intends to construct a principal residence on the divided lot, the Planning Board has entertained the application with the understanding of the condition that an application for a building permit for the principal residence would be submitted within six months of subdivision approval, and that the principal residence would be completed within two years of issuance of the building permit. The condition addresses the code requirement for a

principal structure on the lot in connection with the accessory barn structure. Mr. Pember understood this condition. Mr. Kestner stated that he had been at the site, and further information on the map needs to be provided as to the location of existing wells and septic systems on adjacent lots in relation to this proposed subdivided lot. The Planning Board noted that while approval of the well and septic is in the jurisdiction of the Rensselaer County Health Department, setback distances from existing and proposed well and septic locations in relation to the proposed lot line must be reviewed by the Planning Board, and therefore the information regarding location of existing well and septic systems on adjacent lots is required. It was also determined that this property is located in an agricultural district, and therefore the Applicant will need to complete and file an Agricultural Data Statement. Member Czornyj asked if the existing barn meets all setback requirements with these proposed lot lines. Mr. Kreiger confirmed that the setbacks are in compliance. This matter is placed on the August 16 agenda for further consideration.

There were no items of new business.

The index for the August 2, 2012 meeting is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan – 8/16/12;
2. Pember – waiver of subdivision – 8/16/12.

The proposed agenda for the August 16, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan;
2. Pember – waiver of subdivision;
3. Wagar – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 16, 2012

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

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

Chairman Oster reviewed the agenda for the meeting. Chairman Oster indicated that there were three items on the agenda:

1. Reiser - Subdivision and Site Plan Application;
2. Pember - Waiver of Subdivision Application;
3. Wagar - Waiver of Subdivision Application.

Chairman Oster also noted that the Mulinio PDD Application had been approved by the Town Board for a paintball facility and that the application would be discussed under new business.

The Planning Board reviewed the draft minutes of the August 2, 2012 meeting. No corrections were noted. Member Czornyj made a motion to approve the minutes, which motion was seconded by member Wetmiller. The draft minutes of the August 2, 2012 meeting were then unanimously approved without amendments.

The first item of business on the agenda was the commercial subdivision and site plan application of Reiser Bros. Inc. for property located on NY Route 2 and NY Route 278. Mr.

Reiser was present for the Applicant. The Planning Board received a proposed Part 2 of the Environmental Assessment Form from Mr. Kestner. Mr. Kestner reviewed his proposed answers to Part 2 of the Environmental Assessment Form with the Board, which Mr. Kestner noted were based on his review of the application, Part 1 of the Environmental Assessment Form, the public hearings, and the Applicant's responses to public comments. The Planning Board reviewed the entirety of Part 2 of the Environmental Assessment Form. Chairman Oster summarized the discussion, noting that any questions that were answered "yes" on Part 2 of the Environmental Assessment Form were considered by the Board to be "small to moderate" impacts. Chairman Oster requested that Attorney Tingley review a resolution that had been prepared for the Planning Board's consideration. Attorney Tingley explained that the resolution before the Board, if adopted, would issue a SEQRA negative declaration for the project. Attorney Tingley asked the Board if any members had any questions, comments, or proposed revisions to Part 2 of the Environmental Assessment Form. Member Esser asked a question about whether the Applicant had obtained the necessary legal authority to construct proposed berms on adjacent properties. The Planning Board generally discussed whether that question was more appropriate for the substantive review of the subdivision and site plan application, as opposed to during the deliberation by the Planning Board on whether the proposed project could have a potential significant adverse environmental impact under SEQRA. Mr. Kestner explained that Part 2 of the Environmental Assessment Form that he prepared and submitted to the Board for consideration was based upon the application as presented, which presumed the Applicant would obtain the legal authority to construct the proposed berms. Mr. Kestner further explained that the Applicant would be responsible for obtaining that legal authority if the application is ultimately approved. Accordingly, it was decided that Member Esser's question concerning the Applicant's

authority to construct the proposed berms on adjacent properties did not impact the Planning Board's SEQRA determination, but instead would be more appropriate for the substantive review of the applications. Thereafter Attorney Tingley reviewed the history of the application and highlighted the various procedural steps and revisions that had occurred since the application was filed initially in or about March 2009. Chairman Oster asked the Board whether there were any questions or comments concerning the proposed resolution before the Board, and hearing none, a motion was made by member Czornyj to adopt the resolution before the Board to adopt a SEQRA negative declaration, which was seconded by member Christian, and which was put to a roll call vote as follows:

Chairman Oster – yes;

Member Czornyj – yes;

Member Esser – yes;

Member Christian – yes;

Member Tarbox – yes;

Member Wetmiller – yes;

Member Mainello – absent.

Thereupon the resolution was duly adopted by a vote of 6-0. Following the adoption of the negative declaration, Attorney Tingley explained the procedure to the Applicant, noting that the Applicant would then be required to seek and obtain special use permit approval from the Zoning Board of Appeals for one of the lots, and upon issuance of the special use permit, the Applicant could then present the substance of the subdivision and site plan application to the Planning Board at that time. It was noted that the next Zoning Board of Appeals meeting was scheduled for Monday, August 20, 2012. Attorney Tingley advised the Applicant that he should

coordinate with the Zoning Board of Appeals directly to determine whether or not the special use permit application is on the agenda for the next Zoning Board of Appeals meeting, and if it is not, then he should ensure that it is placed on the agenda for the regular September meeting of the Zoning Board of Appeals. Attorney Tingley asked the Applicant if he was in agreement with the procedure as explained, and the Applicant confirmed that he agreed. This matter is tentatively placed on the September 6 agenda for further consideration in the event the Zoning Board of Appeals issues a special use permit prior thereto.

The next item of business on the agenda was the waiver of subdivision application by John Pember for property located on Creek Road. John Pember, Sr., residing at 17 Langmore Lane was present for the Applicant. Chairman Oster explained that the Planning Board had previously asked for additional information on the location of septic systems and wells on adjacent properties, and that the Applicant had submitted the additional information. Mr. Kreiger noted that the property is located in an Agricultural District and that an Agricultural Data Statement had been prepared and filed. The Agricultural Data Statement has been sent to the person(s) that must receive notice, and no comments or questions have been received back. Member Czornyj explained to the Applicant that although the Planning Board needed the information concerning the location of existing wells and septic systems on adjacent lots, the approval of the well and septic system on the proposed subdivided lot is within the jurisdiction of the Rensselaer County Health Department, and that any approval of the application would be conditioned on the Applicant receiving approval for the well and septic from the Rensselaer County Department of Health. It was also explained that any approval of the project would be conditioned on a building permit being issued within six months of approval, with the principal residence being completed within two years of issuance of the building permit. The Applicant

understood the conditions. Thereafter, Member Czornyj made a motion to adopt a SEQRA Negative Declaration, which motion was seconded by Member Christian, and the Negative Declaration was unanimously approved. The Board then considered action on the application. Member Christian made a motion to approve the application subject to the conditions that the Applicant obtain Rensselaer County Department of Health approval for the well and septic system for the proposed lot, and that the Applicant obtain a building permit for the principal residence within six months and that construction of the principal residence be completed within two years of the issuance of the building permit. Member Wetmiller seconded the motion and the motion was unanimously approved. Mr. Kreiger explained that the Applicant would submit a final survey now that the application was approved, and the Applicant confirmed that he was awaiting to do a final survey in case the Board sought minor lot line adjustments. The Applicant confirmed that he would submit a final survey in accordance with the approval granted by the Planning Board.

The next item of business on the agenda was the Wagar waiver of subdivision application. Chairman Oster noted that the Town has determined that Higbee Road is not a Town road, and that the Planning Board, with the consent of the Applicant, has adjourned this particular item pending a resolution on this issue. Mr. Holbitter, on behalf of the Applicant, and Mr. Kreiger confirmed that a meeting is scheduled for Thursday, August 23, 2012 to discuss this issue.

There were three items of new business presented to the Planning Board. The first item of new business was the Mulinio Planned Development District, which is currently before the Planning Board for site plan review. Attorney Thomas Kenney, Esq., appeared on behalf of the Applicant. Mr. Kenney explained that small changes occurred to the proposal as a consequence

of the public hearing held by the Town Board and Town Board review of the PDD application. Mr. Kenney summarized the changes as follows: (1) One field was moved at the request of a neighboring property owner; (2) A sign would be installed at the entrance to the project site to direct exiting traffic to Oakwood Avenue; and (3) A moveable storage facility would be placed on the site.

Chairman Oster asked Mr. Kenney whether the photograph inset on the site plan was representative of the storage unit that would be placed on the property. Mr. Kenney confirmed that the photograph was representative of the proposed storage unit. Mr. Oster then explained that he understood that the Town Board had held a public hearing on the PDD application and further noted that the Planning Board does have the option to hold a public hearing for site plan review. Chairman Oster then discussed the letters submitted by the Applicant in response to public comments that were made to the Town Board during its review of the PDD application, as well as the review letter of the Town Board's consulting engineer, Ron LaBerge. It was further noted that the conditions that were outlined in the LaBerge letter had been incorporated into the Town Board's PDD approval. Chairman Oster then asked for discussion on whether the Planning Board should hold a public hearing. The Planning Board generally agreed that there was no reason to hold another public hearing on this project. The comments that had been received at the Town Board public hearing on the PDD application were generally discussed and a copy of the resolution approving the PDD, which outlined the various conditions imposed on the project, was provided to the Planning Board members. Chairman Oster asked the Applicant whether the property would be posted and Mr. Kenney responded that the property would be posted. Chairman Oster indicated that it was his understanding that there was a concern that children would wander onto the property during paintball events and possibly be struck by

paintballs. He then explained that he discussed this issue with Attorney Gilchrist, and it was concluded that posting the property was sufficient to put persons on notice that they should not enter the property. Attorney Kenney agreed, and further noted that it would be very difficult for a person to wander onto the site given the wooded buffer surrounding the project site. Chairman Oster also asked whether the project would generate noise. Attorney Kenney explained that tests were performed at the site and that it was determined by the Town Board's consulting engineer that the noise from the paintball guns was not significant. Mr. Tingley also explained that it was his understanding from the Town Board's review of the application that the Applicant had agreed to fill the obstacles with water or sand to minimize reverberation of those obstacles when struck by paintballs. The Applicant also confirmed there would be no use of actual firearms at the property. Chairman Oster noted that the material before the Planning Board had been received on Tuesday, August 15, 2012. The Planning Board agreed that this matter should be placed on the September 6, 2012 agenda for further consideration.

The next item of new business was an application made by Larry Vartigian. A map of a lot line adjustment that had been approved in December, 2009 was provided to the Board. Brian Holbriiter appeared on behalf of the Applicant, and explained that the approval of the lot line adjustment in 2009 was intended to merge into an existing 1.3 ± acre lot owned by Larry Vartigian a 1.88 ± acre portion of adjoining property then owned by Mr. Ashcroft. Mr. Holbriiter and Mr. Kreiger explained that the minutes of the Planning Board approving the lot line adjustment conditioned the approval on merging the 1.88 ± acre parcel with the Applicant's existing 1.3 ± acre parcel. Mr. Holbriiter explained that due to an error in the Rensselaer County Clerk's Office, the 1.88 ± acre parcel apparently was not formally merged with the 1.3 ± acre parcel. Mr. Holbriiter further explained that he was appearing on behalf of the Applicant in

order to seek from the Board its direction on what approval would be necessary to make the 1.88 ± acre lot an approved building lot. Chairman Oster asked Mr. Holbriiter whether the barn that existed on the 1.88 ± acre lot was previously existing, and Mr. Holbriiter confirmed that it was. The Applicant confirmed that the existing barn was structurally sound and that he had just put a new concrete floor in the barn. It was explained to the Applicant and Mr. Holbriiter that if the 1.88 ± acre lot is approved as a separate building lot, such approval would be conditioned on obtaining a building permit within six months of approval and that construction be completed within two years of issuance of the building permit. The Applicant explained that the intention was to allow his son to construct a home on the 1.88 ± acre lot. Member Czornyj asked Mr. Holbriiter whether the lot has sufficient sight distance for ingress and egress at Plank Road. Mr. Holbriiter indicated that he had reviewed that and that the lot does have sufficient sight distance. The Planning Board then discussed whether the application should be made in the form of a waiver of subdivision application or whether additional procedures were required to approve the lot as a buildable lot. Attorney Tingley explained that if the prior approval of the lot line adjustment was conditioned on merging the 1.88 ± acre lot with the existing 1.3 ± acre lot owned by Mr. Vartigian, and that the merger never occurred, then as a legal matter, the approval never took effect. Attorney Tingley explained that this may create a difficult legal issue and that additional research would be necessary to determine what approvals would be required to create the 1.88 ± acre lot as a separate building lot from the Town's planning and zoning perspective. It was generally discussed that the Rensselaer County tax map showed the 1.88 ± acre parcel as a separate lot. Mr. Tingley explained that the designation of the 1.88 ± acre parcel on the tax map as a separate lot does not necessarily mean that the lot was created as a separate lot from the Planning Board's perspective. Attorney Tingley asked Mr. Holbriiter whether the deed for the

lot described the lot as one single lot inclusive of both the 1.3 ± acre existing lot and the 1.88 ± acre parcel, or instead if there were two separate deeds for the 1.3± acre lot and the 1.88± acre parcel. Mr. Holbritten indicated that it was his understanding that the parcels were separately described in two separate deeds. The Planning Board generally discussed whether or not an error on the part of Rensselaer County to merge the lots had any impact on whether the condition of approval requiring merger was satisfied. Mr. Tingley explained that the satisfaction of any conditions of approval were the obligation of the Applicant, and that once approval is granted on certain conditions, it is the Applicant's responsibility to make sure those conditions are satisfied. He explained that the failure to merge the lots could have been caused by either an administrative error by the County or by something the Applicant did or did not do. Mr. Holbritten stated that he believed it was an error on the part of the County. Attorney Tingley indicated that it would take additional research and a review of relevant records to determine exactly what happened with respect to the 1.88 ± acre parcel and how the situation could be addressed to accommodate the Applicant's desire to create a building lot. Attorney Tingley explained that one option would be to approve the lot line adjustment again that had been approved in December, 2009, allow the Applicant to formally merge the parcels, and then to have the Applicant make an application to subdivide the parcels as necessary to create two legal lots. Attorney Tingley also explained that other options may be available as well, and that additional research and review of records would be performed. Mr. Holbritten explained that he would be meeting with Mr. Kreiger on another matter on Thursday, August 23, 2012 and that if possible, he would appreciate if the review could be done by then so that he would have some direction for the Applicant at that time. Attorney Tingley explained that he would attempt to have that review done in time for the

meeting to be held on Thursday, August 23, 2012. This matter was placed on the agenda for the September 6 meeting for further discussion.

The next item of new business was the Carbone Auto Group site plan application for property located on the south side of Hoosick Street, opposite the existing Carbone dealership. Mr. Kreiger explained that the current sketch plan that was submitted and provided to the Board indicates that the existing building on the property (the former Grand Union building, which is currently vacant) would be renovated and reused. Member Czornyj asked whether the Planning Board can seek additional green space in the front of the project site, i.e., beyond the existing green space that was already on the site. Attorney Tingley explained that the Planning Board was reviewing this application as a new site plan application and that it could seek revisions as it deemed necessary. Mr. Kreiger explained that the existing Carbone Subaru Dealership would be relocated from the opposite side of Route 7 to the proposed site, and that it would also include a used car dealership. The Planning Board generally discussed what would happen with the existing Carbone Dealership building which would then be vacant. Mr. Kreiger explained that the existing Carbone Dealership building was not owned by the Carbone Auto Group. Attorney Tingley noted that presumably, the landlord would seek to re-lease the building. This matter will be placed on the September 6 agenda for further discussion.

Chairman Oster then reviewed the items that would be placed on the September 6th agenda as follows:

Reiser Bros., Inc. – commercial subdivision and site plan application (tentative; depending on whether the Zoning Board of Appeals issues a special use permit prior to the September 6 meeting);

Mulinio - site plan application;

Vartigian – waiver of subdivision application;

Carbone Auto Group – site plan application.

Thereafter, Member Czornyj made a motion to adjourn the meeting, which motion was seconded by Member Christian, and which was unanimously approved.

The index for the August 16, 2012 meeting is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan – 9/6/12;
2. Pember – waiver of subdivision – approved with conditions;
3. Wagar – waiver of subdivision – adjourned without date;
4. Mulinio – site plan application – 9/6/12;
5. Vartigian – waiver of subdivision – 9/6/12;
6. Carbone Auto Group – site plan application – 9/6/12.

The proposed agenda for the September 6, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan;
2. Mulinio – site plan application;
3. Vartigian – waiver of subdivision;
4. Carbone Auto Group – site plan application.

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 6, 2012

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

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

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

The Planning Board reviewed the draft minutes of the August 16, 2012 meeting. Upon motion by Member Christian, seconded by Member Czornyj, the minutes of the August 16, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the subdivision and site plan application by Reiser Bros., Inc. for property located on NY Route 2 and NY Route 278. Chairman Oster noted that this matter was adjourned pending action by the Brunswick Zoning Board of Appeals on Reiser's pending special permit application, and that this matter is tentatively placed on the September 20 agenda subject to action by the Brunswick Zoning Board of Appeals on the special permit application.

The next item of business on the agenda was the site plan application by David Mulinio for a proposed paintball facility located off Farrell Road. Attorney Tom Kenney was present for the Applicant. Also present was Ronald LaBerge, P.E., consulting engineer for the Town of Brunswick on this application. It was reiterated by the Board that this matter had been the subject of a Planned Development District application, which had been approved by the

Brunswick Town Board subject to conditions. It was also confirmed that this matter had been subject to coordinated SEQRA review, and that the Town Board had also adopted a negative declaration on this action. Attorney Kenney stated that the Applicant was present to address any questions or comments of the Board, but that there had been no changes to the site plan application which had been discussed at the August 16 meeting. The Planning Board members generally reviewed the conditions attached to the Planned Development District approval by the Town Board. Mr. LaBerge commented that the Town should inspect the access road construction for purposes of stormwater compliance. Chairman Oster noted for the record that if there were any changes proposed for this action, the Applicant would need to file an application to amend the site plan, and come back before the Planning Board for further review. The Applicant understood this. Chairman Oster inquired whether there were any further questions or comments by the Planning Board members. Hearing none, Chairman Oster confirmed that SEQRA had been completed on this action, and then made a motion to approve the Mulinio site plan application subject to the following conditions incorporated from the Planned Development District approval:

- a. A gravel entrance driveway, approximately 26 feet wide, will be provided off Farrell Road leading to a parking area on the project site located approximately 300 feet from the intersection of Oakwood Avenue and Farrell Road. The access road area is included in the Planned Development District.
- b. The parking area for this project will accommodate approximately 60 vehicles, with adequate room on the project site to expand the parking area if necessary.
- c. A walkway will connect the parking area to the location of the paint ball fields on the project site.

- d. The Planned Development District includes three different paint ball fields, including a "speed ball" field of approximately 140 feet by 190 feet; a "large scenario" field of approximately 150 feet by 650 feet consisting of numerous structures and obstacles; and a "small scenario" field of approximately 70 feet by 460 feet, also containing structures and obstacles.
- e. The structures and obstacles proposed for the "large scenario" and "small scenario" fields will be movable, less than 10 feet in height, and not permanently affixed. In addition, hollow obstacles shall be filled with sand or water to eliminate reverberation when struck by paintballs.
- f. The area of the paint ball fields will be double posted, both at the perimeter of the playing area as well as approximately 200 feet outside the perimeter of the playing area, resulting in a 200 foot buffer between anyone on the outside of the project site from the players utilizing the paint ball fields. Out-of-bounds flagging will be utilized to clearly define areas to be used. The areas closest to residentially-zoned properties shall have temporary construction fencing placed at the perimeter of the fields. In addition, a 12' high net will be placed around the perimeter of the "speed ball" field.
- g. The paint ball facility will be operated on Saturdays, Sundays, and holidays. On Saturday, the hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. On Sunday and holidays, the hours of operation shall be limited to 10:00 a.m. to 5:00 p.m. On Saturday, Sunday, and holidays, registration activity shall occur during the first half-hour, and games shall not commence earlier than one half-hour after registration. Games must end no later than 4:30 p.m. or dusk, whichever occurs earlier. The site will be thoroughly cleaned of litter and debris each operating day. All participants must leave the facility by 5:00 p.m. each operating day. The facility will be closed and gate locked no later than 5:00 p.m. each operating day. In addition, the facility will be available Monday – Friday, from 8:30 a.m. to 5:00 p.m., exclusively for police and law enforcement training. No firearms are permitted or allowed in connection with the police and law enforcement training.
- h. The paint ball facility will be staffed by an individual who will register players, an individual who will calibrate the paint ball markers, 2-5 referees, a safety instructor, and an overall supervisor.
- i. No permanent bathroom facilities are proposed, and port-a-johns will be used.
- j. No permanent structures are proposed for the project, and food will be provided through an independent mobile concession truck.
- k. No enclosed structures, other than storage sheds for equipment, shall be constructed on the site.

- l. No horns, sirens, or whistles shall be used to control game timing.
- m. Traffic exiting the site shall be directed to Oakwood Avenue. All literature and directions to the site shall utilize Oakwood Avenue as the best travel path to follow.
- n. Emergency access to all playing fields shall be maintained at all times.

Chairman Oster further conditioned the motion on requiring an inspection by the Town Building Department on the construction of the access driveway for stormwater compliance, as well as Building Department confirmation that all hollow obstacles proposed for the playing fields are filled with either sand or water prior to commencement of use. Also, the motion is conditioned on payment of all Town consultant review fees. Member Czornyj seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan approved subject to the stated conditions.

The third item of business on the agenda was the waiver of subdivision application by Vartigian for property located on Plank Road. The Applicant is continuing to prepare information on the application, and this matter is tentatively placed on the September 20, 2012 agenda for further discussion.

The next item of business on the agenda was the site plan application by Carbone Auto Group for a car dealership at the site of the former Grand Union building located on Route 7. Chairman Oster confirmed that a site plan application had been filed and that all application fees have been paid. Mr. Kreiger confirmed this. Appearing on the application were Tim Smith, project architect; Jeff Hildebrandt, project engineer; and Joe Carbone. Mr. Hildebrandt stated that the existing 30,000± square foot building would be renovated for use in connection with the car dealership, which will consist of approximately half the building used in connection with the Subaru dealership, and the other half of the building currently being used for used car sales, with

the understanding that the Applicant was attempting to acquire another dealership to be located at this facility with the Subaru dealership. Mr. Hildebrandt stated that a total of 451 parking spaces are provided, which include 30 spaces for employees, with the balance of the spaces used for both customer parking and car display. Mr. Hildebrandt stated that there are isolated wetlands on the project site that will be disturbed, but that the Applicant had already reviewed this with the U.S. Army Corps of Engineers which has confirmed that no further Army Corps approval is required. The Applicant stated that the State Historic Preservation Office has been contacted, and that this project will have no impact on historic resources. Mr. Hildebrandt generally reviewed the stormwater plan, stating that a full stormwater pollution prevention plan is in preparation, which will include the current green infrastructure standards. Chairman Oster notified the Applicant that the Town maintains a sewage pump station on property which the Town owns to the rear of this project site, and that the Town was considering an expansion of this pump station which would require additional land for expansion. This will be subject to further discussions between the Applicant and the Town. Mr. Kestner stated that he would prepare a sketch plan of the area needed for pump station expansion, and review that with the Town and also with the Applicant. Mr. Smith noted that there was an existing swale on the western side of the parcel behind the New York State stormwater detention basin, and questioned who currently maintains that drainage swale. Mr. Kestner stated that the Town maintains an easement for the sewer lines and access to those sewer lines and the pump station, but did not think the easement included surface water/stormwater drainage. Mr. Smith stated that there was nothing in the deed to the parcel which indicated who maintains this drainage swale. This will need to be further investigated. Mr. Smith did confirm though that the project design did take into account the Town right-of-way for sewer line and pump station access. Mr. Kestner stated

that the Applicant would need to complete a long environmental assessment form. Mr. Smith then generally reviewed the traffic flow, stating that the two existing entrances off NY Route 7 would not be modified, that both entrances would have both in and out traffic, that an area would be designated for a car service area, and that there would be provision made for truck and emergency vehicle access around the entire building. Chairman Oster questioned traffic flow for vehicle carriers, which was addressed by Mr. Smith. Member Czornyj asked about greenspace requirements in the front of this lot adjacent to NY Route 7. Mr. Kreiger stated that a minimum of 10' separation for pavement from the property line is required. Mr. Smith stated that the proposed pavement line is 25' from the pavement shoulder of NY Route 7, and in excess of 10' from the parcel property line. Member Tarbox asked whether the façade on the Grand Union building would be changing. Mr. Smith stated that the façade would change, and a new Subaru façade would be added to half of the building, with a glass front on the remaining one half for the used car sales portion of the building, which could be subject to further site plan review in the event an additional car dealership is obtained for this location. Mr. Smith stated that the Applicant will provide a drawing or rendering of the front of the building for Planning Board review. Chairman Oster inquired about the difference between the current paved parking lot on the site and the proposed parking lot. Mr. Smith stated that new paved areas are proposed on the west side of the parcel to the rear of the New York State stormwater detention basin. Chairman Oster asked whether there would be catch basins proposed in the paved area on the site. Mr. Smith stated that the Applicant would use the existing catch basins in the existing parking lot, plus add new catch basins in the area of the parking lot expansion, all draining to the new stormwater basin proposed on the site. Chairman Oster asked about lighting on the site. The Applicant stated that it would be using down lighting, and be "dark sky" compliant. The light

poles will be 25' high, with some poles having single lights and some having double lights. Photo metrics will be supplied by the Applicant. Member Esser asked about finished grades for the project. The Applicant stated that it was finishing up the proposed grading plan and will provide finished grading and pavement plan when completed. The Planning Board noted that this application will need to be referred to the Rensselaer County Planning Department for review, and directed Mr. Kreiger to complete that referral. Member Esser inquired whether any gas pumps were proposed for the site. The Applicant stated that no gas pumps were proposed, and that cars would be fueled at nearby existing gas stations. Mr. Smith did say that a waste oil heating system might be used, and if so, a tank would be required for waste oil storage. Further information will be provided on that issue. The Applicant confirmed that it was proposing a single phase of construction, and that the entire proposed parking area would be paved and striped during construction, even though a second car dealership is not currently obtained for the site and that used car sales will be in place until the second dealership is obtained. Site plan review procedure was then discussed, which will include a determination by the Planning Board that the site plan application is complete, referral of the application to the Rensselaer County Planning Department, noticing and holding a public hearing on the application, compliance with SEQRA, and action upon the site plan. Chairman Oster, and Members Czornyj and Christian stated that in connection with the current update to the Town Comprehensive Plan, there was an emphasis to provide for more greenspace and vegetation along this Route 7 corridor, and reducing the amount of pavement adjacent to the road corridor. Member Czornyj noted that a sidewalk is being proposed to enter into the site off Route 7, and felt this was a positive aspect of the application. Mr. Kestner inquired whether a fire hydrant was located on the site. Mr. Smith stated that no fire hydrant was located on the site, and that he has not yet met with the fire

department on this application, but did note that the current building has a sprinkler system and that the sprinkler system will be updated and continued to be used with the building renovation. Mr. Smith thought that there was an existing hydrant located on the opposite side of Route 7. Chairman Oster noted that the Planning Board will coordinate with the Brunswick No. 1 Fire Department on this application. This matter has been placed on the September 20 agenda for further discussion.

One item of new business was discussed.

Richard Wilson, 18 Ledgestone Road, has filed a minor subdivision application for property located at 18 Ledgestone Road. Mr. Wilson explained that this property had been the subject of a 3-lot subdivision approval in October 2002, that he had purchased all 3 lots, which include one lot with his home and two vacant building lots, but thereafter discovered that the subdivision plat had never been filed in the Rensselaer County Clerk's Office. Attorney Gilchrist explained to the Planning Board that the failure to file the approved subdivision plat within applicable statutory timeframes with the Rensselaer County Clerk's Office renders the original subdivision approval void. The Planning Board explained that in this situation, Mr. Wilson must file a new application for minor subdivision, and also pay the application fee and establish the minor subdivision review escrow. Even if Mr. Wilson is not proposing any changes to the previously-approved lot layout, Mr. Wilson must show that there has been no changed circumstances regarding the project site, and that the grading and stormwater compliance plan meets current regulation. Also, the Planning Board must conduct a mandatory public hearing on the minor subdivision application. If the minor subdivision is approved, the park and recreation fee will be required. This matter has been placed on the September 20 agenda for further discussion.

The index for the September 6, 2012 meeting is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan – 9/20/12;
2. Mulinio – site plan – approved with conditions;
3. Vartigian – waiver of subdivision – 9/20/12;
4. Carbone Auto Group – site plan – 9/20/12;
5. Wilson – minor subdivision – 9/20/2012.

The proposed agenda for the September 20, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan;
2. Vartigian – waiver of subdivision;
3. Wagar – waiver of subdivision;
4. Carbone Auto Group – site plan;
5. Wilson – minor subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 20, 2012

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

ABSENT was DAVID TARBOX.

ALSO PRESENT were DANIEL BRUNS, Building Fire Code Inspector, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the September 6, 2012 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the September 6, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the subdivision and site plan application by Reiser Bros., Inc. for property located on NY Route 2 and NY Route 278. Chairman Oster noted that this matter was adjourned without date pending action by the Brunswick Zoning Board of Appeals on Reiser's special permit application.

The second item of business on the agenda was the waiver of subdivision application by Vartigian for property located on Plank Road. The Applicant is continuing to prepare information on the application, and this matter is tentatively placed on the October 4, 2012 agenda for further discussion.

The third item of business on the agenda was the waiver of subdivision application of Matt and Lee Wagar. Brian Holbriiter appeared on behalf of the Applicants. Revised subdivision

drawings were submitted showing a 35' foot driveway along the rear and side of the lot for purpose of creating frontage onto Tamarac Road for newly created lot. There will also be an easement over Marilyn Wagar's property allowing access from the newly proposed lot onto Higbee Road. Chairman Oster asked if there were any sight distance issues regarding the proposed driveway onto Tamarac Road. Mr. Holbriiter said no, as the road in that area is flat and straight. Member Wetmiller asked Mr. Kestner if there was any problem for fire trucks with the proposed 90° turn in the proposed driveway from Tamarac Road to the property. Mr. Kestner said that would not be a problem and that the driver would have to essentially make a right turn. He further said the driveway access was wide enough to accommodate a 16' roadbed with 3' shoulders and drainage ditch on each side and, therefore, complied with the Town Code.

Upon hearing no further discussion, Member Czornyj made a motion to adopt a SEQRA negative declaration, which motion was seconded by Member Wetmiller and unanimously approved. Member Czornyj then made a motion to approve the application subject to the condition that the Applicant obtain approval from the Rensselaer County Department of Health for water and septic on the proposed lot. That motion was seconded by Member Christian and was unanimously approved subject to the stated condition.

The fourth item of business on the agenda was the site plan application by Carbone Auto Group for a car dealership at the site of the former Grand Union building located on Route 7. Appearing on the application were Jeff Hildebrandt, project engineer and Joe Carbone. Chairman Oster confirmed that he and Mark Kestner had received copies of the long form EAF, and that copies would be circulated to the rest of the Board. Mr. Hildebrandt stated that proposed elevation renderings and photometrics from exterior lighting and cuts for proposed fixtures had been mailed out to the Board. Mr. Hildebrandt said the building would have the standard Subaru

façade with a non-functioning slate chimney and presented a rendering of the front of the building for review. He further stated that half of the building would be used for used car sales but that the Applicant was attempting to acquire another dealership to be located at this facility with the Subaru dealership. Mr. Kestner indicated that he and the Superintendent of the Water and Sewer Department needed to get together to discuss the proposed expansion of the Town's sewage pump station and that the project may lose a couple of parking spaces to allow for the expansion and an appropriate easement to allow access to the pump station. Mr. Hildebrandt thought that would be fine and stated that even with a loss of some parking spaces, the greenspace percentage would be fine. Mr. Kestner then advised that the Fire Chief had briefly looked at the plans and that the Fire Department will likely require a second Knox box on the back. Mr. Kestner requested that the Applicant send a copy of the plans to Gus Scifo for review and comment.

There was some question as to whether the Fire Department will request a hydrant at the proposed project site. There is a hydrant approximately 230' in front of the building, with hydrants near the Honda dealership and Troy City Garage. A project must be within 500' hose feet of a hydrant, though in this case the Fire Department would like to avoid laying hose across the street. Mr. Hildebrandt confirmed that the entrance will not be gated, nor will there be any gates in the interior of the project.

Attorney Coan inquired as to the status of the stormwater pollution prevention plan (SWPPP). Mr. Hildebrandt thought the SWPPP had been prepared, and that the Board would have it shortly, along with the proposed grading plan.

This matter has been placed on the October 4 agenda for further discussion, and the matter will likely be scheduled for public hearing at the October 18th meeting.

The fifth item of business was the minor subdivision application for property located at 18 Ledgestone Road. No one was present for the Applicant, Richard Wilson, but the Board was advised that the Applicant has been in touch with Erdman Anthony. The matter has been tentatively placed on the October 4th agenda for further discussion. The matter will not be restored to the agenda if the Applicant fails to show on October 4th.

There were two items of new business.

The first item of new business was the Hernick waiver of subdivision application regarding property located at 421 Bonesteel Lane. The Applicant seeks the reapproval of the waiver of subdivision application which had been previously approved by the Board in 2011. As with the original application, the Applicant seeks to divide an existing 4.9± acre parcel into two properties, which will include a 2.9± acre parcel with an existing house and a 2.0± acre parcel with existing barns and outbuildings to be used for residential construction. The Applicant intends to construct a new residence on 2.0± acre parcel on which the barns and outbuildings sit, but needs to sell the 2.9± acre parcel with the existing house in order to finance the new construction. The Board had approved the initial waiver of subdivision application upon certain conditions in 2011, but the subdivision plat was not filed with the Rensselaer County Clerk. Hernick advised the Board that the new house under the original approval had not been started due to unanticipated circumstances, but that he would now like the Board to reapprove the original waiver of subdivision application. He further advised that in order to construct a new house on the proposed lot, he still needs to sell the original home, but that he, in fact, has a ready, willing and able buyer.

The Board discussed the conditions they had imposed in connection with the original approval, specifically that a building permit would have to be obtained within 30 days of the

approval and the new house to be constructed within 12 months after the building permit was issued. The Board reminded the Applicant that any approval would be conditioned upon approval from the Rensselaer County Health Department of the proposed septic system and water. Mr. Hernick was asked if he could satisfy these conditions. Upon discussion, it appeared that obtaining a building permit within 30 days of any approval would be difficult for the Applicant to comply with and the Board discussed extending the 30 day timeframe to 90 days in which to obtain the building permit. Additional conditions to be imposed include: the house must be constructed within 12 months of issuance of the building permit; if the Applicant fails to obtain the building permit within 90 days of Planning Board approval or fails to construct the home within 12 months after issuance of the building permit, the Applicant will be issued a notice of violation by the Building Department and will be made to remove all structures from the building lot, including the barn and outbuildings; and Planning Board approval is subject to approval by the Rensselaer County Health Department of the water and septic. Member Czornyj asked if a perc test had been performed on the proposed new lot, and Mr. Hernick said no, it had not. Member Czornyj pointed out that the window to get that done this year was getting short. Attorney Coan then inquired whether an application fee had been paid by the Applicant in connection with this new application. Mr. Hernick stated that the application fee had not been paid. Attorney Coan advised Mr. Hernick that the application fee had to be paid in order for the Board to consider the application. Chairman Oster also advised Mr. Hernick that he would need to resubmit the subdivision map.

This matter was placed on the October 4th agenda for further discussion provided the Applicant has paid the application fee and resubmitted the maps.

The second matter of new business was the waiver of subdivision application by Adam

Wagar, Executor of Riegert Estate. Adam Wagar was present. Mr. Wagar explained that a lot line adjustment was sought in order to allow him, as Executor, to sell a 3.5± acre portion of the real property, including house, owned by the Estate of Riegert. He intended to retain the balance of the property. The application as presented proposed a three lot subdivision. After some discussion, it became apparent that two lot line adjustments could be made to achieve the Applicant's intended objective. It was discussed that based upon the survey of the Estate of Riegert dated July 12, 2012 which was submitted to the Board, that Parcel B as identified thereon would be merged with Parcel C, and Parcel A would be merged with the lands owned by Ben and Stephanie A. Wagar. It was agreed that Stephanie A. Wagar, who was present for the discussion, would submit a waiver of subdivision application related to the proposed lot line adjustment. The remaining lands of Riegert would be merged with the lands owned by the Applicant, Adam and Stephanie K. Wagar.

This matter was placed on the October 4th agenda for further discussion.

The index for the September 20, 2012 meeting is as follows:

1. Reiser – subdivision and site plan – adjourned without date;
2. Vartigian – waiver of subdivision – 10/4/12;
3. Wagar – waiver of subdivision – approved with condition;
4. Carbone Auto Group – site plan – 10/4/12;
5. Wilson – minor subdivision – 10/4/2012 (tentative);
6. Hernick – minor subdivision – 10/4/12;
7. Wagar – lot line adjustments (two applications) – 10/4/12.

The proposed agenda for the October 4, 2012 meeting is tentatively as follows:

1. Vartigian – waiver of subdivision;

2. Carbone Auto Group – site plan;
3. Wilson – minor subdivision;
4. Hernick – minor subdivision;
5. Wagar – lot line adjustments (two applications).

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 4, 2012

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

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

The Planning Board reviewed the draft minutes of the September 20, 2012 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application by Larry Vartigian for property located on Plank Road. The Applicant was not present, and Chairman Oster took this matter off the agenda. This matter will not be placed on a Planning Board agenda until such time the Building Department has further communication with the Applicant.

The next item of business on the agenda was the site plan application by Carbone Auto Group for site plan approval for an automobile dealership at the site at the former Grand Union building located on Route 7. Appearing for the Applicant were Jeff Hildenbrandt, project engineer, and Tim Smith, project architect. Chairman Oster noted that the Planning Board has now received a grading plan and stormwater pollution prevention plan, which it had requested at the last Planning Board meeting. Mr. Hildebrandt stated that the grading plan had been

submitted to the Planning Board and Mr. Kestner, and also that the full stormwater pollution prevention plan had likewise been prepared and submitted to the Town. Mr. Hildebrandt generally reviewed the stormwater plan, which includes directing all stormwater runoff from developed areas on the site to either a drywell or the onsite stormwater management pond. The Planning Board then discussed the location of a creek on the project site on the southwest portion of the property. Chairman Oster noted that the creek is depicted on the site plan, but questioned whether the creek is as wide or large as shown on the site plan. Member Czornyj noted that the creek is located on the site, but that this has been a particularly dry summer season and that the creek is not running as much as it has in the past. Mr. Hildebrandt stated that what is depicted on the site plan should be considered the high water level for the creek. Mr. Kestner noted that the creek also collects stormwater from the outlet from the New York State stormwater basin on Route 7. Chairman Oster noted that the application now consisted of the site plan, architectural rendering of the building façade, full environmental assessment form, lighting plan, grading plan, and full stormwater pollution prevention plan. Mr. Kestner noted that he had sent the plans to the Brunswick No. 1 Fire Department for review and comment as well. Gus Scifo was present at the meeting for the Brunswick No. 1 Fire Department. The Planning Board requested any comments from Mr. Scifo. Mr. Scifo stated that the height of the building, and particularly the chimney-type façade structure, was greater than 30' in height, which he interprets as a potential fire code compliance issue. However, the Fire Department would deem that issue to be fully addressed by installing a fire hydrant somewhere on the project site. The Planning Board noted that the existing fire hydrants in this area include a hydrant located at the CapCom building, Tri-City Garage, DeCarlo Auto Body, and the Honda dealership. Mr. Scifo noted that the closest hydrant located at the CapCom site was on the opposite side of Route 7, and if there was a fire at

this project site requiring hydrant support, a 5" fire hose would need to be laid across Route 7 and traffic would need to be stopped in both directions if this occurred. The Planning Board members then generally discussed the size of water mains on the south side of Route 7, and whether having a hydrant at this site could be supported going off the existing water line and whether this would impact the pressure for a sprinkler system for the building on the project site. Chairman Oster inquired of the Applicant whether the Applicant would be willing to install a fire hydrant on the project site. The Applicant's representatives stated that they would be willing to look into installing a hydrant on the project site, but would rather not have it located within the NYSDOT right-of-way with the need for coordination with NYSDOT. The Applicant confirmed that it would be willing to install the fire hydrant on the project site as long as it could tie-in the hydrant to the existing water main on the project site without affecting water pressure for the building and the sprinkler system within the building. The Planning Board generally discussed a location approximately 50' from the front of the existing building located in proximity to the adjacent Enterprise lot for the location of the fire hydrant. Mr. Scifo also raised the issue of the proposed archway across the access to the service area on the east side of the building, which is proposed to be a 12' wide entrance. Mr. Scifo stated that the access would be very narrow for a ladder truck, and requested that the Applicant add an additional 1' to the entrance width within this archway. The Applicant stated that they would add 1' to the width of this archway entrance to the service area. Mr. Scifo also stated that the Fire Department would like a Knox box installed both in the front and the rear of the building, to which the Applicant agreed. Member Mainello asked whether the site plan should show any proposed floor drain in the service/shop area, and any holding tanks. Mr. Hildebrandt stated that a trench drain is being proposed for the service area to include an oil separator, and that will be shown on the site plan. The Planning

Board generally determined that the application materials were complete for moving the application to public hearing. This matter will be scheduled for public hearing on October 18 at 7:00 p.m.

The next item of business on the agenda was the minor subdivision application by Richard Wilson for property located at 18 Ledgestone Road. The Applicant was not present, and Chairman Oster stated that this matter was removed from the agenda and would not be put on a future agenda until such time as the Building Department has further communication with the Applicant.

The next item of business on the agenda was the waiver of subdivision application by Hernick for property located at 421 Bonesteel Lane. Mr. Hernick was present. Mr. Hernick reported that he had a perc test completed on the proposed 2± acre building lot, and that the perc test passed Health Department requirements. Mr. Kreiger confirmed that he did have a copy of the perc test results in his office. The Planning Board members generally reviewed the conditions on this matter which were discussed at the September 20 meeting, including timeframes for building permit application and construction of a residence on this building lot. Mr. Hernick understood these conditions. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted under SEQRA. Next, Member Czornyj made a motion to approve this waiver of subdivision to establish the 2± acre building lot subject to the following conditions:

1. The Applicant must apply for a building permit to construct a residence on this building lot within 90 days of the approval date;
2. The Applicant must complete construction of a residence on this building lot within one year after the building permit has been issued;

3. In the event the Applicant fails to obtain the building permit and/or fails to complete construction of the residence within the timeframes noted in Conditions #1 and #2, then the Building Department will issue a Notice of Violation and the Applicant must remove all structures from this building lot including the existing barn and outbuildings;
4. Rensselaer County Health Department approval for water and septic.

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

The next item of business on the agenda was the waiver of subdivision/lot line adjustment applications for Wagar for property located off Plank Road. Adam and Stephanie Wagar were present on the application. The Planning Board reviewed its previous discussion on this application held at the September 20 meeting, and confirmed that the appropriate applications have now been filed for these lot line adjustments. Accordingly, the Planning Board took three actions on this application as follows:

1. A 3.50± acre building lot (denominated as "Parcel C" on the survey map) was divided out of the existing 38± acre parcel titled in the Estate of Ruth M. Riegert, with the resulting 34.5± acres remaining in the Lands of the Riegert Estate to be merged into the adjacent lot owned by Adam B. Wagar and Stephanie K. Wagar (Tax Map #71.-13-16). On this action, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the division of the 3.50± acre building lot out of the 38± acre lot owned by the Estate of Riegert (Tax Map #71.-13-15.2), subject to the requirement that the remaining Lands of the Estate of Riegert (Tax Map #71.-13-15.2) be merged into the lot owned by Adam B. and Stephanie K. Wagar (Tax Map #71.-13-16). Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the creation of the 3.5± acre lot (Parcel C) was approved subject to the stated condition.
2. Next, the Planning Board addressed the two lot line adjustments, denoted as "Parcel B" and "Parcel A" on the subdivision map. The next action taken was the transfer of land identified as "Parcel B" from the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) to be transferred and merged into the newly-created "Parcel C". On this action, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by

Member Christian. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the transfer of "Parcel B" from the lot owned by Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) to the newly-created "Parcel C", and to be legally merged into "Parcel C". Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the transfer of "Parcel B" from the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) to the newly-created "Parcel C" was approved subject to the requirement that "Parcel B" be legally merged into the title of "Parcel C".

3. Next, the area identified as "Parcel A" on the subdivision map was addressed, with the proposal that "Parcel A" be divided from the newly-created "Parcel C" and transferred to the lot owned by Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1), and legally merged into that lot. On this action, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the transfer of the area identified as "Parcel A" from the newly-created "Parcel C" and transferred to the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1), and legally merged into that lot. Member Christian seconded the motion subject to the stated condition. The motion was unanimously approved, and the transfer of "Parcel A" from the newly-created "Parcel C" to the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) was approved, with the condition that "Parcel A" be legally merged into the lot of Benjamin W. and Stephanie A. Wagar.

Mr. Kreiger noted that there was no new business before the Planning Board.

One item of old business was discussed.

Brian Holbriiter was present on the major subdivision application submitted by Farrell for the proposed Double Day Estates project located on McChesney Avenue Extension and Town Office Road. Mr. Holbriiter reported that updated plans had been presented to the Town, that a full hydrogeologic study had been completed and submitted to the Town, that a complete archeological study had been completed and submitted to the Town, and that the Applicant had drafted responses to the comments raised by the attorneys for Seddon, and that these responses will be finalized and submitted to the Town. Mr. Holbriiter stated that the hydrogeologic study had been completed by Hanson Van Vleet and Steven Dean, P.E. In connection with the

hydrogeologic study, Mr. Holbriiter reported that the consultants had requested access to the property of Seddon but that access was denied. On the archeological study, Mr. Holbriiter stated that the study had been completed by Hudson Mohawk Archeological Consultants, that a full Phase IA and IB had been completed, and that a sign off letter had been obtained from the Office of Parks, Recreation and Historic Preservation determining that there were no impact on cultural resources as a result of this action. Chairman Oster stated that upon the receipt of the additional information, he was open to continuing the public hearing. The Planning Board generally concurred. Chairman Oster noted that the issue of escrow for payment of consultant review fees has been partially addressed, which is sufficient at this point for continuation of the public hearing, but with the notice that no action would be taken on this application until such time as the escrow issue was fully resolved. It is noted that the Applicant will have on file with the Town updated subdivision plans, the hydrogeologic report, the archeological report, stormwater pollution prevention plan, and final response to public comments from the previous public hearing including the comments of Seddon. The Planning Board will continue the public hearing on this action at the October 18 meeting commencing at 7:15 p.m.

The index for the October 4, 2012 meeting is as follows:

1. Vartigian – waiver of subdivision – withdrawn from the agenda without date;
2. Carbone Auto Group – site plan – 10/18/12 (public hearing to commence at 7:00 p.m.);
3. Wilson – minor subdivision – withdrawn from the agenda without date;
4. Hernick – waiver of subdivision – approved subject to conditions;
5. Wagar – waiver of subdivision/lot line adjustments – approved subject to conditions;
6. Farrell – Double Day Estates major subdivision – 10/18/12 (public hearing to continue at 7:15 p.m.).

The proposed agenda for the October 18, 2012 meeting is tentatively as follows:

1. Carbone Auto Group – site plan (public hearing to commence at 7:00 p.m.);
2. Farrell – Double Day Estates major subdivision (public hearing to continue at 7:15 p.m.).

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 18, 2012

PRESENT were MICHAEL CZORNYJ (Acting Chairman), FRANK ESSER, GORDON CHRISTIAN, DAVID TARBOX and VINCE WETMILLER.

ABSENT were RUSSELL OSTER and KEVIN MAINELLO.

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

Acting Chairman Czornyj reviewed the agenda for the October 18th meeting, including public hearings on the matters of Carbone Auto Group and Farrell.

The Planning Board then held a public hearing on the application of Carbone Auto Group for site plan approval for a car dealership at the site of the former Grand Union building located on Route 7. The Notice of Public Hearing was read into the record. Jeff Hildenbrandt appeared for the Applicant and presented a brief overview of the proposal to relocate the Subaru dealership to the former Grand Union building. A preliminary site plan prepared by Plumley Engineering was handed up to the Board. Mr. Hildenbrandt stated that the Applicant had met with the Brunswick No. 1 Fire Department and agreed to install another fire hydrant per the Fire Department's request. Applicant is also installing an oil/water separator. Mr. Hildenbrandt reviewed the aesthetic elements of the project and said that the front of the existing building will be removed and a new façade constructed as required by Subaru. He further indicated that part of the building will be used for used car sales, but that the Applicant was looking to locate another dealership at the site.

Acting Chairman Czornyj then opened the public hearing for comment. Frank Brennanstuhl, 27 Dusenberry Lane, inquired as to the color of the façade, which according to the Applicant will be gray. Mr. Brennanstuhl also asked whether there would be greenspace in the front of the building that would be seen from Route 7. Jeff Hildenbrant stated that some pavement would be removed from the front of the site in order to create more greenspace. Acting Chairman Czornyj asked if there were any further comments, and hearing none, Acting Chairman Czornyj closed the public hearing.

The Planning Board then reconvened the public hearing on the application by Charles Farrell for the Double Day Estates major subdivision, a proposed 23 lot subdivision located at the intersection of McChesney Avenue Extension and Town Office Road (Tax Map No. 102-2-3.12). Notice of the continued public hearing was read into the record. Brian Holbriiter was present on behalf of the Applicant, as was Scott Reese and Steven Dean, P.E. Mr. Holbriiter stated that the Applicant had responded to comments received at the first part of the public hearing almost a year ago, and that since that time, Applicant had a hydrogeological study performed by Hanson Van Vleet, which was submitted to the Town Planning Board. He further stated that an Phase 1A and 1B archeological studies were performed by Hudson Mohawk Archeological Associates which determined the project would have no impact.

Acting Chairman Czornyj then opened the public hearing for comment. Attorney Coan prefaced the public comment period by explaining that the Planning Board would continue to hold open the public hearing until November 1, 2012 as a result of certain documents concerning the application not being available to the public for review prior to the public hearing. Attorney Coan stated that the complete file concerning the application was now available in the Town Clerk's Office for public review.

Mike Seddon, 494 McChesney Avenue Extension, appreciated the Town holding the public hearing open to give him the chance to review all available documents. He thanked the Applicant for performing the hydrogeological study, but wanted to address the comment in that part of the report concerning the drawdown impacts, where it noted that the Seddons refused to participate in the drawdown test. Mr. Seddons stated that Hanson Van Vleet offered to conduct the drawdown test on the Seddons' well, but attached conditions to the test, including that the Seddons would be without water for 48 hours and that Hanson Van Vleet was to be held harmless for any damage to the Seddon's well that may result during the course of testing, that the Seddons refused to participate. Mr. Seddon said Hanson Van Vleet would not negotiate the conditions with him. Mr. Seddon asked the Planning Board why it was not looking at extending public water and sewer to the area as part of the new development. Mr. Seddon said what better time would there be then when adding 23 new homes. Peter Meskosky, 168 Town Office Road, seconded Mike Seddon's suggestion that the Town look into extending public water and sewer to the area. He said he was concerned about sight distances and safety issues on McChesney Avenue Extension. He said he also wanted to look into what the Town Law required in terms of the creation of new greenspace or parks in connection with a development such as this one. Peter St. Germain, 490 McChesney Avenue Extension, wants to know what impacts there will be on water flow to existing residences as a result of the construction of these additional residences. He stated that he started having problems with sand in his water with the construction of the Sugar Hill Apartments, and that he now needs to filter his water. He is worried that groundwater flow will be impacted when drilling for the wells and septic systems for the proposed new residences start. He wants to know which way the groundwater flows. Josie Seddon, 494 McChesney Avenue Extension, asked the Planning Board if it had any brochures or architectural

drawings for the proposed new residences that are available for review. Robert Duncan, 481 McChesney Avenue Extension, asked about the construction schedule and whether all the houses would be constructed at once. The Applicant stated that the houses would be constructed a couple at a time. Acting Chairman Czornyj asked if there were any further comments, and hearing none, stated that the public hearing would be kept open and reconvened on November 1, 2012.

The Planning Board then opened its regular meeting.

The Planning Board reviewed the draft minutes of the October 4, 2012 meeting. Upon motion by Member Christian, seconded by Member Wetmiller, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Carbone Auto Group for site plan approval for an automobile dealership at the site at the former Grand Union building located on Route 7. Appearing for the Applicant were Jeff Hildenbrandt, project engineer, and Tim Smith, project architect. Mr. Hildenbrandt indicated that the additional fire hydrant requested by Brunswick No. 1 Fire Department would be added, and that the Applicant would install an oil/water separator.

The Planning Board again noted that the existing fire hydrants in this area include a hydrant located at the CapCom building, Tri-City Garage, DeCarlo Auto Body, and the Honda dealership. Mr. Kreiger also confirmed that the proposed site plan was compliant with existing fire codes with respect to the location of and proximity to existing fire hydrants. Mr. Kestner asked if the Applicant had confirmed that it could connect the additional hydrant to the same water line that the project's sprinkler system was on. The Applicant said it had not tested the system, but was concerned that the addition of the hydrant would affect the water pressure to the

building and sprinkler system. Further discussion was had and Applicant agreed to attach the new hydrant to the existing system if feasible. The Applicant said it also added 1' to the entrance width within the proposed archway across the access to the service area on the east side of the building, as requested by the Fire Department.

Mr. Kestner stated he met with the Superintendent of the Water and Sewer Department. The Town will locate the 8" water main running from Route 7 and wants the Applicant to identify the 8" water main, force main and sanitary lines on the site plan. Additionally, the Water and Sewer Department Superintendent wants the Applicant to agree that if the Town has to dig up any of the lines for repair or maintenance, that the Applicant will be responsible for either replacing the pavement or will remove the paving and grass the area over. The Applicant agreed. Mr. Kreiger confirmed all fees had been paid.

Acting Chairman Czornyj inquired whether there were any further comments from the Planning Board. Hearing none, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved, and a negative declaration adopted under SEQRA. Member Christian made a motion to approve the site plan application subject to the conditions that the Applicant locate and identify the water main, force main and sanitary lines on the site plan and agree to repave and/or grass over the area of the located lines in the event the Town has to dig up said lines. Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan application approved subject to the stated conditions.

The second item of business on the agenda was the major subdivision application submitted by Farrell for the proposed Double Day Estates 23-lot subdivision project located on McChesney Avenue Extension and Town Office Road. Brian Holbriter was present for the

Applicant. He stated that the Applicant would prepare a response to the comments received earlier at the public hearing and submit those responses in advance of the public hearing to be reconvened on November 1, 2012. Mr. Kestner requested that the Planning Board be provided with a list of the conditions Hanson Van Vleet wanted the Seddons to assent to before the Seddons would be included in the drawdown test. Mr. Kestner also asked that two additional copies of the complete hydrogeologic study be provided to the Planning Board. The Applicant was then asked if the tree line between the existing and proposed development would be maintained. The Applicant said it would be and discussion was had about attaching a deed restriction to each of the proposed residences regarding the maintenance of that buffer. Member Tarbox asked if the Planning Board members were free to visit the site, to which the Applicant responded yes. When asked about the construction schedule, Mr. Holbriiter said the Applicant would first want to rough in the road, stake the lot corners and put up a model. He thought 3 to 5 houses would be constructed per year. Mr. Holbriiter said he would provide the Planning Board with elevations of the homes to show what they will look like. Acting Chairman Czornyj noted that even if the sight distances are fine, the Applicant should consider the use of a sign to alert drivers to slow and merging traffic on Town Office Road. The Planning Board will continue the public hearing on this application at the November 1 meeting commencing at 7:00 p.m.

The index for the October 18, 2012 meeting is as follows:

1. Carbone Auto Group – site plan; and
2. Farrell – Double Day Estates major subdivision – 11/1/12 (public hearing to continue at 7:00 p.m.).

The proposed agenda for the November 1, 2012 meeting is tentatively as follows:

1. Farrell – Double Day Estates major subdivision (public hearing to continue at 7:00 p.m.).

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 1, 2012

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

ABSENT was RUSSELL OSTER.

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

The Planning Board continued the public hearing on the Double Day Estates major subdivision application. The Notice of Public Hearing was read into the record, also noting that the Public Hearing Notice was published in the Troy Record, placed on the Town Sign Board, placed on the Town website, and mailed to adjacent property owners. Present for the Applicant were Charles Farrell, Scott Reese, Brian Holbriiter, and Steven Dean, P.E. Mr. Holbriiter presented a brief review of the project. Member Czornyj, acting as Planning Board Chair, then opened the floor for receipt of additional public comment. Mike Seddon, 494 McChesney Avenue Extension inquired as to any proposed construction plan or construction timeline. Mr. Reese stated that the phasing on the build-out of this project is set forth in the stormwater pollution prevent plan. In general, Mr. Reese explained that Phase I of the project will be construction of the stormwater infrastructure and road infrastructure. This will include all erosion and sediment control measures required as part of the erosion and sediment control plan. Mr. Reese noted that the State Stormwater Regulations limit the area of disturbed soil to a maximum of 5 acres at any one time, with remaining areas required to be stabilized before more

areas are open for excavation. Mr. Reese then further explained that the build-out of the homes on the individual lots will be market driven. Mr. Reese stated that in the event the residential real estate market picks up, the build-out is anticipated to be completed in a shorter timeframe, whereas the current market conditions will require a longer period of time to build-out the proposed 23 homes. Mr. Seddon responded that the information regarding the construction phasing schedule was not available in publicly-available information, and that the issue was important to him as a concern for quality of life, potential noise and dust impacts, and hopes that the Applicant will be a good neighbor and operate the construction site in a manner that does not impact any off-site properties. Mr. Seddon also stated that his water supply well remains a concern, that he reviewed the reason why he did not provide the Applicant's hydrogeologic consultant with access to his property, and specifically that the conditions set forth in the letter requesting access to the Seddon property by the Applicant's hydrogeologic consultant were unacceptable, and that it would have necessitated Mr. Seddon to retain his own consultant to ensure that the work was completed in a manner that did not impact his well, and that he had a concern regarding legal liability with third-party contractors on his property that were not adequately addressed by the hydrogeologic consultant, and that he was further concerned that the Applicant's hydrogeologic consultant wanted a complete waiver on any potential liability for the work performed on the Seddon property. Mr. Seddon stated that he had operated his water supply well for 19 years without any issue, either as to quantity or quality of water. Mr. Seddon stated that if his well is impacted from the build-out of this project, he will be looking to the developer for responsibility, and feels that the developer is glossing over this important issue. Mr. Seddon stated that he thinks that his neighbors also did not allow the access to their properties by the Applicant's hydrogeologic consultant because of the same concerns that Mr.

Seddon has. Mr. Seddon questioned the full duration of the build-out for this project, and also questioned any proposal to bury propane fuel tanks at the individual home sites. Mr. Seddon also stated that he would like to see the Town require maintenance guarantees by the Applicant regarding any potential impact on off-site properties, including wells. Ann Marie Hakeem, 4 Town Office Road, inquired whether there were more than 2 homes proposed to have direct driveway access onto Town Office Road. The Applicant stated that the project layout includes only two lots with driveway access onto Town Office Road. Ms. Hakeem inquired as to the type of home being proposed, and whether any fencing was proposed on the individual lots. Mr. Holbriiter stated that installation of a fence would be up to the individual homeowner, and that the Applicant had filed with the Town typical home-styles for this project. Ms. Hakeem asked why only two of the homes were set in an area along Town Office Road with direct driveway access onto Town Office Road. Mr. Holbriiter stated that the layout design was driven in part by location of regulated wetlands, and that the project design did take into account stormwater drainage as well. Josephine Seddon, 494 McChesney Avenue Extension, inquired how long it would take to construct the stormwater infrastructure and the road infrastructure. Mr. Reese generally discussed the construction phasing contained in the stormwater pollution prevention plan and other construction related issues. Ms. Seddon followed up and asked the specific timeframe for construction of the road and stormwater infrastructure from the time that work was commenced until the time that it was completed. Mr. Reese stated that it would take approximately 3-4 months to complete the construction of the stormwater infrastructure and road infrastructure. Ms. Seddon asked when the vegetation would be installed around the proposed stormwater basin along McChesney Avenue Extension opposite from her house. Mr. Holbriiter stated that those plantings between the stormwater basin and the Seddon house can be installed

within the first 3-4 month construction phase when the stormwater infrastructure and road infrastructure was being completed. There was discussion concerning the requirements of a performance bond for completion of the stormwater and road infrastructure, and discussion regarding the Town requirement for a stormwater management facility maintenance agreement. Ms. Seddon also raised concern regarding the style of the home being proposed in light of her historic home and property values. Ms. Seddon also stated they have general concerns regarding impacts to their well and quality of life. Ms. Seddon concluded by stating that a restriction on construction hours for this project build-out should be considered. Member Czornyj then inquired whether there were any further comments from the public on this project. Hearing none, Member Christian then made a motion to close the public hearing, which motion was seconded by Member Mainello. The motion was unanimously approved, and the public hearing on the Double Day Estates major subdivision application was closed.

The Planning Board then opened its regular meeting.

The Planning Board reviewed the draft minutes of the October 18, 2012 meeting. Member Czornyj noted a correction on page 6, line 16, changing "Town Office Road" to "McChesney Avenue Extension". Subject to the stated correction, Member Wetmiller made a motion to approve the minutes of the October 18, 2012 meeting, which motion was seconded by Member Christian. The motion was unanimously approved, and the minutes of the October 18, 2012 meeting were approved subject to the stated correction.

The first item of business on the agenda was the major subdivision application by Farrell for the Double Day Estates project. Member Czornyj stated that he wanted to ensure that all of the driveways proposed for this project included required negative pitch. Member Christian noted that he felt a significant amount of shale existed on the project site, and asked whether

there would be the need for any ripping or blasting of shale to construct the foundations for the homes. Mr. Holbritten stated that during the digging of the test pits on the site, the Applicant encountered shale but it was very soft, and was able to be dug with a track hoe, and that no material was hit that would require either ripping or blasting. Hearing this, the Planning Board made it clear that there would be no blasting allowed on this project site, and that in the event the Applicant encountered material that required blasting, the Applicant would be required to come back to the Planning Board for a modification to this project. Member Esser stated that he had a concern regarding the layout of lots 15-19, and specifically that it was the backyards and the back of the homes that would be facing Town Office Road, and felt that the project should include vegetative screening to address this. The Applicant and the Planning Board members then generally discussed options, which could include a vegetative strip along the rear area of lots 15-19, or a vegetative area directly adjacent to Town Office Road. Mr. Reese and Mr. Holbritten stated that a vegetative screen along Town Office Road, but outside of the public right-of-way, would address any concern regarding people walking or driving along Town Office Road being able to see into the backyards of lots 15-19, while also maintaining the full usable area of the lots and views from lots 15-19. It was determined that additional planting along Town Office Road on the project site would be added to the project vegetation plan. Mr. Kestner stated that he was still reviewing the stormwater pollution prevention plan, and would complete his review shortly, but that he did not see any issues with the material which had been reviewed to date. Mr. Kestner had a few questions regarding the hydrogeologic study for the project, including whether any well logs were obtained for adjacent lots. Mr. Dean stated that well logs were not obtained for the adjacent lots, but that the hydrogeologic study had included a sufficient number of test wells on the project site to support its conclusions. The Planning Board also

noted that there had been a comment from a nearby property owner, Pete St. Germain, who complained he had sediment in his well as a result of the construction of the Sugar Hill Apartments. Mr. Kestner had looked at that issue, and found that there was a significant distance between the Sugar Hill site and the St. Germain property, a water divide, and a significant topographic difference. Having said that, Mr. Kestner also asked the Seddons, who were present at the meeting, as to whether they have any information concerning their well, including any analysis of the water supply. Mrs. Seddon stated that she did have that information, and Mr. Kestner requested a copy of that information so that an appropriate baseline could be established regarding current conditions at the Seddon well, in the event there were any issue in the future regarding the complaint that the construction from the Double Day site had impacted that off-site well. Mrs. Seddon stated that she would supply that information to the Town. Member Czornyj inquired as to the procedural status on the application. Attorney Gilchrist stated that the public hearing had now been closed on the major subdivision application, and that the next matter for the Planning Board to address on the application was a SEQRA determination. Once a SEQRA determination has been made, Attorney Gilchrist stated that the Planning Board would need to act upon the preliminary major subdivision application. After further discussion, it was determined that Mr. Kestner and Attorney Gilchrist would draft a proposed SEQRA determination for consideration by the Planning Board at its November 15 meeting. Member Czornyj then inquired of the Applicant whether he had contacted the County Highway Department regarding any signage for McChesney Avenue Extension in the area where the proposed road would exit onto McChesney Avenue Extension, particularly with respect to left hand turns out of the project site going in an easterly direction on McChesney Avenue Extension. Mr. Holbriiter stated that he had not yet contacted the County Highway Department, although he

did confirm that the stopping distances on McChesney Avenue Extension had been examined and confirmed, although Mr. Holbriiter stated that either he or Mr. Reese would contact the County Highway Department about the issue of signage installation. The Planning Board also stated that the stopping distances and sight distances should be placed on any final plat to be submitted on this project. This matter is placed on the November 15 agenda for further discussion.

There were no new items of business to discuss.

The index for the November 1, 2012 meeting is as follows:

1. Farrell – Double Day Estates major subdivision – 11/15/12.

The proposed agenda for the November 15, 2012 meeting currently is as follows:

1. Farrell – Double Day Estates major subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 15, 2012

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

ALSO PRESENT were DANIEL BRUNS, Building Fire Code Inspector, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the November 1, 2012 meeting. Member Czornyj made a motion to approve the minutes of the November 1, 2012 meeting, without correction, which motion was seconded by Member Christian. The motion was unanimously approved, and the minutes of the November 1, 2012 meeting were approved.

The first item of business on the agenda was the major subdivision application by Farrell for the Double Day Estates project. Chairman Oster noted that Mark Kestner had prepared Part 2, Project Impacts and Their Magnitude, of the Environmental Impact Statement on behalf of the Planning Board as SEQRA lead agency, and asked Mr. Kestner to review the same with the Planning Board. Mr. Kestner reviewed and discussed the proposed responses to each of the questions asked and responded to in Part 2. Hearing no further discussion from the Planning Board, and there being no questions from the Applicant with respect to the assessment of project impacts and/or magnitude, Chairman Oster asked the Applicant to discuss any changes made to the project since the last meeting. Brian Holbitter and Scott Reese appeared on behalf of the Applicant; and described the adjustments made to the planting plan as noted on the Grading and

Utility Plan – South. Mr. Reese clarified the type and size trees that would be planted and used for buffering, and those that would be planted along the street and on the project lots.

Brian Holbriiter raised an issue regarding the proposed driveways exiting onto the roadway within the project. It was understood that the Planning Board wanted each driveway to have a 2% negative pitch, but the Applicant would like to pitch the driveways towards the roadway, with drainage running into wing gutters along the roadway. Member Czornyj suggested that the Applicant speak to Town Highway Superintendent, Doug Eddy, to determine if this was an acceptable alternative to the 2% negative pitch.

Brian Holbriiter then advised the Planning Board that he had spoken with Wayne Bonesteel, Rensselaer County Highway Department, regarding additional signage to be placed on McChesney Avenue Extension, and he submitted to the Planning Board email correspondence between Scott Reese and Wayne Bonesteel confirming the same. Brian Holbriiter stated that the Applicant will install an intersection warning sign on McChesney Avenue warning of the intersection of the proposed project road with McChesney Avenue Extension. Mr. Holbriiter further stated the Applicant would also install a tractor sign.

Brian Holbriiter then stated that a 20' buffer along the westerly boundary of the project had been added to the preliminary plat, in which there would be no cutting. He also added the sight distances to the preliminary plat. Member Tarbox expressed the opinion that a 20' buffer with cutting restrictions may be excessive. Chairman Oster agreed with Member Tarbox. Discussion regarding the buffer ensued and there was general concern that maintaining a 20' buffer may result in too many restrictions being imposed on the project applicant and subsequent buyers. It was then agreed that the issue of the buffer would be revisited when the final plat was reviewed.

Chairman Oster noted that the Applicant had satisfied all past invoicing and agreed to establish an escrow for future review fees. Mr. Kestner was asked by the Board to provide an estimate of additional fees to the Applicant.

Chairman Oster asked if there were any additional comments and hearing none, reviewed the draft resolution approving the application; with conditions (a)-(o). Chairman Oster reviewed each of the proposed conditions as set forth in the draft resolution prepared by Attorney Gilchrist. It was agreed that condition (f) concerning the maintenance of an existing buffer would be further discussed during review of the final plat. It was further agreed that the Applicant will speak to Doug Eddy, Highway Superintendent, regarding whether the driveways exiting onto the project roadway can be drained into the wing gutter along the roadway, or if said driveways are required to have a 2% negative pitch. This issue will be further discussed in connection with final plat review. Regarding condition (n), the Applicant was reminded that he must establish an escrow for the top coat on the road. There were no further comments on the proposed conditions.

The Board then inquired as to the proposed width of the project road. Brian Holbriiter indicated the proposed roadway construction called for two 13' driving lanes, with 2' wing gutters on either side. Brian Holbriiter advised that the paved surface area would be 30' wide. The Applicant was advised that he had to seek approval from the Town Board to vary from the 36' wide road requirement prior to the final plat approval. The Planning Board indicated it would recommend to the Town Board that the variance be approved. Member Mainello indicated that John Kreiger and/or Doug Eddy would inspect and approve the road construction, and that Mr. Eddy is typically in attendance at the paving.

Hearing no further discussion, Chairman Oster stated he would entertain a motion for a negative declaration under SEQRA as he did not believe the project would have any significant environmental impact. Member Czornyj then made a motion for a negative declaration under SEQRA, which was seconded by Member Wetmiller. That motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to grant preliminary plat approval, subject to the following conditions:

- a. The final plat to be submitted by the Applicant for review by the Planning Board must identify the utility easement location for the National Grid power line located on the project site, and also add as map notes the sight distances for the subdivision road onto McChesney Avenue Extension and Town Office Road, the Town of Brunswick right-to-farm law and that this project is subject to such right-to-farm law, and that all driveways shall conform to the Town of Brunswick Standards for Residential Driveways and Private Roads.
- b. The Applicant must coordinate with the Rensselaer County Highway Department regarding signage on McChesney Avenue Extension, with particular regard to vehicles making a left hand turn out of the proposed subdivision road onto McChesney Avenue Extension in an easterly direction.
- c. Any action by the Planning Board on the final subdivision plat will be subject to the execution of a stormwater management facilities maintenance agreement regarding all stormwater facilities located on the project site, in form and content acceptable to the Town of Brunswick.
- d. Any action by the Planning Board on the final subdivision plat will be subject to execution of a bonding security agreement for all proposed infrastructure on the project site, in form and content acceptable to the Town of Brunswick.
- e. Any action by the Planning Board on the final subdivision plat will be subject to all project infrastructure being completed in one construction phase, with the vegetation proposed for the stormwater basin located in proximity to McChesney Avenue Extension and the property of Seddon to be planted as part of such infrastructure construction phase. Commencement of construction activities will be subject to a pre-work conference with the Town of Brunswick.
- f. Any action by the Planning Board on the final subdivision plat will be subject to the requirement to maintain existing vegetation between the project site and the lands of Duncan and Tomaro.

- g. Any action by the Planning Board on the final subdivision plat will be subject to Rensselaer County Department of Health review and approval for all water supply and septic facilities, and the final plat will include a map note stating a hydrogeologic assessment report has been prepared for this project.
- h. Any action by the Planning Board on the final subdivision plat will be subject to engineering comments on the final plat submission.
- i. Any action by the Planning Board on the final subdivision plat will be subject to the Applicant's compliance with all applicable state and/or federal regulations regarding fuel tanks proposed for the project.
- j. Any action by the Planning Board on the final subdivision plat will be subject to the requirement of a 2% negative pitch within the first 10 feet of all project driveways located off all public roads.
- k. Any action by the Planning Board on the final subdivision plat will be subject to the requirement that no blasting is permitted as a method of shale and/or rock removal from the project site.
- l. The Planning Board will not review any final subdivision plat submittal unless and until payment of all consultant review fees has been made by the Applicant to the Town of Brunswick, and an escrow has been established for review of the final plat submission, in compliance with Local Law No. 8 of 2002 of the Town of Brunswick. No work permits of any kind will be issued by the Town of Brunswick until such consultant review fees are paid by the Applicant as required by the Town of Brunswick.
- m. Any action by the Planning Board on the final subdivision plat will be subject to a condition on allowable hours and days for construction activities, to be determined at the time of final plat action.
- n. Any action by the Planning Board on the final subdivision plat will be subject to a condition that no Certificate of Occupancy for any home will be issued by the Town of Brunswick until all infrastructure for this project has been completed to the satisfaction of the Town of Brunswick, including completion of road construction through binder course.
- o. Any action by the Planning Board on the final subdivision plat will be subject to a condition that all homes must, at a minimum, be in general conformance with the building elevations submitted by the Applicant to the Planning Board.

As an additional condition, the Applicant is to submit two sets of stamped preliminary plats prior to final subdivision approval. Said motion, with the foregoing conditions, was seconded by Member Wetmiller, and was duly put to a roll call vote as follows:

Chairman Oster – yes;

Member Czornyj – yes;

Member Esser – yes;

Member Christian – yes;

Member Tarbox – yes;

Member Wetmiller – yes;

Member Mainello – yes.

The motion, with the aforesaid conditions, was unanimously adopted.

The Applicant was reminded that he has 6 months in which to submit the final plat for approval. Brian Holbriiter said he would contact the Planning Board when they are ready to be on the agenda.

There was one item of new business, specifically the application of Duncan Meadows to amend its Planned Development District (PDD); located at McChesney Avenue and McChesney Avenue Extension. Chairman Oster explained that an application has been submitted to the Town Board seeking amendment of the PDD to eliminate the age restriction on the apartments. Chairman Oster distributed revised maps from the Applicant to the Board members. He explained that the Town Board had not yet acted upon the application to amend the PDD, however, Andy Brick, on behalf of the Applicant, would like to come before the Planning Board and give an update on the proposed amendments to the project and possible sale of the apartments.

Mark Kestner further updated the Board regarding the water and sewer issues that are complicating things, namely that the DEC issued a letter stating it will not approve additional connections to the County sewer system until the City of Troy permanently fixes its interceptors. Additionally, the Town needs to resolve certain water and sewer issues directly with the City.

The one issue raised by the Board regarding the amendments to the PDD and possible sale of the apartments was whether the Board will want to require the apartments to own separate access to the project site. The matter was placed on the December 6, 2012 agenda for presentation and update by the Applicant.

There were no new items of business to discuss.

The index for the November 15, 2012 meeting is as follows:

1. Farrell – Double Day Estates major subdivision.

The proposed agenda for the December 6, 2012 meeting currently is as follows:

1. Duncan Meadows – Amended Planned Development District.

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 6, 2012

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

ABSENT was VINCE WETMILLER.

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

The Planning Board members reviewed the draft minutes of the November 15, 2012 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the November 15, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Duncan Meadows Planned Development District. Appearing for the Applicant were Andrew Brick, Esq., Peter Yetto of Ingalls & Associates, and also the potential purchasers and builders of the apartment section of the Duncan Meadows project, Peter Amato and Dr. Paran Edwards, together with their architect. Attorney Brick presented the general overview of the apartment section of the Duncan Meadows project. Attorney Brick stated that the original Duncan Meadows PDD approval included a 50-unit "age-restricted, senior" apartment building, but that the Applicant had not yet pursued a site plan review for the apartment section. Attorney Brick also explained that the owner, ECM Land Development, Inc., has made an application to amend the PDD approval to eliminate the age-restriction on the apartments, and that the application remains pending at the Town Board. Attorney Brick stated that he had already appeared before the Planning Board on the requested

elimination of the age-restriction on the apartments, and that the Planning Board had already issued a written recommendation in favor of approving the request to eliminate the age-restriction on the apartments subject to certain considerations that the Planning Board recommended that the Town Board discuss. Attorney Brick then generally overviewed the concept site plan proposal, which shows access to the apartments from the private road which is part of the Duncan Meadows project and also provides access to the townhouse-style condominiums. Attorney Brick stated that an easement would be granted by and between the owner of the condominium units and the apartment units for use of the private access road off McChesney Avenue Extension. Attorney Brick generally described the proposed apartment building, which is proposed to be a three-story L-shaped building, with central access in a common lobby area, which will include a community room and other related amenities. Attorney Brick also stated that each unit will have a balcony, and that a total of 50 garage spaces are also proposed in separate out-buildings. Attorney Brick also stated that the proposed lot on which the apartment section sits, and which is proposed to be transferred to the purchasers (Amato and Edwards) for construction of the apartment section, has been designed to include road frontage directly onto McChesney Avenue Extension, in the event that a separate access road does need to be constructed in the future providing direct access from McChesney Avenue Extension to the apartment section. Attorney Brick also stated that there would be a stormwater easement between the condominium section and the apartment section providing for use of stormwater facilities. Attorney Brick stated that there would be a phased utility installation, and that a specific phasing plan would be provided to the Planning Board. Attorney Brick also described the proposed sidewalk plan for the apartment section, which includes sidewalks in front of the entire apartment building, out the access road and connecting to McChesney Avenue

Extension. Mr. Yetto stated that he had been coordinating with the Brunswick No. Fire Department on the concept site plan, and that issues regarding fire company comments are being addressed. Attorney Brick stated that a total of 26 two-bedroom units and 24 one-bedroom units are being proposed. Chairman Oster made it clear that the Applicant was before the Planning Board to present the concept site plan, and that the Planning Board was not in the position to review the site plan until the Town Board acts upon the application to amend the PDD. Chairman Oster did suggest that the Planning members raise any questions or concerns that they had on the concept site plan at this time. Member Esser inquired how many three-story apartment buildings are currently located in the Town. Mr. Kreiger stated that the Town has no three-story apartment buildings, but there are existing two and one half story apartment buildings. Chairman Oster then inquired what the maximum height would be allowed for these apartment buildings. Mr. Kreiger stated that the general height restriction is 40 feet, and then generally discussed how the Town Building Department calculates the 40-foot height. Member Mainello inquired whether the Town Code has a restriction limited on height or limited on the number of stories. Mr. Kreiger stated that the Town Code limits height only, and did not address total number of stories. However, Mr. Kreiger did state that there would be a limit on the number of stories which could be constructed in compliance with the 40-foot height limitation under the State Building Code. Mr. Kreiger stated that this proposal is likely to meet the 40-foot height limitation as applied by the Building Department. Member Mainello asked whether the apartment building would have an elevator. Attorney Brick stated that an elevator would be included, located in the central lobby area. Member Esser asked whether the building would have sprinklers. Attorney Brick stated that the building would have sprinklers, and Mr. Amato stated that each unit and each balcony would also have sprinklers. Member Mainello wanted to

confirm the total number of bedrooms for the project. Attorney Brick stated that with 26 proposed two-bedroom units, and 24 proposed one-bedroom units, a total of 76 bedrooms would be included in the apartment building. Chairman Oster inquired whether there were comments from the Brunswick No. 1 Fire Department. Gus Scifo was present, and reviewed issues including relocation of a hydrant on the project site, required pavement and dead-end lengths past proposed garage units for fire apparatus access and turn-around, Knox box requirements, and sprinkler system backup when there is a power outage. Mr. Scifo confirmed that he has been coordinating with the project engineers, and that these issues were subject to continuing discussion. Chairman Oster wanted to confirm that this project would require both site plan review and subdivision for the apartment section. Attorney Gilchrist stated that the Planning Board would need to consider the site plan, and also consider the proposed lot lines for the apartment section parcel which would be subject to subdivision review by the Planning Board. Chairman Oster inquired of the builder as to anticipated rent for the apartments. Mr. Amato stated that the two-bedroom units would be approximately 1,160 square feet, and be approximately \$1,400 per month, and that the one-bedroom units would be approximately 860 square feet, and would be approximately \$1,000 per month. Mr. Amato confirmed that these apartments would be market based, and that there were not a certain number of units set aside for low income. Mr. Amato confirmed that all of the apartment units would be market-rate apartment units. Member Mainello inquired as to the dimension of the apartment building. Mr. Amato stated that the width of the building is 60 feet, and that each wing of the apartment building from the central lobby location would approximately 218 feet in length. Chairman Oster confirmed that the Town Board would need to act on the PDD amendment before the formal site plan review would continue, that in terms of the subdivision the Applicant had

proposed a lot for the apartment section which had frontage directly on McChesney Avenue Extension, but that there were certain other issues which the Applicant would need to address during the project review. Chairman Oster requested Mr. Kestner to review the sewer connection issue. Mr. Kestner generally described the sewer escrow payment requirements for upgrades in BSD6, and also generally described the issues surrounding the sewer connection and the approval required as part of the on-going CSO study. Mr. Kestner did confirm that NYSDEC was requiring certain installations in the interceptor sewer lines in the City of Troy to be made permanent, and Attorney Brick stated that proposals for the permanent installation must be approved and a determination made as to what entity would complete that installation. Mr. Kestner also confirmed that if the Applicant was proposing a utility phasing plan, that any waterline should be ended at a hydrant and any sewer line should be ended at a manhole. There was also discussion regarding a phased road construction, and Town requirements for a turn-around at the terminus of any road section. Chairman Oster confirmed that ECM Land Development, Inc. is responsible for constructing the road from McChesney Avenue Extension into the project site, and that Mr. Amato would be required to construct the remainder of the driveway into the apartment section and all parking areas. Attorney Brick stated that Chairman Oster was correct on the road construction responsibilities. Chairman Oster inquired as to total number of parking spaces being proposed. Attorney Brick stated that there were 50 garage spaces proposed, so that each unit had a garage, and that a total of 63 surface parking spaces were proposed in front of the apartment building. After discussion regarding Town requirements, it was determined that the garage spaces have been included in the total requirements on a per-unit basis, and that a total of two parking spaces per apartment unit had historically been required by the Town. In this case, a total of 100 parking spaces would be

required for the 50-units, and a total of 113 spaces (including garage spaces) are proposed. Member Esser asked whether any boats or trailers would be allowed to be parked at this location. Mr. Amato stated that no boats or trailers would be allowed, and that this was provided for in the lease agreement. Member Mainello asked whether there were any large rooms for community events or parties. Mr. Amato stated that while a community room was provided in the central lobby area, it is not designed to be any kind of banquet hall or large room for parties, it is designed solely for tenant use. The Planning Board generally discussed the option of holding a public hearing on the site plan application itself, but would address that issue after the Town Board acts on the PDD amendment request. Member Czornyj asked about the timing of the construction of the sidewalk/walkway area on McChesney Avenue Extension leading to McChesney Avenue, since Walmart had agreed to construct the sidewalk/walkway area up to the property line of ECM Land Development on McChesney Avenue. Attorney Brick stated it was the responsibility of ECM Land Development to construct the sidewalk/walkway area on McChesney Avenue Extension and McChesney Avenue, and would get further information to the Planning Board on the timing of that construction. This matter has been tentatively placed on the December 20 agenda for further discussion, dependent on action by the Brunswick Town Board on the PDD amendment request.

There was one item of new business discussed.

A waiver of subdivision application has been submitted by Douglas Wingate on behalf of the property owner, William and Nancy Bragin, for property located at 805 Farm to Market Road. William Darling, land surveyor, was present for the Applicant. The owner seeks to divide an existing 4.192 acre building lot into two pieces, with each piece being transferred to an adjacent property owner for merger into their existing lot. Specifically, the owner seeks to divide

an existing building lot into proposed Parcel A, which will be transferred and merged into the adjacent parcel owned by the Wingate Trust, and proposed Parcel B, which will be transferred and merged into the adjacent parcel owned by Duvall. The result of this application would be the elimination of one building lot, with two existing residential lots being enlarged. The Planning Board generally discussed this application, and found it to be in the nature of a lot line adjustment. Chairman Oster inquired as to why the additional land was being added to the existing residential parcels. Mr. Darling stated that, in general, the additional land will provide additional buffer and screening for the existing residential lots. Chairman Oster inquired whether there were any questions or concerns on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and the negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision subject to the requirement that the divided pieces of land to be transferred to the Wingate Trust and Duvall, respectively, be legally merged into the existing residential lots, with proof of such merger filed with the Brunswick Building Department. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

Mr. Kreiger reported that there were no other items of new business.

The index for the December 6, 2012 meeting is as follows:

1. Duncan Meadows – Planned Development District – concept site plan – 12/20/12 (tentative);
2. Wingate/Bragin – waiver of subdivision – approved with condition.

The proposed agenda for the December 20, 2012 meeting currently is as follows:

1. Duncan Meadows – Planned Development District – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 20, 2012

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

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

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

The Planning Board members reviewed the draft minutes of the December 6, 2012 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the December 6, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Duncan Meadows Planned Development District. The Town Board approved the application to amend. Appearing for the Applicant were Andrew Brick, Esq., Peter Yetto of Ingalls & Associates, and also the potential purchasers and builders of the apartment section of the Duncan Meadows project, Peter Amato and Dr. Paran Edwards. Attorney Brick updated the Board on the status of the project and advised that the Town Board had approved the amended PDD application and elimination of the age restriction. Attorney Coan provided the Planning Board and Applicant with copies of the Town Board's Resolution Adopting Supplemental SEQRA Findings Statement and Resolution Approving an Amendment to the Duncan Meadows Planned Development District, both adopted on December 13, 2012.

Peter Yetto advised the Planning Board that he had spoken with Gus Scifo of Brunswick Fire No. 1 and had addressed the Fire Department's comments regarding the site plan. The Applicant will install a fire hydrant at the end of the line on asphalt instead of subbase and has agreed to install 2 Knox boxes. Mr. Yetto also confirmed that the ends of the roads as designed are satisfactory for turnarounds and fire apparatus. Asphalt will be extended at the end of Phase 1 of construction to allow fire trucks to sit on asphalt if necessary to fight fire at the rear of the building. Mr. Yetto also noted that while he has no authority to grant the Fire Department's request to be on site during construction since the project will be transferred prior to construction, the buyers who were present at the meeting indicated that it would be acceptable for the Fire Department to be on site during construction.

The Fire Department has asked for a fire hose cabinet in the apartment building, however, the sprinkler system has not yet been designed. The Applicant stated that the sprinkler plans will be provided to the Fire Department once designed.

Attorney Brick noted he had spoken to his clients regarding extending an asphalt sidewalk out to McChesney Avenue to meet the Walmart sidewalk and it was confirmed the sidewalk would be extended during Phase 1 of construction. He also said that the Rensselaer County Highway Department has agreed to plow and maintain the sidewalk. The sidewalks internal to the project will be concrete.

Attorney Brick then asked whether the Planning Board was inclined to hold a public hearing on the project. Attorney Coan confirmed that the decision to hold a public hearing on the application was discretionary with the Planning Board. Attorney Brick did not think a public hearing would be necessary since only 1 person had commented throughout the review of the

application at the Town Board level, and that all aspects of the project had been reviewed many times.

Member Czornyj still wants to confirm that this project will require both site plan and subdivision approval for the apartment section. Attorney Coan stated that the Planning Board needs to consider the proposed lot lines for the apartment section parcel which would be subject to subdivision review by the Planning Board. Mr. Kestner would also like a list or delineation as to what will actually be built as part of Phase 1 of construction. Attorney Brick did state that the final sewer design has not been worked out yet, but acknowledged that such design will be subject to County Health Department and Water and Sewer Authority approvals.

Chairman Oster generally reviewed the two resolutions adopted by the Town Board regarding the amended PDD application. Given that the Town Board held a public hearing on the project, it was Chairman Oster's opinion that the Planning Board did not need to hold another public hearing. Member Esser expressed his opinion that there should be Town regulations developed limiting the construction of three-story apartment buildings within the Town. He also wants a public hearing on the project to inform people that the apartment building would be a three-story structure. Mr. Kreiger pointed out that while the Town currently has no three-story apartment buildings, but there are existing two and one half story apartment buildings, and reminded the Board that building height limit under the State Building Code is 40 feet. He further stated that the Town Code limits height of structures only, and does not restrict or limit the total number of stories a structure can be. Mr. Kreiger also stated that the NYS Fire Code will dictate where within the Town a three-story building may be built as such building must have its own water supply and be sprinklered.

Attorney Brick pointed out that the height restriction in the PDD was not an issue when before the Town Board. He further stated that the building elevations have been basically the same since the original project was presented. When asked by the Planning Board, Attorney Brick could not recall whether all renderings submitted to date showed a two story building, but that there had always been 50 units. He did state that the original footprint had been larger.

Member Esser expressed his concern that this project, particularly the three story building, will be precedent setting and will allow for other three story developments within the Town. Chairman Oster stated that he believes the 40' height restriction will adequately address the issue, regardless of how many stories the building actually is. Attorney Brick commented that so long as the building is in compliance with the height restriction set forth in the PDD, then any public comment on the number of stories could not be considered.

Chairman Oster thought that language could be included within the Planning Board resolution to the effect that approval of this three story project would not have precedential value on the issue of multi-story buildings within the Town generally. Attorney Coan stated that each project will be evaluated on a case by case basis.

The Planning Board then took a roll call vote on whether or not to hold a public hearing. The vote against holding a public hearing was as follows:

Chairman Oster:	yay
Member Czornyj:	yay
Member Tarbox:	yay
Member Christian:	yay
Member Esser:	nay

Accordingly, a public hearing was waived pursuant to a majority vote.

Chairman Oster stated that a written resolution approving the site plan would be prepared, recognizing the conditions imposed by the Town Board in its resolution approving the amended PDD application eliminating the age restriction. Said resolution would also include the Planning Board's concerns about three story buildings generally, but would note how the proposed three-story building was suited to this particular site. Said resolution would be reviewed at the next Planning Board meeting on January 3rd, 2013.

There were no items of new business.

There was one item of old business. With respect to the Butch Farrell's Double Day Estates Major Subdivision, which has received preliminary subdivision approval with conditions, the Planning Board needs to make a formal findings and recommendation to the Town Board on the Applicant's application for a variance of the road width within the project. The Planning Board generally discussed why it believed such a variance should be granted. Such factors included the fact that the road was not a major highway; that a narrower road can accommodate the volume of traffic utilizing said road; the narrower roadway will be easier to maintain and plow; and there will be less runoff from the paved surface.

It was decided that a formal findings statement and resolution will be prepared and reviewed at the Planning Board's next meeting on January 3, 2013.

As a final note Mr. Kreiger reported that Reiser received Zoning Board approval at the last ZBA meeting and would likely ask to be placed on the Planning Board agenda in the near future.

The index for the December 20, 2012 meeting is as follows:

1. Duncan Meadows – Planned Development District – concept site plan – 1/3/13;
2. Farrell – Double Day Estates Major Subdivision – discussion on application for variance from road width requirements.

The proposed agenda for the January 3, 2013 meeting currently is as follows:

1. Duncan Meadows – Planned Development District – site plan;
2. Farrell – Double Day Estates Major Subdivision – recommendation on road width variance.