

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

January 17, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: Town of Brunswick Planning Board Meeting Minutes (January 16, 2014)

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on January 16, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enclosure

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.C.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Troy School District  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD January 16, 2014**

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

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster noted that the regular meeting that had been scheduled for January 2, 2014 had been cancelled due to adverse weather conditions. Accordingly, there are no minutes for the January 2, 2014 meeting.

The Planning Board members reviewed the draft minutes of the December 19, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the December 13, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Tim Parsons/TWC, Inc. on behalf of Dr. Nicole LaMora for property located on NYS Route 7 in proximity to the existing IKON building and opposite the existing recreation vehicle sales facility. This matter is before the Planning Board for concept site plan review. Dr. LaMora was present on the application. Chairman Oster reviewed the consultant fee requirements on Planning Board site plan review, and confirmed with Mr. Kreiger that all necessary fees had been paid to date. Dr. LaMora generally reviewed the proposal, which seeks to construct a 3,000 square foot veterinary hospital at this location. Member Czornyj had a question concerning the

proposed septic location in relation to an existing offsite water supply well. Dr. LaMora explained that the consultants for her project had revised the location of the proposed septic field to meet separation distance to the offsite well, and that the Rensselaer County Health Department has conceptually agreed with the revised location. Dr. LaMora also stated that the final building location was still being determined. Member Casey asked whether the veterinary services would be for large animal care. Dr. LaMora stated there was no large animal care, and that this facility would be only small animal. Member Tarbox asked whether there would only be one doctor onsite. Dr. LaMora stated that the intent was to keep this facility small, that initially there would only be one doctor on staff, but that in the future there may be two to three full-time doctors with additional part-time staff. Chairman Oster asked about the building design, and how many doctors would be practicing at any one time. Dr. LaMora stated that the building was being designed to staff three doctors, and would have area for future expansion if necessary. Member Mainello asked about the proposed hours of operation. Dr. LaMora stated that initially the facility would operate Monday, Wednesday and Friday, generally to 5:00 p.m. but with one day running to 7:00 p.m., and every other Saturday with operation until noon. Dr. LaMora stated that in the future, she would like to go to Monday through Friday, while maintaining every other Saturday operations. Member Czornyj stated that the Planning Board would need to receive a more detailed site plan. Dr. LaMora stated that she was aware of this, and that she was in the process of finalizing her financing on this project, and then the project would be moving forward. Member Casey asked about her projected schedule for approval and construction. Dr. LaMora stated that she would like to have the building completed by July, and that she was looking to open the facility for operation in late August or early September 2014. Member Wetmiller inquired whether there would be any boarding of animals at the facility. Dr. LaMora

stated that there would be no boarding of animals, and that there were no facilities being designed for the building for overnight stays. Dr. LaMora stated that there would only be limited overnight stay in the event of any surgery being conducted which necessitated limited overnight stay. Chairman Oster inquired as to the role of Tim Parsons and TWC, Inc. on the project. Dr. LaMora stated that TWC, Inc. is a construction design firm located in Minnesota, but which has expertise in construction and design of veterinary hospitals. Dr. LaMora stated that TWC, Inc. would have an architect and construction manager for the project, and that Tim Parsons was the architect assigned to this project. TWC will send the architect and construction manager to the site, but that local workers would be hired for the actual construction. Dr. LaMora did say that Mr. Parsons or other TWC staff would be available to attend future Planning Board meetings during site plan review. Member Tarbox asked about how the mobile veterinary operations work. Dr. LaMora explained that she currently provides offsite wellness visits, but that it is small animal only and that she provides these services out of her car, and that this does not include any emergency response services. Member Wetmiller asked whether Dr. LaMora intended to maintain the mobile veterinary practice. Dr. LaMora stated that she would continue the mobile veterinary practice, but probably restrict the area to approximately 20-30 minute radius from this Brunswick location. Member Wetmiller asked whether TWC, Inc. would be performing any soil testing where the building was proposed for construction. Dr. LaMora stated that soil testing for construction would be conducted, and was required for her financing. Chairman Oster stated that the next step in the process is the formal site plan submission, together with a completed Environmental Assessment form under SEQRA. Chairman Oster also stated that once all the site plan requirements were met, a public hearing would be held on the application. Dr. LaMora anticipated that site plan submittals would be ready and filed before the

next Planning Board meeting. This matter has been placed on the February 6 agenda for further review.

The next item of business on the agenda was the site plan application submitted by Monarch Design Group on behalf of Ace Hardware for property located at 831 Hoosick Road, the current Feathers Furniture location. Edward Esposito of Monarch Design Group was present on the application. Chairman Oster noted for the record that the Applicant had submitted an original set of site plan documents, and had then submitted an amended set of site plan documents based upon comments from the Town Water Department. Chairman Oster noted that the Planning Board sought the comments from the Town Water Department, but that the original site plan should be presented to the Planning Board first so that the Planning Board may take a look at the entire site concept before any Applicant expenses are incurred for amendments. Mr. Esposito then generally reviewed the concept plan for the entire site, which includes the existing Feathers Furniture store being renovated to an Ace Hardware store, the adjacent residential home to the east being demolished for parking and ancillary propane sales, and renovation of the existing building to the west for use as warehouse/distribution, with revised internal parking and traffic circulation proposals. Mr. Esposito noted that greenspace on the site would be improved, from an existing 9% of the site to over 20% greenspace. Mr. Esposito noted that the Ace Hardware store and subsequent warehouse/distribution operation would not have any significant truck traffic throughout the business day, with most deliveries being completed during the early morning hours. The Planning Board and Mr. Esposito then reviewed several issues on the concept plan, including drainage, truck delivery and parking areas, sidewalk layout, display areas, necessary number of parking spaces for each phase of the project, and phasing. Mr. Esposito noted that the proposed phasing for the project was as follows: the first phase was

limited to the renovation of the Feathers Furniture store to an Ace Hardware store, which was proposed to be commenced immediately in 2014; phase 2 would include the demolition of the residential structure to the east and grading for additional parking, and installation of a dock area between the Ace Hardware store and adjacent building to be used for warehouse/distribution, with that second phase being proposed for 2015; and the third phase to include work on the warehouse/distribution structure as well as drainage and road improvements, including the road leading to the little league ball fields. Mr. Esposito also stated that there would be NYSDOT closure plan for ingress and egress along Hoosick Road for the third phase, to be coordinated with NYSDOT. During discussions, Mr. Esposito noted that the project anticipated hiring 10 employees for the Ace Hardware store and 20 employees for the warehouse/distribution use, and that the days and hours of operation for the Ace Hardware store would be 7 days a week, 6:00 a.m. to 9:00 p.m. each day. Mr. Esposito did note that the proposed warehouse/distribution operation would be only a 5 day a week operation. The Planning Board and Mr. Esposito then entered into extended discussion about the phasing plan, and site plan requirements for each phase. It was determined that the Planning Board should review a concept plan for the entire site, but that a detailed site plan for phase 1 showing only phase 1 improvements needs to be submitted for review. Further, it was determined that for this site, it would be practical to have phase 1 include all of the proposed improvements on the east side of the site, inclusive of renovation of the Feathers Furniture store for the Ace Hardware store and the demolition of the residential home to the east, grading for parking, and stormwater improvements to confirm that phase 1 will function properly as a stand-alone site, but also be designed for incorporation of the proposed future phases on the western portion of the project site. Mr. Esposito concurred with this approach, informing the Board that most of the engineering and design work had been

completed but that he was still waiting for final topographical survey information which would complete the site plan submittal. Mr. Esposito will coordinate with Mr. Bonesteel on phase 1 site plan requirements. This matter has been placed on the February 6 agenda for review of all phase 1 site plan submittals, and if adequate information has been submitted, the Planning Board will then schedule a public hearing.

There were no items of new business.

The index for the January 16, 2014 meeting is as follows:

1. Parsons/TWC, Inc. – site plan – 2/6/2014.
2. Monarch Design Group – site plan – 2/6/2014.

The proposed agenda for the February 6, 2014 meeting currently is as follows:

1. Parsons/TWC, Inc. – site plan.
2. Monarch Design Group – site plan.



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

February 11, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (February 6, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on February 6, 2014 for your review.

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*Andrew W. Gilchrist*

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**MINUTES OF THE PLANNING BOARD MEETING HELD February 6, 2014**

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

ABSENT was DAVID TARBOX.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster first reviewed the tentative agenda for the February 6, 2014 meeting, noting that the Parsons/TWC, Inc. site plan had been removed from the agenda at the request of the Applicant. Chairmah Oster noted that the Applicant will advise the Planning Board when it is ready to submit further information and proceed with the application.

The Planning Board members reviewed the draft minutes of the January 16, 2014 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the January 16, 2014 meeting were unanimously approved without amendment.

The only item of business on the agenda was the site plan application submitted by Monarch Design Group on behalf of Ace Hardware for property located at 831 Hoosick Road, the current Feathers Furniture location. Edward Esposito of Monarch Design Group was present on the application. Mr. Esposito explained that his understanding of the Board's request from the January 16, 2014 meeting was that the Applicant submit revised plans showing the project in two phases, with Phase I consisting of the renovation to the existing Feathers Furniture building along with all aspects of the project on the east side of the project site, including the demolition

of the residential home to the east, any grading for parking, and stormwater improvements. Mr. Esposito provided a color copy of the site plan showing Phase I on 11"x17" paper to the Planning Board members. Mr. Bonesteel noted that Mr. Esposito had provided one set of the full size plans showing Phase I directly to him. Mr. Esposito then generally reviewed the aspects of Phase I including providing explanation on the structural canopies that are proposed to be installed, the stormwater management system for Phase I, and the retaining wall proposed for the eastern edge of the project site. Mr. Esposito explained that although the site plan proposes construction of a retaining wall on the eastern edge of the project site, the owners and the broker are attempting to obtain a grading easement, or in the alternative, to buy the adjoining property outright, so that the area can be graded and rip-rap installed to eliminate the need for a retaining wall. Mr. Esposito clarified that the application currently seeks to construct the retaining wall, and that any changes in that respect would be presented to the Town through a site plan amendment. Mr. Esposito also explained that much of the stormwater flow would be collected and directed to the rear of the site and was designed to infiltrate into the soil, rather than simply flowing naturally to the front of the site. Mr. Esposito also explained that the intent of the plan for Phase I is to collect the stormwater from the roof of the building and to unify it with the stormwater collected from the parking lot and to direct it along the rear of the site by means of a stormwater channel with four drywells. Upon completion of Phase II, the stormwater management system for the entire site will be unified. Mr. Esposito explained that he incorporated into the revised plan an extended walkway to the rear area of the parking lot which is intended for employee parking. Mr. Esposito also explained that the dock area on the west side of the existing building would be included in Phase I. Mr. Oster confirmed that the Planning Board's discussion at the January 16, 2014 meeting resulted in the Board's request that

the Applicant consolidate the project components on the eastern side of the site and the renovation of the existing building into one phase for purposes of developing a project phase that could stand on its own. Mr. Bonesteel noted that he had received full size plans, including Phase I, which he had preliminarily reviewed. Mr. Bonesteel had some questions on parking, which he discussed generally with the Applicant. Chairman Oster asked whether the 11 parking spots planned for the eastern side of the property near the propane tank would be designated for employee parking. The Applicant explained that those parking spots were intended to be used by customers seeking propane refills, but that employees might park there as well. Member Mainello asked questions concerning the paving that would occur for Phase I. Currently the rear of the site is gravel. The Applicant explained that the currently existing pavement in the front would continue to be used during Phase I and that the gravel area in the rear would be paved during Phase I. The Applicant also explained that after Phase II, a new wearing course over the entire parking lot of the entire site and new line striping would be completed. Mr. Bonesteel asked questions concerning the depth of the pavement, to which the Applicant explained that the pavement would be 5" deep for truck traffic areas, and 4" deep for the remainder. Member Wetmiller asked whether any percolation testing had been done to confirm the suitability of the site for infiltration. The Applicant generally explained that the stormwater channels and drywells should be sufficient to store stormwater for a period of time to allow it to infiltrate at the site, but that if all the drywells and stormwater channels planned for Phase I filled to capacity due to heavy stormwater accumulation, the stormwater could brim over and run by gravity along the current drainage pattern. The Applicant explained that in performing the stormwater calculations, he selected the data appropriate for a 100 year storm. The Applicant further generally explained the volume of stormwater that would be stored in the two swales, the

channel located at the rear of the site, and the four drywells. Member Czornyj asked the Applicant to review the changes in the total greenspace at the site. The Applicant explained that currently, the amount of greenspace on the site is approximately 9%; after Phase I is completed, the greenspace will be approximately 16.29%; after completion of Phase II, the total greenspace would approximate 20%. The Planning Board asked questions concerning the retaining wall, particularly with respect to whether it would be constructed along the entire eastern boundary of the project site, to which the Applicant replied that the retaining wall was proposed for the entire eastern boundary of the site. The Planning Board noted that it was difficult to discern the precise location of the retaining wall because they had not received a full set of plans and instead only received the 11"x17" color coded sheet. Mr. Bonesteel explained that it would not be practical to build a retaining wall directly on the property line, and the Applicant explained that the retaining wall would be located slightly off of the property line. Member Czornyj noted that relocating the retaining wall from the property line would impact the setback distance between the edge of the pavement on the eastern end of this site and the edge of the retaining wall. Member Czornyj also asked questions concerning the size of the blocks planned for the retaining wall. The Applicant responded that the blocks generally were approximately 18" x 18" x 36". Mr. Bonesteel commented that the contours on the full size plans he received and reviewed were too small and that the notes are too difficult to read on the full size plans. Mr. Bonesteel requested that the Applicant provide a full set of plans with larger text and notes. Member Mainello asked why the driving lane on the east side of the project was proposed to be a one way exit lane, in light of the fact that the proposal calls for parking of 8 cars on the east side of the building. Member Mainello explained that under that proposal, cars would enter the site and if they complied with the one way direction they would have to drive all the way around the back

of the building in order to park in those 8 spots. The Applicant responded that the one way direction was planned for Phase I because after completion of Phase II, the overall traffic pattern would appropriately call for a one way exit on that side of the building given the internal truck traffic circular pattern. Chairman Oster asked whether the Applicant could extend the two way traffic lane so as to allow cars to drive directly into the area of the 8 parking spaces as they enter the parking lot. There was general discussion that currently customers of the existing dance studio in the existing building park their vehicles along the eastern side of the building where the 8 parking spaces are intended as well as along the front of the current Feathers Furniture building. Member Mainello asked the Applicant to confirm that the dance studio would no longer be located in the building. The Applicant explained that the dance studio currently has approximately one year left on their lease and for that period of time, the dance studio would remain in the building. Member Mainello said he was under the impression that the dance studio was not part of the site plan application, but if it was going to remain in the building, the site plan application should reflect as much because it may affect their consideration of truck traffic patterns, internal circulation, and sidewalk requirements, among other things. The Planning Board engaged in lengthy discussion concerning the square footage of the Ace Hardware retail space, the square footage of the existing dance studio, and the square footage of the storage area, as well as the impact of the dance studio on the site plan review. The Planning Board discussed that Ace Hardware would need to obtain a site plan amendment if the site plan ultimately approved included the dance studio, but later Ace Hardware sought to occupy the dance studio space. The Board generally discussed that if the site plan is approved with a notation of a dance studio on the plan, the dance studio would be a permitted part of the project site for beyond the one-year remaining term of the current lease, and the owner could continue to lease that portion

of the building to a dance studio. The Planning Board also discussed that, if the site plan is approved without a notation of a dance studio, that the project would be in violation of the site plan approval if thereafter the existing dance studio continued to remain for the remainder of the lease term. The Planning Board asked the Applicant to provide clarification as to whether the site plan application would include the dance studio as part of the plan. The Applicant explained that the plan was to include the dance studio as part of the site plan, and when the lease ended, the Applicant would obtain site plan amendment to either take over the dance studio square footage or to offer to rent the space to another tenant. The Planning Board also inquired whether the Applicant intended to offer heavy equipment rentals at the site. The Applicant responded that he would consult with the owners and would provide an answer to that question to the Planning Board. Member Mainello explained to the Applicant that the existence of the dance studio at the site was an important consideration for the Planning Board because currently the Feathers Furniture store is open until 5:00 p.m., whereas the dance studio is open at night. Under the current proposal, the Ace Hardware store is proposed to be open until 9:00 p.m., which would result in customers of Ace Hardware being at the site at the same time that the customers of the dance studio would be at the site. Member Mainello explained that for purposes of determining whether the layout is appropriate for the two uses given that they will be coexisting during some times of the day, the Planning Board needs some additional data concerning the use of the dance studio portion of the site. The Planning Board also asked the Applicant to provide clear detail concerning the width of the sidewalk in the front of the existing building, to show that it is 10' wide given the Applicant's proposal to display products on pallets in that area. The Applicant stated that they had calculated the number of parking spots based on the industry standard of one parking space per 200 square feet of retail floor area. Mr. Kreiger explained that

the Brunswick Site Plan Review Act called for one space for every 600 square foot of retail floor area. Member Czornyj explained that he has observed that parking by customers of the dance studio at night fills up the east side of the parking area and also a large portion of parking area in the front of the existing building. Chairman Oster stated that if the Code provides for a certain number of parking spots based on the retail square footage of the building, he does not believe that the Planning Board can require more spots based on the fact that there are two different retail uses within the same building. Member Mainello commented that the Board's consideration of traffic flow, internal circulation, and layout of parking, as well as pedestrian circulation, would be affected by whether or not the dance studio was part of the site plan. The Board discussed the various options available for dealing with the pedestrian, vehicle traffic, and parking concerns associated with the dance studio, including consideration of crosswalks and confirming adequate sidewalks around the building. The Applicant explained that he would provide the Planning Board with information relating to the dance studio lease including the lease term, and would also provide clarification on the hours of operation of both the Ace Hardware and the dance studio. The Applicant further explained that to the extent the Planning Board has concerns relating to delivery truck traffic impacting the dance studio customers, the proposal is that delivery trucks and garbage trucks would visit the site either early during the day or at night, with delivery trucks typically making deliveries between 4:00 a.m. and 7:00 a.m. The Applicant also stated that the site plan provides for stop signs near the area of the building where the trucks would be driving past the dance studio. The Applicant agreed to provide to the Planning Board an estimate of the number of anticipated cars when the dance studio and Ace Hardware would be both open. The Applicant also agreed that it would consider extending the two way driving lane as suggested to allow cars to park in the 8 parking spaces proposed near the



dance studio as they enter the parking lot. The Applicant also agreed that he would clarify the width of the sidewalk at the front of the store. Member Esser asked additional questions concerning the retaining wall. Chairman Oster suggested that the site plan may designate that a portion of the building is occupied by a tenant rather than occupied by a dance studio, which would alleviate some of the concerns that approving the site plan with a dance studio might limit the future use of that space. Member Mainello responded that he would like to know what specific type of tenant is proposed because it would affect his consideration of various aspects of the site plan particularly relating to safety. Mr. Bonesteel suggested that the Board might consider allowing for segregated parking, with designated spots for the dance studio while it was open. Members of the Planning Board discussed the various advantages and disadvantages of segregating parking. Member Mainello requested that the Applicant provide additional information concerning the dance studio. Member Czornyj asked whether there will be an outdoor display on the front west corner of the project site, and noted in particular, that if the Applicant proposed to display heavy rental equipment there, the site plan should show it. Member Casey asked questions concerning the shed located in the eastern corner of the site. The Applicant explained that the proposal is to keep the shed, although it will be lowered in elevation due to grading that will occur. The Applicant also explained that the plan was to update the shed as necessary to accommodate storage of propane tanks. The Planning Board and the Applicant discussed the further submissions that would be made. The Applicant will provide a large set of plans to the Planning Board members which will include larger text and clearer detail; a full site plan; a plan showing Phase I; a plan showing Phase II; details for the various aspects of the plans; and the lighting and landscaping plan. The Applicant agreed that the submission would also include a designation of that portion of the existing building that will be used by the dance

studio as well as that which will be used by Ace Hardware for storage in the rear of the building. Chairman Oster noted that the matter would be placed on the agenda for the February 20, 2014 meeting.

There was one item of new business, being the proposed redevelopment project of property located at 1163 Hoosick Road submitted by Alta East, Inc. Mr. Kreiger provided copies of the application materials to each of the Planning Board members, to the Planning Board attorney, and to Mr. Bonesteel. Mr. Kreiger explained that the application would require an area variance and special use permit, and that the matter would therefore be on the agenda of the Zoning Board of Appeals. Mr. Kreiger explained that the Planning Board can expect the Zoning Board of Appeals to request a recommendation from the Planning Board, and therefore the application materials have been provided to the Planning Board at this juncture. The Planning Board generally discussed issues relating to the site including whether the site had a sufficient area for installation of a properly functioning septic system, the lighting proposed for the site, and the location of the NYSDOT right of way. It was explained that the application would be presented to the Planning Board at the next meeting, on February 20, 2014. Mr. Kreiger explained that the Zoning Board of Appeals may request at the Zoning Board of Appeals' February 24, 2014 meeting that the Planning Board provide a recommendation on the applications pending before the Zoning Board of Appeals. The 1163 Hoosick Road redevelopment project was placed on the agenda for the February 20, 2014 Planning Board meeting.

The index for the February 6, 2014 meeting is as follows:

1. Monarch Design Group – site plan – 2/20/2014.
2. Alta East, Inc. – site plan/ZBA recommendation – 2/20/2014.

The proposed agenda for the February 20, 2014 meeting currently is as follows:

1. Monarch Design Group – site plan.
2. Alta East, Inc. -- site plan/ZBA recommendation.

**Planning Board**  
TOWN OF BRUNSWICK  
336 Town Office Road  
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February 21, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
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Re: Town of Brunswick Planning Board Meeting Minutes (February 20, 2014)

Dear Russell:

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Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
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Enc.

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Wayne Bonesteel, P.C.  
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PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT were TIMOTHY CASEY and FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The draft minutes of the February 6, 2014 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the February 6, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Monarch Design Group for renovation of the existing Feathers Furniture store located at 831 Hoosick Road to an Ace Hardware store. Edward Esposito of Monarch Design Group was present for the Applicant. Chairman Oster indicated that the Planning Board members and Mr. Bonesteel had just received the full, large set of revised plans. Mr. Esposito also handed up to the Planning Board a proposed floor layout for the hardware store portion of the building. Mr. Esposito acknowledged that the existing dance studio, encompassing 3,126 square feet, will remain as part of the structure and site use, and reviewed a two way exit for that space. Mr. Esposito also discussed the proposed retaining wall detail, but indicated to the Planning Board that the Applicant was still working with the adjacent property owner to either reduce or eliminate the need for the retaining wall by way of grading a slope on the adjacent property. Mr.

Esposito also discussed the parking spaces provided on the plan, both in front of the building, to the east side of the building, and to the rear of the building. Mr. Esposito also discussed the product display area in front of the building. Member Czornyj asked for clarification regarding the display area. Mr. Esposito ultimately explained that the product display area would be located under the canopy directly adjacent to the building, with the pedestrian walkway area in front of the product display area. Mr. Esposito then discussed the use of the existing shed located on the east side of the project site, but noted that the Applicant was fine with either removing that existing shed or being allowed to maintain it after the elevation had been reduced by grading, whichever the Town preferred. On that issue, Chairman Oster and Member Czornyj asked whether the shed was currently in violation of set back requirements from the parcel lot line. Attorney Gilchrist stated that the Building Department would need to investigate that issue in terms of when the shed was constructed and whether it had any nonconforming use protection, or whether the Zoning Board of Appeals had granted an area variance for that shed at any time in the past. Member Tarbox asked whether the shed could be relocated. Attorney Gilchrist stated that in the event the shed had nonconforming use protection or was the subject of an area variance, then the location could not be changed as that would affect its legal status. However, the shed could be relocated in a manner which came into compliance with all required setback provisions. Attorney Gilchrist reviewed the Town area and bulk requirements for this B-15 Zoning District, which require all accessory structures to be located 25 feet from the rear property line. Member Tarbox asked whether the shed could be reconstructed in the event it falls apart when it is lifted while the site is being graded. Attorney Gilchrist stated that in the event the shed is damaged, and in the event it is either grandfathered or the subject of an area variance, the shed could be reconstructed. Mr. Esposito then held an extended discussion regarding the

required number of parking spaces for the dance studio, retail, and warehouse uses for this site. Member Mainello asked about the hours of operation for the dance studio, as the issue of peak time parking requirements had been raised. Mr. Esposito stated that the dance studio hours were Monday through Thursday, 4:00 p.m. to 9:00 p.m., and Saturday from 8:00 a.m. to 3:00 p.m. Mr. Esposito did state that private lessons were held at the dance studio on Friday, from 4:00 p.m. generally until later in the evening. In terms of class size, the peak class was 35 students which occurred on Saturday, with the dance studio estimating that one half of the students were dropped off, and one half of the parents stayed at the dance studio while their children were in class and therefore parked at the site. Based on that peak time with 35 students, Mr. Esposito estimated that a total of 18 cars parked at the dance studio at the peak time. Mr. Esposito stated that he had provided for 19 spots dedicated for the dance studio, which met even the peak demand time. Further, Mr. Esposito stated that the owners of the Ace Hardware did not feel parking was an issue at this site, even considering the dance studio use. Mr. Esposito stated that based on the requirements of the Brunswick Code, and given the uses on the site including the dance studio, retail, and warehouse use, a total of 66 parking spaces are required, whereas he has provided 89 parking spaces on the site plan. Mr. Esposito stated that there are more parking spaces on the site plan than required under the Town Code, and given that, the Applicant may seek to revise its proposal for the warehouse space in Phase 2 to provide for additional warehouse area. Chairman Oster stated that the Applicant could propose additional warehouse area when it submits its detailed site plan for Phase 2 of the project, but that the Planning Board is looking at Phase 2 on a concept level at this point only. The Planning Board discussed the pedestrian crosswalk on the site plan, stating that the area could merely be striped or painted on the pavement surface, without the need for any curb. Member Wetmiller wanted to confirm that

there were no plans for rental of any light construction equipment. Mr. Esposito confirms that there would be no rental of light construction equipment. Chairman Oster asked Mr. Bonesteel whether there were any additional engineering issues on the site plan. Mr. Bonesteel stated that he was generally in agreement with the site layout, parking, and traffic circulation, but that he did want to take a closer look at the stormwater plan. Mr. Bonesteel did confirm he was in general agreement with the stormwater management concept for the site, but did want to complete his detailed review. Mr. Esposito did confirm he had follow-up discussions with Mr. Bradley concerning water and sewer connections. Mr. Bonesteel and Planning Board members had further discussion with Mr. Esposito regarding stormwater facilities, including drywells, infiltration areas, and stormwater basins. Mr. Bonesteel concluded that in general, any stormwater facility to be used on the site should be of the nature that allows for ease of future maintenance so that the facilities worked in the future. Member Tarbox asked questions regarding existence of public bathrooms in the Ace Hardware store, parking requirements for the Phase 2 warehouse area if that were to be changed to retail in the future, and confirming that the front display area was to be used only for merchandise for sale, and not for any stock or storage of items. Member Tarbox also raised the issue of snow removal, and that he was not in favor of piling snow in the area of the road leading to the little league field, but that the site needed to provide for an area of snow storage. Member Mainello inquired about site lighting. Mr. Esposito stated that all lights would be down lighting, with downward shields provided. Member Czornyj asked about the retaining wall, and the option that the owners wanted to either reduce or eliminate the retaining wall if the adjacent property owner allowed grading on the adjacent property. Mr. Esposito stated that the owner had already spoke with the owner of the adjacent property, and there was a verbal understanding that some grading of the adjacent property would



be allowed so as to reduce or eliminate the need for the retaining wall. The Planning Board discussed this as a site plan feature, and determined, with counsel for Mr. Kreiger and Attorney Gilchrist, that the site plan should provide for the option of site grading, and that any change in the field would simply be a field adjustment regulated through the Building Department. However, before any grading on the adjacent property was allowed, the owner would need to file with the Building Department either a written permanent easement or other written title document allowing for such grading on the adjacent property. Chairman Oster inquired whether the existing submittal, including the full set of revised plans, were adequate for purposes of scheduling the public hearing. Mr. Bonesteel stated that in his opinion, the information was adequate to hold a public hearing. The Planning Board members agreed. Chairman Oster set a public hearing on this site plan for the March 6 meeting, to commence at 7:00 p.m. Mr. Kreiger confirmed that the site plan had been referred to the Rensselaer County Department of Economic Development and Planning for review. The Planning Board members confirmed that the full plan set needed to be reviewed for consistency, noting that some of the sheets still listed "Phase 3", where there are only two phases to this site plan at this time. Mr. Esposito stated that he would review the full site plan set for consistency.

The second item of business on the agenda was a site plan concept review upon application by Alta East, Inc. for redevelopment of the property located at 1163 Hoosick Road, the former Spiak's Mobil Gas Station, seeking to redevelop the site to a convenience store with retail gasoline sales. This application requires site plan review, but will also require a special use permit and area variance from the Zoning Board of Appeals. Chairman Oster reviewed with the Applicant all consultant review fee requirements. Rob Osterhault of Bohler Engineering was present for the Applicant, together with two representatives of Alta East. Mr. Kreiger confirmed

that all application fees had been paid. Mr. Osterhautt reviewed the concept site plan, focusing on the location of the property line, which notes that the state highway right-of-way is very wide at this location, and that the property line is actually very close to the existing gasoline canopy at this site. Mr. Osterhautt reviewed the three existing structures on the site, including the service station, the gasoline canopy area, and the residential home. The Applicant seeks to redevelop the site to a convenience store with drive-thru facility, and retail gasoline sales. Mr. Osterhautt explained that the site would maintain the existing three curb cut areas along Route 7, would be maintaining the area in the state highway right-of-way as it exists today, would push the canopy area for gasoline sales further into the site so that it was located approximately 5 feet off the front property line, would include 4 fueling islands to include 8 fueling positions, that there would be an access driveway in front of the store for two way directional traffic, that parking spaces would be provided for in front of the building, that a 3800 square foot convenience store building is being proposed with a driveway to the rear for drive-thru sales. Mr. Osterhautt stated he is providing for 27 parking spaces on the site, which include 19 standalone parking spaces plus the 8 fueling station positions which the Brunswick Code allows for computation of available parking areas. Mr. Osterhautt stated that the greenspace on the parcel itself, not including the state highway right-of-way area in the front of the site, to be just under 36%. Mr. Osterhautt confirmed that the fueling station will require a special use permit from the Zoning Board of Appeals, together with an area variance regarding the canopy area off the front property line. Mr. Osterhautt stated that a private septic system is being proposed to the rear of the proposed convenience store building, and that public water is available to this site but that issue is still being investigated by the Town and the Applicant. Mr. Osterhautt generally reviewed the concept stormwater management for the site, noting that the site is only 0.91 acres and therefore

a full SWPPP is not required but that an Erosion and Sediment Control Plan will be prepared. Member Wetmiller inquired whether the Applicant had tested the site for the septic system. Mr. Osterhault stated that the site had not yet been tested for septic purposes, but that it must do so in the future in coordination with the Rensselaer County Health Department. Member Mainello asked whether the Applicant had coordinated with NYSDOT. Mr. Osterhault stated that he had already reached out to NYSDOT, that the Department had no problem with the concept for this site, but would work with the Applicant going forward on the site details. Chairman Oster wanted to confirm that the existing underground petroleum storage tank would be maintained at the site. The Applicant stated that it is proposes to use the existing petroleum underground storage tank at the site, and to add a new underground storage tank as well. Member Czornyj inquired whether the drive-thru sales areas was being proposed currently, or would just be a future addition. The Applicant stated that the drive-thru is part of the current site plan. The Planning Board generally discussed coordination with NYSDOT in terms of traffic circulation and any striping or painting on the pavement within the state highway right-of-way and also concerning maintenance of the paved area within the state highway right-of-way. Mr. Bonesteel confirmed that the private owner must maintain the driveway entrance onto a state highway, and that NYSDOT will not maintain that. Mr. Bonesteel also inquired regarding signage. Mr. Osterhault said that the Applicant was proposing a freestanding sign located approximately 15 feet off the front property line on the east side of the site, which will be well back from the travel way of Route 7. Member Mainello inquired as to the façade of the proposed building. Mr. Osterhault showed a typical elevation. Upon inquired by the Planning Board, Mr. Osterhault stated that the site would be branded under Mobil Gas, and that there could be possible diesel fuel sale as well, which would then result in three of the four gasoline islands being for sale of

regular gas, and one of the pump islands being dedicated to diesel sale. The Alta representative confirmed that this would not be designed for tractor trailer diesel fueling. The procedure and coordination between the Zoning Board of Appeals and Planning Board was discussed, noting that an application is submitted to the Zoning Board of Appeals for a special use permit and area variance, and that the Zoning Board of Appeals will require a recommendation from the Planning Board concerning the special use permit application. Accordingly, this matter has been placed on the March 6 agenda for further discussion, including the preparation of a recommendation upon referral from the Zoning Board concerning the special use permit.

Two items of new business were discussed.

The first item of new business discussed was an application by Farrell concerning the four lot subdivision previously approved on the former Welch Farm property located between Pinewoods Avenue and NYS Route 2. Brian Holbriiter was present for the Applicant. Mr. Holbriiter explained that this was the previously approved four lot subdivision, but that the owner was now seeking to revise the lot line for the two lots adjacent to NYS Route 2. The proposal is to increase one of the lots by about one acre, resulting in a 2.5 acre lot on which only the single residence would be located, and decreasing the remaining large lot adjacent to NYS Route 2 by about one acre, resulting in one large lot of 17.5 acres on which all of the agricultural buildings would be located. Mr. Holbriiter confirmed that there were no setback issues regarding any of the existing buildings on the site regarding the revised lot lines, and that there were no issues regarding septic location for the home. Mr. Holbriiter did confirm that new wells had been drilled for each of these lots adjacent to Route 2, and that the public water connections that previously existed had been disconnected. Mr. Holbriiter did provide to Mr. Kreiger and to Mr. Bonesteel well logs for the two new wells for these lots adjacent to NYS Route 2, and water

testing results. Mr. Holbriiter will also provide a copy of that information to the Town Water Department. Attorney Gilchrist stated that this was in the nature of an amendment to the previously approved subdivision, and also noted that the final subdivision plat had not yet been stamped or recorded in the Rensselaer County Clerk's Office since a condition to the prior approval was the disconnection of public water and provision of private water supplies for these two lots adjacent to NYS Route 2. It was determined that this was a minor modification to the previous approval for this site, and therefore no additional SEQRA review is required. Upon motion of Member Tarbox, seconded by Member Czornyj, the amendment to the lot lines for the two lots adjacent to NYS Route 2 for the Farrell four lot subdivision is approved subject to the prior conditions for subdivision approval, which motion was seconded by Member Czornyj. The motion was unanimously approved, and the minor revision to the subdivision lot lines was approved. It was confirmed that the waterline easement for this project must be recorded in the Rensselaer County Clerk's Office, with a copy being provided to the Town. It was also confirmed that the disconnection of the public water and provision of private water supplies for the two lots adjacent to NYS Route 2 would be reviewed by the Town Water Department.

The second item of new business discussed was a site plan application submitted by Stewarts Shops Corp. for its existing store located at NYS Route 2 and NYS Route 278. Mr. Kreiger reports that Stewarts has contracted to purchase the property located adjacent to the existing Stewarts Shop on NYS Route 278, and is seeking to construct a new store and relocate gas pumps for this location. The Application will require site plan review, but will also require a special use permit for the renovated filling station from the Zoning Board of Appeals. Mr. Kreiger reports that this special use permit application will also be on the Zoning Board of Appeals agenda for its February 24 meeting, and will likely also require a recommendation from

the Planning Board in connection with the special use permit application. Accordingly, Chairman Oster placed this matter on the March 6 agenda for consideration of a recommendation on the special use permit application.

The index for the February 20, 2014 meeting is as follows:

1. Monarch Design Group – site plan – 3/6/2014 (public hearing to commence at 7:00 p.m.).
2. Alta East, Inc. – concept site plan review – 3/6/2014.
3. Farrell – Welch Farm Subdivision – modification to subdivision lot lines approved subject to conditions.
4. Stewarts Shops Corp. – site plan – 3/6/2014.

The proposed agenda for the March 6, 2014 meeting currently is as follows:

1. Monarch Design Group – site plan – public hearing to commence at 7:00 p.m.
2. Alta East, Inc. – site plan/special use permit recommendation.
3. Stewarts Shops Corp. – site plan/special use permit recommendation.

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

March 13, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: **Town of Brunswick Planning Board Meeting Minutes (March 6, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on March 6, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.C.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Troy School District  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD March 6, 2014**

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, FRANK ESSER, TIMOTHY CASEY and DAVID TARBOX.

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda as posted on the Town website.

The Planning Board opened a public hearing concerning the site plan application submitted by Monarch Design Group concerning the proposed renovation of the existing Feathers Furniture Store located at 831 Hoosick Road to a hardware store, with the demolition of an adjacent residential structure to the east for an additional parking area. The notice of public hearing was read into the record, noting that such notice had been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Edward Esposito of Monarch Design Group was present for the Applicant. Chairman Oster requested Mr. Esposito to present an overview of the proposal. Mr. Esposito gave an overview of the project, including the renovation of the Feathers Furniture Store to a hardware store, generally reviewed the parking for the hardware store, the maintenance of the dance studio with dedicated parking for the dance studio use, and generally reviewed the proposed grading and drainage for the site, and stated that the Applicant was pursuing an easement with the owner of the property immediately to the east for the purposes of obtaining



permission to grade that site which would reduce the height of the proposed retaining wall on the east side of the project site from 6' to 3'. Chairman Oster requested Mr. Esposito to also generally review the concept site for Phase II of the project. Mr. Esposito stated that Phase II would include the redevelopment of the existing building located on the western portion of the site to general warehouse, with additional parking for that use, while maintaining the access road to the ballfields. Chairman Oster then opened the floor for receipt of public comment. No members of the public wished to present comment on the application. After allowing adequate time for the receipt of public comment, and hearing no public comment offered, the Planning Board closed the public hearing on the Monarch Design Group site plan.

The Planning Board then opened the regular business meeting.

The Planning Board reviewed the draft minutes of the February 20, 2014 Planning Board meeting. Upon motion of Member Czornyj, seconded by Member Casey, the minutes of the February 20, 2014 Planning Board meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Monarch Design Group for the renovation of the existing Feathers Furniture store located at 831 Hoosick Road. Edward Esposito was present for the Applicant. Chairman Oster inquired whether there were any additional changes on the site plan submittal. Mr. Esposito stated that there were no substantive changes to the site plans already submitted, and that the only corrections were made for typographical errors on the prior plans. Mr. Esposito did hand up some new information, consisting of an email from the owners of the property adjacent to the east, concerning the proposal to obtain an easement for grading purposes which would allow the reduction in height of the proposed retaining wall on the east side of the project site from 6' to 3' in height. The Planning Board generally discussed how to handle this issue, since it was not

determined at this time whether there would be a grading easement granted or not. Upon further discussion, it was determined that the site plan currently indicates a 6' retaining wall, with requisite detail, but also notes that in the event a grading easement is obtained from the owner of the property adjacent to the east, then the height of the retaining wall would be reduced. Since the Planning Board is aware of that option, any action by the Planning Board approving the site plan would allow for either the 6' high retaining wall or 3' high retaining wall dependent on obtaining a grading easement, and that the final grading easement would be subject to review by the Building Department, and the final design would be a Building Department issue during construction and build-out activities. Member Czornyj wanted to confirm that the current plans showed the display area for merchandise as being under the canopy in front of the store. Mr. Esposito confirmed that the display area is under the canopy immediately adjacent to the front of the store building, and that there is a 5' wide area for display as well as a 5' area for sidewalk noted on the site plans for in front of the building. The Planning Board then entertained discussions regarding the existing shed located on the adjacent residential parcel, and whether that shed could be maintained as part of the final site redevelopment. The Planning Board observed that the shed in its current location does not comply with setback requirements under the Brunswick Zoning Code, and it would need to be determined whether the shed in its current location was compliant, either through the prior issuance of an area variance or in the event the shed's location was grandfathered and constituted a non-conforming use. In the event the shed was legally compliant in its current location, the issue arose as to whether that shed could be temporarily removed, have the elevation of that site lowered, and have the shed replaced in that location, even though the elevation will have been reduced by several feet. Upon reviewing this specific issue of lowering the elevation in that location, it became apparent to the Planning Board

that the proposed shed would be relocated directly adjacent to a significant retaining wall, and that the shed would be very close to the retaining wall. Further, with the reduction in elevation, the roof of the shed would be in the same general height as the elevation of the ground adjacent to the shed, given the grading and retaining wall construction. Mr. Bonesteel and the Planning Board members then discussed the ability to maintain the shed in the future given its proposed proximity to a retaining wall, and also health and safety issues associated with the shed being in close proximity to a retaining wall and elevation of the adjacent property. Upon further deliberation, and acknowledging that several issues would need to be addressed concerning the shed, the Applicant agreed to the demolition and removal of the shed, and the removal of the shed from the site plan. Member Tarbox asked Mr. Bonesteel about stormwater compliance. Mr. Bonesteel stated that the area of the proposed grading was under the requirements for the preparation of a full Stormwater Pollution Prevention Plan, but that the Applicant had submitted drainage calculations which had been reviewed. Mr. Bonesteel concluded that the proposed stormwater facilities as designed were acceptable, and that the final site plan submittal must be updated to show all proposed stormwater facilities that he reviewed with Mr. Esposito. Chairman Oster then inquired of the Planning Board members whether there were any further questions or comments concerning the site plan. Hearing none, Chairman Oster inquired as to procedural status with Attorney Gilchrist. Attorney Gilchrist stated that the Planning Board had held and completed its public hearing concerning the site plan; that the Planning Board had referred the application to the Rensselaer County Department of Economic Development and Planning, and the County had not raised any objection or comment on the application; that the Planning Board must make a determination of environmental significance under SEQRA, and upon making that SEQRA determination, the Planning Board could entertain action on the site

plan application. Chairman Oster then indicated he would entertain a motion to adopt a SEQRA determination. Member Czornyj then made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan application subject to the following conditions:

1. Submission of a final site plan set to be reviewed by the Town Building Department and Town Planning Board Engineer, which at a minimum must show the removal of the shed on the residential partial located on the east side of the project site, and also all stormwater facilities reviewed by Mr. Bonesteel.

2. The retaining wall on the east side of the project site is to be built according to the specifications showing a 6' high retaining wall; however, in the event a grading easement is obtained from the owner of the property to the east, and subject to review of that easement by the Town Building Department and Planning Board Attorney, then the specifications for the retaining wall can be reduced to a 3' high retaining wall, and such change will be noted as a construction and build-out modification.

3. Site plan approval is for Phase I of the project only; while the Planning Board has reviewed the concept site plan for the entire site, a further detailed site plan submittal will be required for Phase II of the concept plan, constituting the redevelopment of the existing building on the western side of the project site for warehouse space.

4. The owner/Applicant must coordinate with the Town Water Department on all water and sewer connections.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval was granted on Monarch Design Group application.

The second item of business on the agenda was the site plan application by Alta East, Inc. for the proposed redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenience store with retail gasoline sales. Rob Osterhoudt, P.E. of Bohler Engineering was present for the Applicant. Mr. Osterhoudt explained that a special use permit application and area variance application for front yard setback had been submitted to the

Brunswick Zoning Board of Appeals, and that he had been before the Brunswick Zoning Board of Appeals at its meeting held February 24, 2014. Mr. Osterhoudt stated that the proposed redevelopment had been well received by the Zoning Board members. Mr. Osterhoudt did note that the Zoning Board members requested that he reach out to NYSDOT regarding the proposed site redevelopment, including the requested special use permit and area variance, and that he had contacted NYSDOT on the project and that NYSDOT had no concerns with the conceptual site redevelopment, directing Mr. Osterhoudt to work directly with the NYSDOT residency for the necessary work permit. Mr. Osterhoudt also reported that he had discussed with NYSDOT the proposed curb cuts in the front of the site, with the proposal to modify the curbs from existing asphalt to grass, and that NYSDOT had no objection. Chairman Oster inquired whether NYSDOT had sent anything in writing. Mr. Osterhoudt stated that he had received an email from NYSDOT, and that he would file the same with the Town. Chairman Oster noted he had received correspondence from the Brunswick Zoning Board of Appeals, requesting a recommendation from the Brunswick Planning Board on the special use permit application. Thereupon, the Planning Board members deliberated on the proposed redevelopment of the site in order to prepare a recommendation on the special use permit. As a result of such deliberation, the Planning Board prepared the following recommendation:

**RECOMMENDATION ON SPECIAL USE PERMIT  
APPLICATION BY ALTA EAST, INC. FOR THE  
REDEVELOPMENT OF PROPERTY LOCATED  
AT 1163 HOOSICK ROAD (NY ROUTE 7)**

Alta East, Inc. has filed an application for special use permit with the Town of Brunswick Zoning Board of Appeals for the redevelopment of the former Spiak's Garage, located at 1163 Hoosick Road (NY Route 7), to a convenience store with retail gasoline sales. The Brunswick Zoning Board of Appeals has referred the special use permit application to the Brunswick Planning Board for recommendation.

It is noted that this proposed redevelopment also requires site plan review by the Brunswick Planning Board. A concept site plan for the proposed site has been submitted and reviewed by the Brunswick Planning Board, and further detailed site plan review will be required upon action by the Brunswick Zoning Board of Appeals on the special use permit application.

The matter of the special use permit application referral by the Brunswick Zoning Board of Appeals was considered by the Brunswick Planning Board at its meeting held March 6, 2014. After due deliberation, the Brunswick Planning Board made the following findings:

1. The project site has been utilized for several decades as a service station with retail gasoline sales, and the continuation of retail gasoline sales at this location is consistent with previous use.

2. The proposed redevelopment of the site does discontinue the use of the site as a service station, and proposes to redevelop the site as a convenience store with retail gasoline sales. However, the Planning Board does not find that this is a significant change of use, and does include the maintenance of retail sale of gasoline at this location.

3. The current redevelopment proposal does increase the amount of greenspace on the site, which the Planning Board views as a positive aspect of the redevelopment proposal.

4. While there will be an increase in the total number of pumps and fuel dispensing areas under the proposed redevelopment concept, there appears to be adequate area on the project site to accommodate the increased number of pumps and fuel dispensing areas and to maintain adequate and safe traffic circulation.

5. The former Spiak's Garage generally maintained hours of operation of 7:00 a.m. - 7:00 p.m. Monday through Saturday, with no operation on Sunday; under the proposed redevelopment, Alta East, Inc. is proposing to reserve the ability to operate 24 hours a day, 7 days a week. On this issue, the Planning Board finds that the increased days and hours of operation is not significant for this location, based upon the following considerations:

- a. There are no adjacent residences to this commercial site.
- b. Most of the surrounding lands are already in commercial and/or professional office use.
- c. The site is located directly on NY Route 7 with significant vehicular and truck traffic.
- d. Lighting for night operation will not be inconsistent with current use, since lighting did exist overnight at the former Spiak's Garage for security purposes, and that lighting does exist overnight at the adjacent Park East Ventures facility as well as the Fowler Doyle law office on the opposite side of NY Route 7.
- e. Lighting under the pump area canopy and the convenience store building will be down-lighting only, so that off-site light spillage will not occur.

While the Planning Board does not find the increased hours of operation or days of operation to be significant, the Zoning Board of Appeals should consider any comments received during the public hearing on this issue.

Based on such findings, the Brunswick Planning Board adopts a favorable recommendation concerning the issuance of a special use permit to Alta East, Inc. for the proposed redevelopment at this location. The Planning Board members did note, however, that given proposed 24-hour/7-day operation, and given that the traffic signal at the intersection of NY Route 7 and NY Route 278 is on a flashing caution during overnight hours, appropriate signage may be required for vehicles entering and exiting the Alta East site so that customers are cognizant of tractor trailers or other large vehicles moving at increased speed during overnight hours at this location.

Mr. Osterhoudt also noted for the record that the Brunswick Zoning Board of Appeals noted that the proposed redevelopment of the site is an unlisted action under SEQRA, and that the Zoning Board would be undertaking an uncoordinated review. Attorney Gilchrist explained to the Planning Board that an uncoordinated review under SEQRA for this project is consistent with the SEQRA regulations, and would require the Zoning Board of Appeals and the Planning Board to make their own SEQRA determinations. The Planning Board concurred that the uncoordinated SEQRA review was appropriate, and the Applicant consented to that as well. Mr. Kreiger noted that he had referred the application to the Rensselaer County Department of Economic Development and Planning, but that no response had yet been received. It was noted that the Applicant would be before the Zoning Board of Appeals on March 17, 2014 for its public hearing concerning the requested special use permit and area variance. After further discussion, it was determined that the Alta East site plan would be tentatively placed on the March 20 Planning Board agenda in the event there required any changes to the concept site plan as a result of public comments at the March 17 Zoning Board of Appeals meeting, and if no such changes were required, then the Applicant would contact Mr. Kreiger and indicate that appearance on March 20 at the Planning Board is not required. This matter has been placed on the April 17

Planning Board agenda for further consideration of a detailed site plan submittal, which the Applicant plans on submitting on or before April 3.

The next item of business on the agenda was the site plan application submitted by Stewarts Shops Corp. for the proposed redevelopment of its existing store and relocation of gas pumps on properties located at NYS Route 278 and Tamarac Road. Chris Fodder of Stewarts Shops Corp. was present for the Applicant. Mr. Fodder explained that Stewarts was looking to redevelop its store located at Route 278 and Tamarac Road, increase the size of the store to a total of 3,537 square feet, which will include 3,417 square feet of store plus a 120 square foot walk-in freezer section. Mr. Fodder explained that there will be a proposed new gas canopy and fuel dispensing area, increasing the number of fuel islands to two, and total fuel dispensers to six. Mr. Fodder explained that the existing petroleum underground storage tank will remain, and that an additional 12,000 gallon underground storage tank will be installed. The new tank will have a 6,000 gallon chamber for diesel fuel, and a 6,000 gallon chamber for gasoline. The redeveloped site would increase the number of parking spaces from 20 to 35 spaces. The access off Tamarac Road to the store would remain largely unchanged. The access to the store from NYS Route 278 would be moved approximately 55 feet to the north, which Mr. Fodder explains NYSDOT has already given conceptual approval. The site lighting will remain LED lighting, with recessed down-lighting to eliminate any offsite light spillage. One single freestanding sign is proposed, 44 square feet in area, with one building sign being proposed, with a total area of 10 square feet. The project will be connected to municipal water, and a new septic system is proposed which will need to be approved by the Rensselaer County Department of Health. Mr. Fodder explained that a site plan review is required by the Planning Board, but also a special use permit from the Brunswick Zoning Board of Appeals. There was some discussion regarding the location of the



public watermain feeding the Stewarts Shop, and that the location of that line must be identified in relation to the proposed septic field area. Mike Rodriguez, owner of 32 Brick Church Road, which is the parcel to be purchased by Stewarts for part of the project redevelopment site, was present, and added some information concerning the location of the waterline on the property. This matter will be further researched by the Town Water Department. Chairman Oster noted that he was in receipt of a request from the Brunswick Zoning Board of Appeals for a recommendation on the special use permit application. The Planning Board members then deliberated on the proposed site redevelopment, for purposes of preparing its recommendation on the special use permit application. Following that deliberation, the Planning Board prepared the following recommendation:

**RECOMMENDATION ON SPECIAL USE PERMIT  
APPLICATION BY STEWARTS SHOPS CORP. FOR  
REDEVELOPMENT OF PROPERTY LOCATED  
AT NYS ROUTE 278 AND TAMARAC ROAD**

Stewarts Shops Corp. has filed an application for special use permit with the Town of Brunswick Zoning Board of Appeals for the redevelopment of its existing store to provide for a new store and relocation of gas pumps on properties located at NYS Route 278 and Tamarac Road. The Brunswick Zoning Board of Appeals has referred the special use permit application to the Brunswick Planning Board for recommendation.

It is noted that this proposed redevelopment of this existing Stewarts Shop is also subject to site plan review by the Brunswick Planning Board. A concept site plan has been submitted and reviewed by the Brunswick Planning Board, and further detailed site plan review will be required following action by the Brunswick Zoning Board of Appeals on the special use permit application.

The matter of the special use permit application referral by the Brunswick Zoning Board of Appeals was considered by the Brunswick Planning Board at its meeting held March 6, 2014. After due deliberation, the Brunswick Planning Board made the following findings:

1. The redevelopment concept was viewed very positively, and the Planning Board considered the proposal to be an improvement over existing conditions, and will help to mitigate parking and traffic flow issues seen at the current Stewarts Shop at that location.

2. The proposal to increase the number of gasoline fueling stations from 2 dispensers to 6 dispensers is consistent with the current use of the property, and with the additional area now included in the overall project site, adequate area appears to exist for fuel dispensing and traffic flow.

3. The proposed relocation of the access to the Stewarts Shop off NY Route 278, to be moved approximately 55 feet to the north, is viewed very positively by the Planning Board members. It is noted that the Applicant stated that NYSDOT has conceptually approved this relocated access point.

4. While the proposal is to add a diesel pump to the retail gasoline sales, such use is consistent with past use of this site and does not result in any significant change.

5. The days of operation and hours of operation are not proposed to be changed, and will remain consistent with past use.

6. Overall, the Planning Board finds that the proposed redevelopment is a significant improvement over current conditions, particularly with respect to traffic flow and parking. The proposal does not change the character of the current site use.

Based on such findings, the Brunswick Planning Board adopts a favorable recommendation concerning the issuance of a special use permit to Stewarts Shops Corp. for the proposed filling station as part of the store redevelopment at this location.

For this matter, Chairman Oster asked the Planning Board members whether there were any additional questions or comments at this point on the concept site plan. Hearing none, Chairman Oster placed this matter on the April 3 agenda to review a detailed site plan submission, which Mr. Fodder anticipates submitting to the Town during the last week of March.

One item of new business was discussed.

An application for waiver of subdivision has been submitted by Alderman for property located on NY Route 142, Tax Map #91.-2-10.14. The application states that the waiver seeks the creation of a 2-acre building lot for residential use. The Planning Board members generally discussed this location, noting that this site had been subject to prior filling, and the Planning Board members discussed the nature of that fill, which included concrete and asphalt materials as well as possible metal materials. The Planning Board members generally had concern regarding

the ability to construct a home on that fill material, and also the ability to locate an approvable septic system. The Planning Board members had questions regarding the ability to require a plat note concerning the prior fill of the site, for purposes of notification to future owners concerning the fill material. Attorney Gilchrist noted that he would research that issue, and report back to the Planning Board. This matter has been adjourned without date, pending research of legal issues.

The index for the March 6, 2014 meeting is as follows:

1. Monarch Design Group – site plan – conditional site plan approval.
2. Alta East, Inc. – site plan – recommendation to Brunswick Zoning Board of Appeals.
3. Stewarts Shops Corp. – site plan – recommendation to Brunswick Zoning Board of Appeals.

The tentative agenda for the March 20, 2014 Planning Board meeting currently is as follows:

1. Alta East, Inc. – site plan (tentative).

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

April 8, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: **Town of Brunswick Planning Board Meeting Minutes (April 3, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on April 3, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.C.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Troy School District  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD April 3, 2014**

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

ALSO PRESENT were DAN BRUNS, Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board. JOHN KREIGER, Code Enforcement Officer, arrived after the meeting began and was present for the remainder.

Chairman Oster noted that there was no formal meeting agenda posted on the Town website for this meeting. Chairman Oster also noted that the meeting for March 20, 2014 had been cancelled.

The Planning Board reviewed the draft minutes of the March 6, 2014 Planning Board meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the March 6, 2014 Planning Board meeting were unanimously approved without amendment.

The first item of business on the agenda was the application by Carbone Auto Group for an amendment to a previously approved site plan application for premises located at 800 Hoosick Road. Jeff Hilenbrandt of Plumley Engineering, P.C. was present on the application for the Applicant. Mr. Hilenbrandt explained that the purpose of the amended site plan application was to replace the existing New York State Department of Transportation stormwater pond to the west of the site with an underground stormwater management piping system and to construct additional parking on which the Applicant will display vehicles for sale. Mr. Hilenbrandt

explained that the proposed underground stormwater management system was designed by ADS and has been sent to New York State Department of Transportation for review and that the Applicant is waiting for approval. Mr. Hilenbrandt explained that New York State Department of Transportation will maintain control of the parcel, but will issue a use and occupancy permit to the Applicant. Chairman Oster noted that the plans had been forwarded to County Planning and that information had been received back. Mr. Bruns reported that County Planning commented that while local consideration shall prevail, the redesigned stormwater management system must be sufficient to accommodate stormwater flows from Route 7 as well as any additional flows caused by the additional pavement. Mr. Hilenbrandt explained that the proposed underground system would comply with that requirement, since New York State Department of Transportation will be required to approve the revised system. Member Mainello asked whether the Applicant had completed the construction activities necessary to fulfill the prior approved site plan. The Applicant indicated that no exterior changes to the site had been made in furtherance of the prior site plan approval, which was issued in or about October of 2012. Member Mainello explained that he would like to have the prior site plan approval in front of him in order to compare it to the current application to fully understand the differences between the prior approval and the current application. Member Czornyj asked whether the sidewalk under the prior site plan approval was being proposed as part of this application. The Applicant responded that it would. Member Esser noted that he would like additional time to review the application. The Applicant summarized the changes to the site plan that were applied for in this amendment as compared to the prior site plan approval. The Applicant noted that some shrubbery would be relocated from the western part of the site under the currently approved site plan to the area on the western side of the proposed new paving on the site on which the

stormwater pond is currently located. The Applicant also noted that the application for an amendment also shows a pavement phasing plan. The Applicant explained that the current proposal to replace the stormwater pond with an underground system was not part of the application for the prior site plan approval. However, since the prior application, the Applicant has been progressing discussions with the New York State Department of Transportation and they appear to be in agreement with the proposed underground system. Member Oster asked whether everything on the amended site plan would be the same except for the additional parking in the location of the currently existing stormwater pond. The Planning Board generally discussed that there appeared to be a change from the prior site plan approval with respect to the building on the site. Member Mainello asked whether the retaining wall in the rear of the site that was approved as part of the prior site plan application had yet been built to which the Applicant explained that nothing had been done on the exterior of the site in furtherance of the prior site plan approval, although interior changes have begun. The Board asked Attorney Tingley to determine whether or not there is a time within which the site plan approved previously must be completed before it expires. Attorney Tingley also noted that the Board should determine the extent of the Applicant's right to operate on the DOT parcel, which the Applicant has explained DOT will continue to own. Member Casey asked the Applicant to explain the pavement phasing plan on the amended site plan application. The Applicant explained that Carbone was considering a business relationship with another dealership at the site and if that dealership relationship is finalized, the site plan will need additional parking spaces for additional vehicles. The Board generally agreed that additional time was necessary to review the application. Mr. Bonesteel requested that the Applicant provide a copy of what was submitted to the New York State Department of Transportation for this project, and the

Applicant agreed. Member Mainello asked whether the application for an amendment to the site plan would supersede the prior approval. Attorney Tingley explained that to the extent the site plan application amendment is inconsistent with the prior approval, it would supersede the prior approval. Attorney Tingley further explained, however, that as a practical matter all of the detail from the prior site plan approval that will remain as part of the site plan should be shown on the amended site plan. Member Czornyj asked whether the Town easement is shown on the application for an amendment. The Applicant explained that it was shown on the plan. The matter was placed on the agenda for the April 17, 2014 meeting.

The next item of business on the agenda was the site plan application by Stewarts Shops Corp. for property located at NYS Route 278 and Tamarac Road. Chris Potter from Stewarts Shops Corp. was present on the application on behalf of the Applicant. Chairman Oster asked Mr. Potter whether there was a resolution on the location of a public waterline crossing the site, to which Mr. Potter explained that the location of the line had been determined. Mr. Potter then generally reviewed the application, noting that Stewarts intended to purchase a 2.6 acre parcel behind its existing property in order to construct the new convenience store and to expand the gas pump canopies. He also explained that the proposal included the addition of a 12,000 gallon petroleum underground storage tank and increased parking. He explained that the access onto Tamarac Road would remain unchanged, and that access onto State Route 278 would be changed with approval of the New York State Department of Transportation. Mr. Potter explained that the Applicant had received a letter from the New York State Department of Transportation outlining its recommendation, and he agreed at the request of Chairman Oster to provide a copy to the Board. The Applicant further explained that the proposal is to install down-lit, fully recessed lighting in the parking lot and would include an LED gas price sign. Chairman Oster



asked the Applicant whether the Zoning Board of Appeals had approved the special use permit application. The Applicant confirmed that the Zoning Board of Appeals had not yet acted on the special use permit application. The Board explained to the Applicant that the Board could not act on the site plan application until the ZBA approves the special use permit. The Board then discussed the waterline that crosses the property with the Applicant. The Applicant explained that there is an existing 1" copper waterline that runs through the site that services three houses on Tamarac Road. The Applicant explained that the plans for construction at the site present no conflict with the existing waterline. He further explained that there exists a general cross-easement to allow the location of the waterline and maintenance thereof. The Applicant is willing to grant a more specific easement to the Town for the waterline. The Applicant stated that the waterline is owned by the Town. The Applicant explained that the plans will have to be revised slightly to adjust the location of the septic system to avoid the waterline. He also explained that the Applicant had not received approval from the County Health Department, who reported to him that they would not approve the system until the Town approves the project. Member Mainello and Member Casey discussed with the Applicant that it was important to determine the depth of the existing waterline, especially since there would be some grading and paving above the waterline's current location. Mr. Bonesteel explained that he had previously met with Mr. Potter and the most recently received plans incorporated Mr. Bonesteel's comments as they then existed. Mr. Bonesteel explained that he will also be reviewing the stormwater management plan. Member Mainello asked the Applicant whether the proposal will present the possibility of headlights shining into neighboring properties. The Applicant explained that it likely would, but that the Applicant is open to constructing a fence or installing additional landscaping in that area to mitigate that potential. Chairman Oster explained to the

Applicant that the Planning Board had the discretion to hold a public hearing on the application, although the Zoning Board of Appeals has held the public hearing on the special use permit. Member Mainello asked whether any comments were received from the Fire Department (Eagle Mills). The Board agreed that Mr. Kreiger should send a copy of the plans to the Fire Department. The matter was placed on the agenda for the May 1, 2014 Planning Board meeting.

Chairman Oster noted that the application of Alta East, Inc. for the proposed redevelopment of property located at 1163 Hoosick Road was not on tonight's agenda, but would be on the agenda for the April 17, 2014 Planning Board meeting.

Mr. Kreiger joined the meeting.

There were five items of new business discussed.

An application for minor subdivision was submitted by Gene A. Coletti for property located at Cooksboro Road, which property is partially located within the Town of Brunswick and partially within the Town of Pittstown. Mr. Coletti was present on the application. Mr. Kreiger explained that approximately 90%-95% of the property is located in the Town of Pittstown, and that the Town of Pittstown has approved the subdivision with respect to that portion of the property located in its jurisdiction. Mr. Kreiger confirmed that the Applicant had paid the necessary application fees. Chairman Oster explained to the Applicant that he would be responsible for the consulting fees incurred by the Town in reviewing the application. The Applicant explained that the property exists of approximately 160 acres, and that the purpose of the subdivision was in furtherance of estate planning. The Applicant has no intention to build any structures at this time. The Board generally discussed the location and area of the portions of the three lots that were within the Town of Brunswick jurisdiction. Lot 3 could be a buildable lot solely within the Town of Brunswick. Two of the proposed lots already have structures

located thereon, and one does not. The Board asked whether the proposed subdivision provided for the appropriate setbacks given the existing structures, and Mr. Kreiger confirmed that it did. The Applicant explained that two lots would have road frontage in the Town of Brunswick, whereas one lot would have road frontage in the Town of Pittstown. The Applicant explained that the driveways are currently existing and that the subdivision has been approved by Pittstown. It was explained to the Applicant that the minor subdivision application required a public hearing, and the Board would have to complete the SEQRA process. The Applicant asked questions concerning the SEQRA process and the public hearing process, and received an explanation from Attorney Tingley and Chairman Oster. Mr. Kreiger explained that he would be required to complete an agricultural data statement. The Board agreed that the application was sufficiently complete, including the submission of an Environmental Assessment Form, in order to schedule a public hearing for the April 17, 2014 meeting. The Planning Board scheduled the public hearing to begin on April 17, 2014 at 7:00 p.m. at the Brunswick Town Hall.

The next item of new business was the waiver of subdivision application made by Jane Spikler for property located at 316 Deepkill Road. Ms. Spikler was present on the application. Ms. Spikler explained that she has listed her house for sale, but believes that she would be more successful in selling her property if the lot line was adjusted so that the house parcel included 3.68 acres and the adjacent additional parcel contained 5.33 acres. Chairman Oster confirmed that all application fees had been paid, and explained that the Applicant would be responsible to pay any consulting fees incurred by the Board in reviewing the application. Member Mainello asked about the sight distance in that location and it was explained that there is sufficient sight distance. Member Wetmiller recused himself. The Board asked when a prior portion of property had received waiver of subdivision approval, and the Applicant explained that it was

approximately 5 or 6 years earlier. Mr. Kreiger explained to the Board that it was discretionary with the Planning Board as to whether the current application should be treated as a waiver of subdivision or instead as a minor subdivision application given that the prior waiver of subdivision application was approved within 7 years prior to this application. The Board agreed that it should treat the current application as a waiver of subdivision. The Planning Board discussed that there was no need to condition any approval of the waiver of subdivision application on Health Department approval because the lot on which there was no previously existing septic system would be over 5 acres. Attorney Tingley explained that the Board could include the same condition, noting it as “if applicable”, and if the Health Department approval was not required, then there would be no need to obtain it. Member Czornyj made a motion to waive the 7 year rule and treat the application as a waiver of subdivision application rather than a minor subdivision application, which was seconded by Member Mainello, and was unanimously approved by the Board with Member Wetmiller abstaining. Member Czornyj then made a motion to adopt a negative declaration under SEQRA with respect to the application, which was seconded by Member Tarbox, and was unanimously approved by the Board, with Member Wetmiller abstaining. Member Tarbox made a motion to approve the waiver of subdivision application conditioned on obtaining any necessary approvals, if applicable, from the County Health Department, which was seconded by Member Czornyj, and was unanimously approved by the Board, with Member Wetmiller abstaining.

The next item of new business was the application of Justin Ashe for a waiver of subdivision for property located on Tamarac Road. The Board confirmed that all application fees had been paid, and Chairman Oster explained to the Applicant that the Applicant would be responsible to pay any consulting fees incurred by the Town in reviewing the application. Justin

Ashe was present on the application. Mr. Ashe explained that the application sought to divide a property that is 2.5 acres, and has an existing home on the eastern side of the property. He further explained there is an existing line of trees between the proposed new lots and each of the proposed new lots already has a preexisting driveway. The Board asked whether any subdivisions or waivers of subdivision have been approved in the prior 7 years. The Applicant explained that he had purchased the property in 2009 and he has not sought any subdivision approval or waiver of subdivision approval for the property since that time. Chairman Oster asked whether the parcel on which the existing house would be located was under 1 acre. Mr. Kreiger explained that it was under 1 acre but that the code only required that the lot be in excess of 40,000 square feet, and that the proposed parcel on which the existing house is located would be over 40,000 square feet. Mr. Bonesteel asked the Applicant whether the plans had been submitted to the County Health Department for review. The Applicant explained that the Health Department is currently scheduled to undertake percolation testing on or about April 16, 2014. Member Mainello asked about the sight distance for the driveways or the proposed lots. The Applicant explained that the proposed lots had preexisting driveways. He further explained that there is sufficient sight distance given the topography of the property and surrounding properties, as well as the layout of Tamarac Road in that location. The Board explained to the Applicant that he would be required to coordinate with the County Highway Department to confirm that the existing driveways were permitted. Member Czornyj then made a motion to adopt a negative declaration in connection with the application, which was seconded by Member Wetmiller, and which was unanimously approved by the Board. Member Czornyj then made a motion to approve the waiver of subdivision application with the condition that the Applicant receive County Health Department approval and County Highway Department approval for the proposed

lots. The motion was seconded by Member Wetmiller, and was unanimously approved by the Board.

The next item of new business on the agenda was the application of David Mulinio for an amendment to a previously approved PDD application for the Capital Combat Zone paintball facility at 99 Farrell Road. Mr. Mulinio and Attorney Polly Feigenbaum, Esq. appeared on the application. Ms. Feigenbaum explained that the PDD for the paintball facility had been approved approximately 2 years earlier and that the application was seeking an amendment in order to extend the hours from Saturday and Sunday 9:00 a.m. – 5:00 p.m. to include also Thursday nights from 5:00 p.m. – 10:00 p.m., Friday nights from 5:00 p.m. – 11:00 p.m., Saturday nights from 5:00 p.m. – 11:00 p.m., and Sunday night from 5:00 p.m. – 9:00 p.m. in conjunction with an autumn seasonal additional paintball attraction. Ms. Feigenbaum also explained that the Applicant would provide private security on the premises, that there would be no drinking or possession of alcohol permitted on the premises, that there would be a lighted parking area, as well as an open roof maze with a tent. The primary attraction to be added was the paintball ride through a haunted field. Ms. Feigenbaum explained that they reached out to Ron LaBerge, the consulting engineer for the Town on the project, and are awaiting a call back. The Applicant explained that the proposal for the haunted paintball rides would result in the local manufacturing of five 26' trailers with installation of 15 paintball guns on each side and benches on which participants would sit as they were transported through the existing paintball field through a designated course. The field would include hired actors who would be dressed in paintball safety equipment in haunted apparel. The participants in the haunted paintball ride would target the actors and other props. The trailers would move at a rate of 3 miles per hour through the facility, and there would be up to five trailers moving through the ride at any given

time. The proposed lighting consists of two additional highway work lamps that can be transported to and from the site as necessary. The Applicant also explained that there would be strobe lights and a fog machine in the field and that he expected that 3 generators would be sufficient to power the site for the entire project. The Applicant stated that the extended hours and the proposed attraction would only be conducted during the fall season each year, specifically the last weekend of September and all weekends in October. The Applicant explained that the decibel level of the generators is lower than the decibel level on the paint guns. Chairman Oster asked how many people currently go to the site for the paintball activities on Saturday and Sunday. The Applicant explained that typical attendance is approximately 100 people on Saturday and 100 people on Sunday, although the business also conducts scenario games at which they could have about 250 people attend. The Applicant explained that he has received no complaints from any of the neighbors, including neighbors that previously opposed the PDD application for the paintball facility. Mr. Kreiger explained that his office had not received any complaints from nearby residents either. Member Mainello asked the Applicant to check the decibel level on the generator that powered the highway work lamps, which may or may not be higher than the decibel levels on the stand-alone generators. The Planning Board asked whether the Applicant had any current proposal to provide permanent electric service to the site and the Applicant stated that no such plans currently existed, primarily because the Applicant would like to make sure that the facility is sufficiently profitable before making such an investment. The Planning Board generally discussed safety issues associated with the project including the fact that there were five moving trailers with up to 30 participants shooting paintball guns through the facility. The Applicant explained that the guns would be limited to turning 30° in either direction, that the participants would be required to sit on benches during

the entire ride, that the trailers would move at a maximum pace of 3 miles per hour through the ride, and that there would be an attendant on the trailer to supervise the ride. The Applicant also explained that the proposal was to make the haunted paintball ride as child-friendly as possible. The Applicant further explained that the speed of the paintball guns was reduced by about half in order to reduce the travel distance of the paintballs. He explained that the paintballs would begin to drop at approximately 175 feet, so as to insure that the participants on one trailer would not be attempting to shoot paintballs at another trailer. Member Casey asked whether the project will be of significance to the Highpointe development. The Board generally discussed that in connection with the prior PDD application and approval, residents of Highpointe had appeared and commented at the public hearing. Chairman Oster asked whether the Fire Department had been consulted with respect to the proposed plan. Mr. Kreiger explained that it would be more likely that EMS, rather than a fire truck, would be necessary. The Planning Board discussed the emergency access with the Applicant, who explained that the site had sufficient access for an ambulance to enter the paintball field and to, if necessary, drive to the opposite end of the field. The Board explained to the Applicant that the consulting engineer for the Town, Ron LaBerge, on this project had not yet provided any engineering review comments and that the Board would need his comments before taking any further action on the current recommendation. The matter was placed on the agenda for the April 17, 2014 meeting with the understanding that the matter could be adjourned to the May 1, 2014 meeting if the consulting engineer did not by then provide comments to the Board.

The final item of new business on the agenda was the Brooks Heritage application for a waiver of subdivision. The subject property is located on Dusenberry Lane and is the property formerly owned by Mr. Morrissey. The Applicant was not in attendance. The Applicant requests



a waiver of subdivision regulations for the former George Morrissey property. The application states that the parcel will be subdivided to separate a 2± acre parcel on which an existing single family home with driveway, utilities, well and septic, from the remainder of the parcel which will be retained by Brooks Heritage. Mr. Kreiger explained that it was his understanding that the parcel had been subject to some litigation as a result of a contract to purchase the property and potentially a foreclosure action. It was Mr. Kreiger's understanding that the litigation may have been settled based on the proposal currently applied for this parcel. The Planning Board generally discussed the fact that the preliminary plat approval in connection with the Brooks major subdivision application had appeared to expire and questioned how this application related to the Brooks subdivision development. Mr. Kreiger explained that it was his understanding that the Applicant intended to address the issue relating to this application and the resolution of the pending litigation, in order to insure that Dusenberry Lane could be widened and improved as previously approved in connection with the Brooks major subdivision application. Following a decision on this application, it was Mr. Kreiger's understanding, that the Applicant would then reapply for major subdivision approval in connection with the prior preliminary plat approval that has expired. The Board generally discussed that it did not appear that the proposal would be considered a waiver of subdivision application since it appeared to create three separate lots. This issue will be further researched, and a further explanation from the Applicant will be requested concerning the project proposal. The matter was placed on the agenda for the April 17, 2014 Planning Board meeting.

The index for the April 3, 2014 Planning Board meeting is as follows:

1. Carbone Auto Group – site plan amendment – 4/17/14.
2. Stewarts Shops Corp. – site plan – 5/1/14.

3. Coletti – minor subdivision – 4/17/14 (public hearing to commence at 7:00 p.m.).
4. Spikler – waiver of subdivision – approved with conditions.
5. Ash – waiver of subdivision – approved with conditions.
6. Mulinio – PDD amendment – 4/17/14.
7. Brooks Heritage – waiver of subdivision/potential minor subdivision application – 4/17/14.

The tentative agenda for the April 17, 2014 Planning Board meeting is as follows:

1. Coletti – minor subdivision – public hearing.
2. Carbone – site plan.
3. Mulinio – PDD amendment.
4. Brooks Heritage – waiver of subdivision/potential minor subdivision application.
5. Alta East, Inc. – site plan.

The tentative agenda for the May 1, 2014 Planning Board meeting is as follows:

1. Stewarts Shops Corp. – site plan.

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

April 18, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: **Town of Brunswick Planning Board Meeting Minutes (April 17, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on April 17, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.C.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD April 17, 2014**

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

ABSENT was TIMOTHY CASEY.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

ABSENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the Town website.

The Planning Board opened a public hearing on the minor subdivision application submitted by Gene Coletti for property located on Cooksboro Road. The notice of public hearing was read into the record, with that notice having 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. Chairman Oster requested that the Applicant present a brief overview of the proposal. Gene Coletti presented a brief overview, stating that the family owns approximately 160 acres of land, most of which is situated in the Town of Pittstown but part of which is also located in the Town of Brunswick. For purposes of estate planning, the family is looking to divide the property into three parcels, with no intent of building on these lots at this time. Mr. Coletti noted that the Town of Pittstown Planning Board had already approved the subdivision, and he is seeking approval of the Town of Brunswick for that portion of the property lying in the Town of Brunswick. Chairman Oster then opened the floor for receipt of public comment. Mark Huffam, 1925 NYS Route 7, stated that he owns property adjacent to the Coletti property, and

had an inquiry as to where the property lines were being drawn. Mr. Coletti reviewed the proposed lot lines with Mr. Huffam, and Mr. Huffam stated he had no objection to the Coletti subdivision, but was just concerned regarding potential drainage as his property has been subjected to additional drainage impacts as a result of construction of homes on Cooksboro Road. Upon hearing no further public comment, the Planning Board closed the public hearing on the Coletti minor subdivision application.

The Planning Board then opened the regular business meeting.

The draft minutes of the April 3, 2014 meeting were reviewed by the Planning Board. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the April 3, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application submitted by Gene Coletti for property located on Cooksboro Road. Chairman Oster stated that the public hearing had been held and closed, and inquired whether any members of the Planning Board had any further questions or comments concerning the application. Member Czornyj stated that while it is not a subdivision review issue, he did alert Mr. Coletti that the subdivision plat did show the property line for the Coletti parcel going to the center line of the county highway, and that this is something that the Coletti family may want to address with the county in the future. Hearing no further questions or comments on the application, Chairman Oster entertained a motion concerning SEQRA. 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. Thereupon, Member Tarbox made a motion to approve the minor subdivision application, noting that given the size of the lots this was a non-realty subdivision and therefore Rensselaer County Health Department

review and approval is not required. Member Mainello seconded the motion. The motion was unanimously approved, and the Coletti minor subdivision application approved.

The second item of business on the agenda was the application to amend a site plan submitted by Carbone Auto Group for property located at 800 Hoosick Road. Attorney Gilchrist informed the Board that he had been contacted by the engineering firm for the Applicant concerning the issue of the NYSDOT use and occupancy permit, and was provided with the name of the contact person at NYSDOT who was reviewing the proposed plans. In turn, Attorney Gilchrist had Planning Board engineer Bonesteel contact NYSDOT to discuss the status of NYSDOT's review and also the terms and conditions of any proposed use and occupancy permit. NYSDOT forwarded to Mr. Bonesteel a form use and occupancy permit, which is now being reviewed by Mr. Bonesteel and Attorney Gilchrist. Accordingly, further research regarding the use and occupancy permit terms is ongoing, and this matter is adjourned to the May 1, 2014 meeting.

The next item of business on the agenda was the Mulinio proposed amendment to Planned Development District, upon referral from the Town Board for review and recommendation. Chairman Oster indicated that he is in receipt of the letter from Laberge Engineering providing review comments on the application. Ron Laberge, P.E. was present at the meeting. Mr. Laberge summarized his comment letter dated April 17, 2014 for the Board. Dave Mulinio was also present at the meeting. Mr. Laberge stated that a site plan should be prepared showing the location where additional activities are proposed; that the Applicant should clarify in writing all of the proposed uses; that the Applicant should confirm that all proposed additional operations will occur within the footprint of the original approved PDD location; that given the fact that nighttime operations are being proposed, a noise assessment should be performed including all noise sources, including generators, tractors, and any additional noise

sources for the proposed additional activities, including assessment both at the property line and closest offsite residence; that additional traffic associated with the additional uses should not pose a significant impact given existing infrastructure and traffic flow, and the addition of a traffic signal at the Oakwood Avenue/Farrell Road intersection; that the introduction of lighting for nighttime activities should not be a significant impact due to the shielding of lights or down-lighting; and that the height of a proposed tent should be provided. Chairman Oster noted that certain additional review issues did arise regarding the proposed additional activities, most significantly the potential noise issue. Chairman Oster noted that he had stopped by the site, and now had an appreciation of the total area of the site operations, and that he was surprised as to the full extent of the site operations since they are not apparent as one travels on Oakwood Avenue. Chairman Oster did state that in his opinion, the only significant issues on reviewing the proposed amendment were potential light and sound issues. Mr. Laberge stated that with respect to the lights, they were proposed to be portable and adjustable, so that once they are onsite and operating, even if adjustments need to be made, the type of lighting is designed to be flexible both in terms of height and light direction. Member Czornyj did concur that the most significant issue on this application is potential noise issues, noting that Laberge estimated the distance to the nearest residence being 900 feet. Mr. Mulinio stated that the 900 feet was from the perimeter of the full site operations, but that the location where the additional activities are being proposed are more in the area of about 1800 feet from the closest residence. Mr. Laberge stated that he did not disagree with that, but wanted to confirm that there were going to be various activities occurring on this site, and that the closest residence to the overall site is approximately 900 feet. Mr. Laberge did concur with the Planning Board that the most significant issue is noise, particularly since these operations are proposed for the evening. Chairman Oster inquired whether the Planning Board should proceed with its recommendation now, or wait until the

additional noise data has been prepared. Attorney Gilchrist reviewed the schedule for this application, including recommendations from both the Planning Board and Zoning Board of Appeals. Mr. Mulinio also discussed the timing of getting the additional noise data together. In that regard, Mr. Laberge stated that he would work with Mr. Mulinio and any consultant for Mr. Mulinio concerning the additional sound data required, and that it should not require an extended period of time to put that additional noise data together. Chairman Oster felt that it would be beneficial to the Planning Board, as well as the Zoning Board of Appeals, to have the additional information concerning noise generation at the time each Board made its recommendation. Mr. Mulinio concurred, and stated he wanted to have that information in front of the Board so it could consider that in connection with its recommendation. Mr. Mulinio also stated that he did speak with all of the neighbors located on Farrell Road, including the neighbor living in closest proximity, and that no one raised any objection to the additional activities being proposed. After further discussion concerning schedule and preparation of additional noise data, this matter is tentatively placed on the May 1 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Brooks Heritage, LLC with regard to property located on Dusenberry Lane. Attorney William Doyle was present for the Applicant. Attorney Doyle provided a background for the current application, noting that this particular 7± acre parcel sought to be divided was the subject of a purchase contract by Brooks Heritage with the former owner, George Morrissey, for purposes of necessary road improvements in connection with the Brooks Heritage proposed subdivision on adjacent property, but that Mr. Morrissey had passed away and the property became subject to extensive litigation. Mr. Doyle stated that a proposed resolution of all outstanding litigation was achieved, subject to the current application to divide approximately 2± acres from the 7± acre parcel for transfer to a third party, with Brooks Heritage, LLC retaining



ownership of the balance of the 7± acre parcel. Attorney Doyle stated that the current application sought approval for only one building lot, which will include the existing home, water, septic, driveway, and utilities, with the balance of the parcel being expressly not for building purposes at this time and to remain vacant at this time. Attorney Doyle made it clear that Brooks Heritage, LLC was looking to incorporate this retained vacant land into his overall subdivision project, but that the current application sought only the approval of the one building lot, with the retained land being expressly not for building purposes at this time and to remain vacant until such time as a further application to the Town Planning Board was to be made. Attorney Doyle also explained that the proposal included a match line, such that all remaining land following the division of the 2± acre home parcel would remain as one lot, so that the result of the proposed waiver would be one building lot with the existing home, and one lot containing remaining land not for building purposes at this time and to remain vacant until such time as a further application to the Town Planning Board was made. Member Wetmiller inquired whether a condition to any approval could be made stating that the remaining land was not approved as a building lot at this time. Attorney Gilchrist stated that the Planning Board did have the jurisdiction to attach a condition to this action stating that the retained land was not approved for building purposes at this time. Member Czornyj did inquire whether the resulting building lot on which the current home sits would still be available to Brooks Heritage, LLC for grading purposes to widen Dusenberry Lane in connection with his overall subdivision project. Attorney Doyle stated that Brooks Heritage would be retaining the right to complete that grading work as part of the transaction with the intended third party owner. Member Tarbox inquired whether the retained land would have frontage on a public road. Attorney Doyle stated that the retained land would have frontage both on Dusenberry Lane, and a portion would have potential frontage onto Route 142 since Brooks Heritage also owned property directly adjacent to Route 142. Member

Mainello asked whether there were any structures on the retained vacant land. Mr. Kreiger confirmed that while a pole barn had previously existed on the area of the vacant retained land, that pole barn had previously been removed. Chairman Oster confirmed with the Planning Board members that this proposed waiver was a direct way to resolve a very complicated and litigated matter, and that he felt that this proposal was appropriate as long as it was conditioned on the retained land being expressly not for building purposes at this time. Chairman Oster inquired whether there was any further question or comment from the Planning Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved unanimously, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the following conditions:

1. The waiver would result in one approved building lot, on which the existing home, driveway, water, septic, and utilities already exist, with such lot meeting all necessary setback requirements;

2. The balance of the original 7± acre parcel, which will be retained by the Applicant Brooks Heritage, LLC, was to remain as one parcel as shown on the plan with the match line indication;

3. The part of the original parcel to be retained by Brooks Heritage, LLC is not approved for building purposes at this time; and

4. The Applicant must submit to the Town Building Department a copy of the final survey prepared for the approval building lot on which the current home is situated.

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

The next item of business on the agenda was the site plan application submitted by Alta East, Inc. for property located at 1163 Hoosick Road, the redevelopment of the former Spiak's

Garage. The Planning Board members were provided with a recent email from the engineer for the Applicant, noting that the resolution of the water line issue for this site was still being addressed. Mr. Kreiger also noted that he was not yet in receipt of the final site plans. This matter has been placed on the May 1 agenda for further discussion.

There were no items of new business.

There was one item of old business discussed. Mr. Kreiger has been contacted by the Applicant for the proposed Brunswick Veterinary site plan located on NYS Route 7, and that final site plan drawings would be shortly submitted and it was requested that such application be placed on the May 15 meeting agenda.

The index for the April 17, 2014 meeting is as follows:

1. Coletti – minor subdivision – approved.
2. Carbone Auto Group – amendment to site plan – 5/1/14.
3. Mulinio – amendment to Planned Development District – 5/1/14.
4. Brooks Heritage – waiver of subdivision – approved with conditions.
5. Alta East, Inc. – site plan – 5/1/14.

The proposed agenda for the May 1, 2014 meeting currently is as follows:

1. Carbone Auto Group – amendment to site plan.
2. Mulinio – amendment to Planned Development District.
3. Alta East, Inc. – site plan.

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

May 7, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (May 1, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on May 1, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.C.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD May 1, 2014**

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

ABSENT was TIMOTHY CASEY.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the Town website.

The Planning Board reviewed the draft minutes of the April 17, 2014 Planning Board meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 17, 2014 Planning Board meeting were unanimously approved without amendment.

The first item of business on the agenda was the application to amend the site plan submitted by Carbone Auto Group for property located at 800 Hoosick Road. Jeff Hilenbrandt, Plumley Engineering, appeared on behalf of the Applicant. Jeff Hilenbrandt briefly reviewed the application with the Board. Mr. Hilenbrandt noted that the design of the underground stormwater management system proposed for the DOT parcel had been preliminarily approved by DOT technical staff, and the proposal was currently being reviewed by DOT's real property staff. The Planning Board generally discussed whether the proposed DOT use and occupancy permit would be sufficient to support a site plan application. Attorney Tingley explained to the Board that DOT had provided a form of the use and occupancy permit, which recites that the use and occupancy right granted thereunder could be revoked by DOT at any time, upon 30 days

advance notice. Attorney Tingley explained that the use and occupancy permit was similar to a month to month tenancy in this regard. The Board generally discussed and agreed that the use and occupancy permit would grant sufficient interest to Carbone Auto Group for purposes of making a site plan application for the DOT parcel, as long as the right to use that parcel was conditioned on continued maintenance of the DOT use and occupancy permit. Chairman Oster also noted that it was his understanding that the Brunswick Town Code did not provide a time within which a site plan must be completed before it expired. Chairman Oster commented that it was his understanding that this permitted the Board to consider an amendment to the prior site plan approval. The Planning Board generally discussed that the modifications to the prior site plan approval appeared to be of lesser impact than the original approval. Member Czornyj asked the Applicant whether the modification would result in a service door being installed on the northwest side of the building, to which Mr. Hilibrandt responded that the plan was to use the northwest end of the building as a service area and would require construction of a service door. Member Mainello asked whether there was any change to the prior site plan approval that would require consideration by the local fire department, and Mr. Kreiger explained that the amendment actually appeared to lessen the impacts as compared to the original approval. Mr. Bonesteel asked the Applicant whether the Town would have any responsibility for owning and maintaining the underground stormwater management system. Mr. Hilibrandt explained that DOT would have exclusive responsibility for ownership and maintenance of the stormwater system, since DOT is considered its own MS4 entity and the stormwater that would be entering the system would exclusively come from the DOT right-of-way, and no stormwater from the Carbone site would be entering the DOT stormwater facility. Mr. Bonesteel also asked the Applicant what the size of the existing detention pond was, and Mr. Hilibrandt explained that the total area would be approximately 0.03 acres. The Board generally discussed the revised

plans, including the changed elevation plans, with Member Czornyj commenting that the proposed front of the building seemed to fit in with the surrounding neighborhood, and Member Wetmiller commenting that the changes do not appear to be significant. Member Mainello asked what the color scheme would be of the front of the building, and Mr. Hilenbrandt explained that he expected that it would be similar to the color scheme of the auto dealership across Route 7, but that he was not sure at this time. Chairman Oster asked what the surface of the front would be, and Mr. Hilenbrandt explained that it would be comprised of aluminum material. Member Mainello asked whether the new drawings would supersede the previous site plan approval, and Attorney Tingley explained that the new drawings and new site plan, if approved, would supersede the prior approval. Mr. Kreiger noted that the application had been sent to the County and that the County responded that local consideration should prevail, with a comment that the underground stormwater management system should be sufficient to provide the same amount of storage and treatment that the stormwater detention pond had been designed for, in addition to any new stormwater that would flow from the new areas to be paved. The Board determined that a public hearing on the site plan amendment application would not be required. Member Czornyj then made a motion to adopt a negative declaration pursuant to SEQRA, seconded by Member Mainello, and which was unanimously approved. Member Czornyj then made a motion to approve the application for an amendment to the site plan subject to any conditions that were imposed on the original site plan approval from October, 2012, and subject to the condition that the Applicant secure the DOT use and occupancy permit prior to beginning work and occupying the DOT parcel, and that throughout the Applicant's use of the property, the DOT use and occupancy permit be continuously maintained and in effect. The motion was seconded by Member Mainello, and was unanimously approved.

The next item of business on the agenda was the Mulinio proposed amendment to Planned Development District, upon referral from the Town Board for review and recommendation. Mr. Mulinio was present on the application. Chairman Oster noted that he had received a report from Laberge Engineering providing comment on the noise analysis that had been performed by the Applicant's consultant. Chairman Oster noted that the Laberge Group's letter report noted that increases of less than 5dBA are generally unnoticeable, and the report estimates that the projected noise levels at the nearest residential property will be approximately 3.6dBA, thus indicating no adverse impacts in noise generated from the proposed activities. Chairman Oster also noted that the Board had considered the lighting at the site and determined that the height of the lights plus the fact that they were pointing down would result in no significant impact from lighting. Chairman Oster asked the Applicant whether there had been any traffic study performed. Mr. Mulinio explained that there would be no traffic issues as there is a traffic control light at the nearest intersection and that property has a sign that requires car exiting the site to turn right towards Oakwood Avenue, rather than turning left. The Board asked the Applicant whether there was any paving that had been done or planned for the site, and the Applicant had indicated there had been no paving done and none was planned. The Applicant also explained that the site could accommodate 400 cars parked properly. The Board then deliberated generally on the application, and confirmed with the Applicant that the application sought an expansion of hours during the evening for 5 weekends per year in the Fall and the Applicant also indicated that they had posted approximately 200 no hunting posters around the site to prevent hunters from accidentally entering the site. The Board requested that Attorney Tingley's office draft a written recommendation for the Board's review prior to the May 15, 2014 Planning Board meeting. The Board also requested that the draft recommendation include an explanation concerning the extent of the application in terms of the hours of operation to be



added, as well as an explanation that a letter had been received from TOPATOMA, LLC giving permission to Mr. Mulinio acting on behalf of Capital Combat Zone, LLC to apply for the amendment to the existing Mulinio PDD. The matter was placed on the agenda for the May 15, 2014 meeting.

The next item of business on the agenda was the site plan application of Alta East, Inc. Mr. Kreiger explained that he had not yet received from the Applicant a final detailed site plan. The Applicant was not present at the meeting. The Board decided to table the application until the next meeting. The matter was placed on the agenda for the May 15, 2014 meeting.

The next item of business on the agenda was the site plan application by Stewarts Shops Corp. for property located at NYS Route 278 and Tamarac Road. Chris Potter from Stewarts Shops Corp. was present on the application on behalf of the Applicant. Mr. Potter explained to the Board that the Applicant had addressed the concern regarding headlights shining into a neighbor's yard by proposing construction of a 6' tall white vinyl stockade fence for 140' between the Stewarts property and the neighbor's property. Mr. Potter also explained that Stewarts had received comments from DOT and had sent revised plans addressing those comments. Mr. Potter generally reviewed those revisions. Member Mainello asked the Applicant whether it had determined the depth of the existing public waterline that runs through the project site. Mr. Potter explained that the depth of the waterline had not yet been determined and that it would not be necessary given that the waterline would be replaced. Mr. Potter explained that the Applicant and the Town Water Department had been in discussions with respect to constructing a new waterline up Tamarac Road to service 3 houses that are currently served by the line that runs through the project site. Mr. Potter explained that currently the proposal being discussed involves a 1.5" waterline with the Town Water Department and the Applicant agreeing on the type of line. Mr. Potter also explained that Stewarts was proposing to

contribute \$15,000 towards construction of the line and connection to the 3 homes, with any excess costs being borne by the Town. The Planning Board generally discussed the existence of the waterline through the site and the proposal to construct a new waterline up Tamarac Road including the manner by which the new waterline would be connected to the homes. Some members of the public that attended the Planning Board meeting asked questions of the Applicant with the Board permission concerning the proposed new waterline including the manner by which it would be connected to the homes. The Applicant explained that the proposal was to no longer connect to the one home in which the T is currently located, but rather to have a direct connection from the waterline to each individual home. The Board next discussed whether or not it should hold a public hearing on the application, particularly in light of the fact that the ZBA held a public hearing on the special use permit application. Mr. Bonesteel indicated that he had not had an opportunity yet to review the latest set of plans and has some minor comment on the stormwater management system. Mr. Kreiger asked whether the local fire company had yet received copies of the site plans, and it was determined that it had not. Attorney Tingley recommended to the Board that given the project proposal to undertake construction on a site through which a public waterline runs, the Board should attempt to get some written recommendation or review letter from the Town Water Department concerning that issue. The Board then revisited the issue of whether a public hearing should be held, and discussed the fact that it was probably not prepared to act on the application at this meeting. Member Czornyj made a motion to hold a public hearing on the application and to schedule it for 7:00 p.m. on May 15, 2014 at Brunswick Town Hall, which motion was seconded by Member Mainello. The motion was passed by a vote of 5/1, with Member Wetmiller voting against the motion. Member Czornyj then asked whether DOT's comments had been addressed, and the Applicant indicated that they had either revised the plans and/or submitted written responses to DOT's comments.

The Applicant explained that it would not necessarily know whether DOT was satisfied with the responses, but that if it wasn't, DOT would not grant the Applicant a Highway Work Permit. Mr. Kreiger read the comments on the application that had been submitted with the response provided by the County Planning. One such comment concerned whether the applications should provide for sidewalks or other amenities given that customers may walk from the school or the nearby truck parking lot into the Stewarts site. The Board generally agreed that sidewalks were probably both unnecessary and inappropriate in light of the fact that they may actually encourage pedestrians to walk along the road in that area, where no other sidewalks exist. The matter was placed on the agenda for the May 15, 2014 Planning Board meeting for purposes of holding a public hearing and continuing reviewing the application.

The first item of new business was the waiver of subdivision application filed by Jacob Broderick for property located at 528 Garfield Road. Mr. Broderick was present on the application. Mr. Broderick explained that the purpose of the application was to divide a single 9.13 acre lot into two lots, with the intent that the lots support residential construction in the future. Mr. Broderick indicated that he currently plans to construct a home on that portion of the lot to which he would receive title, and he expected that his brother, who would receive the other parcel, may be interested in constructing a residence on the other portion at some point in the future. Mr. Broderick confirmed however that neither had any specific plans for construction at this time, but that he wanted to file the application in order to be in the process. Mr. Broderick noted that he had not yet had a survey done or a plan drawing showing precisely where the lot line would be drawn, but he generally discussed that he expected the lot line would travel along a row of trees that exists on the existing lot. Chairman Oster explained that in drawing the proposed two lots, the Applicant should take into account that each lot must show sufficient access to a public road, needing at least 30'. The Applicant inquired whether a shared driveway

would be sufficient. The Board discussed with the Applicant that a shared driveway could be used, but that each individual lot must still obtain approval to have a driveway to access the public road on its own, even if the lots shared one driveway. The Board then discussed whether the proposal would create two lots or three lots. It was ultimately determined that the application sought to create two lots out of one single existing lot. The Board asked the Applicant whether he would be prepared with a proposed plan for the May 15, 2014 Planning Board meeting. The Applicant explained that he had not yet hired a surveyor, but was looking for one at this time, and did not expect to have a plan available for the Board's review before the May 15, 2014 meeting. Chairman Oster suggested that the application be put on the agenda for the June 5, 2014 meeting, with the understanding that if the Applicant was not able to provide a plan at least one week before the meeting, then the matter could be adjourned until the following meeting. The matter was placed on the June 5, 2014 agenda.

The next item of new business on the agenda was the proposal by Ace Hardware to modify a phasing plan approved as part of a recently approved site plan application. Mr. Kreiger explained that the Applicant had represented that the plan proposed to defer the construction of the central dock area to phase 2 of the site plan, whereas under the current approval, the central dock area was proposed to be constructed in phase 1. The Board discussed the proposal generally, and receipt from Mr. Kreiger of an 11" x 17" plan showing the revised phase 1 development plan. The Board asked Mr. Kreiger to retrieve the site plan approval for purposes of determining the difference between phase 1 as approved and the currently proposed phase 1. Mr. Kreiger retrieved the original site plan approval, and the Board compared the proposed phase 1 against the approved phase 1, and noted that the proposal appeared to involve a number of other changes in addition to merely deferring the construction of the central dock area to phase 2. Among the changes that appear to be made were the construction of a fenced outdoor display

area and the relocation of 7 car parking spots to an area near the existing building on the western side of the site. The Board then discussed whether they had the authority to approve such a modification which involved more than merely a phasing modification, and concluded that the Applicant should appear at the next Planning Board meeting in order to discuss the proposal. Mr. Kreiger agreed to advise the Applicant of the Board's request that the Applicant appear at the May 15, 2014 meeting to discuss the proposal.

The index for the May 1, 2014 meeting is as follows:

1. Carbone Auto Group – amendment to site plan – approved with conditions.
2. Mulinio – amendment to Planned Development District – 5/15/14.
3. Alta East, Inc. – site plan – 5/15/14.
4. Stewarts Shops Corp. – site plan – 5/15/14 (public hearing to commence at 7:00 p.m.).
5. Broderick – waiver of subdivision – 6/5/14.
6. Ace Hardware – site plan – 5/15/14.

The proposed agenda for the May 15, 2014 meeting currently is as follows:

1. Stewarts Shops Corp – site plan – public hearing.
2. Mulinio – amendment to Planned Development District – review of draft recommendation.
3. Alta East, Inc. – site plan.
4. Ace Hardware – site plan.
5. Brunswick Veterinary – site plan.

The proposed agenda for the June 5, 2014 meeting currently is as follows:

1. Broderick – waiver of subdivision.

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

May 19, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (May 15, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on May 15, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD May 15, 2014**

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

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board opened a public hearing on the site plan application submitted by Stewarts Shops Corporation for its proposed site plan for property located at NYS Route 278 and Tamarac Road. The notice of public hearing was read into the record, with that public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chris Potter of Stewarts Shops Corporation was present. Chairman Oster requested that Mr. Potter present a general overview of the proposed site plan. Mr. Potter stated that Stewarts intends to rebuild the existing store located at the intersection of NYS Route 278 and Tamarac Road, including the addition of a 2.6 acre parcel located immediately to the north of the existing Stewarts Shop location. Stewarts is proposing to construct a 3,537 square foot new Stewarts store located to the rear of the existing store, and upon completion of the new store, will proceed to demolish the existing store and relocate the gas pumps. Stewarts is proposing to construct 2 canopies with three gas dispensers each, and will be utilizing the existing petroleum underground storage tanks while adding one additional 12,000 gallon underground storage tank for both diesel and regular gasoline. Mr.

Potter stated that the new store will have additional parking, plus an area to drive around the entire building. Mr. Potter informed the Planning Board that NYSDOT had issued its work permit for the new curb cut on NYS Route 278. Mr. Potter generally reviewed the proposed lighting plan, including all down-lighting using LED light fixtures. Stewarts will be installing a fence on its common property line with its residential neighbor. Mr. Potter stated that Stewarts was still waiting for Rensselaer County Department of Health approval for its proposed new septic system. Mr. Potter then also confirmed on the record that Stewarts had worked with the Town of Brunswick regarding the replacement of the water service line, currently located to the rear of the Stewarts Shop and serving three homes on Tamarac Road. This line will be abandoned and replaced with a new water service line located on Tamarac Road to service the three homes. Chairman Oster requested Attorney Gilchrist to review a letter prepared by the Town of Brunswick Water Department concerning this issue. Attorney Gilchrist stated that a letter had been prepared by the Town of Brunswick Water Department, William Bradley, Superintendent of Water, dated May 9, 2014 and part of this site plan record, concerning the agreement between the Town of Brunswick and Stewarts concerning the water line service to the three homes on Tamarac Road. For purposes of the record, Attorney Gilchrist read portions of the letter into the record as follows:

The Town of Brunswick Supervisor and the Town of Brunswick Water Superintendent had been working the Project Manager, Chris Potter of Stewart's to facilitate the installation of new or renewed water services to 17, 21, and 23 Tamarac Road as part of the Stewart's new store construction on 2 Brick Church Road. The water service to 13 Tamarac Road will remain in its current location.

We have come to an agreement where Stewarts has committed to installing the services complete or expending a minimum of \$15,000.00 dollars to installing a new inch and one half water service main along Tamarac Road and to provide and connect three quarter inch service laterals to 17, 21, and 23 Tamarac Road. The



old service going cross lots behind the current Stewarts store to 17, 21, and 23 Tamarac Road will be abandoned when the new store is completed. Site work and construction of the new store can take place while the new water services along Tamarac Road are being constructed.

Attorney Gilchrist then stated that it was his understanding that coordination between Stewarts construction contractor and the Town will occur during the build-out in connection with the construction of the new water service line. Attorney Gilchrist then inquired directly of Mr. Potter as to whether Stewarts was in agreement with the new waterline construction and installation as outlined in Mr. Bradley's letter. Mr. Potter stated that Stewarts was in agreement with this proposal as recited. Attorney Gilchrist then requested that Mr. Potter confirm that the waterline installation, including service laterals to 17, 21, and 23 Tamarac Road, and the abandonment of the existing service lateral to the rear of the Stewarts Shop, is incorporated into the Stewarts site plan and presented by Stewarts to the Brunswick Planning Board as part of its site plan proposal. Mr. Potter confirmed that this proposal is incorporated into its current site plan application. Chairman Oster then opened the floor for the receipt of public comments. No members of the public wished to present any comments on the site plan. After allowing due time for the receipt of public comment, and hearing no public comments, Chairman Oster closed the public hearing on the Stewarts Shop Corp. site plan application.

Thereupon, the regular business meeting of the Brunswick Planning Board was opened.

The draft minutes of the May 1, 2014 Planning Board meeting were reviewed. Upon motion of Member Mainello, seconded by Member Esser, the draft minutes of the May 1, 2014 meeting were unanimously approved without amendment or addition.

The first item of business on the agenda was the site plan application by Stewarts Shops Corporation for property located at NYS Route 278 and Tamarac Road. Chairman Oster wanted to confirm for members of the public that were in attendance that the waterline issue to 17, 21,

and 23 Tamarac Road had been addressed between Stewarts and the Town of Brunswick, and was now part of the site plan application pending before the Planning Board. Chairman Oster inquired whether any Planning Board members had any questions or further comments on the site plan. Hearing none, Chairman Oster inquired of Mr. Bonesteel as to whether all technical comments had been addressed on the site plan. Mr. Bonesteel stated that all technical comments had been addressed, and that only housekeeping corrections needed to be made on the Stormwater Report, which would be coordinated with Mr. Potter prior to any construction on site. Attorney Gilchrist confirmed on the record that the site plan application had been forwarded to the Rensselaer County Department of Economic Development and Planning, and the predominant comment from the County was that this application did not interfere with any County plans, and that local consideration shall prevail. Attorney Gilchrist also reminded the Planning Board that an uncoordinated SEQRA review between the Brunswick Planning Board and the Brunswick Zoning Board of Appeals had occurred on this application, and that the Brunswick Zoning Board of Appeals had adopted a negative declaration and granted the special use permit to Stewarts Shops Corp. with respect to the "filling station" aspect of this project. Attorney Gilchrist stated that with the completion of the public hearing, recommendation having been received from the County Planning Agency, and the Brunswick Zoning Board of Appeals having issued the special use permit, the application was in front of the Planning Board for action, both under SEQRA as part of the uncoordinated SEQRA review, as well as action on the site plan. Chairman Oster then stated he would entertain a motion pursuant to SEQRA. A motion to adopt a negative declaration pursuant to SEQRA was made by Member Wetmiller, seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Chairman Oster stated he would entertain a motion for action

on the site plan. Member Mainello made a motion to approve the site plan subject to the following conditions:

1. The record is confirmed that the agreement between the Town of Brunswick and Stewarts Shops Corp. for installation of a new waterline on Tamarac Road, plus installation of service laterals to 17, 21, and 23 Tamarac Road, with Stewarts completing the installation or spending a minimum of \$15,000.00 for that work, had been agreed to by Stewarts and incorporated as part of the site plan application, and that compliance with this part of the site plan was expressly mandatory as part of the site plan approval.

2. Rensselaer County Health Department approval for the septic plan for this project.

3. The final comments of Mr. Bonesteel on the Drainage Report and Stormwater Pollution Prevention Plan for this project must be addressed by Stewarts prior to the issuance of any building or other work permit for the site.

4. Appropriate coordination between Stewarts and the Town of Brunswick Water Department concerning the installation of the new waterline on Tamarac Road, service laterals to 17, 21, and 23 Tamarac Road, and abandonment of the existing service line to the rear of the existing Stewarts Shop.

5. Permit obtained from Rensselaer County for work within the Tamarac Road right-of-way for the waterline installation.

The motion was seconded by Member Casey subject to the stated conditions. The motion was unanimously approved, and the site plan application by Stewarts Shops Corp. was approved subject to the stated conditions.

The next item of business on the agenda was the application by David Mulinio for an amendment to the Mulinio Planned Development District to extend the hours of operation in conjunction with a seasonal additional paintball attraction for property located at 99 Farrell Road. This matter is before the Brunswick Planning Board upon referral by the Brunswick Town Board, and for recommendation on the proposed amendment to the Planned Development District. The Applicant had previously presented the proposed amendment to the Brunswick Planning Board, and the Brunswick Planning Board had previously deliberated on the proposed amendment, but the Planning Board was awaiting additional sound data which was being

prepared by the Applicant to assess any potential sound impacts from the proposed amendment. That sound data having been completed by the Applicant and reviewed by Laberge Engineering, the Consulting Engineers for the Town of Brunswick for this application, the Planning Board then proceeded to review a proposed recommendation on the amendment. Upon review of a proposed written recommendation, the Planning Board adopted the following recommendation on the Mulinio PDD amendment application:

**TOWN OF BRUNSWICK PLANNING BOARD  
REGULAR MEETING**

**May 15, 2014**

**RESOLUTION ADOPTING A POSITIVE  
RECOMMENDATION ON THE MULINIO PLANNED  
DEVELOPMENT DISTRICT AMENDMENT APPLICATION**

**WHEREAS**, the Town Board of the Town of Brunswick (“Town Board”) has received an application from David Mulinio (“Applicant”) for an amendment to the Planned Development District (“PDD”) approval that currently allows the operation of a paint ball facility on 13.6 acres of land located at the intersection of Oakwood Avenue and Farrell Road; and

**WHEREAS**, the application for an amendment to the Planned Development District seeks approval to expand the hours of operation from the current schedule of only Saturday and Sunday 9:00 a.m. to 5:00 p.m., to add Thursday 5:00 p.m. to 10:00 p.m., Friday and Saturday 5:00 p.m. to 11:00 p.m., and Sunday 5:00 p.m. to 9:00 p.m. during the Fall season each year in conjunction with adding an additional paint ball attraction; and

**WHEREAS**, the Town Board has referred the Mulinio PDD amendment application to the Town of Brunswick Planning Board (“Planning Board”) for its review and recommendation; and

**WHEREAS**, the Applicant was present at the April 3, 2014 Planning Board meeting, the April 17, 2014 Planning Board meeting, and the May 1, 2014 Planning Board meeting, and discussed the proposed project with the Planning Board members; and

**WHEREAS**, the Planning Board members have had an adequate opportunity to review the application materials and discuss the proposed project;

**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 makes the following findings concerning the Mulinio PDD amendment application:

- a. The Applicant currently operates a paintball facility on 13.6 acres of land located at the intersection of Oakwood Avenue and Farrell Road pursuant to a PDD approval issued in 2012.
- b. The Applicant proposes to add additional hours of operation in 5 weeks during the Fall season (beginning on the last Thursday in September through the last Sunday in October) as follows: Thursday nights, 5:00 p.m. to 10:00 p.m.; Friday nights, 5:00 p.m. to 11:00 p.m.; Saturday nights, 5:00 p.m. to 11:00 p.m.; Sunday nights, 5:00 p.m. to 9:00 p.m.
- c. The additional hours of operation are proposed to facilitate an additional paintball attraction consisting of a paint ball ride through a haunted field, with a secondary additional attraction of an open roof maze with a tent.
- d. The Planning Board received a letter executed by Thomas Murley, as member of TOPATOMA, LLC, owner of the subject property, advising that it has given permission to David Mulinio acting on behalf of Capital Combat Zone, LLC to apply for the amendment to the existing associated Mulinio PDD for the property.
- e. The haunted paint ball rides would consist of a vehicle pulling a 26-foot trailer installed with 15 paint ball guns on each side and benches on which participants will sit as they are transported through the existing paintball field through a designated course. The participants in the haunted paintball ride would target hired actors and moveable props. The trailers will move at a rate of 3 miles per hour through the facility and there would be up to 5 trailers moving through the ride at any given time. Strobe lights and a fog machine are proposed as part of the attraction.
- f. The paintball guns installed on the trailers will have their speed reduced by approximately 50% in order to reduce the travel distance of the paintballs.
- g. The Applicant anticipates that the additional attraction will draw approximately 300-700 people per night during the Fall season.
- h. The parking area for this project is large enough to accommodate approximately 400 parked vehicles, if necessary.
- i. According to the application materials, customers will be directed to pass through a 2,400 square foot maze covered with a tent roof, the height of which will be 17 feet. After completing the maze, customers will be directed to the ride line from which they will be loaded onto trailers that will be pulled through the haunted field.

- j. According to the application materials, there will be security throughout the facility, in addition to operators being on each ride to assure safety and control.
- k. According to the application materials, no alcohol or smoking will be allowed on the grounds.
- l. The addition of lighting for nighttime activities should not be a significant impact because the Applicant proposes to use portable lighting equipment with shielded down-lighting.
- m. The Applicant indicated that approximately 200 "No Hunting" posters have been posted around the site in order to prevent hunters from accidentally entering the site.
- n. According to the Applicant's consultant, the proposed additional activities will increase noise at the nearest residential property by approximately 3.6 dBA, which is less than 5 dBA, and is considered generally unnoticeable to tolerable.
- o. The traffic exiting the site will continue to be directed to turn right on Farrell Road to proceed towards Oakwood Avenue, rather than turning left.

2. Based on these findings, the Planning Board hereby adopts a positive recommendation on the Mulinio PDD amendment application, and supports the approval of the Mulinio PDD amendment application by the Town Board. The project site is of an adequate size for the proposed operations, and the expansion of hours is limited to an additional 4 nights per week for only 5 weeks each year during the Fall. The noise data provided by the Applicant shows limited off-site noise impacts. The Board does not expect there to be significant lighting impacts. The property owner has consented to the PDD amendment application.

The third item of business on the agenda was the site plan application submitted by Alta East, Inc. for the proposed redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenient store with retail gasoline sales. The engineer for the Applicant had contacted the Brunswick Building Department, stating that he was still working on the details of the site plan, and requested that this matter be tentatively placed on the June 5, 2014 agenda.

The next item of business on the agenda was the application submitted by Monarch Design Group to amend the approved site plan and construction phasing plan for the renovation of the existing Feathers Furniture Store located at 831 Hoosick Road to an Ace Hardware Store. Edward Esposito of Monarch Design Group was present for the Applicant, together with two members of the Grasso family, who will be owners and operators of the Ace Hardware Store. Chairman Oster stated that the Planning Board had requested the Applicant to present the proposed amendment to the site plan, since it appeared to the Planning Board at its last meeting that there were additional changes to the site plan aside from moving the loading dock portion of this project from Phase 1 to Phase 2. Mr. Esposito did concede that there were additional changes, and stated that he would step through those changes with the Planning Board. Mr. Esposito did confirm that the dock canopy area was now removed from the project altogether, proving to be cost prohibitive. In its place, Mr. Esposito stated the Applicant is now proposing an outdoor display and garden center area, which will be located between the Ace Hardware Store to the east and the existing storage building located on the western portion of the project site. This outdoor display area will be fenced with an estate style fence and provide for seasonal items. Mr. Esposito stated that this was a request to expand areas of outdoor display to the full garden center in the proposed location. Mr. Esposito stated that delivery trucks would continue to use the existing dock and access way through the center of the project site between the existing two buildings, and continue to use the existing NYSDOT access points onto Hoosick Road. Mr. Esposito also stated that the proposed retaining wall system located on the eastern portion of the project site is also proposed for change, as the contractor retained by the owner indicated there was substantial shale in the area where the retaining wall was proposed, and thought that having the exposed shale wall would be adequate for purposes of the wall at that location, noting that a similar approach had been done with the Tractor Supply Store located

across Hoosick Road. There was also an economic component to this, as installation of a block retaining wall with the existence of the shale in that location would prove to be very expensive. Mr. Esposito also stated that due to the elimination of the loading dock proposal, the Applicant would be relocating 7 parking spots to the western portion of the project site near the existing storage building. Member Mainello asked whether proposed storage area in the main Ace Hardware building was moving. Mr. Esposito confirmed that the floor plan for the Ace Hardware store had been amended to eliminate storage area, and that the existing store would be now primarily retail, and all storage would be in the existing building located on the western portion of the project site. Member Wetmiller asked about the items proposed for the new expanded garden center, and principally how that area would be utilized during the winter. Member Wetmiller expressed concern about the storage of large pallets of rock salt or sand or similar items during the winter. Erica Grasso, owner and operator of the Ace Hardware Store, stated that it was the owner's intention to have a seasonal garden center with plants and similar items in the spring and summer, traditional fall items such as pumpkins and harvest items, and holiday items which may include Christmas trees. Ms. Grasso confirmed that there was no proposal for large pallet storage. Chairman Oster stated that the Town's concern would be that the outdoor garden center would be kept neat and orderly, similar to other outdoor storage areas on Route 7. Chairman Oster stated that this location would be even more visible from Hoosick Road since it is close to the road itself, and the need to have that facility kept neat and orderly would be even more important as opposed to other stores like Tractor Supply and Walmart which are located further off the Hoosick Road corridor. Ms. Grasso stated that her family would be running the store, is making a significant investment in the store, and will not allow the site to look bad. Member Esser asked whether there would still be product display in front of the Ace Hardware Store. Mr. Esposito stated that there would continue to be product display in front



of the store, consistent with the original site plan, and that the owner was now seeking to expand that to the center courtyard garden center area. Mr. Bonesteel had questions concerning the detail of the estate – type fence for the garden center area. Member Mainello had questions concerning pedestrian walk areas and delivery truck locations. In particular, Member Mainello stated that the relocation of customer parking spots to the western portion of the site raised the issue of a pedestrian crosswalk between the two buildings, since that was the area where truck deliveries would be occurring. Mr. Esposito confirmed that this was an issue, and agreed to installing a marked crosswalk between the buildings for pedestrian use. Member Mainello also inquired as to the surface of the parking area where the relocated parking spots are on the western portion of the project site. Mr. Esposito stated that the Applicant was looking to have a gravel surface for these parking spots. Member Mainello stated that he was not in favor of any parking areas on gravel surfaces, since this was very difficult to stripe and to maintain in the winter time. Chairman Oster now confirmed that with the relocation of 7 parking spots, there are now a total of 17 parking spots on the western portion of the project site. Mr. Esposito confirmed this. Chairman Oster wanted a direct answer as to the existing ground surface in this location, since Mr. Esposito was now saying the Applicant was looking to have a gravel parking area. Mr. Esposito confirmed that while the existing area is paved, it is not in good shape and is breaking up. Chairman Oster then also wanted to confirm with Mr. Esposito that the owner would be repaving the truck route to the existing loading dock and delivery entrance to the warehouse building, would be repaving the parking area on the eastern portion of the project site in front of and to the side of the new Ace Hardware building, but that the owner was looking to maintain the existing condition of the site, including degraded paving, on the western portion of the site near the storage building, but that this area would also include customer parking. Mr. Esposito confirmed that this was the proposal of the owner. Member Mainello also raised

questions about the width of a sidewalk in the front of the Ace Hardware building and proceeding to the west toward the area of the garden center and delivery entrance, and felt that a consistent 5' wide sidewalk in that area should be included. Mr. Esposito concurred, stating that a 5' sidewalk in the entire front of the project site should be included, and that a marked crosswalk should be added to the site plan connecting to the western area of the project site near the storage building. Chairman Oster noted that with the widening of the sidewalk in certain areas, this could push parking spaces further into fire lanes, and wanted Mr. Esposito to confirm that there was adequate emergency access for the site. Chairman Oster then wanted to confirm on the record that the issues discussed thus far in terms of changes to the approved site plan include the expanded outdoor display/garden center area in the center of the site, that the garden center would now include an estate – type fencing with pillars, that as a result of proposed changes there was increased greenspace on the overall project site, that the Applicant was proposing to eliminate the block retaining wall on the eastern portion of the project site and keep that wall as a bare shale wall after grading, and that 7 parking spaces had been relocated and that there are now a total of 17 parking spaces for customer use located on the western portion of the project site near the storage building. Chairman Oster confirmed that this was not simply a change in a construction phasing plan, but that there were a number of changes being proposed by the owner to the approved site plan. Member Esser had questions concerning the sprinkler system, and whether the expanded garden center included a fence where there should be open access to an exterior water connection for the store sprinkler system. This issue will need to be confirmed by Mr. Esposito. Ms. Grasso confirmed that the owner was not looking to expand any storefront glass for the Ace Hardware Store, but simply to replace the existing glass with more energy efficient glass. Member Mainello wanted to confirm that the site plan would note that the building located on the western part of the project site was now being used for storage for the

Ace Hardware Store, and would not simply be a proposed use in the future under a second phase of construction. Member Casey stated that he was not in favor of leaving the wall on the eastern part of the project site as shale, having concerns regarding stability. There were extensive discussions concerning the option of keeping the wall as shale, or requiring some additional material to keep that area stable. Chairman Oster inquired of Mr. Bonesteel as to whether he had any technical concerns regarding the proposal to have a shale wall. Mr. Bonesteel stated that given the limited work area in that location, it was unlikely that a stable cut could be made to that wall in that area, and that the original proposal should be continued, which was to either install a block retaining wall or obtain a grading easement from the adjoining property owner to allow a more gradual slope in that location. The Planning Board generally concurred that the shale wall alone was not acceptable, and that the original requirement for either a retaining wall or grading easement with the adjacent property owner will be required. Chairman Oster inquired with the Planning Board as to whether there were any concerns regarding the expanded outdoor garden center area. The Planning Board members generally concurred that the proposal was acceptable, as long as there was the construction of the pillars and estate – type fencing, and confirmation as to access to an exterior water service for the sprinkler for the Ace Hardware building. Chairman Oster then inquired as to the relocated 7 parking spaces, for a total of 17 parking spaces on the western portion of the project site. The Planning Board members generally concurred that they did not favor keeping the degraded pavement in that area, since it was intended for customer use, but rather wanted new paving so that the repaving of the site would be uniform over the entire site. Member Mainello also wanted to confirm that a pedestrian crosswalk would be added between the buildings in the area of the truck route, and that a sidewalk of a consistent 5' width would be included on the site plan. Chairman Oster asked Mr. Bonesteel as to whether he had any additional technical comments or concerns. Mr. Bonesteel stated that he had no other

engineering concerns, and that questions he had concerning drainage had been answered by Mr. Esposito. Chairman Oster inquired of Attorney Gilchrist as to the procedural status of this matter. Attorney Gilchrist stated that the Planning Board needs to confirm on the record, with the information presented tonight, that it has had adequate time to review the proposed changes, in light of the fact that as of two weeks ago, the Applicant had represented to the Planning Board that the only change it sought was an amendment to the phasing plan to move loading dock construction to Phase 2 rather than include the loading dock in Phase 1. Attorney Gilchrist stated that the record in front of the Board now includes several changes to the site plan, and the Planning Board needs to confirm that it has had adequate time to consider these changes to the site. Further, as a matter of policy, Attorney Gilchrist reminded the Board that it was not the job of the Planning Board to pry information out of any Applicant, but rather the Applicant must come forward and present the full site plan application and all information associated with site development for consideration by the Planning Board. Attorney Gilchrist concluded by stating the Planning Board must first determine whether the number of proposed changes to the site plan constitute a significant change to the site plan. If the Planning Board determines that the changes are in fact significant, then additional environmental review pursuant to SEQRA must be entertained, and an additional public hearing is an option for the Planning Board, prior to any action on the proposed amended site plan. If the Planning Board determines that the proposed changes are not significant, then no additional environmental impact review is required under SEQRA, and that the Planning Board would still have the option for an additional public hearing, but that the Planning Board could proceed to action upon the proposed amended site plan. Secondly, Attorney Gilchrist did want the Planning Board to confirm that it has had adequate time to consider all proposed changes. Member Mainello stated that he felt the changes were not significant on the overall site plan, but did want a cleaned-up site plan presented to the Planning

Board with all proposed changes, including changes discussed at this meeting, for final review and consideration by the Planning Board prior to any action. Members Casey, Wetmiller, Esser, and Chairman Oster concurred in this. Member Tarbox also concurred that the changes were not significant, and that he felt the Planning Board could act at this meeting subject to a number of conditions. The Planning Board then confirmed that the Applicant will need to submit a cleaned-up final amended site plan for consideration by the Planning Board, and that this matter will be addressed at its June 5 meeting. Chairman Oster requested that Mr. Esposito provide that final amended site plan at least one week before the June 5 agenda. Ms. Grasso then stated she fully understood the need for the final site plan to be considered by the Planning Board at the June 5 meeting, but was concerned because part of this project was the demolition of the existing house located on the eastern portion of the project site, and that this house was already subject of vandalism and wanted the ability to proceed with the demolition of that house as soon as possible. Chairman Oster confirmed that there was an approved site plan for this site which included the demolition of the house, that the proposed amendment to the site plan did not have any changes to that portion of the project site, and that subject to issuance of an appropriate permit from the Building Department, he did not see any reason why the Applicant could not proceed with the house demolition. Mr. Kreiger concurred with that assessment, and indicated that he would coordinate with the owners concerning appropriate permitting for demolition of that home. This matter is placed on the June 5 agenda for review of the final amended site plan.

The next item of business on the agenda was the site plan application submitted by Parsons/TWC, Inc. for approval for the construction of a 3,400 square foot veterinary hospital located at 1632 Route 7, in proximity to the existing IKON building. Present for the Applicant were Marty Wolfson, P.E., Dr. Nicole LaMora, and TWC, Inc. representatives including Tim Parsons, Project Manager, Brendon Stream, and Eric During. TWC, Inc. specializes in design

and construction of veterinary hospitals and facilities. Mr. Wolfson stated that this site plan was for the proposed Brunswick Animal Hospital located at 1632 Route 7, located on a 9.66 acre parcel, with proposed parking for 16 cars, including 2 handicapped spaces, plus a driveway compliant with NYSDOT specifications. Mr. Wolfson stated that there was an existing culvert at the driveway entrance. Mr. Wolfson did state that the site has an approximately 15% grade at the rear, reducing to 6% approaching Route 7. Mr. Wolfson stated that the soils on the site were marginal for septic, and therefore an alternate septic system had been designed and has been approved by the Rensselaer County Department of Health. Mr. Wolfson stated that all stormwater would be detained onsite, and has prepared a drainage plan. Mr. Wolfson stated that a new water supply well was proposed for the northwest corner of the site, and that the well separation from the proposed septic system, for both the onsite well and the neighboring property well, meets code separation requirements. Mr. Wolfson stated that there was a landscaping plan proposed, a lighting plan proposed, and that there would be a pet walking area on the site as shown on the site plan. Finally, Mr. Wolfson stated that the detail for a proposed business sign has also been submitted. Dr. LaMora stated that she had previously reviewed with the Planning Board the proposed hours of operation and staffing, but would refresh the Board on those issues. Dr. LaMora is proposing to operate the veterinary hospital 3 weekdays, with only one weekday to 7:00 p.m., plus one half day every other Saturday. Dr. LaMora hopes to be able to expand the business to 5 weekdays, but is proposing only 3 weekdays at present. The facility is closed on Sunday. Dr. LaMora has two staff members, so that the total staff is one doctor, one technician, and one receptionist/office worker. Member Wetmiller looked at the proposed site plan, noting that the second floor of the building has a large open area which could be converted to overnight use. Dr. LaMora confirmed on the record that there was no overnight use being proposed, that there was no boarding being proposed, and that this area was simply included for potential future

additional office space. Dr. LaMora confirmed that this veterinary hospital was small animal only, with no large animal service. Tim Parsons of TWC, Inc. stated that he was the Project Manager, and that he had designed the facility to have a residential look and try to make the facility attractive from Route 7. Chairman Oster asked Mr. Bonesteel whether he had any technical comments. Mr. Bonesteel stated that most of his comments concern the proposed stormwater plan, and since 2.9 acres were proposed to be disturbed, a full Stormwater Pollution Prevention Plan needed to be prepared. Mr. Bonesteel also stated that he wanted to have information concerning pre-development flows compared to post-development flows, particularly since this site has traditionally been wet. It was confirmed that there are no DEC wetlands on the project site, but that DEC wetlands do exist on the opposite side of Route 7. Chairman Oster asked the Planning Board whether there was adequate information on the application for purposes of scheduling a public hearing. The Planning Board members generally concurred that the information was adequate for public hearing. Chairman Oster wanted to confirm with Mr. Bonesteel regarding the technical completeness of the application. Mr. Bonesteel did state that the stormwater design is incomplete, and that a full Stormwater Pollution Prevention Plan needs to be prepared, but that there is adequate information on the site plan for purposes of a public hearing. This matter is scheduled for a public hearing for the June 5, 2014 meeting commencing at 7:00 p.m.

Two items of new business were discussed.

The first item of new business discussed was a site plan application submitted by Les McDermott for property located 807 Hoosick Road, the former Verizon building. Mr. McDermott is proposing to operate a gun shop with an indoor gun range at this location. Mr. McDermott informed the Board that he was the owner of the gun range located in Green Island, that it currently has 600 members, including 400 law enforcement and 200 veterans and other

members. Mr. McDermott stated that his Green Island location was only one or four commercial gun ranges in New York. Mr. McDermott stated that the gun range utilizes primarily hand gun caliber ammunition, but does provide both pistol and rifle use. Regarding the building at 807 Hoosick Road, Mr. McDermott stated that this site would remain in its current configuration, and that he would only be making changes to the interior of the building. Mr. McDermott did confirm that the Brunswick location would become the location for Mr. McDermott's existing business, as he was losing his lease for his current Green Island location. Chairman Oster reviewed the submitted site plan, and informed Mr. McDermott that the site plan must show the driveway and parking areas, existing parking spaces, handicapped parking, and should include a narrative as to all facility operations. Chairman Oster raised the issue of safety. Mr. McDermott generally discussed the gun range portion, which will include 8 inch concrete solid wall, as well as sound dissipation features. Member Casey asked about the distance between this building and the Brunswick Apartments. Mr. McDermott said the distance was approximately 870 yards. Chairman Oster generally reviewed all application and site plan review fees, and confirmed with Mr. Kreiger that all application fees have been filed. Mr. Kreiger confirmed that the site plan application fees have been filed, but that his office must first confirm the zoning compliance issue for the Zoning District with respect to the shooting range portion of the proposed site plan. Mr. Kreiger stated that while the retail shop is within the permissible uses of this business zone, he will need to confirm the zoning compliance for the gun range. This matter is tentatively placed on the June 5 agenda for further discussion, subject to the zoning compliance issue being addressed by the Building Department.

The next item of new business discussed was a referral by the Town Board on an application for a third amendment to the Duncan Meadows Planned Development District. Peter Yetto, P.E. and Peter Amato were present for the Applicants. Mr. Yetto generally reviewed the



Duncan Meadows project, which includes the 50 apartments which have been constructed and are close to obtaining a certificate of occupancy, a second phase which includes the construction of 88 apartment units, and the final phase which currently provides for the construction of 78 townhouse/condominium units. Mr. Amato's company is looking to purchase this last portion of the Duncan Meadows project, and has applied for amendment to the approved PDD to allow the construction of 77 apartments in this last portion of the project site in place of the approved 78 townhouse/condominium units. Mr. Yetto explained that the prospective purchaser of this last phase is looking to construct the same type of apartment building as will be constructed as part of the 88-unit phase of this project, and to continue the construction of the same type of apartment unit during this last portion of the project as well. Mr. Yetto explained that the proposal would be to primarily utilize existing footprint of buildings on the upper portion of this last phase of the site located between the existing 50 apartment unit portion and the existing ROUSE facility, and to keep the lower portion of the project site, which had originally been approved for additional townhouse/condominium units, as greenspace with no further construction. Mr. Yetto confirmed that this proposed amendment would still retain 2 parking spaces per unit, and that the projected traffic would not significantly change, that the water/sewer demand would not significantly change, and that projected school-aged children and school impacts would not significantly change. Mr. Yetto did explain that there would be a slight increase in the area of impervious surfaces, but that would be addressed through an amended Stormwater Pollution Prevention Plan. Chairman Oster repeated the Planning Board's concern regarding the total number of apartment units approved in the Town of Brunswick, and that the Town Board should address the issue of whether the Town was reached a saturation point regarding the ratio between the number of rental units and the number of single family homes in the Town. Member Mainello requested some information regarding vacancy rates of the existing

apartments in Town. Mr. Amato stated that he did not know of the vacancy rates of his competitors, but that the facilities he owns and runs in the Town of Halfmoon, which total 1,600 units, he only had 8 unleased units currently. Mr. Amato also offered that for the 50-unit apartment building which is currently being completed, he already has 20 leases in place even though construction has not been completed. Mr. Yetto asked the Planning Board as to the level of detail it would need on the site plan for purposes of preparing its recommendation. Chairman Oster confirmed that a concept site plan was adequate for purposes of its recommendation, but that the Planning Board would require a detailed site plan in the event the Town Board approved the amendment. Mr. Yetto confirmed that he was completing a preliminary site plan for the proposal, and would be submitting it to the Town shortly. Member Mainello wanted to be able to compare the original approved plan for this portion of the Duncan Meadows PDD with the proposal to amend the PDD. The issue Member Mainello was addressing was that the original Duncan Meadows PDD provided for a second access road for the total number of the townhouse/condominium units, whereas the proposal now for the 77 apartment units will utilize only one access road, so that all site traffic will now be utilizing one access road as opposed to being divided between two access roads. Mr. Yetto stated that he would address that issue with the concept site plan. This matter has been placed on the June 5 agenda for further discussion.

The index for the May 15, 2014 meeting is as follows:

1. Stewarts Shops Corp – site plan – approved with conditions.
2. Mulinio – amendment to Planned Development District – recommendation completed.
3. Alta East, Inc. – site plan – 6/5/14 (tentative).
4. Monarch Design Group – site plan amendment – 6/5/14.
5. TWC, Inc. – site plan – 6/5/14 (public hearing to commence at 7:00 p.m.).

6. McDermott – site plan – 6/5/14 (tentative subject to confirmation of zoning compliance).
7. Duncan Meadows Planned Development District – recommendation on proposed amendment – 6/5/14.

The proposed agenda for the June 5, 2014 meeting currently is as follows:

1. TWC, Inc. – site plan (public hearing to commence at 7:00 p.m.).
2. Alta East, Inc. – site plan (tentative).
3. Monarch Design Group – site plan.
4. Broderick – waiver of subdivision.
5. McDermott – site plan (tentative).
6. Duncan Meadows Planned Development District – proposed amendment.

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

June 10, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (June 5, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on June 5, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD June 5, 2014**

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

ABSENT was DAVID TARBOX.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board opened a public hearing on the site plan application submitted by TWC, Inc. for the construction of a 3,400 square foot veterinary hospital located at 1632 Route 7. The notice of public hearing was read into the record, with that public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Present for the Applicant was Marty Wolfson, P.E., and Tim Parsons from TWC, Inc. Mr. Wolfson presented a general overview of the proposed site plan. The veterinary clinic building has been designed by TWC, Inc. which specializes in designing veterinary hospitals. The site is 9.66 acres with slopes at the rear approximating 15% and decreasing to 6%-10% as they approach the road. The proposal will use the existing entrance to Route 7. The soils on the site are classified as being marginally accepted for septic and an alternative septic system has been designed and approved by the County Health Department. The building is approximately 3,400 square feet and there will be parking for 16 vehicles, two of which will be designated handicapped parking spots. The driveway will be approximately 300 feet long and there will be a small stormwater detention area and drainage

ditch. The nearest offsite well is approximately 300 feet away. The onsite well is not within the zone of influence of the septic system. Mr. Wolfson generally discussed the lighting that was proposed for the site and explained that there would be two fenced in walking areas, plus additional unfenced walking areas. A stormwater pollution prevention plan has been prepared. Chairman Oster thanked Mr. Wolfson for the presentation and opened the floor to receive public comments. No members of the public provided any comments. After allowing due time for the receipt of public comments, hearing no public comments, Chairman Oster closed the public hearing on the TWC, Inc. site plan application.

Thereupon, the regular business meeting of the Brunswick Planning Board was opened.

The draft minutes of the May 15, 2014 Planning Board meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Casey, the draft minutes of the May 15, 2014 meeting were unanimously approved without amendment or addition.

The first item of business on the agenda was the site plan application of TWC, Inc. for property located at 1632 Route 7. Chairman Oster asked Mr. Bonesteel whether he had any questions with respect to engineering of the site. Mr. Bonesteel indicated that the Stormwater Pollution Prevention Plan did not identify a water quality volume, nor did it include an operation and maintenance plan. Mr. Wolfson indicated that it was not intended to provide such detail as it did not appear necessary given the site size and proposed project. Mr. Wolfson further noted that although the site soils are classified as a "C", much of the topsoil has been stripped. Nonetheless he used the "C" classification of the soil in engineering the system. Mr. Bonesteel indicated that the application would need to address stormwater running off the impervious areas, including the parking lot and building roof. Mr. Wolfson indicated that he could provide the numbers sought by Mr. Bonesteel, but such information would be academic. Mr. Bonesteel responded that the application does not satisfy the stormwater regulations because it does not address water quality.

Mr. Bonesteel and Mr. Wolfson also discussed stormwater runoff from the roof. Mr. Wolfson indicated that stormwater runoff from the roof would not be directed into gutters, but would run off into a landscaped/mulched area. Mr. Bonesteel indicated that the site still needs to treat water before it leaves the site. Mr. Wolfson responded that no project fully treats every quart of water before it runs off the site. Mr. Bonesteel responded that the stormwater regulations require that the stormwater runoff be collected from paved areas and treated prior to a discharge. Mr. Bonesteel and Mr. Wolfson continued discussion concerning whether or not stormwater regulations required the project site to treat the stormwater runoff before discharge. Member Mainello stated to Mr. Wolfson that a project could never have sheets of stormwater runoff from a parking lot discharge into a ditch without treatment. Mr. Kestner was in attendance and generally discussed the MS4 requirements. Mr. Bonesteel also explained that the Stormwater Pollution Prevention Plan needs an operation and maintenance plan. Mr. Wolfson agreed to amend the Stormwater Pollution Prevention Plan to address the concerns raised by Mr. Bonesteel both with respect to water quality volume and operation and maintenance plan. Mr. Wolfson requested that the Board take action tonight, with the understanding that the Stormwater Pollution Prevention Plan would be amended to satisfy Mr. Bonesteel's comments. Attorney Tingley indicated that the County recommendation had not yet been received nor had the time for the County to respond expired, and that therefore the Planning Board was not in a position to act at this meeting. The Board also discussed with Mr. Wolfson whether or not the project design would be able to meet ADA requirements given the finished elevations as noted on the site plan. After reviewing the site plan contours with the Planning Board, Mr. Wolfson agreed that the plans would be revised and that he would take a look at the contours. The Board agreed to place the site plan application on the agenda for the June 19, 2014 meeting, and the Applicant

indicated that he would attempt to work with Mr. Bonesteel to get the fully revised and final plans to the Board in advance of the meeting.

The next item of business on the agenda was the site plan application of Alta East, Inc. for redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenience store with retail gasoline sales. Mr. Kreiger indicated that he had spoken with the Applicant and that the Applicant estimated that it would be ready to proceed at the Planning Board in July. The Planning Board placed the Alta East, Inc. site plan application on the agenda for the July 17, 2014 meeting.

The next item of business on the agenda was the application by the Monarch Design Group for an amendment to a previously approved site plan with respect to the renovation of the existing Feathers Furniture Store located at 831 Hoosick Road into an Ace Hardware Store. Chairman Oster noted that the Planning Board had received new drawings from the Applicant. Mr. Bonesteel identified a concern with respect to the driveway area in the rear of the site and sought confirmation from the Applicant as to whether it would continue to be a one-way pattern or two-way pattern. The Applicant confirmed that the circulation pattern in the site was not changed in that area and that the site will maintain the one-way direction of truck traffic in that area of the site. The Planning Board discussed with the Applicant the proposal for the pavement throughout the site. The Applicant indicated that he did not propose heavy duty pavement in the rear because he did not anticipate that trucks would be using that area frequently. The Applicant also indicated that a pedestrian walkway would be identified on the site connecting the Ace Hardware retail building to the building located to the west, which during Phase I would continue to be used as storage. The Applicant provided rendering of the front of the retail building which showed a canopy extending out above the walkway. The Applicant clarified that while the rendering showed the canopy extending beyond the walkway, the plans actually



proposed to extend the canopy only over the walkway and no further. The canopy material would be painted steel. The Applicant further noted that the owner was currently working on obtaining an easement agreement from the neighboring property owner to the east to allow grading, so the plan depicts both a retaining wall and alternatively grading at the eastern edge of the site. The Applicant indicated that once the site is 100% newly paved, the line striping for the parking spaces and all the walkways, including the pedestrian crosswalk, would be painted. The Board asked the Applicant to confirm whether the Ace Hardware store would be storing anything in the retail building. The Applicant indicated that all storage would be in the secondary building to the west, except some minor storage near the dock area in the retail building since the removal of the previously proposed central dock area eliminated some of the floor space. The Board asked the Applicant whether he had sought any guidance from the Fire Department with respect to the existing sprinkler access which would be within the fenced area where outdoor garden storage is planned. The Applicant had not coordinated with the Fire Department as of yet, but the Water and Building Department have requested that the existing sprinkler access be relocated to the front. The Applicant agreed that he would coordinate with the Fire Department as well in order to insure access to the exterior sprinkler system including if applicable and necessary, a Knox Box entry system. The Applicant then addressed the grading at the eastern part of the site, and indicated that the proposal was to install an erosion mat if the grading easement was obtained and grading undertaken. The Applicant indicated that while the plans do show a retaining wall and alternatively grading, the Applicant was interested in avoiding having to build a retaining wall due to the expense. The graded area would be covered by an erosion mat and would in essence be a sloped green area. Mr. Kreiger indicated that Rensselaer County had returned its recommendation indicating that local consideration should prevail. Mr. Tingley asked whether there would still be a Phase II of this project, to which the Applicant answered

affirmatively, and the Planning Board indicated that the Applicant would be required to return to the Planning Board for approval of Phase II. Member Wetmiller asked whether there was any local requirement with respect to the set back of the proposed propane tank area. Mr. Kreiger indicated that the setback from the property line for such items must be at least the height of the structure, and that such details would be addressed by the Building Department during build-out. Chairman Oster asked whether the Board was comfortable with moving forward on the application. Mr. Tingley explained that the Board should act on the application only if it is comfortable that all of the required aspects discussed at the last meeting were shown on the most recently provided plans. Chairman Oster indicated that he had compared the most recently provided plans with the minutes of the last meeting and that it appeared to him that all items had been included on the plans. A motion was made by Member Czornyj to adopt a negative declaration pursuant to SEQRA for the application, which was seconded by Member Mainello, and was approved unanimously. A motion was then made by Member Czornyj, seconded by Member Wetmiller to approve the application to amend the previously approved site plan subject to the following conditions:

1. The Applicant must get Fire Department confirmation that the design is acceptable including with respect to the sprinkler system access.
2. With respect to whether a retaining wall or grading will be done on the eastern end of the site, the Applicant will be required to coordinate with the Building Department prior to beginning construction of either, and to undertake construction of the wall or grading only in accordance with the Building Department's requirements.
3. The Applicant must coordinate with the Town Water Department on all water and sewer connections.
4. As-built plans must be submitted to the Building Department.

The motion was approved unanimously and the site plan application amendment by Monarch Design Group was approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application made by Jacob Broderick for property located at 528 Garfield Road. Mr. Kreiger indicated that the Applicant was not ready to proceed at the Planning Board at this meeting and the matter was placed on the agenda for the July 17, 2014 Planning Board meeting.

The next item of business on the agenda was the site plan application of Les McDermott proposing to operate a retail gun shop with a classroom and indoor gun range at 807 Hoosick Road, the former Verizon building. Les McDermott was present on the application. Chairman Oster explained to Mr. McDermott that the Applicant would be responsible for any consulting professional fees that the Planning Board incurred. Mr. McDermott acknowledged and understood that the Planning Board's consulting professional fees would be the responsibility of the Applicant. Mr. Kreiger indicated that all application fees required to date have been paid. Mr. McDermott presented the application to the Planning Board. He is the owner of the Veterans Gun Depot in Green Island, New York which will be relocating to the proposed location. The proposed location consists of 6.56 acres, and the business will use existing site lighting and existing fencing around the site. The proposal is to use the existing building with indoor renovations. The Applicant does not own the access driveway but does have an access/utility easement over the existing driveway. The indoor gun range will consist of five lanes, each 25 yards long with mechanical retrievers. There will be sound-deadening foam installed. The classroom area will accommodate approximately 25 students. The two-bay garage will be used as a lease space, and the Applicant does not have any firm current plans as to what kind of tenant will lease that space. He anticipates that a landscaping company may lease that space or he may use that space as an area for a farm co-op. Chairman Oster indicated that he had visited the Green Island site and was impressed with the facility. The Applicant explained that he currently offers and will offer at this site safety classes and the proposal provides a safe place

for lawful gun owners to shoot. The Applicant indicated that it is safer for gun owners to shoot at an indoor range rather than, e.g., outside in their backyard. The Applicant explained that there would be a chief range officer that monitors the indoor gun range. He also indicated that he would be offering memberships which would allow members to use the indoor gun range periodically, but with limits. Chairman Oster asked whether this use was permitted in the Zoning District. Mr. Kreiger indicated that the Building Department's determination is that the use is permitted in the B-15 Zoning District. The Board then discussed with the Applicant the close proximity of the facility to the youth athletic fields. The Applicant indicated that by law, such facility is not permitted to be located within 500 feet of an occupied structure. The site is somewhat remotely located in relation to the surrounding uses, and there is an existing fence around it, and the Applicant's proposal would provide a safe place for pistol owners to shoot their guns. The Applicant further indicated that the indoor range would be constructed so that all rounds would be kept within the structure including a 3-foot deep rubber berm area at the end of the range which area would have approximately 8" thick concrete walls on each side. The Applicant further explained that reloaded ammunition is not always as safe as newly manufactured ammunition, and for that reason the Applicant does not permit users of the firing range to bring in their own ammunition. All users of the firing range must purchase ammunition from the gun store, and the gun store does not purchase reloaded or used ammunition from manufacturers. The only ammunition sold at the store is newly manufactured. The Board then discussed with the Applicant the outdoor archery range that appeared to be shown on the plan and whether or not the location of the archery range was safe. The Applicant indicated that there is a significant grade behind the hay bales. The archery range would be used for bows and crossbows, which have been recently permitted by the DEC. The Applicant confirmed that there would be no outdoor firearm shooting. The Board then asked the Applicant why the indoor

range is proposed to be facing toward the two-bay garage area. The Applicant indicated that the design of the range in this way was the most cost effective and is safe, but that the Applicant would be open to reversing the range if the Planning Board deems it necessary. The Applicant provided a sample of the rubber that would be within the 3' rubber berm to the Planning Board. The gun shop would be approximately 20' x 80', and the gun shop, the classroom, and the firing range would be smaller than the Applicant's current site in Green Island. The Applicant indicated that the current site in Green Island will be discontinued by the end of this month and they are currently in the process of deconstructing the retail portion of that site. The Applicant indicated that the proposal for 8" concrete walls down the sides of the firing range might also be composed of timber with crushed stone or preformed concrete panels. He may also install bullet proof glass looking into the range. The Applicant is seeking permissible operating hours of 9:00 a.m. to 9:00 p.m., similar to his current location in Green Island, with availability to operate 7 days per week. However, he stated that the actual operating hours of the Green Island site do not include early morning or late evening hours. From time to time in Green Island, the range is open until 8:00 p.m. The Board generally discussed that they would request from the Applicant that there be some information provided on what kind of noise impacts there would be at the property line. The Applicant indicated that there would be very little noise outside of the building, and likely no noise impacts at all at the property line. The Applicant based his statement concerning noise impacts on his experience with his current location in Green Island. The Board then reviewed the drawings and noted that basically everything on the drawings are existing features except the addition of a new shed, two HVAC structures, and new signage near the road. The Board asked the Applicant how the safety officer for the firing range and also the customers would enter the indoor firing range. The Applicant confirmed that every person will be required to go through the gun shop's main entrance to get to the shooting area. The

Applicant indicated that he is considering relocating the classroom nearer to the two-bay garage and shifting the gun shop down towards the entrance to the firing range so that users of the firing range do not need to walk through the classroom to get to the firing range. The Applicant further explained that the exterior door indicated on the drawing in the area of the firing range is an emergency exit. The Board then generally discussed and agreed that it was appropriate to hold a public hearing on this application and scheduled the public hearing for June 19, 2014 beginning at 7:00 p.m.

The next item of business on the agenda was the application of BPP II, LLC, mistakenly identified on the agenda as PE&PA Associates, Inc., for the recommendation on the Duncan Meadows Planned Development District amendment. The Applicant noted that the Applicant should be reflected as being BPP II, LLC, not PE&PA Associates, Inc., which was the Applicant on an earlier, related application. Peter Yetto was present for the Applicant. Mr. Yetto generally explained that the application sought to amend the PDD approval to change 78 condominium units, some of which were proposed for Phase II and some for Phase III, to 77 rental apartment units all of which would be located in the Phase II area. The proposal envisions using the same type of buildings for the 77 apartment units as are used for the 88 apartment phase that was previously approved. The proposal would preserve the area that was previously designated for Phase III as greenspace. The Applicant provided for the Board's review the prior approvals and the current proposal so that the Board could compare the two. Chairman Oster asked the Applicant to describe the changes to the road. The Applicant indicated that the PDD approval only required one main entrance to this area of the site with the other access to this particular area being only for emergency purposes. Also the Applicant indicated that whereas the PDD approval provided for a cul-de-sac at the termination of the access road, the proposal now was to provide a turn-around area appropriately sized for emergency apparatus. The Applicant stated

that the number of school aged children projected would decrease slightly due to the units being apartments rather than condominiums. The Applicant further stated that there would also be a slight decrease on the demand for other services, such as sewer. Member Wetmiller asked whether the Fire Department has looked at the proposal particularly with respect to the change of the cul-de-sac to a turnaround. The Applicant indicated that the Fire Department has not yet opined on the change. Mr. Kreiger stated that the plans have been sent to the Fire Department. Chairman Oster asked what would become of the Phase III area and the Applicant indicated that it was flexible with respect to any condition that the Planning Board or the Town Board sought to impose on that area. Another representative of the Applicant indicated that they had suggested to the Town Board that they preserve that area as open space, but the Town Board did not seem necessarily in favor of a permanent restriction on that area. Chairman Oster also noted that the ratio of apartments to single family homes within the Town has seemed to increase rapidly in the past several years. He further indicated that a new comprehensive plan has been adopted and that a new zoning code is currently in development. He further stated that in past recommendations, the Planning Board has requested that the Town Board examine the sudden increase in the number of apartments and whether or not the additional increase in the number of apartments was appropriate for the Town. Chairman Oster stated that the recommendation may request that the Town Board somehow restrict development on the third parcel. He noted that his suggestion would be that the area of property known as Phase III would remain undeveloped until the Town Board completes its rezoning process. Mr. Kestner, the Town's consulting engineer on the application, generally discussed the change in density associated with the amendment. The Applicant indicated that the previously approved condominium units approximated 2,200 square feet per unit, whereas the apartments would each range from 900 square feet to 1,700 square feet. The Board then discussed property tax issues. It was the

understanding of the Board that the manner in which condominium units are taxed under New York State law made the tax revenue generated by condominiums to be comparable to the tax revenue generated by apartment units. Member Esser has questions concerning whether the buildings would be three-stories. The Applicant indicated that the buildings would only be two-stories, and that there are no other three-story buildings proposed and that the sole three-story building that currently exists is a previously constructed building in a prior phase. Mr. Kestner indicated, with respect to property tax issues, that the economics of the project are typically looked at during the SEQRA process. The Planning Board then generally discussed that the 77 units that were proposed to the area of Phase II would all be using the same access road that was proposed for Phase II, rather than using the access roads that had been proposed for Phase II and Phase III. The Applicant indicated that the traffic on McChesney Avenue Extension would not be impacted because both access roads entered McChesney Avenue Extension. The only impact, if any, according to the Applicant would be on the access road itself. Member Wetmiller indicated that he would like to know more about the tax impacts and believes that the Town Board should analyze that aspect. He would like to make a condition of the recommendation that the Town investigate the impacts to tax revenues that the change would have. Member Wetmiller also expressed concern regarding the number of apartments that have been approved over the last several years, particularly in relation to the number of single family residences. The Applicant indicated that with respect to tax impacts, the apartments will get built immediately, whereas condominium units might not get built immediately, and may never be built depending on the market. The change from the condominium units according to the Applicant will generate immediate tax revenue. Chairman Oster asked the Applicant what the target market would be. The Applicant responded that they are currently leasing to RPI graduates and some retired individuals, but that the target market is really a mix of people. The Applicant further indicated



that the apartments were luxury apartments, and that the lowest monthly rental was \$1,000 per month. He also indicated that currently the most expensive monthly rental is approximately \$1,800 per month. The Planning Board also discussed that the recommendation it would be making should closely mirror the recommendation that was made with respect to the 88 apartment units that the Planning Board had made approximately 1 to 1 ½ years ago. It should also address traffic issues and should request that the Town Board require the Applicant to get the Fire Department approval for the access road turnaround and location of any fire hydrants. The Board then discussed that the Phase III area is currently used for agricultural use and although the recommendation should include a condition that requires that area to remain undeveloped until the Town has completed its new Zoning Code, the recommendation should also permit continued agricultural use in that area. The Board indicated that the process would be the Planning Board attorney would draft a recommendation for their review and would submit the draft to the members prior to the next meeting, and at the next meeting the Planning Board could make changes if necessary and vote on the recommendation. The matter was placed on the agenda for the June 19, 2014 meeting.

There was one new item of business, which was a waiver of subdivision application of Ruth Colman for a 36± acre parcel located at the southerly end of Grandview Drive and the westerly side of Creek Road. It was Mr. Kreiger's understanding that the Applicant sought to divide the lots for purposes of estate planning type reasons, and the application indicates that one lot will be approximately 16.39 acres and the second lot would be approximately 19.6 acres. Currently, the lots consist of some fields, with no houses. A portion of the lot appears may have been farmed or may continue to be farmed. Neither parcel is landlocked, as they both have access to public roads. One would have an entrance onto Grandview Drive and the other would

have an entrance onto Creek Road. The matter was placed on the agenda for the June 19, 2014 meeting.

Chairman Oster then pointed out that the first meeting in July would fall on July 3, 2014. He indicated that some members of the Planning Board would be out of town on that date, and that it may be appropriate for the Board to consider cancelling the meeting in light of the holiday weekend. The Board discussed the matter and agreed that the July 3, 2014 meeting would be cancelled.

The Planning Board then generally discussed a broader issue raised by the earlier application concerning apartment units within the Town. Chairman Oster explained that the Planning Board might consider proposing to the Town Board that it take a hard look at the sudden increase over the past few years of apartment units in the Town and that it consider adoption of a moratorium on new apartment applications until the Town has an opportunity to fully develop and make a decision on a new Zoning Code. The Board generally discussed the various aspects related to apartment developments and the increase in apartments over the last several years.

The index for the June 5, 2014 meeting is as follows:

1. TWC, Inc. – site plan – 6/19/14.
2. Alta East, Inc. – site plan – 7/17/14.
3. Monarch Design Group – site plan amendment – approved with conditions.
4. Broderick – waiver of subdivision – 7/17/14.
5. McDermott – site plan – 6/19/14 (public hearing to commence at 7:00 p.m.).
6. PE&PA Associates, Inc./BPP II, LLC – Duncan Meadows Planned Development District amendment – recommendation on proposed amendment - 6/19/14.
7. Colman – waiver of subdivision – 6/19/14.

The proposed agenda for the June 19, 2014 meeting currently is as follows:

1. McDermott – site plan (public hearing to commence at 7:00 p.m.).
2. TWC, Inc. – site plan.
3. BPP II, LLC – Duncan Meadows Planned Development District proposed amendment – recommendation.
4. Colman – waiver of subdivision.

The proposed agenda for the July 17, 2014 meeting (July 3, 2014 meeting cancelled) currently is as follows:

1. Alta East, Inc. – site plan.
2. Broderick – waiver of subdivision.

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

June 24, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: **Town of Brunswick Planning Board Meeting Minutes (June 19, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on June 19, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
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Thomas Cioffi, Esq.  
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Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD June 19, 2014**

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the Town sign board and Town website.

The Planning Board opened the public hearing regarding the site plan application submitted by Les McDermott for property located at 807 Hoosick Road, the former Verizon building. Mr. McDermott proposes to operate a retail gun shop with a classroom and indoor gun range at 807 Hoosick Road. Chairman Oster first reviewed the procedure for the public hearing. Attorney Gilchrist then 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, posted on the Town website, and mailed to owners of all adjacent properties. Chairman Oster requested that the Applicant present a brief overview of the project. Mr. McDermott presented a brief overview of the site plan proposal, discussing the retail gun shop, education/classroom, and indoor shooting range. Mr. McDermott also discussed noise mitigation and safety measures included in the proposal. Chairman Oster noted for the record that the Brunswick Building Department has determined that this use is permitted in the B-15 Zoning District, and that comments should be

directed only to the proposed site plan. Tom Cameron, 46 Alice Drive, Nassau, New York, stated that the proposed facility will provide a legal way in New York to transfer or dispose of firearms in compliance with legal requirements. Mr. Cameron stated that having this facility will increase the legal use of guns, that he had been a federal firearms licensed dealer since 1968, that having the current required background checks for purchase of guns is good and that this facility will add to the legal use of guns in New York, and that this facility should be supported. Mark Carusso, Grandview Drive, Eagle Mills, stated that he was a director of a rod and gun club, and that having a facility located locally to shoot is a benefit to the community, that this will provide a facility to be able to shoot during the winter, and that the safety training provided at this facility will be a benefit to the gun community. Nelson Alarcon, 1507 Sausse Avenue, Troy, stated that he is a resident of Troy, but is currently a New York State Trooper and a retired Marine, that the issue of gun safety is an important issue, that the facility operated by Mr. McDermott in Green Island is an excellent facility which is as good as, or exceeds, the facilities operated by the New York State Troopers, that the McDermott facility emphasizes safety, and that the owner is all about safety for gun use, that the firing range does provide a safe area, that the facility will include 3' of a rubber material for bullet impact, then provide for 2' of concrete behind the rubberized material, and that there was approximately 200' to the Brunswick Little League ball field, and that these factors promoted safety at the facility, that the facility safety guidelines are strictly applied, that this will provide a safe outlet for gun use, and that any opinion should be based on facts and not speculation, and that Les McDermott runs a very safe facility. Bob Catherwold, Arminghall Road, stated that he was opposed to the application, and that his concern was over the proximity of this facility to the Brunswick Little League baseball field, that his concern was not so much regarding the firing range located inside the building, but the potential for accidents in terms of carrying guns in and out of the facility and showing guns in

the parking lot area, and if an accident occurred in the parking lot area, a stray bullet could hit and kill a child at the Little League fields, that the Brunswick Little League fields are used all the time, and that his concern is founded upon guns being in the area near children and that in an alternative site should be available, and that while safety plans could be in place an accident could cause injury or death to a child. Terry Miller, 964 Hoosick Road, stated that he was a manager at the Brunswick Little League and that his 7 year old played in the Brunswick Little League, that he was also concerned about safety, and requested that the Applicant consider moving the facility layout so that the shooting is done in the opposite direction away from the Little League field. Bob Grannace, 141 Carrolls Grove Road, stated that he felt the facility was a good idea, particularly for the classes provided and safety training provided, that it was a good thing to have in the Town of Brunswick, and that when looking at all of the other gun ranges in the area, there are generally no accidents that occur and that the chance of accidents are mitigated by strict safety rules and training, which are both promoted at the McDermott facility. Joseph Nasky, Kinderhook, stated that he supports the application, that he is a federal firearms license holder, that he is a avid shooter, that he is not aware of any accident at any other upstate gun range or shooting facility, that he has been a shooter for 48 years and is not aware of any accident in the parking lot of any shooting range having occurred during that time, that he feels there is not a safety threat to any of the children at the Brunswick Little League ball field, that children at the Little League field have more of a threat by traffic traveling to and from the Little League field then would occur from the operation of the shooting range, and that having this facility also offers an opportunity for children to learn about proper gun ownership and operation. Steve Valente, Route 66, Averill Park, stated that this facility will provide a benefit to the community by making gun owners and shooters as safe as possible, that the safety training offered at this facility mitigates against accidents, and that Mr. McDermott operates a very

efficient and safe facility in Green Island and that people should see that existing facility before making any determination on the current application. Carols Correa, Troy, stated that he is a training officer at Mr. McDermott's facility in Green Island, and that he was a former senior investigator with the Office of the New York State Inspector General, and that he felt the McDermott facility was very safe and that safety is the number one priority, that in terms of an accident occurring in the parking lot, rules regarding gun ownership make it illegal to remove a gun in the parking lot, that any guns brought to this facility need to remain in a bag or in a concealed manner, that it would be illegal to remove the weapon from either the bag or the concealed position in the parking lot and that such conduct would result in losing the gun permit, that a safety officer is always present in both the gun range and the retail store at the McDermott facility, that no ammunition is allowed in the guns within the retail store, that the facility is operated with very strict oversight as to safety. Nelson Alarcon, 1507 Sausse Avenue, Troy, provided additional comment, stating that his daughter does take lessons at the Stardom Dance facility close to this shooting range location, and can understand the concerns regarding the proximity of the Brunswick Little League field in terms of safety, that in terms of any accidents in the parking lot, current guns are manufactured with an internal safety mechanism now included to stop any gun shot in the event a gun is dropped, that the majority of the patrons at the current McDermott facility in Green Island are law enforcement and retired military, that strict oversight is enforced at the McDermott facility in terms of safety and training, that there are cameras and monitors throughout the building and outside the building being monitored while the facility is open in order to ensure strict compliance with safety measures. Chairman Oster stated for the record that the public comment concerning the proximity of the proposed firing range to the Brunswick Little League field was noted and will be taken into consideration. Chairman Oster stated that the Planning Board had considered the option of leaving the public



hearing open in the event there was significant public comment, but that most of the comments received at the public hearing at this meeting were in support of the application, and that the comments concerning safety and proximity of this facility to the Brunswick Little League are well taken and already noted on the record. Chairman Oster then stated that in light of the public comments received, which are now noted on the record, the Planning Board would consider closing the public hearing, and requested any additional comments to be placed on the record. Carols Correa, Troy, New York wanted to state on the record that anyone in the McDermott facility acting in a manner that is not safe, they are not allowed to remain in the facility and are not allowed to continue using the facility. One other member of the public questioned how the shooting range would be directed, whether toward or away from the ball field. Chairman Oster noted the comment for the record, and stated that the Planning Board would be addressing the layout and configuration of the shooting range. Chairman Oster then again requested any further public comments. Hearing none, the Planning Board closed the public hearing on the McDermott site plan application.

The Planning Board then reviewed the draft minutes of the June 5, 2014 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the June 5, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Les McDermott for property located at 807 Hoosick Road. Chairman Oster confirmed that comments at the public hearing included safety concerns regarding proximity of this facility to the Brunswick Little League field, and that the layout or direction of the firing range was an issue that needed to be addressed. Mr. McDermott confirmed that the issue of safety has been addressed through the facility design, and that the safest part of the facility is actually shooting down range, since the down range direction is reinforced with the rubberized material, additional

concrete walls, and concrete panels on the ceiling. Member Czornyj asked whether the firing range can be in any different direction. Mr. McDermott stated that the shooting range could be oriented in a westerly direction away from the Brunswick Little League field, but then the back wall facing the Little League field did not have the reinforcement that the down range direction does, which includes 36" of rubberized material plus 3' of concrete behind the rubberized material. Member Casey asked whether the current firing range layout was in the direction of the garage – portion of the building. Mr. McDermott stated that the firing range was in the direction of the garage, and that for any bullet to impact the Little League field in the current firing range configuration, it would need to make it through the 3' of rubberized material, 3' of concrete wall, a garage, a forested area, and then the Little League field. Mr. McDermott stated that in his opinion, the firing range layout could be turned around, but that this would not be as safe in terms of proximity to the Little League field than his proposed configuration. Mr. McDermott did state that customers need to carry weapons into the facility either in a bag or in a concealed manner, that this was not only required from gun licensing but as a facility rule. Member Czornyj asked whether there was any facility employee in the parking lot to oversee customers coming in and out. Mr. McDermott stated that there was not an employee in the parking lot, but there are cameras focused on the parking lot which are monitored from inside the building. Member Tarbox asked about the ceiling material in the firing range. Mr. McDermott stated that concrete and steel plates will be installed, making the end of the firing range a complete concrete box when completed. Chairman Oster did say he visited the Green Island facility, and was impressed with the facility construction. Member Wetmiller stated that Mr. McDermott was of the opinion that the end of the firing range, or the "down range" area, was the safest area of the building, and that the wall in the "up range" area is the weakest area. Mr. McDermott concurred with that. Chairman Oster then noted that the baseball season at the

Brunswick Little League field is generally from Spring time through September or October. Chairman Oster noted that the facility for indoor shooting is not utilized as much in the Summer, but is utilized more in the Winter. Mr. McDermott concurred with that. Chairman Oster also noted that if weather conditions promoted indoor shooting, such as when it is raining, then the baseball fields are generally not used. Chairman Oster did state that the Applicant should agree to specific hours of operation for the gun range. Mr. McDermott stated that he is seeking approval to operate the facility 7 days a week from 9:00 a.m. to 9:00 p.m., but that his usual operating hours are 7:00 a.m. to 7:00 p.m., going as late as 8:00 p.m. on some nights. Chairman Oster also stated that the issue of sound needed to be addressed, and whether the sound of gun fire will be able to be heard at the Little League field. Mr. McDermott stated that at his current facility in Green Island the walls were hollow, and no shooting could be heard outside the facility when the gun range was in use. Mr. McDermott said that with the Brunswick facility, the walls will be fill concrete, and no sound will be produced outside the facility. Chairman Oster asked whether Mr. McDermott had any sound data from his Green Island facility. Mr. McDermott stated that in Green Island, a noise regulation limits any sound increase to 5 decibels at the property line, and that his facility always met that standard. Mr. McDermott stated that he did not have any written sound data, but that his facility had been checked by a handheld sound meter. The Planning Board requested that Mr. McDermott obtain sound data readings at his Green Island facility while the shooting range is in use, and provide that information to the Planning Board. Also, the Planning Board wanted specific measurements of the distance between the Brunswick facility and the Brunswick Little League property. The Planning Board also requested that Mr. McDermott provide distance measurements between his Green Island facility and other surrounding buildings in Green Island, including a retail strip mall and dance studio. Member Esser stated that concerning the issue of safety, he felt that there was a better

chance to have an accident in this area due to hunting rather than any potential accident from the shooting range. Member Esser thought that it was appropriate that the Town should look into limiting hunting in this area which is now mostly residential. Member Casey asked Mr. McDermott whether the garage portion of the facility was going to be leased or used by him. Mr. McDermott stated that he would be using the garage facility initially for storage of materials for his construction business, but that he was looking to lease that facility. Member Casey asked whether there would be any impact from the shooting range to the leased area of the garage. Mr. McDermott stated that he did not anticipate any impact at all. Member Czornyj stated that the plans submitted by Mr. McDermott did not show that all of the walls for the Brunswick facility to be concrete. Mr. McDermott stated that all the walls at the Brunswick facility will be filled with concrete. In terms of the garage space, Mr. McDermott stated that while he would be looking to lease that space, there would need to be an update to the site plan to show what that space would be used for before any tenant could use that space. The Planning Board concurred that before the garage could be leased for any additional use, an amendment and update to the site plan and review by the Planning Board will be required. Mr. Kreiger noted that the application had been forwarded to the Rensselaer County Department of Economic Development and Planning, but the recommendation from the County had not yet been received, and that the thirty (30) days for receipt of the recommendation had not yet expired. Chairman Oster asked Mr. Bonesteel whether he had any questions or comments on the application. Mr. Bonesteel stated that the site plan must be stamped by a licensed professional engineer. Mr. Kreiger stated that he had received plans stamped by a licensed professional engineer, and would distribute those to the Board. Mr. Bonesteel inquired whether there was municipal water and sewer to this facility. Mr. McDermott stated that there was municipal water and sewer connections, and that there was no septic system on the property. Mr. Bonesteel inquired as to the location of the

garage door for the garage area of the facility. Mr. McDermott stated that the garage door was facing the front of the building toward Route 7. Mr. Bonesteel asked whether Mr. McDermott intended on keeping the security gates on the driveway. Mr. McDermott stated that he would maintain the security gates on the driveway, and the site would be secured at night. Mr. Bonesteel asked whether Mr. McDermott was looking to change any lighting on the site. Mr. McDermott stated that he was not planning on changing any of the lighting at the site, only potentially a couple of house lights attached to the building. Mr. Bonesteel wanted to confirm that there was no disturbance or grading proposed for the site. Mr. McDermott confirmed that he was not proposing any grading or other disturbance on the site. Mr. Bonesteel stated that the site plan should depict the location of the water and sewer lines on the property. Mr. McDermott stated that he was having his surveyor complete that, and would be submitting that information to the Planning Board. Chairman Oster stated that the Planning Board was requiring Mr. McDermott to submit a written response to the comments submitted at the public hearing, particularly with respect to safety concerns and proposed facility layout including direction of the shooting range. The Planning Board was also requiring the submission of the noise assessment data from Mr. McDermott's existing Green Island facility, which will include distance measurements to surrounding uses, and also specific distance measurements from the Brunswick building to the Brunswick Little League field. Chairman Oster noted that the recommendation from the Rensselaer County Planning Department also needed to be received and reviewed. Chairman Oster directed Mr. Bonesteel to review the site plan stamped by the licensed professional engineer. Chairman Oster also noted that Mr. McDermott's Green Island facility would be shutting down operations shortly and dismantled, and that if any Planning Board member had not yet had the opportunity to look at the Green Island facility, they should do so immediately. This matter has been placed on the July 17 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by TWC, Inc. for approval of the construction of a 3,400 square foot veterinary hospital located at 1632 Route 7. Martin Wolfson, P.E., and Dr. Nicole LaMora were present on the application. Mr. Kreiger stated that the recommendation had been received from the Rensselaer County Department of Economic Development and Planning, which stated that the application does not conflict with any County plans and that local consideration shall prevail, but also noted that the Planning Board should consider adequate area for future expansion of parking facilities in the event the veterinary building was expanded in the future. The Planning Board also noted that a Stormwater Pollution Prevention Plan (SWPPP) had been submitted to the Planning Board immediately prior to this evening's meeting, and that Mr. Bonesteel has not had a chance to review that document. Mr. Wolfson stated that while he had not been aware of current stormwater regulatory requirements, he had retained a consultant to help in the preparation of the stormwater design and preparation of the SWPPP. Mr. Wolfson generally reviewed the outline of the Stormwater Management Plan. Mr. Wolfson also stated that additional detail had been provided to show compliance with the Americans with Disabilities Act. Member Esser stated that some of the grades on the drainage plan did not appear correct. Member Esser and Mr. Wolfson reviewed some of the elevations on the grading plan. The Planning Board noted that with respect to the comment of the Rensselaer County Planning Department, there is adequate parking provided on the site plan for the square footage of the veterinary building as currently shown on the site plan, and that in the event that building is sought to be expanded in the future, an amendment to the site plan would be required, and the Planning Board would address any additional parking requirements at that time. The Planning Board did note that there was adequate area on the project site for location of additional parking in the future, if necessary. Mr. Kreiger also noted he had received a request from the Fire Department that a Knox box be

installed at the facility. Chairman Oster stated that all site plan issues had been addressed, that the Planning Board had considered the comments and recommendation of the Rensselaer County Planning Department, but that Mr. Bonesteel had not yet had a chance to review the SWPPP in detail. Attorney Gilchrist stated that in the event the Planning Board felt all site plan issues had been addressed, then the Board would be in a position to act with the condition that all final review comments by Mr. Bonesteel on the SWPPP and general stormwater plan be addressed by the Applicant. The Planning Board was in agreement that it should move forward with action on the site plan subject to that condition. 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. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. All final engineering review comments on the grading plan and SWPPP must be addressed by the Applicant prior to the issuance of any building permit or other work permit for this site.
2. The Applicant must coordinate with the Fire Department on installation of a Knox box at this facility.
3. In the event any expansion to this building is sought in the future, an application to amend the site plan must be submitted and reviewed.
4. Rensselaer County Health Department approval for water and septic.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval granted.

The next item of business on the agenda was the application by BPP II, LLC for a third proposed amendment to the Duncan Meadows Planned Development District. This matter is before the Planning Board on referral from the Town Board for a recommendation. Following the deliberation on this matter held June 5, a draft recommendation had been prepared and was

reviewed by the Planning Board. In addition, Mark Kestner, P.E., consulting engineer for the Town on the application, was present. Mr. Kestner had likewise reviewed the draft recommendation, and raised an additional comment for the Board's consideration. The issue raised was the construction of the sidewalk/walkway areas along McChesney Avenue Extension. Mr. Kestner reviewed the pedestrian sidewalk/walkway proposal, which carries the walkway from the Wal-Mart entrance on McChesney Avenue up to McChesney Avenue Extension, and that the pedestrian walkway/sidewalk had already been constructed up to the entrance road for the 50-unit apartment building of the Duncan Meadows project, and the Planning Board should consider whether to recommend the extension of that sidewalk/walkway area further up McChesney Avenue Extension to allow for pedestrian walking from ROUSE and the Sugar Hill Apartment complex. The Planning Board generally discussed the pedestrian sidewalk/walkway issue on McChesney Avenue Extension. Peter Amato and Dr. Paren Edwards of BPP II, LLC were present, together with their engineer Peter Yetto, P.E., and also engaged in the discussion on the sidewalk/walkway area. Dr. Edwards commented that even if a sidewalk/walkway area were extended by BPP II, LLC to the end of its property adjacent to the ROUSE facility, it would not be useful unless ROUSE committed to extending the sidewalk area to its entrance road, and in turn, the owners of the Sugar Hill complex agreed to extend the sidewalk area in front of their facility. Following extensive discussion, the Planning Board determined to add to the draft recommendation an additional comment that BPP II, LLC should be required to construct and extend the sidewalk/walkway area from the entrance road to the 50-unit apartment section of the project to the end of its property consisting of "Phase 2" of the project and adjacent to the ROUSE property line if there is a commitment by the ROUSE facility or other third-party to then extend that sidewalk/walkway area down to the entrance road to the ROUSE facility. Mr. Amato and Dr. Edwards were agreeable with that proposal. Thereupon, with the addition of that



recommendation and condition, the Planning Board adopted the following recommendation on the proposed third amendment to the Duncan Meadows Planned Development District:

**TOWN OF BRUNSWICK PLANNING BOARD  
REGULAR MEETING**

**June 19, 2014**

**RESOLUTION ADOPTING A RECOMMENDATION ON  
THE PROPOSED THIRD AMENDMENT TO THE  
DUNCAN MEADOWS PLANNED DEVELOPMENT DISTRICT**

**WHEREAS**, the Town Board of the Town of Brunswick (“Town Board”), received an application by ECM Land Development, LLC (“Owner”) for a Planned Development District (“PDD”) seeking approval for a mixed use residential project consisting of 78 townhomes, 88 condominium units, and 50 senior citizen apartment units, located on approximately 91 acres of land bounded by McChesney Avenue and McChesney Avenue Extension; and

**WHEREAS**, the Brunswick Town Board referred the Duncan Meadows PDD application to the Planning Board of the Town of Brunswick (“Planning Board”) for its review and recommendation; and

**WHEREAS**, the Planning Board adopted a recommendation on the Duncan Meadows PDD application at its meeting held May 6, 2010, and forwarded that recommendation to the Brunswick Town Board for consideration; and

**WHEREAS**, the Brunswick Town Board approved the Duncan Meadows PDD pursuant to Resolution No. 62 of 2010, duly adopted on August 12, 2010; and

**WHEREAS**, the Duncan Meadows PDD approval included 50 rental units intended for senior citizen use, which were intended to carry a minimum age requirement; and

**WHEREAS**, thereafter, the Owner submitted an application to the Brunswick Town Board to amend the Duncan Meadows PDD to eliminate the age restriction associated with the 50 apartment units; and

**WHEREAS**, the Brunswick Town Board referred that proposed amendment to the Duncan Meadows PDD to the Planning Board for review and recommendation; and

**WHEREAS**, the Planning Board adopted a recommendation on the proposed amendment to the Duncan Meadows PDD at its meeting held December 15, 2011, and forwarded that recommendation to the Brunswick Town Board for consideration; and

**WHEREAS**, the Brunswick Town Board approved the amendment to the Duncan Meadows PDD to eliminate the age restriction associated with the 50 rental units pursuant to Resolution No. 86 of 2012, duly adopted on December 13, 2012; and

**WHEREAS**, the Duncan Meadows PDD approval also included 88 condominium units to be located in a total of eleven (11) buildings, eight (8) units per building, situated on the western portion of the project site; and

**WHEREAS**, the Owner entered into a contract to transfer the condominium phase of the Duncan Meadows PDD to PE&PA Associates, Inc. ("PE&PA"); and

**WHEREAS**, PE&PA, as contract vendee of the condominium phase of the Duncan Meadows PDD project, submitted an application to the Brunswick Town Board to further amend the Duncan Meadows PDD (the "Second Amendment"); and

**WHEREAS**, the Second Amendment sought to allow the construction of 88 apartment units to be located in a total of eight (8) buildings, eleven (11) units per building, situated generally in the same location on the western portion of the project site as that aspect of the condominium units have been proposed; and

**WHEREAS**, the Brunswick Town Board referred the proposed Second Amendment to the Duncan Meadows PDD to the Brunswick Planning Board for its review and recommendation; and

**WHEREAS**, the Planning Board adopted a recommendation on the proposed Second Amendment to the Duncan Meadows PDD at its meeting held August 15, 2013, and forwarded that recommendation to the Brunswick Town Board for consideration; and

**WHEREAS**, the Brunswick Town Board approved the Second Amendment to the Duncan Meadows PDD to allow the construction of 88 apartment units in 8 buildings of 11 units each, in place and instead of the previously approved 88 condominium units, pursuant to Resolution No. 74 of 2013, duly adopted on October 10, 2013; and

**WHEREAS**, the Duncan Meadows PDD approval also included 78 condominium units located in areas known and referred to as Phase 2 and Phase 3 of the project; and

**WHEREAS**, BPP II, LLC has submitted an application to the Brunswick Town Board to further amend the Duncan Meadows PDD (the "Third Amendment"); and

**WHEREAS**, the Third Amendment seeks to allow the construction of 77 apartment units to be located in a total of 7 buildings, 11 units each, in place and instead of the previously approved 78 condominium units approved for Phase 2 and Phase 3, and to locate such 77 apartment units entirely within the area known as Phase 2; and

**WHEREAS**, the Brunswick Town Board has referred the proposed Third Amendment to the Duncan Meadows PDD to the Brunswick Planning Board for its review and recommendation; and

**WHEREAS**, the Applicant has represented in its presentation to the Planning Board that the proposed amendment would increase the density on Phase 2, but would eliminate development on Phase 3, leading to a slight decrease in density overall; and

**WHEREAS**, the Applicant has represented in its presentation to the Planning Board that the change in layout will not effect the design of the access road in Phase 2, which was designed and approved for one intersection at McChesney Avenue Extension, with a secondary emergency only access, except that the terminus of the access road will change from being the previously approved cul-de-sac into a T-turnaround designed to accommodate emergency apparatus; and

**WHEREAS**, the Applicant has represented in its presentation to the Planning Board that the number of school aged children is projected to decrease slightly due to the change from condominium units to apartment units and the demand on sewer and water service is projected to remain constant, if not slightly decrease, due to the change from condominiums to apartment units; and

**WHEREAS**, the Applicant has stated to the Planning Board that it is flexible with respect to whether any restriction should be imposed with respect to the property that was previously to be developed as Phase 3; and

**WHEREAS**, the Applicant has represented to the Planning Board that all buildings under the proposed amendment will be 2-stories and comprised of 11 units each, and will be the same size and style as those constructed with respect to the 88 apartment units previously approved; and

**WHEREAS**, the Applicant has represented to the Planning Board that the proposed apartments are luxury style apartments with rents currently ranging from \$1,000 per month to \$1,800 per month; and

**WHEREAS**, elimination of the development of the area known as Phase 3 of the project will also eliminate the development of the access road thereto and will result in all traffic projected to be generated by both Phase 2 and Phase 3 to be limited to using only the Phase 2 access road; and

**WHEREAS**, the Applicant has stated that there will be a slight projected increase in the peak traffic flow associated with the change in use from condominium units to apartment units; and

**WHEREAS**, the Applicant presented its proposed Third Amendment to the Brunswick Planning Board at meetings held on May 15, 2014 and June 5, 2014; and

**WHEREAS**, the Planning Board members discussed the proposed Third Amendment to the Duncan Meadows PDD at such meetings, and have duly deliberated thereon;

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

1. Based upon the application materials and representations of the Applicant, and subject to the paragraphs below, the Planning Board generally finds that this Third Amendment to the Duncan Meadows PDD will likely not result in any significant impacts which were not adequately analyzed and considered in the prior project review. The proposed amendment reduces the total number of buildings but proposes a consistent number of units, and therefore any resulting changes to total traffic counts, school aged children generation, stormwater, public water, and public sewer requirements will likely be not significant.

2. The Planning Board finds that the proposed amendment will slightly increase the overall greenspace for the Duncan Meadows PDD project, by increasing the density of the development on Phase 2 and eliminating development on Phase 3, which will likely provide a benefit particularly with respect to the Phase 3 neighborhood.

3. The Planning Board considers the fact that the road servicing these apartment buildings will remain private, and is not designated nor intended to become a public roadway, to be a significant factor. The Planning Board also considers the fact that the apartment buildings will remain a total of 2 stories to be a significant factor, and will be consistent with the 88-unit phase, consisting of 8 buildings of 11 units each, which is part of the Duncan Meadows PDD and is consistent also with the adjacent Sugar Hill and Glen Apartments.

4. Subject to paragraphs 5 through 7 below, the Planning Board therefore adopts a positive recommendation on the proposed third amendment to the Duncan Meadows PDD to allow the construction of 77 apartment units to be located in 7 buildings, 11 units per building, with a maximum of 2-stories per building, to be located within the area identified as Phase 2, in place and instead of the previously approved 78 condominium units which were previously approved for development on Phase 2 and Phase 3 of the PDD project.

5. The Brunswick Planning Board remains concerned with the increase in the number of rental dwelling units approved and constructed in the Town of Brunswick over the last several years. The Brunswick Planning Board urges the Brunswick Town Board to consider the total number of apartment units in the Town of Brunswick, both existing and approved for construction, with particular regard to the number of apartment units recently approved for construction in the Town. The Planning Board further urges the Town Board to consider the ratio of the total number of rental units to the total number of owner occupied units in the Town of Brunswick. This particular Third Amendment to the Duncan Meadows PDD project will further increase the number of rental units by 77, while reducing the projected owner occupied units by 78. In the context of this particular project, the change from condominium to apartment units does not appear to result in a significant impact in this particular area, but from a town wide and comprehensive planning perspective, the Planning Board believes that the Town may be reaching a saturation point for approved rental units as compared to owner occupied units. The Planning Board specifically requests that the Town Board consider this comment when it considers whether to approve the proposed Third Amendment, as well as on a going forward basis in connection with the Brunswick Town Board's current development and potential future enactment of a new zoning code for the Town of Brunswick.

6. This positive recommendation is further conditioned on the following:

a. The Town Board should consider requiring the Fire Department to review and approve the proposed T-turnaround in Phase 2, the secondary emergency access only road, and the location of fire hydrants for this area of the project.

b. The Town Board should permit continued agricultural use of property previously designated for Phase 3, but should otherwise prohibit continued or further development on Phase 3 until the Town Board completes its development and enactment of a new zoning code for the Town of Brunswick.

c. The Town Board should require the Applicant to provide a comparison of the tax impacts of the previously approved 78 condominium unit proposal versus the 77 apartment unit proposal associated with this Third Amendment, with particular focus not only on immediate tax impacts, but also short-term and long-term tax impacts.

d. The Town Board should require the Applicant to examine whether there will be significant impacts to traffic on McChesney Avenue or McChesney Avenue Extension associated with the elimination of a Phase 3 access road.

e. The Town Board should consider requiring BPP II, LLC to extend the pedestrian sidewalk/walkway along McChesney Avenue Extension from the entrance road for the Duncan Meadows 50-unit apartment phase to the eastern end of the "Phase 2" area extending to the western property line of the adjacent ROUSE facility, but such sidewalk/walkway extension is to be built only if there is a commitment by ROUSE or another third-party to further extend that pedestrian sidewalk/walkway to the ROUSE entrance road.

7. If approved by the Brunswick Town Board, this amendment to the Duncan Meadows PDD will require an amendment to the site plan for these portions of the project. Accordingly, the Applicant will be required to submit an application for amendment to the site plan in light of any PDD amendment.

This recommendation was adopted by a vote of 5-1. Member Wetmiller noted that he voted against the recommendation because he felt that there were too many apartment units being approved for the Town of Brunswick, and felt that there should not be any additional apartment units approved in the Town until such time as the issue of the impact of additional apartment units and the ratio between apartment units and owner-occupied units was further studied and evaluated by the Town.

The next item of business on the agenda was a waiver of subdivision application submitted by Ruth Colman for property located at the southerly end of Grandview Drive and the

westerly side of Creek Road. The Applicant was not present at the meeting. This matter has been adjourned and placed on the July 17 agenda.

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

The index for the June 19, 2014 meeting is as follows:

1. McDermott – site plan – 7/17/14.
2. TWC, Inc. – site plan – conditional final site plan approval.
3. BPP II, LLC – Duncan Meadows Planned Development District amendment – recommendation adopted.
4. Colman – waiver of subdivision – 7/17/14.

The proposed agenda for the July 17, 2014 meeting currently is as follows:

1. McDermott – site plan.
2. Alta East, Inc. – site plan.
3. Broderick – waiver of subdivision.
4. Colman – waiver of subdivision.
5. Discussion of resolution concerning applications for additional apartments and/or rental units in the Town of Brunswick.

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

July 22, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (July 17, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on July 17, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD July 17, 2014**

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

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the July 17 meeting as posted on the Town sign board and Town website.

The Planning Board then reviewed the draft minutes of the June 19, 2014 meeting, noting that the July 3, 2014 meeting had been cancelled due to the holiday. Several corrections were noted to the June 19 minutes. At page 2, line 16, the reference to "2 feet of concrete" was corrected to read "an 8" block wall filled with concrete". At page 2, line 18, the minutes were clarified to state that "there was approximately 200' to the Brunswick Little League ball field outfield fence". At page 4, line 3, the minutes were corrected to note that Mr. Correa is not a "Training Officer" but is rather a "Range Safety Officer". At page 6, line 5, the minutes were corrected to remove the reference to "3' of concrete behind the rubberized material" and replaced with "an 8" block wall filled with concrete behind the rubberized material". With these corrections noted and made, Member Tarbox made a motion to approve the June 19 minutes as corrected, which motion was seconded by Member Wetmiller. The motion was unanimously affirmed, and the June 19 minutes adopted as corrected.



The first item of business on the agenda was the site plan application submitted by Les McDermott for the operation of a gun shop with an indoor gun range at 807 Hoosick Road. Mr. McDermott was present. Mr. McDermott handed up an additional project narrative and sound study which was conducted at his Green Island location. The noise assessment was prepared by Francis J. Bossolini, P.E., and analyzed both ambient sound levels and sound measurements when firearms were being utilized. The firearms utilized were a MAC 12 with 0.45 caliber bullet, and a 12-gauge shotgun. The full noise assessment report is on file, and it concludes that sound levels at 30' to 50' from the firing range during the time when firearms were in use were either non detectable or decibel level increase was below 6 decibels. Chairman Oster discussed the sound assessment report, and inquired of Mr. Bonesteel whether he had any questions concerning that report. Mr. Bonesteel inquired why the report indicates that an increase in sound above 6 decibels was noted at location #5, which was approximately 20' from the distance of the firing range. Mr. McDermott stated that location #5 was directly behind the emergency exit door, consisting only of a single steel door only. Locations #1 and #2, measuring sound at 30' and 50' from the firing range, were located behind concrete walls, which will be included in the proposed Brunswick location. Mr. Bonesteel also noted that the sound assessment should be measured at the facility property line, regardless of where the offsite receptor is located. Member Casey asked Mr. Bonesteel what was an acceptable sound increase at the property line for this facility. Mr. Bonesteel stated that general guidelines provide for an increase of 6 decibels at the property line without any additional mitigation measures. The Planning Board generally noted that the distance to the Brunswick Little League ball field outfield fence from the firing range is approximately 200', and that the location of the batting cages for the Little League field are approximately 150', and that the sound study noted that at distances of 30' to 50' from the firing range the sound increase was non detectable or well below 6 decibel increase. Member

Casey suggested that upon construction of the firing range facility, but prior to issuance of a certificate of occupancy and operation, an additional sound assessment should be undertaken to confirm that the firing range will not result in an increase of 6 decibels at the property line, utilizing the same type of firearms used in the current sound assessment. Mr. McDermott was in agreement with that requirement. The Planning Board set the standard that there shall not be an increase above 6 decibels during firing above the ambient sound levels. Member Tarbox noted that the car dealerships along Route 7 appear to be about 200' from the firing range as well, so sound measurements should be taken in that direction as well. Chairman Oster confirmed that the updated project narrative submitted by Mr. McDermott stated that he was not opposed to turning the direction of the firing range around so that it is directed in the westerly direction away from the Brunswick Little League field. Mr. McDermott confirmed that he was not opposed to turning the direction of the shooting range around so that it is pointing away from the Brunswick Little League field and in the westerly direction. Mr. McDermott did note that because the wall to the rear of the firing range if reconfigured to be in a westerly direction will not have the same type of noise attenuation than the other three walls due to the fact that it is not filled with concrete as the other three walls will be. Chairman Oster stated that in the event this results in an increase in sound above 6 decibels at the property line at the easterly side of the site, mitigation measures will need to be done by Mr. McDermott to attenuate that sound increase. Mr. McDermott stated that he could install a sound reducing foam or create a block wall filled with concrete to reduce the sound, and that he was not opposed to either mitigation measure. Chairman Oster confirmed that the Planning Board members were in agreement that the direction of the shooting range should be turned so that it is pointing in the westerly direction away from the Brunswick Little League field. All members of the Planning Board agreed. Chairman Oster also wanted to confirm the issue of handling firearms in the parking lot. The

updated narrative submitted by Mr. McDermott stated that all firearms coming into the building for range use are to be unloaded and in a case. Mr. McDermott's narrative also states that any concealed firearms are to remain concealed while on the property, as instructed by the facility rules. The narrative also states that cameras will be used on the parking area to monitor compliance. Mr. McDermott supplemented this by stating that if someone has a concealed weapon, which they are permitted to carry, they do not want the gun unloaded in the parking lot since that would increase the opportunity for an accident, but rather require the concealed weapon to remain concealed and not handled until located within the firing range. Member Tarbox stated that he felt that rear wall of the firing range, which will now be located on the east side of the building, should be a block wall filled with concrete, both for noise attenuation purposes as well as for safety purposes. Mr. McDermott stated that he was not opposed to constructing that concrete filled wall. Member Wetmiller agreed with this, noting that the garage portion of this building was also located to the east side of the building, and that this would increase safety for anyone using that garage as well. Chairman Oster noted that the design and operation of the firing range as proposed by Mr. McDermott does provide measures to increase safety at the site. Mr. McDermott reiterated that safety was a primary concern at his facility. Chairman Oster inquired whether any recommendation had been received from the Rensselaer County Department of Planning. Mr. Kreiger reported that no response or recommendation had been received from the County Planning Department, and that 30 days has elapsed since the time the request for recommendation had been sent. Chairman Oster then inquired whether the Planning Board members felt the record was sufficient in order to move forward with action on the site plan application. The Planning Board members generally concurred that the matter was ready for decision. Chairman Oster noted that the public hearing had been held and completed, that public comments raised had been addressed by the Applicant, and that further deliberation

had been held by the Planning Board concerning the site plan details. Chairman Oster confirmed that the application had been referred to the County Planning Department for recommendation, and that the thirty day period has elapsed for receipt of any recommendation from the County. Thereupon, Chairman Oster requested a motion concerning SEQRA. Member Wetmiller made a motion to adopt a negative declaration under SEQRA, noting that the sound assessment had been reviewed and considered at this meeting. Member Casey seconded the motion. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Casey made a motion to approve the site plan subject to the following conditions:

1. The firing range must be reversed and be directed in a westerly direction, and in the opposition direction from the Brunswick Little League field.
2. A minimum of 3' of rubberized material must be utilized in the firing range as described by the Applicant during the site plan review.
3. An 8" block back wall behind the 3' of rubberized material must be filled with concrete.
4. The other three walls in the firing range, located on the north, south, and east side, must likewise be block walls filled with a minimum of 4" of concrete.
5. The roof over the firing range must be either concrete or crushed stone.
6. All NRA standards for walls for firing ranges must be followed, and specifications for compliance with the NRA standards must be submitted to the Brunswick Building Department at the time a building permit application is filed.
7. Following completion of all interior renovations and prior to issuance of a certificate of occupancy and operation at the facility, an additional sound survey will be conducted to insure that there is no increase in sound levels at the facility property line of 6 decibels or more over ambient sound conditions.
8. The facility owner must submit a record of all maintenance of the rubberized material in the shooting range with the Brunswick Building Department following all inspections and maintenance activities.
9. The facility hours of operation shall be 9:00 a.m. to 9:00 p.m., 7 days a week.
10. The gate at the fence line for this facility shall be closed during all times when the facility is not in operation.

11. The facility signage shall comply with the Town sign standards.
12. The archery facility proposed for the site shall be directed in a westerly direction at all times.

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

The second item of business on the agenda was the site plan application submitted by Alta East, Inc. The Applicant has requested that this matter be adjourned, as it was completing the site plan materials. This matter is adjourned without date, subject to submission of additional information by the Applicant.

The next item of business on the agenda was the waiver of subdivision application submitted by Jacob Broderick for property located at 528 Garfield Road. The Applicant has requested that this matter be adjourned to the August 7 meeting.

The next item of business on the agenda was a waiver of subdivision application submitted by Ruth Colman for property located on Grandview Drive and Creek Road. This matter has been adjourned to the August 7 agenda upon request of the Applicant.

There was one item of new business discussed.

An application for waiver of subdivision has been submitted by Cioffi for property located at 65 Gypsy Lane (Tax Map Parcel #81.-1-3.2). Mark Danskin, licensed land surveyor, presented the application. Mr. Cioffi seeks to divide an existing 5.84 acre parcel into two lots, and create a 2.21 acre lot for residential use. The remaining 3.63 acre parcel will be the existing homestead, with 2.8 acres located on one side of Gypsy Lane, and 0.53 acres located on the other side of Gypsy Lane, but that remaining 3.63 acre lot will constitute one lot. The proposal is to create a 2.21 acre building lot for residential purposes, for one of Mr. Cioffi's siblings. Chairman Oster confirmed that the application fee has been paid, which was confirmed by Mr.

Kreiger. Chairman Oster inquired whether there was any current proposed driveway location. Mr. Danskin stated that there was no current proposed driveway location, but there was adequate room on Gypsy Lane to site a driveway. Mr. Bonesteel inquired as to the location of the existing sewage system on the homestead lot, with particular regard to the relation to the proposed new building lot. Mr. Danskin noted that the existing septic system for the homestead lot is at least 30' from the proposed property line, and that there was adequate room to locate a well and septic on the new building lot to be in compliance with County Health Department separation requirements. Mr. Bonesteel inquired as to the general topography of the proposed new building lot. Mr. Danskin stated that the lot was currently heavily wooded, and does slope gently in a westerly direction. The Planning Board members determined that they would like to review the site, and have placed this matter on the August 7 agenda for further discussion.

The Planning Board members generally discussed the issue of preparing a resolution or other recommendation to the Town Board concerning the issue of additional apartment and/or rental units in the Town of Brunswick, particularly in light of the number of apartments and/or rental units recently approved by the Town. Following general discussion of the issue, the Planning Board directed Attorney Gilchrist to prepare a draft memorandum and resolution on the issue, for review at the August 7 meeting.

The index for the July 17, 2014 meeting is as follows:

1. McDermott – site plan – conditional final approval.
2. Alta East, Inc. – site plan – adjourned without date.
3. Broderick – waiver of subdivision – 8/7/14.
4. Colman – waiver of subdivision – 8/7/14.
5. Cioffi – waiver of subdivision – 8/7/14.

6. Resolution concerning applications for additional apartments and/or rental units in the Town of Brunswick – 8/7/14.

The proposed agenda for the August 7, 2014 meeting currently is as follows:

1. Broderick – waiver of subdivision.
2. Colman – waiver of subdivision.
3. Cioffi – waiver of subdivision.
4. Discussion of resolution concerning applications for additional apartments and/or rental units in the Town of Brunswick.

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

August 8, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (August 7, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on August 7, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company



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

**MINUTES OF THE PLANNING BOARD MEETING HELD August 7, 2014**

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

ABSENT were KEVIN MAINELLO, TIMOTHY CASEY and VINCE WETMILLER.

ALSO PRESENT was DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the posted agenda for the meeting, and noted that at the request of the Applicant, the Broderick waiver of subdivision has been adjourned without date.

The Planning Board reviewed the draft minutes of the July 17, 2014 meeting. Upon motion of Member Tarbox, seconded by Member Esser, the draft minutes of the July 17 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Ruth Colman for property located at the southerly end of Grandview Drive and the westerly side of Creek Road. Rod Michaels of RDM Surveying was present for the Applicant. Mr. Michaels reviewed the location of the current parcel, which is a 36± acre parcel. The property owner seeks to divide this parcel into two lots, one lot being approximately 16.5 acres in size, and one lot being approximately 19.5 acres in size. One building lot will have frontage directly off Creek Road, and one lot will have frontage off Grandview Drive. Given the size of the lots, this application is for a non-realty subdivision. Mr. Michaels stated that for the proposed lot with access off Creek Road, there is an existing entrance way which could be

utilized for this building lot, and that the owner had previously brought power into the lot. It is Mr. Michaels' understanding that the owner was going to build on the lot with access off Creek Road, but did not complete any construction even though power had been brought into the site. Member Czornyj asked whether the existing entrance way off Creek Road could include a 2% back pitch. Mr. Michaels opined that a 2% back pitch could probably be constructed, but that Creek Road is a county road and therefore will need a Rensselaer County driveway permit. Member Tarbox noted that given the lengths of driveways for these building lots, the driveways will need to meet the Town standards for driveways over 150 feet. Mr. Michaels confirmed that there were no current plans by the property owner to build, just creating these two building lots. Mr. Bonesteel did confirm that a county permit will be required in order to install a driveway off Creek Road, and that all necessary county requirements will need to be met for the issuance of a driveway permit. Mr. Michaels again confirmed that the current owner did not seek to immediately construct, and that all necessary county work permits for a driveway would need to be obtained in the future. The Planning Board members generally reviewed the lot layouts, including road frontages and sight distances for potential driveway locations. Mr. Bonesteel had no further comments. Chairman Oster inquired whether the Board members had 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 SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, subject to the conditions that all necessary work permits from Rensselaer County must be obtained prior to constructing a driveway for the lot with access off Creek Road, and that the driveways for these lots must meet all Town of Brunswick standards and that a driveway permit must be obtained from the Town Highway Department for access off Grandview Drive. Member

Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Colman waiver of subdivision granted subject to the stated conditions.

The second item of business on the agenda was the waiver of subdivision application submitted by Cioffi for property located at 65 Gypsy Lane. Mark Danskin was present for the Applicant. Mr. Danskin again reviewed the proposed layout of these lots, reiterating that there is an existing 5.4 acre parcel located at 65 Gypsy Lane, and that the owner seeks to divide this parcel to create a 2.21± acre building lot for residential use, with the balance of the original parcel remaining as the existing homestead lot. Mr. Danskin noted that the Planning Board members wanted to see the property before acting on the application. Member Tarbox inquired about the grade of the new building lot off Gypsy Lane, and that the owner would need to coordinate with the Town Highway Department and obtain a driveway permit before construction of any driveway for the new lot. Mr. Danskin stated that he would coordinate with the Town Highway Department on location of a driveway to meet appropriate grade, and obtain the necessary driveway permit. Mr. Bonesteel had no further comments. 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 Czornyj. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application subject to the conditions that Rensselaer County Health Department approval is required for water and septic for the new building lot, and that a driveway permit will need to be obtained for the new building lot from the Town Highway Department in compliance with all Town driveway standards and that the owner must coordinate with the Town Highway Department on driveway location. Member Czornyj seconded the

condition subject to the stated conditions. The motion was unanimously approved, and the Cioffi waiver of subdivision application approved subject to the stated conditions.

Chairman Oster entertained one item of old business.

The owner and representative of the Alta East site plan application for the redevelopment of the former Spiak's Garage on NYS Route 7 were present to review the status of the site plan for this project. Rob Osterhault, P.E., Bohler Engineering, was present, and stated that since this project was last before the Planning Board, the project did receive an area variance and special use permit from the Brunswick Zoning Board of Appeals. The area variance permitted the location of the gasoline pump island canopy to be located within 5 feet of the front property line, and that the Zoning Board of Appeals did grant the special use permit for the operation of a filling station at this location. Since the time of the Zoning Board action, Mr. Osterhault explained that the Applicant was working with NYSDOT on having the State consider abandonment of a portion of the NYS Route 7 right-of-way in order to allow some reconfiguration of the site. Mr. Osterhault explained that the Applicant sought to acquire some additional area of the NYS Route 7 right-of-way in order to bring the building and facility closer to Route 7, so that the building location did not appear to be as far removed from the Route 7 travel-way. Mr. Osterhault explained that the Applicant had reached out to NYSDOT to seek the abandonment of part of the public right-of-way to incorporate that area into the site plan. Mr. Osterhault explained that NYSDOT informed the Applicant that NYSDOT merely had maintenance responsibilities over this right-of-way, but that actual title to the right-of-way was in Rensselaer County. In turn, Mr. Osterhault explained that the Applicant had now been dealing directly with Rensselaer County, including the Rensselaer County Attorney's Office, to have the right-of-way area directly in front of this site abandoned. Mr. Osterhault explained that Rensselaer County was not opposed to the right-of-way abandonment, and had already passed a

County resolution seeking NYSDOT to relinquish the State obligation to maintain this right-of-way. Mr. Osterhault explained that NYSDOT was in the process of abandoning its maintenance responsibilities for this area of the right-of-way, which would then revert to Rensselaer County. Once that had been completed, Mr. Osterhault explained that Rensselaer County would be in a position to fully abandon the right-of-way area in front of the project site, which then could be incorporated into the site plan. Mr. Osterhault explained that this abandonment of the right-of-way pertained to an area of about one-quarter acre in size, and that this one-quarter acre would be incorporated into the site plan. Mr. Osterhault then presented a revised site plan showing the incorporation of the approximate one-quarter acre right-of-way abandonment area into the project site, which then allows a slight shifting of the structures on the site closer to the Route 7 travel-way. Mr. Osterhault did explain that the same use is being proposed, including the same building and traffic circulation configuration, including a driveway to the rear of the building. Mr. Osterhault explained that the Applicant was working with the Rensselaer County Department of Health on the septic proposal, and based on soils testing, a revised area for the septic system has been identified on the westerly portion of the project site. Mr. Osterhault explained that the parking layout had been slightly altered due to the revised septic location, but that the total number of parking spaces was still compliant with Town standards. Mr. Osterhault also explained that with the anticipated abandonment of the right-of-way, the curbed islands at this site which are currently paved would be revised, and that the pavement would be removed from the interior of the curbed islands and additional greenspace, including low plantings, would be added to the curbed islands. Mr. Osterhault also identified the relocation of the dumpster area, which has been moved to the west side of the project site near the service area. Mr. Osterhault explained that in the service area, the Applicant was proposing to add a low berm plus additional plantings to minimize visual impact. Mr. Osterhault reviewed the fuel delivery

layout, explaining that his office had analyzed the necessary turning radius for fuel deliveries and that the site has been designed to meet necessary turning radius. Chairman Oster inquired as to where the original septic location was. Mr. Osterhault explained that the original septic location was behind the proposed building, but that the soils in that area did not meet County requirements, and that the septic area has been relocated to the western side of the building. Chairman Oster inquired as to the status of the water supply issue to this site. Mr. Osterhault explained that the site is being served by public water through a private service line to the rear of the project site, and that he had coordinated with the Town Water Department on requirements to continue to use that private line. In order to allow the continued use of that line, the location of that line needed to be identified, which does traverse several other private parcels over which the Applicant does not have control, and further that it was Mr. Osterhault's understanding that the existing private water line was constructed in an area that has significant fill, perhaps as deep as 20 feet, which would need to be addressed in order to make the existing private line a public water supply. Given the difficulties of obtaining necessary easements and the cost of reconstructing the water line, the Applicant had developed a revised plan to supply public water to the site. The revised plan includes connecting a new private water service from an existing Town watermain located on the property of William Doyle, Esq., and obtain an easement from Mr. Doyle to allow the installation of a private water service line directly from the Town watermain to this site. Mr. Osterhault explained that this would require directional drilling under NYS Route 7 and a stream, and that directional drilling would also be undertaken through the property of Mr. Doyle to tap into the existing Town main. Mr. Osterhault explained that a final easement has not yet been prepared with Mr. Doyle but that a conceptual agreement is in place. Chairman Oster stated that the Planning Board will place this matter on the August 21 agenda, which will provide the Planning Board members time to review the revised site plan. At

the August 21 meeting, the Planning Board will address whether the site plan application documents are complete for purposes of scheduling a public hearing, which could be scheduled for the first meeting in September. Attorney Gilchrist stated that the Applicant should submit a copy of the Rensselaer County resolution seeking abandonment of the NYSDOT maintenance responsibility on NYS Route 7 right-of-way in front of the project site for the record, and further the Applicant should obtain a writing from Mr. Doyle stating that he is in conceptual agreement with the waterline easement, subject to preparation of the final easement document. Member Tarbox asked about the drainage patterns on the site, and whether there is any significant stormwater runoff from the Rifenburg property to the rear. Mr. Osterhault stated that it did not appear that there was significant runoff from the Rifenburg property, and that an existing drainage swale would be maintained to the rear of the project site. Mr. Bonesteel inquired as to the size of the watermain located on the Doyle property. Mr. Osterhault stated that the watermain was 16", and that the Applicant would be tapping directly off the 16" watermain for water service. Mr. Bonesteel asked about the distance from the existing watermain to the project site. Mr. Osterhault did not have that information immediately available, but stated that it was under 1,000 feet. Mr. Bonesteel confirmed that there would be under 1 acre of site disturbance in connection with the site plan. Mr. Osterhault stated that there would be under 1 acre of disturbance, and estimated approximately 37,000 square feet of disturbance for the site plan. Member Tarbox asked Mr. Osterhault to submit to the Planning Board an aerial photograph showing the proposed location of the water service line from the Town 16" watermain on the Doyle property. Mr. Osterhault stated he would supply that to the Planning Board. This matter is placed on the August 21 agenda for further discussion.

One item of new business was discussed. An application for waiver of subdivision has been submitted by Les McDermott for property located at 795 Hoosick Road. Mr. McDermott

was present on the application, together with his surveyor, Rod Michaels of RDM Surveying. Mr. McDermott explained that the waiver of subdivision application sought to divide the parcel located at 795 Hoosick Road on which the Carbone Subaru Dealership currently sits, and which was the site of the old Action Chevrolet Dealership, in order to convey a 4± acre area to Mr. McDermott to merge into the parcel he is obtaining and on which the Planning Board approved the site plan for the operation of a gun shop with an indoor gun range at 807 Hoosick Road. Mr. McDermott explained that he was seeking to obtain this additional 4± acres to merge into the parcel located at 807 Hoosick Road. Mr. McDermott filed a copy of a letter executed by the owner of 795 Hoosick Road, ADD Leasing Corp., consenting to and supporting the waiver of subdivision application. Mr. Michaels explained that he would be preparing one metes and bounds description for the property at 807 Hoosick Road plus this additional 4± acre area, and that this 4± acre area would be legally merged into the parcel at 807 Hoosick Road and be identified in one deed. The Planning Board noted that the waiver map showed the existing parcel at 795 Hoosick Road, identifying that lot as "Lot #1", and that such 4± acre area has been identified as "Lot #3", and that the parcel at 807 Hoosick Road has been identified as "Lot #4". It will be required that the lots identified on the waiver map as "Lot #3" and "Lot #4" will be legally merged into one lot and identified as 807 Hoosick Road. Mr. Bonesteel had no further comments. Chairman Oster inquired whether the Planning Board was ready to proceed with action on this application. The Planning Board generally concurred that adequate information has been submitted, and the Board was ready to proceed with action. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the condition that the lots identified as "Lot #3" and "Lot #4" on the waiver map be



legally merged into one parcel and included and identified as 807 Hoosick Road, and that proof of such legal merger be filed with the Brunswick Building Department. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

The Planning Board discussed a proposed resolution and memorandum concerning the number of apartments/rental units in the Town of Brunswick. The further consideration of that issue, including a proposed resolution and memorandum, is placed on the August 21 agenda for further discussion.

The index for the August 7, 2014 meeting is as follows:

1. Broderick – waiver of subdivision – adjourned without date.
2. Colman – waiver of subdivision – approved with conditions.
3. Cioffi – waiver of subdivision – approved with conditions.
4. Alta East – site plan – 8/21/14.
5. McDermott – waiver of subdivision – approved with conditions.
6. Resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick – 8/21/14.

The proposed agenda for the August 21, 2014 meeting currently is as follows:

1. Alta East – site plan.
2. Mulinio Planned Development District amendment – site plan (tentative).
3. Discussion of resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick.

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

August 25, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (August 21, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on August 21, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD August 21, 2014**

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the posted agenda for the meeting.

The Planning Board reviewed the draft minutes of the August 7, 2014 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the August 7 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application of Alta East, Inc. for the redevelopment of property located at 1163 Hoosick Road, the former Spiak's Garage, to a convenience store with retail gasoline sales. Rob Osterhault, P.E., from Bohler Engineering appeared on behalf of the Applicant. Chairman Oster stated that the Planning Board had received additional documents from Mr. Osterhault including a copy of a resolution from the Rensselaer County Legislature dated July 8, 2014 entitled "Resolution Requesting the New York State Department of Transportation to Release Maintenance Jurisdiction over a Parcel along Route 7 – Highway Department", as well as a copy of a plan entitled "Water Service Routing Plan", dated August 12, 2014, last revised August 15, 2014. Mr. Osterhault briefly reviewed the project proposal and indicated that the Applicant had presented updated plans at the prior Planning

Board meeting. He also indicated that in addition to submission of the County Resolution and the copy of the Water Service Routing Plan, he had submitted plans to Mr. Bonesteel and had received comments back. The primary comments from Mr. Bonesteel concerned stormwater management on the site and the Applicant had submitted a stormwater report to Mr. Bonesteel today. The Applicant acknowledged that Mr. Bonesteel likely did not have an opportunity to review the report, but indicated that the report concludes that there would be an overall reduction in the stormwater flowing off of the site. Chairman Oster asked Mr. Bonesteel whether he had any other comments concerning the plan. Mr. Bonesteel indicated that his comments primarily relate to drainage and the calculations for the stormwater pond and pipe sizing. He also indicated that he did not believe that 3" of asphalt would be thick enough and Mr. Osterhautd indicated that he agreed and the Applicant would increase the asphalt depth. Mr. Bonesteel also commented that there was some ministerial mislabeling errors on the plans which the Applicant will correct. Member Wetmiller asked Mr. Osterhautd a question concerning the parking spaces located near the drive-thru exit. Member Wetmiller was concerned that there may be some traffic flow problems at that intersection of the drive-thru exit and the parking spots, particularly in light of the placement of the dumpster which might inhibit the view of persons attempting to exit those parking spots. Mr. Osterhautd indicated that the parking spots will not be signed for "employees only", but that in fact, the employees will be using those spots. In addition, Mr. Osterhautd indicated that the drive-thru would have a stop line placed at the end of the drive-thru lane in an area that would make the exiting cars from the drive-thru visible to any persons attempting to exit the parking spots. Chairman Oster indicated that one of the primary issues concerning this plan relates to the extent of the County's right-of-way over which the New York State Department of Transportation has maintenance jurisdiction. Given the County Resolution provided by the Applicant, Chairman Oster commented that he believed the Board had enough

information to schedule a public hearing. The Board asked Mr. Bonesteel about the stormwater management plan for the site, and Mr. Bonesteel indicated that due to the size of the disturbance on the parcel, a stormwater management plan was not required. Member Czornyj asked whether the private water service line would be a 2" water line. Mr. Osterhautt indicated that the private water service line would be 1.5" and it would be installed primarily using directional drilling through the Doyle property and underneath Route 7. Mr. Osterhautt also indicated that there would be a meter pit located at the junction of the 1.5" private water line and the 16" Town-owned water main and that the Applicant would coordinate with the Town Water Department with respect to water line issues. The Board agreed that the application was complete enough for purposes of scheduling a public hearing. The public hearing on the application was scheduled by the Board for September 4, 2014 beginning at 7:00 p.m. Mr. Osterhautt then asked the Board how the County referral would be handled, given the submission of additional information relating to the right-of-way issue and the private waterline issue. Mr. Kreiger indicated that he expected to send out the County referral on Friday, August 22, 2014 and that sometimes the County is able to respond within one to two weeks. Chairman Oster noted however, that the County has a thirty day period within which to respond, and the Planning Board cannot act until either the County responds or the 30 day period expires.

The next item of business on the agenda was the Mulinio site plan application. The Applicant was not available to be present, but was represented by its administrator, Matthew Dinon. Member Czornyj indicated that he had not received a site plan to review for this application. The remaining Board members agreed that they had not received a site plan to review. The Board asked questions of Mr. Dinon, but Mr. Dinon was not sufficiently familiar with the proposal to be able to respond. Mr. Tingley asked Mr. Kreiger whether there was a site plan filed with the original application for the PDD amendment, that the Board could review

tonight. Mr. Kreiger searched his file and was able to locate a small sheet that generally indicated where items would be located in handwritten notations, but there was no site plan that could be reviewed. The Board determined that it could not review the site plan application without a site plan having been submitted. At a minimum, the site plan should show the location of the tent/maze at the beginning of the attraction, as well as the route that will be taken by the trailers, as well as the location of any lights and generators. Member Casey asked for clarification concerning the expanded hours that had been approved by the Town Board and the PDD amendment application. Mr. Dinon had familiarity with the approved hours of operation under the original PDD, but was unable to provide detail concerning the expanded hours that had been approved by the Town Board with respect to the PDD amendment. Mr. Tingley informed Mr. Dinon that he should immediately consult with Mr. Mulinio, and that if Mr. Mulinio would like this matter to be on the September 4 agenda, and to be reviewed and possibly addressed at that meeting, a site plan should be submitted as soon as possible. The site plan should be submitted far enough in advance of the September 4 meeting to allow the Planning Board members to review its details. Mr. Tingley indicated that there are two meetings in September at which the application could be addressed and the Applicant had been previously requesting that the application be considered sufficiently in advance of the last weekend in September for action. Mr. Tingley reiterated the importance of getting a site plan to the Board so that the Board had an ample opportunity to review the details of the site plan prior to the September 4 meeting. The Board determined to place the Mulinio site plan application on the agenda for the September 4, 2014 meeting, pending receipt of a site plan.

The next item of business on the agenda was the draft resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick. Chairman Oster reviewed the draft memorandum that had been prepared by the Planning Board Attorney on

August 7, 2014. Chairman Oster asked the Board whether there were any items to be discussed with respect to the resolution and memorandum, and none of the Board members had any comments or proposed changes. Chairman Oster summarized the memorandum by stating that it urges the Town Board to analyze the total number of rental units in the Town as compared to total number of owner occupied units in the Town, whether the Town has approached a saturation point in terms of total rental units in the Town, what impact the increased number of rental units in Town has on the overall Town real property tax base and overall Town services, and the impact of larger rental unit buildings upon existing utilities. Chairman Oster noted that the memorandum amounts to a recommendation being sent to the Town Board to consider the issue in the Town of Brunswick not with particular regard to any one project, but more from a Town wide planning perspective particularly in light of the recently adopted Comprehensive Plan and the Town Board's current consideration of possible Zoning Code amendments and updates. Member Tarbox made a motion to adopt the resolution before the Board adopting the memorandum concerning rental units in the Town of Brunswick, which was seconded by Member Wetmiller and was put to a roll call vote as follows:

Chairman Oster	voting <u>yes</u>
Member Czornyj	voting <u>yes</u>
Member Esser	voting <u>yes</u>
Member Casey	voting <u>yes</u>
Member Tarbox	voting <u>yes</u>
Member Wetmiller	voting <u>yes</u>
Member Mainello	voting <u>absent</u>

Chairman Oster asked Attorney Tingley whether a Planning Board representative should be sent to the Town Board meeting to present the resolution and memorandum to the Town of Brunswick. Attorney Tingley indicated that the resolution directs that the memorandum and resolution be transmitted to the Town Board for consideration, but if the Planning Board desired

to send a representative, it was certainly permitted to do so. Chairman Oster indicated that he would consider whether a Planning Board representative should present the resolution and memorandum to the Town Board.

There were several items of new business that were discussed.

A site plan application has been submitted by American Housing Foundation for property located at 112 McChesney Avenue, on a parcel that is approximately 4± acres in size on which American Housing Foundation proposes to construct a three-story, 86 unit senior apartment building for people 55 years of age and older, with associated access, parking, municipal water and sewer and stormwater management. Linda T. Stancliffe of Creighton Manning was present on the application. Ms. Stancliffe explained that the proposal was intended for seniors only, aged 55 and older and was located in a R-25 Zoning District. The parcel is currently vacant. American Housing Foundation has 6 other senior apartment communities in the Capital District and typically targets the middle income/asset sector of the senior population. The typical rents for American Housing Foundation communities range between \$650 - \$950 per month. The proposal envisions 86 units, in a three-story building, 75% of which will consist of one-bedroom units, with the remainder to be two-bedroom units. Ms. Stancliffe acknowledged that there was a height limit of 30' and indicated that the proposal may actually only be two and one-half stories high. Ms. Stancliffe also indicated that the application is also currently in front of the Zoning Board of Appeals because the application does not qualify for PDD treatment. The site is 4 acres, and the PDD process is only available to projects on parcels of 10 acres or more. Ms. Stancliffe indicated that the proposal would amount to the building covering approximately 17% of the total square footage of the parcel. It was Ms. Stancliffe's understanding that the ZBA would like to have a coordinated review with the Planning Board. The Planning Board discussed coordinating with the Zoning Board of Appeals and how the SEQRA process could potentially



work. The Board asked Ms. Stancliffe whether the proposal for senior apartments would, if approved, actually remain senior apartments, given a history in the Town where senior apartment proposals have been approved and later the operator has opened the apartments up to other segments of the population. Ms. Stancliffe indicated that the intent at this point was to construct senior housing and that she would like an opportunity to confer with her client and to respond to the question in writing. The Planning Board then discussed the overall procedure relating to the effect of the resolution that had immediately before this item been adopted concerning apartments and the effect of that resolution on their review, as well as the SEQRA coordination and steps moving forward. Chairman Oster also summarized previous plans that had been made for this same site. Member Czornyj commented that the parking appeared to be somewhat tight. Ms. Stancliffe responded that the parcel is located near a bus stop which is in the Price Chopper Plaza and that the Applicant has started discussions with CDTA regarding a possible new stop at the McChesney Avenue intersection. Member Esser commented that the proposal was yet another three-story building of apartments, and Ms. Stancliffe stated that the project could possibly be two and one-half stories. Chairman Oster also indicated that an important consideration for the Planning Board would be fire protection, particularly in light of the height of the buildings and the intended population of the building. Ms. Stancliffe commented that the facility would be served by public water and public sewer. She indicated that there is a water valve located at the street, but that sewer might require an easement. The Board determined to place the matter on its September 4, 2014 agenda tentatively for purposes of discussing how to proceed with respect to SEQRA coordination and lead agency. The Board asked Ms. Stancliffe if there were other locations in the area that they could visit to see the types of facilities operated by American Housing Foundation. Ms. Stancliffe listed a number of locations, including 320

Whitehall Road in Albany; 427 Columbia Street in Cohoes; 120 North Pines in Wilton; 790 Route 9W in Glenmont; and 100 Wilton Commons Drive in Wilton.

The next item of new business was the waiver of subdivision application on behalf of Keith Duncan and Sycaway Creamery involving parcels #90.-2-9.1, and 90.-2-9.2, for premises located at 51 Norfolk Street and 64 Duncan Lane. Present on behalf of the Applicant was Mark Danskin of Danskin Land Surveying, LLC. Mr. Danskin explained that the purpose of the waiver application was to allow the current tenants of 51 Norfolk Street to purchase the house in which they have lived for approximately 20 years. The house is currently located primarily on lands of Sycaway Creamery, Inc. but also on lands of Cecil Kent Duncan and Keith Duncan as well as apparently on the Town right-of-way associated with Norfolk Street. There was extended discussion concerning the layout of the proposed lots and questions concerning whether all property owners involved had consented to the application. Mr. Danskin indicated that his client was in the process of obtaining the signatures of all of the property owners. There was discussion concerning whether the right-of-way shown on the waiver map relating to Norfolk Street was owned by the Town or instead owned by private property owners. Mr. Danskin stated that it was his belief that the right-of-way was owned by the Town, because the right-of-way was shown on a 1913 subdivision map. Mr. Tingley commented that the area of the Town's right-of-way is unclear, and in some circumstances like these, the Town's right-of-way may be limited to the area of the use of the public highway in that area. Mr. Danskin stated that he believed that the Town owns the right-of-way shown on the waiver map. The Board had a number of questions concerning the layout of the lots, including the location of the existing property line which currently is shown as running through the garage structure located on the parcel for 64 Duncan Lane. Mr. Danskin stated that the Applicant had no intention of building any new structures, but was simply looking to create a lot so that the tenants of 51 Norfolk Lane could

purchase the building and associated yard that they had been using for the past 20 years. Mr. Tingley explained that the application seeks the Planning Board's approval to create two lots out of primarily one lot and therefore a number of issues need to be addressed concerning the location of the proposed lot lines. Attorney Tingley explained that it was his further understanding that the ZBA was asked to grant a number of variances, including set back variances and lot size variances, and that the Zoning Board was likely interested in knowing the Planning Board's review of the proposed project before the Zoning Board made determinations on the variances particularly in light of the jurisdiction of the Planning Board to approve/disapprove the lot lines. The Board indicated that the Applicant should be prepared to provide additional information relating to whether all property owners involved consented to the application (including whether the Town owned the right-of-way or instead whether private property owners owned that area shown on the waiver map as a right-of-way), the location of water and sewer service lines for both 51 Norfolk Street and 64 Duncan Lane, and how/whether the Applicant will address the encroachment of the garage structure from 64 Duncan Lane onto the adjoining property of Cecil Kent Duncan and Keith Duncan by adjusting the lot line. The application has been placed on the agenda for the September 4, 2014 Planning Board meeting.

The next item of new business discussed was the site plan application of Andy James for the Rensselaer Honda dealership located at 770 Hoosick Road. John Montagne of Greenman Pedersen, Inc. appeared on behalf of the Applicant. Mr. Montagne indicated that the intent of the proposal was to allow the Rensselaer Honda dealership to update its facility to comply with the newest standards set by the Honda brand. The improvements will include modifying the façade adding three additions, and generally cleaning up the existing site through a number of other improvements. The additions include an addition on the east side of the building which is the current service area located at the dealership, the intent of which is to bring the service entrance

up to Honda's latest requirements; and an addition in the rear of approximately 4,000 square feet with additional service bays with a ceiling height more accommodating of taller SUVs. The plan also proposes the improvement of the showroom area. Mr. Montagne also indicated that the proposal includes paving a portion of the site that is currently a gravel parking area as well as a modified road connection to McChesney Avenue. Member Czornyj stated that the cars that are currently on the gravel portion of the site are not part of the approved site plan. Mr. Montagne stated that part of the application was to amend the prior site plan approval in this way which would authorize parking in those areas. Mr. Montagne further stated that there has been an increase in traffic on Route 7 since the site plan was approved, and that drivers turning left onto Route 7 in that area from other sites have been involved in motor vehicle accidents, and the intent of the proposal in part is to allow traffic exiting the Rensselaer Honda site to use McChesney Avenue for purposes of entering Route 7, rather than requiring them to exit directly onto Route 7. The intent would be to allow for two-way circulation for employees and one-way exit for customers that intend to turn left onto Route 7. Those customers would then be permitted to use McChesney Avenue for purposes of entering Route 7. Mr. Montagne indicated that he had performed preliminary stormwater calculations, and the proposal includes removing two existing stormwater basins and developing a stormwater facility near the rear of the site. Mr. Montagne stated that the three additions would constitute an addition of 9,000 square feet of building area. The proposal seeks to increase greenspace on the site by reducing the paved and gravel portion of the site from 47% down to 43%, all of which will be paved. Mr. Montagne indicated that the proposal meets the zoning requirements for parking, providing 296 spots whereas 260 are required under the code. There was discussion concerning the relationship of the site to the Carbone site and the proximity of the paved area to the Carbone site and the proximity of the paved area on the Carbone to the Rensselaer Honda site. There was also

discussion concerning drainage from the property and the wetlands. The Board indicated that the County Highway Department will need to review any proposed intersection with McChesney Avenue. Mr. Bonesteel asked whether there would be new traffic on McChesney Avenue, and Mr. Montagne indicated that there should be no increase because although the entrance to McChesney Avenue was intended for emergency traffic, customers have in fact been using that exit in order to approach Route 7. Mr. Bonesteel indicated that there may be a need to do a cumulative traffic study given the approved projects and proposed projects for that area of the Town. Mr. Kreiger indicated that he believes a cumulative traffic study was done in connection with some of the apartment complex proposals, and Mr. Montagne indicated that if there was trip generation data contained in those studies then they would likely include at least a portion of the trips that would be entering and leaving from the Honda site. Mr. Montagne was asked whether the Applicant had a particular timeline for commencing construction, and it was Mr. Montagne's understanding that the Applicant was looking to begin building in the winter. The Planning Board placed the matter on the agenda for the September 18, 2014 meeting.

The next item of new business discussed was the waiver of subdivision application of Thomas and Diane Walsh for property located near the intersection of NYS Route 351 and Dearstyne Road. Mr. Holbriiter indicated that the Applicant seeks to divide a 9± acre lot into two lots. One lot is proposed to be a 3-acre lot, which will be sold to the Applicant's grandson, and the 6± acre lot is intended to be owned by the Applicant's daughter. Mr. Holbriiter explained that he had previously secured a subdivision in 2001 which created Lot 1A, Lot 2, and Lot 3, and then in 2003, Lot 3 was subdivided. Chairman Oster noted that there was no issue concerning whether this application could be treated as a waiver of subdivision, given the length of time since those approvals were granted. The Board asked Mr. Holbriiter whether the carport and chicken coop shown on the vacant lot could be moved to the lot on which the residence

currently sits. Mr. Holbriiter indicated that the carport could be easily moved and the chicken coop could be moved if required by the Board. The Board felt that the application was sufficiently complete for purposes of moving forward. Member Tarbox made a motion to adopt a negative declaration pursuant to SEQRA, seconded by Member Wetmiller, and the motion was adopted unanimously. With respect to the approval of the waiver of subdivision, the Board stated that it would require as a condition of approval that the structures shown on the plans as being the carport and the chicken coop be moved to the lands of Tom Walsh, Jr. where the residence is currently located. The intent of the condition is to ensure that the structures are located on a lot on which an accessory structure is permitted. Member Czornyj made a motion to approve the waiver of subdivision on the condition that the carport and chicken coop structures be relocated to the lot on which the residence is located, Member Esser seconded the motion, and the motion was adopted unanimously.

The next item of new business discussed was the application made by Fletcher for property located at 1928 Route 7. Brian Holbriiter appeared on the application. Mr. Holbriiter indicated that his intent in presenting the Fletcher application tonight was to get the Board's guidance concerning a very rough concept proposal to divide the subject property. Mr. Holbriiter indicated that the concept presented to the Board at this meeting envisioned three lots created from one existing lot with one of the lots to be used by the Applicant's daughter for purposes of building a home, and another lot to be used at some point in the future by the son of the Applicant who currently resides and works in Western New York. Mr. Holbriiter indicated that the Applicant's son is considering requesting a transfer of his employment from Buffalo to Albany, but that currently he is still located in Buffalo. Mr. Holbriiter explained that there is a steep driveway entering the property that is 12' wide and paved. Mr. Holbriiter asked the Board whether it would consider permitting the two additional proposed lots to share the existing

driveway. The Board indicated that the property owners are entitled to share the driveway, but that the Board was unable to approve the application without a showing that a driveway could be constructed directly from the public roadway to the two new lots. The Board also indicated that the application would be for a minor subdivision as currently proposed, but if the Applicant currently intended only to transfer a parcel to the Applicant's daughter at this time then a waiver of subdivision application may be more appropriate. The Board reiterated that it would not approve a shared driveway, and would only approve an application if it demonstrated that each lot had the ability to have its own driveway constructed. The Board also indicated that the Applicant should identify the existing well and septic. The Board also indicated that the Applicant would need to show that the newly created lot or lots could have a septic system approved. Mr. Holbriiter indicated that he would take the comments of the Board to his client and would prepare a formal application in accordance with the client's direction based on the Board's comments.

The index for the August 21, 2014 meeting is as follows:

1. Alta East – site plan – 9/4/14 (public hearing to commence at 7:00).
2. Mulinio – site plan – 9/4/14.
3. Resolution and memorandum concerning additional apartments/rental units in the Town of Brunswick – approved.
4. American Housing Foundation – site plan – 9/4/14.
5. Duncan – 51 Norfolk Street – waiver of subdivision – 9/4/14.
6. Rensselaer Honda – site plan – 8/18/14.
7. Thomas and Diane Walsh – waiver of subdivision – approved with condition.
8. Fletcher – concept plan – adjourned pending receipt of formal application.

The proposed agenda for the September 4, 2014 meeting currently is as follows:

1. Alta East – site plan – public hearing.
2. Mulinio – site plan (tentative).
3. American Housing Foundation – site plan.
4. Duncan – 51 Norfolk Street – waiver of subdivision.

The proposed agenda for the September 18, 2014 meeting currently is as follows:

1. Rensselaer Honda – site plan.



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

September 10, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (September 4, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on September 4, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD September 4, 2014**

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

ABSENT was VINCE WETMILLER.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the posted agenda for the meeting.

The Planning Board opened the public hearing regarding the site plan application submitted by Alta East, Inc. for property located at 1163 Hoosick Road, the former Spiak's Garage. Alta East, Inc. proposes to redevelop the property to a convenience store with retail gasoline sales. Chairman Oster first reviewed the procedure for the public hearing. Attorney Tingley then read the notice of public hearing into the record, and indicated that it had been published and mailed to owners of all adjacent properties. Chairman Oster requested that the Applicant present a brief overview of the project. Rob Osterhault from Bohler Engineering, presented the application on behalf of the Applicant. Mr. Osterhault described the proposed project site, including the proposal to maintain existing curb cuts on Route 7, but replacing the currently paved curb islands with vegetated curb islands. Mr. Osterhault also indicated that the site would be serviced by a septic system, and would include a drive-thru around the rear of the building, as well as being serviced by a private water line that would be installed from the Town water main and would run through private property on the opposite side of Route 7 underneath

Route 7 into the proposed site. Mr. Osterhautd indicated that the easement necessary to locate the private water line through the private property on the opposite side of Route 7 had been finalized, executed, and filed in the County Clerk's Office. Mr. Osterhautd also indicated that he had provided a stormwater report to Mr. Bonesteel, and that Mr. Bonesteel had no significant comments. Mr. Osterhautd informed the Board that the proposal will reduce stormwater runoff. Frank Brenenstuhl, 27 Dusensberry Lane, stated that he was generally in favor of the proposed redevelopment of the site, although he was requesting that the Applicant include a plaque or some other type of commemorative sign recognizing the history of the site as being the former Spiak's Garage. Mr. Brenenstuhl also stated that it was his understanding that the owner had agreed to put some type of commemorative plaque or sign either on or in the building. Chairman Oster then stated that the Planning Board would consider closing the public hearing and requested any additional comments to be placed on the record. No additional members of the public provided any comments. The Planning Board thereafter closed the public hearing on the Alta East, Inc. site plan application.

The Planning Board then reviewed the draft minutes of the August 21, 2014 meeting. Upon motion by Member Czornyj, seconded by Member Casey, the minutes of the August 21, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Alta East, Inc. for property located at 1163 Hoosick Road. Chairman Oster confirmed that the comment at the public hearing concerned the placement of a plaque at the site commemorating the historic use of the property for the Spiak's Garage. Mr. Osterhautd responded that he would provide the comment to Applicant for consideration. Chairman Oster then confirmed with Mr. Bonesteel that the stormwater report had been reviewed and found acceptable by Mr. Bonesteel as sufficient. Mr. Kreiger confirmed that the recommendation from the County had been

received and that it indicated that local consideration shall prevail, although it commented that a stormwater report would need to be prepared. Mr. Bonesteel confirmed that the stormwater report had been prepared. The Board then discussed the various conditions of any potential approval that might be granted. Member Czornyj made a motion to adopt a negative declaration pursuant to SEQRA, which was seconded by Member Tarbox, and was unanimously approved. Member Czornyj then made a motion to approve the site plan application with the following conditions:

1. That the Applicant provide proof of the relinquishment by the County and New York State DOT of that portion of the right-of-way as indicated on the plan, once secured;
2. That the Applicant coordinate with and address any comments of the Town Water Department with respect to the water service to the property;
3. That the Applicant provide a copy of the recorded easement for the water line that runs through the private property on the opposite side of Route 7;
4. That the Applicant secure Rensselaer County Health Department approval for the onsite septic system; and
5. That the Applicant secure any necessary DOT Highway Work Permits.

The motion was seconded by Member Mainello and was approved unanimously. Chairman Oster also noted for the record that the Planning Board supports the request of Mr. Brenenstuhl that a commemorative plaque or sign be located at the site and requested that Mr. Osterhautd advise the Applicant.

The next item of business on the agenda was the site plan application submitted by David Mulinio for the Capital Combat Zone paintball facility, which received PDD amendment approval from the Town Board to add additional hours of operation for an additional seasonal attraction for the Fall. David Mulinio was present on the application. Chairman Oster clarified the procedure that the Board was required to follow with respect to PDD amendments, including the fact that the Board was required to receive and review the site plan. Mr. Mulinio indicated that he had provided a site plan to the Board since the last meeting. Mr. Mulinio also reviewed the site plan components as they relate to the existing conditions on the site. There were

available for display aerial imagery of the site dated September 2013 and Mr. Mulinio confirmed that the conditions as shown on those images were accurate today, except that the wood scrap pile shown on the aerial image is no longer there. Mr. Mulinio stated that this year, the haunted ride would not include paintball activities due to timing of the trailer manufacturing, but that future years would include paintball as described in the PDD amendment approval. Member Esser asked questions to clarify how the haunted hayride attraction would be operated, which Mr. Mulinio answered. Chairman Oster indicated that there had been some question concerning compliance with the approved hours of operation in the original PDD approval. Mr. Mulinio indicated that they had discontinued the activity that was outside their approved hours of operation and now lock the gate at 5:00 p.m., only allowing State and County law enforcement training to occur during the week. Mr. Tingley asked Mr. Mulinio to clarify for the Board whether the trailers would be manufactured with guns on both sides of the trailers, and if so whether the path of the trailers shown on the site plan submitted would allow participants on both sides of the trailers to participate, given that the site plan appears to show that the trailers would travel around the outside of the fields. Mr. Mulinio stated that the path of the trailers will be slightly inside the boundaries of the field and there are movable props, façades and actors that will be on the outside of the trailer path. Mr. Tingley also informed Mr. Mulinio that the PDD amendment approval contained the rules for operating the extended hours of operation and the activities that could occur, and that in operating the seasonal attraction he should refer to that approval for any limitations including with respect to the hay maze. The Board then confirmed that the project had undergone a coordinated SEQRA review, and the Town Board had adopted a negative declaration on this project. Member Czornyj then made a motion to approve the site plan application, which was seconded by Member Esser, and was unanimously approved.

The next item of business on the agenda was the site plan application submitted by American Housing Foundation for property located at 112 McChesney Avenue, on a parcel that is approximately 4± acres in size on which the Applicant proposes to construct a three-story, 86 unit senior apartment building. Chairman Oster informed the Board that the Building Department had determined that the project requires 9,000 square feet of lot area per dwelling unit under the Zoning Code. The Applicant has been notified of that requirement. Chairman Oster indicated that the 9,000 square foot lot area requirement per dwelling unit would limit the number of apartments that could be approved on that particular site to far fewer than the 86 that were proposed. The application has been tabled indefinitely pending a decision by the Applicant as to whether and how it wished to proceed.

The next item of business on the agenda was the waiver of subdivision application on behalf of Keith Duncan and Sycaway Creamery involving parcels 90.-2-9.1 and 90.-2-9.2, for premises located at 15 Norfolk Street and 64 Duncan Lane. Present on behalf of the Applicant was Mark Danskin of Danskin Land Surveying, LLC. Mr. Danskin indicated that he had worked on obtaining some additional information that had been requested at the prior meeting, but that the property owners had not yet agreed on the details concerning the proposed waiver of subdivision, and therefore he does not yet have the consent of all of the property owners. He further indicated that the sewer line has been, and runs through the property, but that the water line needs to be traced. The garage on 64 Duncan is not movable as it is on a foundation. The Board generally discussed the location of the lot lines. Mr. Danskin requested that the Planning Board table the application without date, until the property owners could come to some final agreement. The Planning Board tabled the application indefinitely.

There was one item of new business that was discussed.

A waiver of subdivision application has been submitted by Troy City Garage, Inc. for property located on Hoosick Road that abuts Crescent Lane and over which runs Skyview Drive. The parcel is currently 23.37± acres and is vacant. Mark Danskin of Danskin Land Surveying, LLC was present on behalf of the Applicant. Mr. Danskin explained the general layout of the parcel and indicated that Skyview Drive is a highway-by-use and that the area of Lot 2 would be 18.11± acres and would be on both sides of Skyview Drive. The other lot to be created would be Lot 1, consisting of 5.26± acres along Route 7. Mr. Danskin indicated that the Applicant was interested in selling Lot 2 for residential use, while retaining Lot 1 for potential future commercial use if commercial uses are allowed if and when the Zoning Code amendments are adopted. Mr. Danskin also explained that the depth of Lot 1 along Route 7 was approximately 525 feet. Member Czornyj indicated that it was his understanding that if someone was looking to build on Lot 2 that the Skyview Drive would need to be asphalt. Currently Skyview Drive is a gravel. Mr. Danskin indicated that the intent of the waiver of subdivision application was to make the property more marketable by allowing Lot 2 to be sold without Lot 1. Mr. Danskin indicated that there was no current curb cut on Route 7 and there was a steep slope at Route 7. He also indicated that it may be difficult to get a curb cut on Route 7 and may be able to get a driveway to Lot 1 off of Crescent Lane if Lot 1 remains residential. The Planning Board discussed in detail the various access issues to both lots, but primarily with respect to Lot 1. Attorney Tingley indicated that it was his recollection that in most waiver of subdivision applications, the Board preferred each lot to have its own driveway. Chairman Oster indicated that the practice of the Planning Board has been to allow the Applicants to indicate the location of the driveway on the newly created lots to show that an acceptable driveway can be constructed if necessary. Chairman Oster also indicated that typically the lot that is being retained in a waiver of subdivision application is currently improved and that typically a driveway already

exists. Ultimately, after further extensive discussion concerning available driveway access to each of the lots, the Board was informed by Mr. Danskin that he could show a driveway onto Lot 1 from Route 7 for purpose of the application, which would require some regrading and cutting if pursued. The Board requested that Mr. Danskin submit a plan showing a driveway to each of the lots. Mr. Danskin also indicated that there was no public sewer available to the site, but that there was public water. The Planning Board determined to place the matter on the agenda for the September 18, 2014 meeting.

Mr. Kreiger indicated that he had received notification that the Broderick waiver of subdivision application was ready to move forward and that the Applicant had requested the matter to be placed on the September 18, 2014 meeting agenda. He also indicated that the Rensselaer Honda site plan application had been scheduled at the August 21, 2014 meeting to be on the September 18, 2014 Planning Board meeting agenda.

The index for the September 4, 2014 meeting is as follows:

1. Alta East – site plan – approved with conditions.
2. Mulinio – site plan – approved.
3. American Housing Foundation – site plan – adjourned without date.
4. Duncan – 51 Norfolk Street – waiver of subdivision – adjourned without date.
5. Troy City Garage, Inc. – waiver of subdivision – 9/18/14.

The proposed agenda for the September 18, 2014 meeting currently is as follows:

1. Rensselaer Honda – site plan.
2. Troy City Garage – waiver of subdivision.
3. Broderick – waiver of subdivision.



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

September 22, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (September 18, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on September 18, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD September 18, 2014**

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

ABSENT were FRANK ESSER, JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

ALSO PRESENT was DAN BRUNS, Brunswick Building Department.

Chairman Oster reviewed the agenda as posted on the Town website.

The Planning Board reviewed the draft minutes of the September 4, 2014 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the draft minutes of the September 4, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was a site plan application submitted by Rensselaer Honda for property located at 770 Hoosick Road. Upon request of the Applicant, this matter was adjourned to the October 2, 2014 meeting.

The next item of business on the agenda was a waiver of subdivision application submitted by Troy City Garage for property located on Hoosick Road and Crescent Lane. The Applicant is seeking to subdivide 23.37± acres of vacant land into two lots. Mark Danskin, licensed land surveyor, was present for the Applicant. Mr. Danskin stated that the property is currently situated in the R-15 Zoning District. The Applicant is seeking to divide the 23.37± acre parcel of vacant land into two lots. Proposed Lot 1 is 5.26± acres adjacent to Hoosick Road, with frontage both on Hoosick Road and Crescent Lane. Proposed Lot 2 is 18.11± acres of land,

with frontage on Crescent Lane. Chairman Oster confirmed that the property is currently R-15, and that the Planning Board will review the application pursuant to the R-15 Zoning Code standards. Mr. Danskin stated that with respect to locating driveways for these lots, a driveway is capable of being designed for access to each lot. Mr. Danskin reviewed a prior proposal for this property which showed a proposed driveway/entranceway directly off Hoosick Road, stating that the land is capable of being designed for an access driveway directly off of Hoosick Road. Mr. Danskin did note that proposed Lot 1, which does have frontage on Hoosick Road, also will have frontage on Crescent Lane if necessary. Mr. Danskin also stated that a driveway can be located and designed for access to proposed Lot 2 directly off Crescent Lane. Chairman Oster stated that this information should be adequate for a subdivision waiver application, in light of the fact that the property is currently vacant and each proposed lot is in excess of 5 acres.

Chairman Oster noted that he had reviewed the driveway issue with Attorney Gilchrist. Attorney Gilchrist stated that the Planning Board could consider conditions on any action on this waiver application concerning the driveways, such that no Building Permit would be issued for Lot 1 until such time as a driveway permit was issued either by NYSDOT, for access off Hoosick Road, or the Town of Brunswick Highway Department, for access off Crescent Lane, and that no Building Permit could be issued for Lot 2 until a driveway permit had been issued by the Town of Brunswick Highway Department. The Planning Board discussed those conditions, and felt they were adequate. Mr. Danskin then stated that in his opinion, a septic area was available for each of the proposed lots. Attorney Gilchrist noted that each of the proposed lots were in excess of 5 acres, and that the application therefore constituted a non-realty subdivision, not requiring immediate Rensselaer County Health Department approval for septic. Given this, the Planning Board then discussed a proposed condition for any action on the application such that no Building Permit would be issued for either Lot 1 or Lot 2 until such time as Rensselaer County

Health Department has approved a septic design, or other wastewater disposal method is available for that lot. Member Czornyj raised an issue concerning Skyview Drive, and whether the Planning Board had required certain road improvements for Skyview Drive and/or Crescent Lane in connection with a prior subdivision approval granted to Tedesco. The Planning Board directed Mr. Bruns to obtain the minutes of the Tedesco subdivision approval, which were obtained and reviewed at this meeting. Upon review, the Planning Board determined that the Tedesco subdivision approval did not require paving or other improvement to the public road. Member Czornyj also asked whether the proposed driveway locations and proposed septic locations needed to be added at this time to the waiver map. The Planning Board determined that proposed driveway and septic locations were not required on this waiver map, but that map notes should be added concerning the conditions discussed pertaining to Building Permit issuance and obtaining driveway permits and wastewater disposal approvals. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, subject to the following conditions:

1. No Building Permit is to be issued for Lot 1 until a driveway permit has been issued by NYSDOT for access off of Hoosick Road, or a driveway permit has been issued by the Town Highway Department for access off Crescent Lane; and no Building Permit is to be issued for Lot 2 until a driveway permit has been issued by the Town Highway Department for access off Crescent Lane.
2. No Building Permit is to be issued for Lot 1 or Lot 2, respectively, until such time as Rensselaer County Health Department has approved a septic design, or other wastewater disposal means is available, for each respective lot.
3. Conditions #1 and #2 are to be added as map notes to the subdivision map for this application.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and final approval was granted subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by Jacob Broderick for property at 528 Garfield Road. The Applicant seeks to divide a single 9.13 acre lot with an existing home, into two residential lots with the existing home located on one lot, and the creation of a new building lot for residential construction. Chairman Oster noted that a new survey had been submitted by the Applicant, together with a Short Environmental Assessment Form. The Planning Board reviewed the survey map, showing a new 3.62± acre residential lot with driveway location off Dater Hill Road. The Planning Board deemed the driveway location to be adequate. The Planning Board noted that the existing homestead lot will be reduced to 5.5± acres, with access off Garfield Road. The Planning Board inquired whether this property was located in a State Agricultural District. Upon review of the State Agricultural District map by Mr. Bruns and Member Tarbox, it was determined that this property is located in a State Agricultural District. An Agricultural Data Statement is required to be sent out to owners of all land within the Agricultural District containing active farm operations located within 500 feet of the boundary of the proposed lot. The Building Department will coordinate with the Applicant on completion and service of the Agricultural Data Statement. This matter is placed on the October 2, 2014 agenda for further discussion.

One item of new business was discussed.

A waiver of subdivision application has been submitted by William Barber for property located at 121 Brunswick Road. This property currently is 1.71± acres in size, and a structure containing 6 apartment units is located on the lot. The property is located at the intersection of Brunswick Road and Oxford Circle. The property is located in the R-15 Zoning District. The

Applicant is proposing to divide a building lot from this parcel for proposed single family residential construction, with a total area of 15,796± square feet. The remaining lot on which the 6-unit apartment building is situated will be reduced to 54,000± square feet. The Planning Board had several questions regarding this application, which include the location of the existing septic field for the 6-unit apartment structure, proposed location for the septic field for the proposed new building lot, area and setback requirements for the new proposed building lot in light of the fact that it will be a corner lot bordering on Brunswick Road and Oxford Circle, and square footage requirements for the original lot given the existence of a 6-unit apartment structure on that lot. The Planning Board also discussed when the existing structure was used for 6 apartment units, and requested the Building Department to investigate that issue. This matter has been placed on the October 2 agenda for further discussion.

The index for the September 18, 2014 meeting is as follows:

1. Rensselaer Honda – site plan – 10/2/14.
2. Troy City Garage, Inc. – waiver of subdivision – approved with conditions.
3. Broderick – waiver of subdivision – 10/2/14.
4. Barber – waiver of subdivision – 10/2/14.

The proposed agenda for the October 2, 2014 meeting currently is as follows:

1. Rensselaer Honda – site plan.
2. Broderick – waiver of subdivision.
3. Barber – waiver of subdivision.

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

October 6, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (October 2, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on October 2, 2014 for your review.

Respectfully yours,

*Andrew W. Gilchrist*

By: \_\_\_\_\_  
Andrew W. Gilchrist

AWG/tla

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD October 2, 2014**

PRESENT were MICHAEL CZORNYJ, TIMOTHY CASEY, FRANK ESSER, DAVID TARBOX, KEVIN MAINELLO and VINCE WETMILLER.

ABSENT was RUSSELL OSTER, CHAIRMAN.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Member Czornyj acted as Chair for this meeting in the absence of Chairman Oster.

The Planning Board Members reviewed the draft minutes of the September 18, 2014 meeting. Member Tarbox noted a correction to be made at page 3, condition #1 regarding the approval of the waiver of subdivision application by Troy City Garage for property located on Hoosick Road and Crescent Lane. Condition #1 is amended to read as follows:

1. No Building Permit is to be issued for Lot 1 until a driveway permit has been issued by NYSDOT for access off of Hoosick Road, or a driveway permit has been issued by the Town Highway Department for access off Crescent Lane; and no Building Permit is to be issued for Lot 2 until a driveway permit has been issued by the Town Highway Department for access off Skyview Drive.

Subject to the noted correction, Member Tarbox made a motion to approve the September 18, 2014 minutes, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the minutes of the September 18, 2014 meeting were approved subject to the noted correction.

The first item of business on the agenda was the site plan application submitted by Rensselaer Honda, seeking renovation of the existing Rensselaer Honda dealership located at



770 Hoosick Road. John Montagne, project engineer, was present for the Applicant, together with the project architect. Mr. Montagne reviewed the proposed changes to the site, which will increase the square footage of the existing building from 17,400 square feet to approximately 26,000 square feet. This expansion includes three modifications to the building; approximately 2335 square feet will be added to the front showroom; approximately 2257 square feet will be added to the service drop off area; and approximately 4260 square feet will be added to the rear of the building to improve the service area. In addition, Mr. Montagne stated that the increased area to the rear of the building will allow oil storage to occur inside the building, rather than outside the building. Mr. Montagne stated that the greenspace on the site will increase by about 1.5 percent, to a total of approximately 125,700 square feet. The overall square footage of paved area on the site will be lowered by approximately 4,000 square feet. Mr. Montagne explained that two older stormwater basins located to the rear of the site will be removed, and a new stormwater basin will be constructed on the eastern portion of the site in compliance with current stormwater standards. Mr. Montagne stated that an updated stormwater model had been completed and submitted to the Town for review. Mr. Montagne stated that there will be parking spaces for approximately 270 cars, 50 of which will be for employee and customer use, and the remainder for car display and storage. Mr. Montagne explained that the existing crushed stone driveway to the rear of the site connecting to McChesney Avenue is proposed to be improved to an open driveway for the facility. Mr. Montagne stated that the existing entrance way off Hoosick Road is unsignalized, and that there has been a safety issue with cars exiting the Rensselaer Honda dealership onto Hoosick Road in a westerly direction. The Applicant is seeking to improve the driveway to the rear of the facility connecting to McChesney Avenue as an exit for customers, so that customers can then proceed down McChesney Avenue to the signalized intersection with Hoosick Road, and exit safely from the dealership. Mr. Montagne

stated that an updated Traffic Study had been completed, utilizing actual traffic counts, and that Traffic Study had been submitted to the Town for review. Mr. Montagne stated that the Traffic Study concludes that no level of service changes are required, and that all intersections are operating at a level of service "C" or better. Also, Mr. Montagne stated that the Traffic Study analyzed sight distances, and that all sight distance requirements are met, but that Rensselaer Honda would be seeking permission to add a "driveway ahead" sign for McChesney Avenue. Mr. Montagne stated that the driveway to McChesney Avenue would be an "exit" driveway for customers only, but that the driveway would be utilized both for ingress and egress for employees, with the use of a card reader and gate. In that way, entrances off of McChesney Avenue to the facility will be controlled. In addition, Mr. Montagne stated that a gate will be installed along the shoulder of the road to be closed at night, to provide for security at the car dealership during the night. Member Czornyj inquired of Attorney Gilchrist whether the Planning Board could amend the driveway to McChesney Avenue, since his recollection was that the existing crushed stone driveway was for emergency purposes only. Attorney Gilchrist stated that the Planning Board did have the discretion to amend the prior site plan, but research of the earlier Planning Board minutes should be undertaken to determine the discussion concerning the access driveway to McChesney Avenue. Mr. Montagne also stated that the on-site lighting will be improved. Member Czornyj asked whether the Fire Department had been contacted concerning the proposal for the gates on the driveway improvements to McChesney Avenue. Mr. Montagne stated that the Fire Department had not yet been contacted, but that he would coordinate with the Fire Department. Member Czornyj asked whether any analysis had been done concerning the improved lighting proposed for the site. Mr. Montagne stated that the lighting improvements had been shown on the drawings. Mr. Bonesteel asked whether car carriers would be exiting onto McChesney Avenue. Mr. Montagne stated that the car carriers

would be exiting onto McChesney Avenue. Mr. Bonsteel asked whether turning radius had been analyzed for the car carriers. Mr. Montagne stated that the design for the entrance driveway onto McChesney Avenue had not yet been finalized. Mr. Bonesteel stated that the Applicant would need to coordinate with Rensselaer County regarding any reconfiguration. Member Czornyj wanted to confirm that the greenspace noted on the amended site plan will in fact remain green, with no car parking on the green areas. Member Czornyj also asked about the car carrier use of McChesney Avenue, and whether the Applicant proposed that driveway both for car carriers entering and leaving the dealership. Mr. Montagne stated that this driveway off of McChesney Avenue could be used for car deliveries and exiting car carriers, and that currently car carriers do use that driveway both for entering and exiting the facility. Mr. Montagne did say that with the overall site redesign, it is likely that the car carriers will use the Hoosick Road entrance, pull straight into the car dealership, and exit onto McChesney Avenue. Mr. Montagne also stated that the number of car carriers going to the site is limited. Mr. Bonesteel reviewed the proposed location for the gate to the driveway off of McChesney Avenue, particularly with regard to the roadway right-of-way. Mr. Montagne confirmed that his office was still working on final design, and that he would work both with the Town and the County on the driveway design issues. Mr. Bonesteel inquired whether any changes would be made to any stormwater facilities in the front of the site. Mr. Montagne stated that no changes to the stormwater facilities are proposed for the front of the site, and that the current stormwater design for the site moves all of the stormwater toward the rear of the site for retention, and that design would continue to be utilized but that a new stormwater basin would be constructed to the rear of the site to meet current standards. Member Czornyj asked whether the Planning Board and Mr. Bonesteel felt that there was adequate information in the application documents to hold a public hearing. The Planning Board members and Mr. Bonesteel generally concurred that adequate information was included,

including a completely environmental assessment form, and Mr. Kreiger confirmed that all application fees had been paid. Mr. Bonesteel did state that he was only recently provided with the site plan drawings, and needed additional time to conduct his technical review. The Planning Board determined to open the public hearing on this site plan at the October 16 meeting, with the option of keeping the public hearing open if the Town's technical review required additional information to be submitted by the Applicant. Mr. Kreiger confirmed that the application materials had also been sent to the Rensselaer County Department of Economic Development and Planning for review and recommendation. This matter is scheduled for the October 16, 2014 meeting, with the public hearing to be opened at 7:00 p.m.

The next item of business addressed by the Planning Board was the waiver of subdivision application submitted by William Barber for property located at 121 Brunswick Road. Tom Murley, P.E. was present for the Applicant. Mr. Murley confirmed that the Applicant was seeking to create a building lot in the front portion of 121 Brunswick Road. Mr. Murley stated that Mr. Barber had completely renovations to the 6-unit apartment building, which now includes one 2-bedroom apartment unit and five 1-bedroom apartment units. Mr. Murley confirmed that public water is provided to the existing 6-unit apartment building off Oxford Circle, and that public water is proposed to connect to the new building lot off Oxford Circle as well. Member Czornyj inquired as to the location of the existing septic system for the existing apartment building. Mr. Murley stated that there is a septic tank in front of the apartment building. Mr. Czornyj asked about the location of the leach field. Mr. Murley stated that he believed the leach field is next to the septic tank, but that issue must be investigated with the Rensselaer County Health Department. Member Czornyj also informed Mr. Murley that the proposed house location for the new building lot did not meet setback standards, since the lot to be created would be a corner lot. As a corner lot, Member Czornyj stated that the side yard setback needed to be

35 feet, not 15 feet. Mr. Murley stated that the house location could be moved further to the west within the proposed building lot to meet setback requirements. Member Czornyj then again raised the location of the septic system for the existing apartment, as well as a proposed location for a septic system for the new building lot, and whether adequate area for these facilities and the house existed for the proposed lot. Mr. Murley stated that these issues needed further investigation. Mr. Murley stated that the proposed driveway location for the new building lot would be off Oxford Circle. Mr. Murley did state that as to the question the Planning Board raised at its last meeting concerning the period of time the existing structure was used for apartments, it is his information that this building has been used as apartments since the early 1950's. Member Czornyj inquired of Attorney Gilchrist as to how the Planning Board should proceed regarding the issue of location of the existing septic system and proposed septic system for the proposed new building lot. Attorney Gilchrist stated it has been the practice and policy of the Planning Board on waiver applications to require the existing septic facilities and proposed septic facilities be shown on the subdivision map, and that in this case that information should be provided to the Planning Board. The Planning Board members generally concurred, and also requested that the relocated proposed building location be shown on the proposed new building lot to meet all setback requirements, and that a proposed driveway location also be shown off Oxford Circle to the proposed new lot. Mr. Murley stated that he would provide that information to the Planning Board. Mr. Murley also stated as to the issue of the required number of parking spaces for the existing apartment building, Mr. Kreiger confirmed that two parking spaces per unit is required, and that Mr. Murley has shown a total of 14 parking spaces for the apartment building, and therefore it is in compliance with Brunswick requirements. Member Tarbox asked whether there was any issue concerning the proposed driveway location off Oxford Circle to the new proposed building lot in terms of setback of NYS Route 2, and Mr. Bonesteel stated that he

was not aware of any setback requirements from Route 2. This matter will be placed on the October 16 agenda for further discussion.

The last item of regular business discussed by the Planning Board was the waiver of subdivision application submitted by Jacob Broderick for property located at 528 Garfield Road. Jacob Broderick was present. Mr. Broderick stated that the survey for this application had been completed, and he reviewed with the Planning Board the proposed area for house construction. Mr. Broderick stated that he does not have any current plan to construct the house, but did want to discuss with the Planning Board the general location where the house would be sited, subject to final design. The Planning Board discussed the map with Mr. Broderick, and generally had no further questions or comments on the application. A required Agricultural Data Statement for this application had not yet been prepared or served, and this matter is therefore placed on the November 6 agenda to allow for the service of the Agricultural Data Statement.

Two items of new business were discussed.

The first item of new business discussed was the site plan application submitted by BPP II, LLC in connection with the third amendment to the Duncan Meadows Planned Development District. Mark Kestner, P.E., consulting engineer for the Town of Brunswick concerning the Duncan Meadows PDD, was present. Ben Ewald of Ingalls & Associates was present for the Applicant, together with the project owners. Mr. Ewald confirmed that the third amendment to the Planned Development District was approved by the Brunswick Town Board at its September meeting, and that the owner was now submitting the site plan to the Planning Board in compliance with the PDD amendment. Mr. Ewald confirmed that the site plan shows a total of 7 apartment buildings, with 11 units per building, for a total of 77 apartment units on the site plan, together with associated parking. Mr. Ewald stated that an emergency access road was included on the site plan connecting to McChesney Avenue Extension, which will include a crash gate.

Mr. Ewald stated that a retaining wall is proposed for the site behind building #1. Mr. Ewald stated that the site will utilize the current stormwater pond constructed adjacent to McChesney Avenue Extension in connection with the 50-unit apartment building previously constructed, and that such stormwater pond had been designed to accommodate the stormwater flows from this phase of the project, to complete one unified stormwater system. Mr. Ewald stated that the project would utilize existing public water and sewer connections. Member Czornyj asked whether the emergency access road would be paved or would be gravel. Mr. Ewald stated that the proposal was to have a gravel emergency access road. Member Czornyj stated that the road would need to be maintained in the winter time, and that plowing would result in either pushing gravel onto McChesney Avenue Extension or further into the site, and stated that the emergency access road should be paved. Mr. Ewald stated that he would review that with the owners. Member Czornyj confirmed that the emergency access road would be required to be maintained in the winter. Mr. Kestner also stated that the emergency access road crash gate would need to be located to allow a fire engine to pull off the road completely before encountering the crash gate. Mr. Bonesteel asked whether a profile of the emergency access road had yet been prepared, and did it include a negative pitch so that runoff would not occur onto McChesney Avenue Extension. Mr. Ewald stated that he had not yet submitted the driveway profile to Rensselaer County for review. Member Czornyj confirmed that the sidewalk/walkway was going to be extended by the owner all the way to the common boundary line between the project site and the ROUSE facility. The owners confirmed that the sidewalk/walkway would be constructed in conjunction with this phase of the project. Member Mainello asked whether one new stormwater pond was being proposed in proximity to the emergency access road. Mr. Ewald stated that one additional stormwater pond would be constructed in that location. Member Mainello asked whether there was any landscaping proposed for the front of the pond

adjacent to the McChesney Avenue Extension travel way. Mr. Ewald stated that he did not have any landscaping proposed, but was open to working with the Town on landscaping requirements. Member Mainello stated that the Town has been requiring some kind of visual screen for aesthetics since the stormwater pond is in front of the project site. The owner stated that they would work with Town on making the stormwater ponds attractive, since it is in their own best interest to have the site look good for prospective tenants. Member Tarbox asked whether the project plans had been reviewed by the Fire Department. Mr. Ewald stated that the plans had not yet been sent to the Fire Department, but that the project had been designed with fire code compliance in mind, and that he would be sending the plans to the Fire Department for review. Member Mainello inquired as to whether there would be individual mailboxes for the units or a centralized mailbox location. The owner stated that they would be having one centralized mailbox location. Mr. Kestner stated that his office was currently reviewing the updated stormwater report and the detailed site plans. Member Czornyj asked whether the buildings to be constructed are the same as the buildings currently under construction on the 88-unit phase off of McChesney Avenue. The owner stated that the buildings will be the same. Member Mainello asked about lighting along the internal roadway. The owner stated that they typically do pole lights throughout, and will work with the Town on final design. Attorney Gilchrist stated for the record that the Town Board, serving as SEQRA lead agency, had completed the SEQRA review on the third amendment to the Planned Development District, including adoption of supplemental SEQRA findings concerning this amendment. The SEQRA review had been coordinated, so that SEQRA has been completed on the third amendment, and the Planning Board does not need to undertake any further SEQRA review on the site plan. Attorney Gilchrist also stated that the Town Board had conducted a public hearing concerning the PDD amendment, and in fact did approve the PDD amendment at its September meeting. The only



application before the Planning Board at this point is the site plan application. Further, Attorney Gilchrist stated that the Site Plan Regulations for the Town makes a public hearing discretionary with the Planning Board, but that in the past the Planning Board has taken into account the fact that the Town Board conducted a public hearing in connection with the PDD amendment. This matter is placed on the October 16 agenda for further review.

The second item of new business discussed was a waiver of subdivision application submitted by ADD Leasing for property located at 807 Hoosick Road. The Applicant seeks to divide a parcel slightly in excess of 15,000 square feet to house the existing cell tower at this location. Previously, the cell tower was part of the parcel identified as 807 Hoosick Road, which was the former Verizon building and on which the Planning Board recently approved the site plan for the operation of a gun shop and shooting range. The Applicant now seeks to divide off a lot on which the cell tower sits, and retain that parcel and divide it from any future transaction concerning 807 Hoosick Road. Further, the Applicant stated initially that it does not seek to merge the proposed cell tower parcel with 795 Hoosick Road, the current Carbone Subaru dealership, also owned by ADD Leasing. The Planning Board raised the issue that the proposed new lot does not have any road frontage, and that a minimum of 15 feet of frontage on a public road is required. Member Esser also stated that it does not appear that adequate room has been provided for the proposed cell tower parcel for any equipment needed to service the tower. The Applicant responded that it was considering retaining a 50 foot easement on 807 Hoosick Road parcel for an access and work area. Member Mainello stated that the current 807 Hoosick Road parcel did not have any road frontage. Attorney Gilchrist stated that while the current 807 Hoosick Road parcel did not have road frontage, it was not created by subdivision by the Planning Board, and was a previously – existing lot. However, the current application does seek Planning Board approval for a new lot which does not comply with the road frontage

requirements. Mr. Kreiger also stated that ADD Leasing does seek to amend the recent waiver of subdivision for 795 Hoosick Road, so that additional greenspace would remain with 795 Hoosick Road parcel, and that a smaller green area would be transferred to 807 Hoosick Road for merger into the 807 Hoosick Road parcel. The Planning Board and the Applicant discussed several options whereby the road frontage requirement for the proposed cell tower parcel could be met, including merging that parcel into 795 Hoosick Road, which does have adequate road frontage. The representative of the Applicant will review these options with ADD Leasing, and this matter is placed on the October 16 agenda for further review.

The index for the October 2, 2014 meeting is as follows:

1. Rensselaer Honda – site plan – 10/16/14 (public hearing to commence at 7:00 p.m.).
2. Barber – waiver of subdivision – 10/16/14.
3. Broderick – waiver of subdivision – 11/6/14.
4. Duncan Meadows PDD amendment #3 – site plan – 10/16/14.
5. ADD Leasing – waiver of subdivision – 10/16/14.

The proposed agenda for the October 16, 2014 meeting currently is as follows:

1. Rensselaer Honda – site plan (public hearing to commence at 7:00 p.m.).
2. Barber – waiver of subdivision.
3. Duncan Meadows PDD amendment #3 – site plan.
4. ADD Leasing – waiver of subdivision.

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

October 31, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (October 16, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on October 16, 2014 for your review.

Respectfully yours,

By: Andrew W. Gilchrist  
Andrew W. Gilchrist

AWG/dpg

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD October 16, 2014**

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

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the October 16, 2014 meeting.

The Planning Board opened a public hearing on the site plan application submitted by Rensselaer Honda for property located at 770 Hoosick Road. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. The applicant was represented by John Montayne, P.E. and the project architect. Chairman Oster requested Mr. Montayne make a brief presentation regarding the site plan application. Mr. Montayne stated that the original site plan for this site was approved in 1984, and that a prior amendment to that site plan had been approved in 2001. The 2001 amendment was driven by Honda dealership requirements and that the current proposed amendment is also largely driven by Honda dealership requirements. Mr. Montayne stated that the amendment seeks approval for the installation of a new building facade, plus building renovations on the east side and rear of the building. The building renovations on the east side and rear of the building are for a service drop off area and expansion of the service area. The site currently has approximately 131,000 square feet of gravel and paved area, and the site amendments will reduce this area to 118,000

square feel of paved area. The site will be cleaned up and graded for better drainage, with additional landscaping. Mr. Montayne explained that the proposal includes an upgrade to the entrance/exit driveway to the rear of the site connecting to McChesney Avenue. The proposal will provide for use of this roadway as an exit for customers, which is primarily designed to improve safety since customers currently exiting the dealership onto Hoosick Road in a westerly direction have a difficult time proceeding across the eastbound lane of traffic. Customers would be able to exit the dealership onto McChesney Avenue, and then proceed to the intersection of McChesney Avenue and Hoosick Road, utilizing the traffic signal for safe exit onto Hoosick Road. The proposal is to also allow employees and deliveries to enter the dealership from McChesney Avenue, utilizing a card reader. This driveway will not be used as a general entrance for customers. The gate for the card reader will be placed far enough off of McChesney Avenue so that truck entry shall be safe. There will also be a security gate added to the driveway at McChesney Avenue, which will be closed for security reasons during off-business hours. Mr. Montayne also generally reviewed storm water improvements to the site, stating that a full storm water report had been prepared and submitted to the Town for review. Mr. Montayne also stated that lighting on the site will be upgraded in the car storage area, primarily for security purposes, and that additional security cameras will be added to the site. Chairman Oster then opened the floor for receipt of public comment. No members of the public wished to provide any comment on the application. Thereupon, the Planning Board closed the public hearing on the Rensselaer Honda site plan application.

The Planning Board then opened the regular business meeting.

The draft minutes of the October 2, 2014 meeting were reviewed. Two typographical corrections were made. At page 5 of the minutes, line 1, the word "completely" is amended to "completed". At page 5 at line 14, the word "completely" is amended to "completed". Member

Czornyj made a motion to approve the October 2 minutes as amended, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the minutes of the October 2, 2014 meeting were approved as amended.

The first item of business on the agenda was the site plan application submitted by Rensselaer Honda for property located at 770 Hoosick Road. Member Wetmiller wanted to confirm on the record that the current area of 131,000 square feet used for car storage and parking included both paved and gravel surface areas. Mr. Montayne confirmed that the 131,000 square feet does include both paved and gravel surface areas, and that the new 118,000 square foot area for car storage and parking would be all paved. Chairman Oster confirmed the receipt of a sketch showing the new location for the card reader at the driveway connecting to McChesney Avenue. Mr. Bonesteel stated that he had only performed an initial review of the new sketch, but that it does address safety issues concerning trucks entering the dealership from McChesney Avenue. Chairman Oster inquired whether the Brunswick No. 1 Fire Department had received a copy of the amended site plan. Mr. Kreiger confirmed that the plans had been forwarded to the Brunswick No. 1 Fire Department, but that he had not received any comments yet, and that he will follow up with the fire department. Mr. Montayne did state that the revised site plan does improve traffic circulation, particularly by allowing vehicles to exit the site onto McChesney Avenue. Member Czornyj stated that the comments of the Brunswick No. 1 Fire Department should be considered. Member Czornyj then inquired about the parking area on the east side of the site, and whether a curb would be installed between the paved area and the green area. Member Czornyj stated that in his opinion, no cars should be allowed to park on the green area, but should be directed to remain on the paved area. Mr. Montayne stated that an asphalt wing edge could be included on the final construction drawings. Chairman Oster stated that in his opinion, using the driveway connecting to McChesney Avenue as an exit for customers will

improve traffic circulation, and also improve safety as the customers could then utilize the traffic signal at the McChesney Avenue/Hoosick Road intersection. Member Czornyj asked whether the new gate on the entrance road connecting to McChesney Avenue would be open during the day. Mr. Montayne explained that there would be two gates at this location. The first gate will be the security gate, which will be open during business hours, but closed during off-business hours for security purposes. The second gate, which is located further into the site, is the card reader gate. The security gate will be open in the morning, but the vehicles entering from McChesney Avenue will need a card to raise the card reader gate to enter the dealership. The card reader gate will automatically lift for vehicles leaving the dealership. Member Wetmiller concurred that the rear entrance was an upgrade to the dealership, and adds customer safety. Chairman Oster asked whether there are any further questions on the application. Member Wetmiller asked whether the fire department would require anything in connection with the card reader gate. Mr. Kreiger stated that a knox box-type unit would be installed at the card reader gate. Member Tarbox stated that the applicant will need to work with both the Town and the County on upgrades to the McChesney Avenue location, with particular concern to the location of the security gate. Member Tarbox also asked whether there were any issues associated with the upgrades to the storm water pond on the site. Mr. Montayne stated that there were no wetland impacts, and that the upgraded storm water plan for the site is in compliance with current NYSDEC regulations. Mr. Bonesteel stated that he has initially reviewed the storm water report, and does have certain comments that need to be addressed. Mr. Bonesteel also stated that he had review the updated traffic impact report, and that he has no comments on that report. Mr. Kreiger confirmed that the site plan application had been sent to Rensselaer County Department of Economic Development and Planning, and that there were no objections from the County. Chairman Oster inquired whether there were any further comments or issues on the

application. Hearing none, Member Czornyj made a motion to adopt a negative declaration pursuant to 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 amendment to the Rensselaer Honda site plan, subject to the following conditions:

1. Final review and comments by the Brunswick No. 1 Fire Department;
2. Final review and comments by Rensselaer County and the Town Highway Department on the McChesney Avenue/driveway upgrades, including security gate and card reader gate location;
3. Final engineering comments by Planning Board consulting engineer on storm water report.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved and the amendment to the Rensselaer Honda site plan was approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by Barber for property located at 121 Brunswick Road. At the request of the applicant, this matter is adjourned until the November 6 meeting.

The next item of business on the agenda was the site plan application submitted by BPP II, LLC on the Duncan Meadows Planned Development District Amendment #3. Peter Yetto, PE was present for the applicant, together with Peter Amato and Dr. Paren Edwards of BPP II, LLC. Also present was Lindsay Kestner of Kestner Engineers, the Town's consulting engineers on the Duncan Meadows PDD. Mr. Yetto generally reviewed the changes that had been made to the site plan following the last meeting, including the landscaping, dumpster location, and mailbox location. Mr. Yetto also stated that Kestner Engineers had received the revised storm



water/drainage analysis and that there remained some minor technical comments to be addressed, but that all other comments of Kestner Engineers had been addressed. Mr. Yetto stated that comments of the Brunswick No. 1 Fire Department had been sent on October 16, and that he would review those comments, but that the site plan had been prepared in compliance with all fire code requirements, including the use of the "T" turnaround rather than use of the cul-de-sac. Chairman Oster inquired whether the fire department preferred a cul-de-sac rather than the "T" turnaround. Mr. Yetto stated that the "T" turnaround was compliant with fire code requirements, and that if the cul-de-sac design was used, significant building relocation would be required, including relocating buildings toward an area of a slope. Mr. Kreiger did confirm that the current site plan was compliant with fire code requirements. Mr. Yetto reviewed the emergency access road off of McChesney Avenue Extension. Mr. Yetto stated that the crash gate for the emergency access road will be approximately 75 feet off of McChesney Avenue Extension, and that the emergency access road will be 8.5-9% in grade. The applicant has agreed to pave the emergency access road to address the concern regarding pavement of a gravel road during the winter. Mr. Yetto will confirm the grade of the emergency access road in terms of storm water runoff onto McChesney Avenue Extension. The issue of landscaping in the area of new storm water detention pond was discussed. The applicant stated that the existing storm water pond for the Enclave apartments was already vegetated and that the addition of any new vegetation may result in sight line safety concerns for the access road leading onto McChesney Avenue Extension. The Planning Board stated that the vegetation already installed for the existing storm water pond was adequate, but did want to discuss the vegetation for the new storm water pond proposed for the current site plan. The applicant stated that vegetation will be added to the new storm water pond to provide a visual buffer from the McChesney Avenue Extension. Chairman Oster asked whether there were any comments from Kestner Engineers. Mr. Kestner stated that

the applicant has addressed most of the comments on the review of the site plan and storm water plan, including paving the emergency access road, vegetating the storm water ponds, addressing issues concerning the "T" turnaround, and that specifications for lighting, mailbox and dumpster location, as well as the pedestrian walkway adjacent to McChesney Avenue Extension will be submitted on the next set of plans by the applicant. The issue of public water interconnection between the Duncan Meadows project and the ROUSE apartments was discussed, with Mr. Kestner stating that his office was still working with the Town water superintendent, Bill Bradley, on that issue. The applicant stated that it should not be held up on approval and construction of the apartments in the current site plan based upon a public water connection to ROUSE since it had no control over ROUSE or the timing of any decision made by ROUSE. Mr. Kestner stated that it was worth exploring, since a future interconnection could also be considered and that design and location of current public water facilities should take into account a potential future connection with ROUSE. It was determined that the applicant, Kestner Engineering, and the Town water department would further discuss the public water interconnection issue prior to the next Planning Board meeting. Mr. Kestner also stated that there were minor comments on the updated storm water report. Mr. Yetto stated that this project had originally been designed to meet the current NYSDEC storm water regulations, even though the initial design predated the current DEC standards. Mr. Kestner stated that his office would prefer that the final storm water pollution prevention plan be completed, and that the final site plans also be completed and reviewed, prior to action of the Planning Board on the site plan. Chairman Oster agreed. Chairman Oster then discussed the option of holding a public hearing by the Planning Board on the current site plan. The Planning Board members generally concurred that the Brunswick Town Board had held a public hearing on approval of the PDD amendment, and were of the opinion that an additional public hearing was not required by the

Planning Board on the site plan. Attorney Gilchrist also stated for the record that the Brunswick Town Board, serving as lead agency, had completed SEQRA review on this application through the adoption of supplemental SEQRA findings. Chairman Oster stated that the Planning Board wanted to see the final site plans, final storm water pollution prevention plan to address the comments of Kestner Engineers, and to have the public water interconnection issue further discussed prior to the next Planning Board meeting. On the issue of the public water interconnection, Chairman Oster stated that the Planning Board was looking to have those discussions continued, but understood that this interconnection would not be a condition to any action on the site plan. Mr. Bonesteel confirmed that work permits from Rensselaer County would be required for construction of the emergency access road interconnection to McChesney Avenue Extension, and also for the pedestrian walkway adjacent to McChesney Avenue Extension. This matter is placed on the November 6 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by ADD Leasing for property located at 807 Hoosick Road. Robert Adams, Esq. was present for the applicant, together with Mr. Crisafulli, representing the potential purchaser for this site. The Planning Board members, Attorney Gilchrist, and Attorney Adams generally discussed the issue of required road frontage for the proposed new 15,000 square foot lot in this matter. Attorney Adams stated that any proposed condition which provided that the new 15,000 square foot lot was not approved as a building lot, and therefore building permits could not be issued, would be problematic since the existing cell tower does periodically require equipment upgrades which do necessitate the issuance of building permits. The Planning Board and applicant discussed further options to address the road frontage issue. This matter is placed on the November 6 agenda for further discussion.

The index for the October 16, 2014 meeting is as follows:

1. Rensselaer Honda – site plan – approved with conditions
2. Barber – waiver of subdivision – 11/6/2014
3. Duncan Meadows PDD #3 – site plan – 11/6/2014
4. ADD Leasing – waiver of subdivision – 11/6/2014

The proposed agenda for the November 6, 2014 meeting currently is as follows:

1. Barber – waiver of subdivision
2. Duncan Meadows PDD #3 – site plan
3. ADD Leasing – waiver of subdivision
4. Broderick – waiver of subdivision

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

November 14, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

**Re: Town of Brunswick Planning Board Meeting Minutes (November 6, 2014)**

Dear Russell:

Enclosed please find a draft of the Minutes of the Planning Board Meeting held on November 6, 2014 for your review.

Respectfully yours,

By: *Andrew W. Gilchrist*  
Andrew W. Gilchrist

AWG/dpg

Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

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

**MINUTES OF THE PLANNING BOARD MEETING HELD November 6, 2014**

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

ABSENT was FRANK ESSER.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board members reviewed the draft minutes of the October 16, 2014 meeting. One correction was noted. At page 6, line 14, the word "pavement" is to be replaced with the word "plowing". Subject to that correction, Member Czornyj made a motion to approve the draft minutes of the October 16, 2014 meeting, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the minutes of the October 16, 2014 meeting were approved as corrected.

The first item of business on the agenda was the waiver of subdivision application submitted by William Barber for property located at 121 Brunswick Road. Neither the applicant nor his engineering consultant were present on the application. Mr. Kreiger stated that he had not heard from the applicant's engineer after the last Planning Board meeting. This matter is adjourned, and placed on the November 20, 2014 agenda subject to confirmation by Mr. Kreiger with the applicant that he is ready to move forward on the application.

The next item of business on the agenda was the site plan application submitted by BPP II, LLC for the Duncan Meadows PDD Amendment #3. The principals of BPP II, LLC were

present, together with the project engineer, Peter Yetto, PE. Also in attendance was Mark Kestner, PE, consulting engineer for the Town on the Duncan Meadows PDD. Chairman Oster inquired whether copies of the amended site plan had been provided to the Town. Mr. Yetto stated that he had delivered copies of the amended site plan to the Town on Wednesday afternoon, November 5. Chairman Oster stated that the amended site plan should have been provided to the Town sooner to allow Planning Board members to review the revisions. Mr. Yetto proceeded to review the revisions to the final site plan with the Planning Board members. These revisions included showing details on the pavement of the emergency access road, including a back pitch to deter storm water runoff onto McChesney Avenue Extension; a ditch line has been added along the back edge of the pedestrian walkway adjacent to McChesney Avenue Extension to allow for drainage; a central mailbox location has been identified with a pull off area provided; a central dumpster location has been added including a dumpster pad; plantings along the rear of the storm water detention pond adjacent to McChesney Avenue Extension have been added, with Mr. Yetto noting that Water Superintendent Bradley was not in support of plantings along the front edge of the storm water detention pond directly adjacent to McChesney Avenue Extension as there are existing water and sewer lines in that area and also a potential impact to sight lines; a timber guiderail has been added along the internal roadway in three locations where the side slope was at a 3 on 1 grade, with Mr. Kestner reviewing the specific locations for the guiderail installation with the Planning Board members; an extended water line location leading to the common property line with the ROUSE facility is now shown on the site plan, and a map note has been added to the site plan regarding future water line connection to the ROUSE facility upon agreement by ROUSE and the Town obtaining an appropriate easement for installation of the water line, with Mr. Yetto noting that Mr. Bradley

had reviewed the map note and agreed to its language. The applicant stated on the record that it will construct and pay for the future water line connection to the ROUSE facility when the Town is able to obtain the necessary easement from ROUSE, regardless of when that occurs. The Planning Board requested Mr. Kestner to review any comments he had. Mr. Kestner stated he had reviewed the plans with the Brunswick No. 1 Fire Department, and that the applicant had addressed issues concerning hydrant locations and knox box installation. Mr. Yetto stated that the knox box locations are now shown on the plans, and that it is in the same general location as the other construction phases for the Duncan Meadows project. Mr. Kestner also stated that the applicant had placed the crash gate for the emergency access road 75 feet off of McChesney Avenue Extension. Mr. Kestner did note that the Brunswick No. 1 Fire Department did raise the issue concerning the "T" intersection for the internal access road, but Mr. Kreiger did confirm on the record that the "T" intersection meets fire code requirements. Mr. Kestner noted that the pedestrian walkway detail had been added to the site drawings, and that the dumpster location had been added to the plans. Mr. Kestner noted that the final revised storm water pollution prevention plan had been provided to his office late on Wednesday, November 5, and that his office was still reviewing the plan details, but that the final storm water pollution prevention plan did appear to be in substantial compliance with the storm water regulations. Mr. Bonesteel discussed issues with the applicant's engineer concerning details of the railing to be installed on the internal access road, and also details for the drainage ditch located to the rear of the pedestrian walkway adjacent to McChesney Avenue Extension. Chairman Oster inquired whether there were any further questions or comments from the Planning Board. There were no further questions or comments. Attorney Gilchrist restated that compliance with SEQRA had been completed by the Town Board by the adoption of Supplemental Findings through the



coordinated environmental impact review process. Attorney Gilchrist also stated that the Planning Board previously determined that an additional public hearing on the site plan application was not required in light of the public hearing held by the Town Board concerning the PDD Amendment. The Planning Board then proceeded to act upon the site plan application. Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Final engineering comments of Planning Board review engineer Bonesteel and Town consulting engineer Kestner, including final comments on the storm water pollution prevention plan.
2. Compliance with all conditions imposed by the Town of Brunswick Town Board on the PDD Amendment approval.
3. Coordination with the Town of Brunswick Water Department during construction of water and sewer infrastructure.
4. The construction detail for the guiderail to be installed on the internal access road to be reviewed by Planning Board review engineer Bonesteel and Town consulting engineer Kestner.
5. Rensselaer County permit for all construction associated with the emergency access road, pedestrian walkway, and any associated ditching along McChesney Avenue Extension.
6. Proposed water main connection to be constructed by the developer once the Town of Brunswick obtains an easement over the ROUSE property. If the Town is unable to obtain the aforementioned easement, the proposed water main shall terminate at the Duncan Meadows PDD property line. The applicant shall pay for and complete all construction necessary for the water line extension to the ROUSE facility, and such obligation shall be continuing until such time as the Town obtains the easement over the ROUSE property.

The motion was seconded by Member Casey. The motion was unanimously approved, and the Duncan Meadows PDD Amendment #3 site plan approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by ADD Leasing for a property located at 870 Hoosick Road. The applicant was represented by Mr. Crusafulli. The Planning Board and applicant discussed the resolution of the

issue concerning road frontage for the proposed 15,000+/- square foot lot to house the existing cell tower. It was determined that the cell tower parcel would actually be merged into and become part of the parcel located at 795 Hoosick Road, also owned by ADD Leasing, and which currently is used as the Carbone Subaru dealership. In this way, the 15,000+/- square foot area housing the cell tower will become part of 795 Hoosick Road, including its required road frontage along Hoosick Road. Member Casey did raise an issue concerning the location of a fence around the base of the cell tower and whether that would remain on the cell tower property or 807 Hoosick Road. The applicant stated that if necessary, it will relocate the fence so that it will remain with the cell tower area to be merged into 795 Hoosick Road. For purposes of the record, the final waiver map is titled "Annexation Parcel Map in the Application of ADD Leasing Corporation", prepared by RDM Surveying Consultants, map dated September 30, 2014, with last revision date 10/13/14. This map includes both the amendment to the lot line to the rear of 795 Hoosick Road, plus the 15,000+/- square foot area divided from the 807 Hoosick Road parcel and merged into the 795 Hoosick Road parcel. Chairman Oster inquired whether there were any further comments or questions from the Planning Board members. 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 approved. Thereupon, Member Czornyj made a motion to approve the waiver map, subject to the following conditions:

1. The fence along the base of the cell tower must be relocated so that it is located on the area to be merged into 795 Hoosick Road.
2. The 15,000+/- square foot area divided off of the 807 Hoosick Road parcel must be legally merged into the 795 Hoosick Road parcel.

3. The applicant is to file with the Brunswick Building Department the deeds showing the merger of the 15,000+/- square foot area into the 795 Hoosick Road parcel.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver map approved stated to the subject conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by Jacob Broderick for property located at 528 Garfield Road. Jacob Broderick was present. The Planning Board confirmed that the necessary Agricultural Data Statement had been served, and Mr. Kreiger reported that no comments had been received in response to the Agricultural Data Statement. Chairman Oster confirmed that there were no changes to the previously-reviewed waiver map. Mr. Broderick stated that there are no changes to the map. Chairman Oster confirmed that there were no further questions or comments from the Planning Board members. 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 SEQRA Negative Declaration adopted. Member Czornyj then made a motion to approve the Broderick waiver of subdivision subject to the following conditions:

1. Rensselaer County Health Department approvals for water and septic.
2. Rensselaer County permit for driveway construction.

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

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

The index for the November 6, 2014 meeting is as follows:

1. Barber – waiver of subdivision – 11/20/2014.
2. Duncan Meadows PDD Amendment #3 – site plan – approved with conditions.

3. ADD Leasing – waiver of subdivision – approved with conditions.
4. Broderick – waiver of subdivision – approved with conditions.

The proposed agenda for the November 20, 2014 meeting currently is as follows:

1. Barber – waiver of subdivision.

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

December 9, 2014

Russell Oster, Chairman  
Town of Brunswick Planning Board  
3 Marathon Drive  
Troy, New York 12180

Re: Town of Brunswick Planning Board Meeting Minutes (December 4, 2014)

Dear Russell:

Enclosed herein please find a draft of the minutes of the Planning Board Meeting held on December 4, 2014 for your review.

Respectfully yours,

By: Andrew W. Gilchrist  
Andrew W. Gilchrist

AWG/dpg  
Enc.

cc: Michael Czornyj  
Frank Esser  
Kevin Mainello  
David W. Tarbox  
Vince Wetmiller  
Timothy Casey  
Philip Herrington  
John Kreiger  
Dan Casale  
James Sullivan  
Patrick Poletto  
Gordon Christian  
Martin Steinbach  
James Hannan  
E. John Schmidt  
Caroline Trzcinski  
Mark Balistreri

Thomas Cioffi, Esq.  
Wayne Bonesteel, P.E.  
William Lewis  
Stephen Rooney  
Calvin Clickner  
Douglas Eddy  
Sharon Zankel  
Brittonkill School District (*via e-mail*)  
Enlarged City School District of Troy  
Lansingburgh School District  
Averill Park Central School District  
Brunswick No. 1 Fire Company  
Center Brunswick Fire Company  
Eagle Mills Fire Company  
Mountain View Fire Company  
Speigletown Fire Company

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

MEMORANDUM

DATE: 1/15/54

TO: [Illegible]

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

5. [Illegible text]

BY: [Illegible]

BY: [Illegible]

6. [Illegible text]

7. [Illegible text]

8. [Illegible text]

9. [Illegible text]

10. [Illegible text]

11. [Illegible text]

12. [Illegible text]

13. [Illegible text]

14. [Illegible text]

15. [Illegible text]

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

**MINUTES OF THE PLANNING BOARD MEETING HELD December 4, 2014**

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

It is noted for the record that due to the lack of any agenda items, the Planning Board meeting scheduled for November 20, 2014 was canceled, and no meeting was held.

Chairman Oster reviewed the agenda for the December 4 meeting as posted on the Town sign board.

The draft minutes of the November 6, 2014 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the November 6, 2014 were unanimously approved without amendment.

The first item of business on the agenda was a waiver of subdivision application submitted by Gary Lucier for property located at 75 Colehammer Avenue. Rod Michael, licensed land surveyor, was present for the applicant. Mr. Michael stated that Mr. Lucier was not available to attend the meeting due to poor health. Mr. Michael explained that this existing parcel totals 5.36 acres and is located at the end of Colehammer Avenue. Mr. Michael stated that the owner seeks to divide the parcel into two lots, one lot which would retain the existing house with a shed totaling 2.76± acres, and a new lot for residential purposes on which a garage





currently is located, totaling approximately 2.6± acres. Chairman Oster noted that there does not appear to be any substantive questions regarding the waiver in terms of lot size, road frontage and location for a driveway. Member Czornyj inquired where the Town of Brunswick currently plows snow at the end of Colehammer Avenue, and does the Town use any portion of the Lucier property to store snow or use as a turn around. Mr. Kreiger stated that it is his understanding the Highway Department does turn around the plow trucks in the area of the existing garage. Member Czornyj asked whether the Planning Board should consider a turnaround area on the Lucier property, while the applicant still owns the property and before any new lot is sold to a third party. Member Tarbox stated that the survey map shows a full 50 foot Town right-of-way, and that there appeared to be ample area on the north side of Colehammer Avenue within the Town right-of-way for a turn-around area if the Town chooses to construct one. Mr. Michaels proposed that Mr. Lucier could include an easement along the north side of the Town right-of-way on the Lucier property for the purpose of placement of snow that is plowed during the winter months. Chairman Oster raised the issue of the current garage being located on the new lot without any principle structure. Attorney Gilchrist stated that the Planning Board had previously addressed this issue concerning a lot at the end of Bonesteel Lane, and that the Planning Board in that case had allowed the garage to remain in place for a period of time in anticipation of a sale and construction of a new home, but also created a deadline after the date of approval for demolition and removal of the structure in the event the new lot was not sold or new home was not constructed. The Planning Board members generally concurred that the same conditions should be applied in this case. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member

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

1. The existing garage structure located on the new building lot must be demolished or removed within:
  - (a) One year of the transfer in title to the new building lot unless a building permit application for the construction of a house on such new building lot has been filed by such new owner with the Town of Brunswick Building Department; or
  - (b) Within one year of the date of subdivision approval, whichever is later.
2. A 100 foot by 30 foot easement is to be located on the north side of the Colehammer Avenue right-of-way on the retained land of Lucier for the storage of snow resulting from the plowing of Colehammer Avenue, with final location of the easement to be reviewed by the Town of Brunswick Highway Department.
3. Proof of approval of potable water supply and septic from the Rensselaer County Department of Health must be filed with the Town of Brunswick Building Department prior to the issuance of any building permit for the new building lot.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application submitted by Gary Lucier for property located at 75 Colehammer Avenue was approved subject to the stated conditions.

The next item of business on the agenda was a waiver of subdivision application submitted by Sean Gallivan for property located at 158 Deepkill Road. The applicant was represented by Brian Holbriiter, licensed land surveyor. Mr. Holbriiter explained that the property owner is seeking approval to divide 1.47 acres from the lot located at 158 Deepkill Road (Tax Map No. 72-9-39.1), a parcel totaling 53 acres, for transfer to the adjacent property owners, Mike and Sheri Lewis, for merger into the Lewis parcel. The Planning Board generally viewed this as a boundary line adjustment, with no new building lots being created. Chairman Oster inquired whether there was any questions or comments on the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration pursuant SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a negative

declaration adopted. Thereupon, Member Wetmiller made a motion to approve the waiver of subdivision application, subject to the condition that the 1.47 acre divided from 158 Deepkill Road is to be transferred to and merged into legal title to the Lewis parcel, with proof of final merger of title to be filed with the Brunswick Building Department within 30 days of the title transfer. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the Gallivan waiver of subdivision approved subject to the stated condition.

The next item of business on the agenda was a waiver of subdivision submitted by Robert Fletcher for property located at 1928 NY Route 7. The applicant was represented by Brian Holbriiter, licensed land surveyor. Mr. Holbriiter presented an updated waiver map showing a proposed house and proposed driveway location for the new lot. The original size of the Fletcher parcel is 13.76 acres and the waiver application seeks approval to divide off a 2.67 acre parcel for purposes of a new residential building lot for Mr. Fletcher's daughter. Mr. Holbriiter stated that the new proposed driveway location shows that a driveway can be constructed for the new residential building lot that meets Town specifications, but that it was likely that Mr. Fletcher's daughter will access the new lot from the existing Fletcher driveway. The Planning Board generally stated that it must be shown that a driveway is capable of being constructed for the new residential lot, which has been shown on the updated waiver map. Mr. Bonesteel stated that the proposed new driveway location and layout may need to be reconfigured in the future as he questions whether NYSDOT would approve this specific layout, but that there was ample room on the new residential lot for relocation of the driveway. Member Czornyj noted that there was excellent visibility on this on this portion of NY Route 7. Chairman Oster inquired whether there were any further questions or comments on this application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was

seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the Fletcher waiver of subdivision application subject to the condition that Rensselaer County Health Department approval for potable water supply and septic must be submitted to the Town of Brunswick Building Department prior to the issuance of any building permit for the new lot. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the Fletcher waiver of subdivision application was approved subject to the stated condition.

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

Chairman Oster noted that the only outstanding application is the waiver of subdivision application by Barber for property located at 121 Brunswick Road. Mr. Kreiger reported that he had been contacted by the project engineer, Tom Murley, and that the applicant was still researching additional information for the application. There are no items of business for the December 18, 2014 meeting subject to confirmation from Mr. Murley as to whether the Barber waiver of subdivision application is ready for further consideration and subject to any items of new business received. Chairman Oster will coordinate with Mr. Kreiger prior to the December 18 meeting to confirm whether there is any business to conduct the meeting.

The index for the December 4, 2014 meeting is as follows:

1. Lucier – waiver of subdivision – approved with conditions.
2. Gallivan – waiver of subdivision – approved with condition.
3. Fletcher – waiver of subdivision – approved with condition.

There are currently no agenda items for the December 18, 2014 meeting date.