

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 4, 2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No new items of business were filed.

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

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

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

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