

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 17, 2011

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

ABSENT were FRANK ESSER and KEVIN MAINELLO.

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

The Planning Board reviewed the draft minutes of the February 3, 2011 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the February 3, 2011 meeting were unanimously approved without change.

Chairman Oster noted for the record that the Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral matters would not be addressed at the February 17 meeting, and the matter is adjourned until the March 3 meeting.

The first item of business on the agenda was the waiver of subdivision application by Michael Blair for property located at 394 Moonlawn Road (Tax Map No. 92.-3-7). Mark Danskin was present for the Applicant. Mr. Danskin generally reviewed the application, which addresses four lots shown on a previously – filed subdivision map. These lots were denominated 3, 4, 5 and 6 on the previously filed subdivision plat. Such lots 3, 4, 5, and 6 are contained in one deed, now in title of Blair. Blair seeks to re-subdivide these lots into two residential lots, denominated as Lots A and B. Proposed Lot A is a 40,500 square foot lot with existing homestead. Proposed Lot B will be a 4.2 acre building lot, currently vacant. Both proposed lots

will have municipal water available. Mr. Danskin reported that he received permission from the Rensselaer County Highway Department for a proposed driveway location for proposed Lot B. Member Czornyj inquired whether a new map would be submitted in accordance with the discussion at the February 3 meeting. Mr. Danskin reported that he did not think a new map needed to be submitted, since the existing map already submitted to the Planning Board does show proposed Lots A and B. Member Czornyj understood that reference to the prior lot designations of 3, 4, 5, and 6 would be eliminated, and a map would be submitted showing only proposed Lots A and B. Mr. Danskin thought that elimination of any reference of prior denominated lots 3, 4, 5, and 6 would create a question on the record at the Rensselaer County Clerk's Office. After further discussion, it was determined that this application constitutes a re-subdivision of prior lots 3, 4, 5, and 6, and a new map would be shown identifying only proposed Lots A and B, but with a title block identifying the map as a re-subdivision of prior lots 3, 4, 5, and 6, and a map note added for explanation. Mr. Kestner noted that the Town Water Department requests a copy of the proposed easement for public water line extension over these lots, and also a copy of an existing easement over the adjacent Lands of Kaiser. The Planning Board inquired whether there would be any further subdivision of proposed Lot B. Mr. Danskin responded that no further subdivision is proposed, but rather Lot B will be one residential building lot, with one home, one septic plan being submitted to the Rensselaer County Health Department, and one proposed driveway location approved by the County Highway Department. It was also noted that this property is currently located in an agricultural district, and therefore an agricultural data statement must be completed and served. It is further noted that proposed Lot B will require a water district extension, to be added to consolidated Water District #4. The

extension of the water district will be a condition to any action on this application. This matter has been placed on the March 3 agenda.

One item of new business was discussed.

A site plan application has submitted by Tamarac Auto Sales (Kenneth Bruno owner) for a proposed used car lot in the parking lot of the Tamarac Plaza. This is Tax Map No. 92.-6-3. Kenneth Bruno appeared on the application. Mr. Bruno did an overview of what the proposal entails, which will be a used car business with an office for used car sales located in the Bruno Law Offices, with a proposed display area in the front parking lot of the Tamarac Plaza. The Planning Board in general, and Chairman Oster in particular, raised a concern regarding display of used cars in a front parking lot creating a dangerous condition with people walking around viewing used cars in the middle of a parking lot. Chairman Oster also thought this created a dangerous precedent for allowing display of merchandise in parking lot areas, an issue which the Planning Board has viewed negatively in the past. Mr. Bruno stated that the used car dealership would be similar to one of the retail uses in the plaza, but used the parking lot for display of the merchandise. Chairman Oster stated that one option may be to have a separate dedicated area outside of the existing parking lot for used car display. Member Czornyj concurred, saying that an area to the west side of the parking lot, even if some lawn was taken for car display, would be preferable to having cars displayed in the front parking lot. Mr. Bruno responded that he was looking for the visibility for having cars displayed in the front parking lot adjacent to Route 2. Member Wetmiller asked whether there would be any car washing on the site. Mr. Bruno said there would not be any car washing on the site. Member Czornyj reiterated that he was concerned regarding public health and safety. Mr. Bruno stated that he could envision some curbing or some similar barrier added around the area of the used car display in the parking lot.

Chairman Oster asked whether the use of 8 parking spots for used car display would impact the total number of required parking spots for the retail plaza. Mr. Kreiger said that the total number of parking spots would not be an issue. The Planning Board wanted time to research the issue of having a used car dealership on the same lot that is currently being used for retail sales, and directed Attorney Gilchrist to research that issue. Also, the Planning Board directed Mr. Kreiger to research whether any other commercial lot was being used for two separate commercial purposes, particularly where one of the uses was utilizing parking spaces. This matter will be placed on the March 3 agenda for further discussion.

Mr. Kreiger distributed to the Planning Board members the full site plan application submitted by Sphere STP II, LLC for the proposed Tractor Supply on Route 7. This is Tax Map Parcel 91.-2-18, comprising 3.8 acres. Sphere STP II, LLC is the Applicant, and the underlying fee owner is Rocco Loccisano. Mr. Loccisano has a letter in the record concerning his consent to the site plan submittal. This matter is placed on the March 3 agenda for further discussion.

The site plan application by A&S Diesel was also discussed, noting that the Applicant was looking to submit a limited site plan showing only the area of the proposed diesel fueling location. The Planning Board stated that it was looking for a full site plan of the entire lot, and further stated that it wanted to see a concrete pad in the location of the diesel fueling area. The Planning Board directed Mr. Kestner to contact the Applicant and inform the Applicant that a full plan of the entire site needed to be filed. This matter has been tentatively placed on the March 3 agenda for further discussion.

The **index** for the February 17, 2011 meeting is as follows:

1. Blair – waiver of subdivision – 3/3/11;
2. Tamarac Auto Sales – site plan – 3/3/11;

3. Sphere STP II, LLC – site plan (Tractor Supply) – 3/3/11;
4. A&S Diesel – site plan – 3/3/11.

The **proposed agenda** for the March 3, 2011 meeting currently is as follows:

1. Blair – waiver of subdivision;
2. Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral;
3. Sphere STP II, LLC – site plan (Tractor Supply);
4. Tamarac Auto Sales – site plan;
5. A&S Diesel – site plan.