

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 7, 2011

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

ABSENT were DAVID TARBOX, VINCE WETMILLER 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 March 17, 2011 meeting. Upon motion of Member Czornyj, seconded by Member Esser, the minutes were unanimously approved as drafted.

Chairman Oster reviewed the agenda, noting that the site plan application by Sphere STP II, LLC to construct a Tractor Supply Store at 864 Route 7 is adjourned until the April 21 meeting upon request of the Applicant. Mr. Kestner noted that NYSDOT had issued a review letter dated December 15, 2010, to which the Applicant still needed to respond. Further, Mr. Kestner stated that the Applicant is proposing a change to the Stormwater Pollution Prevention Plan, which will eliminate the use of porous pavement and now add bio-retention areas in the parking lot. Mr. Kestner finally noted that it was his understanding that the Applicant had been in discussion directly with Minkler, owner of property at 195 McChesney Avenue directly to the rear of the proposed Tractor Supply site, concerning Minkler's comments. Member Czornyj noted that he had been on the site and that he feels there is a considerable distance between the proposed Tractor Supply Store and the Minkler property, with an existing tree line and forested

area between the properties. Rocco Loccisano, the underlying property owner, confirmed that the existing pines and wooded area would be retained, and that if any gap exists in that wooded boundary between the Tractor Supply Store and Minkler, additional vegetation will be planted. Lastly, Mr. Kestner noted that it was his understanding that a final grading plan to address the grade of material between the proposed parking area for the Tractor Supply Store and the existing A&S Diesel is still being discussed. This matter is placed on the April 21 agenda.

The first item of business discussed by the Planning Board was the site plan application by Tamarac Auto Sales, LLC, for a proposed used car business located at the Tamarac Plaza in conjunction with the Bruno Law Offices. Attorney Gilchrist has recused himself from further consideration of this application, and the Planning Board has retained Tom Kenney, Esq. to serve as Planning Board counsel on this application. Chairman Oster confirmed that a response from the Rensselaer County Department of Economic Development and Planning had been received, which indicated that the project does not conflict with County plans, but did include comments concerning any impacts due to signage or lighting. Kenneth Bruno, on behalf of the Applicant, again confirmed that signage would be limited to the existing sign board already located at the Tamarac Plaza, and possibly signage on the building where the Bruno Law Office space is located. As to lighting, Mr. Bruno confirmed that no additional lighting was planned for the used car sales area, and that a street light exists on Route 2 that should provide adequate lighting. Mr. Bruno also confirmed that this operation would be primarily a “dawn to dusk” business, principally limited to daytime operation. Chairman Oster asked whether there would be any signage on the cars for sale as well. Mr. Bruno stated that at most, there would be some kind of lettering on the windows of the cars. Member Esser inquired how this operation would function, given that the car display area was approximately 200 feet from the office where the business

would take place. Member Esser questioned whether any employee would be situated where the used car display area is located. Mr. Bruno stated that the business office, to be located in the Bruno Law Offices, was not that far removed from the car display area, that signage would be provided to indicate the office is located in the Bruno Law Offices, and also that there should be phone numbers listed on the cars that would connect to the Bruno Law Office as well. Member Czornyj inquired of Mr. Kreiger whether the overall parking space number was still compliant in the event 8 parking spaces were lost to used car display. Mr. Kreiger confirmed that the overall parking space number remained compliant. Member Czornyj noted that he had recently been at the plaza, and confirmed that the parking spaces between the area identified for used car display and the Bruno Law Office are used, and that a dedicated walking area with signage would be appropriate so that pedestrian safety is addressed. After determining that the application is complete to move forward to public hearing, the Planning Board has scheduled a public hearing to be held at the April 21 meeting at 7:00 p.m.

At this point in the meeting, one item of old business was discussed. The Charles Farrell major subdivision, known as Double Day Estates, was discussed. Attorney Gilchrist has recused himself from any further participation on this application, and the Planning Board has retained Tom Kenney, Esq. to serve as counsel. Mr. Kreiger noted that additional plans and application documents have been submitted, and that the Applicant is requesting to be placed on the April 21 agenda for further discussion. Mr. Kreiger noted that additional plans, Environmental Assessment Form, pump test data, copies of application for sanitary facilities at NYSDEC and the Rensselaer County Department of Health, as well as supplemental information on flora and fauna from NYSDEC had been submitted to his office by the Applicant. Mr. Kestner also confirmed that a Stormwater Pollution Prevention Plan has been prepared for the project as well.

Chairman Oster confirmed that the full application is now submitted, all application fees have been paid, and a review escrow has been established. This matter has been placed on the April 21 agenda for discussion.

The next item of business on the agenda was the waiver of subdivision application by Diamond/Sullo/Rooney for property located at 16 The Crossways and 14 The Crossways. The Applicants seek to transfer approximately 0.24 acres from Diamond, located at 16 The Crossways, to Sullo/Rooney, located at 14 The Crossways. Laura Diamond was present on the application. Chairman Oster confirmed that all application fees had been paid. Ms. Diamond explained that she purchased 16 The Crossways in February, 2011 and learned that approximately $\frac{1}{4}$ acre had previously been leased by the owner of 16 The Crossways to the owner of 14 The Crossways. She did not want to continue any lease arrangement, but rather seeks to transfer title to this $\frac{1}{4}$ acre area to 14 The Crossways. This will amount to a lot line adjustment between these two parcels. Ms. Diamond confirmed that an existing car port will be demolished and removed in conjunction with the property transfer. Member Czornyj noted that the $\frac{1}{4}$ acre to be transferred from 16 The Crossways to 14 The Crossways must be legally merged into the existing lot of 14 The Crossways, and that a separate lot is not being created as a result of this lot line adjustment. Ms. Diamond understood this requirement. Chairman Oster inquired whether there were questions or concerns regarding the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the following conditions:

1. The property transferred from Lot 16 to Lot 14 must be legally merged into Lot 14, with proof of that merger filed with the Brunswick Building Department;
2. The existing car port depicted on the waiver map must be demolished and removed.

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

The next item of business on the agenda was the Berkshire Properties, LLC Planned Development District. Attorney William Doyle was present for the Applicant. Mr. Doyle reviewed the procedural status of the Planned Development District, which received approval from the Brunswick Town Board at a meeting held March 24, 2011. Attorney Doyle confirmed that an application has now been filed for major subdivision with respect to the proposed ten (10) residential lots, and a waiver of subdivision application submitted with respect to the 5.2± acre lot to be transferred to the Town of Brunswick for recreation and/or open space purposes. Attorney Doyle confirmed that the SEQRA review for this project was completed by the Brunswick Town Board, serving as SEQRA Lead Agency. Attorney Doyle stated that applications are likewise being made to the Rensselaer County Health Department for private water and private septic for the 10 residential lots. Attorney Doyle confirmed that the Army Corps of Engineers wetland delineation had been completed with respect to the subdivision, and that the subdivision layout did not have any impact to delineated federal wetlands, and that further the Applicant had agreed to include a 25' voluntary setback from all federal wetland areas. Attorney Doyle reviewed the location of the proposed subdivision road, including relation to the Hudson Hills Planned Development District located to the rear of this project at the end of Betts Road. Attorney Doyle also generally reviewed the status of the commercial portion of the

project, and indicated that the Applicant was coordinating with the Brunswick No. 1 Fire Department concerning emergency vehicle access. With respect to the major subdivision application, Mr. Kestner confirmed that the major subdivision application is complete for purposes of moving the residential subdivision to public hearing. Mr. Kestner indicated that the major subdivision plans had been reviewed and refined during the PDD review process, and the proposal now includes information concerning road grades, stormwater and drainage, as well as lot layout. Attorney Gilchrist also confirmed that the status of the major subdivision application is beyond that which is required for a preliminary subdivision plat submittal, and is currently more in the nature of a final plat submittal. The Planning Board determined that the major subdivision application is complete for purposes of public hearing. A public hearing will be held on the Berkshire Properties PDD major subdivision application at the April 21 meeting commencing at 7:30 p.m.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Deb Roden, located at White Church Road, Tax Map No. 103.-7-18.2. This application seeks to divide an existing building lot into three pieces: a western portion, center portion, and eastern portion. The western portion is proposed to be transferred to the adjacent property owner to the west (Roden). The eastern portion is proposed to be transferred to the adjacent lot owner to the east (Naylor). The center portion is proposed to be transferred to Schmidt, to be used for access to existing agricultural property located to the south. Further, the existing access way owned by Schmidt is proposed to be divided from the existing Schmidt parcel, to be included in the transfer to the western adjacent property owner (Roden). The result is intended to take three existing residential lots with one

access area and create two larger residential lots and one access area on White Church Road. This matter will be placed on the April 21 agenda for discussion.

Attorney Gilchrist noted that Wal-Mart has submitted its application to amend its existing Planned Development District to expand the Wal-Mart Store, and has requested that the Planning Board schedule a date at which the Wal-Mart representatives can present the project to the Planning Board for purposes of the Planning Board's review and recommendation on the PDD proposal. Chairman Oster reviewed the April 21 agenda items, and determined that the Planning Board will entertain the Wal-Mart PDD application presentation at its May 5 meeting.

The **index** for the April 7, 2011 meeting is as follows:

1. Sphere STP II, LLC – site plan – adjourned to 4/21/11;
2. Tamarac Auto Sales, LLC – site plan – 4/21/11 (public hearing at 7:00);
3. Farrell – major subdivision – 4/21/11;
4. Diamond/Sullo/Rooney – waiver of subdivision – approved with conditions;
5. Berkshire Properties PDD – major subdivision - 4/21/11 (public hearing at 7:30);
6. Roden – waiver of subdivision – 4/21/11;
7. Wal-Mart – PDD amendment – review and recommendation – 5/5/11.

The **proposed agenda** for the April 21, 2011 meeting currently is as follows:

1. Tamarac Auto Sales – site plan (public hearing to commence at 7:00 p.m.);
2. Farrell – major subdivision;
3. Berkshire Properties PDD – major subdivision (public hearing to commence at 7:30 p.m.);
4. Sphere STP II, LLC – site plan;
5. Roden – waiver of subdivision.