

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 20, 2011

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

ABSENT was FRANK ESSER.

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

The Planning Board reviewed the draft minutes of the October 6, 2011 meeting. Upon motion by Member Czornyj, seconded by Member Tarbox, the minutes of the October 6, 2011 meeting were unanimously approved as drafted.

The first item of business on the agenda was the site plan application submitted by Wal-Mart Real Estate Business Trust regarding the amendment to the Brunswick Square Planned Development District. The Applicant was represented by Adam Fishel, PE of APD Engineering and attorney John Stockli. With respect to the roadway improvements to be made to McChesney Avenue, Mr. Fishel reported that a meeting had been held between the Rensselaer County Highway Department, Kestner Engineering, Brunswick Highway Department and the Brunswick Water and Sewer Department on October 18. As a result of that meeting, seven (7) conditions were recommended and drafted, including recommendations made by Kestner Engineering as the Planning Board's consulting engineers, with which the Applicant agreed to comply.

Chairman Oster asked whether Brunswick No. 1 Fire Department had any comments. Mark Kestner advised the Board that he had received an email from the Chief of Brunswick No.

1 on October 12, 2011, in which the Fire Chief advised: 1) that McChesney Avenue could be closed to the public, but that he wanted access to ½ the roadway as access for emergency vehicles; 2) sprinklers are to remain operational during demolition and construction; 3) hydrants with quick connect to be used in new construction; and 4) the distance between the hydrants and building must be such that the hydrants are outside the collapse zone. The comments of Brunswick No. 1 Fire Department were incorporated in the seven proposed conditions.

Each of the conditions proposed by the Planning Board, including those recommended by Kestner Engineering and Brunswick No. 1 Fire Department, were reviewed by Chairman Oster with the Applicant's representatives.

Member Czornyj commented to Mr. Fishel that he had seen Walmart trucks turning into the parking lot before the traffic lights. Mr. Fishel stated that he would raise this as an issue with Walmart. Member Czornyj then made a motion, which was seconded by Member Mainello, to approve the site plan application subject to the following conditions:

1. Compliance with all conditions set forth in Brunswick Town Board Resolution No. 63 of 2011, which are incorporated herein in full by reference, which approved the amendment to the Brunswick Square Planned Development District;
2. Comments of Kestner Engineering, Mark L. Kestner, P.E. Consulting Engineers, set forth in an email memorandum dated October 18, 2011;
3. All issues concerning improvements to McChesney Avenue, including road reconstruction, culvert replacement, and stormwater impoundment structure, must be resolved between the Applicant and Rensselaer County Highway Department, and copies of all approvals and/or work permits issued by the Rensselaer County Highway Department for such work items must be filed with the Town of Brunswick Building Department;
4. Comments of the Brunswick No. 1 Fire Department regarding the site plan, including emergency vehicle access, fire code compliance, and hydrant specifications;
5. This approval incorporates Condition No.1(l) set forth in Brunswick Town Board Resolution No. 63 of 2011, which requires that all delivery of all stock, including

commercial stock and grocery stock, and including all types of delivery vehicles, must continue to use the truck delivery route required pursuant to the original Brunswick Square Planned Development District approval. However, the Planning Board understands that the Applicant seeks to amend the truck delivery route to remove the requirement that all delivery trucks utilize the access way to the rear of the commercial buildings located on the Johnston Associates portion of the Brunswick Square site, and amend that truck delivery route to require all delivery vehicles to proceed along the internal road/driveway in the Brunswick Square parking area and which generally bisects the Wal-Mart parking spaces and the Brunswick Associate parking spaces, and thereafter proceeding left in an easterly direction on the internal road/driveway area directly in front of the Johnston Associates retail buildings, and then proceeding easterly to the rear of the Wal-Mart Store. In the event such an application is made by the Applicant to the Brunswick Town Board for amendment to the PDD approval concerning the truck delivery access route, the Brunswick Planning Board recommends that the Brunswick Town Board approve the amended delivery truck route as described in this paragraph, in that the Planning Board finds that this amended delivery truck route further shields delivery trucks from existing homes on McChesney Avenue, and also keeps trucks away from the parking space areas on both the Wal-Mart parking area and Johnston Associates parking area while utilizing only the internal road/driveway areas within the Brunswick Square parking lot;

6. The Applicant is required to complete all inspections and, if necessary, repairs regarding existing and proposed water line and sewer line infrastructure as may be required by the Town of Brunswick, and further the Applicant shall complete all necessary dedication processes for water and sewer infrastructure, including granting an easement to the Town of Brunswick for access to such water and sewer infrastructure;
7. The Applicant shall pay all consulting review fees incurred by the Town of Brunswick in connection with the review of the amendment to the Brunswick Square PDD application and subsequent site plan review. A final accounting for all such fees shall be made, and all such fees shall be paid by the Applicant within thirty (30) days of notification of such a final accounting.

The motion was unanimously approved, and the site plan application was approved, subject to the above-stated conditions.

The second item of business on the agenda was a waiver of subdivision application submitted by Robert Duncan for property located at 481 McChesney Avenue Extension. Robert Duncan was present for the Applicant. The Applicant seeks to divide off a 1.26 acre parcel from

an existing 5 acre parcel for the creation of a building lot. John Kreiger confirmed that all application fees had been paid. Chairman Oster reminded the Applicant that he would be responsible to pay any review fees that may be incurred in connection with the application.

The Applicant confirmed there is adequate frontage and the proposed driveway, septic system and well have been located on the revised plat. Additionally, Mark Danskin, P.E., affirmed on the plat there is adequate sight distance for the proposed driveway. Chairman Oster advised the Applicant that if the proposed driveway was 150' or more in length, the driveway had to be at least 16' wide and suggested that that condition be noted on the plat.

John Krieger noted that the agricultural data statement had not been received back from Applicant prior to the meeting and, accordingly, still had to be sent out.

Chairman Oster further noted that any approval of the application will necessarily be conditioned upon receipt of Rensselaer County Department of Health approval.

This matter has been placed on the November 3, 2011 agenda.

The third item of business on the agenda was a minor subdivision application submitted by Eric Willson for property located at 8 Creek Road (Tax Map No. 113-04-6-6-11). The owner of the property is the Neitzel Family Trust. The property is located at the intersection of Spring Avenue Extension and Creek Road. The property totals 40 acres, and a proposal has been submitted to divide the property into four lots. The resulting lots will include two lots that have existing buildings on them, and two lots for building purposes. The Applicant intends to retain title to lots 1 and 3.

Applicant intends to build on lot 4 and the plans are in the sketch phase. Sight distance for that lot appears sufficient, but the distances, especially with respect to lot 3, will be checked to ensure compliance with DOT standards. The wetlands on the property will remain

undisturbed. Chairman Oster noted that a driveway from lot 3 will be difficult due to the slope on Spring Avenue Extension. The Applicant stated its intention to access lot 3 from Sharpe Road. Member Czornyj advised that the driveway must have negative pitch at the entrance, and depending on the length of the driveway, the width may have to be minimally 16' wide.

The Applicant stated that North Country Ecological Services, Inc. has delineated the wetlands on the site, and that proposed lot 4 shows the required 100' buffer around the wetlands as required by DEC.

Chairman Oster noted that the location of the septic system for the neighboring lot has not been identified on the concept drawing and thought that it should be. It was further noted that Spring Avenue Ext. is still on well water, though there is a transmission line along Spring Avenue Ext. to provide water to Poestenkill, and a water district is to be created.

Chairman Oster stated that he sees no significant issues with the Applicant's concept, but wants to see more detailed plans. Mark Kestner confirmed that the sketch plan shows the required 10' topographic intervals. Chairman Oster also stated that the application would be the subject of a public hearing and that since the property is in an Agricultural District, that an Agricultural Data Statement would be sent out.

Mark Kestner requested that the Applicant fill out a long-form Environmental Assessment Form (EAF) in light of the significant wetlands on the property.

Finally, Chairman Oster noted that lot 4 is shown as being bisected by Spring Avenue Ext. and Creek Road. While Applicant states that the small portion on the opposite side of Spring Avenue Ext. is unbuildable, Chairman Oster stated that the whole of lot 4 must be under one deed.

This matter has been tentatively placed on the November 3, 2011 agenda, provided that the Applicant submits a full set of drawings.

There were no items of new business.

The index for the October 20, 2011 meeting is as follows:

1. Wal-Mart Real Estate Business Trust – site plan – 11/3/11;
2. Robert Duncan – waiver of subdivision – 11/3/11;
3. Willson – minor subdivision – 11/3/11.

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

1. Duncan – waiver of subdivision;
2. Willson – minor subdivision.