

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

**MINUTES OF THE PLANNING BOARD MEETING HELD November 17, 2011**

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

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

The Planning Board opened a public hearing concerning the minor subdivision application by Eric Willson for property located at 8 Creek Road (Tax Map No.: 113-04-6-6-11). Chairman Oster reviewed the public hearing guidelines. The Notice of Public Hearing was read into the record by Attorney Coan. Chairman Oster requested the Applicant present a brief overview of the project. The Applicant, by and through his consultant, generally reviewed the change in the site plan going from a proposed 4 lot subdivision to a 3 lot subdivision, 2 lots with existing residences and 1 proposed building lot. The Applicant's consultant explained that the Rensselaer Department of Health had been contacted about the 2 existing wells and septic systems and the proximity to each other, and that the Department of Health had sent a letter to, among others, the Town's consulting engineer.

Chairman Oster then requested any public comment. Jean Cody Hill, 242 Sharpe Road, expressed concern about water resources and stated that she was not part of a water district but has a well. Applicant's consultant explained that there is a well currently proposed for lot 3 and that the lots with the existing residences already have wells. The consultant further explained that

the Applicant will tie lot 2 into the public water supply once available. He further stated that the Applicant will determine whether there is sufficient area on lot 1 to install a new septic system in the event the current one fails in the future. If there is insufficient area to construct a new septic system, the Applicant will tie into the public water supply. Ms. Hill also expressed concern that at some point there would be additional development next to her. Chairman Oster explained that if and when the Applicant decided to develop the property beyond that described in the instant application, the Applicant would have to come back before the Planning Board for approval.

Next, Pat Smith, 55 Creek Road, stated that he lives across the street from the proposed driveway for lot 3. He was interested in reviewing the proposed layout and wanted to know if trees would be removed and/or whether any wetlands would be disturbed. Applicant's consultant stated that the applicant would not be disturbing any woods or wetlands and that proposed driveway would be approximately 130' off wetland boundary.

Mark Kestner then stated that he had received a letter from the Rensselaer County Department of Health dated November 9, 2011 with respect to lot 2, which contains conditions with which the Applicant agreed to comply. Specifically, the Applicant agreed to connect lot 2 to the public water supply. According to Mr. Kestner, because the well and septic on lot 1 are not currently in failure mode, the County Department of Health cannot require that the Applicant construct a new system at this time. Hearing no further comments, Chairman Oster closed the public hearing on the Willson minor subdivision application.

Chairman Oster then opened the regular meeting of the Planning Board.

Chairman Oster reviewed the agenda.

The Planning Board reviewed the draft minutes of the November 3, 2011 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the November 3, 2011 meeting were unanimously approved.

The first item of business on the agenda was the Willson 3 lot minor subdivision application for property located at 8 Creek Road (Tax Map No. 113-04-6-6-11). Chairman Oster reviewed the public comments received during the public hearing, which have all been addressed by the Applicant. Mr. Kreiger noted that the County had responded to the Agricultural Data Statement and advised that local conditions prevail.

Mr. Kestner stated that he had received the wetland report from the Applicant. While there was no letter from the New York State Department of Environmental Conservation or Army Corps of Engineers stating that the DEC and/or the Corps agree with the delineation, Mr. Kestner stated that the Applicant used methodologies approved by both the DEC and Army Corps for the delineation. Mr. Kestner further stated that Applicant will not impact any federal wetlands and that the plans show 100' buffer around the State wetlands.

Chairman Oster asked the Applicant if the EAF had been corrected, and Applicant stated that he had submitted an amended EAF with the corrections. Mr. Kestner asked if the project is in a 100 year flood plain; Applicant said it is not.

Chairman Oster asked whether there were 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 Willson minor subdivision application subject to the following conditions:

1. Applicant must comply with the terms and conditions set forth in the Rensselaer County Health Department correspondence dated November 9, 2011;
2. Applicant must hook up lot 2 to the public water supply once available;
3. Given the presence of State and Federal wetlands on site, Applicant must comply with all State and Federal wetland regulations and that compliance must be confirmed at the time Applicant applies for a building permit; and
4. Applicant must obtain a driveway permit from the County Highway Department for driveway access to Creek Road.

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

The second item of business on the agenda was the waiver of subdivision application submitted by Robert Duncan for property located at 481 McChesney Avenue Extension to divide off a 1.26 acre parcel from a 5 acre parcel for a building lot. Mr. Kreiger advised the County had responded to the Agricultural Data Statement and advised local conditions prevail. The Applicant was not present and the matter was tentatively moved to agenda for the December 1, 2011 meeting.

The third of item of business was the Decatur waiver of subdivision application for property located at the intersection of Tamarac and Lockrow Roads. The property totals approximately 20 acres, and a proposal has been submitted to divide the property into two lots, consisting of a 17.98 acre lot with the existing house, and a 2.02 acre building lot. Chairman Oster asked if there were any changes to the application, and Applicant said no, there were not. The Applicant indicated there was still no final determination on where the proposed driveway would be located. The Town's Consulting Engineer recommended that driveway access be off of Lockrow Road. John Kreiger confirmed all fees had been paid. Hearing no other questions or

comments, 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 adopted. Thereupon, Member Czornyj made a motion to approve the Decatur waiver of subdivision application subject to the following conditions:

1. Planning Board recommends driveway access for proposed lot be off Lockrow or Curtis Lane and the Applicant must obtain a driveway permit issued by the Town Highway Department for such driveway; and
2. Applicant must obtain Rensselaer County Health Department approval of well and septic system for newly created lot.

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

The fourth item of business was an application by Johnston Associates, LLC to amend Brunswick Square Plaza's existing site plan to add additional storage space at the rear of the plaza, adjacent to the existing utility room. The Applicant, appearing by Paul Engster, stated that storage space could not be constructed in the location originally proposed given the presence of utility lines. The Applicant proposed an alternate location behind Trustco on the Hoosick Street side. The size of the storage structure will be approximately 30'. Member Czornyj asked about setbacks; and Mr. Engster thought the structure would be at least 30' from Hoosick Street and 10' from side lot lines.

Chairman Oster asked whether the structure will be seen from Hoosick Street. Mr. Engster did not think much of the building would be seen. The Board also asked what effect the structure would have on greenspace. Mr. Engster acknowledged there would be a reduction in

greenspace, but that it will not put him below 35%. He will confirm the greenspace if he moves forward.

Member Wetmiller asked if there were any utilities in the newly proposed location. Mr. Engster said no. Member Czornyj inquired about lighting on the structure, to which Mr. Engster replied there will likely be security lighting. The size of the proposed structure is 25' x 12'. Member Czornyj asked Mr. Engster to pin the 4 corners of the site.

On other matters, Mr. Engster reported that the stop signs to be installed at the Plaza have been ordered. Also, he has been approached by SEFCU with the possibility of installing a banking kiosk in the parking lot closest to Hoosick Street, which will eliminate some parking spaces. Member Wetmiller inquired about lighting and Mr. Engster said it would have to comply with New York State Banking laws. John Kreiger reminded him there had been an issue with Trustco's lighting. Mr. Engster said the proposed kiosk would be approximately car window height and 5' wide, similar to an ATM. Data and electricity would come in from underground. Mr. Engster stated he still needs to consider the proposal and does not want to interfere with Trustco ATM pattern. Chairman Oster would like additional detail on the proposal.

Mr. Engster will submit an actual site plan for the storage unit and requested to be placed on the December 15, 2011 agenda.

The fifth item of business was a solar power application submitted by Brunswick Harley concerning the ground portion of the equipment. The matter was adjourned until the December 1, 2011 meeting.

There was one item of old business.

New York Light Energy, LLC requested a lot line adjustment and amendment of site plan because the solar rays could not be installed on the slope as originally thought. To avoid a zoning

violation that would be created by the proper placement of the rays, New York Light will acquire land from the neighboring Duncan property and add it to the Creamery property to maintain the required setbacks. The Applicant stated that Duncan had already executed documents necessary to transfer property. Hearing no further discussion, Member Tarbox moved to approve the lot line adjustment, subject to condition that property acquired from Duncan be merged into the Creamery deed. Member Mainello seconded the motion subject to the stated condition. The motion was unanimously approved and the lot line adjustment subject to condition approved.

With respect to the amendment of the site plan, the rays will now be placed flat on the ground and may be moved if necessary. There will be no changes in grade/topography of site. Revised planting plans will be submitted to Planning Board. The Applicant did state that solar rays will be closer to the embankment so there should be no negative impact on view.

John Kreiger confirmed all application fees had been paid. Member Czornyj stated that he wants the Applicant to speak with the neighbor who had commented at the public hearing about the visual impacts. Mark Kestner and John Kreiger will go out with Applicant to address any negative visual impacts as a result of the change in placement of the rays.

Hearing no further discussion, Member Czornyj made a motion to approve the application to amend the site plan, subject to the condition that the Applicant meet with the neighbor, the Town's Consulting Engineer and Building Inspector, and agrees to make any modifications to the berm and plantings as may be required by the Consulting Engineer and Building Inspector to address any negative visual impacts. The motion, subject to the stated conditions, was seconded by Member Wetmiller. The motion was unanimously approved and the amendment of the site plan approved subject to the stated conditions.

There were two items of new business.

The first item of new business is a site plan application by Planet Fitness (David Leon), which proposes to open at the Rite Aid located at 660 Hoosick Street. Rite Aid is going out of business. The plan is to remodel the existing space. The Applicant will fund an escrow account before the next meeting and will submit a sketch plan for review. According to Mr. Kreiger, Planet Fitness would operate 24 hours per day Monday through Friday, and 7:00 a.m. to 7:00 p.m. Saturday and Sunday. Member Czornyj noted there will be a need for a traffic study and coordination with the Department of Transportation.

The second item of new business was that the Town Board has referred the application to amend the Duncan Meadows PDD to eliminate the age restricted housing requirement to the Planning Board for recommendation. This matter has been placed on the agenda for the December 1, 2011 meeting.

Finally, John Kreiger advised the Board that the Tractor Supply is open and that it will be extending the split rail fence down the side and will install a chain link fence at the base of the wall due to falling rocks. The fence will be 6' in height.

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

1. Willson – minor subdivision – approved with conditions;
2. Decatur – waiver of subdivision – approved with conditions;
3. Johnston Associates – amendment of site plan – 12/15/11;
4. New York Light Energy, LLC – lot line adjustment and amendment of site plan – approved with conditions; and
5. Planet Fitness – site plan – 12/1/11.

The proposed agenda for the December 1, 2011 meeting currently is as follows:

1. Duncan – waiver of subdivision;

2. Brunswick Harley – site plan review of solar application;
3. Planet Fitness – site plan; and
4. Duncan Meadows PDD – recommendation requested on application to amend site plan review.