

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 15, 2011

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

ABSENT was DAVID TARBOX.

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

Chairman Oster reviewed the tentative agenda for the meeting, noting that the public hearing on the site plan application submitted by Monolith Solar Associates is cancelled and will be renoticed for the January 5, 2012 Planning Board meeting commencing at 7:00 p.m.

The draft minutes of the December 1, 2011 meeting were reviewed. Page 2 at line 7 was corrected, replacing “a hail storm with 50 mph winds” with “a 50 mph golf ball rated hail”. With the stated correction, a motion was made by Member Czornyj to approve the December 1 minutes as corrected, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and the minutes of the December 1 meeting were approved as corrected.

The first item of business on the agenda was the site plan application submitted by Monolith Solar Associates for the installation of a carport-type solar panel system to be located on the southwest corner of the Brunswick Harley Davidson facility located on Route 7. Steven Erby of Monolith Solar Associates was present on the application. Mr. Erby stated that the error in the public hearing notification was not the fault of Monolith, and requested the right to start the project by grading and installing footings in order to meet project timeframes. Attorney

Gilchrist advised the Planning Board that such a request was properly addressed to the Town Building Department, and was not an issue that should be addressed by the Planning Board. Attorney Gilchrist did note that there is a site plan application pending for the proposed work, and that the Town Building Department needs to consider the pendency of the site plan application with respect to any request for grading permits and/or building permits, and if necessary seek the advice of the Town Attorney. Member Esser raised a question regarding the components of the structure of the solar panel system, and questioned what would happen if the structure were hit by a car or other vehicles. Mr. Erby generally discussed the solar panel structure, and emphasized the fact that the system was pre-engineered, and the plans already bore the stamp of a licensed professional engineer. There was extended discussion regarding the structure supporting the solar panels. The Planning Board confirmed that the public hearing on this application was rescheduled and now set for January 5, 2012 commencing at 7:00 p.m.

The next item of business on the agenda was the Duncan Meadows Planned Development District amendment, upon referral for recommendation by the Brunswick Town Board. Following presentation of the proposed amendment by the Applicant and deliberation by the Planning Board at its December 1 meeting, the Planning Board directed Attorney Gilchrist to prepare a draft recommendation based on that deliberation. Attorney Gilchrist had prepared a draft recommendation and had distributed that draft recommendation to each Planning Board member prior to the December 15 meeting. The Planning Board then generally reviewed the contents of the draft recommendation, which does provide a positive recommendation to the Town Board on the proposed Duncan Meadows PDD amendment. Following review of the draft recommendation, the recommendation was offered by Member Czornyj and seconded by Member Christian. Following a roll call vote, the Duncan Meadows PDD amendment

recommendation was approved by a vote of 6/0 (Tarbox absent). The Planning Board directed that this final recommendation be transmitted to the Brunswick Town Board in connection with the PDD amendment application.

The next item of business on the agenda was the application to amend the site plan for the Brunswick Square Plaza submitted by Johnston Associates. The Applicant seeks to amend the existing site plan to add a storage shed at the rear of the existing commercial structure. There was no one present on behalf of Johnston Associates, and the matter was adjourned.

The next item of business on the agenda was the application by Wal-Mart Real Estate Business Trust to amend the site plan in connection with the Wal-Mart expansion at the Brunswick Square Plaza. Mary Beth Slevin, Esq., Adam Fishel, P.E. of APD Engineering, and representatives of MPW Engineering, fire protection consultants were present for the Applicant. Mr. Fishel explained that the Applicant was proposing to add a water storage tank for fire protection and to relocate the fire protection pump house on the northeast rear corner of the store building. Mr. Fishel explained that the proposed water storage tank has dimensions of 20' in diameter and 25' tall, with a capacity of 71,000± gallons. Mr. Fishel explained that the pump house was to be relocated from its existing position to the rear of the Wal-Mart store and to be relocated next to the proposed water storage tank. Mr. Fishel explained that the building foot print would be modified slightly, but that the total square footage of the store remained the same. Member Esser raised a question regarding a comment letter received from the Brunswick Fire Company No. 1 dated December 15, 2011 regarding the Wal-Mart expansion project. Mr. Fishel explained that he had only recently seen the comment letter dated December 15, 2011 from the Brunswick No. 1 Fire Department, and that the Applicant would be prepared to put a response together to those comments if necessary. Mr. Fishel also raised the point that certain of the

comments in the 12/15/11 comment letter from the Brunswick No. 1 Fire Department addressed issues that were previously reviewed in the site plan approved by the Planning Board on October 20, 2011. Attorney Gilchrist stated that the PDD amendment approved by the Brunswick Town Board pursuant to Resolution No. 63 of 2011, which was incorporated in full in the Planning Board's site plan approval of October 20, 2011, required all issues concerning emergency vehicle access and fire code compliance to be coordinated with the Brunswick No. 1 Fire Company, Town of Brunswick Planning Board, and Town consulting engineer as part of the site plan review, and that further under the site plan approval granted by the Planning Board on October 20, 2011, such approval was conditioned on comments of the Brunswick No. 1 Fire Department regarding emergency vehicle access, fire code compliance and hydrant specifications. Accordingly, Attorney Gilchrist stated that the site plan approval granted by the Planning Board on October 20, 2011 required the coordination between the Brunswick No. 1 Fire Department, Town Building Department, Town consulting engineer, and the Applicant on resolving all issues associated with emergency vehicle access, fire code compliance, and hydrant specifications, and any comments on the 12/15/11 comment memorandum from the Brunswick No. 1 Fire Department addressing the site plan approved by the Planning Board on October 20, 2011 did not require any further discussion by the Planning Board but rather required resolution between the Brunswick No. 1 Fire Department, Town Building Department, Town consulting engineer, and the Applicant prior to the issuance of any work permits. Further, Attorney Gilchrist stated that with respect to issues raised in the 12/15/11 Brunswick No. 1 Fire Department memorandum addressing the current site plan requesting approval for the installation of the water storage tank, such issues need to be resolved in the context of the current site plan review by the Planning Board. Mr. Kestner raised certain questions regarding the structure of

the proposed water storage tank, and the fact that it was to be painted to match the color scheme of the adjacent building. Mr. Fishel and the representatives of MPW Engineering confirmed that the water storage tank was aluminum and that the appropriate paint application would be made for the tank type and that it would be painted to match the color scheme of the adjacent building. Mr. Fishel showed a rendering of the proposed tank installation and relocated pump house, which also shows a ladder and safety railing at the top of the tank, and bollards installed to provide safety around the base of the tank. The Planning Board generally discussed the height of the water storage tank in relation to the height of the building. Chairman Oster stated that in his opinion, the tank installation was being proposed for purposes of public safety, and necessary for appropriate fire flow and fire protection in connection with the store expansion, and further that this proposal did not significantly change the footprint of the building or change the total square footage of the building from the approved site plan, and concluded that in his opinion this did not present a significant change to the approved site plan and would not require an additional public hearing. Member Czornyj concurred that the tank was being installed as a safety feature, and Member Wetmiller also confirmed that the basic building footprint and size would not be changing. The Planning Board generally concurred that this did not result in a significant modification to the approved site plan, and concurred that a public hearing on the application is not required. Member Czornyj did ask why the tank was being proposed at this time. Mr. Fishel stated that the Applicant was completing a fire flow test at the time of the site plan approval in October of 2011, and that since this was an existing building it had not been anticipated that there would be a fire flow issue, but it was ultimately determined that additional pressure for the building expansion would be required. The Planning Board generally discussed the Tibbitts Avenue water tank as well as the Town of Brunswick water tank, and whether changing the

origin of the flow to the Brunswick water storage tank would still require the installation of the proposed water storage tank. Mr. Fishel stated that the Applicant had looked at these various alternatives, and determined that the addition of this water storage tank was the preferred option. Member Mainello wanted to make sure that the ladder installed on the water tank would be safe and not subject to vandalism or raise a safety concern regarding people getting on top of the water tank. Mr. Kestner stated that there are ways to secure the ladder or place its height on the water tank so that it was not easily accessible by kids, and that the issue was primarily addressed by OSHA. Member Mainello also inquired about the distance between the water storage tank and the building. Mr. Fishel stated that the tank was located to meet all required collapsed distances to keep the building structure safe. Chairman Oster inquired whether the tank had any external valves so that a fire department could use the tank for water if necessary. The representative of MPW Engineering stated that the tank was for Wal-Mart building purposes only, and that there were no external valves or fittings. The Planning Board also generally discussed the circulation of the water in the storage tank through the sprinkler system, and whether the water was tested or flushed. The representative of MPW Engineering stated that the system was tested on an annual basis, but that the water in the tank was not flushed or otherwise tested. The Planning Board inquired whether this action was subject to SEQRA. Attorney Gilchrist stated that the proposal to add a water storage tank was not part of the prior PDD amendment action which had been subject to full SEQRA review, and therefore the Planning Board should make a determination of environmental significance under SEQRA concerning the addition of the water storage tank and relocation of the pump house. It was noted that a short Environmental Assessment Form is submitted on the application. Upon review and deliberation, the Planning Board moved forward to make a determination of environmental significance under

SEQRA. Upon motion of Member Wetmiller, seconded by Member Esser, a negative declaration was adopted by a 6/0 vote. Next, Member Mainello raised an issue which had been previously discussed by Mr. Kestner, concerning the Brunswick No. 1 Fire Department's memorandum recommending that 3 fire hydrants on the Wal-Mart site be replaced with new hydrants in connection with the building expansion. Member Mainello thought that the comment was a good idea, because the new hydrant could be put in place and tapped into the water system while the existing hydrant was still in place, which would insure that the site was not without hydrant fire protection at any time. Member Wetmiller than said since there were 3 hydrants on site, the installation of one new hydrant would then allow an older hydrant to be relocated and tapped into the system at the second hydrant location, and similarly the same approach with the third hydrant location, so that the necessity of only having one new hydrant installed would allow the plaza never to be out of hydrant protection services, which would minimize any exposure. Mr. Fishel stated that the Applicant was willing to entertain all of these issues during its discussion with the Town Building Department, Town consulting engineer, and Brunswick No. 1 Fire Department and resolve these issues prior to the construction project. Chairman Oster inquired whether there were any further questions or comments regarding the installation of a proposed water tank and the relocation of a pump house. Hearing none, Member Czornyj made a motion to approve this application to amend the site plan and allow the installation of the water storage tank and relocation of the existing pump house upon the following conditions:

1. Resolution of issues raised by the Brunswick No. 1 Fire Department in its memorandum dated December 15, 2011 through discussion with the Town Building Department, Town consulting engineer, Brunswick No. 1 Fire Department, and the Applicant prior to the issuance of any building permits for the project;

2. The water storage tank must be painted in the same color scheme as the adjacent Wal-Mart building at all times;
3. No antenna or other equipment may be installed on the water storage tank without further Town of Brunswick review; and
4. The ladder to be installed on the water storage tank should meet all OSHA requirements but also minimize risk of vandalism and safety concerns.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 6/0 and the amendment to the Wal-Mart Real Estate Business Trust site plan was approved, subject to the stated conditions.

Prior to leaving the meeting, the representatives of Wal-Mart Real Estate Business Trust noted that it had applied to the Brunswick Town Board to further amend the Planned Development District to allow the alternative truck delivery route on the internal parking area to the Brunswick Square Plaza, as discussed during the Planning Board's site plan review. Attorney Slevin noted that the shed being proposed by Johnston Associates is located to the rear of the existing Johnston Associates commercial units, and wanted to make sure that it was located in such a way as to not impede delivery trucks in the event the modified internal truck delivery route was not approved by the Brunswick Town Board. It was confirmed that the proposed location of the storage shed was not in the travel lane. The Planning Board confirmed that Mr. Fishel would be provided with a copy of the site plan submitted by Johnston Associates for the addition of the storage shed once the same has been received by the Planning Board.

The Planning Board then generally discussed the Monolith Solar Associates site plan application which had been on the agenda previously, and specifically the issue of safety of the structure in the event it was hit by a car or other vehicle. It appeared to the Planning Board members that while the engineering plans had been stamped by a licensed professional engineer,

they may be designed to take the structural load of the solar panels themselves, but it was unclear whether they were also designed to withstand the impact of a vehicle. The Planning Board generally discussed the proposed use of the carport-type facility for vehicle or equipment short term storage, which raises the concern about impact of vehicles or the movement of equipment impacting the structure supporting the solar panels. This issue will be discussed at the January 5, 2012 meeting, with one option considered by the Planning Board to be the requirement to install bollards around the base of the structural elements supporting the solar panel array.

The index for the December 15, 2011 meeting is as follows:

1. Monolith Solar Associates – site plan – 1/5/12 (public hearing at 7:00 p.m.);
2. ECM Land Development, LLC – Duncan Meadows Planned Development District amendment – recommendation;
3. Johnston Associates – site plan – 1/5/12 (tentative);
4. Wal-Mart Real Estate Business Trust – amendment to site plan – approved subject to conditions.

The proposed agenda for the January 5, 2012 meeting currently is as follows:

1. Monolith Solar Associates – site plan (public hearing to commence at 7:00 p.m.);
2. Johnston Associates – amendment to site plan;
3. Planet Fitness – site plan (tentative).