

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

**MINUTES OF THE PLANNING BOARD MEETING HELD March 1, 2012**

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

ABSENT were CHAIRMAN RUSSELL OSTER and 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 February 16, 2012 meeting. Upon motion of Member Wetmiller, seconded by Member Mainello, the draft minutes of the February 16, 2012 meeting were unanimously approved.

The first item of business on the agenda was the site plan application submitted by Charles McCauley for operation of a seasonal ice cream concession trailer proposed to be located at the Tamarac Plaza on Route 2. The Applicant was not present, and this matter has been placed on the March 15, 2012 agenda. Mr. Kreiger reported that a recommendation had been received from the Rensselaer County Department of Economic Development and Planning, which has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail. However, the County did comment that since many of the customers will be coming from the playing fields located to the east and that they would be required to cross the entrance driveway to the parking lot at the Tamarac Plaza, the County suggested that provisions be made for the pedestrian access, or the ice cream concession trailer site should be moved to the east side of the access driveway. The County suggested that pedestrian access

could include sidewalks or cross walks across the access driveway that is lit during evening business hours. Mr. Kestner also stated that the Planning Board should consider children coming from the Route 2 soccer fields to this ice cream concession, which would require the children to go around the existing fence between the Tamarac Plaza and the soccer fields, bringing a number of children close to Route 2, which could present a safety issue. These matters will be discussed at the March 15 meeting.

The next item of business on the agenda was the commercial site plan application submitted by Reiser Bros. for property located at the intersection of Route 2 and Route 278. Scott Reese, Steve Dean, Henry Reiser, and John Reiser were present for the Applicant. The purpose of the meeting was to have the Applicant update the Planning Board on changes which have been made to the proposed site plan. Mr. Reese reviewed these changes. The changes include the use of on-site septic systems, which in turn necessitated the elimination of one proposed commercial building and reconfiguration of the proposed subdivision to allow adequate on-site area for the septic systems. Mr. Reese explained that a total of 3 commercial lots were being proposed, and each would have its own water and on-site septic system. The new project engineer, Steve Dean, was currently meeting with the Rensselaer County Department of Health concerning the on-site septic system design, and Mr. Reese reports that the Rensselaer County Department of Health wanted input from the Brunswick Planning Board as to whether there were any comments or concerns on a concept basis before the County proceeded with a more detailed review of the septic proposal. Mr. Reese generally explained that it was the same basic commercial lot layout, including a proposed gas station on a corner lot on Route 2 and Route 278, one commercial building located on a separate lot immediately to the west with the last commercial lot being at the intersection of Route 2 and Langmore Lane. There is an open area

for a septic system located between the western commercial lot at the corner of Route 2 and Langmore Lane and the middle commercial lot, designed to service the wastewater from the gas station lot. Mr. Reese reiterated that the current proposal was for site plan approval on only the gas station lot on the corner of Route 2 and Route 278, and the commercial lot immediately adjacent to the west, and that the last commercial lot located at the corner of Route 2 and Langmore Lane was not being advanced currently for site plan review. Member Mainello reviewed the updated Full Environmental Assessment Form, and indicated that the form says the project is only one phase, but that Member Mainello recalled that the gravel extraction for the project was to be completed in multiple phases. Mr. Reese generally explained that with the revision to the proposal, there would be less total amount of material to be removed from the site. Mr. Kestner wanted to confirm that there was 50,000 cubic yards of material to be removed. Mr. Reese stated that he would need to verify that amount. Member Christian asked whether some of the material was going to be relocated to the top of the slope on the site, for purposes of berm construction. Mr. Reese generally confirmed that some of the material would be relocated on-site for berm construction, but there would still need to be material removed from this site. Member Wetmiller said with respect to the first commercial lot for the gas station, the proposed layout was for an irregular-shaped lot with a 30' wide portion located to the rear of this project site to connect to a septic area located further to the west. Member Wetmiller asked whether this 30' wide area for a wastewater line was adequate for purposes of future repair and maintenance. Mr. Reese stated that with a 30' wide area, equipment would be able to access that area for future repair and maintenance. Member Wetmiller inquired whether the proposed final slope for this 30' wide area would impact the ability of equipment to access the waste line in the future. Mr. Reese opined that the area would remain accessible to equipment. In general,

Member Wetmiller stated that the proposed on-site septic design was superior to the previous wastewater treatment plant proposal. Mr. Kestner followed up and stated that while the area for the gas station lot for the wastewater line was 30' wide, he was still concerned whether this area was accessible for equipment given the proposed final grades. Mr. Kestner inquired whether the layout of the proposed gas station facility was the same as previously presented to the Planning Board. Mr. Reese stated that there was no change to the layout of the proposed gas station site plan. Mr. Kestner asked about the commercial lot immediately to the west of the gas station lot. Mr. Reese stated that with regard to this commercial lot, a building of the same square footage was being proposed, but there has been a change in the lot size and configuration due to the change in septic design. Mr. Kestner asked whether the proposed berm behind the homes located at the top of the slope had been changed. Mr. Reese stated that the berm was generally the same as has been previously proposed. Mr. Kestner noted that part of the berm on the top of the slope was being built on two residential lots, and suggested that the Applicant submit something in writing showing that the lot owners were in agreement with the berm construction. Henry Reiser indicated that he had spoken with the lot owners, and that he will get something in writing from them. Mr. Kestner asked about the berm construction location, and whether that impacted any leach field area on the residential lots located at the top of the slope. Mr. Reese stated that he had located the actual leach fields on the site plan, but had not put in the expansion areas for these leach fields on the map, but confirmed that the berm would not impact the expansion areas for the existing leach fields on the residential lots. Member Mainello asked whether the septic design for the commercial lots was a raised bed system. Both Mr. Reese and Mr. Dean confirmed that these would be raised bed systems. Member Czornyj asked whether the proposal to have trucks go around the rear of the gas station building as on the original site

plan was impacted by the new septic design, including a wastewater line going to the rear of that commercial lot. Mr. Reese stated that the new septic design would not impact the ability of trucks to go around the rear of the gas station building. Member Czornyj asked whether the stormwater discharge was being handled in the same manner as on the previous site plan. Mr. Reese stated that the general stormwater design was the same, including a control structure on the gas station lot which would then outlet to the NYSDOT open drainage swale on Route 2, and that he would be updating the stormwater plan for the project. Mr. Kestner asked whether the proposed entrances on Route 278 and Route 2 are the same as on the prior site plan. Mr. Reese confirmed that the same entrances are being used. Member Czornyj asked about the proposed stone wall construction to the rear of the gas station lot. Mr. Reese and Mr. Reiser confirmed that a “ready rock” concrete block retaining wall is proposed to be installed, which would be approximately 100’ long and will vary in height between 8’ at its highest point and going to 2’ at its lowest point. Member Tarbox was concerned about this retaining wall because of the amount of surface water and groundwater shedding off the residential project at the top of the slope. Mr. Reese stated that the retaining wall will be fully engineered, and will address all surface water and groundwater issues. Attorney Gilchrist reviewed the current procedure on this application. The Planning Board had opened a public hearing on the prior site plan proposal, and had kept that public hearing open pending additional information concerning wastewater design. Also, since a “filling station” was being proposed for the project, the matter had also been referred to the Zoning Board of Appeals for consideration of a special permit which is required for construction of a “filling station”. Attorney Gilchrist confirmed that the Planning Board is serving as SEQRA Lead Agency, and Mr. Kreiger noted that the Zoning Board of Appeals was now waiting for the Planning Board to make a SEQRA determination before any action on the

special permit application for the “filling station”. As Attorney Gilchrist understood, the Applicant was at the March 1 Planning Board meeting for purposes of consideration of a concept or sketch plan by the Applicant so that it could relay any comments the Planning Board had on a concept basis to the Rensselaer County Department of Health. Mr. Reese and Mr. Dean confirmed that status. Member Czornyj then stated he did not have any objection to the change on a concept basis, and in fact it provided for more greenspace on the overall project site than previously proposed. Member Wetmiller also stated that he felt the current proposal was a better septic design. Member Mainello also stated that he had no major objection to the proposed layout, but did want clarification on the gravel extraction. Henry Reiser did state that there would be a change to the proposed gravel removal, and that he was still anticipating that there would be 2 phases of gravel extraction, but the underlying commercial build-out would be done all at once without a construction phasing plan. Member Mainello confirmed that he wanted an accurate description of the gravel extraction, including volumes, as well as the proposed construction plan for the commercial buildings. Member Mainello also wanted to confirm that the Applicant was not proposing any current project for the third commercial lot located at the intersection of Route 2 and Langmore Lane. Mr. Reiser stated that there are no current plans for construction on that third commercial lot. The Planning Board generally concurred that it did not have any significant objection on a concept basis to the current proposal, including the onsite septic systems, and that a full detailed site plan submittal would need to be filed with the Planning Board to continue the site plan review. This information will need to include detail concerning the proposed gravel extraction as well as the construction schedule, and a clear comparison between the prior commercial proposal and the current commercial proposal. Also, the Planning Board is requiring that appropriate amendments to the revised Environmental

Assessment Form be submitted. This matter will be placed on the March 15 agenda for further discussion.

Mr. Kreiger reported that there are no new items of new business.

Mr. Kreiger reported that there is one item of old business to be discussed. Paul Engster, Esq., of Johnston Associates was present to submit a concept site plan for the addition of a maintenance shed to the Johnston Associates/Wal-Mart Plaza, as well as a proposal to install a new ATM machine in the parking lot area adjacent to Hoosick Road in the Johnston Associates section of the plaza. Attorney Engster generally discussed the proposal with the Planning Board. Attorney Engster generally described the maintenance shed as being approximately 24' x 24', and that the building would be further engineered and an elevation submitted if the Planning Board had no objection to the concept proposal. Also, Attorney Engster explained that the lender projected to use the ATM anticipates a design calling for 4 cars to access the ATM at any one time, and that it would anticipate the elimination of 11 parking spaces for the ATM construction and operation. Again, Attorney Engster stated that full engineering detail would be submitted if the Planning Board had no issue on a concept basis. Member Tarbox asked about the impact to greenspace and parking space requirements. It was confirmed that the overall greenspace and parking requirements were calculated on the entire Johnston Associates/Wal-Mart Plaza PDD, and that the recent Wal-Mart expansion project added a significant amount of greenspace to the overall Plaza site. Attorney Engster stated that he would have the overall plaza greenspace and parking requirements detailed upon submission of the full site plan application. The Planning Board generally discussed traffic flow around the proposed ATM location, as well as lighting of the ATM. The Planning Board did not have an opposition on a concept or sketch plan basis, and Attorney Engster will then have a more detailed site plan prepared and submitted

to the Planning Board for review. This matter has been placed on the agenda for the March 15 meeting. Mr. Kreiger reported that the Rensselaer County Department of Economic Development and Planning had commented on this application, determining that the proposal did not have a major impact on County plans and that local consideration shall prevail. Mr. Kreiger did note that the County raised one comment, that the maintenance shed should not be used for purposes other than maintenance of the property and equipment used on the property, and should not be available for public rental or other use. Attorney Engster confirmed that this maintenance shed was for onsite use only, both by Johnston Associates for purposes of property maintenance as well as for storage by tenants as allowed by Johnston Associates.

The index for the March 1, 2012 meeting is as follows:

1. McCauley – site plan – 3/15/12;
2. Reiser Bros. – commercial site plan – 3/15/12;
3. Johnston Associates – site plan – 3/15/12.

The proposed agenda for the March 15, 2012 meeting currently is as follows:

1. McCauley – site plan;
2. Reiser Bros. – site plan;
3. Johnston Associates – site plan.