

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 7, 2012

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

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

Chairman Oster reviewed the agenda for the June 7 meeting. Chairman Oster noted that the waiver of subdivision application by Wagar for property located on Tamarac Road and Higbee Road has been adjourned at the request of the Applicant to the June 21 meeting agenda.

The draft minutes of the May 17, 2012 meeting were reviewed. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the May 17, 2012 meeting were unanimously approved without correction.

The first item of business on the agenda was the subdivision and site plan application by Reiser Bros. for property located along NYS Route 2 and NYS Route 278. Scott Reese was present for the Applicant. Mr. Reese reviewed his letter dated May 17, 2012 which responded to comments raised at the public hearing, as updated by him on June 5, 2012. Mr. Reese also stated that he had submitted to the Town and Mr. Kestner an updated Stormwater Pollution Prevention Plan (SWPPP) on this project. Mr. Reese noted that the underground utilities had now been located at the site, and that he was waiting for the Town Water Department to provide him with information regarding elevation of a waterline sleeve in the area of Route 2 and Route 278. Mr.

Kreiger noted he had photographs of this intersection, and that he would distribute those photographs to the Planning Board members for review. Mr. Reese also stated that he had discussed the location of an 18" culvert which exists under NYS Route 2 with NYSDOT, but there is not a record to indicate an engineering basis for having installed the culvert. Mr. Reese requested that the public hearing on this application be reconvened. Chairman Oster noted that the May 17, 2012 letter prepared by Mr. Reese had been discussed at the May 17 meeting, and further noted that the letter had been updated on June 5 to specifically respond to written comments that had been received by the Planning Board on this application. Member Mainello wanted to confirm that all of the public comments received on this application had been addressed in Mr. Reese's May 17 letter as updated on June 5. Chairman Oster stated that it was his opinion that all of the public comments had been addressed in Mr. Reese's letter. Mr. Kestner also confirmed that the update made by Mr. Reese on June 5, 2012 did address the written comments received by the Planning Board on this application. Mr. Kestner stated that he had received the updated SWPPP from Mr. Reese, and that he had completed his preliminary review, finding that it was adequate for purposes of reconvening the public hearing. Mr. Kestner then stated that the 100 year flood plain in this area had been located on the site plan, and that it appeared part of this project is located in the flood plain. However, the Applicant has addressed this by putting the building elevation for the proposed convenience store and gasoline filling station at a level above the flood plain elevation, and further that the petroleum underground storage tanks for the filling station would be tied down in compliance with NYSDEC requirements for installation of underground storage tanks in flood plain areas. Mr. Kestner noted that the underground storage tanks are at a lower elevation at the adjacent Stewarts Shop and that the Stewarts' underground storage tanks are likewise tied down pursuant to NYSDEC

requirements. Mr. Reese noted that one of the comments the Planning Board had concerned sidewalks. Mr. Reese stated that the Applicant has designed the project so that there is an adequate area adjacent to NYS Route 2 for future installation of a sidewalk or other pedestrian walkway, but that the topography of the site did not support bringing a sidewalk into the project site itself. Member Czornyj felt that an internal sidewalk between the proposed commercial buildings on the site would be a good idea. Member Tarbox stated that the Board should make sure that there is adequate area for future sidewalk installation along the public roadway. Member Tarbox also raised a question regarding the SWPPP, and how the stormwater would be handled in the area of the filling station and petroleum underground storage tanks. Mr. Reese responded that a storage vessel is proposed for the convenience store/filling station which will collect stormwater prior to discharge into an existing drainage ditch along NYS Route 2. Mr. Reese stated that an infiltration area is proposed for the second commercial lot. Member Wetmiller inquired what would happen in the event there were a petroleum spill or leak from the underground storage tank in terms of contaminating stormwater runoff. Mr. Reese responded that there were mechanisms designed to address accidental spills or releases from the underground storage tanks. Member Wetmiller also inquired as to the size of the stormwater storage vessels. Mr. Reese stated that a pre-treatment storage tank would be included of approximately 2,500 gallons, and that the total stormwater storage vessel would be approximately 55' x 86', with a 5' storage bay. There was further discussion regarding the location of the stormwater storage vessels in relation to the flood plain. The Planning Board determined that there was adequate information to reconvene the public hearing, particularly the availability of the updated SWPPP, and scheduled the public hearing to reconvene at the June 21 meeting at 7:00 p.m.

The next item of business on the agenda was the referral by the Brunswick Town Board of the Highland Creek Planned Development District amendment application for recommendation. Andrew Brick, Esq. and Lee Rosen were present for the Applicant. The Planning Board members generally discussed the water and sewer infrastructure, as well as proposed phasing for the project. The Planning Board members also discussed the plan for condominium conversion, but noted that given current market conditions, the Applicant is proposing an initial period of rental for the proposed units. Chairman Oster specifically noted that he had a concern regarding the total number of rental units being constructed in the Town of Brunswick, and questioned whether the Town can support this number of rental units or wishes to have this number of rental units. Chairman Oster feels that the Planning Board recommendation should include a condition stating that the Town Board should consider the issue of total number of rental units in the Town, its potential impact on tax base, and its potential impact on school districts. Chairman Oster noted that this was not a specific opposition to this project, but was an issue he feels the Town Board should consider. Attorney Brick stated that this Applicant had designed this project not to be standard rental units, but rather be built for condominium conversion and unit ownership. In this regard, Attorney Brick stated the layout and fit-up of these units were designed for ultimate ownership, not merely rental units, and the design layout for this site supported a condominium-type community rather than merely designed for rental units. The Planning Board members then discussed whether the proposed road is to be dedicated to the Town as a public road and when that dedication should occur. The Planning Board members had extended discussion regarding the standards to which the road is built, the construction phasing for this project, the potential condominium conversion phasing for this project, and its relation to the timing of any acceptance of this road as a public roadway by

the Town of Brunswick. The Planning Board members also had extended discussion regarding the greenspace area on this project site, and the Applicant's proposal to transfer that green area to a land conservancy. The Planning Board members discussed the option of allowing agriculture to continue in this open space, and how this could be accomplished through a land conservancy ownership or a conservation easement option. The Planning Board also generally discussed the impact of a land conservancy ownership upon real property tax base. The Planning Board members also deliberated on including sidewalks for this project, including participation in establishing a pedestrian walkway area along McChesney Avenue Extension with other PDD projects in this location. Based on the deliberations, the Planning Board directed Attorney Gilchrist to draft a proposed recommendation for review by the Planning Board members at the June 21 meeting.

The next item of business on the agenda was the minor subdivision application by Cornelius Malone for property located on Moonlawn Road. Mr. Malone stated that he had submitted a revised subdivision plat showing topography, and that he had discussed the driveway locations with the Rensselaer County Highway Department, which has informed Mr. Malone that the revised driveway locations are satisfactory. Mr. Malone had revised the location of the proposed driveway on Lot #3 based on discussion with the Rensselaer County Highway Department. The Planning Board informed Mr. Malone that he needed to submit to the Planning Board either written confirmation of approval for the driveway locations from the Rensselaer County Highway Department, or to supply sight distance information for these proposed driveway locations on the subdivision plat for consideration by the Planning Board. Mr. Malone understood this, and stated that he would supply written authorization from the Rensselaer

County Highway Department for the driveway locations. This matter has been set for public hearing at the June 21 meeting at 7:15 p.m.

Three items of new business were discussed.

The first item of new business discussed was the waiver of subdivision application submitted by Roden for property located on White Church Road. The Applicant seeks to divide one existing parcel for transfer to a third-party. The resulting parcel to be transferred to the third-party has an existing barn located on it, and the subdivision would result in a parcel with an accessory structure but without any principal structure. Accordingly, a variance from the Zoning Board of Appeals is required. Mr. Kreiger informed the Planning Board that this matter will be considered by the Zoning Board of Appeals at its June 18 meeting, and the Applicant has requested that this waiver application be tentatively placed on the June 21 Planning Board agenda subject to action by the Zoning Board of Appeals at its June 18 meeting. This matter is tentatively placed on the June 21 agenda, subject to action by the Zoning Board of Appeals at its June 18 meeting.

The next item of new business discussed was the site plan application by the Haven Baptist Church for change of occupancy of a tenant space in the Gateway Plaza located at 564 Hoosick Street. The church seeks to utilize an existing empty space in the Gateway Plaza, and proposes no structural changes at all. Mr. Kreiger had previously advised the Planning Board that this application had been submitted, but that the issue of adequate parking spaces for this proposed new use had been referred to the Zoning Board of Appeals. Mr. Kreiger explained to the Planning Board members that with the addition of the church use, plus the other existing uses in the Gateway Plaza, a total of 67 parking spaces is required under the Brunswick Town Code, whereas only 44 parking spaces exist at the Gateway Plaza. Mr. Kreiger informed the Planning

Board members that a public hearing had been held by the Zoning Board of Appeals on the waiver of parking space requirements, and that the Zoning Board of Appeals had approved such waiver to allow the change of occupancy to the church use with the existing total parking spaces at this site. The Planning Board members asked the church representative as to when services would be held at this location. Services are generally to be held on Sunday morning and Sunday evening and also Wednesday evening. Mr. Kreiger informed the Planning Board members that the Zoning Board members took into consideration the fact that the times for church services are different than peak times for the other tenant uses at the Gateway Plaza, and that the Zoning Board members felt there would be adequate parking available during the times of these church services. The Planning Board considered whether to hold a public hearing on this site plan application. Mr. Kreiger reported that at the Zoning Board public hearing, no one raised any comment. In light of this, the Planning Board felt that an additional public hearing would not be required. The Planning Board members reviewed the layout of this space for the church, and questioned whether there was a secondary means of ingress and egress provided. Mr. Kreiger stated that this was a fire code compliance issue, and that he would check into the requirements for this use and whether a secondary means of ingress and egress is required. Chairman Oster inquired 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 negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the site plan allowing for this change in occupancy subject to the condition that the tenant comply with all fire code requirements for this use in terms of secondary means of ingress and egress. The motion was seconded by Member Czornyj subject to the stated condition. The motion was

unanimously approved, and the site plan allowing for the change of occupancy was approved subject to the stated condition.

The third item of new business discussed was a waiver of subdivision application submitted by Edward Bonesteel for property located at 78 Willard Lane. The Planning Board reviewed the proposal, which seeks to divide an existing 17.74 acre parcel by means of transferring pieces of this parcel to the two adjacent parcels, thereby enlarging the size of these adjacent parcels, and resulting in a smaller lot with a house on it for potential commercial sale. The Planning Board determined that the application amounts to two lot line adjustments. This matter is placed on the June 21 agenda for further discussion.

The index for the June 7, 2012 meeting is as follows:

1. Reiser Bros., Inc. – subdivision and site plan – 6/21/12 (public hearing to reconvene at 7:00 p.m.);
2. Highland Creek amendment – recommendation - referral and recommendation – 6/21/12;
3. Malone – minor subdivision – 6/21/12 (public hearing to commence at 7:15 p.m.);
4. Roden – waiver of subdivision – 6/21/12 (tentative);
5. Haven Baptist Church – site plan for change of occupancy – approved subject to condition;
6. Bonesteel – waiver of subdivision – 6/21/12.

The proposed agenda for the June 21, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan (public hearing to reconvene at 7:00 p.m.);
2. Malone – minor subdivision (public hearing to commence at 7:15 p.m.);

3. Highland Creek Planned Development District amendment – referral and recommendation;
4. Wagar – waiver of subdivision;
5. Roden – waiver of subdivision (tentative);
6. Bonesteel – waiver of subdivision.