

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 6, 2012

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

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

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 August 16, 2012 meeting. Upon motion by Member Christian, seconded by Member Czornyj, the minutes of the August 16, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the subdivision and site plan application by Reiser Bros., Inc. for property located on NY Route 2 and NY Route 278. Chairman Oster noted that this matter was adjourned pending action by the Brunswick Zoning Board of Appeals on Reiser's pending special permit application, and that this matter is tentatively placed on the September 20 agenda subject to action by the Brunswick Zoning Board of Appeals on the special permit application.

The next item of business on the agenda was the site plan application by David Mulinio for a proposed paintball facility located off Farrell Road. Attorney Tom Kenney was present for the Applicant. Also present was Ronald LaBerge, P.E., consulting engineer for the Town of Brunswick on this application. It was reiterated by the Board that this matter had been the subject of a Planned Development District application, which had been approved by the

Brunswick Town Board subject to conditions. It was also confirmed that this matter had been subject to coordinated SEQRA review, and that the Town Board had also adopted a negative declaration on this action. Attorney Kenney stated that the Applicant was present to address any questions or comments of the Board, but that there had been no changes to the site plan application which had been discussed at the August 16 meeting. The Planning Board members generally reviewed the conditions attached to the Planned Development District approval by the Town Board. Mr. LaBerge commented that the Town should inspect the access road construction for purposes of stormwater compliance. Chairman Oster noted for the record that if there were any changes proposed for this action, the Applicant would need to file an application to amend the site plan, and come back before the Planning Board for further review. The Applicant understood this. Chairman Oster inquired whether there were any further questions or comments by the Planning Board members. Hearing none, Chairman Oster confirmed that SEQRA had been completed on this action, and then made a motion to approve the Mulinio site plan application subject to the following conditions incorporated from the Planned Development District approval:

- a. A gravel entrance driveway, approximately 26 feet wide, will be provided off Farrell Road leading to a parking area on the project site located approximately 300 feet from the intersection of Oakwood Avenue and Farrell Road. The access road area is included in the Planned Development District.
- b. The parking area for this project will accommodate approximately 60 vehicles, with adequate room on the project site to expand the parking area if necessary.
- c. A walkway will connect the parking area to the location of the paint ball fields on the project site.

- d. The Planned Development District includes three different paint ball fields, including a “speed ball” field of approximately 140 feet by 190 feet; a “large scenario” field of approximately 150 feet by 650 feet consisting of numerous structures and obstacles; and a “small scenario” field of approximately 70 feet by 460 feet, also containing structures and obstacles.
- e. The structures and obstacles proposed for the “large scenario” and “small scenario” fields will be movable, less than 10 feet in height, and not permanently affixed. In addition, hollow obstacles shall be filled with sand or water to eliminate reverberation when struck by paintballs.
- f. The area of the paint ball fields will be double posted, both at the perimeter of the playing area as well as approximately 200 feet outside the perimeter of the playing area, resulting in a 200 foot buffer between anyone on the outside of the project site from the players utilizing the paint ball fields. Out-of-bounds flagging will be utilized to clearly define areas to be used. The areas closest to residentially-zoned properties shall have temporary construction fencing placed at the perimeter of the fields. In addition, a 12’ high net will be placed around the perimeter of the “speed ball” field.
- g. The paint ball facility will be operated on Saturdays, Sundays, and holidays. On Saturday, the hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. On Sunday and holidays, the hours of operation shall be limited to 10:00 a.m. to 5:00 p.m. On Saturday, Sunday, and holidays, registration activity shall occur during the first half-hour, and games shall not commence earlier than one half-hour after registration. Games must end no later than 4:30 p.m. or dusk, whichever occurs earlier. The site will be thoroughly cleaned of litter and debris each operating day. All participants must leave the facility by 5:00 p.m. each operating day. The facility will be closed and gate locked no later than 5:00 p.m. each operating day. In addition, the facility will be available Monday – Friday, from 8:30 a.m. to 5:00 p.m., exclusively for police and law enforcement training. No firearms are permitted or allowed in connection with the police and law enforcement training.
- h. The paint ball facility will be staffed by an individual who will register players, an individual who will calibrate the paint ball markers, 2-5 referees, a safety instructor, and an overall supervisor.
- i. No permanent bathroom facilities are proposed, and port-a-johns will be used.
- j. No permanent structures are proposed for the project, and food will be provided through an independent mobile concession truck.
- k. No enclosed structures, other than storage sheds for equipment, shall be constructed on the site.

- l. No horns, sirens, or whistles shall be used to control game timing.
- m. Traffic exiting the site shall be directed to Oakwood Avenue. All literature and directions to the site shall utilize Oakwood Avenue as the best travel path to follow.
- n. Emergency access to all playing fields shall be maintained at all times.

Chairman Oster further conditioned the motion on requiring an inspection by the Town Building Department on the construction of the access driveway for stormwater compliance, as well as Building Department confirmation that all hollow obstacles proposed for the playing fields are filled with either sand or water prior to commencement of use. Also, the motion is conditioned on payment of all Town consultant review fees. Member Czornyj seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan approved subject to the stated conditions.

The third item of business on the agenda was the waiver of subdivision application by Vartigian for property located on Plank Road. The Applicant is continuing to prepare information on the application, and this matter is tentatively placed on the September 20, 2012 agenda for further discussion.

The next item of business on the agenda was the site plan application by Carbone Auto Group for a car dealership at the site of the former Grand Union building located on Route 7. Chairman Oster confirmed that a site plan application had been filed and that all application fees have been paid. Mr. Kreiger confirmed this. Appearing on the application were Tim Smith, project architect; Jeff Hildebrandt, project engineer; and Joe Carbone. Mr. Hildebrandt stated that the existing 30,000± square foot building would be renovated for use in connection with the car dealership, which will consist of approximately half the building used in connection with the Subaru dealership, and the other half of the building currently being used for used car sales, with

the understanding that the Applicant was attempting to acquire another dealership to be located at this facility with the Subaru dealership. Mr. Hildebrandt stated that a total of 451 parking spaces are provided, which include 30 spaces for employees, with the balance of the spaces used for both customer parking and car display. Mr. Hildebrandt stated that there are isolated wetlands on the project site that will be disturbed, but that the Applicant had already reviewed this with the U.S. Army Corps of Engineers which has confirmed that no further Army Corps approval is required. The Applicant stated that the State Historic Preservation Office has been contacted, and that this project will have no impact on historic resources. Mr. Hildebrandt generally reviewed the stormwater plan, stating that a full stormwater pollution prevention plan is in preparation, which will include the current green infrastructure standards. Chairman Oster notified the Applicant that the Town maintains a sewage pump station on property which the Town owns to the rear of this project site, and that the Town was considering an expansion of this pump station which would require additional land for expansion. This will be subject to further discussions between the Applicant and the Town. Mr. Kestner stated that he would prepare a sketch plan of the area needed for pump station expansion, and review that with the Town and also with the Applicant. Mr. Smith noted that there was an existing swale on the western side of the parcel behind the New York State stormwater detention basin, and questioned who currently maintains that drainage swale. Mr. Kestner stated that the Town maintains an easement for the sewer lines and access to those sewer lines and the pump station, but did not think the easement included surface water/stormwater drainage. Mr. Smith stated that there was nothing in the deed to the parcel which indicated who maintains this drainage swale. This will need to be further investigated. Mr. Smith did confirm though that the project design did take into account the Town right-of-way for sewer line and pump station access. Mr. Kestner stated

that the Applicant would need to complete a long environmental assessment form. Mr. Smith then generally reviewed the traffic flow, stating that the two existing entrances off NY Route 7 would not be modified, that both entrances would have both in and out traffic, that an area would be designated for a car service area, and that there would be provision made for truck and emergency vehicle access around the entire building. Chairman Oster questioned traffic flow for vehicle carriers, which was addressed by Mr. Smith. Member Czornyj asked about greenspace requirements in the front of this lot adjacent to NY Route 7. Mr. Kreiger stated that a minimum of 10' separation for pavement from the property line is required. Mr. Smith stated that the proposed pavement line is 25' from the pavement shoulder of NY Route 7, and in excess of 10' from the parcel property line. Member Tarbox asked whether the façade on the Grand Union building would be changing. Mr. Smith stated that the façade would change, and a new Subaru façade would be added to half of the building, with a glass front on the remaining one half for the used car sales portion of the building, which could be subject to further site plan review in the event an additional car dealership is obtained for this location. Mr. Smith stated that the Applicant will provide a drawing or rendering of the front of the building for Planning Board review. Chairman Oster inquired about the difference between the current paved parking lot on the site and the proposed parking lot. Mr. Smith stated that new paved areas are proposed on the west side of the parcel to the rear of the New York State stormwater detention basin. Chairman Oster asked whether there would be catch basins proposed in the paved area on the site. Mr. Smith stated that the Applicant would use the existing catch basins in the existing parking lot, plus add new catch basins in the area of the parking lot expansion, all draining to the new stormwater basin proposed on the site. Chairman Oster asked about lighting on the site. The Applicant stated that it would be using down lighting, and be "dark sky" compliant. The light

poles will be 25' high, with some poles having single lights and some having double lights. Photo metrics will be supplied by the Applicant. Member Esser asked about finished grades for the project. The Applicant stated that it was finishing up the proposed grading plan and will provide finished grading and pavement plan when completed. The Planning Board noted that this application will need to be referred to the Rensselaer County Planning Department for review, and directed Mr. Kreiger to complete that referral. Member Esser inquired whether any gas pumps were proposed for the site. The Applicant stated that no gas pumps were proposed, and that cars would be fueled at nearby existing gas stations. Mr. Smith did say that a waste oil heating system might be used, and if so, a tank would be required for waste oil storage. Further information will be provided on that issue. The Applicant confirmed that it was proposing a single phase of construction, and that the entire proposed parking area would be paved and striped during construction, even though a second car dealership is not currently obtained for the site and that used car sales will be in place until the second dealership is obtained. Site plan review procedure was then discussed, which will include a determination by the Planning Board that the site plan application is complete, referral of the application to the Rensselaer County Planning Department, noticing and holding a public hearing on the application, compliance with SEQRA, and action upon the site plan. Chairman Oster, and Members Czornyj and Christian stated that in connection with the current update to the Town Comprehensive Plan, there was an emphasis to provide for more greenspace and vegetation along this Route 7 corridor, and reducing the amount of pavement adjacent to the road corridor. Member Czornyj noted that a sidewalk is being proposed to enter into the site off Route 7, and felt this was a positive aspect of the application. Mr. Kestner inquired whether a fire hydrant was located on the site. Mr. Smith stated that no fire hydrant was located on the site, and that he has not yet met with the fire

department on this application, but did note that the current building has a sprinkler system and that the sprinkler system will be updated and continued to be used with the building renovation. Mr. Smith thought that there was an existing hydrant located on the opposite side of Route 7. Chairman Oster noted that the Planning Board will coordinate with the Brunswick No. 1 Fire Department on this application. This matter has been placed on the September 20 agenda for further discussion.

One item of new business was discussed.

Richard Wilson, 18 Ledgestone Road, has filed a minor subdivision application for property located at 18 Ledgestone Road. Mr. Wilson explained that this property had been the subject of a 3-lot subdivision approval in October 2002, that he had purchased all 3 lots, which include one lot with his home and two vacant building lots, but thereafter discovered that the subdivision plat had never been filed in the Rensselaer County Clerk's Office. Attorney Gilchrist explained to the Planning Board that the failure to file the approved subdivision plat within applicable statutory timeframes with the Rensselaer County Clerk's Office renders the original subdivision approval void. The Planning Board explained that in this situation, Mr. Wilson must file a new application for minor subdivision, and also pay the application fee and establish the minor subdivision review escrow. Even if Mr. Wilson is not proposing any changes to the previously-approved lot layout, Mr. Wilson must show that there has been no changed circumstances regarding the project site, and that the grading and stormwater compliance plan meets current regulation. Also, the Planning Board must conduct a mandatory public hearing on the minor subdivision application. If the minor subdivision is approved, the park and recreation fee will be required. This matter has been placed on the September 20 agenda for further discussion.

The index for the September 6, 2012 meeting is as follows:

1. Reiser Bros., Inc. – commercial subdivision and site plan – 9/20/12;
2. Mulinio – site plan – approved with conditions;
3. Vartigian – waiver of subdivision – 9/20/12;
4. Carbone Auto Group – site plan – 9/20/12;
5. Wilson – minor subdivision – 9/20/2012.

The proposed agenda for the September 20, 2012 meeting currently is as follows:

1. Reiser Bros., Inc. – subdivision and site plan;
2. Vartigian – waiver of subdivision;
3. Wagar – waiver of subdivision;
4. Carbone Auto Group – site plan;
5. Wilson – minor subdivision.