

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 20, 2012

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

ABSENT was DAVID TARBOX.

ALSO PRESENT were DANIEL BRUNS, Building Fire Code Inspector, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the September 6, 2012 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the September 6, 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 without date pending action by the Brunswick Zoning Board of Appeals on Reiser's special permit application.

The second 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 October 4, 2012 agenda for further discussion.

The third item of business on the agenda was the waiver of subdivision application of Matt and Lee Wagar. Brian Holbriiter appeared on behalf of the Applicants. Revised subdivision

drawings were submitted showing a 35' foot driveway along the rear and side of the lot for purpose of creating frontage onto Tamarac Road for newly created lot. There will also be an easement over Marilyn Wagar's property allowing access from the newly proposed lot onto Higbee Road. Chairman Oster asked if there were any sight distance issues regarding the proposed driveway onto Tamarac Road. Mr. Holbriiter said no, as the road in that area is flat and straight. Member Wetmiller asked Mr. Kestner if there was any problem for fire trucks with the proposed 90° turn in the proposed driveway from Tamarac Road to the property. Mr. Kestner said that would not be a problem and that the driver would have to essentially make a right turn. He further said the driveway access was wide enough to accommodate a 16' roadbed with 3' shoulders and drainage ditch on each side and, therefore, complied with the Town Code.

Upon hearing no further discussion, Member Czornyj made a motion to adopt a SEQRA negative declaration, which motion was seconded by Member Wetmiller and unanimously approved. Member Czornyj then made a motion to approve the application subject to the condition that the Applicant obtain approval from the Rensselaer County Department of Health for water and septic on the proposed lot. That motion was seconded by Member Christian and was unanimously approved subject to the stated condition.

The fourth 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. Appearing on the application were Jeff Hildebrandt, project engineer and Joe Carbone. Chairman Oster confirmed that he and Mark Kestner had received copies of the long form EAF, and that copies would be circulated to the rest of the Board. Mr. Hildebrandt stated that proposed elevation renderings and photometrics from exterior lighting and cuts for proposed fixtures had been mailed out to the Board. Mr. Hildebrandt said the building would have the standard Subaru

façade with a non-functioning slate chimney and presented a rendering of the front of the building for review. He further stated that half of the building would be used for used car sales but that the Applicant was attempting to acquire another dealership to be located at this facility with the Subaru dealership. Mr. Kestner indicated that he and the Superintendent of the Water and Sewer Department needed to get together to discuss the proposed expansion of the Town's sewage pump station and that the project may lose a couple of parking spaces to allow for the expansion and an appropriate easement to allow access to the pump station. Mr. Hildebrandt thought that would be fine and stated that even with a loss of some parking spaces, the greenspace percentage would be fine. Mr. Kestner then advised that the Fire Chief had briefly looked at the plans and that the Fire Department will likely require a second Knox box on the back. Mr. Kestner requested that the Applicant send a copy of the plans to Gus Scifo for review and comment.

There was some question as to whether the Fire Department will request a hydrant at the proposed project site. There is a hydrant approximately 230' in front of the building, with hydrants near the Honda dealership and Troy City Garage. A project must be within 500' hose feet of a hydrant, though in this case the Fire Department would like to avoid laying hose across the street. Mr. Hildebrandt confirmed that the entrance will not be gated, nor will there be any gates in the interior of the project.

Attorney Coan inquired as to the status of the stormwater pollution prevention plan (SWPPP). Mr. Hildebrandt thought the SWPPP had been prepared, and that the Board would have it shortly, along with the proposed grading plan.

This matter has been placed on the October 4 agenda for further discussion, and the matter will likely be scheduled for public hearing at the October 18th meeting.

The fifth item of business was the minor subdivision application for property located at 18 Ledgestone Road. No one was present for the Applicant, Richard Wilson, but the Board was advised that the Applicant has been in touch with Erdman Anthony. The matter has been tentatively placed on the October 4th agenda for further discussion. The matter will not be restored to the agenda if the Applicant fails to show on October 4th.

There were two items of new business.

The first item of new business was the Hernick waiver of subdivision application regarding property located at 421 Bonesteel Lane. The Applicant seeks the reapproval of the waiver of subdivision application which had been previously approved by the Board in 2011. As with the original application, the Applicant seeks to divide an existing 4.9± acre parcel into two properties, which will include a 2.9± acre parcel with an existing house and a 2.0± acre parcel with existing barns and outbuildings to be used for residential construction. The Applicant intends to construct a new residence on 2.0± acre parcel on which the barns and outbuildings sit, but needs to sell the 2.9± acre parcel with the existing house in order to finance the new construction. The Board had approved the initial waiver of subdivision application upon certain conditions in 2011, but the subdivision plat was not filed with the Rensselaer County Clerk. Hernick advised the Board that the new house under the original approval had not been started due to unanticipated circumstances, but that he would now like the Board to reapprove the original waiver of subdivision application. He further advised that in order to construct a new house on the proposed lot, he still needs to sell the original home, but that he, in fact, has a ready, willing and able buyer.

The Board discussed the conditions they had imposed in connection with the original approval, specifically that a building permit would have to be obtained within 30 days of the

approval and the new house to be constructed within 12 months after the building permit was issued. The Board reminded the Applicant that any approval would be conditioned upon approval from the Rensselaer County Health Department of the proposed septic system and water. Mr. Hernick was asked if he could satisfy these conditions. Upon discussion, it appeared that obtaining a building permit within 30 days of any approval would be difficult for the Applicant to comply with and the Board discussed extending the 30 day timeframe to 90 days in which to obtain the building permit. Additional conditions to be imposed include: the house must be constructed within 12 months of issuance of the building permit; if the Applicant fails to obtain the building permit within 90 days of Planning Board approval or fails to construct the home within 12 months after issuance of the building permit, the Applicant will be issued a notice of violation by the Building Department and will be made to remove all structures from the building lot, including the barn and outbuildings; and Planning Board approval is subject to approval by the Rensselaer County Health Department of the water and septic. Member Czornyj asked if a perc test had been performed on the proposed new lot, and Mr. Hernick said no, it had not. Member Czornyj pointed out that the window to get that done this year was getting short. Attorney Coan then inquired whether an application fee had been paid by the Applicant in connection with this new application. Mr. Hernick stated that the application fee had not been paid. Attorney Coan advised Mr. Hernick that the application fee had to be paid in order for the Board to consider the application. Chairman Oster also advised Mr. Hernick that he would need to resubmit the subdivision map.

This matter was placed on the October 4th agenda for further discussion provided the Applicant has paid the application fee and resubmitted the maps.

The second matter of new business was the waiver of subdivision application by Adam

Wagar, Executor of Riegert Estate. Adam Wagar was present. Mr. Wagar explained that a lot line adjustment was sought in order to allow him, as Executor, to sell a 3.5± acre portion of the real property, including house, owned by the Estate of Riegert. He intended to retain the balance of the property. The application as presented proposed a three lot subdivision. After some discussion, it became apparent that two lot line adjustments could be made to achieve the Applicant's intended objective. It was discussed that based upon the survey of the Estate of Riegert dated July 12, 2012 which was submitted to the Board, that Parcel B as identified thereon would be merged with Parcel C, and Parcel A would be merged with the lands owned by Ben and Stephanie A. Wagar. It was agreed that Stephanie A. Wagar, who was present for the discussion, would submit a waiver of subdivision application related to the proposed lot line adjustment. The remaining lands of Riegert would be merged with the lands owned by the Applicant, Adam and Stephanie K. Wagar.

This matter was placed on the October 4th agenda for further discussion.

The index for the September 20, 2012 meeting is as follows:

1. Reiser – subdivision and site plan – adjourned without date;
2. Vartigian – waiver of subdivision – 10/4/12;
3. Wagar – waiver of subdivision – approved with condition;
4. Carbone Auto Group – site plan – 10/4/12;
5. Wilson – minor subdivision – 10/4/2012 (tentative);
6. Hernick – minor subdivision – 10/4/12;
7. Wagar – lot line adjustments (two applications) – 10/4/12.

The proposed agenda for the October 4, 2012 meeting is tentatively as follows:

1. Vartigian – waiver of subdivision;

2. Carbone Auto Group – site plan;
3. Wilson – minor subdivision;
4. Hernick – minor subdivision;
5. Wagar – lot line adjustments (two applications).