

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 4, 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.

The Planning Board reviewed the draft minutes of the September 20, 2012 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application by Larry Vartigian for property located on Plank Road. The Applicant was not present, and Chairman Oster took this matter off the agenda. This matter will not be placed on a Planning Board agenda until such time the Building Department has further communication with the Applicant.

The next item of business on the agenda was the site plan application by Carbone Auto Group for site plan approval for an automobile dealership at the site at the former Grand Union building located on Route 7. Appearing for the Applicant were Jeff Hildenbrandt, project engineer, and Tim Smith, project architect. Chairman Oster noted that the Planning Board has now received a grading plan and stormwater pollution prevention plan, which it had requested at the last Planning Board meeting. Mr. Hildebrandt stated that the grading plan had been

submitted to the Planning Board and Mr. Kestner, and also that the full stormwater pollution prevention plan had likewise been prepared and submitted to the Town. Mr. Hildebrandt generally reviewed the stormwater plan, which includes directing all stormwater runoff from developed areas on the site to either a drywell or the onsite stormwater management pond. The Planning Board then discussed the location of a creek on the project site on the southwest portion of the property. Chairman Oster noted that the creek is depicted on the site plan, but questioned whether the creek is as wide or large as shown on the site plan. Member Czornyj noted that the creek is located on the site, but that this has been a particularly dry summer season and that the creek is not running as much as it has in the past. Mr. Hildebrandt stated that what is depicted on the site plan should be considered the high water level for the creek. Mr. Kestner noted that the creek also collects stormwater from the outlet from the New York State stormwater basin on Route 7. Chairman Oster noted that the application now consisted of the site plan, architectural rendering of the building façade, full environmental assessment form, lighting plan, grading plan, and full stormwater pollution prevention plan. Mr. Kestner noted that he had sent the plans to the Brunswick No. 1 Fire Department for review and comment as well. Gus Scifo was present at the meeting for the Brunswick No. 1 Fire Department. The Planning Board requested any comments from Mr. Scifo. Mr. Scifo stated that the height of the building, and particularly the chimney-type façade structure, was greater than 30' in height, which he interprets as a potential fire code compliance issue. However, the Fire Department would deem that issue to be fully addressed by installing a fire hydrant somewhere on the project site. The Planning Board noted that the existing fire hydrants in this area include a hydrant located at the CapCom building, Tri-City Garage, DeCarlo Auto Body, and the Honda dealership. Mr. Scifo noted that the closest hydrant located at the CapCom site was on the opposite side of Route 7, and if there was a fire at

this project site requiring hydrant support, a 5" fire hose would need to be laid across Route 7 and traffic would need to be stopped in both directions if this occurred. The Planning Board members then generally discussed the size of water mains on the south side of Route 7, and whether having a hydrant at this site could be supported going off the existing water line and whether this would impact the pressure for a sprinkler system for the building on the project site. Chairman Oster inquired of the Applicant whether the Applicant would be willing to install a fire hydrant on the project site. The Applicant's representatives stated that they would be willing to look into installing a hydrant on the project site, but would rather not have it located within the NYSDOT right-of-way with the need for coordination with NYSDOT. The Applicant confirmed that it would be willing to install the fire hydrant on the project site as long as it could tie-in the hydrant to the existing water main on the project site without affecting water pressure for the building and the sprinkler system within the building. The Planning Board generally discussed a location approximately 50' from the front of the existing building located in proximity to the adjacent Enterprise lot for the location of the fire hydrant. Mr. Scifo also raised the issue of the proposed archway across the access to the service area on the east side of the building, which is proposed to be a 12' wide entrance. Mr. Scifo stated that the access would be very narrow for a ladder truck, and requested that the Applicant add an additional 1' to the entrance width within this archway. The Applicant stated that they would add 1' to the width of this archway entrance to the service area. Mr. Scifo also stated that the Fire Department would like a Knox box installed both in the front and the rear of the building, to which the Applicant agreed. Member Mainello asked whether the site plan should show any proposed floor drain in the service/shop area, and any holding tanks. Mr. Hildebrandt stated that a trench drain is being proposed for the service area to include an oil separator, and that will be shown on the site plan. The Planning

Board generally determined that the application materials were complete for moving the application to public hearing. This matter will be scheduled for public hearing on October 18 at 7:00 p.m.

The next item of business on the agenda was the minor subdivision application by Richard Wilson for property located at 18 Ledgestone Road. The Applicant was not present, and Chairman Oster stated that this matter was removed from the agenda and would not be put on a future agenda until such time as the Building Department has further communication with the Applicant.

The next item of business on the agenda was the waiver of subdivision application by Hernick for property located at 421 Bonesteel Lane. Mr. Hernick was present. Mr. Hernick reported that he had a perc test completed on the proposed 2± acre building lot, and that the perc test passed Health Department requirements. Mr. Kreiger confirmed that he did have a copy of the perc test results in his office. The Planning Board members generally reviewed the conditions on this matter which were discussed at the September 20 meeting, including timeframes for building permit application and construction of a residence on this building lot. Mr. Hernick understood these conditions. Thereupon, 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 under SEQRA. Next, Member Czornyj made a motion to approve this waiver of subdivision to establish the 2± acre building lot subject to the following conditions:

1. The Applicant must apply for a building permit to construct a residence on this building lot within 90 days of the approval date;
2. The Applicant must complete construction of a residence on this building lot within one year after the building permit has been issued;

3. In the event the Applicant fails to obtain the building permit and/or fails to complete construction of the residence within the timeframes noted in Conditions #1 and #2, then the Building Department will issue a Notice of Violation and the Applicant must remove all structures from this building lot including the existing barn and outbuildings;
4. Rensselaer County Health Department approval for water and septic.

Member Christian seconded the approval subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision/lot line adjustment applications for Wagar for property located off Plank Road. Adam and Stephanie Wagar were present on the application. The Planning Board reviewed its previous discussion on this application held at the September 20 meeting, and confirmed that the appropriate applications have now been filed for these lot line adjustments. Accordingly, the Planning Board took three actions on this application as follows:

1. A 3.50± acre building lot (denominated as “Parcel C” on the survey map) was divided out of the existing 38± acre parcel titled in the Estate of Ruth M. Riegert, with the resulting 34.5± acres remaining in the Lands of the Riegert Estate to be merged into the adjacent lot owned by Adam B. Wagar and Stephanie K. Wagar (Tax Map #71.-13-16). On this action, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the division of the 3.50± acre building lot out of the 38± acre lot owned by the Estate of Riegert (Tax Map #71.-13-15.2), subject to the requirement that the remaining Lands of the Estate of Riegert (Tax Map #71.-13-15.2) be merged into the lot owned by Adam B. and Stephanie K. Wagar (Tax Map #71.-13-16). Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the creation of the 3.5± acre lot (Parcel C) was approved subject to the stated condition.
2. Next, the Planning Board addressed the two lot line adjustments, denoted as “Parcel B” and “Parcel A” on the subdivision map. The next action taken was the transfer of land identified as “Parcel B” from the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) to be transferred and merged into the newly-created “Parcel C”. On this action, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by

Member Christian. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the transfer of "Parcel B" from the lot owned by Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) to the newly-created "Parcel C", and to be legally merged into "Parcel C". Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the transfer of "Parcel B" from the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) to the newly-created "Parcel C" was approved subject to the requirement that "Parcel B" be legally merged into the title of "Parcel C".

3. Next, the area identified as "Parcel A" on the subdivision map was addressed, with the proposal that "Parcel A" be divided from the newly-created "Parcel C" and transferred to the lot owned by Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1), and legally merged into that lot. On this action, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the transfer of the area identified as "Parcel A" from the newly-created "Parcel C" and transferred to the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1), and legally merged into that lot. Member Christian seconded the motion subject to the stated condition. The motion was unanimously approved, and the transfer of "Parcel A" from the newly-created "Parcel C" to the lot of Benjamin W. and Stephanie A. Wagar (Tax Map #71.-13-15.1) was approved, with the condition that "Parcel A" be legally merged into the lot of Benjamin W. and Stephanie A. Wagar.

Mr. Kreiger noted that there was no new business before the Planning Board.

One item of old business was discussed.

Brian Holbritten was present on the major subdivision application submitted by Farrell for the proposed Double Day Estates project located on McChesney Avenue Extension and Town Office Road. Mr. Holbritten reported that updated plans had been presented to the Town, that a full hydrogeologic study had been completed and submitted to the Town, that a complete archeological study had been completed and submitted to the Town, and that the Applicant had drafted responses to the comments raised by the attorneys for Seddon, and that these responses will be finalized and submitted to the Town. Mr. Holbritten stated that the hydrogeologic study had been completed by Hanson Van Vleet and Steven Dean, P.E. In connection with the

hydrogeologic study, Mr. Holbriiter reported that the consultants had requested access to the property of Seddon but that access was denied. On the archeological study, Mr. Holbriiter stated that the study had been completed by Hudson Mohawk Archeological Consultants, that a full Phase IA and IB had been completed, and that a sign off letter had been obtained from the Office of Parks, Recreation and Historic Preservation determining that there were no impact on cultural resources as a result of this action. Chairman Oster stated that upon the receipt of the additional information, he was open to continuing the public hearing. The Planning Board generally concurred. Chairman Oster noted that the issue of escrow for payment of consultant review fees has been partially addressed, which is sufficient at this point for continuation of the public hearing, but with the notice that no action would be taken on this application until such time as the escrow issue was fully resolved. It is noted that the Applicant will have on file with the Town updated subdivision plans, the hydrogeologic report, the archeological report, stormwater pollution prevention plan, and final response to public comments from the previous public hearing including the comments of Seddon. The Planning Board will continue the public hearing on this action at the October 18 meeting commencing at 7:15 p.m.

The index for the October 4, 2012 meeting is as follows:

1. Vartigian – waiver of subdivision – withdrawn from the agenda without date;
2. Carbone Auto Group – site plan – 10/18/12 (public hearing to commence at 7:00 p.m.);
3. Wilson – minor subdivision – withdrawn from the agenda without date;
4. Hernick – waiver of subdivision – approved subject to conditions;
5. Wagar – waiver of subdivision/lot line adjustments – approved subject to conditions;
6. Farrell – Double Day Estates major subdivision – 10/18/12 (public hearing to continue at 7:15 p.m.).

The proposed agenda for the October 18, 2012 meeting is tentatively as follows:

1. Carbone Auto Group – site plan (public hearing to commence at 7:00 p.m.);
2. Farrell – Double Day Estates major subdivision (public hearing to continue at 7:15 p.m.).