

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 15, 2014

PRESENT were RUSSELL OSTER, CHAIRMAN, TIMOTHY CASEY, FRANK ESSER, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

The Planning Board opened a public hearing on the site plan application submitted by Stewarts Shops Corporation for its proposed site plan for property located at NYS Route 278 and Tamarac Road. The notice of public hearing was read into the record, with that public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all adjacent properties. Chris Potter of Stewarts Shops Corporation was present. Chairman Oster requested that Mr. Potter present a general overview of the proposed site plan. Mr. Potter stated that Stewarts intends to rebuild the existing store located at the intersection of NYS Route 278 and Tamarac Road, including the addition of a 2.6 acre parcel located immediately to the north of the existing Stewarts Shop location. Stewarts is proposing to construct a 3,537 square foot new Stewarts store located to the rear of the existing store, and upon completion of the new store, will proceed to demolish the existing store and relocate the gas pumps. Stewarts is proposing to construct 2 canopies with three gas dispensers each, and will be utilizing the existing petroleum underground storage tanks while adding one additional 12,000 gallon underground storage tank for both diesel and regular gasoline. Mr.

Potter stated that the new store will have additional parking, plus an area to drive around the entire building. Mr. Potter informed the Planning Board that NYSDOT had issued its work permit for the new curb cut on NYS Route 278. Mr. Potter generally reviewed the proposed lighting plan, including all down-lighting using LED light fixtures. Stewarts will be installing a fence on its common property line with its residential neighbor. Mr. Potter stated that Stewarts was still waiting for Rensselaer County Department of Health approval for its proposed new septic system. Mr. Potter then also confirmed on the record that Stewarts had worked with the Town of Brunswick regarding the replacement of the water service line, currently located to the rear of the Stewarts Shop and serving three homes on Tamarac Road. This line will be abandoned and replaced with a new water service line located on Tamarac Road to service the three homes. Chairman Oster requested Attorney Gilchrist to review a letter prepared by the Town of Brunswick Water Department concerning this issue. Attorney Gilchrist stated that a letter had been prepared by the Town of Brunswick Water Department, William Bradley, Superintendent of Water, dated May 9, 2014 and part of this site plan record, concerning the agreement between the Town of Brunswick and Stewarts concerning the water line service to the three homes on Tamarac Road. For purposes of the record, Attorney Gilchrist read portions of the letter into the record as follows:

The Town of Brunswick Supervisor and the Town of Brunswick Water Superintendent had been working the Project Manager, Chris Potter of Stewart's to facilitate the installation of new or renewed water services to 17, 21, and 23 Tamarac Road as part of the Stewart's new store construction on 2 Brick Church Road. The water service to 13 Tamarac Road will remain in its current location.

We have come to an agreement where Stewarts has committed to installing the services complete or expending a minimum of \$15,000.00 dollars to installing a new inch and one half water service main along Tamarac Road and to provide and connect three quarter inch service laterals to 17, 21, and 23 Tamarac Road. The

old service going cross lots behind the current Stewarts store to 17, 21, and 23 Tamarac Road will be abandoned when the new store is completed. Site work and construction of the new store can take place while the new water services along Tamarac Road are being constructed.

Attorney Gilchrist then stated that it was his understanding that coordination between Stewarts construction contractor and the Town will occur during the build-out in connection with the construction of the new water service line. Attorney Gilchrist then inquired directly of Mr. Potter as to whether Stewarts was in agreement with the new waterline construction and installation as outlined in Mr. Bradley's letter. Mr. Potter stated that Stewarts was in agreement with this proposal as recited. Attorney Gilchrist then requested that Mr. Potter confirm that the waterline installation, including service laterals to 17, 21, and 23 Tamarac Road, and the abandonment of the existing service lateral to the rear of the Stewarts Shop, is incorporated into the Stewarts site plan and presented by Stewarts to the Brunswick Planning Board as part of its site plan proposal. Mr. Potter confirmed that this proposal is incorporated into its current site plan application. Chairman Oster then opened the floor for the receipt of public comments. No members of the public wished to present any comments on the site plan. After allowing due time for the receipt of public comment, and hearing no public comments, Chairman Oster closed the public hearing on the Stewarts Shop Corp. site plan application.

Thereupon, the regular business meeting of the Brunswick Planning Board was opened.

The draft minutes of the May 1, 2014 Planning Board meeting were reviewed. Upon motion of Member Mainello, seconded by Member Esser, the draft minutes of the May 1, 2014 meeting were unanimously approved without amendment or addition.

The first item of business on the agenda was the site plan application by Stewarts Shops Corporation for property located at NYS Route 278 and Tamarac Road. Chairman Oster wanted to confirm for members of the public that were in attendance that the waterline issue to 17, 21,

and 23 Tamarac Road had been addressed between Stewarts and the Town of Brunswick, and was now part of the site plan application pending before the Planning Board. Chairman Oster inquired whether any Planning Board members had any questions or further comments on the site plan. Hearing none, Chairman Oster inquired of Mr. Bonesteel as to whether all technical comments had been addressed on the site plan. Mr. Bonesteel stated that all technical comments had been addressed, and that only housekeeping corrections needed to be made on the Stormwater Report, which would be coordinated with Mr. Potter prior to any construction on site. Attorney Gilchrist confirmed on the record that the site plan application had been forwarded to the Rensselaer County Department of Economic Development and Planning, and the predominant comment from the County was that this application did not interfere with any County plans, and that local consideration shall prevail. Attorney Gilchrist also reminded the Planning Board that an uncoordinated SEQRA review between the Brunswick Planning Board and the Brunswick Zoning Board of Appeals had occurred on this application, and that the Brunswick Zoning Board of Appeals had adopted a negative declaration and granted the special use permit to Stewarts Shops Corp. with respect to the “filling station” aspect of this project. Attorney Gilchrist stated that with the completion of the public hearing, recommendation having been received from the County Planning Agency, and the Brunswick Zoning Board of Appeals having issued the special use permit, the application was in front of the Planning Board for action, both under SEQRA as part of the uncoordinated SEQRA review, as well as action on the site plan. Chairman Oster then stated he would entertain a motion pursuant to SEQRA. A motion to adopt a negative declaration pursuant to SEQRA was made by Member Wetmiller, seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Chairman Oster stated he would entertain a motion for action

on the site plan. Member Mainello made a motion to approve the site plan subject to the following conditions:

1. The record is confirmed that the agreement between the Town of Brunswick and Stewarts Shops Corp. for installation of a new waterline on Tamarac Road, plus installation of service laterals to 17, 21, and 23 Tamarac Road, with Stewarts completing the installation or spending a minimum of \$15,000.00 for that work, had been agreed to by Stewarts and incorporated as part of the site plan application, and that compliance with this part of the site plan was expressly mandatory as part of the site plan approval.

2. Rensselaer County Health Department approval for the septic plan for this project.

3. The final comments of Mr. Bonesteel on the Drainage Report and Stormwater Pollution Prevention Plan for this project must be addressed by Stewarts prior to the issuance of any building or other work permit for the site.

4. Appropriate coordination between Stewarts and the Town of Brunswick Water Department concerning the installation of the new waterline on Tamarac Road, service laterals to 17, 21, and 23 Tamarac Road, and abandonment of the existing service line to the rear of the existing Stewarts Shop.

5. Permit obtained from Rensselaer County for work within the Tamarac Road right-of-way for the waterline installation.

The motion was seconded by Member Casey subject to the stated conditions. The motion was unanimously approved, and the site plan application by Stewarts Shops Corp. was approved subject to the stated conditions.

The next item of business on the agenda was the application by David Mulinio for an amendment to the Mulinio Planned Development District to extend the hours of operation in conjunction with a seasonal additional paintball attraction for property located at 99 Farrell Road. This matter is before the Brunswick Planning Board upon referral by the Brunswick Town Board, and for recommendation on the proposed amendment to the Planned Development District. The Applicant had previously presented the proposed amendment to the Brunswick Planning Board, and the Brunswick Planning Board had previously deliberated on the proposed amendment, but the Planning Board was awaiting additional sound data which was being

prepared by the Applicant to assess any potential sound impacts from the proposed amendment. That sound data having been completed by the Applicant and reviewed by Laberge Engineering, the Consulting Engineers for the Town of Brunswick for this application, the Planning Board then proceeded to review a proposed recommendation on the amendment. Upon review of a proposed written recommendation, the Planning Board adopted the following recommendation on the Mulinio PDD amendment application:

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

May 15, 2014

**RESOLUTION ADOPTING A POSITIVE
RECOMMENDATION ON THE MULINIO PLANNED
DEVELOPMENT DISTRICT AMENDMENT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick (“Town Board”) has received an application from David Mulinio (“Applicant”) for an amendment to the Planned Development District (“PDD”) approval that currently allows the operation of a paint ball facility on 13.6 acres of land located at the intersection of Oakwood Avenue and Farrell Road; and

WHEREAS, the application for an amendment to the Planned Development District seeks approval to expand the hours of operation from the current schedule of only Saturday and Sunday 9:00 a.m. to 5:00 p.m., to add Thursday 5:00 p.m. to 10:00 p.m., Friday and Saturday 5:00 p.m. to 11:00 p.m., and Sunday 5:00 p.m. to 9:00 p.m. during the Fall season each year in conjunction with adding an additional paint ball attraction; and

WHEREAS, the Town Board has referred the Mulinio PDD amendment application to the Town of Brunswick Planning Board (“Planning Board”) for its review and recommendation; and

WHEREAS, the Applicant was present at the April 3, 2014 Planning Board meeting, the April 17, 2014 Planning Board meeting, and the May 1, 2014 Planning Board meeting, and discussed the proposed project with the Planning Board members; and

WHEREAS, the Planning Board members have had an adequate opportunity to review the application materials and discuss the proposed project;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Planning Board makes the following findings concerning the Mulinio PDD amendment application:

- a. The Applicant currently operates a paintball facility on 13.6 acres of land located at the intersection of Oakwood Avenue and Farrell Road pursuant to a PDD approval issued in 2012.
- b. The Applicant proposes to add additional hours of operation in 5 weeks during the Fall season (beginning on the last Thursday in September through the last Sunday in October) as follows: Thursday nights, 5:00 p.m. to 10:00 p.m.; Friday nights, 5:00 p.m. to 11:00 p.m.; Saturday nights, 5:00 p.m. to 11:00 p.m.; Sunday nights, 5:00 p.m. to 9:00 p.m.
- c. The additional hours of operation are proposed to facilitate an additional paintball attraction consisting of a paint ball ride through a haunted field, with a secondary additional attraction of an open roof maze with a tent.
- d. The Planning Board received a letter executed by Thomas Murley, as member of TOPATOMA, LLC, owner of the subject property, advising that it has given permission to David Mulinio acting on behalf of Capital Combat Zone, LLC to apply for the amendment to the existing associated Mulinio PDD for the property.
- e. The haunted paint ball rides would consist of a vehicle pulling a 26-foot trailer installed with 15 paint ball guns on each side and benches on which participants will sit as they are transported through the existing paintball field through a designated course. The participants in the haunted paintball ride would target hired actors and moveable props. The trailers will move at a rate of 3 miles per hour through the facility and there would be up to 5 trailers moving through the ride at any given time. Strobe lights and a fog machine are proposed as part of the attraction.
- f. The paintball guns installed on the trailers will have their speed reduced by approximately 50% in order to reduce the travel distance of the paintballs.
- g. The Applicant anticipates that the additional attraction will draw approximately 300-700 people per night during the Fall season.
- h. The parking area for this project is large enough to accommodate approximately 400 parked vehicles, if necessary.
- i. According to the application materials, customers will be directed to pass through a 2,400 square foot maze covered with a tent roof, the height of which will be 17 feet. After completing the maze, customers will be directed to the ride line from which they will be loaded onto trailers that will be pulled through the haunted field.

- j. According to the application materials, there will be security throughout the facility, in addition to operators being on each ride to assure safety and control.
- k. According to the application materials, no alcohol or smoking will be allowed on the grounds.
- l. The addition of lighting for nighttime activities should not be a significant impact because the Applicant proposes to use portable lighting equipment with shielded down-lighting.
- m. The Applicant indicated that approximately 200 “No Hunting” posters have been posted around the site in order to prevent hunters from accidentally entering the site.
- n. According to the Applicant’s consultant, the proposed additional activities will increase noise at the nearest residential property by approximately 3.6 dBA, which is less than 5 dBA, and is considered generally unnoticeable to tolerable.
- o. The traffic exiting the site will continue to be directed to turn right on Farrell Road to proceed towards Oakwood Avenue, rather than turning left.

2. Based on these findings, the Planning Board hereby adopts a positive recommendation on the Mulinio PDD amendment application, and supports the approval of the Mulinio PDD amendment application by the Town Board. The project site is of an adequate size for the proposed operations, and the expansion of hours is limited to an additional 4 nights per week for only 5 weeks each year during the Fall. The noise data provided by the Applicant shows limited off-site noise impacts. The Board does not expect there to be significant lighting impacts. The property owner has consented to the PDD amendment application.

The third item of business on the agenda was the site plan application submitted by Alta East, Inc. for the proposed redevelopment of property located at 1163 Hoosick Road, the former Spiak’s Garage, to a convenient store with retail gasoline sales. The engineer for the Applicant had contacted the Brunswick Building Department, stating that he was still working on the details of the site plan, and requested that this matter be tentatively placed on the June 5, 2014 agenda.

The next item of business on the agenda was the application submitted by Monarch Design Group to amend the approved site plan and construction phasing plan for the renovation of the existing Feathers Furniture Store located at 831 Hoosick Road to an Ace Hardware Store. Edward Esposito of Monarch Design Group was present for the Applicant, together with two members of the Grasso family, who will be owners and operators of the Ace Hardware Store. Chairman Oster stated that the Planning Board had requested the Applicant to present the proposed amendment to the site plan, since it appeared to the Planning Board at its last meeting that there were additional changes to the site plan aside from moving the loading dock portion of this project from Phase 1 to Phase 2. Mr. Esposito did concede that there were additional changes, and stated that he would step through those changes with the Planning Board. Mr. Esposito did confirm that the dock canopy area was now removed from the project altogether, proving to be cost prohibitive. In its place, Mr. Esposito stated the Applicant is now proposing an outdoor display and garden center area, which will be located between the Ace Hardware Store to the east and the existing storage building located on the western portion of the project site. This outdoor display area will be fenced with an estate style fence and provide for seasonal items. Mr. Esposito stated that this was a request to expand areas of outdoor display to the full garden center in the proposed location. Mr. Esposito stated that delivery trucks would continue to use the existing dock and access way through the center of the project site between the existing two buildings, and continue to use the existing NYSDOT access points onto Hoosick Road. Mr. Esposito also stated that the proposed retaining wall system located on the eastern portion of the project site is also proposed for change, as the contractor retained by the owner indicated there was substantial shale in the area where the retaining wall was proposed, and thought that having the exposed shale wall would be adequate for purposes of the wall at that location, noting that a similar approach had been done with the Tractor Supply Store located

across Hoosick Road. There was also an economic component to this, as installation of a block retaining wall with the existence of the shale in that location would prove to be very expensive. Mr. Esposito also stated that due to the elimination of the loading dock proposal, the Applicant would be relocating 7 parking spots to the western portion of the project site near the existing storage building. Member Mainello asked whether proposed storage area in the main Ace Hardware building was moving. Mr. Esposito confirmed that the floor plan for the Ace Hardware store had been amended to eliminate storage area, and that the existing store would be now primarily retail, and all storage would be in the existing building located on the western portion of the project site. Member Wetmiller asked about the items proposed for the new expanded garden center, and principally how that area would be utilized during the winter. Member Wetmiller expressed concern about the storage of large pallets of rock salt or sand or similar items during the winter. Erica Grasso, owner and operator of the Ace Hardware Store, stated that it was the owner's intention to have a seasonal garden center with plants and similar items in the spring and summer, traditional fall items such as pumpkins and harvest items, and holiday items which may include Christmas trees. Ms. Grasso confirmed that there was no proposal for large pallet storage. Chairman Oster stated that the Town's concern would be that the outdoor garden center would be kept neat and orderly, similar to other outdoor storage areas on Route 7. Chairman Oster stated that this location would be even more visible from Hoosick Road since it is close to the road itself, and the need to have that facility kept neat and orderly would be even more important as opposed to other stores like Tractor Supply and Walmart which are located further off the Hoosick Road corridor. Ms. Grasso stated that her family would be running the store, is making a significant investment in the store, and will not allow the site to look bad. Member Esser asked whether there would still be product display in front of the Ace Hardware Store. Mr. Esposito stated that there would continue to be product display in front

of the store, consistent with the original site plan, and that the owner was now seeking to expand that to the center courtyard garden center area. Mr. Bonesteel had questions concerning the detail of the estate – type fence for the garden center area. Member Mainello had questions concerning pedestrian walk areas and delivery truck locations. In particular, Member Mainello stated that the relocation of customer parking spots to the western portion of the site raised the issue of a pedestrian crosswalk between the two buildings, since that was the area where truck deliveries would be occurring. Mr. Esposito confirmed that this was an issue, and agreed to installing a marked crosswalk between the buildings for pedestrian use. Member Mainello also inquired as to the surface of the parking area where the relocated parking spots are on the western portion of the project site. Mr. Esposito stated that the Applicant was looking to have a gravel surface for these parking spots. Member Mainello stated that he was not in favor of any parking areas on gravel surfaces, since this was very difficult to stripe and to maintain in the winter time. Chairman Oster now confirmed that with the relocation of 7 parking spots, there are now a total of 17 parking spots on the western portion of the project site. Mr. Esposito confirmed this. Chairman Oster wanted a direct answer as to the existing ground surface in this location, since Mr. Esposito was now saying the Applicant was looking to have a gravel parking area. Mr. Esposito confirmed that while the existing area is paved, it is not in good shape and is breaking up. Chairman Oster then also wanted to confirm with Mr. Esposito that the owner would be repaving the truck route to the existing loading dock and delivery entrance to the warehouse building, would be repaving the parking area on the eastern portion of the project site in front of and to the side of the new Ace Hardware building, but that the owner was looking to maintain the existing condition of the site, including degraded paving, on the western portion of the site near the storage building, but that this area would also include customer parking. Mr. Esposito confirmed that this was the proposal of the owner. Member Mainello also raised

questions about the width of a sidewalk in the front of the Ace Hardware building and proceeding to the west toward the area of the garden center and delivery entrance, and felt that a consistent 5' wide sidewalk in that area should be included. Mr. Esposito concurred, stating that a 5' sidewalk in the entire front of the project site should be included, and that a marked crosswalk should be added to the site plan connecting to the western area of the project site near the storage building. Chairman Oster noted that with the widening of the sidewalk in certain areas, this could push parking spaces further into fire lanes, and wanted Mr. Esposito to confirm that there was adequate emergency access for the site. Chairman Oster then wanted to confirm on the record that the issues discussed thus far in terms of changes to the approved site plan include the expanded outdoor display/garden center area in the center of the site, that the garden center would now include an estate – type fencing with pillars, that as a result of proposed changes there was increased greenspace on the overall project site, that the Applicant was proposing to eliminate the block retaining wall on the eastern portion of the project site and keep that wall as a bare shale wall after grading, and that 7 parking spaces had been relocated and that there are now a total of 17 parking spaces for customer use located on the western portion of the project site near the storage building. Chairman Oster confirmed that this was not simply a change in a construction phasing plan, but that there were a number of changes being proposed by the owner to the approved site plan. Member Esser had questions concerning the sprinkler system, and whether the expanded garden center included a fence where there should be open access to an exterior water connection for the store sprinkler system. This issue will need to be confirmed by Mr. Esposito. Ms. Grasso confirmed that the owner was not looking to expand any storefront glass for the Ace Hardware Store, but simply to replace the existing glass with more energy efficient glass. Member Mainello wanted to confirm that the site plan would note that the building located on the western part of the project site was now being used for storage for the

Ace Hardware Store, and would not simply be a proposed use in the future under a second phase of construction. Member Casey stated that he was not in favor of leaving the wall on the eastern part of the project site as shale, having concerns regarding stability. There were extensive discussions concerning the option of keeping the wall as shale, or requiring some additional material to keep that area stable. Chairman Oster inquired of Mr. Bonesteel as to whether he had any technical concerns regarding the proposal to have a shale wall. Mr. Bonesteel stated that given the limited work area in that location, it was unlikely that a stable cut could be made to that wall in that area, and that the original proposal should be continued, which was to either install a block retaining wall or obtain a grading easement from the adjoining property owner to allow a more gradual slope in that location. The Planning Board generally concurred that the shale wall alone was not acceptable, and that the original requirement for either a retaining wall or grading easement with the adjacent property owner will be required. Chairman Oster inquired with the Planning Board as to whether there were any concerns regarding the expanded outdoor garden center area. The Planning Board members generally concurred that the proposal was acceptable, as long as there was the construction of the pillars and estate – type fencing, and confirmation as to access to an exterior water service for the sprinkler for the Ace Hardware building. Chairman Oster then inquired as to the relocated 7 parking spaces, for a total of 17 parking spaces on the western portion of the project site. The Planning Board members generally concurred that they did not favor keeping the degraded pavement in that area, since it was intended for customer use, but rather wanted new paving so that the repaving of the site would be uniform over the entire site. Member Mainello also wanted to confirm that a pedestrian crosswalk would be added between the buildings in the area of the truck route, and that a sidewalk of a consistent 5' width would be included on the site plan. Chairman Oster asked Mr. Bonesteel as to whether he had any additional technical comments or concerns. Mr. Bonesteel stated that he had no other

engineering concerns, and that questions he had concerning drainage had been answered by Mr. Esposito. Chairman Oster inquired of Attorney Gilchrist as to the procedural status of this matter. Attorney Gilchrist stated that the Planning Board needs to confirm on the record, with the information presented tonight, that it has had adequate time to review the proposed changes, in light of the fact that as of two weeks ago, the Applicant had represented to the Planning Board that the only change it sought was an amendment to the phasing plan to move loading dock construction to Phase 2 rather than include the loading dock in Phase 1. Attorney Gilchrist stated that the record in front of the Board now includes several changes to the site plan, and the Planning Board needs to confirm that it has had adequate time to consider these changes to the site. Further, as a matter of policy, Attorney Gilchrist reminded the Board that it was not the job of the Planning Board to pry information out of any Applicant, but rather the Applicant must come forward and present the full site plan application and all information associated with site development for consideration by the Planning Board. Attorney Gilchrist concluded by stating the Planning Board must first determine whether the number of proposed changes to the site plan constitute a significant change to the site plan. If the Planning Board determines that the changes are in fact significant, then additional environmental review pursuant to SEQRA must be entertained, and an additional public hearing is an option for the Planning Board, prior to any action on the proposed amended site plan. If the Planning Board determines that the proposed changes are not significant, then no additional environmental impact review is required under SEQRA, and that the Planning Board would still have the option for an additional public hearing, but that the Planning Board could proceed to action upon the proposed amended site plan. Secondly, Attorney Gilchrist did want the Planning Board to confirm that it has had adequate time to consider all proposed changes. Member Mainello stated that he felt the changes were not significant on the overall site plan, but did want a cleaned-up site plan presented to the Planning

Board with all proposed changes, including changes discussed at this meeting, for final review and consideration by the Planning Board prior to any action. Members Casey, Wetmiller, Esser, and Chairman Oster concurred in this. Member Tarbox also concurred that the changes were not significant, and that he felt the Planning Board could act at this meeting subject to a number of conditions. The Planning Board then confirmed that the Applicant will need to submit a cleaned-up final amended site plan for consideration by the Planning Board, and that this matter will be addressed at its June 5 meeting. Chairman Oster requested that Mr. Esposito provide that final amended site plan at least one week before the June 5 agenda. Ms. Grasso then stated she fully understood the need for the final site plan to be considered by the Planning Board at the June 5 meeting, but was concerned because part of this project was the demolition of the existing house located on the eastern portion of the project site, and that this house was already subject of vandalism and wanted the ability to proceed with the demolition of that house as soon as possible. Chairman Oster confirmed that there was an approved site plan for this site which included the demolition of the house, that the proposed amendment to the site plan did not have any changes to that portion of the project site, and that subject to issuance of an appropriate permit from the Building Department, he did not see any reason why the Applicant could not proceed with the house demolition. Mr. Kreiger concurred with that assessment, and indicated that he would coordinate with the owners concerning appropriate permitting for demolition of that home. This matter is placed on the June 5 agenda for review of the final amended site plan.

The next item of business on the agenda was the site plan application submitted by Parsons/TWC, Inc. for approval for the construction of a 3,400 square foot veterinary hospital located at 1632 Route 7, in proximity to the existing IKON building. Present for the Applicant were Marty Wolfson, P.E., Dr. Nicole LaMora, and TWC, Inc. representatives including Tim Parsons, Project Manager, Brendon Stream, and Eric During. TWC, Inc. specializes in design

and construction of veterinary hospitals and facilities. Mr. Wolfson stated that this site plan was for the proposed Brunswick Animal Hospital located at 1632 Route 7, located on a 9.66 acre parcel, with proposed parking for 16 cars, including 2 handicapped spaces, plus a driveway compliant with NYSDOT specifications. Mr. Wolfson stated that there was an existing culvert at the driveway entrance. Mr. Wolfson did state that the site has an approximately 15% grade at the rear, reducing to 6% approaching Route 7. Mr. Wolfson stated that the soils on the site were marginal for septic, and therefore an alternate septic system had been designed and has been approved by the Rensselaer County Department of Health. Mr. Wolfson stated that all stormwater would be detained onsite, and has prepared a drainage plan. Mr. Wolfson stated that a new water supply well was proposed for the northwest corner of the site, and that the well separation from the proposed septic system, for both the onsite well and the neighboring property well, meets code separation requirements. Mr. Wolfson stated that there was a landscaping plan proposed, a lighting plan proposed, and that there would be a pet walking area on the site as shown on the site plan. Finally, Mr. Wolfson stated that the detail for a proposed business sign has also been submitted. Dr. LaMora stated that she had previously reviewed with the Planning Board the proposed hours of operation and staffing, but would refresh the Board on those issues. Dr. LaMora is proposing to operate the veterinary hospital 3 weekdays, with only one weekday to 7:00 p.m., plus one half day every other Saturday. Dr. LaMora hopes to be able to expand the business to 5 weekdays, but is proposing only 3 weekdays at present. The facility is closed on Sunday. Dr. LaMora has two staff members, so that the total staff is one doctor, one technician, and one receptionist/office worker. Member Wetmiller looked at the proposed site plan, noting that the second floor of the building has a large open area which could be converted to overnight use. Dr. LaMora confirmed on the record that there was no overnight use being proposed, that there was no boarding being proposed, and that this area was simply included for potential future

additional office space. Dr. LaMora confirmed that this veterinary hospital was small animal only, with no large animal service. Tim Parsons of TWC, Inc. stated that he was the Project Manager, and that he had designed the facility to have a residential look and try to make the facility attractive from Route 7. Chairman Oster asked Mr. Bonesteel whether he had any technical comments. Mr. Bonesteel stated that most of his comments concern the proposed stormwater plan, and since 2.9 acres were proposed to be disturbed, a full Stormwater Pollution Prevention Plan needed to be prepared. Mr. Bonesteel also stated that he wanted to have information concerning pre-development flows compared to post-development flows, particularly since this site has traditionally been wet. It was confirmed that there are no DEC wetlands on the project site, but that DEC wetlands do exist on the opposite side of Route 7. Chairman Oster asked the Planning Board whether there was adequate information on the application for purposes of scheduling a public hearing. The Planning Board members generally concurred that the information was adequate for public hearing. Chairman Oster wanted to confirm with Mr. Bonesteel regarding the technical completeness of the application. Mr. Bonesteel did state that the stormwater design is incomplete, and that a full Stormwater Pollution Prevention Plan needs to be prepared, but that there is adequate information on the site plan for purposes of a public hearing. This matter is scheduled for a public hearing for the June 5, 2014 meeting commencing at 7:00 p.m.

Two items of new business were discussed.

The first item of new business discussed was a site plan application submitted by Les McDermott for property located 807 Hoosick Road, the former Verizon building. Mr. McDermott is proposing to operate a gun shop with an indoor gun range at this location. Mr. McDermott informed the Board that he was the owner of the gun range located in Green Island, that it currently has 600 members, including 400 law enforcement and 200 veterans and other

members. Mr. McDermott stated that his Green Island location was only one or four commercial gun ranges in New York. Mr. McDermott stated that the gun range utilizes primarily hand gun caliber ammunition, but does provide both pistol and rifle use. Regarding the building at 807 Hoosick Road, Mr. McDermott stated that this site would remain in its current configuration, and that he would only be making changes to the interior of the building. Mr. McDermott did confirm that the Brunswick location would become the location for Mr. McDermott's existing business, as he was losing his lease for his current Green Island location. Chairman Oster reviewed the submitted site plan, and informed Mr. McDermott that the site plan must show the driveway and parking areas, existing parking spaces, handicapped parking, and should include a narrative as to all facility operations. Chairman Oster raised the issue of safety. Mr. McDermott generally discussed the gun range portion, which will include 8 inch concrete solid wall, as well as sound dissipation features. Member Casey asked about the distance between this building and the Brunswick Apartments. Mr. McDermott said the distance was approximately 870 yards. Chairman Oster generally reviewed all application and site plan review fees, and confirmed with Mr. Kreiger that all application fees have been filed. Mr. Kreiger confirmed that the site plan application fees have been filed, but that his office must first confirm the zoning compliance issue for the Zoning District with respect to the shooting range portion of the proposed site plan. Mr. Kreiger stated that while the retail shop is within the permissible uses of this business zone, he will need to confirm the zoning compliance for the gun range. This matter is tentatively placed on the June 5 agenda for further discussion, subject to the zoning compliance issue being addressed by the Building Department.

The next item of new business discussed was a referral by the Town Board on an application for a third amendment to the Duncan Meadows Planned Development District. Peter Yetto, P.E. and Peter Amato were present for the Applicants. Mr. Yetto generally reviewed the

Duncan Meadows project, which includes the 50 apartments which have been constructed and are close to obtaining a certificate of occupancy, a second phase which includes the construction of 88 apartment units, and the final phase which currently provides for the construction of 78 townhouse/condominium units. Mr. Amato's company is looking to purchase this last portion of the Duncan Meadows project, and has applied for amendment to the approved PDD to allow the construction of 77 apartments in this last portion of the project site in place of the approved 78 townhouse/condominium units. Mr. Yetto explained that the prospective purchaser of this last phase is looking to construct the same type of apartment building as will be constructed as part of the 88-unit phase of this project, and to continue the construction of the same type of apartment unit during this last portion of the project as well. Mr. Yetto explained that the proposal would be to primarily utilize existing footprint of buildings on the upper portion of this last phase of the site located between the existing 50 apartment unit portion and the existing ROUSE facility, and to keep the lower portion of the project site, which had originally been approved for additional townhouse/condominium units, as greenspace with no further construction. Mr. Yetto confirmed that this proposed amendment would still retain 2 parking spaces per unit, and that the projected traffic would not significantly change, that the water/sewer demand would not significantly change, and that projected school-aged children and school impacts would not significantly change. Mr. Yetto did explain that there would be a slight increase in the area of impervious surfaces, but that would be addressed through an amended Stormwater Pollution Prevention Plan. Chairman Oster repeated the Planning Board's concern regarding the total number of apartment units approved in the Town of Brunswick, and that the Town Board should address the issue of whether the Town was reached a saturation point regarding the ratio between the number of rental units and the number of single family homes in the Town. Member Mainello requested some information regarding vacancy rates of the existing

apartments in Town. Mr. Amato stated that he did not know of the vacancy rates of his competitors, but that the facilities he owns and runs in the Town of Halfmoon, which total 1,600 units, he only had 8 unleased units currently. Mr. Amato also offered that for the 50-unit apartment building which is currently being completed, he already has 20 leases in place even though construction has not been completed. Mr. Yetto asked the Planning Board as to the level of detail it would need on the site plan for purposes of preparing its recommendation. Chairman Oster confirmed that a concept site plan was adequate for purposes of its recommendation, but that the Planning Board would require a detailed site plan in the event the Town Board approved the amendment. Mr. Yetto confirmed that he was completing a preliminary site plan for the proposal, and would be submitting it to the Town shortly. Member Mainello wanted to be able to compare the original approved plan for this portion of the Duncan Meadows PDD with the proposal to amend the PDD. The issue Member Mainello was addressing was that the original Duncan Meadows PDD provided for a second access road for the total number of the townhouse/condominium units, whereas the proposal now for the 77 apartment units will utilize only one access road, so that all site traffic will now be utilizing one access road as opposed to being divided between two access roads. Mr. Yetto stated that he would address that issue with the concept site plan. This matter has been placed on the June 5 agenda for further discussion.

The index for the May 15, 2014 meeting is as follows:

1. Stewarts Shops Corp – site plan – approved with conditions.
2. Mulinio – amendment to Planned Development District – recommendation completed.
3. Alta East, Inc. – site plan – 6/5/14 (tentative).
4. Monarch Design Group – site plan amendment – 6/5/14.
5. TWC, Inc. – site plan – 6/5/14 (public hearing to commence at 7:00 p.m.).

6. McDermott – site plan – 6/5/14 (tentative subject to confirmation of zoning compliance).
7. Duncan Meadows Planned Development District – recommendation on proposed amendment – 6/5/14.

The proposed agenda for the June 5, 2014 meeting currently is as follows:

1. TWC, Inc. – site plan (public hearing to commence at 7:00 p.m.).
2. Alta East, Inc. – site plan (tentative).
3. Monarch Design Group – site plan.
4. Broderick – waiver of subdivision.
5. McDermott – site plan (tentative).
6. Duncan Meadows Planned Development District – proposed amendment.