

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 19, 2014

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

ABSENT was KEVIN MAINELLO.

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

Chairman Oster reviewed the agenda as posted on the Town sign board and Town website.

The Planning Board opened the public hearing regarding the site plan application submitted by Les McDermott for property located at 807 Hoosick Road, the former Verizon building. Mr. McDermott proposes to operate a retail gun shop with a classroom and indoor gun range at 807 Hoosick Road. Chairman Oster first reviewed the procedure for the public hearing. Attorney Gilchrist then read the Notice of Public Hearing into the record, stating that the notice had 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. Chairman Oster requested that the Applicant present a brief overview of the project. Mr. McDermott presented a brief overview of the site plan proposal, discussing the retail gun shop, education/classroom, and indoor shooting range. Mr. McDermott also discussed noise mitigation and safety measures included in the proposal. Chairman Oster noted for the record that the Brunswick Building Department has determined that this use is permitted in the B-15 Zoning District, and that comments should be

directed only to the proposed site plan. Tom Cameron, 46 Alice Drive, Nassau, New York, stated that the proposed facility will provide a legal way in New York to transfer or dispose of firearms in compliance with legal requirements. Mr. Cameron stated that having this facility will increase the legal use of guns, that he had been a federal firearms licensed dealer since 1968, that having the current required background checks for purchase of guns is good and that this facility will add to the legal use of guns in New York, and that this facility should be supported. Mark Carusso, Grandview Drive, Eagle Mills, stated that he was a director of a rod and gun club, and that having a facility located locally to shoot is a benefit to the community, that this will provide a facility to be able to shoot during the winter, and that the safety training provided at this facility will be a benefit to the gun community. Nelson Alarcon, 1507 Sausse Avenue, Troy, stated that he is a resident of Troy, but is currently a New York State Trooper and a retired Marine, that the issue of gun safety is an important issue, that the facility operated by Mr. McDermott in Green Island is an excellent facility which is as good as, or exceeds, the facilities operated by the New York State Troopers, that the McDermott facility emphasizes safety, and that the owner is all about safety for gun use, that the firing range does provide a safe area, that the facility will include 3' of a rubber material for bullet impact, then provide for 2' of concrete behind the rubberized material, and that there was approximately 200' to the Brunswick Little League ball field, and that these factors promoted safety at the facility, that the facility safety guidelines are strictly applied, that this will provide a safe outlet for gun use, and that any opinion should be based on facts and not speculation, and that Les McDermott runs a very safe facility. Bob Catherwold, Arminghall Road, stated that he was opposed to the application, and that his concern was over the proximity of this facility to the Brunswick Little League baseball field, that his concern was not so much regarding the firing range located inside the building, but the potential for accidents in terms of carrying guns in and out of the facility and showing guns in

the parking lot area, and if an accident occurred in the parking lot area, a stray bullet could hit and kill a child at the Little League fields, that the Brunswick Little League fields are used all the time, and that his concern is founded upon guns being in the area near children and that in an alternative site should be available, and that while safety plans could be in place an accident could cause injury or death to a child. Terry Miller, 964 Hoosick Road, stated that he was a manager at the Brunswick Little League and that his 7 year old played in the Brunswick Little League, that he was also concerned about safety, and requested that the Applicant consider moving the facility layout so that the shooting is done in the opposite direction away from the Little League field. Bob Grannace, 141 Carrolls Grove Road, stated that he felt the facility was a good idea, particularly for the classes provided and safety training provided, that it was a good thing to have in the Town of Brunswick, and that when looking at all of the other gun ranges in the area, there are generally no accidents that occur and that the chance of accidents are mitigated by strict safety rules and training, which are both promoted at the McDermott facility. Joseph Nasky, Kinderhook, stated that he supports the application, that he is a federal firearms license holder, that he is a avid shooter, that he is not aware of any accident at any other upstate gun range or shooting facility, that he has been a shooter for 48 years and is not aware of any accident in the parking lot of any shooting range having occurred during that time, that he feels there is not a safety threat to any of the children at the Brunswick Little League ball field, that children at the Little League field have more of a threat by traffic traveling to and from the Little League field then would occur from the operation of the shooting range, and that having this facility also offers an opportunity for children to learn about proper gun ownership and operation. Steve Valente, Route 66, Averill Park, stated that this facility will provide a benefit to the community by making gun owners and shooters as safe as possible, that the safety training offered at this facility mitigates against accidents, and that Mr. McDermott operates a very

efficient and safe facility in Green Island and that people should see that existing facility before making any determination on the current application. Carols Correa, Troy, stated that he is a training officer at Mr. McDermott's facility in Green Island, and that he was a former senior investigator with the Office of the New York State Inspector General, and that he felt the McDermott facility was very safe and that safety is the number one priority, that in terms of an accident occurring in the parking lot, rules regarding gun ownership make it illegal to remove a gun in the parking lot, that any guns brought to this facility need to remain in a bag or in a concealed manner, that it would be illegal to remove the weapon from either the bag or the concealed position in the parking lot and that such conduct would result in losing the gun permit, that a safety officer is always present in both the gun range and the retail store at the McDermott facility, that no ammunition is allowed in the guns within the retail store, that the facility is operated with very strict oversight as to safety. Nelson Alarcon, 1507 Sausse Avenue, Troy, provided additional comment, stating that his daughter does take lessons at the Stardom Dance facility close to this shooting range location, and can understand the concerns regarding the proximity of the Brunswick Little League field in terms of safety, that in terms of any accidents in the parking lot, current guns are manufactured with an internal safety mechanism now included to stop any gun shot in the event a gun is dropped, that the majority of the patrons at the current McDermott facility in Green Island are law enforcement and retired military, that strict oversight is enforced at the McDermott facility in terms of safety and training, that there are cameras and monitors throughout the building and outside the building being monitored while the facility is open in order to ensure strict compliance with safety measures. Chairman Oster stated for the record that the public comment concerning the proximity of the proposed firing range to the Brunswick Little League field was noted and will be taken into consideration. Chairman Oster stated that the Planning Board had considered the option of leaving the public

hearing open in the event there was significant public comment, but that most of the comments received at the public hearing at this meeting were in support of the application, and that the comments concerning safety and proximity of this facility to the Brunswick Little League are well taken and already noted on the record. Chairman Oster then stated that in light of the public comments received, which are now noted on the record, the Planning Board would consider closing the public hearing, and requested any additional comments to be placed on the record. Carols Correa, Troy, New York wanted to state on the record that anyone in the McDermott facility acting in a manner that is not safe, they are not allowed to remain in the facility and are not allowed to continue using the facility. One other member of the public questioned how the shooting range would be directed, whether toward or away from the ball field. Chairman Oster noted the comment for the record, and stated that the Planning Board would be addressing the layout and configuration of the shooting range. Chairman Oster then again requested any further public comments. Hearing none, the Planning Board closed the public hearing on the McDermott site plan application.

The Planning Board then reviewed the draft minutes of the June 5, 2014 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the June 5, 2014 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Les McDermott for property located at 807 Hoosick Road. Chairman Oster confirmed that comments at the public hearing included safety concerns regarding proximity of this facility to the Brunswick Little League field, and that the layout or direction of the firing range was an issue that needed to be addressed. Mr. McDermott confirmed that the issue of safety has been addressed through the facility design, and that the safest part of the facility is actually shooting down range, since the down range direction is reinforced with the rubberized material, additional

concrete walls, and concrete panels on the ceiling. Member Czornyj asked whether the firing range can be in any different direction. Mr. McDermott stated that the shooting range could be oriented in a westerly direction away from the Brunswick Little League field, but then the back wall facing the Little League field did not have the reinforcement that the down range direction does, which includes 36" of rubberized material plus 3' of concrete behind the rubberized material. Member Casey asked whether the current firing range layout was in the direction of the garage – portion of the building. Mr. McDermott stated that the firing range was in the direction of the garage, and that for any bullet to impact the Little League field in the current firing range configuration, it would need to make it through the 3' of rubberized material, 3' of concrete wall, a garage, a forested area, and then the Little League field. Mr. McDermott stated that in his opinion, the firing range layout could be turned around, but that this would not be as safe in terms of proximity to the Little League field than his proposed configuration. Mr. McDermott did state that customers need to carry weapons into the facility either in a bag or in a concealed manner, that this was not only required from gun licensing but as a facility rule. Member Czornyj asked whether there was any facility employee in the parking lot to oversee customers coming in and out. Mr. McDermott stated that there was not an employee in the parking lot, but there are cameras focused on the parking lot which are monitored from inside the building. Member Tarbox asked about the ceiling material in the firing range. Mr. McDermott stated that concrete and steel plates will be installed, making the end of the firing range a complete concrete box when completed. Chairman Oster did say he visited the Green Island facility, and was impressed with the facility construction. Member Wetmiller stated that Mr. McDermott was of the opinion that the end of the firing range, or the "down range" area, was the safest area of the building, and that the wall in the "up range" area is the weakest area. Mr. McDermott concurred with that. Chairman Oster then noted that the baseball season at the

Brunswick Little League field is generally from Spring time through September or October. Chairman Oster noted that the facility for indoor shooting is not utilized as much in the Summer, but is utilized more in the Winter. Mr. McDermott concurred with that. Chairman Oster also noted that if weather conditions promoted indoor shooting, such as when it is raining, then the baseball fields are generally not used. Chairman Oster did state that the Applicant should agree to specific hours of operation for the gun range. Mr. McDermott stated that he is seeking approval to operate the facility 7 days a week from 9:00 a.m. to 9:00 p.m., but that his usual operating hours are 7:00 a.m. to 7:00 p.m., going as late as 8:00 p.m. on some nights. Chairman Oster also stated that the issue of sound needed to be addressed, and whether the sound of gun fire will be able to be heard at the Little League field. Mr. McDermott stated that at his current facility in Green Island the walls were hollow, and no shooting could be heard outside the facility when the gun range was in use. Mr. McDermott said that with the Brunswick facility, the walls will be fill concrete, and no sound will be produced outside the facility. Chairman Oster asked whether Mr. McDermott had any sound data from his Green Island facility. Mr. McDermott stated that in Green Island, a noise regulation limits any sound increase to 5 decibels at the property line, and that his facility always met that standard. Mr. McDermott stated that he did not have any written sound data, but that his facility had been checked by a handheld sound meter. The Planning Board requested that Mr. McDermott obtain sound data readings at his Green Island facility while the shooting range is in use, and provide that information to the Planning Board. Also, the Planning Board wanted specific measurements of the distance between the Brunswick facility and the Brunswick Little League property. The Planning Board also requested that Mr. McDermott provide distance measurements between his Green Island facility and other surrounding buildings in Green Island, including a retail strip mall and dance studio. Member Esser stated that concerning the issue of safety, he felt that there was a better

chance to have an accident in this area due to hunting rather than any potential accident from the shooting range. Member Esser thought that it was appropriate that the Town should look into limiting hunting in this area which is now mostly residential. Member Casey asked Mr. McDermott whether the garage portion of the facility was going to be leased or used by him. Mr. McDermott stated that he would be using the garage facility initially for storage of materials for his construction business, but that he was looking to lease that facility. Member Casey asked whether there would be any impact from the shooting range to the leased area of the garage. Mr. McDermott stated that he did not anticipate any impact at all. Member Czornyj stated that the plans submitted by Mr. McDermott did not show that all of the walls for the Brunswick facility to be concrete. Mr. McDermott stated that all the walls at the Brunswick facility will be filled with concrete. In terms of the garage space, Mr. McDermott stated that while he would be looking to lease that space, there would need to be an update to the site plan to show what that space would be used for before any tenant could use that space. The Planning Board concurred that before the garage could be leased for any additional use, an amendment and update to the site plan and review by the Planning Board will be required. Mr. Kreiger noted that the application had been forwarded to the Rensselaer County Department of Economic Development and Planning, but the recommendation from the County had not yet been received, and that the thirty (30) days for receipt of the recommendation had not yet expired. Chairman Oster asked Mr. Bonesteel whether he had any questions or comments on the application. Mr. Bonesteel stated that the site plan must be stamped by a licensed professional engineer. Mr. Kreiger stated that he had received plans stamped by a licensed professional engineer, and would distribute those to the Board. Mr. Bonesteel inquired whether there was municipal water and sewer to this facility. Mr. McDermott stated that there was municipal water and sewer connections, and that there was no septic system on the property. Mr. Bonesteel inquired as to the location of the

garage door for the garage area of the facility. Mr. McDermott stated that the garage door was facing the front of the building toward Route 7. Mr. Bonesteel asked whether Mr. McDermott intended on keeping the security gates on the driveway. Mr. McDermott stated that he would maintain the security gates on the driveway, and the site would be secured at night. Mr. Bonesteel asked whether Mr. McDermott was looking to change any lighting on the site. Mr. McDermott stated that he was not planning on changing any of the lighting at the site, only potentially a couple of house lights attached to the building. Mr. Bonesteel wanted to confirm that there was no disturbance or grading proposed for the site. Mr. McDermott confirmed that he was not proposing any grading or other disturbance on the site. Mr. Bonesteel stated that the site plan should depict the location of the water and sewer lines on the property. Mr. McDermott stated that he was having his surveyor complete that, and would be submitting that information to the Planning Board. Chairman Oster stated that the Planning Board was requiring Mr. McDermott to submit a written response to the comments submitted at the public hearing, particularly with respect to safety concerns and proposed facility layout including direction of the shooting range. The Planning Board was also requiring the submission of the noise assessment data from Mr. McDermott's existing Green Island facility, which will include distance measurements to surrounding uses, and also specific distance measurements from the Brunswick building to the Brunswick Little League field. Chairman Oster noted that the recommendation from the Rensselaer County Planning Department also needed to be received and reviewed. Chairman Oster directed Mr. Bonesteel to review the site plan stamped by the licensed professional engineer. Chairman Oster also noted that Mr. McDermott's Green Island facility would be shutting down operations shortly and dismantled, and that if any Planning Board member had not yet had the opportunity to look at the Green Island facility, they should do so immediately. This matter has been placed on the July 17 agenda for further discussion.

The next item of business on the agenda was the site plan application submitted by TWC, Inc. for approval of the construction of a 3,400 square foot veterinary hospital located at 1632 Route 7. Martin Wolfson, P.E., and Dr. Nicole LaMora were present on the application. Mr. Kreiger stated that the recommendation had been received from the Rensselaer County Department of Economic Development and Planning, which stated that the application does not conflict with any County plans and that local consideration shall prevail, but also noted that the Planning Board should consider adequate area for future expansion of parking facilities in the event the veterinary building was expanded in the future. The Planning Board also noted that a Stormwater Pollution Prevention Plan (SWPPP) had been submitted to the Planning Board immediately prior to this evening's meeting, and that Mr. Bonesteel has not had a chance to review that document. Mr. Wolfson stated that while he had not been aware of current stormwater regulatory requirements, he had retained a consultant to help in the preparation of the stormwater design and preparation of the SWPPP. Mr. Wolfson generally reviewed the outline of the Stormwater Management Plan. Mr. Wolfson also stated that additional detail had been provided to show compliance with the Americans with Disabilities Act. Member Esser stated that some of the grades on the drainage plan did not appear correct. Member Esser and Mr. Wolfson reviewed some of the elevations on the grading plan. The Planning Board noted that with respect to the comment of the Rensselaer County Planning Department, there is adequate parking provided on the site plan for the square footage of the veterinary building as currently shown on the site plan, and that in the event that building is sought to be expanded in the future, an amendment to the site plan would be required, and the Planning Board would address any additional parking requirements at that time. The Planning Board did note that there was adequate area on the project site for location of additional parking in the future, if necessary. Mr. Kreiger also noted he had received a request from the Fire Department that a Knox box be

installed at the facility. Chairman Oster stated that all site plan issues had been addressed, that the Planning Board had considered the comments and recommendation of the Rensselaer County Planning Department, but that Mr. Bonesteel had not yet had a chance to review the SWPPP in detail. Attorney Gilchrist stated that in the event the Planning Board felt all site plan issues had been addressed, then the Board would be in a position to act with the condition that all final review comments by Mr. Bonesteel on the SWPPP and general stormwater plan be addressed by the Applicant. The Planning Board was in agreement that it should move forward with action on the site plan subject to that condition. 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. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. All final engineering review comments on the grading plan and SWPPP must be addressed by the Applicant prior to the issuance of any building permit or other work permit for this site.
2. The Applicant must coordinate with the Fire Department on installation of a Knox box at this facility.
3. In the event any expansion to this building is sought in the future, an application to amend the site plan must be submitted and reviewed.
4. Rensselaer County Health Department approval for water and septic.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval granted.

The next item of business on the agenda was the application by BPP II, LLC for a third proposed amendment to the Duncan Meadows Planned Development District. This matter is before the Planning Board on referral from the Town Board for a recommendation. Following the deliberation on this matter held June 5, a draft recommendation had been prepared and was

reviewed by the Planning Board. In addition, Mark Kestner, P.E., consulting engineer for the Town on the application, was present. Mr. Kestner had likewise reviewed the draft recommendation, and raised an additional comment for the Board's consideration. The issue raised was the construction of the sidewalk/walkway areas along McChesney Avenue Extension. Mr. Kestner reviewed the pedestrian sidewalk/walkway proposal, which carries the walkway from the Wal-Mart entrance on McChesney Avenue up to McChesney Avenue Extension, and that the pedestrian walkway/sidewalk had already been constructed up to the entrance road for the 50-unit apartment building of the Duncan Meadows project, and the Planning Board should consider whether to recommend the extension of that sidewalk/walkway area further up McChesney Avenue Extension to allow for pedestrian walking from ROUSE and the Sugar Hill Apartment complex. The Planning Board generally discussed the pedestrian sidewalk/walkway issue on McChesney Avenue Extension. Peter Amato and Dr. Paren Edwards of BPP II, LLC were present, together with their engineer Peter Yetto, P.E., and also engaged in the discussion on the sidewalk/walkway area. Dr. Edwards commented that even if a sidewalk/walkway area were extended by BPP II, LLC to the end of its property adjacent to the ROUSE facility, it would not be useful unless ROUSE committed to extending the sidewalk area to its entrance road, and in turn, the owners of the Sugar Hill complex agreed to extend the sidewalk area in front of their facility. Following extensive discussion, the Planning Board determined to add to the draft recommendation an additional comment that BPP II, LLC should be required to construct and extend the sidewalk/walkway area from the entrance road to the 50-unit apartment section of the project to the end of its property consisting of "Phase 2" of the project and adjacent to the ROUSE property line if there is a commitment by the ROUSE facility or other third-party to then extend that sidewalk/walkway area down to the entrance road to the ROUSE facility. Mr. Amato and Dr. Edwards were agreeable with that proposal. Thereupon, with the addition of that

recommendation and condition, the Planning Board adopted the following recommendation on the proposed third amendment to the Duncan Meadows Planned Development District:

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

June 19, 2014

**RESOLUTION ADOPTING A RECOMMENDATION ON
THE PROPOSED THIRD AMENDMENT TO THE
DUNCAN MEADOWS PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the Town Board of the Town of Brunswick (“Town Board”), received an application by ECM Land Development, LLC (“Owner”) for a Planned Development District (“PDD”) seeking approval for a mixed use residential project consisting of 78 townhomes, 88 condominium units, and 50 senior citizen apartment units, located on approximately 91 acres of land bounded by McChesney Avenue and McChesney Avenue Extension; and

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

WHEREAS, the Planning Board adopted a recommendation on the Duncan Meadows PDD application at its meeting held May 6, 2010, and forwarded that recommendation to the Brunswick Town Board for consideration; and

WHEREAS, the Brunswick Town Board approved the Duncan Meadows PDD pursuant to Resolution No. 62 of 2010, duly adopted on August 12, 2010; and

WHEREAS, the Duncan Meadows PDD approval included 50 rental units intended for senior citizen use, which were intended to carry a minimum age requirement; and

WHEREAS, thereafter, the Owner submitted an application to the Brunswick Town Board to amend the Duncan Meadows PDD to eliminate the age restriction associated with the 50 apartment units; and

WHEREAS, the Brunswick Town Board referred that proposed amendment to the Duncan Meadows PDD to the Planning Board for review and recommendation; and

WHEREAS, the Planning Board adopted a recommendation on the proposed amendment to the Duncan Meadows PDD at its meeting held December 15, 2011, and forwarded that recommendation to the Brunswick Town Board for consideration; and

WHEREAS, the Brunswick Town Board approved the amendment to the Duncan Meadows PDD to eliminate the age restriction associated with the 50 rental units pursuant to Resolution No. 86 of 2012, duly adopted on December 13, 2012; and

WHEREAS, the Duncan Meadows PDD approval also included 88 condominium units to be located in a total of eleven (11) buildings, eight (8) units per building, situated on the western portion of the project site; and

WHEREAS, the Owner entered into a contract to transfer the condominium phase of the Duncan Meadows PDD to PE&PA Associates, Inc. (“PE&PA”); and

WHEREAS, PE&PA, as contract vendee of the condominium phase of the Duncan Meadows PDD project, submitted an application to the Brunswick Town Board to further amend the Duncan Meadows PDD (the “Second Amendment”); and

WHEREAS, the Second Amendment sought to allow the construction of 88 apartment units to be located in a total of eight (8) buildings, eleven (11) units per building, situated generally in the same location on the western portion of the project site as that aspect of the condominium units have been proposed; and

WHEREAS, the Brunswick Town Board referred the proposed Second Amendment to the Duncan Meadows PDD to the Brunswick Planning Board for its review and recommendation; and

WHEREAS, the Planning Board adopted a recommendation on the proposed Second Amendment to the Duncan Meadows PDD at its meeting held August 15, 2013, and forwarded that recommendation to the Brunswick Town Board for consideration; and

WHEREAS, the Brunswick Town Board approved the Second Amendment to the Duncan Meadows PDD to allow the construction of 88 apartment units in 8 buildings of 11 units each, in place and instead of the previously approved 88 condominium units, pursuant to Resolution No. 74 of 2013, duly adopted on October 10, 2013; and

WHEREAS, the Duncan Meadows PDD approval also included 78 condominium units located in areas known and referred to as Phase 2 and Phase 3 of the project; and

WHEREAS, BPP II, LLC has submitted an application to the Brunswick Town Board to further amend the Duncan Meadows PDD (the “Third Amendment”); and

WHEREAS, the Third Amendment seeks to allow the construction of 77 apartment units to be located in a total of 7 buildings, 11 units each, in place and instead of the previously approved 78 condominium units approved for Phase 2 and Phase 3, and to locate such 77 apartment units entirely within the area known as Phase 2; and

WHEREAS, the Brunswick Town Board has referred the proposed Third Amendment to the Duncan Meadows PDD to the Brunswick Planning Board for its review and recommendation; and

WHEREAS, the Applicant has represented in its presentation to the Planning Board that the proposed amendment would increase the density on Phase 2, but would eliminate development on Phase 3, leading to a slight decrease in density overall; and

WHEREAS, the Applicant has represented in its presentation to the Planning Board that the change in layout will not effect the design of the access road in Phase 2, which was designed and approved for one intersection at McChesney Avenue Extension, with a secondary emergency only access, except that the terminus of the access road will change from being the previously approved cul-de-sac into a T-turnaround designed to accommodate emergency apparatus; and

WHEREAS, the Applicant has represented in its presentation to the Planning Board that the number of school aged children is projected to decrease slightly due to the change from condominium units to apartment units and the demand on sewer and water service is projected to remain constant, if not slightly decrease, due to the change from condominiums to apartment units; and

WHEREAS, the Applicant has stated to the Planning Board that it is flexible with respect to whether any restriction should be imposed with respect to the property that was previously to be developed as Phase 3; and

WHEREAS, the Applicant has represented to the Planning Board that all buildings under the proposed amendment will be 2-stories and comprised of 11 units each, and will be the same size and style as those constructed with respect to the 88 apartment units previously approved; and

WHEREAS, the Applicant has represented to the Planning Board that the proposed apartments are luxury style apartments with rents currently ranging from \$1,000 per month to \$1,800 per month; and

WHEREAS, elimination of the development of the area known as Phase 3 of the project will also eliminate the development of the access road thereto and will result in all traffic projected to be generated by both Phase 2 and Phase 3 to be limited to using only the Phase 2 access road; and

WHEREAS, the Applicant has stated that there will be a slight projected increase in the peak traffic flow associated with the change in use from condominium units to apartment units; and

WHEREAS, the Applicant presented its proposed Third Amendment to the Brunswick Planning Board at meetings held on May 15, 2014 and June 5, 2014; and

WHEREAS, the Planning Board members discussed the proposed Third Amendment to the Duncan Meadows PDD at such meetings, and have duly deliberated thereon;

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

1. Based upon the application materials and representations of the Applicant, and subject to the paragraphs below, the Planning Board generally finds that this Third Amendment to the Duncan Meadows PDD will likely not result in any significant impacts which were not adequately analyzed and considered in the prior project review. The proposed amendment reduces the total number of buildings but proposes a consistent number of units, and therefore any resulting changes to total traffic counts, school aged children generation, stormwater, public water, and public sewer requirements will likely be not significant.

2. The Planning Board finds that the proposed amendment will slightly increase the overall greenspace for the Duncan Meadows PDD project, by increasing the density of the development on Phase 2 and eliminating development on Phase 3, which will likely provide a benefit particularly with respect to the Phase 3 neighborhood.

3. The Planning Board considers the fact that the road servicing these apartment buildings will remain private, and is not designated nor intended to become a public roadway, to be a significant factor. The Planning Board also considers the fact that the apartment buildings will remain a total of 2 stories to be a significant factor, and will be consistent with the 88-unit phase, consisting of 8 buildings of 11 units each, which is part of the Duncan Meadows PDD and is consistent also with the adjacent Sugar Hill and Glen Apartments.

4. Subject to paragraphs 5 through 7 below, the Planning Board therefore adopts a positive recommendation on the proposed third amendment to the Duncan Meadows PDD to allow the construction of 77 apartment units to be located in 7 buildings, 11 units per building, with a maximum of 2-stories per building, to be located within the area identified as Phase 2, in place and instead of the previously approved 78 condominium units which were previously approved for development on Phase 2 and Phase 3 of the PDD project.

5. The Brunswick Planning Board remains concerned with the increase in the number of rental dwelling units approved and constructed in the Town of Brunswick over the last several years. The Brunswick Planning Board urges the Brunswick Town Board to consider the total number of apartment units in the Town of Brunswick, both existing and approved for construction, with particular regard to the number of apartment units recently approved for construction in the Town. The Planning Board further urges the Town Board to consider the ratio of the total number of rental units to the total number of owner occupied units in the Town of Brunswick. This particular Third Amendment to the Duncan Meadows PDD project will further increase the number of rental units by 77, while reducing the projected owner occupied units by 78. In the context of this particular project, the change from condominium to apartment units does not appear to result in a significant impact in this particular area, but from a town wide and comprehensive planning perspective, the Planning Board believes that the Town may be reaching a saturation point for approved rental units as compared to owner occupied units. The Planning Board specifically requests that the Town Board consider this comment when it considers whether to approve the proposed Third Amendment, as well as on a going forward basis in connection with the Brunswick Town Board's current development and potential future enactment of a new zoning code for the Town of Brunswick.

6. This positive recommendation is further conditioned on the following:

a. The Town Board should consider requiring the Fire Department to review and approve the proposed T-turnaround in Phase 2, the secondary emergency access only road, and the location of fire hydrants for this area of the project.

b. The Town Board should permit continued agricultural use of property previously designated for Phase 3, but should otherwise prohibit continued or further development on Phase 3 until the Town Board completes its development and enactment of a new zoning code for the Town of Brunswick.

c. The Town Board should require the Applicant to provide a comparison of the tax impacts of the previously approved 78 condominium unit proposal versus the 77 apartment unit proposal associated with this Third Amendment, with particular focus not only on immediate tax impacts, but also short-term and long-term tax impacts.

d. The Town Board should require the Applicant to examine whether there will be significant impacts to traffic on McChesney Avenue or McChesney Avenue Extension associated with the elimination of a Phase 3 access road.

e. The Town Board should consider requiring BPP II, LLC to extend the pedestrian sidewalk/walkway along McChesney Avenue Extension from the entrance road for the Duncan Meadows 50-unit apartment phase to the eastern end of the "Phase 2" area extending to the western property line of the adjacent ROUSE facility, but such sidewalk/walkway extension is to be built only if there is a commitment by ROUSE or another third-party to further extend that pedestrian sidewalk/walkway to the ROUSE entrance road.

7. If approved by the Brunswick Town Board, this amendment to the Duncan Meadows PDD will require an amendment to the site plan for these portions of the project. Accordingly, the Applicant will be required to submit an application for amendment to the site plan in light of any PDD amendment.

This recommendation was adopted by a vote of 5-1. Member Wetmiller noted that he voted against the recommendation because he felt that there were too many apartment units being approved for the Town of Brunswick, and felt that there should not be any additional apartment units approved in the Town until such time as the issue of the impact of additional apartment units and the ratio between apartment units and owner-occupied units was further studied and evaluated by the Town.

The next item of business on the agenda was a waiver of subdivision application submitted by Ruth Colman for property located at the southerly end of Grandview Drive and the

westerly side of Creek Road. The Applicant was not present at the meeting. This matter has been adjourned and placed on the July 17 agenda.

Mr. Kreiger reported that there were no new items of business to review.

The index for the June 19, 2014 meeting is as follows:

1. McDermott – site plan – 7/17/14.
2. TWC, Inc. – site plan – conditional final site plan approval.
3. BPP II, LLC – Duncan Meadows Planned Development District amendment – recommendation adopted.
4. Colman – waiver of subdivision – 7/17/14.

The proposed agenda for the July 17, 2014 meeting currently is as follows:

1. McDermott – site plan.
2. Alta East, Inc. – site plan.
3. Broderick – waiver of subdivision.
4. Colman – waiver of subdivision.
5. Discussion of resolution concerning applications for additional apartments and/or rental units in the Town of Brunswick.