

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

**MINUTES OF THE PLANNING BOARD MEETING HELD July 17, 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.

Chairman Oster reviewed the agenda for the July 17 meeting as posted on the Town sign board and Town website.

The Planning Board then reviewed the draft minutes of the June 19, 2014 meeting, noting that the July 3, 2014 meeting had been cancelled due to the holiday. Several corrections were noted to the June 19 minutes. At page 2, line 16, the reference to “2 feet of concrete” was corrected to read “an 8” block wall filled with concrete”. At page 2, line 18, the minutes were clarified to state that “there was approximately 200’ to the Brunswick Little League ball field outfield fence”. At page 4, line 3, the minutes were corrected to note that Mr. Correa is not a “Training Officer” but is rather a “Range Safety Officer”. At page 6, line 5, the minutes were corrected to remove the reference to “3’ of concrete behind the rubberized material” and replaced with “an 8” block wall filled with concrete behind the rubberized material”. With these corrections noted and made, Member Tarbox made a motion to approve the June 19 minutes as corrected, which motion was seconded by Member Wetmiller. The motion was unanimously affirmed, and the June 19 minutes adopted as corrected.

The first item of business on the agenda was the site plan application submitted by Les McDermott for the operation of a gun shop with an indoor gun range at 807 Hoosick Road. Mr. McDermott was present. Mr. McDermott handed up an additional project narrative and sound study which was conducted at his Green Island location. The noise assessment was prepared by Francis J. Bossolini, P.E., and analyzed both ambient sound levels and sound measurements when firearms were being utilized. The firearms utilized were a MAC 12 with 0.45 caliber bullet, and a 12-gauge shotgun. The full noise assessment report is on file, and it concludes that sound levels at 30' to 50' from the firing range during the time when firearms were in use were either non detectable or decibel level increase was below 6 decibels. Chairman Oster discussed the sound assessment report, and inquired of Mr. Bonesteel whether he had any questions concerning that report. Mr. Bonesteel inquired why the report indicates that an increase in sound above 6 decibels was noted at location #5, which was approximately 20' from the distance of the firing range. Mr. McDermott stated that location #5 was directly behind the emergency exit door, consisting only of a single steel door only. Locations #1 and #2, measuring sound at 30' and 50' from the firing range, were located behind concrete walls, which will be included in the proposed Brunswick location. Mr. Bonesteel also noted that the sound assessment should be measured at the facility property line, regardless of where the offsite receptor is located. Member Casey asked Mr. Bonesteel what was an acceptable sound increase at the property line for this facility. Mr. Bonesteel stated that general guidelines provide for an increase of 6 decibels at the property line without any additional mitigation measures. The Planning Board generally noted that the distance to the Brunswick Little League ball field outfield fence from the firing range is approximately 200', and that the location of the batting cages for the Little League field are approximately 150', and that the sound study noted that at distances of 30' to 50' from the firing range the sound increase was non detectable or well below 6 decibel increase. Member

Casey suggested that upon construction of the firing range facility, but prior to issuance of a certificate of occupancy and operation, an additional sound assessment should be undertaken to confirm that the firing range will not result in an increase of 6 decibels at the property line, utilizing the same type of firearms used in the current sound assessment. Mr. McDermott was in agreement with that requirement. The Planning Board set the standard that there shall not be an increase above 6 decibels during firing above the ambient sound levels. Member Tarbox noted that the car dealerships along Route 7 appear to be about 200' from the firing range as well, so sound measurements should be taken in that direction as well. Chairman Oster confirmed that the updated project narrative submitted by Mr. McDermott stated that he was not opposed to turning the direction of the firing range around so that it is directed in the westerly direction away from the Brunswick Little League field. Mr. McDermott confirmed that he was not opposed to turning the direction of the shooting range around so that it is pointing away from the Brunswick Little League field and in the westerly direction. Mr. McDermott did note that because the wall to the rear of the firing range if reconfigured to be in a westerly direction will not have the same type of noise attenuation than the other three walls due to the fact that it is not filled with concrete as the other three walls will be. Chairman Oster stated that in the event this results in an increase in sound above 6 decibels at the property line at the easterly side of the site, mitigation measures will need to be done by Mr. McDermott to attenuate that sound increase. Mr. McDermott stated that he could install a sound reducing foam or create a block wall filled with concrete to reduce the sound, and that he was not opposed to either mitigation measure. Chairman Oster confirmed that the Planning Board members were in agreement that the direction of the shooting range should be turned so that it is pointing in the westerly direction away from the Brunswick Little League field. All members of the Planning Board agreed. Chairman Oster also wanted to confirm the issue of handling firearms in the parking lot. The

updated narrative submitted by Mr. McDermott stated that all firearms coming into the building for range use are to be unloaded and in a case. Mr. McDermott's narrative also states that any concealed firearms are to remain concealed while on the property, as instructed by the facility rules. The narrative also states that cameras will be used on the parking area to monitor compliance. Mr. McDermott supplemented this by stating that if someone has a concealed weapon, which they are permitted to carry, they do not want the gun unloaded in the parking lot since that would increase the opportunity for an accident, but rather require the concealed weapon to remain concealed and not handled until located within the firing range. Member Tarbox stated that he felt that rear wall of the firing range, which will now be located on the east side of the building, should be a block wall filled with concrete, both for noise attenuation purposes as well as for safety purposes. Mr. McDermott stated that he was not opposed to constructing that concrete filled wall. Member Wetmiller agreed with this, noting that the garage portion of this building was also located to the east side of the building, and that this would increase safety for anyone using that garage as well. Chairman Oster noted that the design and operation of the firing range as proposed by Mr. McDermott does provide measures to increase safety at the site. Mr. McDermott reiterated that safety was a primary concern at his facility. Chairman Oster inquired whether any recommendation had been received from the Rensselaer County Department of Planning. Mr. Kreiger reported that no response or recommendation had been received from the County Planning Department, and that 30 days has elapsed since the time the request for recommendation had been sent. Chairman Oster then inquired whether the Planning Board members felt the record was sufficient in order to move forward with action on the site plan application. The Planning Board members generally concurred that the matter was ready for decision. Chairman Oster noted that the public hearing had been held and completed, that public comments raised had been addressed by the Applicant, and that further deliberation

had been held by the Planning Board concerning the site plan details. Chairman Oster confirmed that the application had been referred to the County Planning Department for recommendation, and that the thirty day period has elapsed for receipt of any recommendation from the County. Thereupon, Chairman Oster requested a motion concerning SEQRA. Member Wetmiller made a motion to adopt a negative declaration under SEQRA, noting that the sound assessment had been reviewed and considered at this meeting. Member Casey seconded the motion. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Casey made a motion to approve the site plan subject to the following conditions:

1. The firing range must be reversed and be directed in a westerly direction, and in the opposition direction from the Brunswick Little League field.
2. A minimum of 3' of rubberized material must be utilized in the firing range as described by the Applicant during the site plan review.
3. An 8" block back wall behind the 3' of rubberized material must be filled with concrete.
4. The other three walls in the firing range, located on the north, south, and east side, must likewise be block walls filled with a minimum of 4" of concrete.
5. The roof over the firing range must be either concrete or crushed stone.
6. All NRA standards for walls for firing ranges must be followed, and specifications for compliance with the NRA standards must be submitted to the Brunswick Building Department at the time a building permit application is filed.
7. Following completion of all interior renovations and prior to issuance of a certificate of occupancy and operation at the facility, an additional sound survey will be conducted to insure that there is no increase in sound levels at the facility property line of 6 decibels or more over ambient sound conditions.
8. The facility owner must submit a record of all maintenance of the rubberized material in the shooting range with the Brunswick Building Department following all inspections and maintenance activities.
9. The facility hours of operation shall be 9:00 a.m. to 9:00 p.m., 7 days a week.
10. The gate at the fence line for this facility shall be closed during all times when the facility is not in operation.

11. The facility signage shall comply with the Town sign standards.

12. The archery facility proposed for the site shall be directed in a westerly direction at all times.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the McDermott site plan approved subject to the stated conditions.

The second item of business on the agenda was the site plan application submitted by Alta East, Inc. The Applicant has requested that this matter be adjourned, as it was completing the site plan materials. This matter is adjourned without date, subject to submission of additional information by the Applicant.

The next item of business on the agenda was the waiver of subdivision application submitted by Jacob Broderick for property located at 528 Garfield Road. The Applicant has requested that this matter be adjourned to the August 7 meeting.

The next item of business on the agenda was a waiver of subdivision application submitted by Ruth Colman for property located on Grandview Drive and Creek Road. This matter has been adjourned to the August 7 agenda upon request of the Applicant.

There was one item of new business discussed.

An application for waiver of subdivision has been submitted by Cioffi for property located at 65 Gypsy Lane (Tax Map Parcel #81.-1-3.2). Mark Danskin, licensed land surveyor, presented the application. Mr. Cioffi seeks to divide an existing 5.84 acre parcel into two lots, and create a 2.21 acre lot for residential use. The remaining 3.63 acre parcel will be the existing homestead, with 2.8 acres located on one side of Gypsy Lane, and 0.53 acres located on the other side of Gypsy Lane, but that remaining 3.63 acre lot will constitute one lot. The proposal is to create a 2.21 acre building lot for residential purposes, for one of Mr. Cioffi's siblings. Chairman Oster confirmed that the application fee has been paid, which was confirmed by Mr.

Kreiger. Chairman Oster inquired whether there was any current proposed driveway location. Mr. Danskin stated that there was no current proposed driveway location, but there was adequate room on Gypsy Lane to site a driveway. Mr. Bonesteel inquired as to the location of the existing sewage system on the homestead lot, with particular regard to the relation to the proposed new building lot. Mr. Danskin noted that the existing septic system for the homestead lot is at least 30' from the proposed property line, and that there was adequate room to locate a well and septic on the new building lot to be in compliance with County Health Department separation requirements. Mr. Bonesteel inquired as to the general topography of the proposed new building lot. Mr. Danskin stated that the lot was currently heavily wooded, and does slope gently in a westerly direction. The Planning Board members determined that they would like to review the site, and have placed this matter on the August 7 agenda for further discussion.

The Planning Board members generally discussed the issue of preparing a resolution or other recommendation to the Town Board concerning the issue of additional apartment and/or rental units in the Town of Brunswick, particularly in light of the number of apartments and/or rental units recently approved by the Town. Following general discussion of the issue, the Planning Board directed Attorney Gilchrist to prepare a draft memorandum and resolution on the issue, for review at the August 7 meeting.

The index for the July 17, 2014 meeting is as follows:

1. McDermott – site plan – conditional final approval.
2. Alta East, Inc. – site plan – adjourned without date.
3. Broderick – waiver of subdivision – 8/7/14.
4. Colman – waiver of subdivision – 8/7/14.
5. Cioffi – waiver of subdivision – 8/7/14.

6. Resolution concerning applications for additional apartments and/or rental units in the Town of Brunswick – 8/7/14.

The proposed agenda for the August 7, 2014 meeting currently is as follows:

1. Broderick – waiver of subdivision.
2. Colman – waiver of subdivision.
3. Cioffi – waiver of subdivision.
4. Discussion of resolution concerning applications for additional apartments and/or rental units in the Town of Brunswick.