

**TOWN OF BRUNSWICK**  
**ZONING BOARD OF APPEALS**

**336 TOWN OFFICE ROAD, TROY, NEW YORK 12180**

**Phone: (518) 279-3461 -- Fax: (518) 279-4352**

**DRAFT MINUTES**

A Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on March 19, 2012, at 6:00 P.M.

Present at the meeting were: Timothy Casey  
Caroline Trzcinski, Member  
E. John Schmidt, Member

Also present were Ronald A. D'Alessandro, Deputy Town Attorney and Zoning Board of Appeals Secretary, and Code Enforcement Officer John Kreiger. At 5:30 P.M., a Workshop Meeting was held wherein the Board Members reviewed files and discussed pending matters informally.

Due to the absence of Chairman Hannan, a motion was made to appoint Member Trzcinski as Acting Chairwoman of the meeting. The motion passed

The Acting Chairwoman then called the Regular Meeting to order at 6:00 P.M.

The first item of business acknowledgement of the departure of Member Cipperly from the ZBA, and the appointment of Member Casey in Mr. Cipperly's place.

The next item of business was approval of the February 28, 2012 Minutes. Member Trzcinski made a motion to approve the Minutes without changes. Member Schmidt seconded. The motion carried 3 - 0.

The next item of business was an informational update (a non-action item) regarding a proposed filling station proximate the intersection of State Route 278 and State Route 2 (herein after referred to as the "Reiser Matter"). The members of the ZBA were counseled by Deputy Town Attorney D'Alessandro that no action was to be taken that evening. Rather, the Reisers and their colleague, Mr. Scott Reese, were appearing to re-familiarize the ZBA with some of the details of the Reiser Matter.

Appearing on behalf of the Reisers was Mr. Scott Reese who presented proposed construction details on the Reiser Matter. Mr. Reese informed the ZBA that the project comprises a subdivision of three (3) lots on an existing ten (10) acre parcel. Mr. Reese presented various diagrams/plans depicting the proposed construction and building placement on the site.

The members of the ZBA had the following questions (Q) that were met with the associated answers (A):

Member Casey

(Q) Where do you stand in your Department of Health certification/permitting?

(A) Our permitting is current.

(Q) Where is your designated location for “spoils/waste material?”

(A) The spoils will be used to construct a berm behind the proposed filling station to protect an adjacent housing development from noise and/or views of the filling station.

Member Trzcinski

(Q) Where will the entrance to the proposed filling station be?

(A) One entrance will be opposite the current Stewarts Shop, and another will be from State Route 278 (i.e., at Department of Transportation marked access points).

(Q) Have you considered drainage issues?

(A) Yes, a culvert adjacent the property will be utilized, and the site will be landscaped in elevation to allow for proper drainage.

(Q) How many gas/islands pumps will be present?

(A) There will be a total of three (3) islands.

There being no further business, Member Trzcinski made a motion to adjourn. Member Schmidt seconded. The motion carried 3 - 0.

Dated: Brunswick, N.Y.  
March 30, 2012

Respectfully submitted,



Ronald A. D'Alessandro  
Deputy Town Attorney - Zoning Board Secretary

**TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS**

**REGULAR MEETING**

**March 19, 2012**

**RESOLUTION ADOPTING DETERMINATION**

**WHEREAS**, an application having been filed by the Wal-Mart Real Estate Business Trust seeking to amend the existing Brunswick Square Planned Development District in which the existing Wal-Mart Store located at 620 Hoosick Road operates; and

**WHEREAS**, the Town Board having referred the application to this Board for comment;  
and

**WHEREAS**, the Board having caused to be prepared a written Response to Referral with respect to the said referral, which is annexed hereto; now, therefore, after due deliberation

**BE IT RESOLVED**, that the annexed Response to Referral be and hereby is approved and adopted in all respects.

The foregoing Resolution which was offered by Member Trzcinski and seconded by Member Steinbach, was duly put to a roll call vote as follows:

<b>MEMBER CASEY</b>	<b>VOTING</b>	Aye
<b>MEMBER SCHMIDT</b>	<b>VOTING</b>	Aye
<b>MEMBER STEINBACH</b>	<b>VOTING</b>	Absent
<b>MEMBER TRZCINSKI</b>	<b>VOTING</b>	Aye
<b>CHAIRMAN HANNAN</b>	<b>VOTING</b>	Absent

The foregoing Resolution was thereupon declared duly adopted by a vote of 3-0.

Dated: March 19, 2012

TOWN OF BRUNSWICK  
ZONING BOARD OF APPEALS

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In the Matter of the Application of  
WAL-MART REAL ESTATE BUSINESS TRUST ,  
Applicant,

For the Amendment of the Brunswick Square Planned  
Development District Under the Zoning Ordinance of the TOWN  
OF BRUNSWICK.

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Introduction

The Board has received a revised application from the Wal-Mart Real Estate Business Trust seeking to amend the existing Brunswick Square Planned Development District (PDD) in which the existing Wal-Mart Store located at 620 Hoosick Road operates. Essentially, the applicant is seeking to revise the trucking route previously proposed to the Town Board through the current parking lot.

Procedural History

Pursuant to Resolution 63.2011, the Town Board previously approved an amendment to the Brunswick Square Planned Development District authorizing the approval of the expansion of the existing Wal-Mart store with the following condition:

“1. All deliveries of all stock, including commercial stock and grocery stock, including all types of delivery vehicles, shall continue to use the truck delivery route required pursuant to the original Brunswick Square PDD approval. Specifically, all delivery vehicles shall access this site off NYS Route 7 only, and no delivery vehicles shall be allowed to access the site or exit the site via McChesney Avenue. Additional signs shall be required at the McChesney Avenue entrance driveway stating that no delivery trucks are allowed. The current truck delivery route for the Brunswick Square PDD is reaffirmed, and is mandated in connection with the expansion of the Wal-Mart store. The Applicant will be required to ensure compliance with this restricted delivery vehicle location and route”; and

During a Planning Board review of the Site Plan application, the Planning Board determined and recommended a change in the truck traffic routing through the PDD property, as follows:

“5. This approval incorporates Condition No.1(l) set forth in Brunswick Town Board Resolution No. 63 of 2011, which requires that all delivery of all stock, including commercial stock and grocery stock, and including all types of delivery vehicles, must continue to use the truck delivery route required pursuant to the original Brunswick Square Planned Development

District approval. However, the Planning Board understands that the Applicant seeks to amend the truck delivery route to remove the requirement that all delivery trucks utilize the access way to the rear of the commercial buildings located on the Johnston Associates portion of the Brunswick Square site, and amend that truck delivery route to require all delivery vehicles to proceed along the internal road/driveway in the Brunswick Square parking area and which generally bisects the Wal-Mart parking spaces and the Brunswick Associate parking spaces, and thereafter proceeding left in an easterly direction on the internal road/driveway area directly in front of the Johnston Associates retail buildings, and then proceeding easterly to the rear of the Wal-Mart Store. In the event such an application is made by the Applicant to the Brunswick Town Board for amendment to the PDD approval concerning the truck delivery access route, the Brunswick Planning Board recommends that the Brunswick Town Board approve the amended delivery truck route as described in this paragraph, in that the Planning Board finds that this amended delivery truck route further shields delivery trucks from existing homes on McChesney Avenue, and also keeps trucks away from the parking space areas on both the Wal-Mart parking area and Johnston Associates parking area while utilizing only the internal road/driveway areas within the Brunswick Square parking lot;”

As a result of this recommendation, Wal-Mart requested a further Amendment to the Planned Development District to permit truck routing through the site as recommended by the Planning Board; and

The Zoning Board of Appeals has been requested to submit a recommendation to the Town Board with respect to the requested amendment.

### Conclusion

The Zoning Board Appeals adopts a generally positive recommendation of the proposed amendment to the PDD as the proposed amendment to the PDD should result in reduced impact for the neighboring property, reduction of potential vehicle conflicts with respect to the Johnston Associates retail plaza, and overall better traffic flow on the site. The revised trucking route provides a more direct path through the parking lot to the loading bays located in the rear of the store. The revised trucking route also provides multiple options through the parking lot for delivery drivers. Attorney for the applicant indicated that all delivery drivers are given maps that mark the appropriate routing through the parking lot. It is further noted that the Planning Board of the Town of Brunswick is generally the lead agency in this matter and although the Zoning Board of Appeals is providing this positive recommendation, deference is given to the Planning Board.

Dated: Brunswick, New York  
March 19, 2012