

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 4, 2010

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN, KEVIN MAINELLO and DAVID TARBOX.

ABSENT were FRANK ESSER and VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

Chairman Oster noted that the Planning Board received requests for adjournment on three agenda items. First, the Cassabone minor subdivision application has been adjourned without date. Second, the Howard waiver of subdivision application has been adjourned to the April 1 agenda. Third, the Engel/Welch Farm, LLC waiver of subdivision application has been adjourned to the March 18 agenda.

The draft minutes of the February 18, 2010 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Capital Communications Federal Credit Union for property located at 799 Hoosick Road. Appearing on behalf of the applicant were Chuck Peters of Woodward Connor Gillies and Seleman Architects, Tom Andrus of APD Engineers, and Robert Roemer of Capital Communications Federal Credit Union. Mr. Peters handed up a letter dated March 4, 2010 which provided responses to comments of the Brunswick Fire Company No. 1, Rensselaer County Economic Development

and Planning Department, and the New York State Department of Transportation. Mr. Peters reviewed this letter with the Planning Board members. With respect to the comments of the Brunswick Fire Company No. 1, the applicant has made changes to the proposed site plan to accommodate the comments concerning width of the roadway on the southwest corner of the site to allow the Department's ladder truck and fire apparatus to have adequate area to maneuver around vehicles at the drive-thru lanes. Mr. Peters also acknowledged that a Knox box will be installed at the branch building. Mr. Peters also stated that while the Fire Department raised the issue of installing a sprinkler system, the applicant will not be installing a sprinkler system at that bank branch building. Mr. Peters stated that installation of a sprinkler system was not required pursuant to the 2007 Building Code of the State of New York, but rather the building will be provided with a fire alarm system including full detection and notification devices. With respect to the comments of the Rensselaer County Economic Development and Planning Department, it was noted that the County had incorrectly identified the access driveway to this site in its comments, and therefore had withdrawn its comment concerning the grade of the "western entrance driveway". Also, concerning the County comments on inclusion of a sidewalk connecting Route 7 to the bank branch, the County has sent follow-up communication indicating that because it had misidentified the entrance driveway, the County comment concerning the sidewalk installation was also withdrawn. However, the County felt that an internal sidewalk connecting the adjacent commercial properties to 799 Hoosick Road should be considered in the future. Mr. Peters also reviewed comments from the New York State Department of Transportation concerning both modification to the entrance driveway as well as drainage. Mr. Peters also represented that a letter had been submitted from Rensselaer Honda stating that it had agreed to installation of a valve on the waterline servicing both 799 Hoosick Road and the

Rensselaer Honda site, and that Rensselaer Honda fully cooperates on the widening of the access driveway servicing both these commercial lots. Chairman Oster stated that he had reviewed and was in concurrence with the revised comments submitted by the Rensselaer County Planning Department, and further stated that it should be a consideration in the future for connecting these three adjacent commercial properties via internal sidewalk. Chairman Oster noted that there were several sites along Hoosick Road where there was no sidewalk connecting the Route 7 sidewalk with commercial units, and that he does not have any issue with eliminating construction of a sidewalk from Route 7 to the bank branch building. Member Czorynj concurred, but did state that the Town should consider sidewalk installation to commercial facilities in the future as part of making the corridor pedestrian friendly. Member Tarbox did state that he was disappointed that a sidewalk was not included, but that the issue should be examined in the future. Mr. Peters stated that in the absence of the slope on the access driveway to the bank branch, the applicant would not be opposed to installing this sidewalk, but was hesitant to do so for safety concerns. Mr. Kestner noted that the connection to the State stormwater system appeared to go through an adjacent parcel to a limited extent, not directly to the NYSDOT right-of-way. Mr. Andrus responded that he felt the stormwater access was either directly to or on the border of the NYSDOT right-of-way, and that no objection had been raised by adjoining property owners. Chairman Oster confirmed that the Brunswick No. 1 Fire Department had been able to review the revised site drawings. Gus Scifo of the Brunswick No. 1 Fire Department was present, and did review the revised site plan and confirmed that the comments of the Fire Department in terms of being able to maneuver the ladder truck and fire apparatus had been addressed and included in the revised site plan. Chairman Oster inquired whether the Board had any additional comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA,

which motion was seconded by Member Tarbox. The motion was approved 5/0, and a negative declaration adopted. Thereupon, Chairman Oster made a motion to approve the site plan subject to the following conditions:

1. Respond to all comments raised by NYSDOT concerning modification to the entrance driveway and drainage;
2. NYSDOT Work Permit must be secured by the applicant before any demolition or Building Permits are issued for this project.

Member Czornyj seconded the motion subject to the stated conditions. The motion was approved 5/0, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by the Volunteer Fire Company of Center Brunswick, Inc. for property located at 1045 Hoosick Road. Attorney Gilchrist reviewed information concerning the western portion of the project site, including that area proposed for construction of a new residential driveway to service the rear residential lot owned by D'Entrone. Attorney Gilchrist noted that he had met with the attorneys for the Center Brunswick Fire Company, Neil Rivchin and Tom DiNovo of O'Connell and Aronowitz, to review the history of ownership of this western portion of the site. The record shows that in 2001, an application was made by D'Entrone to the Brunswick Planning Board for waiver of subdivision. The subject of the application was the property constituting the western portion of the site plan. The original D'Entrone parcel in this location was 100' x 200' in size. The waiver application sought to divide the parcel into a 20' x 200' strip of land to be retained by D'Entrone, and an 80' x 200' parcel to be transferred by D'Entrone to the Fire Department. The record shows that the Planning Board had reviewed the waiver application at meetings held November 15 and December 6, 2001, and that the waiver application had been approved at the December 6, 2001 meeting. One condition to that approval required the Fire Department and D'Entrone to

enter into written License Agreements to run with the land whereby the Fire Company was allowed to use the 20' x 200' strip on the westerly side retained by D'Entrone for parking purposes, and D'Entrone was able to use the Fire Department parcel for purposes of accessing the existing residential driveway servicing the rear residential lot. It was noted on the record that these licenses were revocable, and that the parties had discussed at the time of property conveyance that a new residential driveway servicing the rear D'Entrone residential lot would be constructed along the 20' x 200' strip in the event the Fire Department sought expansion of the fire house in the future. It was also noted that the Planning Board had reviewed sight distance issues from the 20' x 200' strip onto Route 7 during the time it reviewed the waiver of subdivision application in 2001, and the waiver map does indicate sight distance information as prepared in 2001. Attorney Rivchin appeared for the Fire Department at the meeting. Attorney Rivchin stated that the Fire Department had addressed the comment of the Planning Board that any residential driveway to be constructed on the 20' x 200' strip of land would now need to meet the private road standards given its length, and would need to be 16' wide plus 3' shoulders. This would require a width in excess of 20', and that the Fire Department had discussed this and may be able to accommodate D'Entrone by providing an additional 6' of width for positioning of the driveway to meet the private road standards. The engineer for the Fire Department also addressed the issue of a utility pole located in the area of the proposed new residential driveway to the D'Entrone parcel. It was reported that this utility pole does not appear to be used, and could be removed when construction is occurring. This will be confirmed on the record. Chairman Oster inquired that if the 6' of additional land were transferred from the Fire Department to D'Entrone, will there be adequate area to locate the residential driveway further to the east so that it is removed from the area of steep slope to the adjacent parcel. The engineer for

the Fire Department stated that there was room to move the residential driveway further to the east to avoid any substantial cut into that grade. Attorney Rivchin raised the question of Town requirements to be able to transfer this additional 6' strip of land to D'Entrone. Attorney Gilchrist stated that a subdivision of the Fire Department parcel would need to occur, and that if the Planning Board were willing to entertain it, an application for waiver of subdivision could be submitted to be reviewed concurrently with the pending site plan application, which would provide that 6' on the westerly side of the Fire Department parcel would be divided off and transferred to D'Entrone for merger into the 20' x 200' strip. Chairman Oster raised the issue of termination of the existing License Agreement between the Fire Department and D'Entrone. Attorney Rivchin stated that this had already been discussed with D'Entrone, and that formal determination of the License Agreements would be made, but formal notices had not yet been delivered pending review of the current site plan. Chairman Oster reviewed with the Planning Board members as to the adequacy of the information filed with the Planning Board for purposes of scheduling a public hearing. The Planning Board determined that adequate information has been submitted, and the Planning Board has set a public hearing on this site plan application for March 18 at 7:00 p.m.

Two items of new business were discussed.

First, a site plan application has been submitted by National Grid for property located at 166 Plank Road. National Grid seeks to replace an existing switch gear structure with a new switch gear structure at a new location on the site, approximately 60' east of the existing structure. In addition, National Grid is proposing installation of 300' of fencing on the site. Rick Spagnoti and Joe Kryzak of National Grid appeared for the applicant. Mr. Spagnoti explained the reason for the site plan, principally is to replace existing equipment with which National Grid has

had problems. Mr. Spagnoti noted that the Brunswick Zoning Board of Appeals had issued a special use permit for this use on February 22, 2010, and that the Zoning Board of Appeals had adopted a negative declaration on the application under SEQRA. It was also noted that Rensselaer County Economic Development and Planning Department had submitted its review and recommendation on the special use permit application, and determined that there was no impact to County plans and that local consideration shall prevail. Mr. Kreiger concurred with this, and stated that the Zoning Board of Appeals had held a public hearing on the application, and that no comments were submitted by the public at that public hearing. Chairman Oster reviewed with the applicant the need for setting up an engineering review escrow fee with the Town. The applicant understood this, and will fund the appropriate engineering escrow account. Mr. Kestner noted that he had a chance to preliminarily review the materials, and that soil borings had been taken on the site but that no soil boring data had been submitted. In addition, Mr. Kestner wanted information concerning federal wetland delineation, and whether there were any stormwater or drainage impacts from the project. Mr. Kestner noted that the proposed slope following grading of the site was 1:1, and that this could result in significant erosion and stormwater runoff. Mr. Kestner also wanted to confirm that any spoils from the construction would be removed from the site. Chairman Oster inquired whether the old structure would be removed from the site once the new facility was constructed. The applicant stated that the old structure would be removed from the site. Chairman Oster inquired whether there were any hazardous materials in the structure currently at the site. The applicant stated that there were no hazardous materials and no PCB oils within the existing structure. Chairman Oster stated that a public hearing had been held before the Zoning Board of Appeals, that no member of the public had submitted any comment, and that it was his opinion that the Planning Board did not need to

conduct an additional public hearing on the site plan application. The Planning Board members concurred. Mr. Kestner asked whether there would be the need to blast to remove the shale from the site in conjunction with the site grading. The applicant stated that no blasting was being proposed. Member Mainello inquired whether any change in site lighting would take place. The applicant stated that the lighting would be changed in conjunction with the new structure, but that overall lighting of the facility would be comparable to what is there currently. Mr. Kestner reiterated that the resulting grade of 1:1 raises significant issues, both in terms of maintaining that slope following grading as well as safety. Member Mainello asked whether a Stormwater Pollution Prevention Plan had been prepared for the project. Mr. Kestner stated that both an Erosion and Sediment Control Plan for construction and a Stormwater Pollution Prevention Plan should be prepared on the application for review. Member Mainello asked whether there would be any vegetation on the slope, and if not, how would the resulting 1:1 slope be held. Also, if this resulting slope is rock, this would shed a significant amount of water which raises drainage concerns. This matter has been placed on the March 18 agenda for further discussion.

Second, Mr. Kreiger brought to the Planning Board's attention a proposed new use of the repair shop located next to the Maselli Deli. A proposed new tenant seeks to operate an automobile repair shop at this location. Mr. Kreiger inquired whether a site plan review would be required. The Planning Board members stated that the prior use had been limited to automobile detailing, and if there were any proposed changes to that use, including full automobile repair, a site plan would be required to review these changes and/or additional uses. Mr. Kreiger stated he would advise the proposed tenant, and this matter is placed on the March 18 agenda for further discussion.

Chairman Oster noted that he was in receipt of a letter from the City of Troy Planning Department concerning SEQRA lead agency coordination on the proposed Stoneledge Terrace project located on Oakwood Avenue and Ferrell Road. The Planning Board generally discussed the concept map, and since the majority of the project site is situated in the City of Troy, and only a very small portion of the project site with no proposed structures situated in the Town of Brunswick adjacent to Oakwood Avenue, that the Brunswick Planning Board had no objection to the City of Troy taking SEQRA lead agency on the application. An appropriate notice will be sent from the Planning Board to the City of Troy concerning this matter.

The **index** for the March 4, 2010 Planning Board meeting is as follows:

1. Capital Communications Federal Credit Union – site plan – approved with conditions;
2. Cassabone – minor subdivision – adjourned without date;
3. Howard – waiver of subdivision – adjourned to 4/1/10;
4. Engel/Welch Farm, LLC – waiver of subdivision – adjourned to 3/18/10;
5. Volunteer Fire Company of Center Brunswick, Inc. – site plan – 3/18/10.

The **proposed agenda** for the March 18, 2010 meeting currently is as follows:

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan – public hearing to commence at 7:00 p.m.;
2. Engel/Welch Farm, LLC – waiver of subdivision;
3. National Grid – site plan;
4. Smith/Maselli – site plan.