

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 1, 2010

PRESENT were MICHAEL CZORNYJ, GORDON CHRISTIAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT were CHAIRMAN OSTER and FRANK ESSER.

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

The site plan application of the Volunteer Fire Company of Center Brunswick was adjourned to the April 15, 2010 meeting. The commercial site plan and subdivision application by Reiser Bros. Inc. was also adjourned and tentatively placed on the April 15, 2010 meeting.

The first item of business on the agenda was the site plan application by Smith/Maselli for a proposed new use of the garage building located next to the Maselli Deli adjacent to Tarbell Avenue. Bonnie Ferguson appeared together with Mr. Smith on the site plan application. Ms. Ferguson handed up additional information to the Board for consideration concerning containment, storage, and disposal of oil, filters, transmission fluid, and anti-freeze. Ms. Ferguson stated that Smith would be retaining the services of Safety-Kleen, and that Safety-Kleen would be handling all containment, storage, and disposal of these materials, and would set up all necessary equipment at the facility. The Planning Board reviewed the information submitted by Ms. Ferguson concerning the Safety-Kleen services. Member Czornyj inquired whether there was a floor drain in the garage building. Smith confirmed that a floor drain did exist. Member Czornyj inquired whether the floor drain discharged to the sewer or other

location. Smith stated that he was not sure where the floor drain discharged to. Member Czornyj stated that the applicant will be required to insure that any drainage from the facility not discharge to the public sewer, and if the application is approved, the applicant will be required to determine the discharge point for the floor drain, and if determined to be to the public sewer, the applicant will need to install a water/oil separator or have the floor drain capped and sealed. Smith confirmed the hours of operation for the facility, being Monday through Friday 8:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 3:00 p.m., and no operations on Sunday. Mr. Kreiger noted that the County Planning Department had replied to the General Municipal Law referral, stating that local consideration shall prevail. The Planning Board confirmed that the total number of cars to be parked at the existing lot in front of the building is a total of 5 cars, and that these cars must be parked adjacent to or near the garage building so as not to interfere with any sight lines at the intersection of Tarbell and Route 7. The applicant also noted that there were two parking spots to the rear of the garage building off Tarbell for employees. Hearing no further discussion, Member Wetmiller 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 was adopted. Thereupon, Member Wetmiller made a motion to approve the site plan application subject to the following conditions:

1. Hours of operation for this facility are limited to Monday through Friday 8:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 3:00 p.m., with no facility operations on Sunday.
2. The applicant must inspect the existing floor drain to determine its discharge point, and if the floor drain discharges to the public sewer, then the applicant must install a water/oil separator or have the floor drain capped and sealed (subject to follow up inspection by Town Building Department).

3. Total number of cars to be parked in front of the garage building is five (5) cars, to be parked adjacent to or near the garage building so as not to impair sight lines at the intersection of Tarbell Avenue and Route 7.

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

The next item of business on the agenda was the waiver of subdivision application by Teresa Howard for property located at 809 Farm to Market Road/Route 351. Ms. Howard's attorney handed up a new waiver map to the Planning Board, now complying with the necessary 25' setback for the deck structure as discussed at the prior meeting. Ms. Howard's attorney explained that Howard had acquired an additional 14' from Bragen, in order to meet the necessary 25' setback from the proposed property line. Hearing no additional questions or comments from the Planning Board members, Member Tarbox made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 5/0, and a negative declaration adopted. Thereupon, Member Mainello made a motion to approve the waiver of subdivision application pursuant to the current waiver map, which motion was seconded by Member Wetmiller. The motion was approved 5/0, and the waiver of subdivision granted.

The next item of business on the agenda was a waiver of subdivision application by Walmart for the approximately 1,500 square foot area housing the sewer pump station adjacent to McChesney Avenue, and which Walmart seeks now to dedicate to the Town of Brunswick. This application is part of parcel number 91-7-3.13. Attorney Marybeth Slevin appeared for Walmart. Mr. Kestner explained that the proposed subdivision includes all the land between the existing retaining wall and the County right-of-way of McChesney Avenue. Mr. Kestner stated that the retaining wall would still be owned by Walmart, and will be required to be maintained

by Walmart in the future. Mr. Kestner stated that the survey of the parcel and the description were adequate, and has been reviewed by the Town Water Department. Mr. Kestner did indicate that Walmart would also be required to transfer an easement to the Town for the water and sewer lines that are located on the balance of the Walmart Plaza site. Member Wetmiller wanted to confirm that this subdivision would not result in any additional building lot or construction. It was confirmed that this subdivision concerned only the property which currently houses the sewer pump station to be dedicated to the Town, and would not result in any additional construction by Walmart. Member Christian stated that this was already contemplated and approved back when the Walmart Plaza was reviewed and approved, and that the dedication of that property and the pump station was just completing the earlier process. Mr. Kestner then described the specifics regarding the pump station building and the pump itself. Hearing no further discussion, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Christian. The motion was approved 5/0, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver application, which motion was seconded by Member Christian. The motion was approved 5/0, and the waiver of subdivision application approved.

Mr. Kreiger reported that there was no new business to discuss.

The Planning Board members then began their deliberation on preparing a recommendation to the Town Board concerning the proposed Duncan Meadows Planned Development District application. The Duncan Meadows PDD recommendation was placed on the April 15 agenda for further discussion prior to formalizing any recommendation.

The **index** for the April 1, 2010 Planning Board meeting is as follows:

1. Smith/Maselli – site plan – approved with conditions;

2. Howard – waiver of subdivision - approved;
3. Walmart – waiver of subdivision - approved;
4. Duncan Meadows Planned Development District – review and recommendation – 4/15/10.

The **proposed agenda** for the April 15, 2010 meeting currently is as follows:

1. Volunteer Fire Company of Center Brunswick, Inc. – site plan;
2. Reiser Bros. Inc. – subdivision & commercial site plan;
3. Brunswick Associates of Albany, LP – Brunswick Woods Apartments PDD – site plan;
4. Duncan Meadows Planned Development District – review and recommendation.