

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

**MINUTES OF THE PLANNING BOARD MEETING HELD May 6, 2010**

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN, FRANK ESSER, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

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

The Planning Board reviewed the draft minutes of the April 15, 2010 meeting. 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 the Volunteer Fire Company of Center Brunswick, for a two-bay addition to the existing firehouse located at 1045 Hoosick Road. Thomas DiNovo, Esq. appeared for the applicant. Attorney DiNovo stated that an amended site plan had been submitted showing the additional 6' strip of land on the western portion of the fire department property which is being proposed to be transferred to D'Entrone to allow additional width for the construction of the D'Entrone driveway. Attorney DiNovo also stated that the fire department will be providing approximately 220 cubic yards of material to D'Entrone for assistance in driveway construction as a result of the grading work being performed by the department on the building expansion, and that the department agrees that this material will need to be feathered back onto the fire department property in order to create an appropriate grade for the D'Entrone driveway construction. Attorney DiNovo

confirmed that a letter had been submitted by the fire department stating that the use of a 12' wide driveway to the D'Entrone property will not create any health or safety issue nor impair emergency vehicle access. Chairman Oster noted that the fire department had filed a waiver of subdivision application to permit the transfer of the additional 6' strip of property to D'Entrone, and that the application fee for that waiver application had been received by the Town. Member Esser stated that he wanted to see a profile of the D'Entrone driveway, so that the contours of that property could be reviewed by the Planning Board. Member Czornyj thought a cross-section of the D'Entrone driveway should be reviewed. Member Czornyj also questioned the location of the driveway on the amended site plan, and that it was Member Czornyj's understanding that the driveway would be shifted farther to the east within the resulting 26' wide strip owned by D'Entrone, so that the grade of the property was not an issue and a retaining wall on the western portion of the D'Entrone property would not be required. Attorney DiNovo noted that the driveway location had not been changed on the amended site plan, and that the amended site plan only showed the additional 6' strip to be transferred to D'Entrone. Attorney DiNovo concurred that it was his understanding the D'Entrone driveway would be shifted in an easterly direction so as to eliminate the need for a retaining wall. Member Czornyj inquired whether a retaining wall is still required, and whether the fire department had its engineer review this issue. Attorney DiNovo stated that the fire department had concerns regarding the department undertaking the design and construction of the D'Entrone driveway, since the D'Entrone driveway is the responsibility of D'Entrone and the department had concerns regarding the use of public funds to construct a private driveway for a private landowner. Attorney DiNovo concluded that D'Entrone was responsible for the design and construction of her own driveway on her private land, but that the fire company would donate the 220 cubic yards of material and

cooperate with D'Entrone on construction schedules. Member Esser reiterated his position that he wanted a driveway profile, that he thought the fire company should design and build the driveway for D'Entrone, and that the fire company would have construction equipment and materials available to do that while it was constructing its firehouse addition. Chairman Oster stated that the fire company was before the Planning Board for site plan review on its property, and that the Planning Board could not make the fire company incur additional expense for offsite construction, that he felt the additional 6' of property being transferred by the fire company to D'Entrone was a concession by the fire company to minimize the cut needed in the west side of the property to construct a driveway, and that it was a benefit to both the fire company and to D'Entrone to have the fire company deliver the graded material to D'Entrone to assist in the construction of her driveway rather than having that material removed from the site. Member Czornyj said that he would still be interested in seeing a driveway profile. Mr. Kestner stated that he had asked the fire department's engineer if a profile had been completed, and that the fire department's engineer stated that he had not prepared a D'Entrone driveway profile. Mr. Kestner stated that he did not ask the fire department's engineer to create a profile, and did not ask the fire department's engineer for a cost estimate. Mr. Kestner thought that the fire company should be interested in the construction of the D'Entrone driveway, since it potentially could result in runoff onto the fire department property and therefore the fire department should be involved in the design of the D'Entrone driveway. Attorney DiNovo stated that the fire company had been in discussion with D'Entrone and that those discussions continue, and that D'Entrone understands that she is responsible for constructing her driveway. Member Mainello asked Attorney DiNovo whether D'Entrone was aware of the cost associated with constructing her driveway. Attorney DiNovo stated that it was his understanding D'Entrone was currently getting estimates for her

driveway construction. Member Mainello asked about the construction phasing, and how D'Entrone was going to access her house during the period of construction. Attorney DiNovo stated that the fire company was working with D'Entrone to coordinate on this issue. The Planning Board inquired of Attorney Gilchrist as to the authority of the Planning Board with respect to the D'Entrone driveway. Attorney Gilchrist stated that the site plan application of the fire department pending before the Planning Board dealt only with the fire department property, the Planning Board is generally without jurisdiction to require offsite improvements as part of site plan action. Further, during the Planning Board's investigation of this matter, it was determined that the original land transfer between the fire department and D'Entrone resulting in the current 20' strip of property connecting the D'Entrone home to NYS Route 7 contemplated D'Entrone constructing her own driveway on the 20' strip, and that her use of the fire department's parking lot to access her home had been subject only to a revocable license, which contemplates a potential future revocation of that license and requirement that a private driveway be constructed by D'Entrone on her property. Attorney Gilchrist stated that this issue was therefore addressed and considered by the Planning Board several years ago during the waiver approval resulting in the fire department purchasing the property from D'Entrone and leaving a 20' strip for the future construction of the D'Entrone driveway by D'Entrone. Attorney DiNovo stated that he was involved with the real property transfer approximately 10 years ago between the parties, that it was always contemplated that the purchase of the property by the fire department from D'Entrone was for the future expansion of the firehouse, that the fire department had paid full market value for the property from D'Entrone, and that it was anticipated that D'Entrone would need to construct her own driveway on the retained 20' strip at some point in the future. Chairman Oster stated that he felt the Planning Board had done as much

as it can do to make this transition easier for D'Entrone, including the provision of an additional 6' strip of property and waiver of the private road standards to allow a 12' driveway, and that the Planning Board should now address the site plan project itself on the fire department property. Further, Chairman Oster stated that the D'Entrone driveway would be subject to review by the Building Department. Member Czornyj asked whether D'Entrone would be allowed to use her old driveway until the new one has been constructed. Attorney DiNovo stated that the fire department was continuing to coordinate with D'Entrone on the firehouse expansion schedule, but that the fire department had already sent to D'Entrone a revocation of the license, and that D'Entrone was working on obtaining estimates for her private driveway construction. After further discussion, the Planning Board determined to act on this application. Initially, the Planning Board entertained SEQRA review, both with respect to the waiver application and the site plan application. Member Czornyj confirmed with Mr. Kestner that the stormwater management/drainage issues had been fully addressed. After hearing Mr. Kestner confirm that the stormwater plan was adequate, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application to permit the fire department to transfer the additional 6' strip on the westerly side of the fire department property to D'Entrone, subject to the following conditions:

1. D'Entrone merge the 6' strip of property into the existing 20' strip, and
2. D'Entrone provide a deed confirming the merger of these properties to Mr. Kreiger at the Building Department.

Member Tarbox seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver of subdivision approved. Thereupon, Member Czornyj made a motion to approve the site plan application for the firehouse expansion, subject to the following conditions:

1. The letter submitted by the fire department confirming that a 12' wide driveway on the D'Entrone property will not result in any health or safety issues nor impair emergency vehicle access be amended to apply generally, and not to any specific site plan map;
2. Compliance with all requirements of the New York State Department of Transportation; and
3. Transfer of approximately 220 cubic yards of material to D'Entrone produced during the grading and expansion of the firehouse, to assist D'Entrone in the construction of her driveway.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 7/0, and the site plan for the firehouse expansion approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by Brunswick Associates of Albany, LP for the Brunswick Woods Apartments PDD expansion. Tim Owens appeared for the applicant. Chairman Oster inquired whether Mr. Kestner had time to review the full stormwater pollution prevention plan. Mr. Kestner stated that he had reviewed the full SWPPP, and that it is in approvable form, subject to a few minor items that he would like to discuss with Mr. Hershberg. Mr. Owens noted that the sidewalk construction had been added to the site plan pursuant to the discussions at the last Planning Board meeting, but that he would like to be able to continue to work with both Mr. Kestner and Mr. Kreiger as to final specific location so as to be able to maintain as much existing vegetation and trees as possible. Member Mainello inquired about the lightning plan. Mr. Owens confirmed that all the lights proposed for the Brunswick Woods expansion are downlighting consistent with the light poles installed at The

Glen section of Sugar Hill, and that the applicant will be changing out all the existing lighting in the Brunswick Woods complex with the new downlighting fixtures, which will result in an overall reduction in any light spillage from the site. The applicant requested that the Planning Board consider site plan approval. Mr. Kestner confirmed that the Town had reviewed the SWPPP and generally finds it acceptable subject to a few minor issues to be resolved with Mr. Hershberg, and that the SWPPP does need to be reviewed and approved by the New York State Department of Transportation. Also, Mr. Kestner stated that issues concerning water pressure for public water supply still needed to be worked out between the applicant and the Town Water Department. The applicant stated that it will continue to work with the Town and Mr. Kestner concerning any outstanding issues, and will accept a site plan condition stating that the site plan is contingent upon any final comments by the Town Water Department, Building Department, and consulting engineer. The applicant also stated that it will need to comply with all conditions set forth in the PDD approval issued by the Town Board, including the payment of a park and recreation fee and establishment of all required engineering oversight escrow and financial security. Member Czornyj stated that he was pleased that sidewalks had been added to this project, but wanted to address proposed sidewalks near the applicant's Sugar Hill complex on McChesney Avenue Extension, since the Town was exploring creating sidewalks/pedestrian access in conjunction with several PDD projects in the McChesney Avenue/McChesney Avenue Extension area. Mr. Owens stated that he was cognizant that the Town was trying to put together this sidewalk/pedestrian access in the McChesney Avenue area, that Brunswick Associates supported this proposal, that Brunswick Associates will work with the Town in implementing that proposal, and that Brunswick Associates can be counted upon to construct a section of that overall sidewalk/pedestrian walkway system. Thereupon, the Planning Board entertained action

on the site plan. Attorney Gilchrist confirmed with the Planning Board that SEQRA had already been completed on this action in conjunction with the PDD approval by the Town Board. Member Czornyj then made a motion to approve the Brunswick Woods expansion site plan, subject to the following conditions:

1. Final comments of Mr. Kestner concerning the project stormwater pollution prevention plan.
2. Approval of the stormwater pollution prevention plan by the New York State Department of Transportation.
3. Compliance with all requirements concerning water pressure to be addressed by the applicant, Town Water Department, and Town consulting engineer.
4. Any final review comments by Town Water Department, Town Building Department, and consulting engineer.
5. Compliance with all conditions set forth in Town Board PDD approval, including:
  - a. Applicant must grant an easement to the Town of Brunswick for access to stormwater management facilities.
  - b. Applicant must post a performance bond or other acceptable financial undertaking or guaranty for all improvements in conjunction with providing a system of water supply and distribution in an amount to be approved by the Town Board in consultation with its engineer.
  - c. Applicant must grant an easement to the Town for access to all improvements in conjunction with providing a system of water supply and distribution.
  - d. Applicant must post a performance bond or other acceptable financial undertaking or guaranty for all improvements in conjunction with providing a system of wastewater collection and distribution in an amount to be approved by the Town Board in consultation with its engineer.
  - e. The applicant shall grant an easement to the Town for access to improvements in conjunction with providing a system of wastewater collection and distribution.

- f. The applicant must pay a park and recreation fee in the amount of \$42,000.
- g. The applicant must provide a conservation easement in recordable form for the areas identified on the PDD plan as “forever wild”.
- h. The applicant is required to establish an engineering review escrow account with the Town of Brunswick concerning project construction activities.

Member Christian seconded the motion subject to the stated conditions. The motion was unanimously approved, and the Brunswick Woods Apartments PDD expansion site plan was approved subject to the stated conditions.

The next item of business on the agenda was the proposed Duncan Meadows Planned Development District review and recommendation. Francis Bossolini, PE appeared for the applicant. Following discussion concerning sidewalk installation in the McChesney Avenue/McChesney Avenue Extension area, the Planning Board deliberated on a draft recommendation. Subject to minor modifications, the Planning Board adopted a final recommendation on the Duncan Meadows Planned Development District application, and will transmit the same to the Town Board for its consideration.

The next item of business on the agenda was an application by National Grid to amend its site plan which was approved for property located at 166 Plank Road, and specifically the replacement of an existing switch gear structure with a new switch gear structure, installation of fencing, and stormwater improvements. Rick Spagnoti appeared for National Grid. Mr. Spagnoti explained to the Board that the work on the switch gear structure replacement started on March 29, 2010, and that it was initially anticipated that approximately three-quarters of an acre would be disturbed in connection with the project. National Grid became aware that it was grading an area larger than three-quarters of an acre, and stopped the project on April 13 in order to

determine the total area that had been graded. It was determined that approximately 1 acre had already been disturbed, and therefore the need to prepare a full stormwater pollution prevention plan was triggered. National Grid retained CT Male, and a full stormwater pollution prevention plan was prepared. Mr. Spagnoti confirmed that the entire project was well under 5 acres, but that the total estimated area of grading and disturbance was approximately 1.5 acres. The full stormwater pollution prevention plan had to be submitted to Mr. Kestner for review, and a site meeting had been held with Mr. Kestner and Mr. Kreiger, as well as CT Male, to review the work to date, and discuss the substance of the stormwater pollution prevention plan. The site plan has been amended to now depict the additional stormwater management features that are required as a result of the full SWPPP. Mr. Spagnoti also stated that the fence to be installed as part of the project was going to be increased from 5' to a 7' high fence. Mr. Kestner had stated that since the Town is a MS4 community, and that the full SWPPP review had been completed, it was important to have a correct site plan depicting all of the stormwater management features on file with the Town. Mr. Kestner stated to the Board that he had reviewed the SWPPP, and that it is generally compliant with accepted standards. Mr. Kestner confirmed that the fundamental construction of the switch gear structure replacement has not changed, that the overall scope of the project has not changed, but that additional stormwater management features had been added. Chairman Oster wanted the record to note that the Town appreciated National Grid's approach in immediately addressing the stormwater compliance issue, and coming back to the Town with a corrected and updated site plan. It was determined that this modification is not substantial, that the existing SEQRA determination remains in place. Member Czornyj made a motion to approve the amended site plan depicting the additional stormwater management features, which motion

was seconded by Member Wetmiller. The motion was approved 7/0, and the amended site plan approved.

Two items of new business were discussed.

The first item of new business was simply a concept plan presented by Robert Pollock in connection with the Brunswick Plaza PDD, and specifically that phase of the project which had previously housed the Block Buster video outlet. Mr. Pollock is examining a concept plan to reconfigure this building to include a bank drive-thru canopy to the rear of the building, and reconfigure the existing Block Buster into three separate retail units, which was included in the original approval. Member Czornyj immediately raised the issue of the access roadway in this location of the plaza, where there is a conjunction between plaza entrance and entrance to the apartments, and that the intersection was very confusing and does present potential for accidents. Mr. Pollock confirmed that he does not own that particular portion of the access road, and that the ownership resides with the apartment owner, and that he merely had an easement over it to access the plaza. Mr. Pollock generally discussed a potential concept plan to reconfigure the access road system, which would involve creating a separate access solely for the apartments and reconfiguring the existing access road for use solely in connection with the plaza. However, Mr. Pollock stated that this was a potential future plan, and that he would look into ways to better address vehicle access between the plaza and the apartments in the interim. Greg Bestwick, PE generally reviewed the concept plan, which depicts the addition of a drive-thru window and canopy for a bank or financial institution, and reconfiguring the Block Buster space into three retail units. Member Tarbox asked whether there was adequate parking for the proposed reconfiguration. Mr. Bestwick stated that there was more than adequate parking, and that there would remain approximately 45-50 spaces beyond that which was minimally required. Chairman

Oster wanted to make sure that the Block Buster space was adequate to be broken up into three retail units. Mr. Pollock explained that the approved project showed 3 retail spaces for that location, and that all of the plumbing and related infrastructure had already been installed to service three retail units. Mr. Kestner asked whether the grade of the proposed exit driveway from the drive up teller area to the existing access road had been considered. Mr. Bestwick stated that topography had not yet been put on the concept plan, and that there was an increase in elevation on the exit driveway leading to the existing access road. Member Wetmiller asked about the area for car stacking near the drive-thru window canopy. After discussion, Mr. Bestwick confirmed that the proposed canopy would consist of two lanes, with stacking area for two cars in each lane. The Planning Board raised issues regarding lighting of the canopy, the relocated dumpster area and access for trucks, and that the project would need to be evaluated by the fire company for emergency vehicle access as well. Mr. Pollock stated that he was presenting the concept plan to determine if there were any issues prohibiting this use, and that he had not yet finalized any lease with a bank or financial institution, but this was a potential possibility and wanted to be able to get some initial feedback from the Planning Board. Chairman Oster stated that the concept appeared to be an acceptable design for a bank in this location given that it was an existing building, but that the Planning Board did have concerns regarding the location of the drive up window and grade of the exit driveway to the access road system. Member Wetmiller confirmed that the area of the drive up teller canopy appeared to be tight, and he had concerns regarding the lighting requirements for this type of canopy given the proximity to houses on McChesney Avenue. Member Mainello asked if it was feasible to have the exit driveway go completely around the building, rather than dealing with the grade of the exit driveway onto the existing access roadway. Mr. Pollock and Mr. Bestwick stated that this could be considered, but

the area was limited due to an existing sewer easement, the pressure reducing pit recently installed by the Town, and a sign easement in conjunction with the apartments. There was also discussion concerning greenspace requirements. The Planning Board confirmed that this was a feasible plan, but would need much more detailed review once a particular tenant is identified. No further action was taken by the Board.

The next item of new business was a waiver of subdivision application submitted by Lisa Kinne for property located on Tamarac Road (Tax Map No. 83.-3-2.12), located north of Camel Hill Road and south of Higbee Road. Mark Danskin appeared for the applicant. Mr. Danskin explained that Kinne owns approximately 36 acres both on the east and west side of Tamarac Road. On the west side of Tamarac Road, Kinne owns approximately 15 acres, 14 of which were regulated wetland. On the east side of Tamarac Road, Kinne owns approximately 20.5 acres, and seeks to create a building lot of approximately 5.8 acres. The proposed lot has 225 feet of frontage along Tamarac Road. Member Tarbox inquired as to sight distance on Tamarac Road. Mr. Danskin confirmed that he would need a county driveway permit, that a proposed driveway location had already been identified, and that there should be plenty of sight distance. Mr. Danskin also stated that he had completed soil tests for purposes of septic installation. The Planning Board stated that it did want the corners of the proposed lot identified, as well as the proposed driveway location identified on the property, so that they could take a look at the area of the proposed lot. The Planning Board is also requiring measured sight distances from the proposed driveway location. The applicant will need to submit a revised map showing proposed driveway location, together with a table indicating sight distance. An agricultural data statement will be required on this application as well. This matter has been placed on the May 20 agenda for further discussion.

The **index** for the May 6, 2010 meeting is as follows:

1. Volunteer Fire Company of Center Brunswick – site plan – waiver of subdivision – approved with conditions;
2. Brunswick Associates of Albany, LP – Brunswick Woods Apartments PDD – site plan – approved with conditions;
3. Duncan Meadows Planned Development District – review and recommendation – completed and forwarded to Town Board;
4. National Grid – amended site plan – approved;
5. Pollock – Brunswick Plaza – concept site plan – no action taken;
6. Kinne – waiver of subdivision – 5/20/10.

The **proposed agenda** for the May 20, 2010 meeting currently is as follows:

1. Kinne – waiver of subdivision;
2. Reiser – commercial subdivision and site plan.