

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

**MINUTES OF THE PLANNING BOARD MEETING HELD June 3, 2010**

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

ABSENT was KEVIN MAINELLO.

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 May 20, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Esser, the draft minutes of the May 20, 2010 meeting were unanimously approved without amendment.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278. Henry Reiser and Scott Reese appeared for the applicant. Mr. Reiser reviewed correspondence from the Rensselaer County Department of Health concerning agency responsibility for review of the proposed septic plan. Mr. Reiser confirmed that the Rensselaer County Department of Health indicates a coordinated review of the proposed septic plan will be undertaken by the Rensselaer County Department of Health and the New York State Department of Environmental Conservation. Mr. Reiser also generally reviewed correspondence received from the New York State Department of Environmental Conservation concerning the construction exemption to mining permit requirements, as well as correspondence from the New York State Department of Transportation concerning discharge issues. Chairman Oster inquired

concerning SEQRA procedure, and specifically identification of SEQRA lead agency. Attorney Gilchrist stated that there were a number of SEQRA involved agencies on this application, and that SEQRA lead agency coordination could be undertaken at this time. SEQRA involved agencies include, as identified in the record, the Brunswick Planning Board, Rensselaer County Department of Health, New York State Department of Environmental Conservation, and New York State Department of Transportation. Attorney Gilchrist stated that lead agency coordination notices could be sent at this time, noting that if any additional permit requirements arose in the future (i.e. need for a mining permit), then the lead agency coordination process may need to commence again. With that understanding, the applicant would like to have the SEQRA lead agency coordination process commenced. Mr. Kestner reviewed the Environmental Assessment Form, noting that certain responses needed to be completed and/or amended. Chairman Oster inquired as to presence of any state or federal wetlands on the project site. Mr. Reiser stated that there were no NYSDEC wetlands on the project site as noted on the NYSDEC wetland maps, and that NYSDEC had been on the site in connection with construction of the residential subdivision to the rear of the commercial project site, and determined that wet areas along NYS Route 2 were not state jurisdictional wetlands. However, such wet areas may constitute federal wetland areas under the jurisdiction of the US Army Corps of Engineers, but that such wet areas are not within any of the proposed construction areas under the current site plan application. The Planning Board directed Attorney Gilchrist to commence the SEQRA lead agency coordination process, and this matter has been tentatively placed on the June 17 meeting for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Kinne for property located on Tamarac Road (Tax Map No. 83.-3-2.12). The applicant seeks to

create a building lot of approximately 5.8 acres on the east side of Tamarac Road. Mark Danskin appeared for the applicant. Mr. Danskin reported to the Planning Board that NYSDEC had not yet been on site to delineate wetlands. Further, Mr. Danskin explained that he had met with Scott Gallery of the Rensselaer County Highway Department, and that the County Highway Department requested that a 24' culvert be placed under the proposed driveway adjacent to Tamarac Road, and that the proposed tile field for the septic system be located a minimum of 1' above the pavement level of Tamarac Road. Mr. Danskin stated that both of the County Highway Department issues have been addressed. However, Mr. Danskin stated that he was still coordinating with NYSDEC on the wetland delineation issue, and also the issue concerning location of any potential NYSDEC wetland buffer areas. Mr. Danskin reported that there appears to be a difference of opinion within NYSDEC Region 4 as to whether the wetland buffer would include areas on the opposite side of Tamarac Road, and that such issue was still being deliberated within the Region. Mr. Danskin will continue to work with NYSDEC Region 4 on this application. This matter has been tentatively placed on the June 17 agenda for further discussion.

There was one item of new business on the agenda.

An application for waiver of subdivision has been filed by Robert MacCrone for property located at 3 Dearstyne Road. The current parcel totals approximately 102 acres. Mr. MacCrone seeks to divide the house and homestead lot from the balance of the vacant property. Mr. MacCrone proposes a house and homestead lot of approximately 5 acres, with a balance of the parcel remaining vacant land. Mr. MacCrone handed up a computer-generated sketch plan showing proposed lot lines, and depicting location of the existing house, driveway, barn, garage, well, and septic area on the proposed homestead lot. However, specific setback locations have

not been identified by Mr. MacCrone, and Member Czornyj requested that these measurements be added to the map for review by the Planning Board. The Planning Board members generally discussed the location of this property with the applicant, including the additional information needed on an amended subdivision plan for this waiver application. It was determined that this property is located in an agricultural district, and that an agricultural data statement will be required. Mr. MacCrone will work to revise the proposed waiver map, and this matter has been tentatively placed on the June 17 agenda for further discussion.

Chairman Oster noted that he is in receipt of a letter from Michael Schongar concerning the operation of the Gallivan property located on Oakwood Avenue, with the request by Mr. Schongar that the Planning Board require an amendment to the existing site plan concerning noise impacts. Upon advice of Attorney Gilchrist, Mr. Schongar's letter has been taken under advisement for further consideration.

Chairman Oster also noted receipt of a letter from the Brunswick No. 1 Fire Company concerning the proposed Duncan Meadows Planned Development District. Chairman Oster noted that this application remains pending before the Brunswick Town Board for consideration of the PDD application, and that the detailed comments received from the Brunswick No. 1 Fire Department would be addressed during site plan review in the event the Town Board approved the PDD action.

John Mainello requested to be heard by the Planning Board. Mr. Mainello is one of the principals of the Brunswick Meadows Planned Development District, and requested that the Planning Board consider amendment to the Planned Development District in terms of allowing construction to proceed on the project infrastructure while the condominium/homeowner association documents are being prepared for submission to the New York State Attorney

General's Office. Mr. Mainello confirmed with the Planning Board that there are no proposed changes to the construction plan itself, only the deferral of submission of the condominium/homeowner association documents to the Attorney General's Office while project infrastructure construction proceeds. Attorney Gilchrist stated that this is an issue for consideration by the Town Board in conjunction with the PDD approval, rather than the site plan approval granted by the Planning Board. Attorney Gilchrist stated that he would coordinate with Mr. Kestner and Supervisor Herrington on this matter and follow up with Mr. Mainello.

The **index** for the June 3, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – 6/17/10;
2. Kinne – waiver of subdivision – 6/17/10;
3. MacCrone – waiver of subdivision – 6/17/10.

The **proposed agenda** for the June 17, 2010 meeting currently is as follows:

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