

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 17, 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 June 3, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the June 3, 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. The Planning Board has not yet received all responses to the lead agency coordination notices. John Kreiger noted that NYSDEC has responded and has no objection. This matter is tentatively scheduled for July 1st if all notices are back; if not then the matter will be put on the July 15th agenda.

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). Because the wetland and buffer delineation has still not been determined by the DEC, the matter has been adjourned per the applicant's request until the July 15th meeting.

The third item of business on the agenda was a waiver of subdivision application by Robert MacCrone for property located at 3 Dearstyne Road. The current parcel totals approximately 102 acres, from which Mr. MacCrone seeks to divide the house and homestead. 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 revised computer-generated sketch plans showing proposed lot lines, depicting location of the existing house, driveway, barn, garage, well, and septic area on the proposed homestead lot, as well as specific setback locations. Mr. MacCrone reviewed the new measurements and setbacks with the Planning Board members. Mr. MacCrone's neighbor was also present after having been notified by way of the Agricultural Data Statement. After hearing Mr. MacCrone's presentation to the Planning Board, they indicated they had no objection to the waiver application. John Kreiger also noted that Mrs. Pollack, an adjoining neighbor, had advised that she had no objection to the application.

Mr. MacCrone confirmed that the homestead site will be 5 acres and that the remaining property below Dearstyne Road will go with the 102 acres. Mr. MacCrone also intends to grant a right of way for access to the new parcel on the western boundary of the property.

With that, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Tarbox. The motion was unanimously approved and a negative declaration was adopted.

Member Czornyj then made a motion to approve the waiver application subject to the following conditions:

1. The five (5) acre parcel shall be surveyed and all side and rear setbacks will be properly complied with; and
2. That the survey map will be provided to John Kreiger, Building Inspector for his review and records.

Member Wetmiller seconded the motion with the above-stated conditions, and the waiver application with conditions was granted 6-0.

There was one matter of old business. Chairman Oster advised the Board that Michael Schongar was in attendance at the meeting to review his letter concerning the operation of the Gallivan property located on Oakwood Avenue, and his request that the Planning Board require Gallivan to come back before the Board for failing to comply with his site plan as originally approved.

Chairman Oster advised Mr. Schongar that all board members had received a copy of the letter and will take it under advisement. He further advised Mr. Schongar that the Planning Board has no jurisdictional powers, though applicants are told that if any changes are made to the originally approved site plan, they have to come back before the Board first. Attorney Coan then explained that an enforcement proceeding has been started by the Building Department and also reminded Mr. Schongar that the Town Board was simultaneously considering a PDD application by Gallivan. Attorney Coan explained the PDD process and indicated that the Town Board is aware of the noise issue and will consider it as part of the PDD application. In addition, the Planning Board will make a recommendation to the Town Board in connection with the PDD application. Chairman Oster told Mr. Schongar that the Planning Board was well aware of the issues raised by him in his letter and will take them into consideration when making its recommendation to the Town Board.

The **index** for the June 17, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – 7/1/10;
2. Kinne – waiver of subdivision – 7/15/10;
3. MacCrone – waiver of subdivision – approved with conditions;
4. Schongar letter.

The **proposed agenda** for the July 1, 2010 meeting currently is as follows:

1. Reiser – commercial subdivision and site plan.