

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 7, 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 December 3, 2009 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the December 3, 2009 meeting were unanimously approved without change.

The first item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane and Bald Mountain Road. William Doyle, Esq. and Jeff Brooks appeared on the application. Attorney Doyle updated the Planning Board concerning meetings with the Rensselaer County Health Department on the proposed septic plan for this proposed subdivision. Attorney Doyle stated that as a result of issues raised by the Rensselaer County Health Department, a total of 3 lots have been lost on both the Brooks major subdivision as well as the 3-lot subdivision owned by Brooks located on adjacent property on Route 142. Accordingly, the Brooks major subdivision plan has been reduced from 27 lots to 25 lots, and the existing, adjacent 3-lot subdivision owned by Brooks has been reduced from 3 lots to 2 lots. Attorney Doyle also stated that the Rensselaer County Health Department is requiring additional soils testing to be performed at the site, and that will not be able to be

accomplished until spring of 2010. Attorney Doyle stated that Harold Berger, P.E. had been retained by Brooks to assist on the septic plan for this project. Attorney Doyle also stated that the revised plan to be submitted to the Planning Board will show both the major subdivision, as well as the adjacent minor subdivision owned by Brooks as well. Since the County Health Department is reviewing these two subdivisions at once, Attorney Doyle stated to the Planning Board that it was better to have all of these lots shown on one plat. Attorney Doyle requested that this matter be placed on the January 21 agenda for further discussion. Chairman Oster stated that the matter would be placed on the January 21 agenda, and also reminded the applicant that the Planning Board was looking to have a map submitted showing the original septic plan as well as the changes that have been made due to Health Department comments. Finally, Attorney Doyle raised the issue of the timeframe of submission of a final plat, in that the Planning Board had previously approved an extension on the submission of the final plat pending Rensselaer County Health Department comments. Attorney Doyle will be raising a need for a further extension due to these additional Health Department comments at the January 21 meeting.

The second item of business on the agenda was the site plan application by Gaston Robert for construction of additional storage units at the Shed Man/self storage unit facility located on Route 2 opposite Tamarac School. This matter had been adjourned without date at the request of the applicant.

One item of old business was discussed.

The subdivision and site plan applications submitted by Reiser Bros. for the proposed Brunswick Farms commercial project on Route 2/Route 278 was discussed. Henry Reiser, John Reiser, Harold Berger, P.E., and Scott Reese appeared on behalf of the applicant. Mr. Reese handed up to the Planning Board an updated grading plan for the proposed two phases for

grading of the site. Henry Reiser updated the Board on his discussions with NYSDOT concerning grading within the State right-of-way near the Route 2/Route 278 intersection, as well as a further discussion with NYSDOT concerning all proposed entrances to the commercial project. Also, Henry Reiser discussed with the Planning Board his discussions with NYSDEC concerning grading and removal of material from the site, and the letter received from NYSDEC dated December 21, 2009 regarding the applicability of the MLRL construction exemption. One of the points raised in the NYSDEC 12/21/09 letter was that all final approvals applicable to this project must first be obtained in order for the MLRL construction exemption to be applicable. Chairman Oster stated that this would appear to include final septic approval from the Rensselaer County Health Department. Mr. Kestner updated the Planning Board that upon receipt of the NYSDEC 12/21/09 letter, both he and Attorney Gilchrist had met with the Rensselaer County Health Department to discuss how the County Health Department interpreted the NYSDEC letter, and what information would be required from the County Health Department in order to issue a final approval. That meeting resulted in a memorandum from the Rensselaer County Health Department on this issue dated January 5, 2010. Mr. Kestner reviewed the Rensselaer County Health Department memorandum with the Planning Board. Mr. Berger addressed the MLRL construction exemption issue, and stated that it appeared NYSDEC did not have a problem with allowing this material to be removed without a MLRL permit, and that Reiser was intent on removing and sending the material offsite for fill or another legitimate use, and that Reiser would deliver that material at no charge. Mr. Berger stated that it seemed that NYSDEC considered this project to qualify for the construction exemption principally because the material had no value, and this was not a situation where the MLRL construction exemption was being abused to remove valuable gravel in the guise of a construction project. Mr. Berger also stated

that he had discussions about the septic plan with the Rensselaer County Health Department over six months ago, and that the County Health Department is aware of the proposal to utilize sand filters with a single discharge point discharging treated wastewater to the stream on the opposite side of Route 2. Mr. Kestner noted that the Rensselaer County Health Department did not have any recollection of the particular septic plan for this project, and if sand filters are to be proposed, than a discharge permit would be required as well as NYSDOT approval to permit the wastewater to be discharged under NYS Route 2. After further discussion concerning the applicability of the MLRL construction exemption, it was determined that Reiser would seek further clarification from NYSDEC given the ambiguous language used in the NYSDEC 12/21/09 letter, and that such issue would then need to be coordinated with the Rensselaer County Health Department as to “final approvals”. Member Esser also stated that the applicant should provide information on where the excavated material was going and for what use, so that such information could be assessed by the Planning Board. This matter is placed on the January 21 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was the application by Brunswick Associates of Albany, LP to amend the Brunswick West Apartments Planned Development District (“PDD”) to allow for the construction of additional apartment units. Tim Owens represented the applicant, as well as a representative from Hershberg and Hershberg. Mr. Owens reviewed the proposal, which generally calls for the construction of 84 additional apartment units on the existing Brunswick West Apartment site. Currently, and as the original PDD approval allowed, a total of 96 apartment units exist on the 38± acre parcel. The addition of 84 new units would bring the total number of apartment units on the site to 180, resulting in approximately 1

apartment unit per 9,400 square feet. Mr. Owens reviewed the general building design, which will be based on the apartment construction by Brunswick Associates in “The Glen” portion of the Sugar Hill Apartments complex. Mr. Owens also reviewed the proposed road system, and the addition of other garages for use by the tenants of the new units as well as tenants of the existing units in the Brunswick West complex. Mr. Owens generally reviewed the location of site wetlands, as well as the general plan for water and sewer. Mr. Owens also briefly discussed traffic. Mr. Owens then also discussed maintenance of greenspace on the project site. Chairman Oster inquired whether this was a new PDD application or an amendment to an existing PDD. Mr. Owens stated that this was an amendment of the original PDD, approved in 1988. Chairman Oster wanted to confirm that the building type would be the same as that constructed in “The Glen”. Mr. Owens stated that the building type is the same, and that Brunswick Associates has seen great success with that building type in terms of renting units at “The Glen”. Chairman Oster then inquired whether the rooflines of the existing apartment units in the Brunswick West complex could be modified to be consistent with the pitched roof of the proposed new buildings based on “The Glen” model. Mr. Owens stated that while the applicant is not in a position to commit at this time, the Planning Board should be aware that Brunswick Associates is working with an architect to try to make the existing buildings architecturally consistent with the new proposed buildings, including the rooflines of the existing buildings. Member Czornyj inquired concerning location of wetlands, as well as stormwater basins. A representative from Hershberg and Hershberg generally reviewed information concerning site wetlands, stormwater basins, roads, water, sewer, as well as grading of the site. The project engineer also stated that a traffic study is being prepared. Mr. Owens also stated that Brunswick Associates plan to upgrade the existing lighting at the Brunswick West complex, to remove the existing lighting at that site, and

use the same lighting throughout the Brunswick West complex as was installed at “The Glen”. Mr. Owens also stated that the proposed parking plan includes two spaces per unit for the entire Brunswick West complex. Member Czornyj asked about the grading plan, as it appeared to Member Czornyj that there would be substantial cuts on the project site. Mr. Owens stated that the construction contractor used by Brunswick Associates for “The Glen”, BBL, is undertaking a detailed cut/fill analysis for the Brunswick West site, and that information would be submitted to the Town shortly. Chairman Oster inquired as to projected number of students that would impact the Brittonkill District. Mr. Owens stated that based on “The Glen”, a total of 49 of the 60 approved and constructed apartments have been rented to date. A total of 2 students have enrolled in the Brittonkill District as a result of the 49 rented units. Member Tarbox inquired as to how many school-aged children are currently in the existing Brunswick West complex. Mr. Owens stated that he did not have this information, but would research that issue and provide the information to the Town. Mr. Kreiger noted that the bus leaves off approximately 4-5 students at the Brunswick West complex. On that issue, Mr. Owens stated he would like to coordinate with the Brittonkill District and have the bus come up the access road into the Brunswick West complex for purposes of better and safer student pickup/drop off. Member Mainello asked whether there were any encroachments with the proposed PDD amendment into areas that were previously identified as forever green. Mr. Owens stated that there was no encroachment and no reduction in the greenspace. After further discussion, this matter was placed on the January 21 agenda to continue the review and recommendation process.

The next item of new business discussed was a sketch/concept site plan submitted by Capital Communications Federal Credit Union for the former Subaru dealership building located at 799 Hoosick Road. Capital Communications Federal Credit Union is currently under contract

to purchase the site. Robert Roemer, Vice President of Information Systems and Facilities for Capital Communications Federal Credit Union, generally described the project as demolition removal of the existing 10,000 square foot building on the site, and replace it with a 3,800 square foot branch building. Mr. Roemer explained that most of the site is currently paved, and that a majority of the pavement would be removed and replaced with green areas and landscaping. The proposal calls for a drive through window and ATM access, as well as parking. The access will be off Hoosick Road in its current location, which is subject to a common easement and maintenance agreement with the adjacent property currently owned by Rensselaer Honda. The existing utilities, including water, gas, sewer, and stormwater, will be incorporated into the final site plan. The Planning Board generally agreed that this was a good use for the property, represented an improvement over existing conditions in terms of additional green space and landscaping, and that a formal site plan application should be submitted. This matter is placed on the February 4, 2010 agenda for further discussion.

The **index** for the January 7, 2010 Planning Board meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – 1/21/10;
2. Robert – site plan – adjourned without date;
3. Reiser Bros. Inc. – subdivision and commercial site plan (Brunswick Farms) – 1/21/10;
4. Brunswick Associates, LP – amendment to Brunswick West Apartments PDD review and recommendation – 1/21/10;
5. Capital Communications Federal Credit Union – site plan – 2/4/10.

The **proposed agenda** for the January 21, 2010 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision;

2. Reisers Bros. Inc. – subdivision and commercial site plan (Brunswick Farms);
3. Brunswick Associates, LP – amendment to Brunswick West Apartments PDD review and recommendation.