

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 15, 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 draft minutes of the July 1, 2010 meeting were reviewed. It was noted that the original minutes were amended to include the Kinne waiver of subdivision application on the agenda for the July 15, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the July 1, 2010 meeting, as amended, were unanimously approved.

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, identified as Brunswick Farms. The Planning Board designated itself SEQRA Lead Agency as there were no objections by Rensselaer County Health Department or the NYSDEC. Furthermore, the NYSDOT did not send in any written response, and the thirty (30) day timeframe in which to do so has expired.

Harold Berger, on behalf of the Applicant, described changes to the proposed septic system for the Planning Board. Originally, subsurface sand filters had been proposed for each lot. However, DEC requires that the effluent be filtered more than one time in order to meet effluent standards, and DEC will not approve recirculation in a buried sand filter. Accordingly,

the applicant is now intending to use an open sand filter, known as an Advantix septic system, that was recommended for use by the DEC. The filters come as prepackaged units (approx. 8' x 16'), are set at grade, and filter approximately 25 gallons per square feet per day. When asked, Mr. Berger thought the separation distance between the units and the proposed buildings would be about 40'. The effluent will then discharge into the ditch.

Chairman Oster inquired whether odor would be a problem. Mr. Berger said no, since the unit is sealed once fully installed. The units also require approximately triple the septic tank capacity as compared to traditional septic systems. There is little maintenance required because the unit is self-cleaning. Consulting Engineer to the Planning Board, Mark Kestner advised that similar units have been installed at Schodack Landing and there is one in the Adirondack Park. Mr. Kestner further advised that the regulatory agencies are very positive about the use of such systems.

Mr. Berger explained that there is a mandatory maintenance agreement that must be entered into, and the units have 24 hour telemetry which will signal any problems with the system. The applicant will consider hooking the units up to a generator.

Mr. Berger will locate the units on the site plan and hopes to have it done in time for the public hearing. The applicant is proposing to install 1 unit on the lot with the gas station and 2 units on the other lot in case a restaurant is developed at that site.

The matter was then scheduled for public hearing on August 5, 2010 at 7:00 p.m. The matter will be first on the agenda following the public hearing.

The second item of business on the agenda was the waiver of subdivision application submitted by Berkshire Properties, LLC for property located at the end of Betts Road. The existing parcel, owned by Baumes, is located on both sides of Betts Road, and the application seeks to divide that parcel into two parcels divided by Betts Road. Berkshire Properties, LLC

seeks to acquire title to one of the resulting parcels which is located adjacent to land which Berkshire Properties, LLC currently owns in order to realign the entrance to the subdivision from Betts Road. Attorney William Doyle was present for the Applicant. Attorney Doyle explained that there will be a realignment of the subdivision lots, but that the number of lots will remain the same. Member Mainello asked whether the sight distance will be sufficient, to which Attorney Doyle responded yes. Member Wetmiller asked whether the newly acquired property will be attached to Berkshire's existing lands, and Attorney Doyle confirmed it would.

After looking at the map, a question was raised regarding the size of the remaining lot, and whether it would be compliant with the A-40 zoning. After discussion, it was agreed that the Baumes lot as it currently exists is undersized, which would be made smaller by the proposed subdivision. Accordingly, Attorney Doyle will go to the ZBA on August 16th for an area variance before the Planning Board will further consider the waiver application.

Attorney Coan then reviewed with the Planning Board that Betts Road is a highway-by-use and that there is disagreement by the Applicant's surveyor, Thew Associates, as to the extent of that highway-by-use in light of NYS Highway Law §189. Attorney Coan reviewed Highway Law §189 with the Planning Board and explained that the extent of the highway easement is determined by the width of the improvement, including those areas that the Town maintains, such as shoulders and ditches. Highway Law §189 gives the Town the right to extend the highway by use to 3 rods wide. Per Mark Kestner, Betts Road, including the areas maintained by the Town, has been surveyed at less than 3 rods wide. The Applicants' surveyor maintains the highway easement should be determined to be 3 rods in width. To resolve the issue, Attorney Doyle has advised the Applicant to take title to all property Baumes owns on the southwesterly side of Betts Road to the centerline thereof. The Town, however, will expressly reserve in the

resulting deed any and all rights to expand or maintain Betts Road as it may have under Highway Law Article 8, including but not limited to Section 189 thereof.

This matter has been tentatively placed on the agenda for August 19, 2010.

The third item of business on the agenda was the Kinne waiver of subdivision application for property located on Tamarac Road (Tax Map No. 83-3-2.12). Mark Danskin was present for the Applicant. Mr. Danskin reviewed for the Board the fact that DEC has delineated the wetland and buffer and determined that the proposed driveway for the new lot is not within the buffer. DEC's Nancy Heaslip has issued a letter to that effect, which the Board reviewed. Mr. Danskin confirmed there are adequate sight distances for the proposed driveway.

In response to a question from Member Tarbox about the potential that the septic system in the location proposed could flood, Mr. Danskin advised there was no other place to locate the septic system other than where proposed. Mr. Danskin described the proposed septic system, its location and proposed construction, including the use of the cobblestone swale. Mr. Danskin advised that the septic system still requires approval by the Rensselaer County Department of Health.

With that, Member Czorynj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. 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. That the septic plan must include the cobblestone swale at the rear lot as shown on the plans; and
2. That the septic system be approved by the Rensselaer County Health Department.

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

One item of new business was discussed. Mr. Kreiger reported that a waiver of subdivision application had been submitted by Alfred Accorner for property located at 542 McChesney Avenue Extension. The existing parcel is approximately 3.5 acres, and the application seeks to divide 1.6 acres from that property to create a building lot for the Applicant's daughter. There have been no previous subdivisions of that property within the last seven (7) years.

In looking at the proposed site plan, Member Wetmiller questioned whether or not the identified pool was far enough away from the proposed lot line. Mr. Kreiger will confirm that it is. Member Tarbox then asked what zoning district the property was located in. Mr. Kreiger said the property is zoned as R-15. Prior to further discussion of this application by the Planning Board, Mr. Kreiger will determine the placement of the proposed septic system, and will confirm the location of the adjoining property owners' (Sullivan and Back) wells are relative to the proposed septic system. This matter has been placed on the agenda for the August 19, 2010 meeting.

There were three items of old business.

Chairman Oster advised that a site plan presented by National Grid concerning the Sycaway Substation located off Hillcrest Avenue behind the Rite Aid Pharmacy will be placed on the agenda for the August 19, 2010 meeting. He further advised that he and Mark Kestner have walked the site. National Grid is currently before the Zoning Board of Appeals on an application for a special use permit.

As a second matter of old business, Chairman Oster advised that the Planning Board has received materials from the Town Board requesting that the Planning Board make

recommendations concerning the scope of the proposed DEIS on the Oakwood Property Management, LLC Planned Development District (PDD) application. Member Esser wants to review the original and proposed site plan map before making any such recommendation. Attorney Gilchrist will make a request for any and all maps concerning the original approval with any conditions and concerning the proposed PDD site plan.

As a third item of old business Mr. Kreiger advised the Planning Board that Brunswick Harley Davidson is now in compliance with its site plan application, and its septic system has been fully installed and approved.

The **index** for the July 15, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – public hearing to commence on 8/5/10 at 7:00 p.m.;
2. Berkshire Properties, LLC – waiver of subdivision – 8/19/10 (tentatively);
3. Kinne – waiver of subdivision – approved with conditions;
4. Accorner – waiver of subdivision – 8/19/10;
5. National Grid – site plan – 8/19/10.

The **proposed agenda** for the August 5, 2010 meeting currently is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – public hearing;
2. Accorner – waiver of subdivision;
3. National Grid – site plan.