

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

**MINUTES OF THE PLANNING BOARD MEETING HELD August 5, 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.

Chairman Oster reviewed the posted agenda for the meeting.

Chairman Oster noted that with respect to the Reiser Bros. Inc. commercial site plan application (Brunswick Farms), the Town Building Department has determined that the proposed “filling station” component of the commercial site plan will require a special use permit review by the Brunswick Zoning Board of Appeals. Accordingly, Chairman Oster stated that the Planning Board would open the public hearing on the commercial site plan and subdivision application, but adjourn the public hearing and keep it open pending coordination with the Brunswick Zoning Board of Appeals on the special use permit requirement. The notice of public hearing was read into the record, and noted that such notice had been published in the Troy Record, placed on the Town sign board, and placed on the Town website. The notice of public hearing had also been directly mailed to adjoining property owners and residents located in the Langmore Lane neighborhood. Chairman Oster then requested the applicant to present an overview of the project. Henry Reiser of Reiser Bros. Inc. presented an overview of the proposed project. Chairman Oster noted that the property is zoned B-15. Chairman Oster also noted for the

record that the application originally sought approval for additional commercial units along Route 2 in proximity to Langmore Lane, but that the application for approval of these additional commercial units had been withdrawn and may be the subject of a future application by the property owner, and that the current application seeks approval only for two commercial buildings located in proximity to the intersection of Route 2 and Route 278. Chairman Oster then opened the floor for receipt of public comment. Kathy Murray, 69 North Langmore Lane, stated that she was president of the Tamarac Regional Homeowners Association, and provided the following comments: that the project is inconsistent with the Town of Brunswick Comprehensive Plan adopted in 2001, that growth in the Town of Brunswick should not diminish the quality of life in the Town, that land use projects should protect natural resources and blend into the surrounding environment, that commercial growth should be located where there is existing infrastructure requirements, that there should not be significant site preparation to develop any single parcel, that the current proposal raised many questions including location, topography, being located on Route 2 as a “scenic byway”, that too much material needed to be removed from the site in order to develop it, that there was question as to who would oversee any material removal, that this was proposed for a very busy intersection that is already strained in terms of traffic, that Route 2 should not be developed for commercial use, that Route 7 should be location for commercial development in the Town as it includes turning lanes and sidewalks, that surrounding property values should be protected, that additional traffic would be generated by this project which raised safety concerns, that the initial material removal raised questions concerning hours of construction and tracking of dirt onto highways, that in construction of the adjacent residential project by Reiser Bros. there were instances where homes shook and pictures fell from walls and walls cracked, that there is concern that material removal would result in similar impact, that there was significant concern regarding surface and subsurface water

transport, that there could potentially be impact to groundwater during excavation, that there was significant concerns regarding the proposed retaining wall, that potential impact to the Quackenkill Creek and Town aquifer should be examined, that a safety issue was raised concerning Tamarac students both walking and biking along Route 2 and Route 278, that there was no need for an additional gas station in Town, that the site was not suitable for development, that there would be no additional job opportunities as a result of this project, that there would be significant impact on surrounding properties, and that this project would detract from surrounding areas. Maureen Cox, 2 Longhill Road, concurred with the comments of Ms. Murray, and stated that water management during excavation was a significant concern, as well as potential surfacewater impact to the Langmore community, that there was concern regarding potential impact to septic systems in the Langmore neighborhood, that the Langmore residents were concerned that there would be significant impact on their properties, that this project would produce additional traffic at the Route 2/Route 278 intersection where there is already a traffic concern, and that commercial development should be directed away from Route 2 which should remain residential in character. Jim Tkachik, 387 Brunswick Road, stated that this project now seemed to be only the two commercial buildings, or “phase 1”, and still had questions regarding the possibility of phase 2 construction which would permit additional commercial buildings along Route 2 heading to Langmore Lane, that this project does not comply with the Town Comprehensive Plan in terms of dramatically altering topography for site development, that he did not have a major complaint with phase 1, but when adding the potential phase 2 it would have an overall impact and have the appearance of a large expanse of pavement along Route 2, that the proposed parking lot was twice the width of Route 2 and would end up with a significant area of asphalt, that the project would have the appearance of a 4-6 lane highway along Route 2 which would not fit into the overall character, that his suggestion would be to avoid the strip mall

look along Route 2 and hide the parking behind the buildings, that appearance was a critical factor on this application, that the inclusion of sidewalks should be examined. Gary Goslin, owner of the Brunswick Barbeque and Brew on Route 2, stated that he felt the Route 278/Route 2 corner was already at capacity, that roadway improvements were not being proposed, that this would make an already dangerous intersection more dangerous and scary, and that this project should not add additional traffic to that intersection, with his concern being that if the Route 278/Route 2 corner gets choked off his business would be hurt, and further commented that impact to the historic schoolhouse should be included. Fran Beaudoin, 46 Buck Road, supports the comments of Ms. Murray, stated that 3 gas stations in the general vicinity is overkill, and had significant concerns regarding the retaining wall proposed for the project. Barbara O'Hearn, 28 Tamarac Road, stated that while this property was zoned commercial, you must look at the entire character of the area and master plan to determine what is an appropriate use, that there is no need for another gas station, that there is no need for this kind of commercial development, that no tenant had yet been identified for the second proposed building, that there are already vacancies along Route 2 including Tamarac Plaza and that this project would merely be creating additional vacant commercial space, and that this was not the appropriate type of development for this area. Jim Gardner, 11 Brookview Drive, stated that he has purchased one of the homes in the Brookhill Subdivision, and that he had concerns regarding this project's lighting, noise, odors, grade at the rear of the property, landscaping, and that the Town must protect the quality of adjacent residential properties. Chairman Oster did inquire of Mr. Gardner when he purchased the lot in the Brookhill Subdivision, was he informed about the potential for commercial use along the Route 2/Route 278 intersection. Mr. Gardner stated that he did know it was zoned commercial, but further stated that he did not go out to this location at night prior to the purchase of his home to determine what commercial use/light impact/traffic/noise conditions existed in

this location. Mr. Reiser stated that his prior broker for the Brookhill Subdivision, Coldwell Banker, had been put on notice by him that all perspective purchasers should be made aware of the potential commercial development, but that a number of issues had arisen with Coldwell Banker and they were no longer the broker for his project. Steve Hill, 4108 Route 2, stated that there was already significant traffic congestion at this location, that students do walk along Route 2 from the Route 2 ballfields to Stewarts, that this project could have an impact on the Town aquifer located along Route 2, that the large cut needed for site grading could impact water, and that he was concerned regarding safety for children walking and biking on Route 2 and the potential traffic impact at the Route 2/Route 278 intersection. Maureen Cox had further questions regarding SEQRA procedure, which were addressed by Chairman Oster, Attorney Gilchrist and Mr. Kestner. Chairman Oster then adjourned the public hearing, expressly keeping the public hearing open so that the Planning Board could coordinate with the Brunswick Zoning Board of Appeals on the special use permit requirement. Thereupon, Chairman Oster opened the regular business meeting for the Planning Board.

The draft minutes of the July 15 meeting were reviewed. It was noted that the name "Accornero" had been misspelled, and that all appropriate corrections would be made to the July 15 meeting minutes. It was also noted that both the Accornero and National Grid site plan matters should have been listed for consideration at the August 5, rather than the August 19 meeting. With those two corrections noted, Member Czornyj made a motion to approve the July 15 meeting minutes, which motion was seconded by Member Christian. The motion was unanimously carried, and the July 15 meeting minutes approved with the noted corrections.

The first item of business on the agenda was the site plan and commercial subdivision application by Reisers Bros. Inc. for property located at Route 2 and Route 278. It was again noted for the record that a special use permit application with respect to the "filling station" as

proposed in the application needed to be filed with the Brunswick Zoning Board of Appeals, and that the Planning Board will coordinate with the Brunswick Zoning Board of Appeals on this application. Chairman Oster noted that given the amount of information the Planning Board already has on the application, it would make sense to coordinate with the Brunswick Zoning Board of Appeals and hold a joint public hearing for the free exchange of comments and considerations by both Boards. In light of the special use permit application requirement, this matter has been adjourned at the Planning Board without date.

The next item of business on the agenda was the waiver of subdivision application by Alfred Accornero for property located at 542 McChesney Avenue Extension. Mr. Accornero seeks to divide an existing 3.5 acre parcel into two building lots, one approximately 1.6 acres and one approximately 1.9 acres in size. His proposal is to divide the property and transfer one of the building lots to his daughter and son-in-law for the construction of a home. The location of the existing septic system on the parcel was discussed, and noted on the subdivision map. It was noted that there is adequate sight distance for the construction of an additional driveway for the new building lot. Mr. Kreiger confirmed that all zoning setbacks and other zoning requirements are met with the proposed subdivision. The Planning Board discussed the need for a 16' driveway if the driveway is over 150' in length, and that the scale of the subdivision map showed that the proposed driveway is approximately 175' in length. It was noted that there was adequate area for a 16' wide driveway with 3' shoulders on this parcel. It was also noted that Rensselaer County Department of Health approval would be needed for the proposed water and septic plan. Member Wetmiller also wanted it noted that the new driveway would need to have a 2% back pitch over the first 10' off McChesney Avenue Extension. Mr. Kreiger then noted that the road was a County road, and that a County driveway permit would be required. Chairman Oster asked if there was any further discussion. Hearing none, Member Czornyj then 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 a waiver of subdivision application subject to the following conditions:

1. Rensselaer County Department of Health approval for water and septic;
2. 16' wide driveway will be required if the driveway is in excess of 150' in length;
3. A 2% back pitch needed to be designed over the first 10' of the driveway from the public roadway; and
4. Driveway permit from Rensselaer County Highway Department.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by National Grid concerning the Sycaway Substation located off Hillcrest Avenue behind the Rite Aid Pharmacy. Nick Spagnotti of National Grid appeared on the application, together with additional National Grid representatives. Mr. Spagnotti stated that National Grid sought to upgrade the switchgear and transformer bank at the Sycaway Substation, which would increase reliability and improve the overall site. Mr. Spagnotti noted that he had appeared before the Planning Board at its July 1 meeting to present an overview of the proposed site plan. Mr. Spagnotti also noted that he had met with Mr. Kestner on July 13 concerning the stormwater pollution prevention plan, and that a site tour had occurred on that date as well. Mr. Spagnotti did note for the record that the Brunswick Zoning Board of Appeals issued a special use permit for this project at its July 19 meeting. Mr. Kreiger noted that the Brunswick Zoning Board of Appeals had held a public hearing on the special use permit application, and that there were no public comments received during the public hearing. Chairman Oster inquired whether the submitted site plan map showed

the location of the proposed pads for the new structures. Mr. Kestner stated that he was in possession of separate plans identified as “plot plan” and “foundation plan” which do show the location of the new concrete pads. Copies of these will be filed with the Brunswick Building Department. Chairman Oster also inquired as to the status of an easement from Bryce concerning vegetation removal. Mr. Spagnotti indicated that National Grid continued to work with Mr. Bryce on that, but that the easement was only for the purpose of clearing vegetation and did not require any offsite grading or other work outside of the National Grid property. Mr. Kestner confirmed that all of the proposed grading will be on the National Grid property, and that the Bryce easement concerned only future vegetation removal. Member Czornyj inquired about the location of a private shed off adjoining residential property onto the National Grid property. Mr. Spagnotti noted that the location of the shed did not impact the proposed work on the site plan, but that National Grid continued to work with that adjacent private property owner on the issue of moving the shed or issuing a license to keep the shed in its current location. Mr. Kestner stated that he had reviewed the stormwater pollution prevention plan on this site plan, and that all major issues had been addressed in the SWPPP, subject to only resolution of minor items. Member Mainello inquired as to the height of the new proposed switchgear building, and whether it was higher than the existing structure. Mr. Spagnotti stated that there could be a minor increase, but only 3’-4’. Chairman Oster inquired whether there was any additional lighting proposed on the site plan. Mr. Spagnotti stated that there was no additional lighting proposed in terms of light poles at the site, but that the new switchgear building would have similar lighting to the switchgear building currently on site. Mr. Kestner confirmed that there was no additional lighting proposed for the site. Chairman Oster inquired whether there were any further comments. Hearing none, Member Czornyj made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was

unanimously approved, and a negative declaration adopted. Member Mainello then made a motion to approve the site plan subject to completion of all final comments by Kestner Engineering on the SWPPP and confirmation that the easement from Bryce had been obtained for vegetation removal. That motion was seconded by Member Tarbox. The motion was unanimously approved, and the site plan application by National Grid approved.

Three items of new business were discussed.

The first item of new business discussed was a site plan application by Rensselaer Honda for its new location on Hoosick Road adjacent to the Capital Communications Federal Credit Union building. Rensselaer Honda seeks to add a fueling station to that location. Dan Cleary of Bohlor Engineering appeared for the applicant. Mr. Cleary stated that the Planning Board had approved the site plan for this Rensselaer Honda location in December, 2009. Currently, Rensselaer Honda is proposing to install a 1,000 gallon above-ground fuel tank toward the rear of the property for purposes of fueling automobiles that it sells and services, that the tank would be in a fenced area, that the location of the proposed tank would take up two parking spaces identified on the December 2009 site plan, that the actual tank location would be blocked off by Jersey barrier or other concrete block, that there would be no retail sales of gasoline to the general public, and that the fuel tank would be used strictly to fuel the vehicles sold or serviced by Rensselaer Honda. In terms of requisite parking spaces, Mr. Cleary stated that the December 2009 site plan included 75 parking spaces when 72 are required under the Zoning Code, and that with the addition of the proposed fuel tank there would be 73 parking spaces on the site where 72 are required. Mr. Cleary handed up specifications of the tank and filing location, and noted that John Ray Fuels would be the contractor installing and supplying the fuel. Upon question by Member Wetmiller, Mr. Cleary stated that the proposed fuel tank would have all required containment compliant with New York State Regulations. Chairman Oster raised the issue of

need for a special use permit for a “filling station”, and Mr. Kreiger noted that that issue was being reviewed by the Town Attorney and Building Department at this time. Member Wetmiller inquired whether there would be any additional lighting for the fuel tank. Mr. Cleary stated that there were no additional pole lighting being proposed. Mr. Kestner inquired whether there was any specific fire suppression equipment being proposed. Mr. Cleary stated that whatever is required by New York State Regulation would be adhered to by John Ray Fuels in this installation. Member Czornyj and Mr. Kestner stated that it would be appropriate to coordinate with the fire department on this application, and Mr. Kreiger stated that he would forward a copy of the materials to the fire company. This matter has been tentatively placed on the August 19 agenda for further discussion.

The second item of new business discussed was a minor subdivision application submitted by Hart for property located on Langmore Lane. Mr. Hart stated that this minor subdivision had been previously approved after extension review by the Planning Board, but that it took him a significant period of time to obtain Rensselaer County Health Department approval, and that the timeframe for recording the subdivision plat in the Rensselaer County Clerk’s Office has expired. This minor subdivision application is in all respects the same project previously reviewed and approved by the Planning Board, and Mr. Hart is requesting that the Planning Board merely update its approval so that the plat can be recorded in the Rensselaer County Clerk’s Office. Mr. Hart stated that the Rensselaer County approval has now been stamped on the project plans. Mr. Kreiger confirmed that the new application fee for the minor subdivision had been paid, and an escrow established to pay all outstanding review fees. The Planning Board noted that SEQRA had been previously completed on this project, and that a negative declaration is on file. Member Czornyj then made a motion to update the approval of this minor subdivision so that it can be recorded in the Rensselaer County Clerk’s Office, which motion was seconded

by Member Mainello. The motion was unanimously approved, and the Hart minor subdivision updated.

The third item of new business discussed was a waiver of subdivision application submitted by Precision Homes for an existing residential lot located on Riccardi Lane. Precision Homes is seeking to divide 15 Riccardi Lane, a 4.91 acre lot, into two building lots. Mr. Kreiger noted that there are already 12 lots located on this cul-de-sac road, and that Town Board approval would be required for a waiver of this lot restriction. This matter has been placed on the August 19 for formal referral of this matter to the Town Board.

It was noted that a waiver of subdivision application has been submitted to the Planning Board by Oakwood Property Management, LLC for property located on Oakwood Avenue. This matter has been adjourned without date pending further review of the issue of the waiver application with respect to the pending PDD application being reviewed by the Town Board.

The **index** for the August 5, 2010 meeting is as follows:

1. Reiser Bros. Inc. – subdivision and commercial site plan – adjourned without date;
2. Accornero – waiver of subdivision – approved subject to conditions;
3. National Grid – site plan – approved subject to conditions;
4. Rensselaer Honda – site plan - 8/19/10 (tentative);
5. Hart – minor subdivision – approved;
6. Precision Homes – waiver of subdivision – 8/19/10.

The **proposed agenda** for the August 19, 2010 meeting currently is as follows:

1. Precision Homes – waiver of subdivision;
2. Rensselaer Honda – site plan (tentative);
3. Berkshire Properties, LLC – waiver of subdivision (tentative).