

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

**MINUTES OF THE PLANNING BOARD MEETING HELD September 16, 2010**

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN, FRANK ESSER, KEVIN MAINELLO and DAVID TARBOX.

ABSENT was VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

Chairman Oster noted for the record that discussion of the referral from the Brunswick Zoning Board of Appeals on the Oakwood Property Management appeal would be adjourned, noting that the Brunswick Town Board will be holding a special meeting prior to the end of September to discuss matters pertaining to the Oakwood Property Management facility.

The Planning Board opened a public hearing with respect to the site plan application by Edward Engel (Engel Farm) for the installation of a farm stand with associated parking located at Route 2, 445 Brunswick Road. The Notice of Public Hearing was read into the record, with such notice having been published in the Troy Record, placed on the Town website, placed on the Town sign board, and mailed to all adjacent property owners. Chairman Oster requested the applicant to make a brief presentation of the proposal. Edward Engel stated that his family had been in farming for 6 generations at its old location in Colonie, and that it was now seeking to move to Brunswick. He intends to start crop production at this Route 2 site, and is now seeking to construct a farm stand to sell produce and other goods. The proposed farm stand is 48' x 64'. According to the narrative submitted with the application, the proposed farm stand will serve as a

retail location for produce grown on the farm, as well as a variety of fresh fruits and vegetables, and pumpkins, winter squash, and like produce. The farm stand will also be used for retail sale of local milk, eggs and cheese products, and also meat products from Oscars Smokehouse in Warrensburg, New York. The farm stand will also offer for retail sale pies, scones, cookies, brownies, biscuits, and cider donuts made on premises. The Engels also seek to install greenhouses, which will grow transplants from the crop fields, as well as vegetable plants for spring sale, bedding plants and hanging baskets in the spring, as well as mums in the fall. Christmas trees and wreaths may also be offered for sale during the holiday season. Mr. Engel mentioned the sight distances had been measured for access onto Route 2, and that NYSDOT had already issued a driveway permit, a copy of which he provided to the Planning Board. Chairman Oster then opened the hearing for receipt of public comment. Maureen Evers, 379 Brunswick Road, stated that the current lot was zoned A-40, and that a farm stand should be allowable, but felt that this proposed farm stand was too large, and questioned about necessary setbacks. Ms. Evers also stated that the number of items being offered for sale raises the question of whether the farm stand is commercial or agricultural, and whether a zone change would be required. Ms. Evers also raised concerns about traffic, both in terms of volume of cars as well as trucks delivering supplies. Ms. Evers questioned whether the speed limit on this section of Route 2 could be reduced. Ms. Evers concluded that she had no objection in principle to a farm stand at this location, but was concerned that the farm stand was too large and would result in impact on neighbors. Ms. Evers handed up a written comment letter to the Planning Board, which was also signed by Richard Beach. Ken Herrington, 88 Herrington Lane, commented that he was happy to see this piece of property stay in agriculture, stated that if a large barn and other agricultural buildings could be built on the land then he sees no problem with the size of the farm stand and considers it a reasonable compromise for the property, feels that this use would be

good for the neighbors, considers all uses associated with the farm stand to be agricultural oriented, stated that farmers need to start to diversify in order to stay in business, that this use will keep the area rural in character, and as Chairman of the Agricultural Committee of the Rensselaer County Legislature feels that this use is good for the town and the county. Jim Carlisle, 619 Pinewoods Avenue, asked whether there were any future plans for adding other uses to the property, and was also concerned that increased traffic would result in the need for a stop sign or traffic lights at the entrance way. Philip Herrington, Tamarac Road, provided comments both as a resident and business owner in the town as well as Supervisor of the town, stated that the former Welch Farm was prime property and was threatened by residential development, that he had put in effort as Supervisor to keep this location in agricultural and rural character, that he has been trying to maintain commercial uses in town along Route 7 and Route 2 near the intersection with Route 278, that he had worked with the Welch family in trying to keep this property in agriculture even though it was on the market for sale, that he has been pleased to welcome the Engel family to Brunswick, that the Engels had already built their home on the land, that the additional revenue stream from a farm stand would be supportive of that agricultural use, that certainly a majority of the products offered for sale at the farm stand would be grown on the property, that increased car traffic should not be that much of an issue but attention should be made to trucks entering and leaving the site, and concluded that this was one piece of land that the town was concerned about going into a non-agricultural use and is happy that the Engel family will keep it in agriculture. Hearing no further comments, Chairman Oster then closed the public hearing.

The Planning Board then reviewed the draft minutes of the September 2 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the September 2 minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Edward Engel (Engel Farm) for the installation of a farm stand with associated parking at 445 Brunswick Road. Chairman Oster read the full narrative for the site plan application into the record. Chairman Oster stated that the Planning Board wanted to determine all of the proposed uses for the farm stand, and that any action on the site plan would be limited to those activities, and that if there were any additional activities in the future that the applicant would need to come back to the Planning Board with an amended site plan that would be subject to further review. Chairman Oster stated that he had a concern that if baked goods were being offered at the farm stand, that this might eventually lead to a coffee bar or dining area with tables. Mr. Engel stated that he had no intention of having any sit-down dining area. Mr. Engel stated that the size of the farm stand is similar to what he had operated in Colonie, and that he had no room to offer any sit-down dining at all. Member Czornyj raised the question as to whether the bakery use and sale of baked goods was an agricultural use. This is a determination for the Code Enforcement Officer, who has determined that these uses are consistent with the agricultural zone. The Planning Board did discuss sight distances for the access road onto Route 2, noting that the current sign offering the Welch property for sale did limit the sight distance to a degree, but Mr. Kestner stated that upon his initial review, the sight distances should meet the standards for 55 MPH when the sign is removed, subject to his further detailed review. Chairman Oster reviewed items which needed to be added to the site plan, which were then listed by Mr. Kestner as follows: the parking lot should be sized per the Town Regulations for the proposed activities, and shown on the site plan; the septic location should be designed and shown on the site plan; and all stormwater facilities should likewise be shown on the site plan. Also, the NYSDOT curbcut permit will need to be reviewed for purposes of this proposed farm stand use. Chairman Oster asked whether the driveway that has been installed for the home on the property will be wide enough for use in

connection with the farm stand. Mr. Kestner will investigate that issue. Chairman Oster then asked about the anticipated truck traffic, and the truck loading area on the site plan. Mr. Engel stated that he generally utilizes a 16' box truck, and that any larger trucks delivering materials to the site would be very infrequent, and possibly only 5 deliveries per year. Member Czornyj asked about the anticipated business hours for the farm stand. Mr. Engel stated the farm stand would be open from 9:00 a.m. to 6:00 p.m. Monday – Saturday, and 9:00 a.m. to 4:00 p.m. on Sundays. Member Tarbox stated that Mr. Engel should also provide information on the months that the farm stands would be open, noting that there is little or no activity between January and April. Member Tarbox did note that income from a farm stand use needs to be made between May and December in order to be viable. Chairman Oster asked about selling Christmas trees and wreaths at this site. Mr. Engel stated that he was intending on selling Christmas trees and wreaths for additional income, and that would be limited to the holiday season. Member Mainello raised the issue of requiring an asphalt apron for a certain distance off Route 2 onto the gravel driveway. The Planning Board generally concurred, and Mr. Kestner will review the NYSDOT Permit for any asphalt apron requirements. Member Czornyj asked about lighting at the site, particularly for late afternoon and evening hours during the fall and early winter. Mr. Engel stated that there will no pole lights installed, and there would only be fluorescent lights under the awning of the farm stand. Mr. Engel did say he might have temporary lights for Christmas tree sales, but they would not be permanent. Mr. Kestner stated that the information on the proposed lighting should be added to the site plan. Chairman Oster then inquired about the meat sales and delivery of meat products from Oscars Smokehouse in Warrensburg. Mr. Engel stated that he did offer the meat products at his Colonie store, and that all deliveries were made in a 10' refrigerated truck. Mr. Engel stated that the future meat deliveries maybe by UPS on a weekly basis. Chairman Oster asked if this farm stand use would be the same as that which the

Engel family operated in Colonie. Mr. Engel said that it would be the same. Chairman Oster directed Mr. Engel to make the additions to the site plan requested, add the hours of operation and months of operation to the project narrative, and be prepared to respond to the comments raised at the public hearing. Chairman Oster inquired whether a response had been received from Rensselaer County Department of Planning. Mr. Kreiger reports that no response had yet been received, but that the 30 day period for such a response will expire before the October 7 meeting. This matter has been placed on the October 7 agenda for further discussion.

The next item of business on the agenda was the site plan application by Rensselaer Honda for the addition of a fueling station on Hoosick Road. Dan Cleary of Bohler Engineering was present for the applicant. Mr. Cleary stated that he had submitted a revised site plan, showing the addition of a concrete pad in front of the fueling area as well addressing fire department comments. Gus Scifo of the Brunswick No. 1 Fire Department was present at the meeting. Member Czornyj stated that fire suppression should be added to the petroleum tank area, and Mr. Cleary stated that fire suppression is included. The comments of the Brunswick No. 1 Fire Department were reviewed, including the suggestions that no daytime refilling of the storage tank be allowed, and that all refilling of the tank be done in the early morning or late evening; that a key for securing the fuel tank be placed in a Knox box; and that all fire code requirements of Chapter 22 of the New York State Fire Code be complied with. Mr. Kestner also stated that the concrete containment area around the fuel tank should be periodically pumped out or have a drain valve installed since there was no canopy proposed which would shed rain water. Mr. Cleary stated that either a drain valve would be installed, or a schedule for periodic pumping of the containment area would be included. Member Mainello commented on the concrete block barrier in front of the tanks, or whether ballards should be used. Mr. Cleary explained that the concrete containment area around the tank was separate and apart from the additional concrete

barriers used for further protection. The Planning Board was satisfied with the additional concrete block barriers. Chairman Oster asked whether there were any further comments regarding this application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to the following conditions:

1. Strict compliance with all requirements set forth on the site plan.
2. Compliance with comments from the Brunswick No. 1 Fire Department.
3. Compliance with Chapter 22 of the New York State Fire Code.

The motion was seconded by Member Christian. The motion was unanimously approved, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the site plan application by ECM Land Development, LLC in connection with the Duncan Meadows Planned Development District. Francis Bossolini, PE and Mike Pigliavento were present for the applicant. Mr. Bossolini reviewed the procedural history of the PDD application, which was approved by the Town Board. Mr. Bossolini presented an overview of the project and site layout. This project includes 50 senior apartments, 88 condominium style units, and 78 townhome style units. Mr. Bossolini explained that all of the condominium style units and townhome style units will be within condominium ownership, and that the condominium association would own all of the common areas on the site, all internal roads and parking areas, and all stormwater facilities. Mr. Bossolini generally reviewed the public water and public sewer design for the project. Mr. Bossolini also generally reviewed the proposed stormwater plan for the project. Mr. Bossolini stated that he had been in initial discussion with the Brunswick No. 1 Fire Department on the layout of the project, and would send a set of the current plans to the fire department for review. Mr. Bossolini also generally reviewed the recreational field component of the project, that grading work would start

on this recreational area shortly, and that the project called for the recreational field and associated parking and concession area to be transferred to the town. Mr. Bossolini also reviewed the pedestrian connection along McChesney Avenue Extension and McChesney Avenue. Member Czornyj commented that the pedestrian connection did not go all the way to the end of the applicant's property along McChesney Avenue Extension. Mr. Kestner stated that the extension of the pedestrian connection would be part of a long range planning effort by the town, also in connection with the Sugar Hill Apartments and Highland Creek PDD project. Mr. Bossolini did state that the area north of McChesney Avenue Extension was not included within the PDD site, and a subdivision application to subdivide that acreage off the balance of this site would be submitted. Mr. Bossolini also said that a subdivision application would be submitted in connection with the area of the recreation field. Mr. Bossolini and Mr. Pigliavento then generally reviewed building elevations, both for the condominium style units as well as the townhouse style units. The Planning Board generally discussed the building elevations, most particularly the 8-unit condominium style buildings, and made several suggestions for improvements to the exterior of the buildings. Mr. Bossolini stated that they have not yet prepared any plans for the senior apartments, and may propose that the senior apartment phase of this project be reviewed after the condominium phase. This matter has been placed on the October 7 agenda for further discussion.

One item of new business was discussed.

An application will be submitted by Charles Farrell, Farrell Homes for a proposed 22-lot subdivision on property at the intersection of Town Office Road and McChesney Avenue Extension. Brian Holbriiter presented a concept plan to the Planning Board for initial discussion. The proposed lots range in size from 1.5 acres up to 4.8 acres. A new subdivision road is being proposed, with all lots accessing off the new subdivision road except one lot, which will have

access directly off Town Office Road. The new subdivision street will be approximately 2,200' in length. Army Corps of Engineers wetlands have been delineated, and generally shown on the concept plan. Private water and private septic is being proposed. The applicant will submit a major subdivision application. This matter has been adjourned without date, pending submittal of the major subdivision application and fees.

Chairman Oster informed the Board that he had been contacted by Sharon Lawrence of the Averill Park Central School District, inviting a representative of the Brunswick Planning Board to participate in a long range planning task force to review school facilities for the Averill Park District. Chairman Oster noted that representatives from the Poestenkill Planning Board and the Sand Lake Planning Board had also been invited. The long range planning task force is described as a 19 person task force, which will work for approximately 6-8 months reviewing school facilities within the Averill Park District. Participation was strictly on a volunteer basis. Chairman Oster did note that he had discussed this with the Chair of the Poestenkill Planning Board, and that the Poestenkill Planning Board was not intent on having anyone participate, rather would provide information on current and anticipated projects in Poestenkill which could have an impact on school facilities. Upon discussion, the Brunswick Planning Board determined to take the same course, and inform the Averill Park District that it would not be participating as a member of the task force, but would provide any requested information concerning current and anticipated projects in Brunswick which could impact the Averill Park Central School District. Chairman Oster will send correspondence to Ms. Lawrence to that effect.

The **index** for the September 16, 2010 meeting is as follows:

1. Engel Farm – site plan – 10/7/10;
2. Rensselaer Honda – site plan – approved subject to conditions;
3. Duncan Meadows Planned Development District – site plan – 10/7/10;

4. Oakwood Property Management, LLC – referral from Zoning Board of Appeals – adjourned;
5. Farrell Homes – major subdivision – adjourned without date.

The **proposed agenda** for the October 7, 2010 meeting currently is as follows:

1. Engel Farm – site plan;
2. Duncan Meadows Planned Development District – site plan.