

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

**MINUTES OF THE PLANNING BOARD MEETING HELD October 7, 2010**

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN, FRANK ESSER, VINCE WETMILLER and DAVID TARBOX.

ABSENT was KEVIN MAINELLO.

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 September 16, 2010 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes were unanimously approved without amendment.

The first item of business on the agenda was the site plan application by Engel Farm to install a farm stand with associated parking located at Route 2, 445 Brunswick Road. Chairman Oster noted for the record that the public hearing had been held at the September 16 meeting, and certain comments had been raised concerning the application. Chairman Oster noted that the applicant had submitted a revised project narrative to address the public comments. Edward Engel of Engel Farm reviewed the revised narrative and response to public comments. Concerning hours of operation of the farm stand, Mr. Engel noted that the hours are Monday through Saturday 9:00 to 6:00 p.m., and Sunday 9:00 to 4:00 p.m. The projected months of operation for the farm stand will be April through December. Chairman Oster wanted it noted for the record that these hours of operation apply only to the farm stand, and not the agricultural activities on the property. Member Czornyj noted that the site plan map still refers to the

property as “Lands of Welch”, and that this must be amended to show the current owner as Engel. Chairman Oster noted that Mr. Engel had submitted a letter from NYSDOT, allowing the driveway to be widened to 24’, which will provide better access for the farm stand use. Chairman Oster wanted to confirm that there were no zoning issues on this application. Mr. Kreiger stated that all proposed uses associated with the farm stand are consistent with the agricultural zoning district. Chairman Oster also noted that the sight distances are not listed on the current revised site plan, but that they had been listed on the previous version of the site plan, and that the sight distances do need to be added to the final site plan. Chairman Oster also noted that the parking lot area had been noted on the prior version of the site plan, and must be added to the final site plan. Member Czornyj stated that he approves of the traffic pattern for cars and trucks as shown on the revised site plan. Member Czornyj asked whether an asphalt apron off of Route 2 onto the access driveway should be shown on the site plan. Mr. Kestner noted that this was a requirement under the NYSDOT Permit. Nonetheless, a note will be added to the final site plan stating that an asphalt apron is required pursuant to the NYSDOT Permit. Chairman Oster noted that public comments concerning lighting had been addressed, and that all light fixtures for this project will include down lighting to prevent light spillage. Chairman Oster confirmed with Mr. Kreiger that a response to the General Municipal Law referral to Rensselaer County Planning had been received, and that the County Planning Department indicated that the project did not conflict with County plans and that local consideration shall prevail. The Board noted that the septic location had been placed on the site plan map, and confirmed that one well will service both the home and the farm stand. Member Wetmiller had a question regarding the septic location. Mr. Engel’s engineer explained that the septic location was a result of a knoll on the property, and that given the site grades, the design is for a gravity system without the need for any pumping.

Chairman Oster noted for the record that the comment letter of Evers had been addressed and responses included in the revised narrative submitted by Engel. Chairman Oster inquired whether there were any further comments or questions by the Board. 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 Tarbox made a motion to approve the site plan subject to the following conditions:

1. Modification to the final site plan map to include "Lands of Engel" as the current owner of the parcel, addition of the parking area to the site plan map, addition of the sight distances from the access driveway onto Route 2, and a note added indicating that an asphalt apron is a requirement pursuant to the NYSDOT Permit.
2. Rensselaer County Health Department approval for water and septic.

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

The second item of business on the agenda was the Duncan Meadows PDD site plan. Francis Bossolini, PE appeared for the applicant. Mr. Bossolini stated that he wanted to continue the discussion with the Planning Board concerning the site layout and architectural concepts, and stated that a revision to the 8-unit townhouse buildings had been made to address Planning Board comments and presented a new proposal to include two 4-unit buildings instead of one 8-unit building. The Planning Board generally regarded this as an improvement to the overall design of the project, and an improvement to the aesthetic appearance of these buildings. Mr. Bossolini stated that he had submitted a full Stormwater Pollution Prevention Plan to Mr. Kestner for review, which include various stormwater techniques to address stormwater compliance. Mr. Bossolini stated that he had received a letter dated October 4, 2010 from the Brunswick Fire

Company No. 1, and that he will be reviewing that comment letter and address the same on the site plan. Also, Mr. Bossolini stated that his office still needed to respond to technical comments of Kestner Engineering. Mr. Bossolini stated that he would set up a meeting with the Brunswick No. 1 Fire Department and Mr. Kestner to review these comments. Gus Scifo of the Brunswick No. 1 Fire Department was present and reviewed the comments in the Department's October 4 letter. The issue of a helicopter pad was raised, focusing on Comment No. 2 of the Fire Company's October 4 comment letter recommending that a 50' x 50' square paved helicopter pad be included within the parking area of the football field. The Planning Board had several comments and concerns on this recommendation, including maintenance of the paved area in the winter, the size of a helicopter pad, the fact that the Town would own the property and who would be responsible for future maintenance and potential liability issues, the size of the paved area in terms of kicking up gravel while helicopters are landing and taking off, and whether a helicopter pad at this location should be included. Mr. Scifo did indicate that these are simply recommendations of the Fire Department, and would be subject to further discussion and review. The location of fire hydrants were discussed, including the need to include bump-out for hydrant locations due to the fact that the internal roads for the project are 20' wide, with 2' paved wing gutters. Member Czornyj inquired about the senior housing apartment location and whether sidewalks would be included to the senior apartments. Mr. Bossolini stated that the current site plan application did not include the senior apartments, although the senior apartments were included in the PDD, and that an application for the senior apartment construction would be submitted in the future. There was discussion concerning the use of crosswalks on McChesney Avenue Extension, and the need to paint the crosswalks both on McChesney Avenue Extension and any walking areas on the internal project road system. Member Tarbox questioned the sight

distances regarding the entrances on McChesney Avenue Extension. Mr. Bossolini stated that the sight distances had been measured and were compliant with applicable standards and approved as part of the PDD approval. Member Tarbox also stated that it appeared the condominium buildings were very dense in the area behind the proposed football field with the access directly off of McChesney Avenue. Mr. Bossolini stated that the buildings have a minimum 60' separation, and the density was designed to keep maximum open greenspace. Mr. Kreiger stated that he would check compliance with applicable setback requirements for these buildings. Member Esser stated that he felt the interior roads on the project should be wide enough for bikers/walkers. Member Czornyj noted that there were no internal sidewalks to the project. Mr. Bossolini stated that there were no sidewalks proposed for the interior road system, but that the traffic for this project on the interior road systems is anticipated to be very light and that walkers would be able to walk on the shoulder of the road. On that issue, the Board discussed whether the interior roads should be wider than 20' with 2' wing gutters. A recommendation was made that the wing gutter on one side of the road could be widened to 4', and painted as a pedestrian walk area. Member Tarbox asked whether any on-street parking was included. Mr. Bossolini stated that there was limited on-street parking included for guests, but that the project had been designed for two parking spaces per unit, not including the space in front of the garage doors for each unit. The issue of requisite parking for both residents and guests will be further discussed by the Board. The Board inquired about the single Duncan lot on the corner of McChesney Avenue and McChesney Avenue Extension. Mr. Bossolini confirmed that that area was not included in the sale to his client, and was not part of the PDD project. Member Czornyj asked whether the project owner would be deeding land to Rensselaer County for the McChesney Avenue Extension widening for the walkway. Mr. Bossolini stated that no property would be

deeded to the County as work in widening the road for pedestrian access will be preformed within the existing right-of-way. This matter has been placed on the November 4 agenda for further discussion.

One item of old business was discussed.

The waiver of subdivision application submitted by Berkshire Properties, LLC for property owned by Ian Baumes located at 44 Betts Road was discussed. William Doyle, Esq. appeared for the applicant. Attorney Doyle confirmed that an area variance had been granted by the Brunswick Zoning Board of Appeals concerning the resulting substandard lot. It is noted for the record that the Planning Board had provided the Zoning Board of Appeals with a positive recommendation on the issuance of such area variance. Attorney Doyle reviewed the status of the application, and that the matter was now fully submitted for consideration by the Planning Board for waiver of subdivision. Member Wetmiller wanted to confirm that the property to be transferred by Baumes to Berkshire Properties, LLC would be merged into the remaining lands of Berkshire Properties, LLC. Attorney Doyle confirmed that such merger would occur, and that this property would become part of the proposed Berkshire Properties Planned Development District application. Chairman Oster inquired whether there were any further comments or questions. Hearing none, Member Czornyj 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. Thereupon, Member Czornyj made a motion to approve the waiver subdivision application subject to the condition that the property to be transferred to Berkshire Properties, LLC be merged into the remaining lands of Berkshire Properties, LLC. Member Esser seconded the motion subject to the stated condition. The motion

was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

Four items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Fred Fowler for property located at 14 South Lake Drive. Attorney Doyle generally reviewed the proposal, which is in the nature of a lot line adjustment. This matter will be placed on the October 21 agenda for further discussion.

The second item of new business discussed was a proposal by R. MacCrone for property located at 71 Dearstyne Road. It was noted that Mr. MacCrone had obtained a waiver of subdivision for this property several months ago. Mr. MacCrone is now reporting that he is looking to revise that project, with the goal of maintaining a small portion of land to build a smaller house for he and his wife, and be able to sell the remainder of the property. Mr. MacCrone generally discussed his proposal, noting that a formal application had not yet been submitted. There was discussion as to whether the project would constitute a waiver of subdivision or minor subdivision, and whether there would be 3 resulting lots. Mr. MacCrone indicated that he would coordinate with Mr. Kreiger on the appropriate submittal, and a proper application and fee would be submitted. This matter has been tentatively placed on the October 21 agenda in the event the proper application and fee have been submitted.

The third item of new business discussed was a waiver of subdivision application by Michael Hennessey for property located at 425 Moonlawn Road. Upon review, the Planning Board determined that two adjacent parcels were looking to exchange equal size pieces, with the resulting two lots maintaining the same size but have a different configuration. It was determined that each lot owner would need to submit a waiver of subdivision application, since a portion of

each lot would be divided and transferred. Mr. Kestner stated that the well and septic locations should be shown on the subdivision map. It was determined that this location had public water, but that each had private septic and that their location should be shown on the map. This matter has been placed on the October 21 agenda for discussion.

The fourth item of new business discussed was a waiver of subdivision application by Precision Homes for property located at 23-25 Riccardi Lane. Again, the applicant is looking to exchange land on two adjacent building lots, with the resulting lot sizes being the same but having a different configuration. In this case, the owner is looking to widen road frontage on a flag lot. This matter has been placed on the October 21 agenda for further discussion.

The Planning Board generally discussed the status of the Oakwood Property Management, LLC appeal before the Brunswick Zoning Board of Appeals, and the ZBA's referral of that appeal to the Planning Board for review and recommendation. It was determined that the Planning Board would further consider that review and recommendation subject to any action by the Town Board on this matter at the Town Board's October 14 meeting.

The Planning Board generally discussed the status of the Reiser Bros. site plan application, and the status of the special use permit in front of the Brunswick Zoning Board of Appeals. The Planning Board determined that a written referral from the Zoning Board of Appeals is requested before the Planning Board prepares a recommendation on the special use permit.

The **index** for the October 7, 2010 meeting is as follows:

1. Engel Farm – site plan – approved with conditions;
2. Duncan Meadows Planned Development District – site plan – 11/4/10;

3. Berkshire Properties, LLC/Baumes – waiver of subdivision – approved with condition;
4. Fowler – waiver of subdivision – 10/21/10;
5. MacCrone – waiver/minor subdivision – 10/21/10 (tentative);
6. Hennessey – waiver of subdivision – 10/21/10;
7. Precision Homes – waiver of subdivision – 10/21/10.

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

1. Fowler – waiver of subdivision;
2. Hennessey – waiver of subdivision;
3. Precision Homes – waiver of subdivision;
4. MacCrone – waiver/minor subdivision (tentative).