

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

**MINUTES OF THE PLANNING BOARD MEETING HELD November 18, 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 agenda for the November 18 meeting. Chairman Oster noted that a public hearing had been scheduled for the minor subdivision of Fatone for property located on NY Route 2 and Pinewoods Avenue. The Town has received information that the contract by which Fatone was to purchase this property has been cancelled by the Seller, Welch. Fatone has ceased to be a contract vendee of the subject property. Chairman Oster noted this for the record, and as Fatone is no longer contract vendee of the subject property, Chairman Oster cancelled the public hearing and noted that the application will not be further acted upon. In the event that Welch and Fatone further negotiate a purchase contract, further application to the Planning Board may be made at that time.

The Planning Board thereafter held a public hearing on the site plan and minor subdivision application submitted by ECM Land Development concerning the Duncan Meadows Planned Development District. The Notice of Public Hearing was read into the record, and it was noted that such notice had been published in the Troy Record, placed on the Town website, posted on the Town sign board, and mailed to all adjacent property owners. Francis Bossolini,

PE was present for the Applicant. Mr. Bossolini presented an overview of both the minor subdivision application and site plan application. Mr. Bossolini noted that there had been minor changes made to the site plans, adding details with respect to sidewalks and walking paths, and also fire apparatus access in parking and driveway areas. Mr. Bossolini noted that he had received a further comment letter from the Brunswick No. 1 Fire Department dated November 18, 2010 and would review and respond to such comments. Mr. Bossolini commented that the proposed helicopter pad in the parking lot to the recreation field, and specifically the issue of whether such pad would be paved, was an issue for the Town of Brunswick as the Applicant could not commit to paving any area of the parking lot for the recreation field. The Applicant will prepare a gravel parking lot in conjunction with the recreation field construction, but will not commit to paving any area within that parking lot. Thereupon, Chairman Oster opened the floor for receipt of public comment. Johanna Di Rosie, 7 Riccardi Lane, stated that the intersection of Riccardi Lane and McChesney Avenue was difficult, and should be further studied. Ms. Di Rosie stated that the addition of a sidewalk area along McChesney Avenue Extension was a good idea, but wondered whether the sidewalk would be continued on McChesney Avenue. Mr. Bossolini commented that ECM Land Development was constructing the sidewalk areas on McChesney Avenue Extension, and it was his understanding that the Town was going to be pursuing discussions with other property owners/applicants in terms of extending a sidewalk area from McChesney Avenue Extension along McChesney Avenue to WalMart and Price Chopper. Further, Mr. Bossolini stated that the traffic study for this project was addressed in the Environmental Impact Statement, and all identified intersections have been examined. Mr. Kestner stated that the sight distances from Riccardi Lane onto McChesney Avenue were examined as part of the Brunswick Manor major subdivision, but that he would further review

that issue with the Highway Superintendent in light of the comment. Jim Tachik, 387 Brunswick Road, inquired into the sidewalk locations for the Duncan Meadows project. Mr. Bossolini stated that the sidewalks would be constructed on McChesney Avenue Extension. Paul Warren, 142 McChesney Avenue, stated that he already had an existing flooding problem coming off the land that is part of the Duncan Meadows project, and was concerned that the construction of a road would only increase the water runoff and impact his property. Mr. Kestner noted the comment, which had likewise been made during the Duncan Meadows PDD review, and that to address that comment a stormwater basin had been included and designed to transmit water away from the Warren parcel. Mr. Bossolini reviewed the stormwater plan, and noted that the post-construction runoff near Mr. Warren's property will be significantly mitigated and reduced from pre-construction conditions due to the addition of the stormwater basin and plan to direct stormwater flow. Tim Bollinger, 446 McChesney Avenue Extension, raised several questions concerning the traffic study. Mr. Bollinger stated that the McChesney Avenue/Route 7 intersection already is a problem, and will become much more of a problem if the Duncan Meadows projected traffic is added to that traffic flow. Mr. Bollinger also noted that the recreation field would now be owned by the Town, and taken off the Town tax rolls. Mr. Bossolini commented that the traffic study undertaken for the Duncan Meadows PDD did examine the McChesney Avenue/Route 7 intersection, and did take a cumulative analysis in terms of projected traffic not only from the Duncan Meadows project but also from the Sugar Hill Apartments and the proposed Highland Creek project on McChesney Avenue Extension. Attorney Gilchrist noted that the traffic study had been referred to the Rensselaer County Highway Department, and such department did not object to the traffic analysis. Mr. Maly, 5 Riccardi Lane, raised a question regarding the location of the recreation field and buildings in

relation to his property. Denise Kuhl, 170 McChesney Avenue, raised a question regarding the completion of the recreation field and transfer to the Town. Michael Medved, 7 Riccardi Lane, had questions concerning the recreation field, whether the field would include lights, and questions regarding the adequacy of parking for the recreation area. Chairman Oster inquired whether there were any further comments from the public. Hearing none, Chairman Oster noted that the Planning Board would keep the public hearing open since there had been minor modifications to the site plan after the time the original notice of public hearing had been published, and therefore the public hearing is left open and adjourned at this time.

The Planning Board then opened the regular business meeting.

The first item of business on the agenda had been the Fatone minor subdivision application. Given the cancellation of the purchase contract by the Seller, Welch, this matter has been removed from the agenda.

The next item of business on the agenda was the Duncan Meadows PDD site plan and minor subdivision application. Chairman Oster repeated that the public hearing remains open and adjourned, and that the public hearing must be closed before there is any final action to be taken on either the site plan or minor subdivision application. Further, Chairman Oster directed that Mr. Bossolini file the updated site plan map with the Building Department. Chairman Oster also reviewed the status of the escrow account established by ECM Land Development for engineering and legal review. Mr. Bossolini stated that he had reviewed this issue with the Applicant, and the Applicant will be addressing that issue. Member Czornyj identified the November 18, 2010 comment letter from the Brunswick No. 1 Fire Department. Mr. Bossolini confirmed that he received that comment letter today, and is planning to meet with the Brunswick No. 1 Fire Department again to address the remaining outstanding comments.

Member Czornyj thought that the most significant issue in the comment letter is the turnarounds for vehicle flow in the site. Mr. Bossolini stated that the turnaround area was part of the updates to the site plan and that he feels the traffic flow including the turnaround areas are compliant with State Code requirements. Chairman Oster wanted to make sure that all the items identified in the Fire Department's November 18 correspondence were on the record. Item No. 1 of the Fire Department's November 18 comment letter addresses the area for the backing out of vehicles from all of the buildings on the site plan. Mr. Bossolini was of the opinion that the current configuration is compliant with the New York State Code requirements, and there does appear to be a difference of opinion concerning code requirements. Mr. Kestner stated that there appears to be different opinions by the Applicant, the Fire Department, and the New York State Fire Code Compliance Office, and suggests that a meeting be set up to address this issue. Item No. 2 in the Fire Department's November 18 comment letter addresses the proposed helicopter pad in the parking area for the recreational field. Outstanding issues include size of any helicopter pad and whether such pad should be paved. Member Christian raised the issue of whether a helicopter landing area should be included at all. Member Tarbox agreed, stating that the Planning Board should consider whether a helicopter landing pad should be included at all. The Planning Board generally determined that this issue should be addressed by the Town Board, given the future transfer of ownership of the recreation area to the Town, and that the Planning Board will take direction from the Town Board on this issue. Attorney Gilchrist was directed to prepare a referral letter to the Town Board to address this issue of whether a helicopter pad should be included in the site plan for the recreation area. Steve Wilson of the Brunswick No. 1 Fire Department spoke to the need for a helicopter landing area, noting problems with landing a helicopter at either the WalMart or Price Chopper parking lot with pedestrians and cars, having the ability to land the

helicopter in an area that does not have light poles, and landing a helicopter in an area that is not populated. A member of the public, Tom Gallagher, also commented to the need for a helicopter landing pad. The Planning Board stated that this issue will be referred to the Town Board for consideration. There was a third item noted in the Fire Department's November 18 comment letter, also addressed traffic flow, which was addressed by the Planning Board. This matter has been placed on the December 2 Planning Board agenda for further discussion. Mr. Kestner reiterated that he is looking for additional information from Mr. Bossolini concerning the project entrance on McChesney Avenue.

The next item of business on the agenda was the Berkshire Properties PDD recommendation by the Planning Board. Pursuant to the discussion held at the November 4 meeting, a draft resolution to update the recommendation on the Berkshire Properties PDD application had been prepared. The Planning Board reviewed the update to the recommendation. Upon motion of Member Czornyj, seconded by Member Wetmiller, a resolution updating the recommendation of the Planning Board on the Berkshire Properties PDD application was unanimously approved.

The next item of business on the agenda was the referral from the Brunswick Zoning Board of Appeals concerning special use permit application by Reiser Bros. Inc. concerning the proposed filling station in connection with the pending site plan application for property located at the corner of NY Route 2 and NY Route 278. Based on the discussions held at the November 4 Planning Board meeting, a draft recommendation on the special use permit application was reviewed by the Planning Board. Upon motion by Member Czornyj, seconded by Member Christian, the recommendation on the special use permit application for the filling station in connection with the Reiser Bros. Inc. site plan application was unanimously approved. Scott

Reese was present for the Applicant, and presented a written response dated November 18, 2010 responding to comments made at the initial public hearing on the project. Jim Gardiner, 11 Brookhill Drive, was present at the meeting and asked to be heard. Chairman Oster noted that the public hearing on the site plan application remains open but has not been noticed for tonight's meeting. Member Esser noted that he had requested Mr. Gardiner to come to the meeting, specifically on the issue of the proposed berm between the site plan property and the lots in the Brookhill Subdivision. Chairman Oster allowed Mr. Gardiner to present comments. Mr. Gardiner stated that he had no issue whatsoever with the placement of the berm in its proposed location, that he had worked with Henry Reiser on both the berm location and construction, and that with the berm addition Mr. Gardiner has no problem with the Reiser site plan. Chairman Oster instructed the Applicant that there remains outstanding escrow deposit obligations, and informed Mr. Reiser that no further work will be done in this matter without further escrow filed by the Applicant.

The next item of business on the agenda was the site plan application by Oakwood Property Management, LLC for property located on Oakwood Avenue. Mr. Kestner formally recused himself from consideration of this application. Scott Reese and Terresa Bakner, Esq. were present for the Applicant. Attorney Bakner reviewed both the site plan application as well as the Petition to Rezone two adjacent parcels, currently pending before the Brunswick Town Board. With respect to the Petition to Rezone parcels, Attorney Bakner explained that both parcels were owned by Oakwood Property Management, LLC, and the petition seeks to rezone two parcels (Tax Map Parcels 90-1-12.2 and 90-1-13.1), referred to as Parcels 12 and 13. Attorney Bakner explained that the Applicant seeks to rezone these parcels to B-6, and has included a 101' buffer adjacent to the North Forty Subdivision. Attorney Bakner reviewed the

allowable uses in the B-6 under the Brunswick Zoning Ordinance, both principal uses as well as special permit uses. Attorney Bakner noted that the neighbors in the North Forty Subdivision requested that there be no filling station allowed on these parcels, even though a filling station is a special use permit use in the B-6 zone, and that the Applicant has consented to eliminating the filling station as an allowable special permit use. Attorney Gilchrist generally reviewed several pending matters on Oakwood Property Management, which include the site plan application before the Planning Board, rezone petition before the Brunswick Town Board, waiver of subdivision application before the Planning Board concerning the proposed transfer of property to Murray, as well as SEQRA coordination on these applications with the Brunswick Town Board. Attorney Bakner generally discussed the pending application for waiver of subdivision to allow Oakwood Property Management to transfer property to Murray, an adjoining property owner in the North Forty Subdivision. Chairman Oster, upon discussion by the Planning Board members, stated that such application would be continued to be reviewed as a waiver application by the Planning Board. Two waiver applications will be needed, as the proposed transfer includes portions of Parcel 12 and Parcel 13. Chairman Oster also noted for the record that he is in receipt of two letters dated November 18, 2010 from Donald Zee, P.C., and also a written memorandum from Attorney Bakner dated November 17, 2010, which responds to several inquiries by the property owners in the North Forty Subdivision. Attorney Bakner then generally reviewed the site plan application, which seeks amendment of the existing site plan for Tax Map Parcel 90-1-14, as well as site plan approval for Tax Map Parcel 90-1-15, with each parcel generally referred to as Parcels 14 and 15. Attorney Bakner noted that Parcel 14 is owned by Oakwood Property Management, LLC, while Parcel 15 is owned by Empire Land Holdings, LLC with Oakwood Property Management, LLC having the right to conduct operations on

Parcel 15. Attorney Bakner generally discussed the reorganization of operations on Parcel 14 and relocation of some of the operations currently being conducted on Parcels 12 and 13 onto Parcel 15. Attorney Bakner generally discussed the proposed site plan layout of operations both with respect to Parcel 14 and Parcel 15. Member Esser noted that the site plan drawing appeared to be a free hand drawing, and Mr. Reese stated that there was a computer conversion now available, and the same was provided to the Planning Board. Member Czornyj noted that a 50' setback has been shown on Parcel 15, but has not been continued and shown on Parcel 14. Attorney Bakner confirmed that the 50' setback is not shown on Parcel 14, and the Applicant will seek a waiver. Attorney Bakner explained that Oakwood Property Management, LLC was trying to maximize the use of Parcel 14, since Oakwood Property Management was reducing operations from Parcels 12 and 13 and relocating them onto Parcel 15. Attorney Bakner generally explained the existing operations on Parcel 14. The Planning Board generally discussed the site plan, including operations on Parcel 14, the location of fuel storage on Parcel 14, the proposed culvert connecting Parcels 14 and 15, lighting, total number of vehicles and other equipment to be stored on Parcels 14 and 15, vegetative screening and buffering. The Planning Board generally discussed the need to do a site visit to better familiarize themselves with existing operations, which will aid in the ongoing site plan review. Member Mainello inquired as to the reduction in operations from those currently existing on Parcels 12 and 13 which will be relocated onto Parcel 15, as well as ongoing operations on Parcel 14. The Applicant stated that the total current operations on Parcel 14, and on Parcels 12 and 13, total approximately 16 acres, and that the proposed utilization of Parcels 14 and 15 will reduce the total operations to approximately 5 acres. Member Tarbox asked if there would be any mulching operations relocated to property owned by Gallivan on Deepkill Road. Sean Gallivan stated that only farming operations are

occurring on Deepkill Road, and that he has no plan to move any mulching operations to Deepkill Road. Member Tarbox stated that the Planning Board should look at the mulching operations currently going on at the site during the site visit. Member Mainello also inquired as to the closest residence in the North Forty Subdivision to the proposed operations. It was noted that the adjoining property owners to the north adjacent to Parcel 15 is property owned by National Grid. The Applicant stated that operations will be moved farther away from the residences in the North Forty Subdivision from current operations. Attorney Bakner also reviewed a proposed stabilization plan for Parcels 12 and 13, and also generally discussed deed restrictions which will be added to wetland areas on the property. This matter has been placed on the December 2 agenda for further discussion.

The minutes of the November 4 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Tarbox, the minutes were unanimously approved without amendment.

The **index** for the November 18, 2010 meeting is as follows:

1. Fatone – minor subdivision – withdrawn;
2. Duncan Meadows PDD – site plan and minor subdivision – public hearing held open – 12/2/10;
3. Berkshire Properties PDD – recommendation to Town Board;
4. Reiser Bros. Inc. – recommendation to Zoning Board of Appeals;
5. Oakwood Property Management, LLC – site plan and rezone petition – 12/2/10.

The **proposed agenda** for the December 2, 2010 meeting currently is as follows:

1. Duncan Meadows PDD – site plan and minor subdivision;
2. Oakwood Property Management, LLC – site plan and rezone petition.