

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

**MINUTES OF THE PLANNING BOARD MEETING HELD January 21, 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 Planning Board reviewed the draft minutes of the January 7, 2010 meeting. Upon discussion by the Planning Board, the draft minutes of the January 7 meeting are to be amended to clarify with respect to the Brooks Heritage Subdivision that as a result of issues raised by the Rensselaer County Department of Health, the Brooks Heritage major subdivision shall be reduced by 2 lots, and the adjacent 3 lot subdivision shall be reduced by 1 lot. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the January 7, 2010 meeting were unanimously approved as amended.

The first item of business on the agenda was the major subdivision application by Brooks Heritage, LLC for property located on Dusenberry Lane and Bald Mountain Road. William Doyle, Esq. appeared on the application. Attorney Doyle updated the Planning Board concerning the septic design for the subdivisions. Attorney Doyle first clarified that as a result of issues raised by the Rensselaer County Health Department, a total of 3 lots have been lost between both the Brooks major subdivision and the 3-lot subdivision owned by Brooks located on adjacent property on Route 142. The Brooks major subdivision plan has been reduced from 27 lots to 25

lots, and the existing adjacent 3-lot subdivision owned by Brooks has been reduced from 3 lots to 2 lots. Attorney Doyle will amend the 2 subdivision maps and per a request from Mark Kestner will consecutively number the lots. The Board has already been provided with the plans showing a 25 lot subdivision with the lot line adjustments. Another set of plans will be prepared showing the re-engineered septic systems. Attorney Doyle stated that Harold Berger, P.E. has been retained by Brooks to assist on the septic plan for this project and is working with Lansing Engineers. Attorney Doyle requested that this matter be placed on the February 4 agenda for further discussion. Member Czornyj requested that amended plans be provided to the Board at least 1 week prior to the meeting. Member Tarbox then raised the issue of the timeframe for submission of a final plat and whether the applicant will require an extension. Attorney Doyle advised that the applicant will need an extension and that he will speak to Attorney Gilchrist concerning that extension prior to the February 4<sup>th</sup> meeting.

The second item of business on the agenda was the subdivision and site plan applications submitted by Reiser Bros. for the proposed Brunswick Farms commercial project on Route 2/Route 278. Henry Reiser, John Reiser, and Scott Reese appeared on the application. Henry Reiser updated the Board on his discussions with NYSDOT. Henry Reiser also discussed with the Planning Board his continued discussions with NYSDEC concerning grading and removal of material from the site, and his request for clarification of the letter received from NYSDEC dated December 21, 2009 regarding the applicability of the MLRL construction exemption.

In response to his request for clarification, Henry Reiser advised that he had received an email from Al Hewitt at NYSDEC which stated that while construction work had to be started on Phase I within six (6) months of receiving the construction exemption, the phase did not have to

be completed before grading work could be started on phase II. Once construction was started on phase I, the applicant will have 2 years to complete that phase.

Mark Kestner advised that he had spoken with Al Hewitt, who told Mr. Kestner that he [Hewitt] thinks the project meets the criteria for an MLRL construction exemption. Mr. Hewitt still wants a letter from the Rensselaer County Department of Health.

Mr. Kestner then asked the applicant about the status of the septic system design for the project. Henry Reiser advised that Harold Berger was working on two alternate systems, namely a sand filter and discharge system and an in-ground system. According to Mr. Reiser, the Department of Health wants soil borings and a report from a soils engineer in the event the applicant opts for an in-ground treatment system. According to Mr. Reiser, Harold Berger is inclined to utilize a sand filter system. Accordingly, they will complete the necessary testing and boring to see if the site can support the sand filter system. Mr. Reiser further stated that the Department of Transportation had advised him orally that the Department would approve Mr. Reiser's request to discharge the effluent into the Department of Transportation ditch. Mr. Kestner asked whether the Department of Transportation was okay with the sand filter effluent and stormwater drainage draining through a single pipe. He then suggested that Henry Reiser clarify and ensure that the DOT understands that the proposal is to discharge the sand filter (sanitary) effluent into the ditch.

Henry Reiser indicated that the DOT engineer had approved the proposed curbcuts, but had not yet addressed the applicant's proposal to regrade around the DOT ditch.

Mr. Kestner then stated that he wanted some assurance that the steep bank in the back is appropriately stabilized, and that stormwater coming down off the bank is controlled.

Scott Reese advised that he will put together a package for the Planning Board's preliminary review, which would contain correspondence and email from Al Hewitt at NYSDEC concerning the construction exemption, as well as the necessary County DOH and DOT approvals. The applicant is hoping to submit this package of materials for preliminary approval by the next Planning Board meeting and has asked to be placed tentatively on the Planning Board meeting of February 4, 2010. Mr. Reese further advised that the Board will have new sets of plans in advance of the next Planning Board meeting. Member Tarbox requested that the plans show what the proposed buildings will look like. Mr. Reese indicated they would resubmit the renderings.

Finally, John Kreiger indicated that there is public interest already in the project, and at least one person has already had questions and is concerned about the bank at the back of the project.

The third item of business on the agenda was the application of Brunswick Associates of Albany, LP to amend the Brunswick West (aka Brunswick Woods) Apartments Planned Development District ("PDD") to allow for the construction of additional apartment units. Tim Owens appeared on behalf of the applicant, as well as did a representative from Hershberg and Hershberg. Chairman Oster advised Mr. Owens that the Planning Board had received a letter from the Brunswick No. 1 Fire Company. Mr. Owens then reviewed the letter and advised the Planning Board that most of the Fire Department's concerns will be addressed and agreed to. In particular, Mr. Owens advised that with respect to the disabled parking at Building C that the failure to depict that disabled parking was an oversight on the applicant's part. He then indicated that the lower level units are fully handicapped accessible, and there are no stairs or steps to the first floor units.

With respect to the building height, Mr. Owens advised that the buildings will be 40 feet or less at the gable end, and that the buildings are the same height as those at The Glen. With respect to the fire hydrants, the plan will show that all fire hydrants between 500-600 feet apart. With respect to the road width issue, Tim Owens explained they are proposing to construct 24 feet wide road with 1 foot wing gutters on either side, though that is not currently shown on the plans.

Mr. Owens stated that the buildings are all fully sprinklered as are the exterior balconies, like The Glen. In addition, there are Knox boxes on every building, and that the 5 inch Storz hydrant preferred by the fire company is acceptable to the applicant.

With respect to the concerns that the Fire Department has with Building F, Mr. Owens would like to have some clarification as to what the actual concerns of the Fire District are. With respect to the entrance to that building, he does acknowledge that the radius is less than 26 feet wide and, therefore, the applicant is willing to eliminate or reduce the decorative island. He further advised that a 28 foot radius will be maintained throughout the project.

With respect to the concerns expressed by the Fire District with respect to Buildings B, C, D and E, the applicant will agree to the requested changes, and that Buildings F and G are designed the same as The Glen.

However, with respect to Building A, Tim Owens indicated that the applicant is willing to increase access to the building by either ensuring there is 24-25 foot pavement between the parking and the garage in order to allow for the passage of the fire truck, or through the installation of a geo grid in the grass. Alternatively, the parking lots could be widened and/or the building pulled in. Tim Owens indicated that he would talk to the Fire District about changes to Building A.

Member Czornyj expressed concern about fire trucks having to maneuver through two parking lots and suggested that the fire trucks be afforded straight access. Tim Owens indicated that he would review that issue.

With respect to the garages entering and exiting onto the loop road, Tim Owens indicated that they would be willing to put up speed bumps prior to the garages and/or signage advising the traveling public of cars potentially backing onto the roadway. Tim Owens indicated that this was private, not a public or town dedicated, road.

Upon questions from the Planning Board as to the intention of the garages, Tim Owens believes they will be used as garages rather than for storage. He advised that there will be available storage space at the Sugar Hill Apartments, and that additional storage components will be built into the garages at this proposed project. Member Christian indicated that he would like to see the garage in the front of Building 7 moved away from the street if possible. John Kreiger proposed that the garages could be moved back and an apron constructed to allow increased visibility and as a place to stop before entering the roadway.

Tim Owens indicated there are 378 parking spots provided for the new units. In addition they have planned for a RV lot, which is not included in the parking calculation, on the back side of the loop road.

Tim Owens indicated that the site is now a balanced site and will require approximately 1,000 yards of fill. They have taken all lights off the buildings, and the pole lights are identified on the plans. There should be no spillage from those lights. In addition, as a result of the cut and fill analysis, approximately 50% of the previously proposed retaining walls have been eliminated from the site.

With respect to the issue of the wetlands, Tim Owens indicated that Bagdon Engineering had delineated the wetlands as federal wetlands. That delineation cannot be verified, however, because the Army Corps will not come out in the snow. Tim Owens then advised that they will not be disturbing any wetlands; accordingly, there should be no involvement by the Army Corps.

Mr. Kestner then indicated that there are State mapped wetlands on the Hudson Hill and Berkshire Properties that may bleed into Brunswick Woods. He advised Tim Owens to check with both Hudson Hills and Berkshire representatives concerning those wetlands and the extent of the buffer around those wetlands. Mr. Kestner will provide the applicant with contact information for the adjoining project.

Member Mainello then suggested that the applicant consider widening the parking lots in front of Buildings 10, C, D and E.

Chairman Oster then advised that he was in favor of making a positive recommendation on behalf of the Planning Board to the Town Board. He indicated that he was inclined to make such a recommendation given that the Planning Board has worked with this applicant on projects before, that the applicant has been cooperative in satisfying the Planning Board's concern, and has done a good job in restructuring the plans.

Tim Owens requested that the project be placed on the agenda for the February 4, 2010 Planning Board meeting for discussion.

Member Tarbox expressed concern that there remain satisfactory parking for the project in the event the garages are used for storage rather than parking. In response to a comment from Member Esser, Tim Owens then explained that they were still working on the actual design for the garages, but that they will be appropriately stylized and will use architectural shingles. He confirmed there will be no flat roofs on the project. Member Czornyj then asked whether Tim

Owens was aware of any similarly placed garages on any other projects. Tim Owens recommended the Planning Board to visit the Hudson Preserve on Route 7, which has garages on the edge of the pavement. This matter will be placed on the agenda for the February 4, 2010 meeting.

There was no new items of business discussed.

There were three items of old business discussed.

First, Chairman Oster reviewed correspondence he had received from the CDTA concerning CDTA Route No. 87 and a change in circulation at the Wal-Mart Plaza. Chairman Oster advised members of the Planning Board that the CDTA wanted to be a part of the SEQRA process as an interested agency with respect to projects that may affect their operations. Accordingly, Chairman Oster requested that the Planning Board Members keep CDTA routes in mind as they review projects that come before them.

The second item of old business, John Kreiger indicated that he was working with Paul Engster with respect to adjusting the placement of the stop signs at the Wal-Mart Plaza.

Finally, John Kreiger indicated that the Town has been receiving complaints about the lighting on the Trustco canopy at the Wal-Mart Plaza. He indicated that efforts were being made to mitigate the effects of the lights on the house across the street.

With that Member Czornyj made a motion to adjourn the meeting, which was seconded by Member Esser and unanimously approved.

The **index** for the January 21, 2010 Planning Board meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – 2/4/10;
2. Reiser Bros. Inc. – subdivision and commercial site plan (Brunswick Farms) – 2/4/10;

3. Brunswick Associates, LP – amendment to Brunswick West (aka Brunswick Woods) Apartments PDD review and recommendation – 2/4/10.

The **proposed agenda** for the February 4, 2010 meeting currently is as follows:

1. Brooks Heritage, LLC – major subdivision;
2. Reisers Bros. Inc. – subdivision and commercial site plan (Brunswick Farms);
3. Brunswick Associates, LP – amendment to Brunswick West (aka Brunswick Woods) Apartments PDD review and recommendation;
4. Capital Communications Federal Credit Union – site plan.