

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 3, 2011

PRESENT were MICHAEL CZORNYJ, FRANK ESSER, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT were CHAIRMAN RUSSELL OSTER and MEMBER CHRISTIAN.

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

Member Czornyj will be Acting Chairman for this meeting.

The draft minutes of the January 20, 2011 meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Mainello, the draft minutes of the January 20, 2011 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application and minor subdivision application by ECM Land Development for the Duncan Meadows Planned Development District. Francis Bossolini, PE was present for the Applicant. Mr. Bossolini stated that he had received a copy of the draft conditions to be considered by the Planning Board on the site plan which had been discussed at the January 20, 2011 meeting, and that in review with his client, the Applicant has no objection with the proposed conditions. Mr. Bossolini presented some additional information concerning signage on McChesney Avenue Extension which may be considered by the County Highway Department in connection with the access roads to the project and recreation field, and provided information on standard intersection signages on driveways for review by the Planning Board. Mr. Bossolini stated that he would coordinate with

the County Highway Department on the work permit, including necessary signage. Member Czornyj inquired as to the location of these signs. Mr. Bossolini reviewed standard distances for signage from road entrances, and stated that the Applicant would comply with any requirements of the County Highway Department. Mr. Bossolini then reiterated that his clients had discussion with the owners of the Highland Creek Planned Development on combining the sewer plans for the provision of one sewer pump station, and that a proposed location for the pump station to service both the Highland Creek project and Phase 3 of the Duncan Meadows condominium project had been proposed and will be submitted to the Town for review. Mr. Bossolini reiterated that it was his client's preference to have the Town of Brunswick move forward with the construction of a new pump station for BSD 6, rather than pay for upgrades to the existing BSD 6 pump station and then construction of a new pump station for BSD 6 in the future. Mr. Kestner stated that the Town was looking at the timing on construction of a new pump station for BSD 6, but that factors including commencement of construction of various PDD projects and the remaining capacity at the existing BSD 6 pump station with limited upgrades to pumps. That issue will continue to be addressed by the Town. Member Czornyj inquired whether there were any additional questions or comments concerning the site plan, or the proposed conditions which had been reviewed at the January 20, 2011 meeting. There were no additional questions or comments. Attorney Gilchrist stated that there were two applications before the Board, one for minor subdivision to divide the remaining lands of ECM Land Development lying to the north of McChesney Avenue from the approved PDD area, and also the site plan for the Duncan Meadows Planned Development project. Attorney Gilchrist reiterated that SEQRA had been completed on this application, with the Brunswick Town Board serving as SEQRA Lead Agency. Thereupon, Member Mainello made a motion to approve the minor subdivision which

will subdivide the remaining lands of ECM Land Development lying to the north of McChesney Avenue from the Duncan Meadows PDD site, which motion was seconded by Member Wetmiller. The motion was approved 5/0, and the minor subdivision approved. Thereupon, Member Mainello made a motion to approve the Duncan Meadows site plan with respect to the condominium portion of the Duncan Meadows PDD project, subject to the following conditions:

1. This conditional site plan approval is applicable to Duncan Meadows PDD site plan titled Overall Site Plan, Duncan Meadows, McChesney Avenue, Town of Brunswick, County of Rensselaer, State of New York, Sheet 1 of 28, last revision date 11/22/10. The full site plan set consists of 28 sheets. The site plan approval covers only the condominium units, identified on the site plan set as phases 1, 2, and 3, consisting of 166 condominium units. The site plan approval is not applicable to the proposed senior apartments. A total of fifty (50) senior apartment units are part of the approved Planned Development District. A site plan for the Duncan Meadows senior apartments has not been submitted to the Planning Board. The Duncan Meadows owner (hereinafter "Owner") must submit a separate site plan application pertaining to the senior apartments, which application is subject to full site plan review by the Planning Board.
2. The Owner has not submitted an engineering plan for an approvable sewer pump station to be located in phase 3 of the Duncan Meadows condominium project. The proposed location of the Duncan Meadows phase 3 sewer pump station is shown on Sheet 21 of 28 of the site plan set, and the proposed sewer pump station details is shown on Sheet 25 of 28 of the site plan set. The proposed sewer pump station details are not approved by the Town of Brunswick. The Owner will coordinate with the owner of the Highland Creek Planned Development District to jointly construct one sewer pump station to service sewer flow from the Highland Creek project and phase 3 of the Duncan Meadows project. In the event such coordination on pump station construction is not completed, the Owner must submit to the Town of Brunswick Building Department an approvable engineering plan for a sewer pump station to service sewer flows from phase 3 of the Duncan Meadows condominium project. Such plan will be subject to review and approval by the Town of Brunswick Building Department, Water Department, and Town consulting engineer. No building permits for Duncan Meadows phase 3 will be issued until coordination with the owner of the Highland Creek project is completed and the Town of Brunswick Building Department, Water Department, and Town consulting engineer have approved the details for a single sewer pump station to service the Highland Creek project and Duncan Meadows phase 3, or a separate sewer pump station to service only Duncan Meadows phase 3 has been approved by the Town of Brunswick Building Department, Water Department, and Town consulting engineer.

3. A condominium association must be created for the Duncan Meadows project. The Duncan Meadows Condominium Association documents are subject to review by the Town Board, Town Attorney, Planning Board, and Planning Board Attorney to ensure compliance with the requirements of the PDD SEQRA Findings Statement, PDD approval, and site plan approval for the site plan identified in Paragraph No. 1 above.
4. The Owner shall grant an easement to the Town of Brunswick for access to all public water and public sewer infrastructure, including pump stations and hydrants. The easement shall be in a minimal width of fifteen (15) feet on each side of sewer and water piping, and be of sufficient area around pump station to allow for repair and maintenance activities. The area of the easement shall be subject to approval by the Town of Brunswick Building Department, Water Department and consulting engineer. An Easement in form and content acceptable to the Town Board and Town Attorney must be executed by the Owner and recorded in the Office of the Rensselaer County Clerk at the expense of the Owner. Proof of such filing at the Office of the Rensselaer County Clerk must be provided to the Town of Brunswick by the Owner.
5. The Owner shall be responsible for all roadway maintenance, including paving, repairing, and snowplowing, for the benefit of all residents within the Duncan Meadows project, to ensure that all roadways are open, passable, and accessible to and by residents and emergency vehicles. All such roadways within the Duncan Meadows project are designed to be maintained as private roadways, and will not become public roadways subject to Town ownership, repair, or maintenance. A Road Maintenance Agreement in form and content acceptable to the Town Board and Town Attorney must be executed by the Owner.
6. A Bonding Security Agreement must be executed between the Town of Brunswick and the Owner concerning bonding or other acceptable financial security for water and sewer infrastructure for the Duncan Meadows project. The form of the Bonding Security Agreement is subject to approval by the Brunswick Town Board and Town attorney.
7. The Owner must submit a petition to the Town Board for creation or extension of a water district, including full map, plan, and engineering report in compliance with municipal and state requirements and standards. The petition for creation or extension of water district will be subject to full municipal review by the Town Board.
8. All improvements constructed in conjunction with providing a system of water supply and distribution will be, upon satisfactory completion by the Owner, dedicated to the Town of Brunswick for operation maintenance without costs to the Town.

9. The Owner shall post a performance bond or other acceptable financial security for all improvements in conjunction with providing a system of water supply and distribution in an amount to be approved by the Town Board in consultation with its Consulting Engineer. The form and content of such performance bond or other acceptable financial security shall be subject to review and approval by the Town Attorney. This will be included in the Bonding Security Agreement.
10. The Owner must submit a petition for the creation of a sewer district, including full map, plan, and engineering report in compliance with municipal and state requirements and standards. The petition for creation of the sewer district will be subject to full municipal review by the Town Board.
11. All improvements constructed in conjunction with providing a system of sewer supply and distribution will be, upon satisfactory completion by the Owner, dedicated to the Town of Brunswick for operation maintenance without costs to the Town.
12. The Owner shall post a performance bond or other acceptable financial security for all improvements in conjunction with providing a system of wastewater collection and distribution in an amount to be approved by the Town Board in consultation with its Consulting Engineer. The form and content of such performance bond or other acceptable financial security shall be subject to review and approval by the Town Attorney. This will be included in the Bonding Security Agreement.
13. The Owner shall be responsible for all costs associated with immediate upgrades to the existing BSD6 wastewater pump station. The Owner shall pay to the Town the sum of \$72,700.00 to be used for the pump station upgrades. This condition shall be inapplicable in the event the Town Board determines to commence the design and construction of a new wastewater pump station for BSD6 as described below in Condition 14 prior to the start of construction of the Duncan Meadows condominium units.
14. The Owner shall pay to the Town the sum of \$121,100.00, or other amount as may be determined by the Town Board in connection with review of other pending Planned Development District applications, to be used toward the cost of design and construction of a new wastewater pump station for BSD6. Such amount shall be placed in an escrow account dedicated to the design and construction of a new wastewater pump station for BSD6, if necessary in the future.
15. The Owner must comply with all New York State Department of Environmental Conservation (NYSDEC) Stormwater Regulations and Town of Brunswick local laws concerning stormwater compliance. In addition to any mandatory Notice of

Intent to commence construction activities, the Owner must comply with its Erosion and Sediment Control Plan (ESCP) and Stormwater Pollution Prevention Plan (SWPPP) in compliance with NYSDEC Stormwater Regulations. Prior to any grading or other construction activities on the construction site, the ESCP and SWPPP, together with a copy of the NYSDEC Notice of Intent to commence construction activities, shall be provided to the Town of Brunswick for review in compliance with its responsibilities as an MS4 community. The ESCP and SWPPP are subject to compliance with final engineering review comments.

16. All stormwater management facilities shall be constructed in compliance with the approved SWPPP. All stormwater management facilities shall be owned and maintained by the Duncan Meadows Condominium Association. The Town of Brunswick shall not own or otherwise be responsible for future operation or maintenance of such stormwater management facilities. This obligation shall be set forth in the Condominium Association documents. The Town of Brunswick shall be granted an easement for access to such stormwater management facilities pursuant to the Condominium Association documents. The form and content of the Condominium Association documents as to stormwater management facility ownership, operation, maintenance, insurance and access, including the easement granted in favor of the Town of Brunswick for access, shall be subject to review by the Town Board and Town Attorney. The Town of Brunswick shall have no responsible or liability with respect to such stormwater management facilities. The Condominium Association must further execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick. The form and content of the Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Town Board and Town Attorney. The Owner shall be responsible for recording the access easement in favor of the Town of Brunswick as described in this paragraph in the Office of the Rensselaer County Clerk.
17. The Owner must comply with all requirements of the United States Army Corps of Engineers and New York State Department of Environmental Conservation concerning wetlands on the project site.
18. The Owner shall pay the sum of \$83,000.00 as a park and recreation fee with respect to the condominium units approved under this site plan approval. An additional park and recreation fee will be required in connection with the senior apartments section of the Duncan Meadows Planned Development District.
19. The Owner shall construct a recreation field in the general location depicted on Sheet 1 of the site plan set, plus amenities including a gravel parking lot able to accommodate a minimum of 120 vehicles, concession stand, restroom facilities, and bleachers.

20. Upon completion of the recreation field plus amenities, title to the field and amenities, plus the 7.4± acre parcel on which such recreation facilities are constructed, shall be transferred by the Owner to the Town of Brunswick. Subdivision of the recreation parcel from the remainder of the Owner's project site shall be addressed by the Brunswick Planning Board. The Owner shall comply with all requirements of the Town of Brunswick for acceptance of title to real property and/or personal property. The completion of the recreation facilities and offer of dedication thereof (inclusive of the 7.4± acre parcel) to the Town of Brunswick shall be completed prior to the issuance of any Certificate of Occupancy for any residential unit in the Duncan Meadows project.
21. The Owner shall use best efforts to complete construction of the recreation field and all amenities on or before May 31, 2011, and file an offer of dedication thereof to the Town of Brunswick on or before June 30, 2011.
22. The Owner shall construct sidewalks/pedestrian walkways as generally depicted on Sheet 1 of the site plan set. Construction of such sidewalk/pedestrian walkway by the Owner shall be coordinated with the Rensselaer County Highway Department, Rensselaer County Engineer, Brunswick Highway Department, Brunswick Building Department, and the Town consulting engineer.
23. The Owner must comply with any requirements of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) during construction activities, including compliance with the Avoidance Plan approved by OPRHP through correspondence dated August 5, 2009.
24. All site work and construction activities on the project site shall be limited to the following hours of operation: Monday through Friday, 7:00 a.m. to 7:00 p.m., Saturday 7:00 a.m. to 5:00 p.m., no site work or construction activities shall be permitted on Sundays or legal holidays.
25. All rock, including bedrock, must be removed by mechanical means, if it is determined to be mechanically feasible. In the event blasting is required to remove such rock, notice to the Town Building Department and consulting engineer must be made, both verbally and in writing, prior to any blasting activities. The following best management practices for blasting must be complied with:
 - a. All blasts will be designed and implemented in accordance with all applicable state and federal regulations.
 - b. A licensed expert blaster will perform all blasting.
 - c. Blasting will be scheduled to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.
 - d. All blast holes will be loaded and implemented under the direct supervision of an expert licensed blaster.

- e. The blast area will be secured prior to each blast.
- f. Blasting will be done between 10:00 a.m. and 5:00 p.m. Monday through Friday. No blasting will occur on weekends.
- g. All blasts will be monitored with a properly calibrated seismograph.
- h. Records of all blasts, including seismograph data, will be prepared and maintained by the Owner and/or blasting expert, and made available to the Town upon request.
- i. The Owner will promptly and professionally respond to and investigate all complaints. The Owner shall make all necessary repairs to homes and property if it is determined that such damage is causally related to the blast.
- j. In addition, the Owner shall offer to all property owners within 1,500 feet of the blasting areas, or as directed by the Town's consulting engineer and Town Building Department, the opportunity to have a pre-blast survey conducted by the Owner for all structures located within such area. This offer must be made in writing, with records of such written offer and/or pre-blast survey to be maintained by the Owner and made available to the Town upon request.

26. The following note shall be placed on all plans and specifications for the Duncan Meadows project:

The undersigned Applicant for the property and undersigned Owner of the property state that they are familiar with all conditions of the Town Board of the Town of Brunswick on the Duncan Meadows Planned Development District, and consent to all said conditions.

Applicant

Date

Owner

Date

27. The Owner shall provide to the Town of Brunswick GIS data, including but not limited to project boundary area, roads, utilities, control points, and drainage elements.

28. The Owner shall pay all consulting engineering and legal review fees incurred by the Town Board in connection with the review of the Duncan Meadows PDD, and all site plan and subdivision consulting engineering and legal review fees incurred by the Planning Board. A final accounting for all such fees shall be made, and all such fees shall be paid by the Owner within 30 days of notification of such a final accounting.

29. The Owner shall be required to establish at the Town of Brunswick an Engineering Review Escrow Account in an amount to be determined by the Town Board upon review with its consulting engineer. The Owner must submit an estimate for projected infrastructure costs, including water, sewer, and stormwater facilities; and further, the Applicant must submit an estimated construction schedule. This information will be used by the Town in considering an appropriate engineering review escrow amount, which amount is anticipated to be five (5) percent of total estimated infrastructure construction costs. The Town Board shall retain an engineer for the purpose of providing engineering review and oversight on all construction plans and site construction activities related to the Duncan Meadows project. In addition, such consulting engineer shall assist the Town Building Department in all mandatory inspections pursuant to all applicable codes. All fees for engineering oversight shall be the responsibility of the Owner, and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such escrow account shall be subject to review from time to time by the Town Board during construction activities on the Duncan Meadows project. At no time shall such account be in amount less than \$20,000.00. In the event the Owner fails to maintain such escrow account in a balance of less \$20,000.00 a Stop Work Order shall be issued by the Town of Brunswick Building Department on all construction activities at the site. The Owner shall be entitled to an accounting of all invoices for engineering review fees. At the conclusion of construction and completion of engineering oversight activities and upon a final accounting of all engineering fees, all funds remaining in such escrow account shall be returned to the Owner.
30. A conservation easement, in form acceptable to the Town of Brunswick, shall be required for those areas of the project site identified as open space on Sheets 9, 10, 17 and 19 of the site plan set. The Conservation Easement must be transferred by the Owner to, and be in favor of, the Town of Brunswick. The Owner must complete all necessary requirements to record the Conservation Easement in the Office of the Rensselaer County Clerk.
31. The Owner shall coordinate with representatives of WalMart concerning the stormwater discharge from Phase 1 of the Duncan Meadows condominium project in relation to WalMart's construction of stormwater management features and wetland areas on the former DiGiovanni parcel located on McChesney Avenue. WalMart has agreed to grant a drainage easement to the Owner for stormwater discharge from Phase 1 of the Duncan Meadows condominium project. The Owner shall file a copy of such drainage easement with the Brunswick Building Department.

Member Tarbox seconded the motion subject to the stated conditions. The motion was approved 5/0, and the Duncan Meadows site plan for the condominium project was approved subject to the stated conditions.

The second item of business on the agenda was the site plan application by A&S Diesel for property located at 850 Hoosick Road. Gary Joy of A&S Diesel was present, as was a representative of John Ray Fuels. Mr. Joy stated that he is joint venturing with John Ray Fuels for the proposed installation of a 10,000 gallon diesel fuel tank at the existing A&S Diesel facility for use by the public. Mr. Joy stated that he was supplying the land on a lease basis, and that John Ray Fuels was handling all fuel issues. Member Esser inquired whether the diesel fuel tank would be open to the public. The tank is proposed to be open 24 hours, 7 days a week, with the use of a credit card for fuel dispensing. The Planning Board then generally discussed truck circulation and area for truck movement to the location of the proposed diesel tank. Member Esser inquired whether existing cars parked on the site would pose a circulation problem for access to the diesel tank. Mr. Joy stated that there would be no issues concerning traffic flow, and that he will not have any problem with parking vehicles in connection with his existing business. Member Esser asked whether there would be advertisement for the diesel fuel system. Mr. Joy stated that there would be signage at the location. Mr. Kestner inquired whether a trailer attached to a tractor trailer which was filling with diesel fuel would be parked in front of the A&S Diesel door. Mr. Joy stated that the trailer would not be in front of the door to his existing business, and that there was adequate room on the site. Member Esser asked whether the diesel tank was free standing. The tank is free standing, and specifications for the tank were handed up to the Planning Board for review. Member Wetmiller asked whether the area where trucks would be fueling is paved. That area is not paved, and the Applicant seeks to have trucks on a gravel

surface when fueling from the diesel tank. It was made clear that the current proposal was to have the tank on a concrete pad with a containment system, but the area where the trucks would be fueling is a gravel surface. There would also be a camera in place to monitor the fuel tank, and John Ray's emergency spill response program was also discussed. The John Ray representative stated that the company had several other locations where this type of free standing diesel tank was provided, and at these other locations the filling area was originally on gravel, and then a determination was made as to whether that location was economically viable, and if yes, then a concrete pad was added where the fueling of vehicles occurs. Member Czornyj inquired whether there was adequate room on this site for vehicle circulation in the area of the diesel tank during snow removal, particularly in light of the snow received this winter. Mr. Joy stated that he had no problem with snow removal on this site, and he kept this site very clear with free access. A letter had been received on this matter from the Brunswick No. 1 Fire Department, stating that the department saw no future problems with the proposed diesel dispensing pump being installed at this location. The fire department does request that a proper fire extinguisher be on hand in case of any emergency that may arise. Further discussion was held concerning John Ray's spill response, and it was noted for the record that given the size of this tank, the tank will be registered with the New York State Department of Environmental Conservation. Mr. Kestner noted that there was a requirement to report a spill of diesel fuel to NYSDEC if the spill was above the reportable quantity of 5 gallons. Mr. Kestner noted that at the existing fuel dispensing system at the Sunoco Station on Route 2, the Town had required a concrete pad and containment system for the filling area, with a drain and containment tank. Mr. Kestner did note, however, that the Town had required this system at the Route 2 location because that location was over a principal aquifer, and that there were different conditions present at the A&S Diesel

location. Mr. Kestner stated that the A&S Diesel location was principally over shale. Mr. Joy stated the site did contain shale, and that any release would drain toward an existing storm drain which would then discharge to his onsite detention pond. The Planning Board reviewed the proposed filling procedure for the proposed diesel tank, and the protection of the tank by jersey barriers. It was noted that the jersey barriers were not depicted on the submitted site plan. Mr. Kestner also inquired as to lighting, since the diesel system was proposed to be operating 24 hours per day, 7 days per week. Mr. Joy stated that a light would be mounted on the existing A&S Diesel building, to shine only on the pump system itself. There was discussion regarding the type of lighting, and that no spillage of light offsite would be permitted. It was noted that the light and the camera system would be installed on the A&S Diesel building, at a location high enough so as not to block the pump system while a truck was being filled. The John Ray representative stated that the camera system was installed so that John Ray could monitor all of its locations, including this one, 24 hours a day. After further discussion, it was determined that the submitted site plan did not include all of the existing features on the site, nor all of the proposed facilities in connection with the diesel tank. Toward that end, the Applicant will need to prepare an updated site plan which shows all existing features at the site, trees, vegetation, parking, container areas, grease trap, and that the location of the lighting, camera, jersey barriers, and also the addition of a concrete pad for the filling area needs to be added to the site plan. Member Mainello stated that he would like to see a concrete pad added to this operation now, similar to the requirement for the diesel tank installation at the Honda dealership on Route 7. Member Esser also wanted the site plan on an appropriate scale for review by the Planning Board. Member Wetmiller also stated that traffic directional arrows should be added to the site plan to depict the proposed traffic flow for the diesel tank area. The Planning Board determined

to hold a public hearing on this site plan. The public hearing will tentatively be scheduled for the February 17, 2011 meeting at 7:00 p.m., with a condition that the updated site plan information is received by the Town no later than February 10 to allow public access to the site plan information. In the event the updated site plan could not be submitted to the Town by February 10, than this matter will be held over and public hearing will be held at the March 3, 2011 meeting.

The third item of business on the agenda was an application to update and amend the site plan with respect to the Brunswick Woods PDD project. Tim Owens of Brunswick Associates was present for the Applicant, together with Brian Owens of Brunswick Associates and a representative of BBL Construction Services, the construction contractor for the Brunswick Woods Apartment project. Tim Owens presented the Planning Board with an update on the status of the current construction activities. Brunswick Associates has filed with the Planning Board 4 sheets prepared by Hershberg and Hershberg. Two sheets depict Phase 1 and Phase 2 of the construction activities, and show previously approved site plan features in red ink and proposed amendments in gray, and are labeled Sheets C-2 and C-3. The final two sheets depict proposed options for parking and garage areas in blue ink, and are also labeled Sheets C-2 and C-3. Tim Owens reviewed these sheets in detail. With respect to Phase 1 construction adjustments, Mr. Owens reviewed 13 items, as follows:

- 1) Garage B&C and associated parking shifted due to existing utilities
- 2) Realigned Building 414 walkway
- 3) Garage A – changed to Type B garage (no rear access)
- 4) Realignment of loop road due to National Grid easement requirements
- 5) Relocated Fire Hydrant in front of Building 12

- 6) Shifted parking at Building 413
- 7) Realignment of loop road due to National Grid easement (west side of 412)
- 8) New Retaining wall alignment behind 409 & 408
- 9) Building 409 GF raised half a foot & 408 GF raised one foot
- 10) SWPPP Area 4 – Retaining wall removed
- 11) Minor changes to sidewalk alignments
- 12) Add 10 parking space at building 407
- 13) Added decorative walls to handicap entrances similar to the Glen

With respect to Phase 2 construction adjustments, Mr. Owens reviewed 6 items, including:

- 1) Garage K, L, M & N – changed to Type B (no rear access)
- 2) Removed Retaining wall behind Garage K
- 3) Building 404 rotate 90 degrees and shifted to avoid rock outcrop
- 4) Shift dumpster location
- 5) Added curbing Island at Clubhouse
- 6) Relocated end of sidewalk at clubhouse

With respect to the proposed options for parking and garage areas depicted on the blue ink sheets C-2 and C-3, Mr. Owens reviewed the option of eliminating garage L and replacing it with surface parking (Options 1 & 2), and eliminating the proposed RV storage area with additional parking (Option 3). Mr. Owens stated that it was Brunswick Associates' intent to continue to construct garage L and the RV storage area, but that site conditions may warrant the adjustments. All of the proposed amendments to the originally approved site plan have been occasioned by the amount of rock encountered during the initial construction activities, and also National Grid gas line easement requirements. Mr. Owens handed up a letter from the Brunswick No. 1 Fire

Company stating that the company had no objections to the proposed site plan amendments. Lastly, Mr. Owens reviewed the total parking spaces under the originally approved site plan, and the proposed amendments including inclusion of Options 1, 2 and 3. The Planning Board inquired of Attorney Gilchrist of whether the Board could review and act upon these amendments, including the approval of the options. Attorney Gilchrist stated that the Planning Board had the authority to address the proposed revisions to the site plan, and with respect to the options, could approve these options as construction-related options with the requirement that the specific construction plans be submitted and reviewed by the Town Building Department and consulting engineer for each of the option areas, and that in the event the option was constructed, the Applicant would need to submit as-built drawings with respect to those option areas to be filed with the Brunswick Building Department. With that understanding, the Planning Board was prepared to act on the proposed amendments to the site plan as reviewed by Mr. Owens. Attorney Gilchrist noted that SEQRA had been completed on this project by the Town Board serving as SEQRA Lead Agency on the PDD amendment, and that the Planning Board did not need to revisit SEQRA unless it determined that these amendments were significant. The Planning Board did not deem these amendments to be significant, and therefore no further action under SEQRA is required. Thereupon, Member Wetmiller made a motion to approve the proposed amendments to the site plan, including the options identified as Options 1, 2, and 3, with the requirement that specific building plans concerning these option areas be filed and reviewed by the Brunswick Building Department and consulting engineer prior to any construction activities, and in the event these options were incorporated into the project a set of as-built plans would be required to be filed with the Building Department upon completion. Member Mainello seconded the motion subject to the stated conditions. The motion was

approved 5/0, and the site plan amendments including construction options were approved subject to the stated conditions and requirements. Mr. Owens thanked the Board for its time, and did bring the Board up to date on changes it is making to the exteriors of the existing apartment buildings in Brunswick Woods, and preview the proposed changes to the exterior of the clubhouse. Finally, there was discussion concerning modifications of pump station for water supply to the Brunswick Woods project, including upgrading pumps and installation of a generator. Mr. Kestner concurred that these items were currently being reviewed by the Town, and will be incorporated into the project.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by Michael Blair for property located at 394 Moonlawn Road (Tax Map #92.-3-7). Mark Danskin was present for the Applicant. Mr. Danskin explained that this property, which is described in one deed, consists of four lots which were created through a filed subdivision plat decades ago. The Applicant is seeking to create two lots within this total 5.20 acre tract, denominated as Lot A and Lot B. Proposed Lot A would be 0.93 acres in size, and include the existing house, shed, and outbuildings/structures. Proposed Lot A is situated in the R-25 zone, but does meet the size requirements for the A-40 District, in which the balance of this tract is situated. Proposed Lot A will have approximately 140 feet of road frontage on Moonlawn Road. Proposed Lot B will be 4.27 acres in size, with 275 foot of road frontage on Moonlawn Road. Proposed Lot B is vacant, and is located in the A-40 zoning district. This property is served by public water. Member Tarbox inquired as to a proposed driveway location for proposed Lot B. Mr. Danskin stated that he would site the driveway near the existing driveway to proposed Lot A. Member Czornyj stated that he would like to see sight distances calculated for the proposed driveway location for

proposed Lot B. Mr. Danskin stated that he would either plot the sight distances or obtain a County Highway permit for the driveway location. The Planning Board stated that either the sight distances or issuance of a County Highway permit would be acceptable. The Planning Board generally discussed if there are any wetland issues associated with the property. Member Tarbox noted that the subdivision map continued to reference the four lots from the prior subdivision plat, and suggested that a new subdivision map be created depicting only proposed Lot A and Lot B. Mr. Danskin concurred, and stated that a subdivision plat would be created for proposed Lot A and Lot B which would then be stamped by the Planning Board and recorded in the County Clerk's Office. This would help to clean up the record on this matter, and also allow Mr. Danskin then to prepare two deeds with a new metes and bounds description for each lot. Mr. Danskin will resubmit a map for review by the Planning Board. This matter has been placed on the February 17 agenda for discussion.

The second item of new business discussed was a concept proposal by Sphere Development for a proposed site plan for construction of a Tractor Supply store on property located on 864 Route 7, at the intersection of NYS Route 7 and McChesney Avenue, opposite the Countryview Diner and adjacent to A&S Diesel. The property is currently owned by Loccisano, with Tax Map #91.00-2-18. The parcel is located in the B-15 zoning district. The parcel is approximately 4 acres in size. R. Loccisano and representatives of Sphere Development and the civil engineers retained by Sphere Development presented a concept plan for the siting of a Tractor Supply store at this location. The proposed store is approximately 19,097± square feet, with an adjacent 15,000± square foot fenced outdoor display area. A parking lot area housing 73 spaces is proposed, together with an area identified as trailer display of 3,300 square feet. The proposed access for tractor trailer deliveries is off McChesney Avenue, and the proposed

entrance for retail customers is directly off Route 7 opposite Betts Road. The Planning Board generally discussed the building placement, parking issues, lighting issues, elevation of the building adjacent to Route 7, and also site grading and quantity of materials to be removed from the site for construction purposes. The proposed building will have a construction grade approximately 14 feet above Route 7, with a total building height of 23 feet. The building is proposed to be approximately 30 feet from the Route 7 right-of-way. The Planning Board generally discussed options for the building elevation/facade for the side of the building facing Route 7. The entrance of the store will face in a westerly direction, with the customer parking on the western portion of the project site, with the entrance driveway on the extreme westerly portion of the site accessing Route 7 opposite Betts Road. Gary Joy of A&S Diesel, the adjacent property owner, was present and indicated he was interested in working with the Applicants for blending the grading of the project site with the A&S Diesel site to achieve an appropriate grade between the parcels. Sphere Development indicated that a full site plan application for this project together with all application fees and required escrows will be submitted on or before February 17, and requested that this matter be placed on the March 3 Planning Board agenda for further discussion.

The **index** for the February 3, 2011 meeting is as follows:

1. Duncan Meadows PDD minor subdivision and site plan – approved with conditions;
2. A&S Diesel – site plan – 2/17/11 (public hearing at 7:00 p.m. *tentative*);
3. Brunswick Associates of Albany, LP – amendment to Brunswick PDD site plan – approved with conditions and requirements;
4. Blair – waiver of subdivision – 2/17/11;

5. Sphere Development – site plan (Tractor Supply) – 3/3/11 (subject to receipt of full site plan application).

The **proposed agenda** for the February 17, 2011 meeting currently is as follows:

1. A&S Diesel – site plan (public hearing at 7:00 p.m., *tentative*);
2. Blair – waiver of subdivision;
3. Oakwood Property Management, LLC – site plan/waiver of subdivision/rezone petition referral (*tentative*).