

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 3, 2011

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

ABSENT was GORDON CHRISTIAN.

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

The draft minutes of the February 17, 2011 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application by Michael Blair for property located at 394 Moonlawn Road (Tax Map No. 92.-3-7). Mark Danskin was present for the Applicant. Mr. Danskin reviewed the updated subdivision map, showing a corrected title block and an inset showing the location of existing waterlines with a map note pertaining to the waterline. Mr. Danskin reported that the Rensselaer County Highway Department has approved the proposed driveway location for the proposed Lot B, and further that the Rensselaer County Health Department has issued a permit to construct a septic system on proposed Lot B. Mr. Danskin also handed up and generally reviewed the proposed descriptions for Lots A and B, including reserved easements for the waterline. Mr. Danskin also reported that the easement for the waterline crossing the lands of Kaiser is currently being executed and finalized. Chairman Oster stated that all the outstanding items on the waiver

application have been addressed. Member Czornyj inquired whether the current subdivision map was proper as it still referred to the prior Mooncrest Subdivision Lots 3, 4, 5, and 6 as well as the new proposed Lots A&B. Attorney Gilchrist stated that the map was legally sufficient, and reference to the prior Mooncrest lot numbers was appropriate as the current proposed Lots A&B were portions of these prior numbered lots, it would therefore make the record title at the County Clerk's Office understandable. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the condition that the final, executed easement for the waterline over the lands of Kaiser be filed with the Building Department. Member Esser seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The second item of business on the agenda was the site plan application by Sphere STP II, LLC for a proposed Tractor Supply store on property located at 864 Route 7, Tax Map #91.00-2-18. Tom Cooney of Sphere STP II, LLC, and engineer Rod Ives, were present for the Applicant. Mr. Cooney generally reviewed the site plan package, which includes payment of all application and escrow fees, site plan, signage package, Route 7 elevations, stormwater management plan, and long environmental assessment form. Mr. Ives reviewed the site plan in greater detail, which proposes a 19,000 square foot Tractor Supply building, with adjacent 15,000 square foot outdoor display area. The primary customer access to the parking lot is off Route 7 opposite Betts Road, with tractor trailer access off McChesney Avenue. The McChesney Avenue entrance/exit will also serve as the proposed exit for vehicles from the adjacent outdoor

display area. Mr. Ives stated that the site plan meets all required setbacks under the Brunswick Zoning Code, and is 41% greenspace which is in excess of the minimum required under the Brunswick Site Plan Regulations. A total number of 72 parking spaces is proposed. There is also a proposed display area for trailers near the customer access off Route 7, and also sidewalk display areas in the front of the Tractor Supply building. Chairman Oster inquired whether the proposed store size is a “standard” size for Tractor Supply stores. Generally, Mr. Cooney stated that this was a standard store, with the same layout that is found in all Tractor Supply stores, although some Tractor Supply stores can be as large as 24,000 square feet. Mr. Ives did confirm that extensive earth work is required, to meet grades of 6% for the access driveway off Route 7 as well a 4% grade in the parking lot area. Mr. Ives generally reviewed the status of the stormwater management plan, acknowledging that new stormwater regulations from the New York State Department of Environmental Conservation went into effect March 1, requiring green infrastructure practices, and therefore the stormwater plan will be modified to potentially include rain gardens and porous pavement. Mr. Kestner confirmed that he had a meeting with the Applicant concerning the stormwater plan, and that his office is in the process of reviewing the stormwater plan and proposed amendments. Member Wetmiller raised a question regarding sheet flow of stormwater off the parking lot, in particular to the entrance driveway. Mr. Ives confirmed that he is revising the stormwater plan to address that issue so that stormwater does not bypass detention areas and become an issue in the access driveway area. Member Wetmiller also had a question regarding snow removal. Mr. Ives stated that there was ample area for snow removal on the site, and that all plowing locations would be away from stormwater detention facilities. Mr. Ives did confirm that the Applicant was working with A&S Diesel on a grading plan, and that the final grading plan and location of stormwater detention facilities is still being reviewed. Mr. Ives

generally discussed the public water and public sewer connection points, noting that the Applicant will need Department of Health approval for the sewer connection. Mr. Ives also noted that the Applicant will need DOT approval for the access driveway location. Mr. Ives noted a lighting plan was included in the site plan package, identifying light specifications and confirming no light spillage off site. Mr. Ives then generally reviewed the landscaping plan for the site. Chairman Oster inquired as to how much material needed to be removed from the site in connection with site grading. Mr. Ives confirmed that approximately 30,000 to 40,000 cubic yards of material does need to be removed from the site under the current grading plan, and that the Applicant is in discussion with NYSDEC on the issue of construction exemption to the Mining Regulations. Member Wetmiller inquired whether there was ample room on the site for tractor trailer loading, including tractor trailers exiting the site onto McChesney Avenue and then to Route 7. Mr. Ives stated that the site has been designed to allow a tractor trailer to maneuver onsite before going onto McChesney Avenue, and that the McChesney Avenue/Route 7 intersection is being looked at for purposes of tractor trailer exit requirements. Member Czornyj noted that signage may be required on McChesney Avenue indicating a commercial driveway entrance. Mr. Ives stated that he would review the appropriate signage requirements for McChesney Avenue. Member Czornyj inquired about current discussions with A&S Diesel on the grading plan. Member Czornyj noted that the current grading proposal encroaches onto the A&S Diesel site, including location of a stormwater detention basin. Mr. Ives did state that the Applicant had met with Gary Joy, owner of A&S Diesel, just that day, and that discussions were ongoing. Gary Joy of A&S Diesel was present, and confirmed for the record that he is in favor of the overall project, but had just received this proposed grading plan and needed time to review it. Mr. Joy's initial concern is having as much grading on the A&S Diesel site, and having a large

detention pond located on the A&S Diesel property in close proximity to his parking lot. Mr. Joy did say he would continue to coordinate with the Tractor Supply representative on the grading issue and stormwater detention pond location issue. Chairman Oster stated that the site plan application was complete, and thought this matter should move forward to public hearing. The Planning Board members concurred. The public hearing will be held on this application at the March 17 meeting starting at 7:00 p.m.

The next item of business on the agenda was the site plan application by A&S Diesel for installation of an approximate 10,000 gallon diesel fuel tank at the existing A&S facility located at 850 Hoosick Road. Gary Joy was present for the application, as well as a representative of John Ray & Sons and the project engineer, Alex Duggan. Mr. Joy generally reviewed the revised site plan, which now calls for the installation of a concrete pad in the truck fueling area, installation of 6" ballards around the fuel area, the proposed traffic plan both in and out of the diesel fueling area, as well as lighting and landscaping plans. Member Czornyj asked about the additional site plan information requested by the Planning Board, including overall site parking. Mr. Joy stated that he was not opposed to providing a complete and final site plan to the Planning Board, but indicated that he was now coordinating with the Tractor Supply representatives for the proposed project on the adjacent property, and that additional grading may result on the A&S Diesel parcel, and that Mr. Joy was requesting that the Planning Board consider the portion of the site plan currently under review for the fuel storage area, and allow him to submit a final overall site plan once the final grading plan for the proposed Tractor Supply facility is complete. Mr. Joy reiterated that he was not opposed to submitting a full site plan for the A&S Diesel site, but wanted to be able to coordinate his efforts and submit one final site plan once the Tractor Supply proposal was complete. The Planning Board did not object to

this approach. Mr. Kestner raised the issue of whether tractor trailers would be able to fill up at the diesel fueling area and still be able to get around the A&S Diesel building. Turning areas had been provided to Mr. Kestner, and that it is determined that there is sufficient distance for tractor trailers to access and exit the fueling area. Mr. Joy stated that he did not expect much tractor trailer use of the fueling area, but there is adequate room for tractor trailer use if needed. Mr. Kestner generally reviewed the lighting plan for the fueling area, which calls for a light on the existing A&S Diesel building focused on the fueling area. Mr. Joy confirmed that a Jersey barrier proposal for the fueling area had been eliminated, in favor of installation of 6" ballards. The Planning Board reviewed the concrete pad proposal for the truck fueling area, which calls for 4" of gravel and a 4" concrete slab. Mr. Kestner confirmed that this would be adequate for truck fueling area. Mr. Kestner stated for the record that NYSDEC has preempted the field of the fuel storage regulations, and that a condition to any final action by the Planning Board on this site plan should be the Applicant's compliance with NYSDEC Petroleum Bulk Storage Regulations. The Planning Board generally discussed the monitoring of this facility by John Ray & Sons Fuels, which includes a 24 hour surveillance camera connected to a computer monitor, with telephone notification to John Ray & Sons in the event of any fuel discharge. The Planning Board stated that a public hearing will be held on this application, and deemed the application complete for purposes of scheduling a public hearing. The public hearing on this site application will be held at the March 17 meeting commencing at 7:15 p.m.

Four items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application filed by Michael Ball, owner, and John Gavin, Applicant, concerning property located at 59 Flower Road, Tax Map #73.1-6.12. John Gavin was present for the application. Mr. Gavin explained

that this proposal was to transfer approximately 1.45 acres from the lot at 59 Flower Road owned by Ball, to the lot at 41 Flower Road owned by Gavin. Mr. Gavin stated that there were no setback issues concerning any existing structures, well, or septic in conjunction with this proposed lot line adjustment. This was confirmed with Mr. Kreiger. The Planning Board confirmed that this waiver would not result in a new building lot, and that the 1.45 acre division would need to be legally merged into the deed of Gavin at 41 Flower Road. Mr. Gavin understood this condition. The Planning Board saw no issues associated with the application. Member Czornyj then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver application subject to the condition that the 1.45 acre area of the subdivision be legally merged into the Gavin lot at 41 Flower Road, with proof of the legal merger filed with the Brunswick Building Department. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The second item of new business discussed was a waiver of subdivision application by Diamond, 16 The Crossings, and Sullo/Rooney, 14 The Crossings, to transfer approximately 0.24 acres from Diamond to Sullo/Rooney. This waiver application is the nature of a lot line adjustment. The Planning Board deemed the application complete for purposes of placing it on the March 17 agenda.

The third item of new business discussed was a waiver of subdivision application filed by Eric Graue, 380 Smith Hill Road, Tax Map #72-9-41.1. The Applicant's parcel is currently split by Smith Hill Road, and the current application seeks to divide 37.58 vacant acres on one side of

Smith Hill Road from the remaining lot, and thereby create a new building lot. Member Tarbox noted that he would recuse himself from this application, as his property abuts this parcel. The Planning Board reviewed the submitted materials, and determined that the proposed waiver map needs additional information before this matter can be placed on a Planning Board agenda. Mr. Kreiger was directed to review this with the Applicant.

The fourth item of new business discussed was a request by Robert MacCrone, 71 Dearstyne Road, to update a subdivision approval which had been granted by the Planning Board on June 17, 2010. Mr. MacCrone reported that while the subdivision had been approved, he failed to file the subdivision map in the office of the Rensselaer County Clerk within the time required by New York State law. Mr. MacCrone was requesting that the approval be updated so that he could file the map in the County Clerk's office. Mr. Kreiger confirmed that the current application did not have any changes whatsoever from the previously approved subdivision map. Chairman Oster confirmed that all necessary application fees had been paid. Thereupon, Member Wetmiller made a motion to update the prior approval of the MacCrone subdivision, subject to the same conditions that are attached to the prior approval dated June 17, 2010. Member Esser seconded the motion. The motion was unanimously approved, and the MacCrone subdivision approval updated, subject to the conditions attached to the June 17, 2010 prior approval.

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

1. Blair – waiver of subdivision – approved with condition;
2. Sphere STP II, LLC – site plan – 3/17/11 (public hearing at 7:00 p.m.);
3. A&S Diesel – site plan – 3/17/11 (public hearing at 7:15 p.m.);
4. Ball/Gavin – waiver of subdivision – approved with condition;
5. Diamond/Sullo/Rooney – waiver of subdivision – 3/17/11;

6. Graue – waiver of subdivision – adjourned without date;
7. MacCrone – subdivision updated approval – approved subject to conditions.

The **tentative agenda** for the March 17, 2011 meeting currently is as follows:

1. Sphere STP II, LLC – site plan – public hearing commencing at 7:00 p.m.;
2. A&S Diesel – site plan – public hearing commencing at 7:15 p.m.;
3. Diamond/Sullo/Rooney – waiver of subdivision;
4. Tamarac Auto Sales – site plan.