

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 1, 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 draft minutes of the June 17, 2010 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the June 17, 2010 meeting were unanimously approved without amendment.

The first item of business on the agenda was the commercial subdivision and site plan application by Reiser Bros. Inc. for a proposed commercial development along NYS Route 2 and NYS Route 278, identified as Brunswick Farms. The Planning Board is currently undertaking SEQRA Lead Agency coordination. Written responses from all SEQRA involved agencies have not yet been received back by the Planning Board, and the thirty day timeframe in which to do so had not yet expired. Accordingly, this matter has been adjourned and set on the July 15, 2010 agenda for consideration of SEQRA Lead Agency designation.

Two items of new business were discussed.

The first item of new business discussed was a site plan presented by National Grid concerning the Sycaway substation located off Hillcrest Avenue behind the Rite Aid Pharmacy. Rick Spagnoti of National Grid presented the proposal to the Planning Board. It is noted that this

application requires a special use permit to be issued by the Brunswick Zoning Board of Appeals and that the ZBA has not yet acted upon that application. Therefore, Mr. Spagnoti is presenting the site plan for informational purposes to the Planning Board at this time. Mr. Spagnoti described the existing Sycaway substation, including a transformer bank and switch gear unit. National Grid is looking to add an additional transformer bank and switch gear unit to the Sycaway substation, primarily to meet increasing load requirements, timely electrical backup if needed, and the need to backup the existing transformer bank at the Sycaway substation. Mr. Spagnoti indicated that National Grid is preparing a full stormwater pollution prevention plan for this project, and will be submitting that document to the Town for review. Chairman Oster inquired whether there were any regulated wetlands on the property. Mr. Spagnoti stated that a wetlands delineation has been completed. Chairman Oster stated that he wanted National Grid to coordinate with NYSDEC concerning wetlands, and to insure that there will be no impact to DEC regulated wetlands or buffer areas as a result of the project. There was discussion concerning the installation of an additional fence at the site as well. Mr. Spagnoti stated that it was his understanding that the special use permit application is on the Brunswick ZBA's agenda for its July 19 meeting, and therefore requested that the site plan application be placed on the Planning Board's August 5 agenda. Mr. Spagnoti also stated that it was National Grid's goal to begin the site grading work and foundation work this Fall, and finish up all construction for the project next Summer. Chairman Oster stated that a site visit to look at the Sycaway substation area would be helpful, similar to the site visit that was performed at National Grid's Plank Road facility. Mr. Spagnoti stated that he would be happy to set that up and have a site visit by Planning Board members. This matter has been tentatively placed on the August 5 agenda, pending action by the Brunswick ZBA on the special use permit application. Chairman Oster stated that National Grid would need to set up an escrow account for engineering review on the

application, to which Mr. Spagnoti agreed. This matter is tentatively placed on the August 5 agenda.

The second item of new business discussed was a waiver of subdivision application by Paul Ashline for property located at 898 Church Street. Mr. Ashline stated that he and his wife had resided at 898 Church Street for close to 20 years, and had previously divided a piece of their lot off through an approved subdivision for the construction of a home for Mr. Ashline's mother-in-law. That action was previously approved by the Planning Board, and the house was constructed several years ago. Mr. Ashline's lot will be referred to as "Parcel 1", and the lot on which Mr. Ashline's mother-in-law resides will be referred to as "Parcel 2". Mr. Ashline has now sold Parcel 1 to a third party. During the course of that transaction, it was determined that a shed constructed for the benefit of Parcel 1 actually encroaches onto Parcel 2. This application seeks to adjust the lot line to include the shed within Parcel 1. The Planning Board inquired whether the remaining area of Parcel 2 met the size requirements for the zone. Mr. Kreiger confirmed that the zoning district is R-25, and that the resulting size of Parcel 2 will still be approximately 3/4's of an acre, and therefore compliant with the area requirements for the zone. The Planning Board next inquired whether the location of the shed with the adjusted lot line will meet setback requirements. Mr. Kreiger stated that the setback for structures is 15' in the zone, and that the shed will be more than 15' from the adjusted property line. The Planning Board next inquired about location of well and septic, to insure that the well and septic for each respective lot will remain on the lot with appropriate setbacks given the adjusted property line. The applicant discussed the location of the existing wells and septic systems for both Parcels 1 and 2, and confirmed that each respective lot will continue to include the well and septic without impact by the adjusted property line. Chairman Oster inquired whether there were any further questions. Hearing none, Member Czornyj made a motion to adopt a negative declaration under

SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the waiver of subdivision subject to the following two conditions:

1. That an additional map be created showing the location of each septic system on each lot with the adjusted property line, showing compliance with all applicable setback requirements for the septic system from the adjusted property line, with such map being filed with the Town Building Department; and
2. The adjusted lot line be shown through a merger deed, confirming that the property divided from lot 2 is merged into the deed for lot 1, with such merger deed being filed with the Town Building Department.

Member Christian seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver application approved subject to the stated conditions.

Two items of old business were discussed.

The first item of old business discussed was the Highland Creek Planned Development District final subdivision plat. Lee Rosen and Robert Marini appeared before the Planning Board for the owner. Mr. Rosen reviewed the prior approvals for the Highland Creek Planned Development District, including Town Board approval of the PDD on May 11, 2006, and the Planning Board's conditional final subdivision plat approval granted on August 2, 2007. Mr. Rosen explained that primarily due to litigation surrounding the Town's approval of Planned Development Districts including Highland Creek, the owner had not had the Highland Creek final plat recorded in the Rensselaer County Clerk's Office within applicable timeframes. Accordingly, Mr. Rosen is requesting that the Planning Board update its final plat approval so that the final plat can be recorded in the Rensselaer County Clerk's Office and meet applicable timeframes for recording that plat after stamp and signature by the Planning Board. Attorney Gilchrist confirmed the procedural history of the Highland Creek plat approvals and the pendency of litigation, which has finally been resolved in New York State Supreme Court and

Appellate Division. Mr. Kestner stated that he had reviewed the Highland Creek final plat currently submitted, and that it is the same plat in all respects as that which was previously reviewed and approved by the Planning Board in 2007. Attorney Gilchrist then reviewed a written Resolution which would provide an updated conditional final subdivision plat approval for the Highland Creek Planned Development District. That Resolution was then offered by Member Wetmiller and seconded by Member Mainello, and unanimously approved.

The second item of old business discussed was the waiver of subdivision application by Jansen for property located at 8 Winfield Lane. This waiver application had been previously approved by the Planning Board on October 1, 2009. However, Jansen had not timely filed the approved subdivision plat in the Office of the Rensselaer County Clerk within applicable timeframes. Accordingly, Jansen has applied to update that approval so that the plat can be recorded in the Rensselaer County Clerk's Office. The Planning Board confirmed that the subdivision plat is the same in all respects as that which was reviewed and approved on October 1, 2009. Thereupon, Member Czorynj made a motion to update the approval of the Jansen waiver of subdivision for property located at 8 Winfield Lane and Bulson Road subject to the same conditions as imposed in the previous approval dated October 1, 2009, namely:

1. Rensselaer County Health Department approval for water and septic; and
2. A driveway permit must be obtained from the Town prior to constructing a driveway onto Bulson Road.

That motion was seconded by Member Christian. The motion was unanimously approved, and the approval for the Jansen waiver of subdivision was updated subject to the stated conditions.

Mr. Kreiger reported that a waiver of subdivision application has been submitted by Berkshire Properties, LLC for property located at the end of Betts Road. The existing parcel is located on both sides of Betts Road, and the application seeks to divide that parcel into two

parcels divided by Betts Road. Berkshire Properties, LLC seeks to acquire title to one of the resulting parcels which is located adjacent to land which Berkshire Properties, LLC currently owns. This matter has been placed on the July 15 agenda for discussion.

The **index** for the July 1, 2010 meeting is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan – 7/15/10;
2. National Grid – site plan – 8/5/10;
3. Ashline – waiver of subdivision – approved subject to conditions;
4. Highland Creek PDD subdivision plat – updated final conditional subdivision plat approval;
5. Jansen – waiver of subdivision – updated final conditional subdivision approval;
6. Berkshire Properties, LLC – waiver of subdivision – 7/15/10.

The **proposed agenda** for the July 15, 2010 meeting currently is as follows:

1. Reiser Bros. Inc. – commercial subdivision and site plan;
2. Berkshire Properties, LLC – waiver of subdivision.