

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 7, 2016

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

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster welcomed the members to the 2016 term of the Brunswick Planning Board, and also congratulated Member Wetmiller on being appointed to an additional seven year term on the Planning Board.

The draft minutes of the November 19, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the November 19, 2015 meeting were unanimously approved without amendment.

Chairman Oster noted that the Planning Board meetings that had been scheduled for December 3 and December 17, 2015 were cancelled due to lack of agenda items, and therefore no minutes of those meetings will be prepared.

The first item of business on the agenda was the site plan application submitted by PF Management Group for property located at 668 Hoosick Road. The applicant is seeking to demolish two existing buildings and construct two new commercial buildings for an Aldi grocery store and a Taco Bell restaurant at this location. Chairman Oster noted for the record that the

applicant had contacted the Town, indicating that it was completing all of the application documents, including any updates to the site plan together with the full environmental assessment form and other application documents, and will be submitting those documents within the next day or so, and that the applicant has requested that the matter be placed on the January 21 agenda for consideration. It is also noted for the record that the Brunswick Zoning Board of Appeals did grant the area variances for parking in connection with this project, both in terms of total number of parking spaces as well as parking space size. The Zoning Board of Appeals granted these variances at its meeting held December 21, 2015. It was also noted that the sign variance applications for this project pending before the Zoning Board of Appeals were adjourned without date at the consent of the applicant, subject to action on the site plan by the Planning Board. It is also noted that the applicant has requested that at the January 21 meeting, if the Planning Board deems the application materials to be complete and adequate, that a public hearing be scheduled for the February 4 meeting of the Planning Board on this site plan application. That request will be considered by the Planning Board at the January 21 meeting.

The next item of business on the agenda was a sketch plan submittal for a major subdivision submitted by Henry Reiser for property located at 10 Plante Lane (Tax Map No. 104.-3-14). The total size of this parcel is 371 acres, and the applicant is seeking approval for a total of 13 lots, with 12 residential lots, including 11 new building lots ranging in size from approximately 5 acres to approximately 5.5 acres, with 1 residential lot of approximately 60 acres on which an existing house is located, with a remaining undeveloped lot totaling approximately 258 acres. Access to the new residential building lots is proposed off Penny Royal Lane and Plante Lane. The Planning Board members generally reviewed the sketch plan layout, noting that the Board will need to address the issue of driveway access onto the proposed residential lots from both Penny Royal

Lane and Plante Lane. The Planning Board will also need to determine whether Plante Lane and Penny Royal Lane are Town roads that are owned by the Town or constitute user roads. The Planning Board noted that the issue of non-realty subdivision lots will need to be addressed. The Planning Board also noted that it will need to address a 60 foot reserved access on lot 11 to adjacent property as noted on the sketch plan. This matter is tentatively placed on the January 21 meeting, subject to receipt of all required application fees.

Chairman Oster updated the Planning Board members on the status of the consultant analysis on the issue of a proposed emergency access road in connection with the Oakwood Property Management PDD site plan. Chairman Oster noted that the Planning Board's consultant on this issue is now working directly with the applicable fire departments and is hopeful that the consultant's report will be completed within the next few weeks.

Member Czornyj updated the Planning Board members on the use of computer software in the Brunswick Building Department to monitor project conditions which the Planning Board attaches to site plans and subdivisions, to ensure that these conditions are being complied with during construction.

The index for the January 7, 2016 meeting is as follows:

1. PF Management Group – site plan – 1/21/2016
2. Resier – major subdivision sketch plan – 1/21/2016 (tentative)

The proposed agenda for the January 21, 2016 currently is as follows:

1. PF Management Group - site plan
2. Reiser - Major subdivision sketch plan (tentative)

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 21, 2016

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

ABSENT was TIMOTHY CASEY.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the January 21 meeting.

The draft minutes of the January 7, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the January 7, 2016 meeting were unanimously approved with no amendment.

The first item of business on the agenda was a site plan application submitted by PF Management Group for property located at 668 Hoosick Road. The applicant is seeking to demolish two existing buildings at this location, and construct two new commercial buildings to be used as an Aldi grocery store and a Taco Bell restaurant. David Leon of PF Management Group was present. The Planning Board noted that it had received a response from the New York State Department of Environmental Conservation to the lead agency coordination notice that had been circulated. The response from the New York State Department of Environmental Conservation stated that NYSDEC had no objection to the Brunswick Planning Board serving as SEQRA lead agency on this action. The Planning Board noted that no response had been received from the

New York State Department of Transportation or the Rensselaer County Department of Health to the SEQRA lead agency coordination notice, and that more than 30 days has elapsed since the service of that SEQRA lead agency coordination notice, so that no other involved agency has objected to the Brunswick Planning Board serving as SEQRA lead agency on this action. Chairman Oster asked Mr. Bonesteel to discuss the status of his review of the application documents. Mr. Bonesteel stated that the Town received additional application documents on January 11, 2016, including updated site plans, a long Environmental Assessment Form, highway plans, a stormwater pollution prevention plan, a traffic report, geotechnical information, and a Phase 1 Environmental Site Assessment Report. Mr. Bonesteel stated that he has begun the review of all of these documents, and that he is still in the process of completing his review. Mr. Bonesteel stated that he has been corresponding with the project engineer, Chris Kamar of APD Engineering, and that full written comments on the application materials will be completed before the next Planning Board meeting in February. Mr. Bonesteel did note that the traffic study is being reviewed by the New York State Department of Transportation. Mr. Leon stated that the NYSDOT was not continuing its review of the traffic study and proposed traffic improvements until a SEQRA lead agency has been declared. Chairman Oster stated that the Planning Board could proceed to declare SEQRA lead agency status at this meeting. Chairman Oster wanted to review the variances which have been granted by the Brunswick Zoning Board of Appeals regarding the parking spaces. Mr. Leon confirmed that the Brunswick Zoning Board of Appeals had granted variances both with respect to the total number of parking spaces, as well as the size of the parking space. The Zoning Board of Appeals approved a parking space of 9 feet by 18 feet in size, rather than 200 square feet, or 10 feet by 20 feet, as set forth in the Brunswick Zoning Code. Mr. Leon noted that the cross-easements for parking and traffic circulation between this project site and the

existing Planet Fitness site was considered by the Brunswick Zoning Board of Appeals, and is provided in the application documents. Mr. Bonesteel stated that the cross-easements are noted on the project plans, but the easement documents themselves had not been provided. Attorney Gilchrist requested that Mr. Leon provide the Planning Board with copies of the easement documents. Member Czornyj asked about fill material which had been brought to the project site in the area of the proposed Aldi grocery store and whether any core drilling had been completed. Mr. Bonesteel stated that the geotechnical report did describe fill in the area of the proposed Aldi grocery store, including loose fill, bricks, and cinder block materials. Mr. Bonesteel also stated that the geotechnical report did provide recommendations on compaction requirements prior to construction in this location. Mr. Bonesteel also noted that the geotechnical report identified the soils classification for this fill material as “landfill” material. Member Wetmiller commented that he remembered materials being deposited to the rear of that site when it was used as a gas station back in the 1970s, and thought that the material was from demolition work associated with constructing the Collar City bridge. Mr. Bonesteel also noted that there was a gas station formerly at this site, and noted that the Phase 1 Environmental Site Assessment did identify soils in one boring location that exhibited petroleum odor. Mr. Leon confirmed that the petroleum underground storage tanks used in connection with the gas station were removed in the 1990s with New York State Department of Environmental Conservation oversight, and that the one soil boring in the Phase 1 Environmental Site Assessment noting petroleum odor could have resulted from an isolated surface spill, and noted that this was the only boring among many borings that exhibited any indication of petroleum. Mr. Leon also stated that with regard to the fill material on the site, he was intending to remove that fill material during construction, and replace the fill using proper compaction methods. Mr. Leon also commented that whatever the Town of Brunswick requires

for landscaping for this site, he will be willing to do so, and commented that he wanted this site and the adjacent Planet Fitness site to have a good appearance along the Hoosick Road corridor. Member Czornyj then reviewed the site layout, and asked questions about paved areas for travel lanes and parking in relation to the property lines. The Planning Board then generally discussed the layout of the site, including location of parking areas and other paved areas in relation to the rear, side, and front property lines. Attorney Gilchrist reviewed the site plan regulations with the Planning Board regarding setbacks for pavement from the lot lines, and also greenspace requirements. Attorney Gilchrist noted that the Brunswick site plan regulations do state that pavement should not be closer than 7 feet from the rear lot line and side lot line, and that pavement should be no closer than 10 feet from the front lot line, and that the setback areas should remain landscaped. However, attorney Gilchrist did note the Brunswick site plan regulations provided the Planning Board with the discretion to vary or waive those requirements on a site by site basis. Attorney Gilchrist also stated the Brunswick site plan regulations required 35% greenspace on site plans, but again the site plan regulations provided the Planning Board with the discretion to vary or waive that requirement on a site by site basis. Mr. Leon noted that while the project site noted only 29% greenspace, the rear of this site, totaling about 17 acres, will remain undeveloped and green. The Planning Board reviewed the site plan, and determined that the following waivers were being requested by the applicant on this site plan with respect to pavement setback from lot lines:

- Side setback for parking in the area in front of the proposed Aldi grocery store, where a 7 foot setback is required, and the site plan shows approximately a 2 foot setback from the lot line.

- Side yard setback on the east side of the project site for pavement, where the regulations require a 7 foot setback and the site plan provides for a 6.2 foot setback.
- Front yard setback in the northeast corner of the project site, where regulations require a 10 foot setback and the site plan shows an approximate 6 foot setback.
- The project site plan shows 29% greenspace, while the site plan regulations require 35% greenspace, noting that the rear of the project site, approximately 17 acres, will remain green.

Attorney Gilchrist noted that the Planning Board should consider each of these waiver requests in connection with its site plan review, and determine whether such waivers are appropriate for this site. The Planning Board then addressed the SEQRA lead agency issue. Chairman Oster confirmed on the record that no other involved agency had objected to the Brunswick Planning Board serving as SEQRA lead agency, with the New York State Department of Environmental Conservation sending a letter stating that it had no objection, and the New York State Department of Transportation and Rensselaer County Department of Health not responding within the 30 day timeframe. The Planning Board moved forward with lead agency designation. Upon motion of Member Czornyj, seconded by Member Tarbox, the Town of Brunswick Planning Board will assume SEQRA lead agency status on this action. The motion was unanimously approved, and the Brunswick Planning Board designated as SEQRA lead agency for the review of this action. Chairman Oster then raised the issue of whether the site plan application materials were adequate for scheduling a public hearing. Mr. Bonesteel stated that the site plan drawings were complete for purposes of opening the public hearing, and his review of the supplemental application documents will continue. Chairman Oster then reviewed the public hearing process with Mr. Leon.

The Planning Board determined that the application materials were complete for purposes of opening of a public hearing on this application, and scheduled a public hearing to open at its February 4 meeting commencing at 7:00PM. The Planning Board also confirmed that the Brunswick #1 Fire Department will receive a copy of the site plan for review and comment.

The second item of business on the agenda was the major subdivision sketch plan application submitted by Reiser Builders Inc. for property located at NYS Route 351 at Plante Lane/Penny Royal Lane. Henry Reiser of Reiser Builders Inc. and Frances Bossolini, P.E. were present for the applicant. Chairman Oster noted that a full environmental assessment form had been submitted in connection with the sketch plan application, and that all application fees have been paid. Mr. Reiser presented an overview of the project, which seeks approval for 11 new building lots, a lot with an existing home on it, and 1 remainder lot on which no development is proposed. Mr. Reiser stated that the new building lots are non-realty lots, and that the water and septic plan would need to be reviewed on a lot by lot basis in the future when each of these lots is proposed for development. He is looking to have the Planning Board review this application as a non-realty subdivision. Mr. Reiser also stated that all of the proposed new building lots had frontage on Plante Lane or Penny Royal Lane. Mr. Reiser stated that his plan was to sell building lots, and then have the water and septic plan engineered for each individual lot and reviewed by the Health Department when the lot was proposed for construction. Chairman Oster noted the Planning Board had reviewed the concept plan at its January 7 meeting, and had a few questions. First, Chairman Oster asked about proposed lot #4 on Penny Royal Lane, and whether that lot had adequate frontage on Penny Royal Lane. Mr. Reiser stated that the layout had been surveyed in the field by RDM Surveying, that there were pins in the field, and that he thought there was adequate frontage on Penny Royal Lane so that the lot was buildable. Member Tarbox asked

whether Penny Royal Lane was a deeded road. Attorney Gilchrist stated that this issue will need to be investigated by the Town, both with respect to Penny Royal Lane and Plante Lane, as to whether these roads were deeded public roads or were user roads. Attorney Gilchrist stated that this issue must be determined now, in order to determine the full width of the public right of way which could be different for a deeded road and a user road. The applicant and Planning Board determined that the applicant, his surveyor, and the Brunswick Highway Department should coordinate on this issue to determine the full width of the public right of way in that location for purposes of frontage of the proposed lots on a Town highway. Chairman Oster then asked about proposed lot #11 off Plante Lane, which indicates a 60 foot easement to provide access to property to the rear of the project site. Mr. Reiser stated that he initially was considering retaining an easement to access property to the rear off of this project site, in the event he was interested in acquiring title to this property to the rear, but that he is not intent on moving forward with that option at this time, and that the reference to a 60 foot easement on lot #11 will be removed. The Planning Board then generally discussed the size of the proposed building lots, including the rules regarding non-realty subdivision review. Attorney Gilchrist stated that he would review this subdivision plan with regard to the non-realty subdivision rules, and advise the Board at its February meeting. Chairman Oster did note that the full Environmental Assessment Form has been received, and will be reviewed by the Planning Board members and Mr. Bonesteel. Mr. Bossolini inquired whether a lead agency coordination notice can be sent at this time. The Planning Board will initiate SEQRA lead agency coordination. Attorney Gilchrist requested that Mr. Bonesteel review the full Environmental Assessment Form to determine completeness as to all involved agencies, and once that determination is made, he will circulate a SEQRA lead agency coordination to all involved agencies on this action. The Planning Board has tentatively placed

this matter on the February 4 agenda for further discussion, subject to having additional information concerning the width of the public right of way for both Plante Lane and Penny Royal Lane.

One item of new business was discussed.

Tom Murley made a concept presentation to the Planning Board concerning a residential project he is preparing for property he owns off Liberty Road and Farrell Road. Mr. Murley stated that he still is in the process of preparing engineering plans for this project, but appreciated the opportunity to come before the Planning Board just to present a very preliminary concept plan so that the Planning Board understood what he would likely be pursuing for this property. Mr. Murley is proposing to develop his land located off Liberty Road and Farrell Road with approximately 130 residential lots, to be constructed in several phases, together with a road system, public water, public sewer, and full engineered stormwater management. Mr. Murley stated that this would be several phases, including up to 7 phases, and that he would be proposing only to proceed at this time with phase 1, which would include 31 residential lots. Mr. Murley stated that he would be proposing to extend public water and public sewer from the Brunswick Meadows condominium project to this residential project. Mr. Murley stated that this project would likely be presented as a Planned Development District, as part of the property is zoned A-40 and part of the property is zoned Industrial. Mr. Murley stated that the plan was to have a residential neighborhood similar to the North 40 subdivision, both in terms of lot size as well as the type of home to be constructed. Mr. Murley stated that the availability of public water and public sewer would allow for the development of a residential community like North 40. Mr. Murley stated that the existing paintball commercial operation located off Farrell Road, on property that he is leasing to the owners of the paintball operation, would continue for the near future, and would be on property

that is planned predominantly for the last phase of residential construction. Mr. Murley reiterated that the phase 1 section of the project would include approximately 31 lots, that all roads would be built according to Town specifications and proposed to be dedicated as Town roads, and all stormwater management would comply with current regulations. Mr. Murley stated that the area of the proposed residential lots was outside the area of the former Troy Landfill, but that he would be working very closely with the New York State Department of Environmental Conservation on lot location and appropriate setback issues. Mr. Murley stated that he was in the very preliminary stages of this plan, that full engineering work as well as application document preparation still needed to be completed, and that he did look forward to having an application presented to the Town Board as a Planned Development District in 2016. Mr. Murley thanked the Planning Board for the opportunity to present this concept proposal, rather than allowing rumor or speculation about what his plans for the property may be. The Planning Board thanked Mr. Murley for the presentation.

The index for the January 21, 2016 meeting is as follows:

1. PF Management Group – site plan – 2/4/2016 (public hearing to commence at 7:00PM)
2. Resier Builders Inc. – major subdivision – 2/4/2016 (tentative)
3. Murley - Concept plan presentation for property at Liberty Road and Farrell Road - Adjourned without date

The proposed agenda for the February 4, 2016 currently is as follows:

1. PF Management Group - site plan (public hearing to commence at 7:00PM)
2. Reiser Builders Inc - Major subdivision (tentative)

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 4, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the February 4 meeting.

The first item of business on the agenda was a public hearing for the site plan application submitted by PF Management Group for property located at 668 Hoosick Road, pursuant to which the applicant seeks to demolish two existing buildings and construct two new commercial buildings for an Aldi grocery store and a Taco Bell restaurant on the property. Chairman Oster opened the public hearing. Chairman Oster then reviewed the rules of the public hearing, and Attorney Tingley read the Notice of Public Hearing into the record and noted that the Notice of Public Hearing had been posted on the Town website, posted on the Town sign board, published in the Troy Record on January 23, 2016, and sent to adjacent property owners on January 22, 2016. Christopher Kamar, P.E., of APD Engineering and Architecture appeared on behalf of the applicant. David Leon of PF Management Group was also present. Mr. Kamar described the site as consisting currently of a retail building and a mechanic's garage, and noted that the application seeks to demolish the existing buildings and to construct an Aldi grocery store and a 2,200 +/- square foot Taco Bell restaurant with a drive-thru. Mr. Kamar noted that the trash and recycling for the Taco Bell restaurant would be

located behind the restaurant and would be closed in with appropriate fencing. Mr. Kamar noted that the garbage for the Aldi grocery store would also be located to the rear of the Aldi building. Mr. Kamar noted that he had submitted a cross-access and cross-parking easement to allow access for the site to run through the existing Planet Fitness property and to also allow parking on the Planet Fitness property if necessary. Mr. Kamar further noted that plans have been submitted to the New York State Department of Transportation for the addition of a traffic signal at the entrance to the Planet Fitness site. Mr. Kamar further noted that the entrance and exit to the Taco Bell restaurant would be right-in and right-out only. Mr. Kamar reviewed the stormwater management plan and identified for the Board the location of the handicapped parking spaces for each building. Mr. Kamar indicated that the site lighting would consist of downcast, LED, dark-sky compliant lights. Mr. Kamar indicated that he had received comments from both the Town Engineer and from the Fire Chief of Brunswick Fire Company No. 1. Mr. Kamar indicated that they had sought a variance for parking from the Zoning Board of Appeals and had obtained that variance, and that the applicant was also seeking a waiver from the greenspace requirement. Mr. Kamar reported that he had updated the full environmental assessment form and handed that in prior to the public hearing. He further noted that another engineering firm was working on behalf of the applicant with the New York State Department of Transportation engineers with respect to access to the site from Route 7. With respect to snow storage, Mr. Kamar reported that the plan is to push the snow to the rear of the site and over the hill that is behind the parking lot. Mr. Leon reviewed the combined parking available for the subject site and the Planet Fitness site, and indicated that the combined greenspace for both the Planet Fitness site and the subject site would exceed 50%. Chairman Oster then noted that the property is zoned commercial, and that the use is a permissible use, and that the use appears to be in compliance

with the goals and objectives of the Town's comprehensive plan, which identifies Route 7 as the Town's commercial corridor.

Chairman Oster then opened the floor up to public comments.

Charles Tutunjian, owner of 630 Hoosick Road, had a question and observation concerning the proposed traffic signal for the access to the site through the Planet Fitness property. Mr. Tutunjian questioned whether or not the viability or approval of the project would be contingent on successfully receiving DOT approval for the traffic signal. He further suggested that the applicant consider providing access to the Planet Fitness parking lot for residents of Hillcrest Avenue in order that they may use the traffic signal to access Hoosick Road.

Betty Jane Kauffman, of 269 Hillcrest, indicated that she agreed with Mr. Tutunjian and reported that it was difficult to enter Hoosick Road from Hillcrest Avenue, and that access to a traffic signal would be helpful.

Donna Chiefari, of 684 Hoosick Road, requested that the applicant consider a turning lane in Hoosick Road to assist with circulation and turning movement at the proposed traffic signal.

Jim Tkacik of 387 Brunswick Road, questioned whether the existing access for Planet Fitness would be sufficiently wide for the traffic associated with the new site and the traffic signal. He further noted that it appeared that the truck traffic associated with the Aldi grocery store would have to enter through the Planet Fitness site and that the plans are unclear concerning whether the truck turning movements are adequately provided for.

Gus Scifo, Chief of Brunswick Fire Company #1, 566 Hoosick Road, indicated that he submitted on behalf of the fire company written comments, which he reviewed for the Board and the applicant during the public hearing.

After all members of the public were given an opportunity to speak and submit comments, the Planning Board closed the public hearing.

The Planning Board then opened the regular meeting.

The draft minutes of the January 21, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the January 21, 2016 meeting were unanimously approved with no amendment.

The first item of business on the agenda was the site plan application submitted by PF Management Group for property located at 668 Hoosick Road. The applicant is seeking to demolish two existing buildings and construct two new commercial buildings to be used as an Aldi grocery store and a Taco Bell restaurant. Christopher Kamar of APD Engineering and Architecture and David Leon of PF Management Group were present. Chairman Oster asked the applicant whether the project was contingent on securing DOT approval for the traffic signal at the access to Planet Fitness. Mr. Leon reported that, without the traffic signal, the project would not move forward. Mr. Leon also noted that he would consider the comments relating to connecting Hillcrest Avenue to the Planet Fitness parking lot to allow access to the traffic signal. Chairman Oster then asked the applicant to confirm that the right-turn in and right-turn out near the Taco Bell restaurant onto Hoosick Road is part of the site plan application. The applicant responded that the proposal is to have right-turn in and right-turn out only, but that the ultimate decision rests with DOT as to access to Hoosick Road. Mr. Kamar then reviewed and responded to the comments of the Brunswick Fire Company No. 1, indicating that the applicant would install a knox box, the Aldi grocery store would have a wet sprinkler system, and the Taco Bell would not be equipped with a sprinkler system given its size. With respect to CO detectors, Mr. Kamar indicated that the location of such CO detectors would be determined as part of the building permit process. Mr. Kamar further noted that a bollard to protect

the gas meter would be included, and that the elevation of the fire department connection would be addressed. With respect to the comment that an additional hydrant be installed, Mr. Kamar noted that there is a hydrant currently located near the site and since the Aldi grocery store will be equipped with a sprinkler system, the existing fire hydrant is sufficiently close so as to not require installation of a new hydrant. Mr. Bonesteel then reviewed his comments on the application with the applicant. Mr. Bonesteel inquired as to the status of the DOT review of the traffic signal, and Mr. Kamar indicated that a separate engineering firm was handling that aspect of the project, but that they had been in contact with DOT and that process is moving forward. Mr. Bonesteel also inquired about existing easements on the site relating to drainage, access, and utilities. Mr. Bonesteel questioned whether the drainage easement between the project site and the Planet Fitness site was necessary given that the stormwater management plan would handle the drainage from the two sites. Mr. Bonesteel also noted that the project site appeared to include a National Grid utility easement. Mr. Bonesteel also questioned whether a particular parking spot located on the easterly end of the site would actually function as intended. Mr. Kamar indicated that they had analyzed the sufficiency of the parking space and the parking area with auto-turn software, and a passenger vehicle would be able to maneuver into and out of the spot adequately. The applicant indicated that it would not object to posting that parking spot with a sign restricting parking to compact cars, only. Mr. Bonesteel then asked again about the snow storage. The applicant responded that it anticipated pushing the snow to the rear of the site beyond the parking lot and over a hill. Given the location of the property lines, Mr. Tingley suggested that the Board require the applicant to record an easement to allow snow storage in order to avoid disputes in the future if one or more of these properties were sold to a third party. The applicant agreed that it would provide for such an easement. Mr. Bonesteel then asked questions concerning the thickness of the pavement, and the applicant indicated that the overall

pavement thickness would be 5 inches. Mr. Bonesteel asked how the right-turn only would be identified. The applicant indicated that the requirements for the right-turn in and out near the Taco Bell restaurant would be set by DOT, and it is likely that DOT will require appropriate signage, but that process has not been completed yet. Mr. Bonesteel indicated that his review of the stormwater pollution prevention plan indicates that everything has been covered, but he questioned whether the applicant had yet received a letter from OPRHP. The applicant indicated that the process was done through CRIS, and that they had received back comments from OPRHP and had made revisions and expect to receive the OPRHP letter shortly. Mr. Bonesteel noted that the post-construction management plan was somewhat cumbersome. Mr. Bonesteel then asked questions concerning the geotechnical report including how the site would be prepared for construction given the site's soil characteristics. Mr. Kamar indicated that the applicant will be following one of the recommendations set forth in the geotechnical report, and that the recommendation that is eventually selected would be submitted as part of the building plan. Mr. Bonesteel then acknowledged that the full environmental assessment form had been updated and received. The applicant then noted that they are currently in talks with the City of Troy regarding a sewer connection. The applicant further noted that it had received information from the Department of Environmental Conservation concerning habitats, and they provided that material to Mr. Bonesteel. Attorney Tingley noted that the County recommendation had been received and that it indicated that local consideration shall prevail, and that it recommended that the entrance and exit near the Taco Bell restaurant be right-turn in and right-turn out only. Member Mainello asked the applicant whether the Aldi grocery store would have any outside storage. Mr. Kamar reported that there would be no outside storage at the Aldi grocery store, and also that there would be no food preparation on site at the Aldi grocery store. Mr. Kamar further noted that the Aldi grocery store would have a cart management system whereby

customers would be required to insert a quarter in order to get a cart, and then when they return the cart to the proper location the quarter would be returned to the customer. The applicant explained that the system ensures that the carts are not located throughout the parking lot, but instead are all together near the store in the cart storage area. Chairman Oster asked what the hours of operation would be, and the applicant responded that Aldi grocery stores are typically open from 9 a.m. until 8 p.m., Monday–Saturday, and then 10 a.m. until 7 p.m. on Sundays. Chairman Oster then noted that the public hearing had been opened and closed, and that the applicant would be provided an opportunity to address those comments in writing. Chairman Oster then asked the applicant whether the site plan application was awaiting DOT approval, and Mr. Leon indicated that DOT may not approve the traffic signal for several months, and that typically DOT looks for local approvals before it moves forward with its final approval for access to the site. The matter was placed on the agenda for the February 18, 2016 meeting for further discussion, and the applicant agreed to submit written responses to the comments received.

The next item of business on the agenda was the major subdivision proposal submitted by Reiser Builders, Inc. for property located at New York State Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders, Inc. and Francis Bossolini, P.E. were present for the applicant. Mr. Reiser reviewed the issues that had been identified at the previous Planning Board meeting. The boundary lines of the parcels run to the center line of both Plante Lane and Penny Royal Lane, which are highways by use. The Planning Board then discussed how Mr. Reiser came to that conclusion, and he responded that the surveyor had done research and had determined that the property lines go to the center line of each of those user roads. Mr. Bossolini indicated that the preliminary subdivision plat that will be submitted will be based on a final survey which will be required to show the precise locations of the subject lot lines. Mr. Reiser also indicated that the names

of the owners on the opposite side of Penny Royal Lane were submitted to the Planning Board, and they will be likewise identified on the preliminary subdivision plat submitted as part of the subdivision application at the appropriate time. Mr. Reiser then indicated that he intends to apply for a non-realty major subdivision, and explained his reasons for doing so. Mr. Tingley explained to the Board that a non-realty subdivision is a subdivision that has fewer than five lots that are 5 acres or less within a three-year period. Attorney Tingley further noted that the concept plan showed several lots, more than five, with a proposed acreage of 5.0 +/- acres. Mr. Tingley explained to the Board that if the preliminary subdivision plat that is submitted continues to identify those lots as 5 acres, then the subdivision would be considered a realty subdivision and would require County Health Department approval prior to the signing and filing of the plat. However, if the applicant altered the size of the lots so that no more than four proposed lots were 5 acres or less, then the application could proceed as a non-realty subdivision application and County Health Department review would only be required on a lot by lot basis prior to issuance of building permits, as each lot is individually developed. Attorney Tingley further explained that if there is a further subdivision following this subdivision, then it may trigger the County Health Department review of this entire subdivision as a realty subdivision if it creates five lots of 5 acres or less within three years. Mr. Bossolini and Mr. Reiser indicated that the intent would be to submit a subdivision plat that would comply with the non-realty subdivision rules. The Board then discussed what else would be required to be shown on the plat, including whether or not building footprints and water and septic would be required to be shown on each of the lots. Attorney Tingley explained that if the subdivision was a realty subdivision, then the location of the septic and water would be a necessary part of the review because the County Health Department would have to sign off on the subdivision prior to the signing and filing of the plat. However, assuming the applicant pursues a non-realty subdivision, the subdivision plat need not show

the location of the homes, the septic systems, and the water wells, all of which appear to not yet be planned. Attorney Tingley further noted that it was his understanding that the practice of the Planning Board was to require applicants to show that each newly created lot has suitable access to a public road, and therefore often times the Planning Board requires the applicant to identify a suitable location of a driveway. Mr. Bossolini noted that the preliminary subdivision plat would include all of the information required by the Town's major subdivision regulations. Mr. Bossolini further noted that the SEQRA lead agency coordination notice either had been sent out or would be sent out shortly, and that the Planning Board would be in a position to begin reviewing the application once the responses from all of the involved agencies had been received. The applicant requested that the matter be placed tentatively on the agenda for March 3, 2016, so that the review could begin at that meeting in the event the involved agencies had responded to the lead agency coordination notice by that date. The Planning Board tentatively placed the matter on the agenda for March 3, 2016.

Two items of new business were discussed.

The first item of new business discussed was the waiver of subdivision application submitted by Scott Morrisey for property located at 451 Plank Road. Mr. Morrisey indicated that he was purchasing one acre of vacant property from his neighbor, Christopher Gilboy. His intent is to merge one newly acquired acre with his currently owned two-acre parcel on which his house is situated. Mr. Morrisey indicated that Mr. Gilboy's buildings are not in close proximity to the proposed property line. Mr. Morrisey also submitted a notarized letter signed by Mr. Gilboy indicating his consent to the application. Mr. Bonesteel asked Mr. Morrisey about the National Grid easement on the property. The location of the poles and the lines on the property were identified. The Board confirmed with Mr. Morrisey that there was no proposal for new septic, water, or buildings in the one acre parcel to be purchased. The Planning Board explained that if the waiver of subdivision application was

approved, it would require Mr. Morrissey to file the map with the County Clerk and to formally merge the one-acre parcel into the existing two-acre parcel. The applicant agreed. Member Czornyj then made a motion for a negative declaration under SEQRA, which was seconded by Member Esser, and was unanimously approved. Member Mainello then made a motion to approve the waiver of subdivision application, subject to the conditions that the applicant formally merge the new property with his existing lot and that the plot be filed with the County Clerk's Office, which was seconded by Member Tarbox, and the motion was unanimously approved.

The next item of new business was the waiver of subdivision application made by Scott Messemer, for property located at 46 Otsego Avenue. Mr. Messemer indicated that he had a contract with the sellers, Kent and Keith Duncan, to purchase additional property to increase the size of Mr. Messemer's existing property. Currently the rear property line is approximately ten feet from the rear of the house, and Mr. Messemer is seeking to purchase additional property to accommodate an existing garden and a shed that is located on the Duncan property. Mr. Messemer indicated that he has a written contract with the Duncans, and that he has a real property attorney representing him. The Planning Board confirmed with the applicant that there was no proposal to build new buildings on the site and that the Duncan property had no structures located near the proposed property line. Mr. Messemer also indicated that he had a contract with a potential buyer for the sale of his home, which was contingent on this application being approved and the additional property being acquired. Member Czornyj indicated that he had personally spoken with both Kent and Keith Duncan, and they consented to the application. Attorney Tingley requested that the applicant provide written proof to the Planning Board concerning the consent of Kent and Keith Duncan. Attorney Tingley noted for the Board that given that Member Czornyj had personally spoken with both Kent and Keith Duncan, the submission of the written consent of the Duncans was not necessarily required for the application

to move forward, but that the Board, if it sought to act at this meeting, should consider adding a condition to require submission of written documentation of the owners' consent. Member Czornyj then made a motion for a negative declaration under SEQRA, which was seconded by Member Wetmiller, and was unanimously approved. Member Czornyj then made a motion to approve the application subject to the condition that the applicant provide written documentation of the Duncans' consent to the transaction, that the applicant formally merge the new property with his existing lot, and that the plat be filed with the County Clerk's Office. The motion was seconded by Member Esser and was unanimously approved.

Chairman Oster then noted that he wanted to address an item under old business concerning the Oakwood Management PDD application. Chairman Oster noted that he had received a report from Summit Lake Consulting, LLC concerning the issue of whether the emergency access road on the Oakwood Management PDD site would be necessary. Chairman Oster noted that he had forwarded the report by email to all members, and confirmed that all members had received the report. Chairman Oster noted that pursuant to a conversation he had with Mr. Laberge, there was one correction on the report on page two, where the report references a meeting with the developer's representatives and the Town representatives. Chairman Oster noted that Mr. Laberge reported to him that there were no representatives of the developers present, but that instead it was just the Town representatives at the site meeting. Chairman Oster requested that the Planning Board members review the report and be prepared to discuss it at the next meeting of the Planning Board so that the Planning Board could provide its recommendation to the Town Board with respect to the necessity for the emergency access road. The matter was tentatively placed on the agenda for the February 18, 2016 Planning Board meeting.

Member Casey then identified a question concerning the PF Management Group site plan application and the request on the part of Mr. Tutunjian and Hillcrest Avenue residents to allow Hillcrest Avenue to connect into the Planet Fitness parking lot in order to access the traffic signal. He asked whether such a connection might require review of the Planet Fitness site to make sure that the new traffic circulation through that site would be sufficient. Attorney Tingley noted that it may require a site plan amendment. Chairman Oster indicated that the applicant should be notified.

The index for the February 4, 2016 meeting is as follows:

1. PF Management Group – site plan – 2/18/2016 (public hearing held and closed)
2. Resier Builders Inc. – major subdivision – 3/3/2016 (tentative)
3. Morrisey - waiver of subdivision - approved with conditions
4. Messemer - waiver of subdivision - approved with conditions
5. Oakwood Management PDD - emergency access road recommendation and consulting report - 2/18/2016 (tentative)

The proposed agenda for the February 18, 2016 meeting currently is as follows:

1. PF Management Group - site plan
2. Oakwood Management PDD - emergency access road recommendation and consulting report (tentative)

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 18, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the February 18 meeting.

The draft minutes of the February 4, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the February 4, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by PF Management Group for property located at 668 Hoosick Road. The applicant seeks to demolish two existing buildings and construct two new commercial buildings for an Aldi grocery store and a Taco Bell restaurant at this location. Chris Kamar, P.E., of APD Engineering, was present for the applicant. Mr. Kamar reviewed the status of the application, stating that the public hearing had been held and closed at the February 4 meeting, and that after such meeting the applicant had submitted a revised set of site plans to respond to the comments of the Planning Board Engineer, comments of the Planning Board members, and public comments. Mr. Kamar stated that an updated environmental assessment form had also been submitted. Chairman Oster inquired whether Mr. Bonesteel had the opportunity to review the updated site plan set. Mr. Bonesteel stated that he had

reviewed the updated plans and the letter submitted by the applicant responding to public comments. Mr. Bonesteel stated that the updated plans and response letter had addressed all engineering comments, with the exception that the Office of Parks, Recreation, and Historic Preservation still needed to respond to the inquiry concerning cultural and archeological resources in connection with the stormwater pollution prevention plan for the project. Mr. Bonesteel did state that he did not anticipate any issues on the OPRHP review. Chairman Oster raised the issue of the traffic signal proposed for Hoosick Road and the Planet Fitness entrance/Lord Avenue intersection. Mr. Bonesteel stated that it was his understanding the traffic light proposal was still under review at NYSDOT. Chairman Oster noted for the record that the Planning Board has been informed by the applicant that NYSDOT will complete its review after the Planning Board has acted on the site plan, in which case the Planning Board needed to consider appropriate conditions to any action on the site plan in relation to the traffic signal installation and traffic issues in general. Chairman Oster raised one of the public comments received concerning the addition of a driveway or access through the Planet Fitness parking lot to be connected to Hillcrest Avenue so that residents on Hillcrest could utilize the traffic light to be installed on Hoosick Road for purposes for making a turn in the westerly direction onto Hoosick Road. Chairman Oster noted he had reviewed this issue with attorney Gilchrist, and that the issue of adding a driveway location from Hillcrest Avenue into the Planet Fitness parking lot would need to be addressed through an amendment to the Planet Fitness site plan, and not through action on the site plan pertaining to the proposed Aldi grocery store and Taco Bell. Member Tarbox inquired as to where a driveway from the Planet Fitness parking lot onto Hillcrest Avenue would be located. Chairman Oster noted there was an existing dirt driveway leading from the Planet Fitness site onto Hillcrest Avenue, which is situated toward the rear of the parking lot, but that again such a connection to Hillcrest Avenue with the Planet Fitness parking lot would need to be addressed through an

amendment to the Planet Fitness site plan. Mr. Kamar stated that the property owner, PF Management Group, LLC, and Mr. David Leon in particular, was willing to consider an access from the Planet Fitness parking lot onto Hillcrest Avenue in compliance with any comments from NYSDOT, and that he would comply with any comments from NYSDOT and consider the driveway connection onto Hillcrest Avenue through consideration of an amendment to the Planet Fitness site plan. Mr. Leon made it clear that he would comply with any comments on this issue from NYSDOT. The Planning Board generally discussed whether it was ready to proceed with action on the site plan. Attorney Gilchrist reviewed the procedure, indicating that the site plan application had been deemed complete, that the referral had been completed to the Rensselaer County Department of Economic Development and Planning, that a public hearing had been held and closed on the application, and that the matter was now before the Planning Board for consideration of action under SEQRA and the site plan application. Attorney Gilchrist also reviewed with the Planning Board several proposed conditions, which the Planning Board agreed to and indicated would be considered as binding conditions on any site plan approval. Thereupon, the Planning Board proceeded to act on the application. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. It was noted for the record that the determination of no significant traffic impacts was made upon the inclusion of the proposed traffic signal at the Hoosick Road and Planet Fitness/Lord Avenue intersection, noting that the installation of a traffic signal would not result in any significant traffic impacts in relation to the pending site plan application, and further that the site plan included a right-in/right-out only access onto Hoosick Road near the Taco Bell restaurant. The Planning Board noted both of these issues in relation to traffic impacts from the current site plan application. The Planning Board next addressed requested waivers from the pavement and driveway

separation distances from the front lot line, side lot line (eastern side), and side lot line pursuant to the authority in the site plan regulations. In particular, the applicant seeks a side setback for parking in the area in front of the proposed Aldi grocery store, where a 7 foot setback is required, and the site plan shows approximately a 2 foot setback from the lot line; a side yard setback on the east side of the project site for pavement, where the regulations require a 7 foot setback and the site plan provides for a 6.2 foot setback; and a front yard setback in the northeast corner of the project site, where the regulations require a 10 foot setback and the site plan shows an approximate 6 foot setback. Member Czornyj made a motion to approve these waivers in connection with the site plan, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the waivers granted with respect to the front lot line and side lot line separation for pavement and parking. The Planning Board next addressed a requested waiver from the greenspace requirements under the site plan regulations. Here, the project site plan shows 29% greenspace, while the site plan regulations require a 35% greenspace, with the Planning Board noting that the rear of the project site, which is a separate lot of approximately 17 acres, and owned by the applicant, is proposed to remain green. Member Czornyj made a motion to approve the waiver from the greenspace requirements for this site plan application, which motion was seconded by Member Casey. The motion was unanimously approved, and the greenspace waiver approved. Thereupon, Member Wetmiller made a motion to approve the site plan subject to the following express conditions:

1. The site plan provides for a traffic light to be installed at the intersection of Hoosick Road and the Planet Fitness entrance/Lord Avenue; the site plan approval is expressly conditioned upon NYSDOT approving and requiring the installation of a traffic signal at this location;
2. The site plan shows a right-in/right-out only access onto Hoosick Road in the location of the Taco Bell restaurant; this approval is expressly conditioned upon NYSDOT approving and requiring a right-in/right-out only access onto Hoosick Road at the location of the Taco Bell restaurant;

3. PF Management Group, LLC will review the concept of an access driveway from Hillcrest Avenue through the Planet Fitness parking lot in relation with the traffic light installation noted in condition #1, and will comply with any comment or recommendation of NYSDOT regarding a Hillcrest Avenue connection, and if such connection is pursued, then an amendment to the Planet Fitness site plan will be submitted by PF Management Group, LLC;
4. Installation of knox box;
5. Installation of a wet sprinkler system at the Aldi grocery store;
6. Bollard installation at all gas meters;
7. Coordination with the Brunswick No. 1 Fire Department on elevations of all fire connections;
8. A drainage easement for the Planet Fitness, Aldi grocery store, and Taco Bell stormwater plan, to be reviewed by the Planning Board engineer and attorney;
9. A snow storage easement onto the 17-acre parcel located to the rear of the project site, to be consistent with the snow storage area shown on the site plan, and to be reviewed by the Planning Board engineer and attorney;
10. Response from NYS OPRHP regarding cultural and archeological resources in connection with stormwater pollution prevention plan;
11. All site grading must be in compliance with the geotechnical report submitted on the site plan application, particularly with respect to compaction requirements;
12. No outside storage permitted at the Aldi grocery store;
13. Cross-easement between the Taco Bell and Aldi grocery store site plan and the Planet Fitness facility, expressly for parking purposes (cross-easement currently in place provides for ingress and egress);
14. Final review and comments by Planning Board engineer and Town Water Department on stormwater pollution prevention plan and NOI;
15. All water and sewer connections to be reviewed and approved by the Town Water Department;
16. Coordination with the Town Building Department on final landscaping plans for locations adjacent to NYS Route 7/Hoosick Road.

Member Czornyj seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval granted for the Aldi/Taco Bell site plan.

The next item of business on the agenda was the site plan submitted in connection with the Oakwood Property Management Planned Development District. The purpose of the discussion was to review the consulting report submitted by Summit Lake Consulting LLC with respect to the issue of an emergency access road from the North 40 subdivision to the project site. Robert Osterhauadt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster noted that all members of the Planning Board had been provided a copy of the Summit Lake Consulting report. The Planning Board generally discussed the content of the expert report. Member Wetmiller stated that the report highlighted the importance of having the apartment buildings install sprinkler systems, and if the buildings had not included sprinklers, then the differential in response times would be more significant and more of a critical factor, but that the expert report concluded that the installation of sprinklers in all apartment buildings reduced the significance of differential in response times. Member Wetmiller also noted that there are potential issues with the emergency access road itself, including the maintenance and operation of emergency gates, as well as the maintenance of this proposed emergency access road during the winter season, with particular regard to its grade and configuration. Chairman Oster noted that the expert report did not include the amount of time it would take emergency vehicles to traverse the proposed emergency access road, given its grade and configuration, and particularly with respect to operation of the emergency gates, traversing a 1,000–1,110-foot access road that was at a fairly steep grade (between 10 to 12%) and serpentine in configuration, which would require limiting the speed of any emergency access vehicles and contingent on the road being properly maintained in the winter season by the apartment complex owner. Member Czornyj stated that he had a significant concern regarding winter maintenance of a steep and winding emergency access road. Chairman Oster requested comments from the Planning Board members. Member Tarbox stated that he felt that the emergency access road was excessive

and not warranted in light of the expert consultant report, and that given the grade and configuration of the emergency access road, the road itself could cause significant problems for purposes of emergency response; a significant issue was the gate operation and road maintenance, and if the emergency response vehicle could not safely use the emergency access road during winter periods, this would lead to increasing response times rather than decreasing response times. Member Wetmiller agreed with these comments, saying that the potential problems with including the emergency access road as proposed does outweigh any benefit, and agrees with the conclusions in the expert report. Member Wetmiller did state that including sprinklers in each of the buildings was critical. Member Czornyj agreed with these comments, noting that based on his review of the report, including the emergency access road had the potential for hazards, and that response times without including the emergency access road were still in compliance with national fire response time standards. Member Casey agreed with these comments, also noting that he was concerned about potential liability issues if the emergency access road is not maintained at all times and causes delay in emergency response. Member Mainello agreed with the comments, but noted that having the apartment buildings fully sprinklered is essential. On that issue, Mr. Osterhautd stated that all of the buildings will include sprinkler systems, and noted that this would be an agreeable mandatory condition. Chairman Oster stated that he also had a safety concern with emergency response vehicles going through the streets of the North 40 subdivision, noting the residential character of the North 40 subdivision, including children playing and also a number of parked cars, may impact emergency response times. The Planning Board generally concluded that, with the express condition that all apartments be installed with sprinkler systems, the site plan did not warrant the inclusion of an emergency access road from the North 40 subdivision to the apartment complex, expressly relying on the analysis and conclusions in the Summit Lake expert consulting report. Chairman Oster then

stated that with this conclusion, a utility easement would need to be provided for the proposed water line connection to the North 40 subdivision, and that the utility easement area needed to be maintained to be able to provide access to the water lines, and that this maintenance requirement needed to be reviewed and coordinated with the Brunswick Water Department. Mr. Osterhautt stated that based on this discussion, his office will revise the site plan submittal; that he has met with the Town Water Department concerning the location of the water line and utility easement area in the event an emergency access road was not warranted; and wanted it noted on the record that the water line utility easement will not be a straight line, but will continue to be located in a manner to eliminate any straight visual corridor between the North 40 subdivision and the apartment buildings. Mr. Osterhautt also noted for the record that while the Summit Lake Consulting report stated that the applicant had met with the consultant and Town officials, that meeting did not occur and that the Summit Lake Consulting report was prepared exclusively between the consulting firm and the Town. Mr. Osterhautt confirmed that the applicant was in agreement with an express condition that all apartment buildings be fully sprinklered and that the utility easement area be maintained in coordination with requirements of the Brunswick Water Department. Chairman Oster concluded that the Planning Board had performed its due diligence regarding the requirement of an emergency access road on this site plan, and that the Planning Board will now proceed with continuing and completing its site plan review. Mr. Osterhautt stated that his office will now amend and update the site plan submittal documents, and will coordinate with the Planning Board on a submittal date so that the matter can be placed on a future Planning Board agenda.

One item of new business was discussed.

Skyworks LLC, owner of property located at 795 Hoosick Road, has submitted an application to amend its approved site plan for equipment sales and rental at 795 Hoosick Road, which site plan

was approved on May 7, 2015. The applicant seeks an amendment to the approved site plan to install a 1,000 gallon above-ground diesel storage tank to be used in conjunction with the rental equipment. It was noted that the issue of installation of a fuel tank was discussed at the May 7, 2015 meeting, indicating that an amendment to the site plan would be required if the owner sought to move forward with the installation of the fuel tank. The owner indicated that he is working with Long Energy to install a 1,000 gallon above-ground diesel fuel tank in connection with the rental equipment to be located to the rear of the lot. The Planning Board generally discussed the tank requirements, tank installation issues, environmental and safety controls, location, with particular regard to concrete barriers which would be installed around the above-ground tank. The Planning Board also noted that this matter will need to be reviewed by the Building Department for purposes of compliance with NYS Building Code and Fire Code requirements. The Planning Board inquired whether it could act upon the application at this meeting. Attorney Gilchrist stated that the Planning Board has the jurisdiction to consider this a minor modification to the existing site plan, and that the existing site plan had already been subject to the public hearing and referral to the County Planning Agency. Thereupon, the Planning Board determined that it would move forward with this minor modification to the approved site plan for this location. Member Czornyj then made a motion to approve the modification to the approved site plan to show the location and installation of a 1,000 gallon above-ground diesel storage tank, subject to the following conditions:

1. Notification to the Brunswick No. 1 Fire Department;
2. Obtaining necessary permits from the Brunswick Building Department;
3. Compliance with all applicable NYS Building Code and Fire Code requirements.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the minor modification to the Skyworks site plan was approved subject to the stated conditions.

The index for the February 18, 2016 meeting is as follows:

1. PF Management Group - site plan - conditional final approval.
2. Oakwood Property Management PDD site plan - review of expert consultant report on emergency access road - site plan application adjourned without date.
3. Skyworks LLC - site plan amendment - conditional final approval.

The proposed agenda for the March 3, 2016 meeting currently is as follows:

1. Reiser Builders Inc. - Major Subdivision.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 3, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the March 3 meeting.

The draft minutes of the February 18, 2016 meeting were reviewed. Following discussion, Member Czornyj made a motion to approve the February 18, 2016 meeting minutes, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the February 18, 2016 minutes were approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on NY Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders Inc. was present. Mr. Reiser handed up an updated sketch plan map, and reviewed with the Planning Board members some changes that had been made to the sketch plan. Mr. Reiser stated that both Plante Lane and Penny Royal Lane are user roads, and that a map note had been added to the sketch plan map indicating that the new subdivided lot lines would extend to the center line of both Penny Royal Lane and Plante Lane; that the subdivided lots previously identified as being 5.0 +/- acres have been adjusted so that a total of four lots are under 5 acres, and a total of eight lots (now including the remainder lot) are all in excess of 5 acres; that the existing

home on the property, which the previous sketch plan map had shown on a separate residential lot with the remaining land being in a separate large lot, has now been combined with the remaining land so that the existing house is located on 1 large remainder parcel, resulting in 11 new residential lots plus the existing home on a large remainder lot. Mr. Reiser inquired as to responses on the SEQRA lead agency coordination notice, and whether the Planning Board could declare itself lead agency at this meeting. Attorney Gilchrist stated that the SEQRA lead agency coordination notice had been sent out on February 8, and that responses had not yet been received, and the thirty days for responses has not yet elapsed, and therefore the Planning Board could not declare itself lead agency at this meeting. Mr. Reiser also requested that the Planning Board move forward and schedule the public hearing on the major subdivision. The Planning Board reviewed the major subdivision plat requirements in the Brunswick subdivision regulations with Mr. Reiser, noting that a public hearing cannot be scheduled until the application meets the major subdivision plat submittal requirements. Chairman Oster asked whether the plat note showing that the residential lot lines would extend to the center line of Plante Lane and Penny Royal Lane was adequate, or does the plat need to show the actual lot line to the centerline of the road. Attorney Gilchrist stated that the map note was adequate, giving adequate notice to lot owners that the lot extended to the centerline of the user roads. Attorney Gilchrist did state that the specific metes and bounds description for each residential lot will need to describe the lot line going to the centerline of the relevant user road. The Planning Board members had a question concerning the applicability of the non-realty subdivision rules, which was reviewed by attorney Gilchrist. Member Czornyj asked about the existing lots on Penny Royal Lane, which was discussed by Mr. Reiser and the Planning Board members. Member Tarbox said that he would like to see proposed driveway locations for each new residential lot. Mr. Reiser asked whether this was needed on the non-realty subdivision. The Planning Board members then again reviewed the

major subdivision plat application requirements with Mr. Reiser, highlighting the need for addition of elevation contours on the subdivision plat to ensure that each proposed residential lot was a buildable lot. Chairman Oster stated that he would like to see a proposed driveway location to ensure that a driveway meeting elevation requirements could be built on each of these lots, even though the final location of the driveway may be subject to change upon sale of the residential lot and home construction. Member Casey asked whether an Agricultural Data Statement was required. Mr. Reiser was directed to coordinate with the Brunswick Building Department to determine applicability of the need for an Agricultural Data Statement, and if one is needed, Mr. Reiser is directed to complete the Agricultural Data Statement in connection with the application. The Planning Board also stated that the addition of the topographic contours needed to be included for each proposed new residential lot, but that topo would not be required on the large remainder lot. The Planning Board also requested that the width of the user roads, Plante Lane and Penny Royal Lane, be added to the subdivision plat. This matter is placed on the March 17 agenda for further discussion.

There were no items of new business.

The index for the March 3, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major Subdivision - 3/17/2016.

The proposed agenda for the March 17, 2016 meeting currently is as follows:

1. Reiser Builders Inc. - Major Subdivision.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 17, 2016

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

ABSENT was TIMOTHY CASEY and MICHAEL CZORNYJ.

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, KAREN GUASTELLA, Brunswick Building Department, and DOUG EDDY, Highway Superintendent.

Chairman Oster reviewed the agenda for the March 17 meeting.

The draft minutes of the March 3, 2016 meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Mainello, the minutes of the March 3, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders Inc. was present. Mr. Reiser handed up a preliminary subdivision plat which includes topographic information, and reviewed the changes to the subdivision plat that had been made since the March 3 meeting. Mr. Reiser stated that topography with 10-foot contours has been added to the subdivision plat; proposed driveway locations have been added; width of roads have been added; and all lot sizes have been corrected to comply with the non-realty subdivision rules. Chairman Oster reviewed the changes noted by Mr. Reiser. Chairman Oster inquired whether Mr.

Bonesteel had any questions or concerns. Mr. Bonesteel stated that the subdivision plat does include 10-foot contour lines, but that does not provide adequate information to review the subdivision, and the subdivision regulations do require contour lines of 5-feet or less. Mr. Bonesteel stated that the topography should be revised. Mr. Reiser asked whether the topography needed to be revised on all lots, as Mr. Reiser stated several of the proposed lots are fairly flat with easy driveway accessibility. Mr. Bonesteel stated that it appeared a number of the lots, including lots 7, 8, 9, and 10, are at a fairly steep grade. The Planning Board members, Mr. Bonesteel, and Mr. Reiser had a discussion concerning the topography of the project site and driveway locations on a number of the proposed lots. Member Esser stated that he thought the contour lines added to the subdivision plat were made from a USGS map without any site-specific survey information, and no original topography was added. Member Esser stated that a survey of this site should be completed to provide accurate topography. Mr. Reiser raised the possibility of the Planning Board scheduling a public hearing on the major subdivision application. Chairman Oster inquired with attorney Gilchrist on this issue. Attorney Gilchrist stated that the Planning Board may schedule and open a public hearing when it deems the major subdivision application complete, and that the Town's major subdivision plat requirements include the submission of a plat showing topography with 5-foot contours or less. Attorney Gilchrist further stated that if the Planning Board felt the application had adequate information to open a public hearing, the Planning Board should keep the public hearing open until such time as all necessary information on the major subdivision plat application has been received and allow the public an opportunity to review that additional information. Chairman Oster stated that the Planning Board had the option of scheduling and opening a public hearing, but it would not close any public hearing on this application until such time as all required information has been submitted by the applicant. Mr. Bonesteel also stated that the Planning Board had been provided with the plat

with the topography at 10-foot contours only at this March 17 meeting, and that both he and the Planning Board members needed adequate time to review the subdivision plat. The Planning Board further discussed the location of the pond on the project site, and also the issue of drainage locations throughout the project site. Mr. Bonesteel stated that he would like to see drainage courses shown on the subdivision plat. Chairman Oster also noted that Brunswick Highway Superintendent Doug Eddy was present at the meeting, and requested him to provide information concerning the roads at issue on this application, including Plante Lane and Penny Royal Lane. Highway Superintendent Eddy stated that Penny Royal Lane is a highway by use, and is not owned by the Town; that Penny Royal is paved, but that the width of Penny Royal Lane narrows as it reaches the Town municipal boundary. The Planning Board noted that there are 6–7 houses currently on Penny Royal Lane, and the application seeks four new lots on Penny Royal Lane. Highway Superintendent Eddy stated that Plante Lane is also a highway by use, that it is only gravel and not paved, and that the travel lane is only approximately 12 feet wide. Highway Superintendent Eddy did state that there was an adequate turnaround at the terminus of Plante Lane. Highway Superintendent Eddy stated that in his opinion, the current condition of Plante Lane did not allow for two cars to pass as the travel way was not wide enough, and that there would be questions regarding the suitability of Plante Lane in its current condition to accommodate seven new residential lots, and the anticipated traffic from seven new residential lots. Highway Superintendent Eddy also said that in the past, when faced with an application for new lots on a sub-standard road, the Planning Board has required certain road improvements to be completed, which may include a turnaround on a dead-end road to accommodate road maintenance by the Town Highway Department. Highway Superintendent Eddy also had concerns regarding the proposed driveways on the seven new residential lots on Plante Lane, and whether a negative pitch could be achieved on these driveways and the impact of runoff onto Plante

Lane. Member Mainello stated that since the Town did not own Plante Lane, and Mr. Reiser states that he owns only to the centerline of Plante Lane, the only work that could be done by Mr. Reiser would be on one side of Plante Lane. Member Mainello also questioned whether adequate area existed to improve the drainage ditches. Highway Superintendent Eddy stated that once a number of homes are built on Plane Lane, it is likely that such residents will request that the road be paved, and Plante Lane is currently only a highway by use with a gravel surface. Highway Superintendent Eddy also stated that there are drainage issues associated with maintenance of Plante Lane and also Penny Royal Lane. The Planning Board also discussed options to address these concerns, particularly regarding Plante Lane. Highway Superintendent Eddy said that in the past, the Planning Board has requested that the road area be deeded to the Town; but that in this case, Mr. Reiser reports that he owns only to the centerline of the road, which would result in only half of the width of Plante Lane being owned by the Town, with the remaining width being privately owned and subject to highway by use rules. Highway Superintendent Eddy stated that this was a difficult matter. Highway Superintendent Eddy also stated that there could be issues concerning improving the ditch on the east side of Plante Lane where the new proposed lots are located, given the steep grade in that area. Member Wetmiller asked Highway Superintendent Eddy as to the width he would consider adequate for the proposed number of lots. Highway Superintendent Eddy stated that he would propose at least 20 feet of road width, providing two ten-foot travel lanes, plus drainage on each shoulder. The Planning Board then discussed the ownership of the roadbed of Plante Lane, with Mr. Bonesteel noting that Plante Lane had previously been a County Highway back in the 1950's, and it was his understanding that the County abandoned this roadway. Attorney Gilchrist suggested to the Planning Board that when new survey work was being prepared in conjunction with the additional topography on the subdivision plat, that Mr. Reiser's surveyor also review the deed to Mr. Reiser's property and

survey whether the lot line does in fact go to the centerline of Plante Lane or only to the shoulder of Plante Lane. Attorney Gilchrist stated that the review of Mr. Reiser's deed and a review of the updated survey map will help address the title issues associated with Plante Lane, and that if further information is required thereafter, a title search could be required. Chairman Oster stated that given the discussion concerning Plante Lane, the Planning Board will need to carefully consider whether the existing road is adequate for seven new proposed residential lots. Attorney Gilchrist reviewed the legal rules surrounding consideration of adequacy of existing public roads in connection with new proposed subdivided lots. Chairman Oster concluded that it was not appropriate to schedule or open a public hearing until the information concerning Plante Lane is provided, and updated survey and potentially additional title work is provided. The members of the Planning Board concurred. Mr. Reiser stated that Plante Lane is actually 19–20 feet wide, not 12 feet wide as the Highway Superintendent reports. Attorney Gilchrist stated that the width of Plante Lane must be determined as a matter of fact, and recommends that the members of the Planning Board likewise go to the proposed project site to view the condition of Plante Lane. The Planning Board members and Mr. Reiser, and also Highway Superintendent Eddy, discussed opportunities to upgrade Plante Lane. Chairman Oster concluded that Mr. Reiser must submit an updated subdivision plat showing topography of at least 5-foot contours, a survey prepared showing the boundary of the property owned by Mr. Reiser in relation to Plante Lane, and additional information concerning the width and current condition of Plante Lane. Chairman Oster also recommended that each member of the Planning Board visit the project site, and to review the condition of Plante Lane in particular. This matter is placed on the April 7 agenda for further discussion.

One item of new business was discussed.

Hoffman Development Corp has submitted a site plan application concerning its existing carwash facility on Hoosick Road. Frank Palumbo, of CT Male, together with Tom Hoffman and Marty Andrews of Hoffman Development Corp, were present. Mr. Palumbo explained that Hoffman Development Corp has acquired title to the property adjacent and immediately to the east of the existing carwash, and the proposed site plan is for use of that lot in connection with the Hoffman Carwash. In particular, Mr. Palumbo reviewed the site plan which shows the use of the new lot for a vacuum system, and also generally reviewed revisions to the overall Hoffman Carwash operation. Chairman Oster inquired whether this application should be considered a new site plan or an amendment to the existing Hoffman Carwash site plan. Attorney Gilchrist stated that since the parcel to the east will be used in connection with the existing Hoffman Carwash operation, this should be reviewed by the Planning Board as an amendment to the existing Hoffman Carwash site plan to ensure that the overall facility meets site plan requirements. Mr. Palumbo stated that it was Hoffman's intention to merge these two parcels together into one lot if the proposed site plan is approved. Mr. Palumbo then continued to describe the proposed revisions to the site, which will include a new exit from the existing carwash facility, utilizing the ingress/egress point on the newly acquired lot to the east for all exiting from the site. The existing entrance into the carwash off Hoosick Road will continue to be used, but will be limited to an entrance only. Mr. Palumbo reviewed site drainage, including the construction of a new detention area to the rear of the new lot to the east. The Planning Board members noted that this proposal will eliminate the potential for stacking of cars exiting the carwash facility, allowing for additional stacking of cars seeking to exit the facility. Member Mainello asked whether there would be a canopy over the new vacuum area. Mr. Hoffman stated there would be no canopy. Chairman Oster inquired about snow removal, and where snow would be plowed and stored during the winter. Mr. Palumbo stated that he can show a snow storage location,

which would generally be toward the rear of the site. Chairman Oster reviewed the greenspace which will be added along the front of these two lots adjacent to Hoosick Road, and Mr. Palumbo confirmed that Hoffman would be landscaping this area consistent with its landscaping on the rest of the site. Mr. Palumbo and Mr. Hoffman stated that they are coordinating with NYSDOT concerning the ingress and egress issues as well as drainage issues in conjunction with the state drainage system off Hoosick Road. Member Mainello asked about hours of operation, lights, and potential noise associated with the new vacuum system, since there is a residential house located immediately to the east. Mr. Hoffman stated that the facility is open until 7p.m. in the winter and 8p.m. in the summer, that all lights will be located individually with each vacuum location and will be shielded with down-lighting only, and that the vacuum system is relatively quiet. Member Mainello stated that the applicant should provide some information on decibel levels from the manufacturer of the vacuum equipment. Mr. Palumbo and Mr. Hoffman stated that they would look at the option of including a fence or vegetative screening on the east side of the project site to shield the carwash facility from the house immediately to the east, and will take into account the fact that the property rises as it approaches the eastern boundary line. This matter is placed on the April 7 agenda for further discussion.

The index for the March 17, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision - 4/7/2016;
2. Hoffman Development Corp - Site plan - 4/7/2016.

The proposed agenda for the April 7, 2016 meeting currently is as follows:

1. Reiser Builders Inc. - Major subdivision;
2. Hoffman Development Corp - Site plan.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 7, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the April 7, 2016 meeting.

The draft minutes of the March 17, 2016 meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Casey, the minutes of the March 17, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders, Inc. was present, along with Rodney Michael. Mr. Reiser indicated that, since the last meeting, they had added additional contours to the proposed subdivision plat and that he had investigated the title issues with respect to Plante Lane. Mr. Michael reported that he had reviewed the title report with respect to Plante Lane and had not located any record of County acquisitions along Plante Lane before 1950. Mr. Michael indicated that the title to Mr. Reiser's property therefore runs to the centerline of the road. Mr. Bonesteel confirmed that the County did not acquire any portions along Plante Lane, and therefore Plante Lane is a user road. Mr. Reiser stated that he had looked at the width of Plante Lane and determined it to be approximately 19 feet

wide. Chairman Oster reported that he had visited the site and noted that the width of Plante Lane varies from section to section. Chairman Oster expressed concern that there are sections where emergency vehicles would likely have difficulty passing with any oncoming traffic. Chairman Oster further stated that the Town has minimum driveway standards for driveways that are over 150 feet long that require 16-foot wide travel lanes and 2-foot shoulders on each side. Chairman Oster further stated that he questions whether the road is 16 feet wide along its entire length and noted that there is ditching on both sides. Mr. Michael commented that driveway permits would be required and, in the event that a culvert is necessary, a culvert for any given driveway would be installed. Mr. Oster asked Mr. Tingley to review the Board's responsibility with respect to reviewing the subdivision in light of the condition of Plante Lane. Mr. Tingley stated that the Board can review the subdivision application with the current existing condition of Plante Lane known and, if the Board determines that Plante Lane is insufficient to support the proposed subdivision, the Board can deny approval of the subdivision. The alternative is for the applicant to include in the application road improvements to Plante Lane in order to make Plante Lane sufficient to support the subdivision. Mr. Tingley indicated that it is within the Board's lawful authority to determine whether the road is or is not sufficient to support the subdivision. The Board discussed with Mr. Reiser the fact that the owner of property on the other side of Plante Lane likewise owns to the centerline of Plante Lane and may need to be involved in any resolution of this issue. Mr. Reiser presented photographs he had taken after the Town had plowed Plante Lane this past week. Mr. Reiser stated that he had parked two pickup trucks next to each other in areas where Mr. Reiser stated the road was at its narrowest. Mr. Reiser stated the photos show that the travel way is 19 feet wide and is sufficient to accommodate two full-size trucks. Mr. Reiser further indicated that there is a ditch on one side as shown in the photographs. Mr. Reiser indicated that there are a number of other user roads throughout the Town on which there are

located houses and that the purchasers of the lots in this subdivision will be aware of the condition of the road. Mr. Reiser acknowledged that some portions of the road could use maintenance, but that the maintenance responsibility was the Town's. Mr. Reiser further stated that there is a 14-inch culvert that should be increased and that it was his position that the responsibility to improve the culvert was the Town's. He further stated that there are existing houses along Plante Lane. Mr. Reiser believes that because Plante Lane is a Town road, it should be the Town's responsibility to improve it. Attorney Tingley explained to the Board that in the Third Judicial Department, the rule is that the extent of the Town's authority and responsibility with respect to a highway-by-use is limited to the area actually maintained by the Town and publicly used. This means that the Town does not have the authority to increase the size of the road without the permission of the adjoining property owners. Member Mainello asked what the speed limit of Plante Lane was and Mr. Reiser responded that the speed limit was not posted. Mr. Reiser further stated that most of the Town roads are 16 feet wide and he recited a number of roads that he had visited, some of which were gravel like Plante Lane and some of which were paved. The roads Mr. Reiser identified included Indian Creek Lane, Kreiger Lane, Eddy Lane, Flower Road, Coons Road, Bott Lane, Lang Road, and Hakes Road. The Planning Board also discussed with Mr. Reiser drainage issues associated with the proposed subdivision. Chairman Oster explained to the applicant that there have been situations in the past where a user road has been insufficient to support a proposed project, and in those situations the applicant has voluntarily agreed to improve the road in order to provide a road that is sufficient to support the project. Chairman Oster gave Dusenberry Lane as an example. Chairman Oster further stated that although there will be just seven houses proposed for this portion of the subdivision, it is reasonable to assume that each house will generate at least two vehicles per lot, and potentially more vehicles if there are children of driving age living at the residence. He further explained that

applicants have previously worked with the Town in order to determine what is required and to improve the road as needed to support a given proposal. Chairman Oster further reviewed the concerns previously expressed by Highway Superintendent Doug Eddy. Member Esser asked whether the fire company had provided any input into the sufficiency of Plante Lane. Mr. Reiser indicated that there is a portion of Plante Lane that has a graded area to allow passage of vehicles. Member Esser indicated that it was his understanding that said area was at the bottom of Plante Lane. Mr. Reiser disagreed and indicated it was approximately halfway up Plante Lane. Mr. Reiser acknowledged that the graded area he referenced was not shown on the subdivision plat. Mr. Reiser indicated that he had discussed the road issue with the other owner on the opposite side of Plante Lane (Paul Schmidt), and Mr. Reiser stated that it was his belief that Mr. Schmidt has concerns regarding liability. Chairman Oster stated that the Highway Superintendent's comments also included concerns that once these lots are developed, the residents will be seeking to have Plante Lane improved and the Town's ability to improve Plante Lane—even at that point—may be limited by the fact that the road is a highway-by-use. Mr. Reiser indicated that the same style and scale homes are currently existing on other highways-by-use in the Town. Chairman Oster responded that it is the responsibility of the Planning Board to address public safety and it is up to the Board to decide if the road is sufficient or not. Mr. Reiser indicated that he is willing to consider working with the Town within reason, but that making substantial improvements to Plante Lane may require him to sell more lots, which is not what he had intended. Mr. Michael stated that the Town should consider having Mr. Bonesteel opine on the sufficiency of the road. Mr. Bonesteel also suggested that the applicant consider possible other alternatives in order to improve the road, although such other alternatives including widening the road and dedicating additional land to the Town may not be a feasible solution given the requirement of providing for drainage and the slope of the land. Member Mainello indicated

that he needs to know what the speed limit on Plante Lane is, particularly considering that the surface of Plante Lane is gravel, which will affect the stopping distance of vehicles. Member Mainello had concerns about not paving the road to support the subdivision. Member Tarbox asked whether the Town Board would need to approve any proposed dedication of property. Attorney Tingley indicated that the Town Board would be required to be involved in any decision concerning either acceptance of dedicated land or the expenditure of funds to improve or widen the existing roadway. Member Casey asked whether National Grid and Time Warner have access to the lots. Mr. Reiser indicated that there are existing poles and that he will grant an easement to those entities to run their lines to the lots. Member Casey asked whether there would be a school bus turnaround. The Board also discussed the fact that the Highway Superintendent will require a sufficient turnaround. Mr. Reiser indicated that there is a turnaround at the terminus of Plante Lane which the Highway Department currently uses to turn its plows around. Chairman Oster suggested that Mr. Bonesteel and Mr. Eddy go out to Plante Lane and meet with Mr. Reiser to review the sufficiency of Plante Lane. Member Esser suggested that the meeting include the Eagle Mills Fire Department Chief. Chairman Oster stated that he believes the Board needs a professional opinion on whether Plante Lane is sufficient in its current condition or whether improvements need to be made to Plante Lane in order to make it safe to support this proposed subdivision. Member Esser asked whether the new Town Code had yet been adopted and attorney Tingley indicated that until the new Town Code was adopted the Planning Board should be reviewing the application under the current Code and in accordance with the Planning Board's existing practice. Mr. Bonesteel indicated that the Town can recommend a speed limit for that road and Chairman Oster indicated that presumably at a minimum, some signage would be required to indicate that the road is a dead-end. Mr. Reiser indicated that there currently is a dead-end sign. Mr. Bonesteel then reviewed additional issues that he had identified. With respect to lots

3 and 4 which are located along Penny Royal Lane, Mr. Bonesteel indicated that there is a large culvert that crosses Penny Royal Lane and that the current layout of the driveway for lot 3 would not be feasible and the driveway for lot 4 would also not be feasible because it crosses a stream and then runs along the stream. Mr. Bonesteel also asked whether the driveways for lots 7, 8, 9, and 10 would be compliant with driveway requirements given the steep grades. Mr. Michael indicated that there will be cuts that will need to be done but that there can be a grading plan prepared for Mr. Bonesteel's review. Mr. Bonesteel indicated that he would like to see a grading plan for at least lots 7, 8, 9, and 10. The Board reminded Mr. Reiser that the driveways should have a back pitch in accordance with Town Highway Department requirements, and that any driveways over 150 feet must meet the Town's specifications with respect to such driveways. Mr. Reiser asked whether the Planning Board could designate lead agency at this meeting. Attorney Tingley explained that a lead agency coordination notice had been sent out and that thirty days has elapsed since. Attorney Tingley asked Ms. Guastella whether any agencies had submitted anything in response to the lead agency coordination notice and she indicated that they had not. Member Czornyj then made a motion to declare the Planning Board lead agency under SEQRA for this project, which was seconded by Member Mainello, and was unanimously approved. The Board placed this matter on the agenda for the April 21, 2016 meeting.

The next item of business on the agenda was the site plan application submitted by Hoffman Development Corp concerning its existing car wash facility on Hoosick Street. Frank Palumbo, of CT Male, together with Tom Hoffman and Marty Andrews of Hoffman Development Corp, were present. Mr. Palumbo explained that he had some updates for the Board in light of the prior meeting. Mr. Palumbo stated that the applicant's representatives met with the Department of Transportation concerning the improvements that will be required for the area of the property within the right-of-

way. Those requirements will include removing some existing driveway areas and extending the curb and sidewalks. Mr. Palumbo also reviewed the access locations, stating that the current access point will be modified from entrance and exit to entrance only, and an additional access point will be created on the eastern side of the site plan which is proposed to be entrance and exit. This will require expanding the exiting driveway on the eastern portion of the site from 15 feet to approximately 22 feet. The existing driveway in the center of the site will be removed. Mr. Palumbo also reviewed the applicant's proposal to mitigate light impacts to the adjoining property. The applicant proposes to install a chain link fence with slats to block headlights. Mr. Palumbo also reviewed the storm drainage of the site, indicating that the current conditions drain runoff into Hoosick Street. Mr. Palumbo believes that the Department of Transportation will allow the applicant to tap into the existing drainage easement that leads to the rear of the site. Mr. Palumbo also reviewed the light levels and indicated that at the property lines, the light will be very low if not at zero. Mr. Palumbo indicated that to the extent there is any light at the property lines it is from the existing lights, not from the proposed lights. Member Czornyj had questions concerning the entrances and exits to the site including whether the eastern access point could be changed to exit only. Chairman Oster indicated that he could see internal site circulation issues arising from customers that first sought to vacuum their cars and then to proceed to the carwash. The applicant responded that such customers would first vacuum their cars and then exit onto Route 7 and enter at the carwash queue entrance on the western portion of the site. Chairman Oster indicated that if the eastern access point was changed to exit only with two exit lanes then all vehicles could enter through the main entrance on the western end of the site and the issue could be avoided. The applicant responded that one of the benefits of having an entrance on the eastern end of the site is that it is located near the employee parking area and then employees could park in that area without being held up during busy times by the carwash

queue. Member Casey stated that it is difficult at certain times for left hand turns onto Hoosick Street and that he supports Chairman Oster's suggestion that the eastern access point be limited to exit only. Mr. Palumbo pointed out that a minor mistake on the layout plan indicates that there is a two way directional arrow which is actually one way and that the plan will be updated to correct the mistake. Member Casey asked where the exit lines up with respect to the Plum Blossom access and Mr. Palumbo indicated that it is near the Plum Blossom access but is not directly in line. Mr. Hoffman indicated that they have another location that has a two lane exit only as Chairman Oster had suggested and that the applicant would be willing to make the eastern access point a two lane exit only. Chairman Oster indicated that he felt the application materials were complete enough to schedule a public hearing and the Planning Board members concurred. Member Czornyj indicated that he will review the Building Department record to confirm that the County referral has been sent and that he will develop a list of the nearby property owners that will require public notice of the public hearing. The Board scheduled the public hearing on this application for 7:00PM on April 21, 2016.

There were three items of new business addressed.

The first item of new business discussed was the application of AG Distributors and Supplies Corp for the Ace Hardware site located at 831 Hoosick Road. The applicant seeks site plan amendment to provide for construction of two carports on which the applicant will be installing solar panels. Anna Marciano from Kasselmann Solar, appeared on behalf of the applicant. Ms. Marciano stated that the existing roof could only support 227 panels, which is insufficient to meet the energy needs of the site. The applicant proposes to construct two carports in the fenced-in display area which will be strong enough to hold the additional solar panels proposed. The applicant believes that the carports would constitute accessory structures. Ms. Marciano stated that the engineer was continuing

to work on a formal site plan, and that it was not yet ready for submission. Chairman Oster indicated that the application would be an amendment to the existing site plan. Chairman Oster asked whether there would be any use in the area of the carports. Ms. Marciano indicated that the use would be limited to storage of mulch, fertilizer, and/or soil products. Ms. Marciano stated that she believed that the area was not a customer retail area. Member Wetmiller asked whether the carports would be water tight and Ms. Marciano confirmed that they would be sealed off. Ms. Marciano further explained that there would be a 3-inch gap between the roof of the carport and the solar panels to allow for drainage. Member Wetmiller stated that the Board would like to see on the site plan where the drainage will go. Ms. Marciano stated that the carports are wholly within the fenced in display area and that there will not be any lost parking associated with construction of the carports. Chairman Oster asked whether the Planning Board must hold a public hearing on the application. Attorney Tingley stated that site plan public hearings are discretionary with the Board and that although the Board has previously held public hearings on site plans proposed for Route 7, there have been times when the Board has waived that public hearing where the application is for a minor amendment to an existing approved site plan. Member Casey asked Ms. Marciano whether the area in which the carports are proposed are truly seasonal given that the Ace Hardware sells Christmas trees in that area during the winter season. Member Casey expressed concern regarding snow falling off of the roof and panels onto customers. The Board also discussed concerns regarding icy conditions in that area during that time. Ms. Marciano stated that she would review that with the property owner. Ms. Marciano also stated that the proposed carports would be all wholly contained within the fenced-in storage area. The Board discussed concerns regarding the storage and materials under the carports if the materials were placed there by a forklift. The Board asked whether the existing gazebo would be relocated and Ms. Marciano indicated that she was not sure. The Board discussed the size of the

carports and the location of the wires from the solar panels to the building. Ms. Marciano indicated that all wires would be run across the roof by a conduit that would enter the main building and be routed to the electrical panel and that there would be no wires that would be accessible to any member of the public near the ground. Chairman Oster stated that the fire company should review the layout. The Board asked whether the carports would be attached to the building and Ms. Guastella stated that if the carports are separate accessory buildings then there may be some additional setback issues that would be to be complied with. Ms. Marciano indicated that she intended to deliver the finalized site plan to the Building Department for review in the next couple of days. The matter was placed on the agenda for further discussion for the April 21, 2016 meeting.

The next item of new business discussed was the application by Farrell Homes for a major subdivision located on Pinewoods Avenue. Brian Holbriiter and Mr. Farrell appeared on the application. Mr. Holbriiter explained that preliminary engineering had been done for the proposed lots and that the proposed layout had been submitted to the County Health Department for review in connection with the septic systems. The lots are served by public water. Mr. Wetmiller asked whether the driveway for one of the lots is coincident with an existing easement and what the purpose of the easement is. Mr. Holbriiter indicated that the easement was created to accommodate a proposed extension of a water line in that area and Mr. Wetmiller requested that the subdivision plat include a map note indicating that fact so that a purchaser of that particular lot would be aware of the potential of the Town doing work in the easement area that may interfere with the driveway. The Board then indicated that it did not appear that the application fee had been received and the fee requirements were provided to Mr. Holbriiter. Mr. Holbriiter indicated that the fee would be paid before the next meeting. The Board discussed whether the SEQRA short form or long form would be required for the project. Attorney Tingley indicated that the requirement of which form would be used would

depend on how the action is classified for SEQRA purposes, with all Type 1 actions requiring a SEQRA long form. Unlisted actions can be reviewed using a SEQRA short form, but the Planning Board can require completion of the long form if it believes that level of information is required for its review. Chairman Oster asked whether the elevation of the roof lines of the proposed houses on the lots would be near the elevation of the existing Pinewoods Avenue. Mr. Holbriiter indicated that they would be pretty close in terms of elevation given the grade difference between the lots and the roadway, but that the houses will be set back sufficiently from Pinewoods Avenue. Mr. Holbriiter indicated that the zoning for the areas are R-15, but that the proposed size of the lots are approximately 40,000 square feet. Chairman Oster noted that the driveway could be relatively steep and that the application should provide some detail concerning the slopes of the driveways. The Board also discussed with the applicant the need for site distances, and requested that the subdivision plat identify the site distances of the various driveways. Mr. Bonesteel indicated that he recommends use of the SEQRA long form EAF. The Board also discussed whether an agricultural data statement would be required for this project. The matter was placed on the agenda for further discussion for the April 21, 2016 meeting, contingent upon receiving payment of the application fee.

The next item of new business discussed was the application of Peter Calhoun with respect to an expansion of a proposed parking lot at the old Trooper barracks on Route 7. Mr. Holbriiter appeared on behalf of the applicant. Mr. Holbriiter indicated that currently the site does not have enough parking to support the existing use, and that the property owner is intending to lease adjoining land to build a parking lot. The question arose whether the proposed parking lot use of that particular lot would be permissible in light of the current zoning classification. The Board discussed with Mr. Holbriiter the process including submitting an application to the Building Department and having a

Building Department determination rendered concerning permissibility of the proposed parking lot use.

The next item of new business discussed was the application of Mark Ross for a lot line adjustment for property located at 13 Camel Hill Road. Mr. Ross indicated that he intends to adjust the lot line so as to add approximately 1.34 acres from property currently owned by Alma Ross, Mr. Ross' mother, to property currently owned by Mr. Ross. Mr. Ross explained that his water well is currently located on the 1.34 acres and that he has no intention to build any structures on the additional acreage. The Board explained that if the application were approved, the lots would be required to be merged, which would require a survey. Attorney Tingley stated that the Board should require the applicant to provide written consent by Alma Ross with respect to the application. The Board placed the matter on the agenda for the April 21, 2016 meeting.

The index for the March 17, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision - 4/21/2016;
2. Hoffman Development Corp - Site plan - 4/21/2016 (public hearing to commence at 7:00pm);
3. AG Distributors & Supplies Corp - Site plan - 4/21/2016;
4. Farrell Homes - Major subdivision - 4/21/2016;
5. Peter Calhoun - Site plan - adjourned without date;
6. Mark Ross - Waiver of subdivision - 4/21/2016.

The proposed agenda for the April 21, 2016 meeting currently is as follows:

1. Hoffman Development Corp - Site plan (public hearing to commence at 7:00pm);
2. Mark Ross - waiver of subdivision;
3. Reiser Builders Inc. - Major subdivision;
4. AG Distributors & Supplies Corp - Site plan;
5. Farrell Homes - Major subdivision (contingent on payment of fee).

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 21, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the April 21 meeting.

The Planning Board opened a public hearing on the site plan application submitted by Hoffman Development Corp for property located at 672 and 680 Hoosick Road. The applicant is seeking a site plan amendment to expand its existing carwash facility located on Hoosick Road. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Chairman Oster reviewed the Planning Board's rules for the conduct of a public hearing. Chairman Oster then requested the applicant to present an overview of the application and proposed site plan amendment. Frank Palumbo, of CT Male Associates, and Marty Andrews, Hoffman Development Corp, were present. Mr. Palumbo reviewed the proposed revised layout for the facility, which will relocate the vacuum service area to the adjacent lot located immediately to the east of the existing facility. Mr. Palumbo then reviewed the revised layout for the site, including traffic circulation, pavement areas, stormwater management, revised ingress and egress locations, and fencing to be installed along the eastern boundary line adjacent to existing residences. Chairman

Oster opened the floor for receipt of public comment. Doris Depowell, 690 Hoosick Road, stated that there are two houses between the Hoffman Carwash site and Woodward Avenue, stating that cars already have a great deal of trouble getting out of Woodward Avenue onto Hoosick Road, and asked whether there would be any traffic light or signage installed to help people get out from Woodward Road onto Hoosick Road. Mr. Palumbo responded that the applicant can request improvements in terms of signage or a traffic light to NYSDOT, which has exclusive jurisdiction over Hoosick Road. Mr. Palumbo also stated that with the revised ingress and egress plan, spreading out the single entry-in and single exit-out location should alleviate some backup issues near the entrance of the carwash, but that any signage or other improvement on Hoosick Road requires the approval of NYSDOT. Mr. Palumbo also stated that the applicant will be applying for work permits from NYSDOT, and these requests can be made at that time. Ms. Depowell also asked about a pedestrian crosswalk being installed at the new exit location. Mr. Palumbo stated that the applicant can raise that issue with NYSDOT as well at the time of applying for work permits. Member Esser stated that the proposed new traffic signal at Lord Avenue should help with traffic flow on Hoosick Road. Chairman Oster stated that in connection with the commercial site plan approval for the Aldi grocery store and Taco Bell, a contingency was imposed that a traffic signal be installed at Lord Avenue opposite the entrance to the Planet Fitness facility, and the traffic signal was being reviewed by NYSDOT. Mr. Palumbo stated that if the traffic light is installed at Lord Avenue, this will create gaps in traffic that should improve access onto Hoosick Road. Chairman Oster requested any further public comment. There were no other members of the public that wished to comment on this application. Hearing no further comment, the Planning Board closed the public hearing on the Hoffman Development Corp site plan.

The Planning Board then opened its regular business meeting.

The Planning Board reviewed the draft minutes of the April 7, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 7, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Hoffman Development Corp for property located at 672 and 680 Hoosick Road. Chairman Oster noted that the public hearing had been held, and that the applicant had addressed the comments received at the public hearing. Chairman Oster confirmed that the issue of signage, traffic signal, and crosswalk would be raised by the applicant with NYSDOT at the time of applying for work permits for this project. Mr. Palumbo confirmed that these issues will be raised with NYSDOT at the time the applicant applies for work permits, but wanted to note for the record that the Hoffman application is not creating any additional traffic, but the issue concerning signage, traffic signal, and crosswalk addresses existing traffic only; also, Mr. Palumbo confirmed that the applicant cannot confirm that NYSDOT will permit any improvements on Hoosick Road, but that the applicant will make the request when applying for work permits to NYSDOT. Member Czornyj asked whether a crosswalk would be included if the light was installed at Lord Avenue. Mr. Palumbo stated that a crosswalk is usually required by NYSDOT when a traffic signal is installed. Mr. Bonesteel noted that NYSDOT requires crosswalks only if there is a pedestrian destination, but that on occasion, NYSDOT will still require a crosswalk even if there is not pedestrian destination currently present. Chairman Oster noted that the Planning Board did request the access way located furthest to the east on the site be used for exit only, and that the applicant did limit that access way to exit only. Mr. Palumbo confirmed that the eastern access point will be used for exit only. The Planning Board confirmed that the referral to the Rensselaer County Planning Department was completed, and the County's comments state that the proposal does not have a major impact on County plans and that local consideration shall prevail,

noting that moving the curb cut for the exit of the automatic carwash will increase safety and allow for stacking to occur when traffic is heavy, and that the location shown for the new curb cut for the exit from the facility is optimal for the site as it is closely opposite to Tucker Avenue. Mr. Palumbo reviewed the drainage plan and his discussions with NYSDOT. Mr. Palumbo explained that currently, the drainage from the front of the site currently runs out to Hoosick Road and into the State's storm drain system. Mr. Palumbo explained that with the site revisions, the applicant is requesting that the drainage from the front of the site flow directly into a drainage pipe that drains to a different part of the property, and that NYSDOT has conceptually approved this approach subject to a drainage analysis being completed. Mr. Palumbo stated that the drainage analysis is being completed, which shows that the total stormwater runoff from the site is being reduced from current conditions due to the inclusion of a stormwater basin on the site. Chairman Oster noted that with the revised exit and area for stacking of cars leaving the carwash before entering onto Hoosick Road, there will be less potential water from the washed cars going onto Hoosick Road, particularly during the winter season. Chairman Oster asked whether there were any further comments from the Planning Board members. There were no further comments. Chairman Oster confirmed that Mr. Bonesteel had no outstanding engineering issues on the application. Mr. Bonesteel had no further comments. Thereupon, the Planning Board proceeded to act on the application. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Tarbox then made a motion to approve the amendment to the Hoffman Carwash commercial site plan, subject to the following conditions:

1. The applicant is to request that NYSDOT consider adding signage, a traffic signal, or a crosswalk in the area of the new curb cut and exit from the Hoffman

Carwash site in relation to Woodward Avenue, noting that NYSDOT has exclusive jurisdiction over Hoosick Road;

2. The lots now identified as 672 and 680 Hoosick Road are to be legally merged into one lot.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the amendment to the Hoffman commercial site plan was approved subject to the stated conditions.

The next item of business on the agenda was the waiver of subdivision application submitted by Mark Ross for property located at 13 Camel Hill Road. Mark Ross was present. Mr. Ross handed up to the Planning Board a copy of an executed real estate contract for the 1.34 acres subject to the current waiver of subdivision application, executed by the current property owner, Alma Ross, and Mark Ross. Mr. Ross stated that the current property owner, his mother, does consent to the current waiver of subdivision application, as noted on the executed real estate contract which will transfer title from Alma Ross to Mark Ross if the subdivision is approved. Chairman Oster noted that this was the only outstanding issue from the discussion held at the April 7 meeting, and attorney Gilchrist confirmed that the executed real estate contract is satisfactory for the Planning Board to proceed to the action on the waiver application. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision application, subject to the condition that the 1.34 acre parcel be legally merged into the lot owned by Mark Ross. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located off NYS Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders Inc. was present. Also present was Doug Eddy, Town of Brunswick Highway Superintendent. Chairman Oster confirmed that a meeting had been held at Plante Lane, and that Chairman Oster, Member Czornyj, Town Building Inspector Guastella, Mr. Bonesteel, Mr. Eddy, William Bradley of the Town Water and Sewer Department, and Mr. Reiser were present at that meeting. A representative of the Eagle Mills Fire Department was not available to attend. The purpose of the meeting was to discuss the current condition of Plante Lane, and the impact of seven residential lots on Plante Lane. Chairman Oster requested Mr. Bonesteel to review his considerations. Mr. Bonesteel stated that the site meeting was to analyze the adequacy of Plante Lane for the addition of seven residential lots. Mr. Bonesteel confirmed that the Town of Brunswick does not have specifications for gravel roads, but that he did research other available gravel road standards and specifications, including the US Department of Transportation Federal Highway Administration Design Manual for Gravel Roads, and also the Cornell Local Roads Program for Highway Standards for Low-Volume Roads. Mr. Bonesteel had prepared a summary of his observations and comments in a letter report dated April 20, 2016, which is included in the record on this application. Mr. Bonesteel stated that while Mr. Reiser had submitted photographs showing two pickup trucks side by side on Plante Lane, the trucks did not have adequate room to remain on the travel way and were actually on the shoulders of the road, and that his observations confirmed that the width of Plante Lane in certain sections was only 12–14 feet. Mr. Bonesteel concluded that Plante Lane is structurally sound, having a good base and stability. Mr. Bonesteel also concluded that the drainage for the existing land uses along Plante Lane was adequate. However, with the addition of seven residential lots, Mr. Bonesteel stated that the road will need to be widened and the drainage improved.

Concerning drainage, Mr. Bonesteel noted that there was one area where the drainage is not good, and an existing 14-inch drainage pipe will need to be increased and it is likely that the location will need to be regraded. Mr. Bonesteel did state that with the addition of seven residential lots, traffic would be significantly increased over current conditions, but that the total projected volume of traffic from seven residential lots is still considered to be low volume, and the fact that Plante Lane is a dead-end road further decreases projected traffic since there is no through-traffic to consider. Mr. Bonesteel stated that the gravel road should be designed for adequacy for winter maintenance, including adequate areas for snowplowing to allow a school bus to safely enter and exit, together with adequate areas for snow storage. Mr. Bonesteel stated that the road must be wide enough for a Town snowplow and a school bus to pass at the same time, and still provide for adequate shoulders and drainage areas. Mr. Bonesteel concluded that Plante Lane should be widened to a minimum of 23 feet, including two 9-foot travel lanes and two 2-foot shoulders. Mr. Bonesteel concluded that the improvements to Plante Lane are mandatory for the roadway to be considered adequate for the new residential lots. Mr. Bonesteel stated that he understands Mr. Reiser owns and controls only one side of Plante Lane, and that improvements may be rendered difficult by improving only one side of the road, but that his recommendation remains the same. Finally, Mr. Bonesteel stated that in the event the total area disturbed by this residential subdivision, including any road improvements undertaken by Mr. Reiser, exceed one acre, then a stormwater pollution prevention plan will be required. Mr. Bonesteel also stated that it was advisable that Mr. Reiser transfer title to his portion of Plante Lane and any improvements on the shoulder owned by Mr. Reiser to the Town, noting that the legal status of the road as a user road allows the Town to maintain only those areas that are currently being maintained by the Town and no further area, but that deeding an adequate right-of-way area by Mr. Reiser will allow the Town to do further work in the future if necessary. Mr. Bonesteel stated that the area should

be deeded by Mr. Reiser to the Town after any road improvements are completed on the portion of Plante Lane that Mr. Reiser owns. Chairman Oster noted that any determination to take title to a portion of Plante Lane is a Town Board decision. Attorney Gilchrist confirmed, stating that any determination to accept title to real property is a Town Board determination. Chairman Oster asked whether the Town could accept only a portion, or half the width, of Plante Lane. Attorney Gilchrist stated that in the usual subdivision scenario where a new subdivision road is being constructed by the applicant, then title to the full Town right-of-way and road dedication is required; however, in this case, Plante Lane is an existing Town road in the nature of a user road, and the underlying property remains owned by Mr. Reiser and the property owner on the western side of Plante Lane, each owner reportedly owning to the centerline of the road. Attorney Gilchrist stated that the Town can consider accepting title to that portion of Plante Lane owned by Reiser, including any improvements that Mr. Reiser may complete on the side of the existing Plante Lane that Mr. Reiser owns. The Planning Board then held extensive discussion concerning drainage, noting that in one area of Plante Lane, an existing drainage pipe exists with a diameter of 14 inches, which then discharges to another drainage pipe under NYS Route 351 that is 24 inches in diameter. The Planning Board and Highway Superintendent Eddy felt that this drainage area will need to be improved considering the additional runoff anticipated from residential lot construction. Mr. Reiser then discussed the road improvements, including width and drainage, and stated that he feels he does own adequate area on the east side of Plante Lane to complete the road improvements, that this will necessarily include removal of some trees, and that he would still have adequate area for driveways to each of the residential lots that will meet Town specifications. Mr. Reiser does agree that the existing 14-inch drainage pipe under Plante Lane should be increased. Mr. Reiser did request that any improvement to Plante Lane not be required to be completed until the time of building permit issuance for any of

the new residential lots, rather than required to be completed at the time of subdivision approval. The Planning Board then had extensive discussion concerning the specifications for road improvements, including requiring additional specifications being prepared now for review by the Planning Board and appropriate information be added to the subdivision plat, including showing road improvements on the subdivision plat as well as adding a plat note. Mr. Reiser stated that he was in agreement on adding a plat note, but that since this was a non-realty subdivision, he was trying to avoid significant engineering costs up front at the time of plat review. Member Esser stated that any improvements to Plante Lane should be designed now for review by the Planning Board and the Town Highway Department, and also there should be more specification concerning the driveways for each of the residential lots, since any improvement to Plante Lane will make the driveways steeper. The Planning Board held further discussion on the specifications needed to be prepared by Mr. Reiser now for review by the Planning Board and the Town Highway Department, including adding detail on road improvements as well as driveway locations and required culverts under each driveway, all showing that the width of Plante Lane is able to be constructed so that it is a minimum of 23 feet in width, including two 9-foot travel ways and two 2-foot shoulders, and that Mr. Reiser has adequate area on the property that he owns to complete construction of all required road improvements to allow a safe and adequate road for seven residential lots. The Planning Board also discussed necessary revisions to the subdivision plat showing road improvements, and also language of a plat note for road improvements. Chairman Oster also asked about the descriptions of the property owned by Mr. Reiser as well as the property owner located to the west, and whether their property descriptions referenced the centerline of Plante Lane, and whether changing the centerline through road improvements would affect any title issues. Attorney Gilchrist stated that the deeds to the Reiser property as well as the property to the west should be requested from the applicant and reviewed. Member Wetmiller asked

Mr. Eddy as to whether there is a difference between improving the road for purposes of use as a gravel road as opposed to improving the road for future pavement. Mr. Eddy stated that Mr. Reiser should be using fabric, and that constructing a good gravel road will be adequate for future paving if the Town determined to pave Plante Lane in the future. Mr. Reiser stated that all the detail on driveway culverts will be prepared at the time of application for building permits and driveway permits for each individual lot, since the ultimate owners of the lots may choose to relocate the driveway, and all necessary detail will be completed at that time for review by the Town. Member Tarbox asked whether Mr. Reiser intended to grade only the area on his property outside the existing travel way of Plante Lane, or whether Mr. Reiser would be regrading a portion of Plante Lane when widening the road on the eastern side of Plante Lane. Mr. Reiser stated that he did not think grading the existing travel way of Plante Lane was advisable since Plante Lane is currently in very good condition, but that he was proposing to work only on the shoulder area to increase the width of Plante Lane. Member Mainello asked whether the widening of Plante Lane would require the road to be re-crowned, and a new centerline created for drainage purposes. This matter will need to be reviewed by the Town Highway Department for further comment. Member Tarbox stated that the entire Plante Lane should be improved because it is necessary for seven new residential lots, and that the applicant should be paying for this rather than the Town taxpayers. It was determined by the Planning Board that additional road improvement detail needs to be prepared by the applicant, including cross sections as well as limits of improvements; also, additional calculation for increased drainage must be undertaken to determine an appropriate drainage pipe size under Plante Lane. The Planning Board stated that the road improvements should be shown on the subdivision plat, a plat note to be drafted discussing road improvements, that the applicant must provide cross sections of road improvements and limits of improvements, and that the applicant must coordinate with the Highway Superintendent

on increasing the drainage pipe size under Plante Lane. This matter is placed on the agenda for the May 5, 2016 meeting to review the additional information requested of the applicant.

The next item of business on the agenda was the site plan amendment application of Kasselmann Solar on behalf of AG Distributors and Supplies Corp for the Ace Hardware site located at 831 Hoosick Road. Anna Marciano of Kasselmann Solar was present, stating that she was acting as agent for AG Distributors and Angelo Grasso, owner of the property. Ms. Marciano stated that stamped drawings had been submitted on the application, including both the site plan as well as stamped engineered drawings for the carport structures on which the solar panels are proposed. Ms. Marciano stated that the Town had issued a building permit for installation of the solar panels on the roof of the existing Ace Hardware store, but with respect to the carport structures on which additional solar panels are being proposed, both an area variance and site plan approval are required. Ms. Marciano stated that an area variance application had been submitted to the Brunswick Zoning Board of Appeals, necessary due to the distance between the proposed carport structures and the principal building. Ms. Marciano stated that the Brunswick ZBA had initially reviewed the application, and has scheduled a public hearing for the ZBA's May 16 meeting. Ms. Marciano stated she was available to answer any questions, but that review and action on the site plan will be dependent upon Zoning Board action on the variance application. Chairman Oster asked whether the fire company had received a set of the plans. Ms. Marciano stated that the Brunswick No. 1 Fire Department had received the plans, and that the chief stated he would be providing comments. Building Inspector Guastella stated that she had received the comments of the Brunswick No. 1 Fire Department on this application, seeking to confirm that all necessary signage be required for shutting down the solar system when an emergency occurs. The Planning Board discussed stormwater runoff from the solar panels on the carport structures, and Ms. Marciano stated that the runoff had been reviewed and that

the existing drainage system for that location is adequate to meet any potential runoff. Member Tarbox asked whether there was blacktop already existing in the area where the carport structures are proposed. Ms. Marciano stated the area was already paved, and increase in runoff is not anticipated. The Planning Board discussed the fact that the carport structure itself will have a solid roof, and the solar panels will be attached on top of that solid roof. Chairman Oster confirmed that the area for the carport structures and solar panels is already fenced. Chairman Oster asked whether the Ace Hardware store will be using these carport structures for product storage. Ms. Marciano stated that the carport structures are engineered for safety, and that the engineered plans had been submitted to the Town. Ms. Marciano stated that the owner of the Ace Hardware store is not sure what will be stored under the carport structures, but wanted to confirm on the record that the carport structures are designed and engineered for safety. Member Tarbox asked about the height of the structures. Ms. Marciano stated that the carport structure is 14 feet at its maximum height, and that the lowest point of the roof structure was 10 feet, allowing for safe pedestrian access under the roof structure. Member Wetmiller wanted to confirm that there were no additional diagonal support structures from the support beams to the roof structure that may present pedestrian hazard, and Ms. Marciano stated there were no additional diagonal structures for support, only the single support beams. Chairman Oster asked whether the Planning Board felt it necessary to hold a public hearing on the site plan amendment application, noting that the Planning Board has the discretion to hold a public hearing but that if the Planning Board determines the amendment to be minor, it should consider whether to hold a public hearing or not. Member Czornyj also stated that the Zoning Board will be holding a public hearing on this matter in connection with the area variance application. Upon further discussion, the Planning Board determined that a public hearing on this amendment to the site plan is not required in this case. Member Mainello asked about the location of the transformer and other equipment in connection with

the solar panels on the carport structures. Ms. Marciano stated that all equipment will be located within the building's electrical room, with only one exterior conduit from the roof area. The Planning Board confirmed that the application will be forwarded to the Rensselaer County Planning Department for review and recommendation. The Planning Board has set this matter down for further discussion at the May 19, 2016 meeting, following the Zoning Board public hearing and meeting to occur on May 16.

The next item of business on the agenda was a major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue (Tax Map No. 102-2-10.14). The applicant seeks to subdivide a 13.36-acre parcel into four 0.95-acre building lots and one 9.58-acre building lot for a total of five building lots. Butch Farrell of Farrell Homes and Brian Holbritter were present. Mr. Holbritter stated that the subdivision application form and plat submittal had been made, the application fee has been paid, and both a long environmental assessment form and agricultural data statement had been completed and submitted. Mr. Holbritter stated that he had shot the sight distances from proposed driveways, and given that Pinewoods Avenue is a 30mph road, the shortest sight distance from any of the driveway locations is 302 feet and that this is adequate for a 30mph road. Mr. Holbritter also stated that grading for the proposed driveways will keep all of the driveways at a grade of 10% or less, but this will ultimately depend on final house location. Mr. Holbritter stated that he has added a plat note stating that all driveways for the subdivided lots must meet Town driveway or private road standards depending on length. Chairman Oster noted that the applicant had submitted documents requested by the Planning Board, and felt that the application was complete. Mr. Bonesteel also stated he felt the application was complete for moving the matter forward to public hearing. The Planning Board has scheduled a public hearing for the Farrell Homes major subdivision application for May 5, 2016 to commence at 7:45pm.

There were no new items of business to discuss.

Member Tarbox asked a question concerning the Reiser major subdivision, stating that his review of the most recent subdivision plat shows that five of the proposed residential lots are now under 5 acres, and again asked the rules regarding non-realty subdivisions. Attorney Gilchrist reviewed the rules concerning non-realty subdivisions. It was determined that the original subdivision plat submitted by Mr. Reiser showed ten building lots in excess of 5 acres, and only one building lot being under 5 acres. However, the current subdivision plat shows six lots over 5 acres, and five lots under 5 acres. In the event the applicant seeks to have five proposed residential lots under 5 acres, the application is no longer for a non-realty subdivision and further engineering and submissions to the Planning Board will be required. This matter will be addressed at the May 5 meeting.

The index for the April 21, 2016 meeting is as follows:

1. Hoffman Development Corp - Amendment to commercial site plan - Approved with conditions;
2. Mark Ross - Waiver of subdivision - Approved with condition;
3. Reiser Builders Inc. - Major subdivision - 5/5/2016;
4. Kasselmann Solar (AG Distributors) - Amendment to commercial site plan - 5/19/2016;
5. Farrell Homes - Major subdivision - 5/5/2016 (public hearing to commence at 7:45pm).

The proposed agenda for the May 5, 2016 meeting currently is as follows:

1. Reiser Builders Inc. - Major subdivision;
2. Farrell Homes - Major subdivision (public hearing to commence at 7:45pm).
3. McCarty - Petition for Amendment to Zoning District (referral from Town Board).

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 5, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the May 5 meeting. Chairman Oster noted that the major subdivision application submitted by Reiser Builders, Inc. is adjourned to the May 19, 2016 meeting at request of the applicant.

The draft minutes of the April 21, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the April 21, 2016 meeting were unanimously approved without amendment.

Chairman Oster noted that the major subdivision application for Reiser Builders, Inc. had been first on the agenda for the May 5 meeting, and that the public hearing scheduled for the major subdivision application of Farrell Homes was not scheduled to commence until 7:45pm. Accordingly, Chairman Oster stated he would take other matters out of order on the agenda, and continue to open the public hearing on the Farrell Homes major subdivision application at 7:45pm.

Chairman Oster noted there was one item of old business to discuss. Updated site plan materials have been submitted by Bohler Engineering on the Oakwood Property Management PDD site plan application. Chairman Oster noted that this application had been adjourned while

two issues were being addressed on the application, including the issue of an emergency access road and also the stormwater management plan for the project. Chairman Oster reiterated that the consultant retained by the Planning Board on the issue of the emergency access road had previously prepared a report which had been reviewed and discussed by the Planning Board at a prior meeting, and it was determined that the emergency access road was not required in connection with this project. However, Chairman Oster noted that at page 4 of the updated site plan set, while two easement areas are depicted on the plan, the plan still shows a “maintenance road” in the approximate location of the previous emergency access road. Chairman Oster stated that this must be clarified, as the Planning Board had previously determined that a road for emergency access purposes was not required in that location, and a “maintenance road” had not previously been discussed or required by the Planning Board. Chairman Oster also noted that there could still be concern on the part of the public that something identified as a “maintenance road” could be converted into a connector road with the North 40 subdivision. The Planning Board members concurred, and felt that the “maintenance road” should be removed from the plan, and that only the waterline and an easement area for the waterline should be shown in that section of the project. Chairman Oster will contact Rob Osterhaut at Bohler Engineering to discuss that issue. Member Tarbox asked whether there was adequate parking provided for the proposed apartments. Attorney Gilchrist stated that the total parking had been reviewed in connection with the action by the Town Board on the Planned Development District. Chairman Oster asked whether Mr. Bonesteel should review the stormwater pollution prevention plan. Mr. Bonesteel stated that Laberge Engineers has been retained as special engineering review consultant on the Oakwood Property Management PDD, and that Laberge Engineering had reviewed the SWPPP, as had Town Water Superintendent Bradley. Mr. Bonesteel stated that he was available to review the SWPPP, and could respond to questions of the Planning Board if requested. The Planning Board felt that

it was appropriate that a copy of the SWPPP be provided to Mr. Bonesteel. This matter is placed on the May 19, 2016 agenda for discussion.

The next item discussed by the Planning Board was the referral from the Town Board of the petition submitted by McCarty seeking rezoning of property located at 1001 Hoosick Road. F. Redmond Griffin, Esq., attorney representing McCarty, was present. Attorney Griffin presented an overview of the zone change request. Attorney Griffin stated that the parcel is currently zoned R-25, and that the owner is seeking to change that zoning district classification to B-15. Attorney Griffin informed the Planning Board that Stewarts has an interest in the property for construction of a new store, and would relocate from its current site at the intersection of Hoosick Road and Route 142. Attorney Griffin stated that Stewarts' current location was not good in terms of parking and visibility. Attorney Griffin stated that it appears Stewarts' current business model is to expand their existing sites with larger stores and more room for gasoline sales, and that Stewarts had identified the McCarty parcel at 1001 Hoosick Road for upgrading their current store at the intersection of Hoosick Road and Route 142. Attorney Griffin stated that when he presented this proposal to the Town Board at its meeting held April 14, he did not hear any negative comments from any members of the Town Board to the proposal. Attorney Griffin explained that the parcel at 1001 Hoosick Road is surrounded by other parcels that are currently zoned B-15 along that side of Hoosick Road. Member Czornyj asked whether the traffic signal located at the intersection of Hoosick Road and Route 142 would be relocated if Stewarts moved to this site. Attorney Griffin stated that the intersection would be under the jurisdiction of the New York State Department of Transportation, and that clearly there would be some discussion concerning that intersection. Chairman Oster noted that the Town's recently-adopted comprehensive plan did show this area to be rezoned to commercial, and that this rezoning would be consistent with the comprehensive plan. Chairman Oster did ask whether there were any restrictions in the deed to this parcel. Attorney

Griffin stated that he was not aware of any restrictions in the deed prohibiting commercial activities, but that he would confirm that issue. Attorney Gilchrist advised the Board that while there was much discussion concerning the Stewarts project on this site, the application in front of the Town Board which has been referred to the Planning Board is to change the general zoning classification of this parcel to B-15, which would allow any retail use on the property, not limited to just the Stewarts project. Attorney Gilchrist advised the Board that in preparing its recommendation, the Planning Board needs to consider all uses allowable within the B-15 Zoning District, not just a proposed Stewarts project. Member Czornyj raised a question concerning rezoning this single parcel. Attorney Gilchrist stated that the Planning Board should consider the zoning classifications for this parcel as well as the surrounding parcels when considering this proposed zone change. Member Mainello agreed with Chairman Oster that this area is to be commercial in nature under the comprehensive plan, and this zone change would be consistent with the comprehensive plan. Member Tarbox confirmed the B-15 Zoning District classification for the surrounding parcels. The Planning Board members then generally deliberated on the matter, determining that a positive recommendation should be prepared, including comments that this parcel is surrounded for the most part by properties already zoned B-15, that this area was proposed to be commercial in nature under the recently-adopted comprehensive plan and this zone change would be consistent with the comprehensive plan, and that the property surrounding this parcel is generally no longer residential in character. The Planning Board did want it noted that the intersection and traffic signal at Hoosick Road and Route 142, and also Sweetmilk Creek Road, should be considered in connection with the zone change as well as any site plan for the McCarty parcel. Also, the Planning Board felt that the issue of any deed restrictions should be confirmed prior to action by the Town Board on the zone change. The Planning Board directed attorney

Gilchrist to draft a recommendation consistent with that deliberation for review at the May 19 meeting. This matter is placed on the May 19 agenda for review of the draft recommendation.

After a brief recess, Chairman Oster reconvened the Planning Board meeting at 7:45pm.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue. The Planning Board opened the public hearing on the application, with the notice of public hearing being read into the record, having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Chairman Oster reviewed the procedure for public hearings. Chairman Oster then requested the applicant to present a brief overview of the application. Brian Holbriiter, Licensed Land Surveyor, representing Farrell Homes, reviewed the proposed subdivision plat, which proposes to divide 13.36 acres into five building lots, consisting of four lots of approximately 0.95 acres, and one flag lot of approximately 9.58 acres. Mr. Holbriiter stated that these lots are proposed for single-family homes, with driveways onto Pinewoods Avenue. Mr. Holbriiter stated that the lots would be serviced by public water, but do have private septic systems designed for each lot. Chairman Oster then opened the floor for receipt of public comment. Anna Snay, 584 Pinewoods Avenue, stated that she had recently purchased her home, and had done so primarily because of the views from the front of her house. Ms. Snay stated that this project, including five new homes, would significantly impact the views from her property. David Lefebvre, 571 Pinewoods Avenue, stated that his property was immediately adjacent to this site, and handed up a letter to the Planning Board dated May 5, 2016 outlining his comments and concerns. Mr. Lefebvre then reviewed his comment letter. With respect to the major subdivision application, Mr. Lefebvre asked whether the sale of individual lots was tied to the construction of a home by Farrell Homes; is a model home contemplated by Farrell Homes on any of the lots; will the homes be one story or two stories; will the homes be located 50–150 feet

off of Pinewoods Avenue, or could the setback be changed to make the houses closer to Pinewoods Avenue; could the location of the septic fields be changed after they are approved by Rensselaer County; and whether any consideration would be given to the increased traffic and safety issues for driveway ingress and egress for these lots onto Pinewoods Avenue. Regarding the 9.58 acre flag lot, Mr. Lefebvre asked whether there were any regulated wetlands on the flag lot; whether the flag lot could be rezoned for commercial or agricultural use; whether the flag lot could be further subdivided; and whether the driveway to the flag lot would be paved. Mr. Lefebvre stated that it was difficult to see onto Pinewoods Avenue when leaving these driveways, and while the posted speed limit on Pinewoods Avenue is 30mph, cars are usually traveling at least 45mph; and further that Pinewoods Avenue has a curve and a bit of a hill which make visibility difficult in this location. Mr. Lefebvre was also concerned that the flag lot would be utilized in the future to put in a public road and further subdivide that lot with additional homes. Mr. Lefebvre had concerns about the storage of trucks and a soil business located below this site adjacent to Brunswick Road, and whether that use could be extended up the slope onto the flag lot. Laura Lefebvre, 571 Pinewoods Avenue, also had concerns regarding any further subdivision of the flag lot. Mr. Lefebvre stated that any further subdivision of the flag lot would affect their view and the character of that location. Chairman Oster generally reviewed the jurisdiction of the Planning Board in reviewing subdivision plans, and that the underlying Zoning District and Town regulations dictate how the property can be legally subdivided. There was general discussion between the Lefebvres and the Planning Board concerning the review of applications and character of the location, with Chairman Oster confirming that the Planning Board members are mindful of the character of the Town when reviewing applications, but that the Zoning District and regulations of the Town govern the review of applications. Chairman Oster confirmed that the flag lot could be further subdivided under the Town zoning regulations and subdivision regulations, since this property is

located in an R-15 Zoning District which allows for residential lots of 15,000 square feet, and the current proposed flag lot is over 9 acres in size. On this point, Chairman Oster did observe that the proposed subdivided lots of 0.95 acres are significantly greater in size than allowable in the R-15 Zoning District. Mr. Lefebvre also stated that he was concerned about the driveway of the flag lot being paved, since an unpaved driveway could result in dust impacting his property. Jessica Engel, 592 Pinewoods Avenue, stated she lives directly across from the site, and had questions concerning when construction would start, and how the construction would be handled in terms of construction equipment, delivery of materials, and other construction issues along Pinewoods Avenue. Jim Tcachik, 387 Brunswick Road, noted that Farrell Homes had originally subdivided property between Pinewoods Avenue and Brunswick Road, and asked how many lots were in that original subdivision. The Planning Board confirmed there were four lots previously approved. Mr. Tcachik stated he also had a concern that the flag lot could be further subdivided. Mr. Tcachik also had a question regarding the Zoning District boundary line between the R-15 Zoning District and the R-40 Zoning District. Mr. Tcachik also had a concern about any commercial activities proceeding up the slope from the lot adjacent to Brunswick Road onto the flag lot. Mr. Tcachik also had comments concerning the 30-foot wide easement located on the west side of the property running from Pinewoods Avenue to Brunswick Road, and whether that easement allowed for the installation of a gas line. The easement was reviewed, and determined that in compliance with the condition of the original subdivision, this easement is for the installation of a water line only. Mr. Tcachik did state that while there was some truck storage and a soil business occurring on the parcel adjacent to Brunswick Road, he did not have any complaints regarding that operation, but was concerned that it could grow onto the flag lot. Chairman Oster asked whether there were any further comments. Hearing none, the Planning Board closed the public hearing on the major subdivision application of Farrell Homes for property located on Pinewoods Avenue. The

Planning Board proceeded to discuss the application. Chairman Oster requested the applicant to respond to the public comments. Mr. Holbriiter stated that regarding the comments of Ms. Snay, the houses on the four lots of 0.95 acres are located approximately 100–125 feet off Pinewoods Avenue, and given the grade of the lot, the houses should be at a lower elevation, and the only thing that is likely to be seen from the Snay property is the upper area of the roof. Responding to the comments of Mr. Lefebvre, Mr. Holbriiter stated that Farrell Homes does plan to build the homes on these lots, but that if a third party wanted to buy the lot without the home, Mr. Farrell may be open to selling the lot. Mr. Holbriiter stated that no model homes are proposed. Mr. Holbriiter stated that the homes proposed for the lots could be either one or two stories, depending on client preference; Mr. Farrell is intent on building primarily ranch homes, or a cape or small two-story home. Mr. Holbriiter stated that the setbacks for the proposed house locations are between 100 and 125 feet off Pinewoods Avenue, noting that the Town regulations require only a 35 foot setback from the front property line, but that Mr. Farrell is not planning on building any homes near the road. Mr. Holbriiter stated that the septic locations could not be moved on the lots unless reviewed and approved by the Rensselaer County Health Department. Regarding any increase in traffic, Mr. Holbriiter stated that a very minor increase in traffic is anticipated from five residences, and that he set proposed driveway locations for maximum sight-distances and safety onto Pinewoods Avenue. Regarding the comment as to whether a public road would be constructed on the flag lot, Mr. Holbriiter stated that it is simply not cost-effective to build a road to Town specifications for a small number of lots, given the expense of road construction. Mr. Holbriiter confirmed that there are no public roads included in this application. Regarding any further subdivision of the flag lot, Mr. Holbriiter stated that Mr. Farrell has no plans to further subdivide the flag lot, and that the design of this project discourages any further subdivision of the flag lot because the neck of the flag lot has been limited to 30 feet wide, and that given the length

of the driveway needed for the house location on the flag lot, the Town of Brunswick private road standards will apply, which will not leave any area for an additional driveway or road. On this issue, Mr. Farrell stated that he could have reduced the size of the four 0.95 acre lots and kept the neck to the flag lot at 50–60 feet, but preferred to keep it at 30 feet to discourage any further subdivision of the flag lot. In terms of the wetlands on the site, Mr. Holbriiter stated that there are wetlands on the project site under the jurisdiction of the Army Corps of Engineers, and that there are no proposed activities within these wetland areas. Mr. Holbriiter confirmed that any activities upgradient from the wetlands areas must take into account the wetlands, and not allow any discharge or impact to the regulated wetlands. Mr. Holbriiter stated that the driveway on the flag lot is not proposed to be paved at this time, but that speed is likely to be very low on the driveway and there should not be any significant dust generated from this driveway. The Planning Board noted that the large lot could result in an estate-type home, in which case it would be likely that the homeowner would pave the driveway, but at this time the driveway is not proposed to be paved. In terms of construction schedule, Mr. Holbriiter stated that upon approval of the subdivision, the lots would be advertised for sale, and Mr. Farrell proposed to build one lot at a time. Mr. Holbriiter stated that Mr. Farrell is sensitive to the area in terms of construction impacts, and that there would likely be signage along Pinewoods Avenue to address any traffic concerns. Mr. and Mrs. Lefebvre noted their appreciation on the record for the applicant's responses, stating that the design of the subdivision did address some of their comments. Chairman Oster asked Mr. Bonesteel whether he had any questions regarding the application. Mr. Bonesteel did note that he had some questions concerning the project, but that he did not receive the latest subdivision plat package, and that he needed to have the complete updated subdivision plat set to complete his review comments. Mr. Bonesteel also stated that he would like an updated set of any erosion control plans as well. This matter is placed on the May 19, 2016 agenda for further discussion.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Mickel Hill, LLC for property located on Mickel Hill Road. David Tarbox recused himself on this application, noting that he was a member of Mickel Hill, LLC. Mr. Tarbox explained that Mickel Hill, LLC owns approximately 70 acres on Mickel Hill Road and Lockrow Road, and that the application seeks to divide off approximately 7 acres plus an existing farmhouse for sale. Mr. Holbriiter is completing the survey work in connection with the application. The application does include an agricultural data statement, which will be circulated in compliance with the New York Agriculture and Markets Law. The Planning Board confirmed that the application and application fee had been submitted. This matter is placed on the agenda for the June 2, 2016 meeting.

The index for the May 5, 2016 meeting is as follows:

1. Reiser Builders, Inc. - Major subdivision - Adjourned to May 19, 2016;
2. Oakwood Property Management PDD - Site plan - Review of updated plans
- May 19, 2016;
3. McCarty - Petition for amendment to Zoning District/referral from Town Board - May 19, 2016;
4. Farrell Homes - Major subdivision - May 19, 2016;
5. Mickel Hill, LLC - Waiver of subdivision - June 2, 2016.

The proposed agenda for the May 19, 2016 meeting currently is as follows:

1. Reiser Builders, Inc. - Major subdivision;
2. Farrell Homes - Major subdivision;
3. McCarty - Petition for amendment to Zoning District/referral from Town Board;
4. Kasselmann Solar, LLC/AG Distributors - Site plan;
5. Oakwood Property Management PDD - site plan.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 19, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the May 19 meeting.

The draft minutes of the May 5, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the May 5, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser was present for the applicant. Chairman Oster noted that the Planning Board had received updated subdivision plats for review, and requested that Mr. Reiser review the changes to the subdivision plat. Mr. Reiser stated that he had met with Highway Superintendent Eddy concerning the improvements to Plante Lane and drainage issues. Mr. Reiser also stated that there had been an error regarding the number of lots that were designed to be under 5 acres for this project, and that the current plat shows a total number of four lots that are under 5 acres, and all remaining lots are 5 acres or more, keeping the application consistent with the rules for non-realty subdivisions. Mr. Reiser also stated that he is intent on rebuilding the home on this property that

recently burned, and therefore has added a Lot #12 to include the remainder land of approximately 71 acres, which is designated for home construction to replace the prior home that burned on the site. Mr. Reiser also stated that he had provided cross-sections for the road improvements to Plante Lane, including travel lanes, shoulders, and ditch line. Mr. Reiser also stated that he had added Town specifications for required driveway cross-sections, including both private driveway and private road specifications dependent on driveway length. Mr. Reiser also stated that he had coordinated with Highway Superintendent Eddy regarding drainage on Plante Lane, confirming that the existing drainage culvert under NYS Route 351 is 24 inches in diameter, and that the improved drainage pipe under Plante Lane will be either one 24-inch drainage pipe or two 12-inch drainage pipes, dependent on the determination of Highway Superintendent Eddy. Mr. Reiser also stated that some of the proposed driveways for these lots have been changed to correspond with the topography of the site. Mr. Reiser also stated that Rod Michaels had added the square footage for total proposed land disturbance in connection with the improvements to Plante Lane, and that the area of disturbance is approximately ½ acre. Member Esser asked where the crown of Plante Lane was going to be after the road improvements were completed. Mr. Reiser stated that the crown of the road would be changed to match the centerline of the road when widened, so that there would be a relocated centerline of the road. The Planning Board asked whether this raises any issues concerning property ownership. Attorney Gilchrist stated that he will need to review the deeds of the property owners on each side of Plante Lane. Mr. Reiser stated that he would supply the deed to his property to attorney Gilchrist for review. Member Esser raised an issue concerning the elevation of drainage ditches in relation to the new drainage pipe to be installed under Plante Lane. The Planning Board and Mr. Reiser discussed issues concerning drainage on the site. The issue of the drainage ditches, driveway drainage, and the drainage pipe under Plante Lane must be coordinated with the Town Highway Department. Member Mainello inquired as to

the type of top course for the improved Plante Lane. Mr. Reiser stated that the road will continue to be a gravel road, and that the top course will be a finer gravel, with the base course being a more course type of gravel. Mr. Bonesteel stated that these specifications for road materials should be identified on the plans. Member Mainello inquired whether the improved width of Plante Lane was sufficient for two vehicles to pass. Mr. Bonesteel stated that, in his opinion, 19-foot travel lanes with 2-foot shoulders was acceptable for a gravel rural road and would be adequate for two vehicles to pass. The Planning Board confirmed that any road improvements must be coordinated with the Town Highway Department. Mr. Bonesteel stated that in the cross-section provided for the improved Plante Lane, the cross-section should include the location of the crown of the road. Further, Mr. Bonesteel stated that the crown of this gravel road should be at least $\frac{3}{8}$ inches, rather than $\frac{1}{4}$ inch as gravel roads do not drain as well as a paved road. The Planning Board discussed the width of the proposed driveways, and reviewed the Town specifications for private driveways and private roads depending on the length of the driveways to be constructed. Member Mainello asked whether there should be any signage on Plante Lane indicating the road is a gravel road. Mr. Bonesteel stated there were no signs that would indicate the road is gravel, but that the Town could consider posting a reduced speed limit for the road given its nature as a gravel road. The Planning Board thought that reducing the speed limit to approximately 15 mph would be appropriate. Mr. Bonesteel stated that any speed limit reduction was a Town Board issue, which would then request a lower speed limit on the Town Road to the County, and in turn the County would make that request to the State, and that the State would need to approve the reduced speed limit. The Planning Board will consider whether this reduced speed limit on Plante Lane should be included as a condition to this project. The Planning Board discussed the existing cul-de-sac at the end of Plante Lane, and its adequacy for turn-around of trucks and buses. The Planning Board next reviewed the driveways for the lots proposed on Penny Royal Lane, including lots # 3 and #4 which

driveways appear to be located over existing streams and drainage ditches. Mr. Reiser stated that there was adequate room to locate driveways for each lot #3 and lot #4 without impacting the streams and drainage courses, and it was determined that Mr. Reiser would place a survey stake in the field where driveways are proposed so that the Planning Board members can review the driveway location in the field. Mr. Bonesteel and the Planning Board confirmed with Mr. Reiser that in order for the lots to be approved as buildable lots, adequate driveway access must be shown. Chairman Oster confirmed that Mr. Reiser must submit clarifications on the cross-section for Plante Lane road improvements, including identifying the crown of the road, and also must install survey stakes for the proposed driveway locations on lots #3 and #4. Town Water Superintendent Bradley was present, and offered comments concerning the stormwater plan for this proposal, referencing Town of Brunswick Local Law #5 of 2007 which Mr. Bradley states does require the preparation of a stormwater pollution prevention plan for this project. Mr. Bradley states that any project that collectively will disturb over 1 acre of land, including future development of the subdivided lots, must be considered together and if that total area of disturbance exceeds one acre, a full stormwater pollution prevention plan must be prepared at this time. The Planning Board discussed the applicability of that rule to a non-realty subdivision. Attorney Gilchrist stated that he will research that issue, and Mr. Bonesteel stated that he would review the terms of the State general stormwater permit for construction activities on that issue as well. The Planning Board determined that the application was complete for purposes of opening a public hearing, but anticipated keeping the public hearing open until such time as the stormwater compliance issue has been determined. This matter is scheduled for public hearing for the June 2, 2016 meeting to commence at 7:00pm.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located at 580 Pinewoods Avenue. Brian Holbriiter, Licensed Land

Surveyor, was present for the applicant. Chairman Oster noted that additional drawings had been submitted by Mr. Holbritter, and requested that he review any updates. Mr. Holbritter stated that the sight distances for the driveways had been added to the subdivision plat, and revisions to the grading plan had been made with particular regard to sediment control features, but that the subcontractor on that issue had provided Mr. Holbritter information only recently, and Mr. Holbritter was only able to provide the updated grading plans to the Planning Board on the previous day, and understood that the Planning Board and Mr. Bonesteel would need time to fully review the updated plans. In addition, Mr. Holbritter stated that this area is identified as being in an archeologically sensitive area, and that the applicant had a Phase 1A and Phase 1B Archeological Assessment completed, and that a draft report had been prepared, and that a final report will be available within a week for Mr. Bonesteel to review. Water Superintendent Bradley was also present for this application, and stated that the same rule regarding total land disturbance is applicable on the Farrell Homes major subdivision, and if the total land disturbance for the complete buildout of this subdivision is greater than one acre, a full stormwater pollution prevention plan and erosion and sediment control plan must be submitted at this time. Mr. Bonesteel stated that a full stormwater pollution prevention plan and erosion and sediment control plan had been submitted on this application, and Mr. Bradley stated he would like to review those documents. Mr. Bonesteel stated that he would need to review the updated grading plans and subdivision plat information, with particular regard to drainage. This matter is placed on the June 2 agenda for further discussion.

The next item of business on the agenda was the McCarty petition for rezoning with respect to property located at 1001 Hoosick Road. This matter had been referred from the Town Board for review and recommendation. This matter had been discussed at the May 5 meeting, and a proposed recommendation had been prepared based on the discussion and deliberation of the

Planning Board at the May 5 meeting. F. Redmond Griffin, Esq. was present for the applicant. Mr. Griffin stated that at the May 5 meeting, the Planning Board had raised the question as to whether there were any deed restrictions for this parcel. Mr. Griffin stated that he had researched the title for the past 100 years, and that there are no deed restrictions of record pertaining to this parcel, and that the record includes only an easement for a water line. The Planning Board members then reviewed the draft written recommendation. Following further deliberation, Member Czornyj made a motion to adopt the draft recommendation in final form, which motion was seconded by Member Mainello. The motion was unanimously approved, and a final written recommendation on the McCarty rezoning petition was adopted. This recommendation will be forwarded to the Town Board and the Zoning Board of Appeals.

The next item of business on the agenda was the site plan application submitted by Kasselman Solar, on behalf of AG Distributors Corp, pertaining to the property located at 831 Hoosick Road. This property is the location of the Ace Hardware store, and the owner seeks to install two carport-type structures to house solar panels at this location. Anna Marciano of Kasselman Solar was present. Ms. Marciano stated that this matter had been before the Brunswick Zoning Board of Appeals for an area variance concerning the distance of the carport-type structures to the building, that the Zoning Board of Appeals had held a public hearing on the variance application at which no one offered any comment, and that the Zoning Board of Appeals had granted the area variance at its meeting held May 16. Attorney Gilchrist confirmed that the Zoning Board of Appeals did hold a public hearing on the area variance application, that no comments were offered by any member of the public, and that the Zoning Board of Appeals did grant the area variance for the location of the structures in relation to the principal building. Chairman Oster confirmed that the Planning Board had determined that an additional public hearing on the site plan application was not required in this case. Chairman Oster asked the Planning Board members

if there were any questions or comments on the site plan. The Planning Board members stated they had reviewed the application at a prior meeting, and do not have any further questions or comments. Accordingly, Member Czornyj made a motion to adopt a negative declaration under SEQRA with respect to the site plan application, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the site plan, which amends the existing site plan for the Ace Hardware facility to add the carport-type structures for installation of solar panels, subject to the condition that coordination with the Town Building Department occur with respect to the installation of the carport-type structures as well as the solar panel installations. That motion was seconded by Member Mainello. The motion was unanimously approved, and the site plan amendment to the Ace Hardware site plan was approved subject to the stated condition.

The next item of business on the agenda was the site plan application submitted by Oakwood Property Management with respect to the Oakwood Property Management Planned Development District located on Oakwood Avenue. Robert Osterhaut, P.E. of Bohler Engineering was present, and stated that updated site plans had been provided to the Planning Board for review. Chairman Oster stated that the Planning Board had reviewed one issue concerning the updated plans set at a prior meeting, with particular regard to the location of the emergency access road being still identified as a utility access road, and that the Planning Board felt that the road should be removed from the site plan and the area of the water line identified only as a utility easement. Mr. Osterhaut stated that the site plan had been amended to remove the access road in its entirety, showing only a water line and utility easement area. Mr. Osterhaut reviewed the updated site plan. Regarding the utility corridors, Mr. Osterhaut reviewed both the water line locations and sewer line locations, again noting that the access road area had been removed from the site plan, which now shows only the location of utility lines and utility easements. Mr. Osterhaut also stated that

a lot of work had been done on the stormwater plan for the project, and that a full stormwater pollution prevention plan had now been submitted. Mr. Osterhaut stated there had been much discussion between the applicant and the Town concerning whether this project constituted re-development of a former site use or should be viewed as an undeveloped site, and that the stormwater pollution prevention plan now completed and submitted for review by the Town considers this project to be a new development, without taking into account the fact that this site had previously been used for industrial operations and had included areas deemed to be impervious. Mr. Osterhaut stated that the original stormwater plan for this project had considered the prior industrial use and impervious areas, and had included a total of seven stormwater management facilities to address stormwater runoff. In light of the redesign to consider this a new development without considering any prior industrial use, an additional stormwater facility had been added in a location adjacent to Oakwood Avenue, so that the stormwater plan for this project now includes eight stormwater management facilities on site. Mr. Osterhaut characterized the stormwater pollution prevention plan as being very detailed, and does reduce stormwater runoff quantity from pre-development conditions, even considering the pre-development condition as being an undeveloped site. Mr. Osterhaut confirmed that there have been review comments on the stormwater plan for the project from Laberge Engineering, the Town designated engineers on the project, and that he will meet with both Ronald Laberge, P.E. and Water Superintendent Bradley to review the stormwater plan. Concerning the site plan, Mr. Osterhaut stated that there were the same number of apartment units with the same basic layout for the apartment unit project; that with regard to the sewer system, the only sewer infrastructure that will be dedicated to the Town and made part of the Town's system is adjacent to Oakwood Avenue, including a facility that will be constructed in proximity to Farrell Road, and all other sewer lines internal to the project site will remain private; that the water line to be constructed on the site will be dedicated and made

part of the public water system; and that all stormwater facilities will remain private, subject to private maintenance pursuant to a stormwater management agreement to be executed with the Town. Chairman Oster requested comment from Water Superintendent Bradley. Water Superintendent Bradley stated that there were several items outstanding on this project, including necessary private easements for water line installation that must be obtained from private property owners including Kestner and Murray, and that the entire project was dependent on securing such private utility easements from these private property owners, and that the easements have not yet been provided to the Town; that coordination on sewer installation with the City of Troy remained outstanding; and that there have been no petitions for creation of water and sewer districts yet filed by the applicant. Mr. Osterhaut stated that the applicant is working with both Kestner and Murray on securing agreements to provide for provision of the required utility easements. Mr. Osterhaut stated that between the project site and Northstar Drive, there is a small strip of land owned by the St. Peters Cemetery, but that the applicant does have an easement for installation of utilities across that strip. Attorney Gilchrist requested that the easement from St. Peters be provided to the Planning Board for review. Mr. Osterhaut stated that the easement will be submitted to the Planning Board. Mr. Osterhaut also stated that there is an additional strip of land between the St. Peters parcel and Northstar Drive that is owned by Kestner, but that discussions concerning utility easements are progressing, and did note that the original North 40 project plans included a stormwater detention area which needed to be constructed adjacent to Northstar Drive, and that any water line installation will accommodate that detention area. Member Mainello asked about the parking on the project site, which appeared very limited to him. Mr. Osterhaut stated that the project includes not only surface parking, but that garages are included within each apartment building. Ms. Guastella asked about provision of handicap parking on the project. Mr. Osterhaut stated that handicap parking is provided. Member Tarbox inquired about the total number of

apartment units on the project site. Mr. Osterhaut stated that a total of 254 units were approved by the Town Board as part of the PDD approval, and that 253 units are being proposed, which include 23 buildings with 11 units per building, to be located on the total project site of approximately 75 acres. Member Mainello asked whether the fire department had reviewed the site plan for emergency vehicle access within the apartment area. It was confirmed that Mr. Osterhaut will supply additional copies of the site plan package to the Town, who will then forward the materials to the two fire districts that have jurisdiction over the project site. Member Mainello asked whether the roads had been reviewed for school bus access and turning radius. Mr. Bonesteel stated that Laberge Engineers will be able to review the road layout for compliance for truck and bus access. Chairman Oster noted that Laberge Engineers had prepared a review letter dated May 11. Mr. Osterhaut confirmed receipt of that comment letter, and stated he will be meeting with Mr. Laberge and Mr. Bradley to go over the Town comments. The Planning Board had further questions regarding parking on the project site and garage layout within the apartment buildings. Mr. Osterhaut stated he will submit a floor plan for the apartment buildings, and will get information as to where the applicant has constructed these apartment buildings elsewhere so that the Planning Board members could visit. The Planning Board held extensive discussion concerning the scheduling of a public hearing on this site plan application. It was determined that this matter will be placed on the June 2 agenda for further discussion, that the Planning Board will request Laberge Engineers to be present at the June 2 meeting to review the application, and that the applicant can respond to Town comments on the site plan and stormwater plan for further discussion at the June 2 meeting, with the tentative scheduling of the public hearing to occur at the June 16 meeting. The decision on the public hearing date will be finalized at the June 2 meeting. It is noted that while the property owned by Ross Valve may be exceeding 500 feet from the project site, the owner had actively participated in discussions concerning stormwater runoff from the

project site, and would be notified concerning the public hearing date. Mr. Osterhaut confirmed he would also provide building elevations when he submits the floor plan of the buildings for review. Water Superintendent Bradley also discussed the regional stormwater issues in this location, and stated that any stormwater plan for this project needs to have a very conservative design. Mr. Osterhaut stated he would be meeting with Mr. Laberge and Mr. Bradley concerning the stormwater plan. Mr. Osterhaut also stated a comment had been raised concerning installation of fencing around the stormwater detention basins on the project site, and whether fencing impaired future maintenance. Water Superintendent Bradley stated he was concerned with installing fencing around stormwater basins as impairing future maintenance, and will discuss further with Mr. Osterhaut an appropriate design for the stormwater basins which would promote future maintenance. This matter is placed on the June 2 agenda for further discussion.

The index for the May 19, 2016 meeting is as follows:

1. Reiser - Major subdivision - 6/2/2016 (public hearing to commence at 7:00pm);
2. Farrell Homes - Major subdivision - 6/2/2016;
3. McCarty - Recommendation on petition for rezoning;
4. Kasselmann Solar - Site plan - Approved with condition;
5. Oakwood Property Management PDD - Site Plan - 6/2/2016.

The proposed agenda for the June 2, 2016 meeting currently is as follows:

1. Reiser - Major subdivision (Public hearing to commence at 7:00pm);
2. Oakwood Property Management PDD - Site plan;
3. Farrell Homes - Major subdivision;
4. Mickel Hill LLC - Waiver of subdivision.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 2, 2016

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, MICHAEL CZORNYJ, DAVID TARBOX, and TIMOTHY CASEY.

ABSENT were FRANK ESSER and VINCE WETMILLER

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda as posted on the Town website and Town signboard. Chairman Oster noted that at the request of the applicant, the Oakwood Property Management PDD site plan application is adjourned to the meeting of June 16.

The Planning Board opened a public hearing on the major subdivision application submitted by Reiser Builders Inc. for property located on NYS Route 351 at Plante Lane and Penny Royal Lane. Chairman Oster reviewed the rules for the conduct of the public hearing. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Henry Reiser of Reiser Builders Inc. was present, and presented a brief overview of the project. Chairman Oster then opened the floor for the receipt of public comments. Peggy Schmidt, 63 Plante Lane, asked about the style of houses planned to be constructed. Mr. Reiser stated that the homes would be similar to homes that Reiser Builders Inc. is constructing in the subdivision located off Langmore Lane and Buck Hill Road, that they will be in the nature of

a craftsman, colonial, or farmhouse style home, all to be custom built, and probably in the range of \$400,000 to \$500,000 in value. Ms. Schmidt also asked whether there were any restrictions on the use of the property, and whether the property was designated as “forever wild”. Mr. Reiser stated that there were no deed restrictions or conservation easements of record, that the former owner of the property has reviewed the proposed subdivision and agrees with the layout and lot size, and that the former owner needed to agree with the subdivision plan through an agreement with Mr. Reiser. Rod Owens, an owner of adjacent property located across NYS Route 351, stated that he owns approximately 325 acres, and has owned the property for approximately 32 years. Mr. Owens stated that he had spoken with Mr. Reiser concerning this project, and did state that the value of the homes was an issue of interest as it may affect his property values. Mr. Reiser again stated that he is planning to construct homes that are in the range of \$400,000–\$500,000 in value, all to be constructed on large lots. Mr. Reiser did state that the proposed homes would probably be a minimum of 3,000 square feet, and all would be single-family homes. Mr. Reiser also stated that it was his hope that prospective purchasers may purchase more than one lot, and have a very large land holding around one single-family home. Mr. Owens stated that with the additional residences on Plante Lane and Penny Royal Lane in this general area of NYS Route 351, and given the existing speed limit on Route 351 at 55mph, he felt that it would be appropriate for both the Town and NYSDOT to consider a lower speed limit on NYS Route 351. Mr. Owens did state that the concentration of traffic in this location was a concern, and that the speed limit issue should be addressed. Attorney Gilchrist stated that the issue of a speed limit on public roads is within the jurisdiction of the Brunswick Town Board, but that the Planning Board could make a request to the Town Board to consider the issue of speed limits, and ultimately the determination of the speed limits on NYS Route 351 would be within the sole discretion of NYSDOT. Mr. Owens stated that in general, he had no objections to the subdivision plan. Mr. Owens did ask

about the timing of the projected buildout of the subdivision. Mr. Reiser stated that the buildout would be market-driven, but that he would be marketing lots immediately after approval. Mr. Reiser also stated that it has been the general business of Reiser Builders Inc. to build approximately 2–3 homes per year. Chairman Oster requested any additional public comments. Hearing none, the Planning Board closed the public hearing on the Reiser Builders major subdivision application.

The Planning Board opened the regular meeting for June 2.

The Planning Board members reviewed the draft minutes of the May 19, 2016 meeting. Chairman Oster stated that at pages 7–11, with reference to the Oakwood Property Management PDD site plan, all references to Robert “Osterhaut” should be amended to Robert “Osterhoudt”. Subject to that typographical correction, Member Czornyj made a motion to approve the May 19, 2016 minutes, which motion was seconded by Member Tarbox. The motion was unanimously adopted, and the May 19, 2016 minutes were approved subject to the noted typographical correction.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located off NYS Route 351 at Plante Lane and Penny Royal Lane. Chairman Oster noted that the public hearing had been held earlier in the meeting, and that Mr. Reiser had addressed comments raised at the public hearing. Chairman Oster noted that the sight distance information for driveways on Plante Lane should be added to the subdivision plat. The Planning Board members generally discussed the comment concerning the speed limit on NYS Route 351, and felt that it would be appropriate as part of any action on this application to recommend to the Town Board that it request that NYSDOT consider reducing the speed limit on NYS Route 351 in the area of Plante Lane and Penny Royal Lane. Member Mainello also reiterated that the Planning Board should also recommend that the Town Board consider a reduced

speed limit for Plante Lane as well. Chairman Oster requested Planning Board Engineer Bonesteel to review the stormwater issues raised in this application at the May 19 meeting. Mr. Bonesteel stated he had reviewed the NYSDEC general permit for stormwater associated with construction activities, reviewed the definition of “construction activities” and stated that there was no immediate construction proposed on any of the subdivided lots, and that the immediate construction was limited to the work proposed on improving Plante Lane. In light of this, Mr. Bonesteel stated that only an erosion and sediment control plan is required at this time, and that a full SWPPP showing post-construction stormwater management facilities is not required at this time. Mr. Bonesteel did state that Mr. Reiser has indicated he will have the applicant’s engineer prepare a limited stormwater plan showing required erosion and sediment control facilities for the immediate construction activities in accordance with the NYSDEC general permit requirements. Attorney Gilchrist stated that he had reviewed the stormwater issue as well, noting that NYSDEC guidance documents for the State stormwater program indicate that, for rural residential subdivisions meeting certain qualifications, a full SWPPP is not required where the total projected land disturbance is greater than one acre but less than five acres—with the condition that the developer must notify subsequent purchasers of the subdivided lots that, during the buildout of each individual lot, compliance with State stormwater standards is mandatory. Attorney Gilchrist also noted that the Town of Brunswick, as an MS4 community, does have independent responsibility under the State stormwater program separate and apart from the applicant’s responsibilities, and that the Planning Board should be coordinating with the Town’s stormwater officer on such applications to ensure compliance with MS4 responsibilities. Attorney Gilchrist recommended that both he and Mr. Bonesteel coordinate with Mr. Bradley on stormwater compliance issues, draft an appropriate condition to action on the Reiser major subdivision application concerning stormwater compliance, and also prepare an appropriate note to be placed

on the subdivision plat. Member Mainello suggested that the public be apprised as to the proposed improvement of Plante Lane, and the status of Plante Lane as a user road. The Planning Board generally reviewed these issues for members of the public, including Peggy Schmidt who was in attendance and who resides on Plante Lane. Ms. Schmidt made a follow-up inquiry regarding adequacy of Plante Lane for fire protection. This matter was discussed by the Planning Board, including the improvement proposed for Plante Lane to accommodate two-way traffic, including truck traffic, as well as the adequacy of the turnaround area at the end of Plante Lane. Further discussion was held concerning the improvements to the drainage ditches and drainage pipes proposed along Plante Lane, including discussion on maintaining the drainage rate to ensure no change in drainage on downstream properties. The Planning Board determined that Mr. Bonesteel should be provided the limited SWPPP/erosion and sediment control plan associated with the project improvements for review prior to the June 16 meeting, and requested that attorney Gilchrist draft conditions to be attached to action on the major subdivision application for review at the June 16 meeting. In addition, Mr. Reiser handed to attorney Gilchrist the deed for his property for review prior to the June 16 meeting. This matter is placed on the June 16, 2016 agenda for further discussion.

Chairman Oster reiterated that the Oakwood Property Management PDD site plan is adjourned to the June 16 meeting.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue. The applicant seeks to subdivide an existing 13.36 acre parcel into five building lots, including four lots at approximately 0.95 acres and one lot at approximately 9.58 acres, all with access onto Pinewoods Avenue. Chairman Oster noted that the public hearing had been held and closed on this application. Brian Holbritten, Licensed Land Surveyor, was present for the applicant. Chairman Oster noted that Mr. Bonesteel

reviewed both the SWPPP for the project as well as the updated plans. Mr. Bonesteel stated he did review the SWPPP, which is limited to erosion and sediment control measures, which is appropriate for this project as more than one acre is disturbed but less than five total acres disturbed as a result of the subdivision, and noted that he had no objection to the SWPPP. Mr. Bonesteel did state he had comments concerning the grading plans that were provided, and reviewed the comments with the Board and Mr. Holbritter. First, Mr. Bonesteel raised a question concerning drainage at the rear of lot #4, stating he needed additional detail to understand the drainage patterns and adequacy of swales being proposed and that more detail should be provided for this area of drainage. Second, Mr. Bonesteel asked for further definition on the proposed swale near the 18-inch RCP drainage pipe under Pinewoods Avenue. Mr. Bonesteel also stated that Mr. Bradley should review the drainage plan as well. The Planning Board also generally discussed the gas line which had been installed along Pinewoods Avenue in 2015, and requested that the gas line be shown on the subdivision plat. Mr. Bonesteel also stated that a possible drainage easement over lot #8 in the area of the 18-inch RCP drainage pipe under Pinewoods Avenue should be considered by the applicant and provided to the County. Attorney Gilchrist noted that he will be preparing a standard subdivision plat note for purposes of State stormwater compliance for subdivisions in excess of one acre but less than five acres of disturbance, so that all future owners of the lots understand the need for compliance with the State stormwater program, and that he will provide that plat note language to Mr. Holbritter for addition to the Farrell subdivision plat. Member Casey raised an issue concerning the drainage swale in the area of the 18-inch RCP drainage pipe under Pinewoods Avenue, and the Board members generally discussed that drainage swale on the subdivided lot with Mr. Holbritter. This matter is placed on the June 16 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Mickel Hill LLC for property located on Mickel Hill Road and Lockrow Road. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Member Tarbox, a member of Mickel Hill LLC, recused himself from consideration of the application. A letter was handed up to the Planning Board from the Coletti Family Trust - David A. Coletti in response to the Agricultural Data Statement on the application, noting that Coletti had no objection to the waiver of subdivision application. Mr. Holbriiter stated that the parcel currently is 72 acres in size, with an existing house and barns located on the south of Mickel Hill Road. Mr. Holbriiter stated that the proposal is to divide a 7 acre lot for the house and barns, and have the remaining land remain as open and vacant. Mr. Holbriiter stated that there were no new structures or roads being proposed, and that the house and barns are all existing. Chairman Oster asked whether the Planning Board members had any questions on the application. 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 (Tarbox recused), and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Mainello. The motion was unanimously approved (Tarbox recused), and the waiver of subdivision application submitted by Mickel Hill LLC was approved.

The index for the June 2, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision - June 16, 2016;
2. Oakwood Property Management PDD - Site plan - adjourned to June 16, 2016
3. Farrell Homes - Major subdivision - June 16, 2016;
4. Mickel Hill LLC - Waiver of subdivision - Approved.

The proposed agenda for the June 16, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision;
2. Oakwood Property Management PDD - Site plan;
3. Farrell Homes - Major subdivision;

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 16, 2016

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

ABSENT were KEVIN MAINELLO and TIMOTHY CASEY.

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the June 16 meeting.

The draft minutes of the June 2, 2016 meeting were reviewed. Chairman Oster noted that during the business portion of the June 2 meeting, and during the discussion concerning the Reiser Builders major subdivision, Rod Owens, an owner of property located across NYS Route 351 from the project site, had stated that he was concerned regarding drainage from the lots proposed for Plante Lane discharging through a drainage pipe under NYS Route 351 and impacting his property. The June 2 minutes, at page 5, lines 3–6, identify a discussion concerning improvements to drainage ditches and drainage pipes along Plante Lane. An additional sentence is added to this portion of the minutes as follows: “Rod Owens stated that he was concerned regarding drainage impacts to his property”. Member Czornyj made a motion to approve the June 2 draft minutes subject to the addition as noted above, which motion was seconded by Member Esser. The motion was unanimously approved, and the June 2 minutes were approved subject to the additional sentence noted above.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on NYS Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders Inc., and Frances Bossolini, project engineer, were present. Chairman Oster noted that a plat note had been prepared concerning stormwater compliance for this project. The plat note required to be added to the final subdivision plat is as follows:

Plat Note - Stormwater Compliance

Purchasers of each individual lot created by this subdivision must comply with all laws, rules, and regulations of the New York State Department of Environmental Conservation and the Town of Brunswick regarding stormwater management prior to commencement of any grading or construction activities on the purchased lot, which may include the preparation of an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan. Notice to the Town of Brunswick Building Department and Town of Brunswick Water Department prior to any grading or construction activities is mandatory.

Mr. Reiser noted his receipt of the plat note language, and stated that the note would be added to the final subdivision plat. Mr. Bossolini stated that he had prepared a stormwater Erosion and Sediment Control Plan, and that Mr. Bradley of the Town Water Department had timely reviewed the draft Erosion and Sediment Control Plan, and had no additional comments other than the addition of the plat note to the final subdivision plat as discussed above. Mr. Bonesteel stated that he had only recently received the stormwater Erosion and Sediment Control Plan, and had not had adequate time to complete his detailed review, having only had time to perform a general review. Attorney Gilchrist noted for the Board that in the event the Board wished to proceed to action on the application at the June 16 meeting, the Planning Board could consider a condition regarding final engineering review comments on the stormwater Erosion and Sediment Control Plan. Member Tarbox raised the issue concerning the size of an improved drainage pipe under Plante Lane in connection with the Plante Lane improvements, and any impact on the drainage through

the existing two foot pipe under NYS Route 351 and downgradient properties. Member Tarbox stated that the stormwater flow may be too fast for the pipe under NYS Route 351 to handle, and this could result in stormwater backing up adjacent to NYS Route 351, or it may impact other downgradient properties. Mr. Bonesteel stated that the final pipe size under Plante Lane should be analyzed prior to installation, but that there is some storage area for stormwater between Plante Lane and NYS Route 351. Mr. Bonesteel did state that the final drainage pipe size and design should be analyzed in coordination with the Town Highway Department and Town Water Department prior to installation. The Planning Board members generally discussed the stormwater runoff issue, in light of the potential increase in stormwater due to construction of driveways and homes along Plante Lane. Mr. Reiser stated that Highway Superintendent Eddy had looked at this issue previously, and may want two 12-inch pipes installed. Member Tarbox stated that the number and size of drainage pipes to be installed under Plante Lane should be looked at, whether it is part of the stormwater plan or part of the work permit for the Plante Lane improvements. There was further discussion concerning the downstream properties, with Mr. Bossolini noting that the drainage pipes under NYS Route 351 do discharge through drainage courses or ravines into the Quackenkill Creek. Mr. Reiser also noted that he will be adding notes to the final subdivision plat to provide detail on the crown for Plante Lane as a result of the road improvements, that the pitch on the Plante Lane improvements would be 3/8 inch rather than 1/4 inch, and that the top course for the Plante Lane improvements will be finer gravel. Mr. Reiser also asked whether the condition that improvements to Plante Lane must be completed prior to any construction of homes in the subdivision applied also to the lots on Penny Royal Lane, since the Plante Lane improvements did not have any direct impact on the Penny Royal Lane lots. Attorney Gilchrist noted that any condition attached to subdivision approval must be rationally related to the proposed site improvements and existing conditions. After discussion, Chairman Oster stated

that the Planning Board will require the Plante Lane road improvements to be completed prior to construction of any of the lots in the subdivision, including the lots on Penny Royal Lane. Chairman Oster inquired whether there were any further questions or comments on the application. Member Esser asked whether Reiser Builders would be providing any guarantee on the Plante Lane road improvements. Attorney Gilchrist stated that in the usual case where a subdivision road is to be constructed by the applicant, and thereafter dedicated to the Town, the Town will require a repair and maintenance bond, but that in this case, Plante Lane is an existing public road in the nature of a highway-by-use, and that the improvements to Plante Lane are being performed by the applicant through agreement with the Town, but that the road is already a public road and is already being maintained by the Town. Attorney Gilchrist stated that in this case, it will be important for the Town Highway Department to inspect the road improvements being performed by Reiser Builders during construction, and ensure that the roadwork has been completed in accordance with approved plans prior to acceptance of the road improvements. Hearing no further comments, Chairman Oster stated the application was complete for purposes of action. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the major subdivision application subject to the following conditions:

1. Compliance with the approved plans for improvements to Plante Lane, including road widening and drainage improvements; coordination with the Town Highway Department and Town Water Department is mandatory prior to commencement of construction of improvements to Plante Lane.
2. All roadway improvements and drainage improvements on Plante Lane must be completed and accepted by the Town of Brunswick Highway Department prior to issuance of any grading or building permit for any lot in the subdivision; the owner is required to provide notice of this condition to all prospective purchasers of the subdivision lots.

3. The following note must be added to the final subdivision plat:

Plat Note - Stormwater Compliance

Purchasers of each individual lot created by this subdivision must comply with all laws, rules, and regulations of the New York State Department of Environmental Conservation and the Town of Brunswick regarding stormwater management prior to commencement of any grading or construction activities on the purchased lot, which may include the preparation of an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan. Notice to the Town of Brunswick Building Department and Town of Brunswick Water Department prior to any grading or construction activities is mandatory.

4. Driveway permits must be obtained from the Town of Brunswick Highway Department prior to construction of any driveway off Plante Lane and Penny Royal Lane, and all driveways must include proper drainage facilities and required backpitch.
5. Subject to final engineering comments of the Planning Board Engineer concerning stormwater Erosion and Sediment Control Plan.
6. Subject to review and comments by the Town of Brunswick Highway Department and Town of Brunswick Water Department concerning final design of the proposed drainage pipe improvements under Plante Lane prior to commencement of any road improvements on Plante Lane.
7. Final subdivision plat must add plat notes concerning detail on the crown for Plante Lane, a 3/8 inch pitch rather than 1/4 inch pitch on Plante Lane, and that the top course for Plante Lane improvements will be finer gravel.
8. The Planning Board shall send a letter to the Town of Brunswick Town Board which will request that the Brunswick Town Board reconsider sending a letter to the New York State Department of Transportation seeking review and lowering of the speed limit on NYS Route 351 in the area of Penny Royal Lane and Plante Lane.
9. The Planning Board shall send a letter to the Town of Brunswick Town Board requesting that the Brunswick Town Board consider reducing the speed limit on Plante Lane to 15mph.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the major subdivision application of Reiser Builders Inc. was approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Oakwood Property Management concerning the Oakwood Property Management Planned Development District located on Oakwood Avenue. Robert Osterhoudt, P.E., Bohler Engineering, was present for the applicant. Mr. Osterhoudt stated that the applicant had provided additional information responsive to comments at the May 19 meeting, and had sent the documents electronically to the Town on June 15, and handed up a hard copy of the additional submissions to each Planning Board member. Mr. Osterhoudt reviewed the additional submissions. Mr. Osterhoudt first reviewed floor plans for the proposed apartment buildings, and discussed the garages provided in the buildings which generally provide for indoor parking for 8 of the 11 apartment units in the typical building. Mr. Osterhoudt also reviewed typical building elevations for the two types of apartment buildings that are proposed for this project. Mr. Osterhoudt then stated there was additional information concerning the proposed utility easements between the project site and residents in North 40. Attorney Gilchrist stated that he had discussed the utility easement issue with the project attorneys, and that the project attorneys had written a letter dated June 14, stating that the owners of the Oakwood Property Management project had reached conceptual agreement with North 40 Realty (Kestner) for the utility easement, and that discussions were ongoing for the second utility easement through the lands of Murray. Attorney Gilchrist reported that the terms of the utility easement are being reviewed, and that work on the final utility easement is ongoing, but that the applicant reports conceptual approval for the utility easements for the project. Mr. Osterhoudt next reviewed a letter from the City of Troy Department of Public Utilities, which provides that the City of Troy approved a conceptual design to connect the Oakwood Property Management project to the City of Troy water service, and also that the City of Troy views the proposed sewer extensions as approvable, subject to evaluation of plan details. Mr. Osterhoudt also reviewed a proposed alternative for a public water connection as outlined in

the City of Troy correspondence, in the event a final utility easement is not obtained from either North 40 Realty or Murray. Attorney Gilchrist noted that the water and sewer plans are still subject to review and comment by the Town of Brunswick and Town designated engineers (Laberge), and while the Planning Board can take notice of this City of Troy correspondence, the Town of Brunswick has not yet commented on any alternate water supply for this project. Mr. Osterhoudt also presented the approved site plan for the Stoneledge Terrace Project on Oakwood Avenue, for the purpose of showing that a 40-foot utility right of way is included in the Stoneledge Terrace project which can be utilized by the Oakwood Property Management project. Attorney Gilchrist provided a copy of an email from Laberge Engineers concerning the status of the project, noting that Laberge Engineers has determined that, from an engineering perspective, the application documents are satisfactory for moving the project forward to public hearing, but noting that additional engineering review comments may be provided. Chairman Oster noted that the Planning Board had held extensive meetings on this project, including significant work on the need for an emergency access road for the project, water and sewer easement issues, and stormwater issues. Chairman Oster noted that the issue was whether the application was complete for purposes of scheduling the public hearing. Attorney Gilchrist reiterated the comments from Laberge Engineers concerning a public hearing, and also reiterated the information from the applicant concerning the utility easements. The Planning Board members discussed scheduling a public hearing for the project, and considered whether to schedule the public hearing for the July 7 meeting or the July 21 meeting. Ultimately, Chairman Oster stated that the Planning Board would open the public hearing on the Oakwood Property Management PDD site plan on July 7 at 7:00pm, but it is likely that the public hearing would be kept open, as the Planning Board is anticipating comment from the public on this project, and the issue of water and sewer connections remains open. This matter is scheduled for opening of the public hearing at the July 7 meeting,

commencing at 7:00pm. Attorney Gilchrist noted he would contact Laberge Engineers to confirm their attendance at the July 7 meeting.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter stated that the comments of Planning Board Engineer Bonesteel concerning the stormwater plan and drainage plan for the project had been addressed, and revisions had been made to the drainage plan and submitted to the Town for review. Mr. Bonesteel confirmed that he had received the revisions to the drainage plan for the project, and noted that all of his review comments had been addressed and appropriate revisions to the subdivision plans had been made. Mr. Bonesteel further stated he had reviewed the stormwater plan for the project and finds it to be complete, subject to review and any final comments by the Town Water Department. Chairman Oster noted that the stormwater issues that had been addressed include the drainage located to the rear of lot #4, a drainage swale near the 18-inch RCP drainage pipe along Pinewoods Avenue, that a drainage easement will be provided to Rensselaer County in the area of lot #8 near the 18-inch RCP drainage pipe along Pinewoods Avenue, and also that the gas line along Pinewoods Avenue is now shown on the subdivision plat. Chairman Oster noted that the application is ready for action by the Planning Board, noting that all of the public comments and engineering review comments had now been addressed. Chairman Oster inquired whether there were any further questions or comments of the Planning Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the major subdivision application, subject to the following conditions:

1. Approval of Rensselaer County Department of Health for septic systems for each lot.
2. Coordination with the Town of Brunswick Water Department concerning public water connections for each lot.
3. Compliance with applicable wetlands regulations during lot construction.
4. Coordination with the Rensselaer County Highway Department regarding driveway permits and construction activities along Pinewoods Avenue.
5. Addition of a note on the final subdivision plat concerning stormwater compliance, as follows:

Plat Note - Stormwater Compliance

Purchasers of each individual lot created by this subdivision must comply with all laws, rules, and regulations of the New York State Department of Environmental Conservation and the Town of Brunswick regarding stormwater management prior to commencement of any grading or construction activities on the purchased lot, which may include the preparation of an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan. Notice to the Town of Brunswick Building Department and Town of Brunswick Water Department prior to any grading or construction activities is mandatory.

6. Finals comments of the Town of Brunswick Water Department on the project stormwater plan.

The motion was seconded by Member Esser. The motion was unanimously approved, and the major subdivision application by Farrell Homes was approved subject to the stated conditions.

One item of new business was discussed. A waiver of subdivision application has been submitted by John and Theresa Bulmer concerning properties located at 79 and 81 Oneida Avenue. John Bulmer was present on the application. Mr. Bulmer explained that he is the owner of the property identified as 79 Oneida Avenue, which includes two 3,000 square foot lots (identified as 78 and 79) for a total area for the property identified as 79 Oneida Avenue of 6,000 square feet. Mr. Bulmer explained that a family member, recently deceased, owned the property identified as 81 Oneida Avenue, which consists of four 3,000 square foot lots (identified as 80, 81, 82, and 83),

for a total area of 12,000 square feet for the property identified as 81 Oneida Avenue. Mr. Bulmer stated that as part of the settlement of probate, a subdivision application has been submitted which seeks to divide 3,000 square feet from the property identified as 81 Oneida Avenue (lot 80) and transfer that to the property identified as 79 Oneida Avenue, resulting in a 9,000 square foot area for the property identified as 79 Oneida Avenue, and also resulting in a 9,000 square foot area for the property identified as 81 Oneida Avenue. Mr. Bulmer explains that the property identified as 81 Oneida Avenue would be put on the market for sale. Member Czornyj confirmed that a deck which had been constructed off the rear of the house at the property identified as 81 Oneida Avenue will still be in compliance with all Town setback requirements for accessory structures as a result of the proposed subdivision. Chairman Oster noted that this was a waiver of subdivision application in the nature of a lot line adjustment. Attorney Gilchrist stated that the Planning Board has required the legal merger of the divided area into the receiving parcel. Member Wetmiller confirmed that the parcels were serviced by public water and public sewer. Chairman Oster asked whether the Planning Board members had 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 Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the waiver of subdivision subject to the condition that the 3,000 square feet divided from 81 Oneida Avenue be legally merged into the parcel identified as 79 Oneida Avenue, with proof of merger being filed with the Brunswick Building Department. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The Planning Board next entertained a pre-application presentation by Mike Vickers for property located off Kreiger Lane. Mr. Vickers has not filed any formal land use application, but

the Planning Board allowed a pre-application presentation. Mr. Vickers explains he owns a 5.5 acre lot, with access via a private right-of-way ultimately connecting to Kreiger Lane. Mr. Vickers is looking to divide his 5.5 acre lot, creating an additional building lot. The new building lot proposed by Mr. Vickers would not include frontage on any public road. Mr. Vickers presented a history of subdivided lots along Kreiger Lane, including the 5.5 acre lot which he states was purchased by him in 1991. Attorney Gilchrist reviewed the legal requirements concerning new building lots with frontage on public roads, and stated that if Mr. Vickers does make an application for subdivision, research will need to be completed on the Planning Board record concerning any prior subdivision approvals for lots along Kreiger Lane, including the lot currently owned by Mr. Vickers. Once the prior subdivision history is obtained, proper legal review of this matter can be completed. Mr. Vickers stated he would file a waiver of subdivision application immediately. The Planning Board agreed to tentatively place this matter on the July 7 agenda for further discussion, subject to receipt of a complete application and payment of the application fee.

Chairman Oster noted for the Board members that he had a discussion with Town Board Member Mark Balistreri concerning the issue of new subdivision roads and the installation of street lights for safety and identification purposes. The issue was raised that it can be difficult for emergency responders to locate new subdivision roads in the absence of a street light for safety and identification purposes. Following discussion, the Planning Board determined to send a letter to the Brunswick Town Board requesting the Town Board's input concerning a requirement that project developers install a street light at all new subdivision road intersections with existing public roads, particularly in light of the fact that the ongoing utility charge for any streetlights will be incurred by the Town of Brunswick. Attorney Gilchrist will draft correspondence for review by the Planning Board.

The index for the June 16, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision - Approved with conditions;
2. Oakwood Property Management Planned Development District - Site plan - July 7, 2016 (public hearing to commence at 7:00pm);
3. Farrell Homes - Major subdivision - Approved with conditions;
4. Bulmer - Waiver of subdivision - Approved with condition;
5. Vickers - Waiver of subdivision application to be filed - July 7, 2016
(tentative)

The proposed agenda for the July 7, 2016 meeting currently is as follows:

1. Oakwood Property Management Planned Development District - Site plan
(public hearing to commence at 7:00pm);
2. Vickers - Waiver of subdivision (tentative).

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 7, 2016

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

ABSENT was VINCE WETMILLER.

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the July 7 meeting.

The first item of business on the agenda was the public hearing on the site plan application submitted by Oakwood Property Management concerning the Oakwood Property Management Planned Development District located on Oakwood Avenue. Robert Osterhoudt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster reviewed the rules and procedure for public hearings in front of the Planning Board. Attorney Tingley then read the notice of public hearing and noted that it had been posted on the Town website, posted on the Town signboard, sent to adjacent property owners, and published in the Troy Record on June 24, 2016. Mr. Osterhoudt reviewed the characteristics of the application. Mr. Osterhoudt stated that the Town Board had approved a Planned Development District for this 75-acre site in December 2014, approving 254 apartments, which would primarily be located in the areas on the site previously impacted by the prior use. Mr. Osterhoudt described the project as a transitional use between the single-family neighborhood in the North 40 subdivision area and the commercial neighborhood

located along Oakwood Avenue. The project will include 2 access points at Oakwood Avenue, with the primary access point located at the south end of the project and an additional access point at the north end of the project. The proposal calls for 23 apartment buildings, each of which will contain 11 apartment units for a total of 253 apartments. The project will be served by public water and sewer. Mr. Osterhoudt stated that 24 acres of the 75-acre site would be impacted by the development, leaving approximately 2/3 in its original condition. Mr. Osterhoudt then reviewed the water, sewer, and stormwater facilities plan. Mr. Osterhoudt also reviewed the topography of the site and noted that much of the existing vegetation would be maintained on the site. Mr. Osterhoudt pointed out that there would be minor wetlands impacts at the north and south access driveway areas. Such wetlands are within the jurisdiction of the United States Army Corps of Engineers and would require what amounts to a permit modification. Mr. Osterhoudt reviewed the easement areas located to the east of the site through which the public water would be connected. The area through the existing vegetation through which the water line would be constructed was designed so as to maintain a visual buffer between the project site and the North 40 subdivision area. Mr. Osterhoudt also indicated that there had initially been consideration given to a secondary access point from the North 40 subdivision, but that has been removed following the review of a consultant retained by the Planning Board. Mr. Osterhoudt also reviewed the building elevations, the garages, parking areas, and access drives. Chairman Oster then invited comments from the public. Andy Ross of 266 Carrolls Grove Road asked whether the stormwater pollution prevention plan was public information that could be reviewed and whether the applicant had any plans to replace or upsize two existing culvert crossings along Oakwood. Mr. Osterhoudt responded that the stormwater pollution prevention plan is public and is available from the Planning Board file, and that the applicant was not proposing any changes to the culverts, which

are located on the other side of Oakwood Avenue and are not within the project site. Mike Corrigan of 23 Lindsay Drive asked whether there had been easements actually granted for the water connection. Mr. Osterhoudt responded that St. Peter's Cemetery and the North 40 Association had granted easements. Mr. Corrigan asked whether the easement areas were included within the PDD and Mr. Osterhoudt indicated that they were not. Mr. Corrigan also asked whether there would be a second waterline connection as shown on the plans and whether an easement had been obtained from the landowner. Mr. Osterhoudt indicated that the landowner had been contacted, but that Mr. Osterhoudt was not involved in the discussions and was not privy to the details. It is Mr. Osterhoudt's understanding that—as of now—the second water connection through the North 40 subdivision has not yet been made feasible by the granting of an easement, but that alternative is still under consideration. Mr. Corrigan asked whether the project would impact the water pressure in the North 40 subdivision, and Ron Laberge of Laberge Engineering, the Town's consulting engineer on this project, indicated that the impact on water pressure in the North 40 subdivision had been studied and that it had been determined that there would be no impact to water pressure in that area. Mr. Corrigan also asked whether water was available from Oakwood Avenue. Mr. Osterhoudt indicated that the Gallivan property is currently using a well and there is no public water in that area of Oakwood Avenue. Mr. Osterhoudt then stated that if the additional easement is granted to allow two connections to the public water system through the North 40 subdivision, then the looped system will actually increase the pressure in the North 40 subdivision. Chairman Oster also stated that a looped system would also likely allow the water to remain available to the North 40 subdivision in the event a repair had to be made somewhere within the system. Mr. Corrigan acknowledged the statement, but indicated that he has lived at his house for 15 years and has never had water shut off due to repairs. Jim Tachik, 387 Brunswick Road,

asked what the light green areas on the site rendering were meant to indicate. Mr. Osterhoudt indicated that the light green represented wetlands. Mr. Tachik asked whether Mr. Osterhoudt knew the distribution of number of bedrooms per apartment, and Mr. Osterhoudt indicated that the project primarily consisted of two-bedroom apartments, but that there were some one-bedroom apartments and also one or two three-bedroom units per building. Mr. Tachik asked whether the access would be controlled by stop signs or traffic lights. Mr. Osterhoudt indicated that the access would be controlled by stop signs. Andy Ross then asked whether the Board would receive questions and comments concerning the stormwater pollution prevention plan once he had an opportunity to review it. The Board indicated that it would likely be keeping the public hearing open and that any questions that Mr. Ross had concerning the stormwater pollution prevention plan could be directed to Mr. Laberge, the applicant, or the Planning Board at the next session of the public hearing. Mr. Ross also indicated that the additional water connection, if ultimately made available, would provide for additional capacity within the system. Chairman Oster then asked whether the fire companies had any comments to make. Mike Drinkwine, Assistant Chief for the Center Brunswick Fire Company, indicated that he had submitted a list of questions, and that the applicant had submitted responses to all of the questions. The applicant and Mr. Drinkwine agreed that they would meet and discuss the hydrant locations. Mr. Drinkwine asked whether the alarm would be a self-monitor alarm or would be tied into the Rensselaer County 911 Center. Mr. Osterhoudt indicated that he would check and let Mr. Drinkwine know. Gus Scifo asked questions concerning the water pressure, and Chairman Oster indicated that Bill Bradley would be able to provide insight to Mr. Scifo concerning the water pressure. The Planning Board then discussed whether to keep the public hearing open or to close it. Chairman Oster noted that there had been a fair amount of input received at the public hearing, and that Mr. Osterhoudt has answered many

of the questions that had been raised, but some questions remain outstanding and responses should be submitted in writing. Mr. Czornyj indicated that he had received calls that a number of people are on vacation, and that they would not be able to attend the July 7 public hearing, and therefore keeping the public hearing open would give them an opportunity to provide comment when they return. Chairman Oster stated that it was his preference to leave the public hearing open. Mr. Osterhoudt indicated that he would respect the Board's decision concerning whether to keep the public hearing open or to close it. The Board was of the consensus that the public hearing would remain open to the next meeting, which is July 21.

Chairman Oster then opened the regular meeting of the Planning Board. The draft minutes of the June 16, 2016 meeting were reviewed. Member Czornyj made a motion to approve the June 16 draft minutes, which was seconded by Member Tarbox. The motion was unanimously approved, and the June 16 minutes were approved.

The first item of business on the agenda of the regular meeting was the site plan application submitted by Oakwood Property Management concerning the Oakwood Property Management Planned Development District located on Oakwood Avenue. Robert Osterhoudt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster noted that the public hearing had begun and was continued until July 21, and he asked Mr. Osterhoudt if he had any additional information to submit at this time. Mr. Osterhoudt indicated that he had submitted written responses to the fire companies' questions and that those were included with materials distributed by the Brunswick Building Department. Member Casey asked what the procedure would be for determining the easements that would be used for the utility connections. Mr. Osterhoudt described the various utility options available for the water connection. Member Mainello asked whether the sewer issue had been resolved with the City of Troy. Mr. Osterhoudt indicated that

the applicant has been working with the City including with respect to the mitigation that the City indicates is necessary. Mr. Osterhoudt indicates that the design has been progressing and that there are some issues outstanding. The project was placed on the July 21, 2016 agenda for continuation of the public hearing.

The next item of business on the agenda was the waiver of subdivision application submitted by Michael Vickers for property located off Kreiger Lane. Mr. Vickers stated that he currently owns a 5.5 acre lot, and he is seeking approval to create an additional building lot that will have a 30-foot wide access to a private right-of-way leading to the buildable area at the rear of the lot. Mr. Vickers indicated that there had been questions concerning the history of the subdivision, and he discussed the existing right-of-way that leads from Kreiger Lane to his 5.5 acre lot. Mr. Vickers indicated that the drainage on the site is good, and that although the plan he submitted indicates the location of a home on his 5.5 acre parcel, that home was not actually built. Member Mainello asked whether there was access from Mr. Vickers' lot directly to Kreiger Lane and Mr. Vickers indicated that it was accessed by virtue of the private right-of-way. Member Tarbox asked who owns the property underlying the right-of-way, and Mr. Vickers indicated that he owned a portion of it and that the Whitbecks owned a portion of it. The Board then discussed with Mr. Vickers the properties over which the owners would have to cross to access the new lot along the private right-of-way. Chairman Oster also noted that the subdivision regulations imposed a limit on the number of lots on a dead end street. Mr. Vickers stated that the right-of-way is not a dead end street because it ultimately leads to Flower Lane. Attorney Tingley indicated that there were two legal issues facing the Board on this application:

1. Town Law Article 16 requires that a subdivided lot for building purposes have frontage on a public road; and

2. The Town's subdivision regulations impose a limit of 12 lots to be serviced by a cul-de-sac. Attorney Tingley indicated that the term cul-de-sac under the subdivision regulations was defined as including dead end roads. Attorney Tingley further stated that it appears that Kreiger Lane is a cul-de-sac under the subdivision regulations, and that it appears to serve more than 12 lots.

Member Czornyj indicated that he had reviewed the Planning Board records and could not find where this lot was previously subdivided by the Planning Board. Attorney Tingley advised the Board that under the current application, given the lack of frontage on a public road and the number of lots currently serviced by Kreiger Lane, the application could not be legally approved by the Planning Board. Attorney Tingley informed the Board, however, that the applicant could seek a variance from the Zoning Board of Appeals with respect to the lack of frontage on a public road, and that the applicant could seek from the Town Board a waiver of the requirement that Kreiger Lane service no more than 12 lots. Once those approvals are obtained, the application can then be acted upon by the Planning Board without those restrictions preventing its approval. The applicant inquired as to his next steps, and Member Czornyj indicated that he would meet with the applicant to review. The applicant indicated that he would be in Alaska on work from Monday, July 11 through October, and so he would like to progress the application as best he could in his absence. The Board advised Mr. Vickers that he could have a representative appear on his behalf and that he could get the necessary applications filed before July 11. Chairman Oster reported to Mr. Vickers that even if he gets Zoning Board of Appeals approval and Town Board approval as referenced by Attorney Tingley, he would still need to get Planning Board approval for this subdivision. The Board then discussed with the applicant the next time that this matter would

likely be on the Planning Board agenda, and Mr. Vickers indicated that given his schedule and the need to obtain Zoning Board and Town Board approval, the application would likely be on the agenda for the Planning Board in October.

There was one item of new business addressed. John Mainello appeared on behalf of Theresa and John Bulmer concerning 79 and 81 Oneida Avenue, for which the Board approved a waiver of subdivision at the June 16, 2016 meeting. Mr. Mainello indicated he was seeking on behalf of the Bulmers an amendment of that approval. Mr. Mainello indicated that the approval granted the Bulmers permission to adjust the lot line such that a 30x100 foot area of property that was vacant would be merged into 79 Oneida Avenue from 81 Oneida Avenue. He indicated that the Board approved the application conditioned on proof of merger being filed with the Brunswick Building Department. Mr. Mainello indicated that the application in front of the Board tonight is seeking an amendment to reduce the size of the lot line adjustment from 3,000 square feet to 1,500 square feet. The Board discussed with Mr. Mainello the reasoning behind the amendment. The Board asked whether the application seeking an amendment of the prior approval required compliance with SEQRA. Attorney Tingley stated that if the Board finds that there has been no substantial change from the prior application from an environmental impact perspective, then the Board can rely on the prior SEQRA determination. Member Czornyj made a motion to make a finding that there is no substantial change from an environmental perspective from the prior application to the currently proposed amendment, which motion was seconded by Member Mainello and was unanimously approved. Member Czornyj then made a motion to approve the amendment of the approval previously granted reducing the size of the lot line adjustment from 3,000 square feet (30 feet by 100 feet) to 1,500 square feet (15 feet by 100 feet) with the condition

that proof of merger be filed with the Brunswick Building Department, which motion was seconded by Member Casey and was unanimously approved.

The index for the July 7, 2016 meeting is as follows:

1. Oakwood Property Management Planned Development District - Site plan - July 21, 2016 (public hearing to continue at 7:00pm);
2. Vickers - Waiver of subdivision - October 6, 2016 (tentative);
3. Bulmer - Amendment of approved waiver of subdivision - Approved with condition.

The proposed agenda for the July 21, 2016 meeting currently is as follows:

1. Oakwood Property Management Planned Development District - Site plan (public hearing to continue at 7:00pm).

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 21, 2016

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

ABSENT was TIMOTHY CASEY.

ALSO PRESENT was KAREN GUASTELLA, Brunswick Building Department.

ABSENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda as posted on the Town website.

The Planning Board continued the public hearing on the Oakwood Property Management Planned Development District site plan, which had initially been opened on July 7, 2016. Chairman Oster again reviewed the rules for the conduct of the public hearing. The notice of public continuation of public hearing was read into the record, noting that such notice had been published in the Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Robert Osterhoudt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster requested that Mr. Osterhoudt present an overview of the proposed site plan. Mr. Osterhoudt presented an aerial photograph of the site with current conditions, and then presented the proposed site plan showing the proposed layout of buildings, road system, utilities, and stormwater facilities. Mr. Osterhoudt stated that 253 apartment units are proposed, including 23 buildings with 11 apartment units in each building. Mr. Osterhoudt stated that 2 access roads exist off of Oakwood Avenue. Mr. Osterhoudt reviewed the proposed parking plan.

Mr. Osterhoudt reviewed the proposed utility plan, including alternates for water connections. Mr. Osterhoudt explained that one alternate water connection is a loop system utilizing utility easements to be obtained that would allow water line connection to Northstar Drive and Naples Court; Mr. Osterhoudt then stated an alternative water connection is being reviewed that would eliminate the Naples Court connection, continue to use the Northstar connection, but to run a water line north along Oakwood Avenue to the Farrell Road and High Point Drive location, which is the utility plan for the sewer connection. Mr. Osterhoudt reviewed the proposed sewer plan, which will include a gravity system internal to the project, leading to a pump station on Oakwood Avenue that will pump wastewater north to the Farrell Road location. Mr. Osterhoudt reviewed the stormwater plan, which proposes 8 stormwater detention areas which allows the treatment of stormwater closer to the source and breakup the stormwater plan to allow for smaller drainage areas. Mr. Osterhoudt stated that a full Stormwater Pollution Prevention Plan had been prepared, and that comments had been received from the Town Water Department and Town consulting engineer. Mr. Osterhoudt reviewed the proposed wetland crossings, indicating that existing Army Corps permit modifications are pending. Mr. Osterhoudt stated that subsequent to the July 7 meeting, he has met with the fire departments and Ronald Laberge, P.E. to discuss hydrant locations, alarms, and further that he has prepared revised hydrant location and heights which have been reviewed by the Center Brunswick Fire Department and found to be acceptable and which are still under review by the Brunswick No. 1 Department. Mr. Osterhoudt stated that he had met with Ronald Laberge, P.E. and Andrew Ross to review the stormwater plan, and that it was his understanding that Mr. Ross was satisfied with the proposed stormwater plan. Chairman Oster and Member Wetmiller confirmed that they had spoken with Mr. Ross and that he has no objection to the stormwater plan. Chairman Oster then opened the floor for the receipt of public comments.

Ron Brosnahan, 14 Northstar Drive, raised a comment concerning the proposed water system, including any loop system to Northstar Drive and Naples Court, or the Northstar Drive connection and Oakwood Avenue. Mr. Brosnahan stated that Mr. Osterhoudt indicated that a loop system utilizing Northstar Drive and Naples Court would improve circulation and flow over the dead end water lines that currently exist, and that the loop system would increase circulation and water quality, but would have little effect on water pressure, whereas the use of Oakwood Avenue to the Farrell Road/Highpointe Drive area may be a benefit as the Highpointe development is under higher water pressure, but that the engineering for that system is still preliminary. Mr. Brosnahan stated he lives on the corner of Northstar Drive and Lindsay Drive, and that his experience is that the water flow is not consistent and there are varying water pressures even during one 24-hour period. Mr. Brosnahan stated that he had installed an underground sprinkler system a few years ago, and that after the system was installed, it failed to operate properly because there was no water pressure. Mr. Brosnahan stated that the company that installed the system could not identify a reason why the pressure should not be working, but did need to include a jet pump which worked for a while, but there are still problems with the jet pump. Mr. Brosnahan stated that the water system should be analyzed for purposes of increased pressures, and that the engineering should be reviewed by the applicant's engineers, the Town consulting engineer, and the Town Water Department. Mr. Brosnahan's question was whether this proposed water system would negatively or positively affect his property in the North 40 subdivision. Mr. Osterhoudt confirmed that the engineering was preliminary in nature, and that these issues would need to be analyzed. Chairman Oster did note that a looped water system would be beneficial to the North 40 subdivision in terms of maintenance and allowing for a second feed of water supply to the North 40 subdivision. Chairman Oster inquired whether there were any further public comments. Hearing none, the

Planning Board closed the public hearing on the Oakwood Property Management Planned Development District site plan application.

Thereupon, the regular meeting of the Planning Board was opened. The draft minutes of the July 7, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the July 7, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Oakwood Property Management Planned Development District site plan application. Robert Osterhoudt, P.E., Bohler Engineering, was present for the applicant. Chairman Oster inquired as to the status of utility easements to Northstar Drive and Naples Court. Mr. Osterhoudt stated that an agreement in principal for a utility easement for connection to Northstar Drive is in place with the property owner, but that an agreement in principle for a utility easement for the Naples Court connection is not in place, and that his client has requested Bohler Engineering to look at the alternative water connection along Oakwood Avenue to Farrell Road/Highpointe Drive, which was discussed during the public hearing, and Mr. Osterhoudt reports that the City of Troy has given conceptual approval to the water connection along Oakwood Avenue to the Farrell Road/Highpointe Drive area. Chairman Oster reviewed the July 11, 2016 review letter prepared by consulting engineer Ronald Laberge, P.E. indicating that items number 1 through 4 had been addressed, and that item 5 will be addressed in a further submission from Bohler Engineering. Member Mainello asked about comments from the Chief of the Brunswick Fire Department. It is reported that the issue of an automatic fire alarm system has already been discussed with the Brunswick No. 1 Fire Department, that the applicant will install knock boxes in connection with the project and will coordinate with the fire department on the knock box installation, and the issue of the water system is currently being discussed. Chairman Oster

noted that a written report on the responses to the public comments and further information regarding the proposed water and sewer system will be required. Mr. Osterhoudt stated that his office will respond to all public comments in one submission, and present an updated set of plans to reflect the responses to public comments. Mr. Osterhoudt stated that his office had held off on making a number of submissions to address individual comments, and instead will be submitting one written report to respond to all public comments and submit one set of updated plans. Scheduling was discussed, and it was determined that this matter is placed on the August 4, 2016 agenda for further discussion, but that in the event the further submissions by the applicant cannot meet that schedule, the matter will be then placed on the August 18 agenda for discussion. Chairman Oster noted that the comments of the Town consulting engineer and Town Water Department on the stormwater plan must also be addressed, and Mr. Osterhoudt stated that all comments on the stormwater plan will be addressed. Member Wetmiller had a question concerning water pressure for purposes of fire hydrants, and whether the applicant had performed any kind of fire flow test for pressures. Mr. Osterhoudt stated that his office is preparing the engineering report for a water district extension for the project, and that hydrant flow tests are done as part of that engineering report, and that this information will be submitted to the Town. This matter is tentatively placed on the August 4, 2016 agenda for further discussion.

There were no new items of business.

The index for the July 21, 2016 meeting is as follows:

1. Oakwood Property Management Planned Development District - Site plan - August 4, 2016.

The proposed agenda for the August 4, 2016 meeting currently is as follows:

1. Oakwood Property Management Planned Development District - Site plan.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 18, 2016

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, DAVID TARBOX, FRANK ESSER, and TIMOTHY CASEY.

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

ABSENT was KAREN GUASTELLA, Brunswick Building Department.

The Planning Board members reviewed the draft minutes of the July 21, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Casey, the draft minutes of the July 21, 2016 meeting were unanimously approved without amendment. It is noted that there was no Planning Board meeting held August 4, 2016 due to a lack of agenda items, and therefore there are no formal minutes for a meeting of August 4, 2016.

The first item of business on the agenda was the site plan application submitted by Oakwood Property Management with respect to the Oakwood Property Management Planned Development District. Robert Osterhoudt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster noted for the record that Bohler Engineering had submitted an updated site plan set, additional information concerning the proposed public water and public sewer for the project, and a letter dated August 12, 2016 that responded to public comments and review comments on the project. Mr. Osterhoudt stated that the updated site plan set included revisions

to address public comments, the prior written review comments of the Town Consulting Engineer and Town Water Department, and also comments of the Brunswick No. 1 Fire Department and Center Brunswick Fire Department. Mr. Osterhoudt also confirmed that the Bohler Engineering letter of August 12 was submitted to respond to public comments received at the public hearing as well as prior review comments. Mr. Osterhoudt reviewed the updates to the site plan. Mr. Osterhoudt stated that, subsequent to the July 21 Planning Board meeting, he had met with residents in the North 40 subdivision—Mr. Brosnahan and Mr. Doran—and was informed that Mr. Murray, owner of the property at the end of Naples Court and over which an easement for the water line would be needed, would not consent to providing the necessary easement for the water line. Accordingly, Bohler Engineering had reviewed this information with the owner and the site plan has been revised to remove the proposed water line connection to Naples Court and provide the alternate public water connection north on Oakwood Avenue to Farrell Road, with a connection to the water supply in the City of Troy at the Highpointe Project. Mr. Osterhoudt stated that the water line connection through the North 40 Realty property to Northstar Drive will remain on the site plan and will be constructed, as an easement will be able to be obtained from North 40 Realty. Mr. Osterhoudt discussed the proposed layout of the public water connection at Highpointe, and also reviewed a revision that will locate the sanitary sewer line and public water line through an easement over private property located at the corner of Oakwood Avenue and Highpointe, and with the use of the private property for utility installation the potential impacts of utility crossings at an intersection will be avoided and will allow easier maintenance in the future. Mr. Osterhoudt also stated the site plan had been updated to address comments on the stormwater plan, and clean up miscellaneous details. Mr. Osterhoudt then reviewed the response to comments prepared by Bohler Engineering in its letter of August 12, 2016. The response to comments include responses

to public comments received at the July 7 and July 21 public hearings, and the prior written review comments prepared by Laberge Group on the project. Member Czornyj inquired as to the status of approvals by the City of Troy for water and sewer connections. Mr. Osterhoudt stated that the City of Troy had issued conceptual approval, but will require further engineering details prior to final approval. Member Casey asked about utility line crossings on Oakwood Avenue. Mr. Osterhoudt stated that directional drilling will be used to install the water and sewer lines across Oakwood Avenue, and that the Rensselaer County Highway Department had reviewed the plans and has signed off. Chairman Oster wanted to confirm that the comments of the Brunswick No. 1 Fire Department and Center Brunswick Fire Department had been addressed. Mr. Osterhoudt stated that he had met with each fire department, and resolved all issues concerning hydrant locations, and had forwarded the revised site plan showing the revised hydrant locations to each fire department and they had signed off on the site plan. Mr. Osterhoudt stated that the only outstanding issue with respect to the fire departments is the issue of whether the fire alarm system in the buildings will be monitored or only local alarms, with Mr. Osterhoudt stating that this will be resolved with the fire departments during project buildout. Chairman Oster asked whether Mr. Bonesteel had any comments. Mr. Bonesteel stated that he had generally reviewed the stormwater plan, and had no questions, noting that Laberge Group is acting as consulting engineers for the site plan review. Ronald Laberge, P.E. of Laberge Group was present, and stated that he had no further comments regarding the site plan, including the site layout, grading, and similar items, but that further engineering details still needed to be reviewed. Mr. Osterhoudt confirmed that all final engineering details must still be reviewed by the Town Consulting Engineer, and did confirm that comments provided by the Brunswick Water Department regarding utilities must also be addressed. Member Esser asked about the proposed width of the easement across the private

property located at the intersection of Oakwood Avenue and Highpointe for the sewer line and water line installation. Mr. Osterhoudt stated that the proposed easement width is 30 feet. Chairman Oster asked whether there were any further questions or comments by the Planning Board members. Hearing none, Chairman Oster inquired whether the Planning Board members were prepared to act on the site plan application. The Planning Board members concurred that they were ready to proceed to act, but Member Esser had a further inquiry regarding the metering of public water for the project. William Bradley, of the Town Water Department, was present, and stated that a master meter would be installed at the City of Troy/Town of Brunswick municipal line, and that each of the buildings would be separately metered for water. The Planning Board did proceed to discuss action on the Oakwood Property Management Planned Development District site plan, and reviewed a series of proposed site plan conditions that had been prepared by Planning Board attorney Gilchrist, Town Consulting Engineer Laberge, and Chairman Oster. Following the review of the proposed site plan conditions, Member Tarbox inquired as to access by the Town of Brunswick for utilities on the project site. Attorney Gilchrist stated that the water system would be dedicated in whole to the Town of Brunswick, and an easement would be provided by the property owner to the Town for access. Attorney Gilchrist stated that with respect to public sewer, the pump station and sewer main located along Oakwood Avenue would be dedicated to the Town of Brunswick, but that all sewer facilities internal to the project site would remain private. Member Tarbox inquired about financial security for the construction of the public water and public sewer. Attorney Gilchrist stated that there is a performance bond requirement pursuant to the PDD Approvals for the construction of the public water and public sewer facilities, and that with respect to the internal road system, that road system will remain private and be subject to a private road maintenance agreement, and that the inspections of the construction of the private

road system will be financed through the establishment of a construction inspection escrow. Attorney Gilchrist stated that SEQRA had been completed through a coordinated environmental review undertaken by the Town of Brunswick Town Board serving as lead agency for the Oakwood Property Management Planned Development District approvals. Thereupon, Member Czornyj made a motion to approve the Oakwood Property Management Planned Development District site plan subject to the following conditions:

1. Subject to all final comments of the Town Building Department, Town Water Department, and Town Consulting Engineer.
2. Subject to resolution of legal and engineering issues associated with the approval of the proposed construction, and the ultimate dedication to the Town of Brunswick, of the public water and public sewer systems prior to the issuance of any building permit or other work permit by the Town of Brunswick, including but not limited to review and acceptance of all easements over private property for the construction and operation of any portion of the public water and/or public sewer system.
3. The owner/applicant is required to obtain all necessary permits, approvals, and easements for potable water and sewer connections, and copies of all necessary permits, approvals, and easements must be filed with the Town of Brunswick prior to the issuance of any building permit for any structure to which public water and/or public sewer will be connected.
4. Payment of all outstanding engineering review fees.
5. Subject to all conditions set forth in the Town of Brunswick Town Board Planned Development District approval, as identified in Resolution No. 42 of 2014, a copy of which is attached to these minutes.
6. Any changes to the site plan necessitated by final comments of the Town Building Department, Town Water Department, and/or Town Consulting Engineer shall require an amendment to site plan approval.
7. The utility easement for the water line to connect to North Star Drive must be reviewed by the Town Attorney, Brunswick Water Department, and Town Consulting Engineer.
8. The area on the project site subject to the conservation easement required pursuant to the Planned Development District approval shall be shown on a

map to be submitted to the Planning Board and reviewed by the Town Consulting Engineer and Town Water Department.

Member Esser seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval granted on the Oakwood Property Management Planned Development District site plan.

One item of old business was discussed.

William Bradley, on behalf of Brunswick Design Group, updated the Planning Board on the concept site plan for the construction of self-storage units on a 20-acre parcel located at 74 Farrell Road. Attorney Gilchrist noted for the record that he represents Brunswick Design Group on an unrelated matter concerning the parcel, and wanted to disclose that representation to the Planning Board. Chairman Oster indicated that the disclosure was noted for the record, and that the Planning Board had no objection to the continued representation by attorney Gilchrist on the Brunswick Design Group site plan application. Mr. Bradley then reviewed the concept site plan, which calls for installation of self-storage units at this location, plus an area for open storage of recreation vehicles and similar items, and reviewed the site layout in terms of area of disturbance, buffers, stormwater plan, phasing, and location of a proposed caretaker house. The particular type of storage container was reviewed. Mr. Bradley stated that the use was in compliance with the Industrial Zoning District for the property, that traffic would not be significant, that no odors would be generated, that stormwater compliance will be addressed, and generally discussed proposed lighting for the site. Mr. Bradley stated that in addition to use of the storage units by residences, he would also be targeting businesses as proposed tenants. Chairman Oster stated that with respect to having small businesses as tenants, is the owner preparing to include any restrictions on storage of hazardous materials, flammables, or similar items. Mr. Bradley confirmed that the issue will need to be reviewed, that appropriate restrictions would be included in the lease contract, that the

use of security cameras will be in place, and that he will need to review the issue of whether restricting certain tenants was legal. Chairman Oster noted that the issue was of concern because off-site storage units would seem to be more attractive to store materials that may not want to be stored in the primary residence or business space. Mr. Bradley confirmed that this was a concern, with particular regard to business tenants, and that he would be reviewing that issue. Member Casey asked whether the site would be fenced. Mr. Bradley stated that the area of the surface outdoor storage would be fenced, and that he had not yet determined whether the rest of the site would require fencing; that it was his current intent not to initially install a fence around the entire site, but after the fence is installed in the outdoor storage area, fencing may be considered around the remaining storage units in the future. Mr. Bradley did confirm that the access road would be controlled through the use of a gate. Member Casey asked whether the internal road and parking area would be paved. Mr. Bradley stated that the interior road and parking area would be all gravel, and he was intending to use roller-compacted millings. Member Esser asked how that could be maintained in the winter. Mr. Bradley stated that the roller-compacted millings is able to be plowed in the winter. Member Esser asked about screening in the fall and winter when the leaves of the hardwood trees are off. Member Esser asked whether any evergreens were to be planted. Mr. Bradley stated that evergreens could be included, but that the denseness of the existing hardwood stand should be adequate buffer. Member Casey asked whether there were any proposed berming along the front of the property adjacent to Farrell Road. Mr. Bradley stated that berming was an option, including planting evergreens on top of the berm. Chairman Oster confirmed that the house located immediately to the east is a two-story house, and that would need to be considered in connection with visual impact. Mr. Bradley stated that he had sold the property to the owner of the two-story home, and that the owner was on notice that the property adjacent was

in the Industrial Zoning District and that it was intended to be used for industrial purposes in the future. The Planning Board generally discussed the condition of the storage container units, the layout, unit size, configuration, door location, and color. Chairman Oster asked whether there was a common roof on all of the adjacent storage container units. Mr. Bradley stated there was not a common roof, but that the storage container units were placed on top of a concrete grade beam located on the ground. The Planning Board discussed application submittals and procedure. Mr. Bradley will prepare a full site plan submittal with environmental assessment form and stormwater plan. This matter is tentatively placed on the September 15 agenda for further discussion.

One of item of new business was discussed.

Brian Holbriiter, Licensed Land Surveyor, appeared for Farrell Homes in connection with the five-lot major subdivision previously approved by the Brunswick Planning Board located on Pinewoods Avenue. Mr. Holbriiter explained that an adjacent property owner had approached Mr. Farrell, and negotiated the purchase of a 7.58-acre area on the rear of Lot 4, which the adjacent property owner would purchase and merge into his existing lot. Mr. Holbriiter explained that this would leave Lot 4 of this major subdivision at two acres in size, equivalent to the other four lots in the five-lot major subdivision. Mr. Holbriiter confirmed that the five-lot major subdivision plat had been stamped, signed, and filed in the Rensselaer County Clerk's Office. Member Tarbox asked whether the house location and septic location for Lot 4 were the same, or had been changed in connection with the reduction in size of Lot 4 to two acres. Mr. Holbriiter confirmed that the house and septic location are the same, and that the only change to the plat is reducing the size of Lot 4 to two acres, and transferring 7.58 acres to the adjacent property owner. Chairman Oster inquired whether the proposed change to the plat affects the stormwater plan for the five-lot subdivision. Mr. Holbriiter stated that the stormwater facilities are not proposed to be changed,

that the total area of disturbance is not changed, and that the general grading of the site will not change. Mr. Holbriiter did confirm that the stormwater plan does direct stormwater from the five subdivided lots down onto the 7.58-acre area that will be transferred to the adjacent property owner. The Planning Board noted that this did raise the issue of the need for a drainage easement in favor of the five lots over the 7.58-acre area to be transferred to the adjacent property owner, so that the adjacent property owner was aware that these lots drained onto the land and that he would not be able to grade or place any structures on the 7.58 acres that would affect the drainage plan for the five subdivided lots. Mr. Bonesteel also stated he would like to review the stormwater pollution prevention plan for the project, as well as the previously-approved plat and the current proposed plat. The Planning Board discussed application and procedure, determining that the application should be received as an amendment to the previously-approved major subdivision plat, in the nature of a lot line adjustment. This matter is placed on the September 1, 2016 agenda for further discussion.

The index for the August 18, 2016 meeting is as follows:

1. Oakwood Property Management Planned Development District - Site plan - Conditional final approval
2. Brunswick Design Group - Site plan - September 15, 2016
3. Farrell Homes - Amendment to major subdivision plat - September 1, 2016.

The proposed agenda for the September 1, 2016 meeting currently is as follows:

1. Farrell Homes - Amendment to major subdivision plat.

RESOLUTION NO. 42, 2014

**TOWN OF BRUNSWICK
REGULAR MEETING**

May 8, 2014

**RESOLUTION APPROVING THE OAKWOOD PROPERTY
MANAGEMENT PLANNED DEVELOPMENT DISTRICT**

WHEREAS, an application for a Planned Development District (“PDD”) has been filed with the Town of Brunswick by Oakwood Property Management, LLC (“Applicant”) seeking approval for a project consisting of approximately 254 apartment units, with building styles that will consist of 8 units, 12 units, and 14 units per building, with a private road system and possible clubhouse or other amenities, with the maintenance of an existing vegetative buffer area on the east side of the project site, all located at 215 Oakwood Avenue; and

WHEREAS, in connection with the Oakwood Property Management PDD application, the Applicant filed a Full Environmental Assessment Form pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617; and

WHEREAS, the Town Board of the Town of Brunswick (“Town Board”) sought to conduct a coordinated environmental impact review under SEQRA for this project; and

WHEREAS, the Town Board undertook coordination of Lead Agency designation with all involved agencies; and

WHEREAS, the Town Board designated itself as Lead Agency pursuant to SEQRA with respect to the Oakwood Property Management PDD application; and

WHEREAS, the Town Board has previously referred the Oakwood Property Management PDD application to the Town of Brunswick Planning Board, Town of Brunswick Zoning Board of Appeals, and Rensselaer County Department of Economic Development and Planning for review and recommendation; and

WHEREAS, the written recommendations from the Town of Brunswick Planning Board, Town of Brunswick Zoning Board of Appeals, and the Rensselaer County Department of Economic Development and Planning have been completed and submitted to the Brunswick Town Board; and

WHEREAS, the Brunswick Town Board placed the City of Troy on notice of the

Oakwood Property Management PDD application pursuant to General Municipal Law §239-nn; and

WHEREAS, the Town Board determined to hold a public hearing on the Oakwood Property Management PDD application in order to receive additional public comment and input; and

WHEREAS, the Town Board scheduled such public hearing for October 29, 2013; and

WHEREAS, the Town Board noticed such public hearing by publication in the Troy Record, posting such notice on the Notice Board at the Brunswick Town Hall, posting such notice on the Brunswick Town website, and providing direct written notification of such public hearing to all property owners located within 500 feet of the project site; and

WHEREAS, the Town Board further sent notice to the City of Troy concerning the public hearing to be conducted by the Town Board on the Oakwood Property Management PDD application; and

WHEREAS, the Town Board conducted such public hearing on October 29, 2013, and received public comment thereat; and

WHEREAS, the Town Board determined to continue the public hearing on the Oakwood Property Management PDD application on November 14, 2013; and

WHEREAS, in accordance therewith, the Town Board continued such public hearing at its meeting held November 14, 2013; and

WHEREAS, the Town Board closed the public hearing on the Oakwood Property Management PDD application on November 14, 2013; and

WHEREAS, all comments received by the Town Board at such public hearing and through the submission of written comments were forwarded to the Applicant for review and response; and

WHEREAS, the Applicant submitted a response to public comments dated December 9, 2013 for review and consideration by the Town Board; and

WHEREAS, through letter dated December 16, 2013, the Town's consulting engineers requested additional information from the Applicant to fully respond to public comments received at the aforementioned public hearing; and

WHEREAS, the Applicant submitted to the Town Board a supplemental response to comments dated January 23, 2014; and

WHEREAS, in such supplemental response to public comments dated January 23, 2014, the Applicant indicated that an application would be made to the Rensselaer County Industrial Development Agency (“IDA”) for an abatement to real property taxes through a Payment in Lieu of Taxes (“PILOT”) Agreement; and

WHEREAS, the Town Board submitted written comments to the Rensselaer County IDA concerning such PILOT Agreement application, and also attended a public hearing conducted by the Rensselaer County IDA concerning the same, indicating that the Town Board generally had significant concern regarding any abatement in real property tax payments concerning the proposed project, with particular regard to impacts to the school district and provision of municipal services; and

WHEREAS, the Applicant thereafter submitted a supplemental response to comments dated March 4, 2014, informing the Town Board that it estimates the annual real property tax revenues based on full valuation for the Oakwood Property Management PDD project to be \$613,500, and thereafter withdrew its application for a PILOT Agreement with the Rensselaer County IDA and represented to the Town Board that an application for real property tax abatement through a PILOT Agreement for this project will not be made; and

WHEREAS, the Applicant has indicated that it may seek to apply to Rensselaer County for exemption from sales tax and mortgage recording tax only in connection with the project; and

WHEREAS, the Town of Brunswick has historically not supported abatement of real property taxes with respect to residential land use projects, and continues to withhold support for any abatement of real property taxes for residential land use project; and

WHEREAS, the Town of Brunswick, however, acknowledges that this project site is unique given its location as a buffer area between an established single-family residential subdivision to the southeast and an Industrial Zone District along Oakwood Avenue immediately to the north; that this proposed project provides an appropriate transitional use between such residential and industrial/commercial uses; that the completion of this proposed project, which will include an area of restricted greenspace adjacent to the residential subdivision as an additional buffer, will provide a benefit to the owners of homes in such residential subdivision while also providing increased full real property tax assessed valuation to the Town, providing receipt of fully assessed real property taxes for the benefit of the Town and school district; and therefore, with regard to this particular location, this proposed use, and in consideration of current economic conditions, the Town Board has no objection to the County’s consideration of mortgage recording tax and sales tax exemption for this project; and

WHEREAS, the Town Board makes its findings and determination on this project based upon the consideration of real property tax assessment based on full valuation, to be determined by the Town of Brunswick Assessor, and receipt of full assessed real property taxes; and

WHEREAS, the Town Board has now reviewed all application documents and Full Environmental Assessment Form, the written comments of all involved agencies, the

recommendation of the Brunswick Planning Board, the recommendation of the Brunswick Zoning Board of Appeals, the recommendation of the Rensselaer County Department of Economic Development and Planning, all public comments received during the public hearing, and all response to public comments submitted by the Applicant; and

WHEREAS, the Town Board has deliberated and duly considered the Oakwood Property Management PDD application documents in full, and the Full Environmental Assessment Form; and

WHEREAS, the Town Board has completed Part II of the Environmental Assessment Form; and

WHEREAS, the Town Board has adopted a negative declaration for this action pursuant to the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town Board of the Town of Brunswick approves the application by Oakwood Property Management, LLC for the Oakwood Property Management Planned Development District, subject to the following conditions:

a. The Oakwood Property Management Planned Development District project shall encompass approximately 80 acres located on Tax Map Parcels 90.00-1-12.2, 90.00-1-13.1, 90.00-1-14, and 90.00-1-15, and shall allow up to 254 apartment units on the project site, with buildings that will include either 8 units, 12 units, or 14 units per building, or a mix of such building types, with a private road system and parking areas, also with the potential clubhouse or other site amenities on the project site, together with the maintenance of an existing vegetative buffer area on the east side of the project site, and additional landscaped and vegetated areas, all as depicted on a general site sketch plan titled "Site Sketch Plan – Site Plan Documents for Oakwood Property Management, LLC", dated June 12, 2013 as prepared by Bohler Engineering and a site rendering map titled "Site Render for Oakwood Property Management, LLC Planned Development District", dated July 11, 2013 as prepared by Bohler Engineering.

b. A conservation easement or restrictive covenant, in form acceptable to the Town of Brunswick, shall be required for the aforementioned existing vegetative buffer area located on the east side of the project site adjacent to the North Forty subdivision. The final boundaries of such restricted area shall be determined by the Town of Brunswick, consistent with the aforementioned site sketch plan and site rendering.

c. The Applicant must file with the Town of Brunswick a petition for the creation or extension of a water district, including Map, Plan and Report, in compliance with municipal and state requirements and standards. The petition for creation of a water district will be subject to full municipal review by the Town Board.

d. All improvements constructed in conjunction with providing a system of water supply and distribution will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation and maintenance without costs to the Town. Such water supply system shall be subject to review and approval by the Town of Brunswick Water Department.

e. The Applicant must file with the Town of Brunswick a petition for the creation of a sewer district, including full Map, Plan and Report, in compliance with municipal and state requirements and standards. The petition for creation of a sewer district will be subject to full municipal review by the Town Board.

f. All improvements constructed in conjunction with providing a sewerage system will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation and maintenance without costs to the Town, at the option of the Town of Brunswick. Such sewerage system shall be subject to review and approval by the Town of Brunswick Water Department.

g. The Applicant shall provide to the Town of Brunswick an easement for access to all public water and public sewer facilities to be dedicated to the Town of Brunswick as aforementioned. Such easement shall be included in the Declaration of Easement and Road Maintenance Agreement as set forth below in paragraph 1(h). The easement shall be a minimal width of fifteen (15) feet on each side of sewer and water piping, and be of sufficient area to allow for repair and maintenance activities. The area of the easement shall be subject to approval by the Town of Brunswick Water Department.

h. With respect to the private road system included in the Oakwood Property Management PDD, a Declaration of Easement and Road Maintenance Agreement in form and content acceptable to the Town Board and Town Attorney must be executed by the Applicant and recorded in the Office of the Rensselaer County Clerk at the expense of the Applicant. Proof of such filing at the Office of the Rensselaer County Clerk must be provided to the Town of Brunswick by the Applicant.

i. The Applicant shall be responsible for all roadway maintenance, including paving, repairing, and snow plowing, for the benefit of all tenants and invitees within the Oakwood Property Management PDD project, to insure that all roadways are open, passable, and accessible to and by residents, invitees, and emergency vehicles. All such roadways within the Oakwood Property Management PDD project are designed to be maintained as private roadways, and will not become public roadways subject to Town ownership, repair, or maintenance.

j. The Applicant shall pay the sum of \$500 per unit as a park and recreation fee. This amount shall be required to be paid by the Applicant at such time as the Applicant applies for the initial work permit and/or building permit for this project, to be calculated at such time based upon the total number of units set forth on a final site plan to be reviewed and acted upon by the Town of Brunswick Planning Board pursuant to the site plan regulations of the Town of Brunswick.

k. The Applicant 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 Applicant must complete a full Erosion and Sediment Control Plan (ESCP) and Stormwater Pollution Prevention Plan (SWPPP) in compliance with NYSDEC Stormwater Regulations. The Applicant shall supply a copy of the ESCP and SWPPP to the Town of Brunswick, and shall not commence any grading or construction activities on the Oakwood Property Management PDD site until such time as the Town has executed the NYSDEC Notice of Intent to commence construction activities in its capacity as a MS-4 community.

l. All Stormwater Management Facilities for the Oakwood Property Management PDD action shall be constructed in compliance with the approved SWPPP. The Town of Brunswick shall not own or otherwise be responsible for future operation or maintenance of such Stormwater Management Facilities. The Town of Brunswick shall have no responsibility or liability with respect to such Stormwater Management Facilities. All Stormwater Management Facilities shall be owned and maintained by the private owner of the PDD site. The Town of Brunswick shall be granted an easement for access to such Stormwater Management Facilities by the owner of such PDD site. The owner of the PDD site must execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick, which shall include the easement described herein. The form and content of the Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Town Board and Town Attorney. The executed Stormwater Management Facilities Maintenance Agreement must be 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.

m. The Applicant must comply with all requirements of the United States Army Corps of Engineers concerning wetlands, wetland buffers, and restrictions on the project site.

n. The final location and specifications of fire hydrants, emergency vehicle access, and fire code compliance shall be coordinated with the Center Brunswick Fire Company, the Town of Brunswick Planning Board, and Town Consulting Engineer as part of site plan review.

o. The required number of parking spaces and overall parking plan, and the layout and final location of the internal private road system, shall be determined by the Brunswick Planning Board during site plan review. Consideration of the parking and internal road layout shall also be coordinated with the Center Brunswick Fire Company with respect to emergency vehicle access and fire hydrant location.

p. In addition to the existing vegetative buffer area described in paragraphs 1(a) and 1(b) above, an appropriate vegetative screening and landscaping plan shall be determined by the Brunswick Planning Board during site plan review.

q. The Brunswick Planning Board shall make the final determination concerning an appropriate lighting plan for the project site.

r. The architectural style of the proposed apartment buildings, as well as any potential amenities including building construction, shall be determined by the Brunswick Planning Board during site plan review.

s. All site work and construction activities on the Oakwood Property Management PDD site shall be limited to the following hours of operation: Monday – Friday, 7:00 a.m. – 7:00 p.m.; Saturday, 7:00 a.m. – 5:00 p.m.; no site work or construction activity shall be permitted on Sundays or legal holidays.

t. The following note shall be placed on all plans and specifications for the Oakwood Property Management PDD 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 Oakwood Property Management Planned Development District, and consent to all said conditions.

_____	_____
Applicant	Date
_____	_____
Owner	Date

u. The Applicant shall provide the Town of Brunswick with GIS data, including but not limited to property boundary area, roads, utilities, control points, and drainage elements.

v. The Applicant shall pay all consulting review fees incurred by the Town Board of the Town of Brunswick and Planning Board of the Town of Brunswick in connection with the review of the Oakwood Property Management PDD project.

w. The Applicant shall be required to establish at the Town of Brunswick an inspection fee escrow account in an amount to be determined by the Town Board. The Applicant must submit an estimate for projected infrastructure costs, including public water, public 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 inspection fee escrow amount, which amount is anticipated to be five (5) percent of the total estimated infrastructure construction costs. All fees for inspections during the construction of the Oakwood Property Management PDD project shall be the responsibility of the Applicant, and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such inspection fee escrow account shall be subject to review from time to time by the Town Board during construction activities on the Oakwood Property Management project site. At no time shall such account be in an amount less than \$5,000. In the event the Applicant fails to maintain such

inspection fee escrow account in a minimum balance of \$5,000, a Stop Work Order shall be issued by the Town of Brunswick Building Department on all construction activities at the project site. The Applicant shall be entitled to an accounting of all inspection fees. At the conclusion of construction and completion of inspection activities, and upon a final accounting of all inspection fees, all funds remaining in such inspection fee escrow account shall be returned to the Applicant.

x. The Oakwood Property Management PDD project shall be subject to full review by the Town of Brunswick Planning Board pursuant to the site plan regulations of the Town Code of the Town of Brunswick.

y. Copies of all necessary permits and/or approvals for potable water and sewer connections must be filed with the Town of Brunswick prior to issuance of any building permit or other work permit for any structure to which public water and/or public sewer will be connected.

z. All rock, including bedrock, must be removed by mechanical means. The Applicant has indicated that based upon extensive historical onsite grading, there has been no indication of bedrock near the surface and therefore blasting is not anticipated. In the event blasting is required to remove any rock on the project site, 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:

- (i) All blasts will be designed and implemented in accordance with all applicable state and federal regulations.
- (ii) A licensed expert blaster will perform all blasting.
- (iii) Blasting will be scheduled to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.
- (iv) All blast holes will be loaded and implemented under the direct supervision of an expert licensed blaster.
- (v) The blast area will be secured prior to each blast.
- (vi) Blasting will be done between 10:00 a.m. and 5:00 p.m. Monday through Friday. No blasting will occur on weekends.
- (vii) All blasts will be monitored with a properly calibrated seismograph.
- (viii) Records of all blasts, including seismograph data, will be prepared and maintained by the Applicant and/or blasting expert, and made available to the Town upon request.
- (ix) The Applicant will promptly and professionally respond to and

investigate all complaints. Applicant shall make all necessary repairs to homes and property if it is determined that such damage is causally related to the blast.

- (x) In addition, the Applicant shall offer to all property owners within 1500 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 Applicant 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 Applicant and made available to the Town upon request.
- (xi) Prior to engaging in any blasting activity at the project site, the Applicant shall secure and maintain a policy of general liability insurance issued by a company or companies lawfully authorized to do business in New York in an amount no less than five million (\$5,000,000.00), which in addition to providing general liability coverage shall also cover all risks and claims associated with blasting activities on or about the project site. The Town of Brunswick shall be named as additional insured on such policy, and a certificate of such insurance shall be filed with the Town of Brunswick prior to any blasting activity at the project site.
- (xii) The Applicant shall execute a Hold Harmless and Indemnification Agreement with the Town of Brunswick for all liability and damages arising out of all blasting activities at the project site. Such Hold Harmless and Indemnification Agreement shall be fully executed prior to any blasting activities occurring at the project site.

2. The Applicant is required to file a site plan application with the Town of Brunswick Planning Board pursuant to the site plan regulations of the Town of Brunswick. Such application must include payment of all application and consulting review fees.

3. A Local Law shall be prepared to amend the official Zoning Map of the Town of Brunswick to add the Oakwood Property Management PDD project site as an approved Planned Development District. Such Local Law shall be subject to all applicable legal requirements associated with amendment to the official Zoning Map of the Town of Brunswick. All consulting fees incurred by the Town of Brunswick in connection with the preparation and adoption of such Local Law shall be paid by the Applicant.

The foregoing Resolution, offered by Supervisor Herrington and seconded by Councilman Christian, was duly put to a roll call vote as follows:

COUNCILMAN CHRISTIAN
COUNCILMAN CASALE
COUNCILMAN SULLIVAN
COUNCILMAN POLETO
SUPERVISOR HERRINGTON

VOTING aye
VOTING aye
VOTING aye
VOTING aye
VOTING aye

The foregoing Resolution was thereupon declared duly adopted.

May 8, 2014

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 1, 2016

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

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the September 1 meeting.

The Planning Board members reviewed the draft minutes of the August 18, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the August 18, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application for lot line adjustment in connection with the major subdivision by Farrell Homes for property located at 580 Pinewoods Avenue. Brian Holbriiter, Land Surveyor, was present for the applicant. In follow up to the discussion held at the August 18 meeting, Mr. Holbriiter stated that he had prepared a legal description for the portion of lot 4 to be transferred to the adjacent property owner, totaling an area of 7.58± acres, together with language subjecting that area to a drainage easement in favor of building lots 4–8 as shown on the approved major subdivision plat of Farrell Homes, filed in the Rensselaer County Clerk's office as document number 2016079. Mr. Holbriiter also stated that the revised subdivision plat with the proposed lot line adjustment has now also shown a delineated

drainage area in the portion of lot 4 that will be transferred to the adjacent property owner. Mr. Holbritter also stated he had prepared a short environmental assessment form in connection with the proposed lot line adjustment. Chairman Oster inquired of Mr. Bonesteel whether he had reviewed the proposed lot line change in connection with the stormwater plan for the Farrell Homes major subdivision. Mr. Bonesteel stated he had reviewed the stormwater plan and soil erosion plan for the Farrell Homes major subdivision, and that all of the areas of disturbance reviewed in those plans remain within the area identified as the building lots on the amended plat, and none of the area to be disturbed is being transferred to the adjacent property owner. Mr. Bonesteel further stated that the inclusion of the drainage easement area on the amended plat confirms that drainage from the subdivided building lots will drain down onto the portion of the property to be transferred to the adjacent owner, and the area transferred to the adjacent owner will be subject to the drainage easement. Mr. Bonesteel then stated that the stormwater pollution prevention plan will not require any amendment in connection with the lot line adjustment, that a map note had been added to the amended major subdivision plat, and that the stormwater plan for the major subdivision still meets compliance. Chairman Oster inquired of attorney Gilchrist as to the adequacy of the drainage easement. Attorney Gilchrist stated that he had reviewed the language of the proposed drainage easement, and finds it adequate for purposes of the Planning Board action on the lot line adjustment. Member Wetmiller asked whether the area to be transferred to the adjacent owner could be developed in the future. Member Czornyj commented that the area could be developed given the Zoning District in which the property is located, just as Mr. Farrell could have sought further subdivision of the property in connection with his major subdivision application. Member Czornyj also commented that development of this property is less likely with access through the adjacent property owner than what could have been designed

and presented for approval by Mr. Farrell, and that the area is now subjected to the drainage easement. Member Wetmiller concurred in those comments. Member Wetmiller noted he had raised the issue simply because the item had been discussed during the public hearing on the Farrell Homes major subdivision. The Planning Board members discussed appropriate conditions in the event the lot line adjustment is approved. The Planning Board stated that the conditions should include the requirement for the drainage easement covering the lands to be transferred to the adjacent property owner, and that the lands transferred to the adjacent property owner must be merged into that lot owner's property. Chairman Oster asked 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 Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the amendment to the major subdivision plat and the requested lot line adjustment, subject to the following conditions:

1. The 7.58± acre area to be divided from lot number 4 and transferred to the adjacent property owner is to be subject to a drainage easement in favor of lots 4–8 of the Farrell Homes major subdivision, identified as document number 2016079 filed in the Rensselaer County Clerk's office; and
2. The 7.58± acre portion of lot number 4 to be transferred to the adjacent owner must be legally merged into the property of the adjacent property owner, with proof of merger of the deeds to be filed with the Town of Brunswick Building Department.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the amendment to the Farrell Homes major subdivision and lot line adjustment was approved subject to the stated conditions.

There were no items of new business.

One item of old business was discussed. The Brunswick Building Department had brought to the attention of the Planning Board the status of infrastructure construction on the Brook Hill subdivision, and particularly the status of completion of the subdivision roads. The Planning Board generally discussed the approval of the Brook Hill subdivision granted on August 3, 2006, and the conditions attached to that final subdivision approval. The Planning Board reviewed the six conditions to approval, including condition number 4 which required completion of all required infrastructure prior to final plat stamp and signature, or in the alternative, that the owner was required to file with the Town adequate financial security for the completion of the subdivision infrastructure. The Planning Board discussed that the subdivision infrastructure included the completion of the two cul-de-sac subdivision roads, which the subdivision plan proposed for construction according to the Town's specifications and offer for dedication to become public roads. The Planning Board discussed the fact that the seven lots located on one of the cul-de-sac roads, North Langmore Lane, had been completed, but the road construction of North Langmore Lane had not been completed, including the installation of the final top course of pavement. The Planning Board reviewed options. Attorney Gilchrist stated that the Planning Board could place the status of infrastructure construction on the Brook Hill subdivision on its September 15 agenda for further discussion, and request that the owner, Reiser Builders Inc., appear at the September 15 meeting to discuss the status of completion of required subdivision infrastructure in compliance with the subdivision approval conditions. The Planning Board generally concurred with that

course of action. To that end, Chairman Oster executed a letter addressed to Reiser Builders Inc. informing Reiser Builders Inc. that the status of the Brook Hill subdivision infrastructure completion would be placed on the September 15 agenda for discussion, and to request that Reiser Builders Inc. be present for that discussion. The Planning Board made it clear that in the event the completion of the required infrastructure, and most particularly the completion of the pavement of North Langmore Lane and the dedication of that road to the Town of Brunswick, was not done in a timely manner, the Planning Board would recommend that the Town of Brunswick Town Board declare the subdivision infrastructure completion to be in default and use the posted financial security to complete that infrastructure. The Planning Board is intent on discussing the timeframe for completion of North Langmore Lane, and the overall subdivision infrastructure, at its meeting on September 15. This matter is placed on the September 15 agenda for further discussion.

The index for the September 1, 2016 meeting is as follows:

1. Farrell Homes - Amendment to major subdivision and lot line adjustment - Approved with conditions.
2. Reiser Builders Inc. - Brook Hill subdivision - 9/15/2016.

The proposed agenda for the September 15, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan.
2. Reiser Builders Inc. - Brook Hill subdivision infrastructure completion.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 15, 2016

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

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the September 15 meeting.

The draft minutes of the September 1, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the September 1, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Brunswick Design Group for property located at 74 Farrell Road. Bill Bradley of Brunswick Design Group was present for the application. The applicant had submitted to the Planning Board a more detailed site plan, project narrative, and environmental assessment form. Mr. Bradley generally reviewed the proposal, which includes installation of self-storage containers totaling 77,800 square feet on a 19.64-acre property located at 74 Farrell Road, located in the Industrial Zoning District; that there will be an area for outside storage for items such as recreation vehicles and boats, which will total approximately 1.3 acres; that the project is ADA compliant; that solar panels are proposed to be installed on top of the storage unit containers, which will serve as production of power for lighting

the storage container and for security lighting; that a caretaker's home is also proposed on the site which is in compliance with the Zoning Ordinance for the Industrial District; that in response to prior Planning Board comments, additional screening and plantings in front of the project along Farrell Road have been added to the site plan; that three stormwater detention areas are now depicted on the site plan for purposes of stormwater compliance; that in the location of the open storage area there may be additional stockade fencing installed for screening, but in that area there will be an approximate 8-foot cut to make the area level and that the resulting change in elevation should also provide screening for the properties located to the east; that significant traffic is not expected to be generated, and that calculations based on traffic engineering factors have been provided showing anticipated traffic; that site lighting will use LED fixtures and will be on timing and motion sensor operation so as not to create off-site lighting impacts; and that a significant amount of forested area on the property will remain undisturbed. Chairman Oster inquired as to the proposed timing for construction of the caretaker house on the property. Mr. Bradley stated that the caretaker house would not be constructed at least for a period of 4–5 years. Chairman Oster then asked about the construction or installation of the storage unit containers, and whether all the containers would be installed at one time or would be phased. Mr. Bradley stated that he would be phasing in the installation of the storage containers, starting toward the back of the lot and moving forward over time. Member Wetmiller inquired about the solar panels on the top of the storage containers, and questioned whether there would also be an electric utility tie-in. Mr. Bradley confirmed there would be a utility tie-in, and also stated that any solar power generated would be for on-site use only. Member Czornyj had a question regarding site features. Mr. Bradley stated that the site plan depicts areas on the site that will be used for green swales as part of the stormwater plan, and generally reviewed the stormwater plan for surface water flow on the site. Chairman Oster inquired whether the site had been previously

disturbed. Mr. Bradley stated that the only prior use was for farming, and that he had made certain minor topographic changes with some fill to the rear of the property and construction of an internal road. Member Tarbox asked about the proposed surface of the open storage area. Mr. Bradley stated that the surface would be gravel only, and that the subsurface in that area is rock, as is a lot of the project site. Chairman Oster inquired as to the proposed timing of the construction of the berm and plantings in the front of the project site along Farrell Road. Mr. Bradley stated that he would be constructing these berms and plantings early during the build-out process, so that the plantings have a chance to grow prior to installation of the storage unit containers more toward the front of the property. Mr. Bradley stated his goal was to have the berms and plantings in a mature state to avoid any visual impact from the storage containers located toward the front of the property. Mr. Bradley also stated that use of the storage unit container is based on an economical approach to start the project, but if the project is economically successful, he may seek to amend the design to include a more conventional storage unit container to be used toward the front of the project site. Member Esser asked about the percentage of the site to be disturbed. Mr. Bradley stated that approximately 6.1 acres of the 19.64-acre site will be disturbed for the storage container units and gravel access ways, not including the surface water swales and basins. The Planning Board acknowledged that the project narrative, environmental assessment form, and site plan set are adequate for purposes of scheduling the public hearing, noting that Mr. Bonesteel will need time to review the full site plan set as well as a full stormwater report for the project. The Planning Board was satisfied as to the adequacy of the application materials to schedule a public hearing, which was scheduled for the October 6 meeting to commence at 7:00pm. The Planning Board will confirm the distance of the project site from Oakwood Avenue for purposes of determining the need for referral of the application to the Rensselaer County Planning Department.

The second item of business on the agenda was an update on the status of the infrastructure completion on the Brook Hill Subdivision. Attorney Gilchrist reviewed the status of this matter, which includes all seven lots on North Langmore Lane having been completed, and the final two lots on Brook Hill now under construction. The specific issue is the status of completion of the project infrastructure, including completion of the subdivision roads as well as completion of the public water line. Attorney Gilchrist noted that there remains financial security posted with the Town of Brunswick for completion of the project infrastructure, and that the Town had been coordinating with the project developer/owner on his schedule for completing the subdivision roads, and at a minimum North Langmore Lane, so that the subdivision roads can be completed and offered for dedication prior to the end of 2016. Henry Reiser of Reiser Builders Inc., the project developer/owner, was present, and stated that he is intent on moving forward to complete both subdivision roads during the fall of 2016, that he had been coordinating with the Town of Brunswick and had in fact added additional financial security for the project infrastructure with the Town, that he has already sought bids for the subdivision road completion which should be submitted to him within a few days, that he is already coordinating obtaining permits for the completion of the waterline construction on the project, and anticipates that all work on the project infrastructure should be completed within 60 days. Mr. Reiser also stated that he is intent on offering the project infrastructure for dedication within the next 60 days as well. Chairman Oster stated that a 60-day time period would bring the matter to mid-November, but if work is not started on the subdivision roads soon, the paving season will close and the subdivision roads could not be completed during 2016. Chairman Oster asked for the time period within which Mr. Reiser thought the contractors would have bids in and contracts signed. Mr. Reiser stated that he would have signed contracts for the infrastructure road completion within the next two weeks. The Planning Board ultimately determined to send a recommendation to the Brunswick Town

Board that in the event the project developer/owner does not notify the Town and show proof by the end of September that he has signed contracts for the completion of the subdivision roads during the fall of 2016, that the Town Board proceed to declare the project infrastructure completion to be in default and take the financial security posted with the Town and use that financial security to complete the project infrastructure prior to the close of 2016. A letter stating such recommendation will be completed and sent to the Town Board by Chairman Oster.

There were three items of new business discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Robert Schmidt for property located at 419 Farm to Market Road. Mr. Schmidt stated that the application is in the nature of a lot line adjustment. Mr. Schmidt stated that the application seeks approval to divide 3.48 acres from the adjacent parcel located at 321 Farm to Market Road, owned by Capital District Farms, to be transferred to his lot located at 419 Farm to Market Road. The Capital District Farms parcel is approximately 92 acres in size, and the application seeks to have 3.48 acres divided from that parcel, which is located adjacent to the parcel at 419 Farm to Market Road, and then transferred to 419 Farm to Market Road. The current size of 419 Farm to Market Road is 2.37 acres, to which the 3.48 acres is proposed to be added. Member Wetmiller asked whether there were any buildings, septic, or water systems located on the 92-acre parcel which would be impacted by the division of the 3.48 acres. Mr. Schmidt stated there were no buildings, septic, or water in that area, and rather it is simply an open vacant area. Member Wetmiller stated that the 3.48 acres to be divided from 321 Farm to Market Road must be legally merged into the parcel of 419 Farm to Market Road, and that a separate building lot will not be approved as a result of the subdivision waiver. Mr. Schmidt understood this, and stated that the 3.48 acres would be legally merged into his lot. Chairman Oster asked whether there were any further questions on the application. Hearing none, Member Czornyj

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 of subdivision subject to the following conditions:

1. The 3.48-acre area to be divided from 321 Farm to Market Road must be legally merged into the lot identified as 419 Farm to Market Road, with proof of that merger to be filed with the Brunswick Building Department.
2. A letter must be submitted for the Building Department file from Capital District Farms confirming its consent to the subdivision.

Member Esser seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

The second item of new business discussed was the referral of the Brunswick Square Planned Development District amendment application from the Town of Brunswick Town Board for recommendation. James Kinoshian of Stonefield Engineers was present for the applicant, which is Bank of America. Bank of America is seeking the PDD amendment to allow the installation of a stand-alone ATM kiosk within the parking lot of the Brunswick Square shopping center. Mr. Kinoshian explained that Bank of America has instituted this business plan over the past five years, which installs remote ATM kiosks within parking lots of shopping areas for the convenience of Bank of America customers. The ATM Kiosks are unmanned, and are open for use on a 24/7 basis for Bank of America customers. Mr. Kinoshian reviewed the proposed location of the ATM kiosk in the Brunswick Square parking lot. The proposed ATM kiosk is 8 feet wide, and 12 feet tall. Mr. Kinoshian

reviewed the project plan set, identifying the location of the proposed ATM kiosk, a total of 9 parking spaces to be eliminated if the kiosk is installed, and a revised curb line that will be constructed. Mr. Kinonian reviewed sheet C-4 of the plan set, which shows proposed asphalt, curbing, striping, as well as lighting for the ATM kiosk. Mr. Kinonian stated that the Brunswick Square PDD approval did allow a banking facility to be located in the plaza but a specific stand-alone ATM kiosk was not part of the project approvals. Mr. Kinonian also stated that the project would require variances for purposes of front lot line setback as well as signage. Member Czornyj asked about the distance of the kiosk to the front property line, which he calculates to be approximately 12 feet from the project plans. Mr. Kinonian ultimately confirmed that the top of the canopy to the front lot line is approximately 12 feet. Chairman Oster raised a concern about the additional lighting, particularly since the ATM elevation will be above the Hoosick Road corridor, and that the ATM location is so close to the Hoosick Road corridor. Chairman Oster stated this could create a potential distraction for drivers on the Hoosick Road corridor. Mr. Kinonian replied by stating that the location of the proposed ATM kiosk is already proximate to an existing pole light, and that New York State regulations do require additional lighting for the ATM kiosk, and that there may be some additional light to the front property line, but most of the additional lighting is going to be interior to the project site. Member Czornyj asked why the kiosk is not proposed to be deeper into the parking lot and farther away from the Hoosick Road corridor. Mr. Kinonian stated that the proposed location is requested since it is more visible from the road for Bank of America customers, and that the location of the stand-alone ATM kiosk is designed to be away from the high turnover parking areas to avoid any high traffic areas. Chairman Oster stated that in his opinion, there have always been issues concerning the number of parking spaces in the Brunswick Square Plaza, and that this proposal is seeking to eliminate parking spaces in areas that have been traditionally used for worker parking.

Chairman Oster stated that he was still concerned that even if the ATM kiosk location is remote and away from the high traffic areas, it would still impact employee parking. Chairman Oster noted for the record that in the Price Chopper/Pollock Plaza parking lot, there is an existing Key Bank ATM kiosk, but that was approved only because Key Bank is a tenant in that plaza and the plaza configuration did not afford an area for a drive-up teller/ATM. Chairman Oster also had concern since there is an existing drive-thru ATM located within the plaza, in tenant space currently occupied by Time Warner, but that had been designed for use by a bank and a drive-up teller/ATM. Given that the mall was originally designed to have tenant space include a drive-up teller/ATM, why should a stand-alone, remote ATM kiosk be allowed to be built in the parking lot? Chairman Oster also noted that Bank of America is not a tenant in any of the space located in the Brunswick Square Plaza. The Planning Board members generally discussed the overall parking plan for the Brunswick Square Plaza, noting that parking spaces had also been eliminated in connection with the expansion of the Mexican restaurant. Mr. Bonesteel asked whether there were any changes to the drainage in the area where the ATM kiosk is proposed. Mr. Kinosian stated that there would be no change to the drainage, and that the project would maintain the current drainage pattern toward an existing stormwater culvert. Attorney Gilchrist noted that the issue concerning variances for setbacks from the front property line would need to be reviewed, to determine whether that issue was to be considered in connection with the PDD amendment by the Town Board or whether it would remain an area variance application in front of the Zoning Board of Appeals. That procedural issue must be reviewed. Member Wetmiller had a concern regarding the height of the ATM kiosk, particularly since it was elevated off the Hoosick Road level, which would result in a fairly significant visual impact along the Hoosick Road corridor. Member Czornyj noted that if the ATM kiosk is considered an accessory structure, certain Zoning Districts in the Town require up to a 75-foot setback from the front property

line, and in this case at 12-foot setback from the front property line is being proposed. Ms. Guastella raised a question concerning pedestrian traffic using the ATM kiosk, since it will be located in close proximity to a bus stop. Ms. Guastella was concerned regarding pedestrian safety in an area where there is traffic flow for use of the ATM kiosk. Mr. Kinosian stated that it was Bank of America's intention to have this used as a drive-up ATM only, and that signage would be installed identifying the ATM kiosk for car or vehicle use only. Protection of the ATM kiosk was raised by Chairman Oster, and there was discussion concerning the requirement for additional bollards or guardrails around the kiosk so that there was no risk that the kiosk would be damaged as a result of parking or traffic circulation. Member Tarbox asked whether there were any existing stand-alone ATM kiosks operated by Bank of America in the Capital District. Mr. Kinosian stated there were none to his knowledge, but that there were existing Bank of America ATM kiosks in other states in the Northeast. Member Tarbox asked for the submission of photographs of active Bank of America ATM kiosks, including photographs of the stand-alone ATM kiosk as well as ones showing traffic using the kiosk. The Planning Board ultimately determined that it would review the project plan set prior to its October 6 meeting, and have further discussion at the October 6 meeting to formulate their recommendation to the Town Board. This matter is placed on the October 6 agenda for further discussion.

The third item of new business discussed was a presentation by Verizon Wireless for a proposed cell tower to be located off Creek Lane. David Brennan, Esq., of the law firm Young Sommer, representing Verizon Wireless, was present to discuss the project with the Planning Board, noting that the application must first be addressed by the Zoning Board of Appeals as part of the special use permit process. Attorney Brennan generally reviewed the project layout, which proposes a 30-foot wide access and utility easement off Creek Road onto property owned by Zucky, connecting to a 100-foot by 100-foot lease area on which the proposed cell tower would be constructed. Attorney

Brennan reviewed the proposed equipment at the base of the tower, as well as the fencing. Attorney Brennan reviewed the required fall zone for the tower, which the Brunswick Town Code requires to be 30 feet in excess of the tower height, which in this case will result in a 184-foot fall zone, as the tower is proposed to 154 feet in height. Attorney Brennan also discussed the Town Code requirements that a 750-foot setback be provided from all existing residential structures, which has been depicted on the project plans. Attorney Brennan then reviewed the Zoning District lines for the site which, when considering the 750-foot setback from existing residential structures, places the proposed tower in the R-25 Zoning District, in which major cellular telecommunications towers are not allowed, necessitating a need for a variance from the Zoning Board of Appeals. Attorney Brennan explained that while a portion of the Zucky parcel is zoned A-40, which allows for the construction of the cell tower, the consideration of the setbacks and proposed location of the tower places the tower in the R-25 Zoning District, necessitating the need for the variance. Attorney Brennan explained that if the cell tower could be located closer to the residential structures, the tower height would be lower given the topography of the project site, but locating the tower 750 feet away from existing residential structures results in an increased tower height. In addition, if the tower were located even further away from existing residential structures, a tower of even greater height would be necessitated to meet the needed propagation range. The proposed location was arrived at as a result of considering distance from residential structures, topography, propagation needs, and Zoning District considerations. There was discussion regarding placement of telecommunication antennae on existing power lines, with attorney Brennan explaining that that concept and option was reviewed but that it will not work at this location despite the existence of high-tension power lines, and that a propagation study has been included in the project materials explaining this conclusion. Attorney Brennan explained that he was present before the Planning Board merely to seek initial comments

from the Planning Board on planning related issues, but that the application will now proceed before the Zoning Board of Appeals on the special use permit application. This matter is adjourned pending action by the Zoning Board of Appeals on the special use permit and variance applications.

The index for the September 15, 2016 meeting is as follows:

1. Brunswick Design Group - Site plan - 10/6/2016 (public hearing to commence at 7:00pm);
2. Reiser Builders Inc. - Brook Hill Subdivision - Recommendation to be made to Brunswick Town Board.
3. Schmidt - Waiver of Subdivision - Approved with conditions;
4. Bank of America - Brunswick Square PDD Amendment application - 10/6/2016;
5. Verizon Wireless - Site plan - Adjourned without date pending action by Zoning Board of Appeals on special use permit and variance applications.

The proposed agenda for the October 6, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan (public hearing to commence at 7:00pm)
2. Bank of America - Brunswick Square PDD Amendment application - deliberation on recommendation;
3. Referral by Brunswick Town Board of proposed new Brunswick Zoning Law and Zoning Map - deliberation to prepare comments.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 6, 2016

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

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the October 6, 2016 meeting.

The first item of business on the agenda was the public hearing for the site plan application submitted by Brunswick Design Group for property located at 74 Farrell Road. Chairman Oster reviewed the procedures regarding Planning Board public hearings. Attorney Tingley read the notice of public hearing into the record and noted that it had been published in the Troy Record on September 23, 2016, that it had been posted on the Town signboard and Town website, and that it had been sent to neighboring properties on September 22, 2016. Bill Bradley appeared on behalf of the applicant. Mr. Bradley reviewed the project and the surrounding uses. Mr. Bradley noted that the project proposes 77,000 square feet of storage including 1.3 acres of outside storage. The storage units will be comprised of shipping containers that are approximately 80 feet by 40 feet, and that there is a caretaker's home proposed on the east side of the property. Mr. Bradley noted that there is a weight limit restriction on the Town road of 6 tons. Mr. Bradley indicated that the industry standard number of trips for such a site was 0.26 trips per 1,000 square feet, which equates to approximately 21 trips during the peak hours. Mr. Bradley noted that there would be LED down-lighting that would be activated by motion sensors. The only utilities to service the site currently planned are electrical and

telephone. Mr. Bradley reviewed the stormwater facilities and indicated also that the project proposes to preserve the vegetative buffer along neighboring properties. He further indicated that Speigletown Fire Company had been consulted. Chairman Oster then opened the public hearing for public comments. Dan Walczyk, of 49 Farrell Road, commented that the currently proposed project is of less concern than a prior proposal for a foundry at the site many years ago. However, Mr. Walczyk continues to have concerns regarding the impact of such development on neighboring property values and he stated that increased development gives rise to increased visibility, which attracts criminals. Mr. Walczyk indicated that his property had suffered incidents of vandalism as development has increased in the area. Jeanette Chambers of 60 Farrell Road commented that her house is located one house away from the project site and she inquired what the containers will look like. Mr. Bradley showed an example of the containers and stated that there will be mitigation through berming, along with a 100-foot front setback and screening. Ms. Chambers further stated that she noted in prior minutes that the applicant had stated that if the project is economically successful that it would be expanded and she inquired as to the proposed expansion. Mr. Bradley stated that the proposal is to develop the site beginning in the rear and, as the project becomes economically successful, work towards the front. However, the currently proposed plan is the full extent of the proposal including expansions. Ms. Chambers further inquired as to the schedule to start the project and Mr. Bradley responded that it is proposed to begin next year. William Shover of 322 Grange Road commented that he was concerned about traffic. He stated that Farrell Road is now used as a bypass from Route 142 to Oakwood Avenue. He stated that the paintball facility can only exit one way, and he inquired whether this project would have the same restriction. Mr. Bradley indicated that he is not currently proposing to restrict exiting traffic to one way out. Lou Bonelli of 98 Liberty Road commented that there is substantial residential development in the area consisting of single-family homes, condominiums, and apartments, and that those developments have caused increased traffic growth.

He is concerned about the additional traffic generated by the project. He further stated that the paintball facility has not been developed as had been expected, given that there is now generated lighting on the site, he hears activity at the paintball facility, there are heavily attended Halloween events on weekends in October, and there are tents on the site. Mr. Shover acknowledged that the area is zoned industrial, but does not believe that this project is conducive to the neighborhood. He further stated that the water supply in the area is private wells, and he has concerns regarding the environmental impacts of the project, particularly with respect to the outside storage of boats, trailers and automobiles. He stated that outside storage of such equipment could result in leaking fluids, including oil and gasoline. He further asked how wastewater would be handled and whether there would be any sanitary impacts associated with the project. Larry Leblanc of 57 Farrell Road believes that the applicant should submit more detail concerning the project. Mr. Leblanc commented that the applicant has stated that it would maintain greenspace and buffers and vegetative areas to the extent practicable, but he would like to know what percentage of the area will be maintained as greenspace. Mr. Bradley responded that, of the 20-acre site, approximately 6 acres will be developed, leaving the remainder as greenspace. Mr. Leblanc further asked whether there would be signage and Mr. Bradley responded that there is a proposed wood sign that will be painted green with gold lettering and ground-lit from both sides located at the front entrance. Mr. Leblanc asked whether there would be security measures, and asked how big the gate would be. Mr. Bradley indicated that the individual storage units would obviously be locked, and that there would be a motor-operated gate and limited 8-foot tall fencing. Mr. Bradley indicated that the entire site would not be fenced in. Mr. Leblanc asked whether there would be security cameras and whether they would be monitored. Mr. Bradley indicated that there will be a security system but that he is continuing to investigate what that will consist of and so he is not able to provide those details at this time. Mr. Leblanc indicated that the project may encourage trespassing, and Mr. Bradley indicated that trespassing occurs now, but once

the project is developed there will be more reason and opportunity for trespassers to be detected. Mr. Bradley, in response to Mr. Leblanc's question, indicated that the caretaker's home is not proposed to be constructed for a couple of years. Mr. Leblanc asked whether there would be any rules associated with the outside storage including whether property would have to be removed within a certain time after delinquency by the customer. Mr. Bradley indicated that the goal is to store campers, travel trailers and boats and that any abandoned property will be disposed of in accordance with law. Mr. Leblanc further commented that developments in Brunswick have not had a clean history from an enforcement perspective and asked what the plan was to ensure that the approved project would be developed as proposed. Chairman Oster indicated that when a project is approved, the Building Department conducts periodic inspections during development to ensure consistency with the approved plan. Following development, if there are complaints or if the Building Department notices additional expansion, then there are enforcement mechanisms that can be used to bring the site into compliance with the approval. Mr. Bradley stated that he has been looking for a project for this site to yield some value from the property given that he has been paying taxes on it but has not been able to develop it yet. He further stated that it is to his advantage to maintain the property in a way that will attract customers. Jeanette Chambers of 60 Farrell Road submitted an additional comment asking whether Mr. Bradley had additional plans for development of the remaining 14 acres. Mr. Bradley indicated that he has no current plans for development of the additional 14 acres and that such development would be limited by the Town Code and the physical restraints of the site. Ms. Chambers indicated that she wants the Planning Board to ensure that the visual impact of the project is mitigated. Dan Casale of 2 Patriot Place commented that he would like to see the project have landscaping and vegetation to mitigate the visual impact of the site and to hide the storage sheds from view. He stated that the storage containers are not visually pleasing, and that the Board should consider that in making its determination. He further commented that he would like to see the

applicant ensure that personal property is removed from the storage facility property if a tenant becomes delinquent. The applicant responded that it is anticipated, based on industry standards, there will be some delinquency and that he is prepared to effectively address such delinquency. Chairman Oster then indicated that no other members of the public sought to submit comments and indicated that the applicant would be required to address the comments submitted. The public hearing was then closed.

Chairman Oster then opened the regular meeting.

The draft minutes of the September 15, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the September 15, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Brunswick Design Group for property located at 74 Farrell Road. Bill Bradley of Brunswick Design Group was present for the application. Chairman Oster noted that the public hearing had been opened and closed earlier this evening. Member Casey asked the applicant whether they would be willing to consider a right-turn-only limitation on the exit of vehicles from the site as it is his belief that such a limitation would be recommended for this project. Mr. Bradley responded that the applicant is willing to put signage at the exit to provide for a right-turn-only, but that he cannot guarantee that customers leaving the site will necessarily abide by the sign. Member Wetmiller asked whether the parking area for the outside storage space would be paved. Mr. Bradley indicated that it would not be paved and that it would consist of a gravel surface. Member Wetmiller expressed concern about possible leaking fluids, along with the fact that there may not be an easy way to detect leaking fluids if the surface is simply gravel or the ground surface. He believes that prior projects that had outside storage such as that proposed here have been required to address the possibility of leaking fluids. Mr. Bradley indicated that the applicant is willing to write into the lease with vehicle owners an obligation to

periodically inspect the ground surface to confirm that no fluids are leaking. He further stated that the same issue can arise on any site, even for a residence, but that he will attempt to address the Planning Board's concern. Member Czornyj asked whether the applicant would be planting pine trees in front of the proposed berm. The applicant responded that he is continuing to look at the particular location of the berm in an effort to mitigate the visual impacts of the proposal, but that he does propose to plant pine trees in front of the berm, which will provide better screening than planting trees on top of the berm. Member Czornyj asked whether there will be phases to the development. The applicant responded that there is not a specific phasing plan, but that the proposal is to start with 30–50 units near the rear of the site and to work forward as the project becomes more economically successful. The applicant indicated that while his plan is to start with storage units in the rear, he is willing to reconsider and potentially begin development of the storage units in other areas of the site as may be recommended by the Planning Board. Member Wetmiller asked whether there is a way to segregate the vehicles that would contain oil or other fluids from the other items that would be stored in the outdoor storage area. He asked whether that particular area could be surfaced with crushed stone so that any leaking fluids can be detected more easily. The applicant indicated that he would be willing to segregate those vehicles from the other outdoor storage and to surface the area with crushed stone. Chairman Oster asked whether there would be restrooms or washing facilities for the customers. The applicant indicated that there were none planned. Chairman Oster asked whether there would be a proposed dumpster or garbage area. The applicant responded that there may be some dumpster or garbage area for owner use but that it would not be open to use by the tenants. Chairman Oster then stated that while the public hearing included comments concerning the paintball facility, it was his belief that this project has no ability to control what occurs at the paintball facility and that the paintball facility is an entirely different project that is being addressed by the Town in accordance with standard procedures. Member Mainello asked whether the stormwater pond near the

front of the site would be screened because stormwater ponds tend to become unattractive over time. The applicant stated that the goal is to have a detention pond and that the intention will be to blend the detention pond into the existing landscape to address the concern. Mr. Bonesteel indicated that the applicant would need to allow room for access to the stormwater detention facility for maintenance. Chairman Oster asked the applicant whether there was a formal stormwater pollution prevention plan prepared yet, and the applicant responded that it is still being prepared. Chairman Oster then asked if the Board had any further questions. Hearing none, Chairman Oster requested that the applicant address all comments received at the public hearing, which would be recited in the minutes of the meeting, and the matter was placed on the agenda for the October 20, 2016 meeting.

The next item of business on the agenda was the referral of the Brunswick Square Planned Development District amendment application from the Town of Brunswick Town Board for recommendation. Paul Mutch of Stonefield Engineering was present for the applicant, which is Bank of America. Mr. Mutch indicated that there had been concern expressed about how the ATM kiosk would look and he indicated that he had submitted a photograph showing what the kiosk would look like. Chairman Oster noted that he had originally been concerned that the ATM kiosk would be located in the path of the delivery truck route for the Walmart store, but that upon investigation, it appeared that the truck route had been previously amended by the Town Board and there was no conflict between the truck route and the proposed ATM kiosk location. Chairman Oster noted that he had concern about lighting and the location of the ATM kiosk proximate to Hoosick Road. He stated that his concern relates to distraction to the travelling public, and that while he acknowledged that banking regulations imposed certain requirements on lighting the ATM kiosk, he believed that the lighting and appearance of the kiosk should be addressed. The applicant stated that they have faced similar issues in other areas, and they have the ability to modify lighting in a way so as to comply with banking regulations while also addressing local concerns regarding the lighting.

Member Czornyj indicated that he had concern about the ATM kiosk being located just 12 feet from the front property line whereas it should be 30 feet. He further stated that the ATM kiosk has a 4-foot overhang which may actually reduce the setback from 12 to 8 feet. The applicant responded that the canopy edge is 12 feet from the property line and that the actual ATM kiosk is 3–4 feet farther away from the property line. The applicant further stated that the proposal is to locate the ATM kiosk close to the road so that it serves as a wayfinding mechanism given that there is no sign proposed to alert the public to the existence of the Bank of America ATM in the plaza. Member Wetmiller indicated that he had concerns regarding the visual impact on the neighborhood, particularly with respect to the lighting, and noted that it would be distracting to the traveling public on Hoosick Road. Chairman Oster asked the applicant whether he foresees other banks proposing similar kiosks in the future. The applicant responded that, generally speaking, there is a shift in the banking industry towards more ATM kiosks in lieu of opening additional branches because many of the transactions that can be completed at a branch can now be completed at an ATM. Member Czornyj asked whether there was a particular reason that the applicant was not opening a bank branch at the plaza or affixing the ATM to the existing structure. The applicant responded that being able to open a bank branch at the plaza or installing an ATM into the existing building depends on negotiations with the landlord. Following negotiations with the landlord, the ATM kiosk was the direction in which the bank wanted to proceed. The Board then discussed the possibility of locating the ATM to a different portion of the plaza, and stated that there is an existing area of the plaza that was formerly used by the SEFCU branch that had closed. The Board discussed recommending to the Town Board that the location of the ATM kiosk be moved to the portion of the site formerly used by SEFCU. Chairman Oster then asked Attorney Tingley to prepare a draft recommendation on the PDD amendment referral for consideration at the next meeting. The applicant then stated that the current application before the Town Board seeks to authorize the use from a zoning perspective, and that site design will be

determined when the applicant receives approval from the Town Board and then reappears in front of the Planning Board for site design. Chairman Oster also stated that he would like the recommendation to include a statement that the Town should take into consideration how it wants to proceed with respect to proposals such as this where a portion of a parking lot is used for a business use, whether permanent (such as the currently proposed ATM kiosk), or temporary (such as the previously proposed BBQ/food truck proposal). Chairman Oster expressed concern about the precedent that would be set by approving the PDD amendment to allow this type of use. The matter was placed on the agenda for the October 20, 2016 meeting.

The next item of business on the agenda was the Brunswick Zoning Law and Zoning Map. Chairman Oster noted that he would like to discuss the Brunswick Zoning Law and Zoning Map in more detail with the Board at the next meeting, but that he would offer a few comments. First, Chairman Oster indicated that the Town Board had scheduled a public hearing for October 25, 2016, and that Chairman Oster intended to attend. Chairman Oster encouraged other Board members to attend the public hearing as well. Chairman Oster further noted that he would like the Planning Board to take into consideration Articles 6, 7, and 8 of the proposed Zoning Law, which relate to, among other things, the site plan review standards and procedures and the special use permits standards and procedures. The matter was placed on the agenda for the October 20, 2016 meeting.

There were four items of new business discussed.

The first item of new business discussed was the site plan application for 767 Hoosick Street submitted by Fagan Associates. The application seeks approval to construct a 1,170 square foot addition to the existing building and to add five additional parking spaces. Nick Costa of Advanced Engineering and Surveying appeared on behalf of the applicant. Mr. Costa reviewed the existing building and its current use as a professional office building and explained that the application seeks to add a 1,170 square foot addition along with five parking spaces, and that the proposal meets the

currently applicable setbacks in the B-15 Zoning District. Mr. Costa indicated that there would be a substantial amount of greenspace on this site and that the overall site would be 1.1 acres. Mr. Costa indicated that water and sewer have already been connected for the existing building and there will be no additional services necessary. He further stated that a new sign is proposed and that the addition to the building is proposed to match the architectural style of the existing building. Member Czornyj asked the applicant whether the parcel to the east would be merged into the existing parcel. The applicant replied that currently the site consists of two parcels but that the parcel to the east would be merged so that there would be one parcel consisting of approximately 1.1 acres. Chairman Oster asked whether the additional parking would be for additional employees, and the applicant responded that the parking and the addition would be to service additional customers, not necessarily additional employees. Chairman Oster asked whether the proposal included a handicapped spot, and the applicant responded that the addition to the building would remove a currently existing handicapped spot, but that the additional parking spaces to be added would include one handicapped spot to replace it. Mr. Bonesteel asked the applicant to describe the topography and the drainage plan. The applicant indicated that the topography runs from the rear of the site towards Hoosick Street and that no additional drainage was currently proposed. Member Tarbox asked whether the addition would include a basement or would be constructed on a slab, and Mr. Costa was unsure but he agreed to check. Chairman Oster asked whether the increase in the size of the parking lot would require a stormwater pollution prevention plan. Mr. Bonesteel responded that the need for a stormwater pollution prevention plan is based on the area of disturbance and that in this particular case there is not enough disturbance to require a formal stormwater pollution prevention plan. However, Mr. Bonesteel indicated that the applicant can be required to provide details concerning the drainage plan. The applicant stated that he had discussed the drainage plan with Bill Bradley, and further stated that the disturbance area was approximately 15,000 square feet. Member Casey asked about the gravel

drive that is located on the lot that is to be merged into the existing property. The applicant responded that the adjoining property owner had previously used the gravel drive to access his property. Member Czornyj asked whether the applicant would be eliminating the gravel drive, and Mr. Costa agreed to find out. Attorney Tingley advised the Board to consider what should be done with the gravel drive in the event that the gravel drive constitutes the only access to the adjoining property. The Planning Board then discussed that the application must be sent to the County for recommendation, and that also DOT may require a submission concerning the drainage. Member Czornyj asked whether the existing sign is proposed to be removed, and the applicant indicated that the newly proposed sign would replace the existing sign. The matter was placed on the agenda for the October 20, 2016 meeting.

The next item of new business on the agenda was the site plan application submitted by Rosenblum Development Corporation for property located at 850 Hoosick Road. Daniel Hershberg and Jeff Mirel appeared on behalf of the applicant. Mr. Hershberg stated that the proposal is to construct a 3-floor, indoor, climate-controlled, personal storage business. Mr. Hershberg indicated that they propose to use the existing curb cut, but given the change in use, they will be required to submit information to the Department of Transportation. Mr. Hershberg further stated that the proposed project will involve less impervious area than the existing site and that the project would be required to comply with the stormwater redevelopment standards. Mr. Hershberg indicated that the stormwater facilities would include a downstream defender and hydrodynamic separator. With respect to the proposed building, Mr. Hershberg explained that there would be overhead doors that would be muted in color, along with signage on the building and a small monument sign at the entrance. He further stated that there would be a small retail operation which would be staffed for portions of the day. The building will include elevators and the site will be landscaped. He indicated that detailed plans are not yet complete but are in progress. Member Czornyj asked if the building

would be three stories. Mr. Hershberg stated that the building is proposed to be built into the side of the hill and is going to be two stories in the rear and three stories in the front. He stated that the building height at the front of the building would be approximately 45 feet and that it would be approximately 30 feet in the rear. The Planning Board discussed with Mr. Hershberg the possibility that the building, as designed, may not comply with the height restrictions in the applicable Zoning District. Member Mainello asked whether the building would have corrugated panels, and the applicant responded that that is to be determined. Chairman Oster asked how many employees would be on the site and the applicant responded that there would be one employee on the site during the operating hours which are proposed to be from 6:00am until 10:00pm. Chairman Oster asked whether there would be on-site security, and the applicant responded that there would be no security personnel, but that there would be security cameras and secured access. Chairman Oster asked what type of clientele the project would serve. The applicant responded that nationally, approximately 75% of self-storage users are women who are seeking secure facilities and facilities that do not make them uncomfortable. This project is geared toward satisfying that demographic, along with mostly residential users and empty-nesters. Chairman Oster asked the size of the units, and the applicant responded that the unit mix is to be determined, but there will be 5x5-foot units, 5x10-foot units, 10x10 foot units, and most would be accessible only from the inside. There will be units accessible from the outside and those would be larger units and would be intended to service entrepreneurs and sales persons. Mr. Hershberg indicated that the project is ideal in light of the developments in the Town of apartments, condominiums and townhouses. Member Casey asked how many units would be proposed, and the applicant indicated that he still did not know the precise number but that it would be several hundred. The applicant then stated that the entire project would be fenced in, with the building walls serving as a portion of the fence. Chairman Oster suggested that the applicant take a look at the overall height of the building and its compliance with the Zoning Code. Chairman Oster

then asked when the applicant would be ready to be on the agenda next, and the applicant indicated that it expected to be ready sometime in December. Chairman Oster indicated that the Board would place the matter on the tentative agenda for the first meeting in December, December 1, 2016. Member Tarbox asked whether there would be enough room for a tractor trailer to make turning movements. The applicant stated that he did not anticipate tractor trailers accessing the site, and that he anticipated that the largest vehicles accessing the site would be small box trucks. The applicant then indicated that there were comparable facilities on Route 9 in Latham and also some facilities in Southern Saratoga County.

The next item of new business discussed was the waiver of subdivision application for property located at 321 Farm to Market Road submitted by Capital District Farms, Inc. John Schmidt appeared on behalf of the applicant. Mr. Schmidt explained that currently there are two properties on which there are wetlands. The applicant is seeking a lot line adjustment to merge 0.74 acres from one lot to the adjoining lot to be added into the existing conservation easement on that lot. The entire area is currently fenced in, and there are no buildings or other structures on the site or proposed for the site. Member Czornyj made a motion to adopt a negative declaration on the application, which was seconded by Member Mainello, and was unanimously approved. Member Czornyj then made a motion to approve the waiver of subdivision application as presented conditioned on proof of merger being filed with the Building Department, which was seconded by Member Casey and was unanimously approved.

The next item of new business discussed was the site plan application submitted by Cumberland Farms for property located at 630 Hoosick Street. Stefanie Dilallo Bitter, Esq. appeared on behalf of the applicant. Also present on behalf of the applicant was Rob Osterhoudt from Bohler Engineering. Ms. Bitter explained that the project site is located at the corner of Hoosick Road and Hillcrest Avenue and is currently the site of a single family residence with two accessory structures

which have been used as garages. The proposal is to construct a 4,786 square foot Cumberland Farms convenience store together with a 6-pump fuel island. The site is 1.3 acres, which would be accessed through a shared entrance to 626 Hoosick Street, which is currently an auto parts store. Ms. Bitter also indicated that there would be access to the site from Hillcrest Avenue. Ms. Bitter indicated that Creighton Manning had been retained to provide a traffic assessment and report. She indicated that the zoning of the site was primarily B-15, with a small portion in the rear of the site being zoned R-9. She stated that the applicant would be applying for a special use permit from the Zoning Board of Appeals for a filling station, and she reviewed the specifics of the proposed project including its architectural features and pedestrian features. Ms. Bitter indicated that the site would be connected to public water and sewer, would include 22 parking spaces, along with 12 fueling positions, would be open 24 hours per day, and that it appears that the proposal complies with the Zoning Code's height restrictions. Ms. Guastella indicated that, based on the presentation, it appears that there may be a sign variance needed. Member Czornyj asked whether this was similar to the Cohoes location of the Cumberland Farms, which he found to be very busy and lacking enough parking. Ms. Bitter indicated that she believes that the Cohoes location has fewer parking spaces but she will confirm. Chairman Oster stated that traffic at this area of Hoosick Street is always an issue for any development, and he stated that the shared access between 626 Hoosick Street and this property was discussed previously in connection with the subdivision application. He further stated that given the need to obtain a special use permit from the Zoning Board of Appeals, the Planning Board would have to issue a recommendation to the Zoning Board of Appeals. The applicant indicated that it intended to apply to the Zoning Board of Appeals for a special use permit so as to be on the October 17 Zoning Board of Appeals meeting agenda. The Board advised the applicant that there would be a mandatory public hearing at the Zoning Board of Appeals, which might be held in November if the presentation was made at the October 17 meeting. Member Tarbox asked whether this project would be similar to the

Cumberland Farms in Glenmont. The applicant responded that the Glenmont location is not a new project, but was instead a retrofit. Mr. Osterhoudt displayed photo simulations showing the proposed project site, both before and after development. Member Czornyj asked the applicant to look at possibly including additional parking and the applicant agreed to do so. Mr. Osterhoudt stated that there may also be an opportunity for shared parking between the adjoining auto parts store and the Cumberland Farms. Member Casey asked whether there was any status update on the traffic signal that was expected nearby. The Board was uncertain as to the status of that improvement. Member Wetmiller stated that traffic getting in and out of the site will be an issue and Mr. Osterhoudt indicated that Creighton Manning was retained to do a traffic assessment. The matter was placed on the agenda for the October 20, 2016 meeting for discussion of the project to work on preparation of a recommendation to the Zoning Board of Appeals. A draft recommendation could therefore be prepared and considered at the following Planning Board meeting to be held in November, 2016. Mr. Osterhoudt stated that he would provide full size plans to Mr. Bonesteel for review.

The next item discussed by the Planning Board was a potential application submitted by David Leon for a minor subdivision, and the Board generally discussed matters relating to whether the proposed parcel would be landlocked and whether the proposal would render any of the other properties non-compliant with the greenspace requirements. The Board generally discussed the layout of the Planet Fitness site, the Taco Bell and Aldi site, and the nearby Cumberland Farms proposal, and traffic in the vicinity of these sites.

The index for the October 6, 2016 meeting is as follows:

1. Brunswick Design Group - Site plan - 10/20/2016 (public hearing completed);
2. Brunswick Square Planned Development District - Recommendation on PDD Amendment - 10/20/2016;

3. Brunswick Zoning Law and Zoning Map - deliberation to prepare comments - 10/20/2016;
4. Fagan Associates - Site plan - 10/20/2016;
5. Rosenblum Development Corporation - Site plan - 12/1/2016;
6. Capital District Farms, Inc. - Waiver of subdivision - Approved with condition;
7. Cumberland Farms - Site plan/recommendation on special use permit - 10/20/2016.

The proposed agenda for the October 20, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan.
2. Brunswick Square Planned Development District - Recommendation to Town Board.
3. Brunswick Zoning Law and Zoning Map - deliberation to prepare comments.
4. Fagan Associates - Site plan.
5. Cumberland Farms - Recommendation on special use permit.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 20, 2016

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

ABSENT were KEVIN MAINELLO and KAREN GUASTELLA, Brunswick Building Department.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the October 20 meeting as posted on the Town signboard and Town website.

The draft minutes of the October 6, 2016 meeting were reviewed. A correction was noted at page 3, line 4, with the name "Shover" changed to "Bonelli". Member Czornyj made a motion to approve the October 6, 2016 meeting minutes subject to the stated correction, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the October 6, 2016 meeting minutes approved subject to the stated correction.

The first item of business on the agenda was the site plan application submitted by Brunswick Design Group for property located at 74 Farrell Road. The applicant has requested that this matter be adjourned to the November 3 meeting. Chairman Oster did note that the Planning Board is in receipt of a letter from Louise CC Bergendahl, 100 Liberty Road, Troy, New York, concerning this application. The Bergendahl letter is dated October 20, 2016, noting concerns

about potential customers for the storage units not being local residents, and potential impacts to property values. The Bergendahl letter is made part of the record for this site plan application. This matter is placed on the November 3 agenda for further discussion.

The next item of business on the agenda was the preparation of a recommendation on the application by Bank of America for amendment to the Brunswick Square Plaza Planned Development District. The Planning Board members reviewed a draft resolution adopting its recommendation on this application. After further deliberation, the final resolution adopting a negative recommendation on the application to amend the Brunswick Square Plaza Planned Development District by Bank of America was adopted. Chairman Oster directed that the final recommendation be forwarded to the Brunswick Town Board for consideration, with a copy provided to the applicant and property owner of the Brunswick Square Plaza.

The next item of business on the agenda was a discussion on the proposed Town of Brunswick Zoning Law that has been introduced by the Brunswick Town Board. Chairman Oster stated this matter would be discussed at the close of this meeting.

The next item of business on the agenda was the site plan application submitted by Fagan Associates for property located at 767 Hoosick Road. The applicant seeks approval to construct a 1,170 square foot addition to the existing building and add five additional parking spaces to this location. Nick Costa of Advance Engineering was present for the applicant. Mr. Costa reviewed the general layout of the proposed addition to the building as well as the proposed additional five parking spaces on the lot. Mr. Costa stated that the building and expansion will be located on a 1.12-acre site, and that the property owner had acquired an adjacent parcel and will be merging that parcel into the existing building site, which will result in a substantial greenspace area of about 75% of the total merged parcel. Mr. Costa stated that water and sewer connections remain

unchanged. Mr. Costa stated that the property is located in the B-15 Zoning District, and will continue to be used as professional office. Chairman Oster had a question concerning the stormwater plan for the site, and whether the building addition and parking lot addition will result in any revised drainage. Mr. Costa stated that the drainage plan for the site had been previously submitted and reviewed by William Bradley in the Town Water Department, and Mr. Bonesteel concurred that he had reviewed the stormwater plan and finds it adequate. Chairman Oster stated that a public hearing would be required as the Planning Board routinely holds a public hearing on site plan applications along the Hoosick Road corridor. Mr. Bonesteel confirmed that the site plan application is complete for purposes of opening the public hearing. Member Esser had further questions regarding the drainage on the site and site stability. Mr. Bonesteel discussed the stormwater plan, and specifically the use of a level spreader in connection with stormwater control, and concluded that some additional dimensional distances should be added to the plan set to identify stormwater features. Mr. Bonesteel also had a question concerning the location of the water and sewer connections, and Mr. Costa indicated the general location and the water/sewer connection locations will be added to the site plan. It was noted for the record that comments have been received from the Brunswick No. 1 Fire Department on the Fagan Associates site plan, including a request for the installation of a knox box for the building and a copy of the fire suppression system for the building. This matter has been scheduled for public hearing for the November 3, 2016 meeting to commence at 7:00pm.

The next item of business on the agenda was the proposed Cumberland Farms to be located at the intersection of Hoosick Road and Hillcrest Avenue. The application consists of both a site plan application and special use permit application. The special use permit application is currently pending before the Brunswick Zoning Board of Appeals, and is before the Brunswick Planning

Board for recommendation. Stefanie Bitter, Esq., was present for the applicant, together with Jim Gillespie of Bohler Engineering and Wendy Holsberger of Creighton Manning. Attorney Bitter reviewed the proposed project details. Cumberland Farms is proposing to lease a 1.38-acre parcel from Arax Properties, Inc. for the purpose of constructing a 4,786 square foot convenience store together with a 6-pump fuel island. The proposed access is from an existing curb cut on Hoosick Road together with a separate entrance off of Hillcrest Avenue. Attorney Bitter stated that a traffic assessment is being prepared by Creighton Manning, and is nearly complete for review by the Town. Attorney Bitter reviewed the special use permit application requirement under the Brunswick Zoning Code for the proposed filling station, stating that she had appeared before the Brunswick Zoning Board of Appeals at its meeting on October 17 to begin review of the special use permit application. The project is in front of the Planning Board for purposes of obtaining a recommendation on the special use permit application. Chairman Oster confirmed that the matter was on the agenda for consideration of a recommendation on the special use permit application, stated that there were a number of gas stations already existing in the general area, and that the addition of the proposed 6-pump fuel island is not uncharacteristic of that commercial area. Member Wetmiller raised a concern regarding traffic. Attorney Gilchrist noted that the Planning Board should consider traffic issues in connection with their recommendation, as one of the general standards the Brunswick Zoning Board of Appeals will need to determine on the special use permit application is whether the proposal creates undue traffic congestion or creates a traffic hazard. Attorney Bitter introduced Wendy Holsberger of Creighton Manning, who described the traffic impact study preparation undertaken by Creighton Manning for this project. Ms. Holsberger reviewed data collection to date, analysis of trip generation, application of ITE and DOT guidelines, analysis of the Hoosick Road/Hillcrest Avenue intersection, analysis of no-build and

build conditions, and that the report will present the conclusion that the proposed project will have little impact on through-volume on Hoosick Road when considering the existence of the center turning lane on Hoosick Road. Ms. Holsberger did state that traffic volume on Hillcrest Avenue may present a volume issue, but that will be analyzed in the traffic report. The Planning Board members generally discussed the AM/PM peak scenarios, most particularly the AM peak given the existence of the proposed Cumberland Farms on the south side of Hoosick Road which will likely be used primarily by travelers going in a westerly direction on Hoosick Road, stating that entry into the Cumberland Farms may not present an issue but exiting the Cumberland Farms and proceeding in a westerly direction may present a problem. Ms. Holsberger stated that this scenario will be analyzed in the traffic report, but the existence of the center turning lane on Hoosick Road provides a mechanism for completing the left-turn in a westerly direction. Member Wetmiller stated he had a concern regarding impact of the project to residents on Hillcrest Avenue, and questioned whether limiting the exit out of Hillcrest Avenue onto Hoosick Road or providing for signage could address impacts to the Hillcrest residents. Ms. Holsberger stated that while there may be an increase in delay for cars exiting Hillcrest Avenue, the project would not result in a decrease in overall level of service. Planning Board members also discussed percentage of distribution of existing and anticipated new traffic along Hoosick Road between the AM and PM peak hours. Actual traffic counts for both the AM and PM peak for this section of Hoosick Road were reviewed, and compared to lower Hoosick Street as well as AADT volumes. It was determined that the Planning Board members would receive and review the traffic report when completed by Creighton Manning, and that the applicant will work to have that traffic report submitted prior to the November 3 Planning Board meeting. Member Tarbox asked whether there would be any other food vendor in the Cumberland Farms store. Attorney Bitter stated no other

food vendors would be present, only Cumberland Farms. Member Czornyj had a question on outdoor seating being proposed, as well as installation of bollards for safety. Member Tarbox inquired about tractor-trailer deliveries, and whether the site was configured to allow tractor-trailer entry and exit on Hoosick Road only. Mr. Gillespie said that the site layout was configured to allow tractor-trailer delivery with entry and exit on Hoosick Road only. Member Tarbox questioned whether the prior site plan resulting in approval and construction of the current Auto Zone store on the adjacent parcel owned by Arax Properties anticipated traffic generated from a convenience store-type use on this parcel. The record of the prior site plan will be reviewed on that issue. Member Czornyj noted that the Town of Brunswick has not yet heard from NYSDOT on a proposed traffic light installation at the intersection of Lord Avenue and the entrance to the Planet Fitness store in connection with the proposed Aldi Grocery store and Taco Bell construction. Ms. Holsberger stated that the Cumberland Farms project is distinct, and will work with a traffic light or without a traffic light at that intersection. Chairman Oster noted that comments had been received from the Brunswick No. 1 Fire Department concerning the Cumberland Farms project. This matter is placed on the November 3 agenda for further discussion.

One item of new business was discussed.

Ronald Laberge, P.E. of Laberge Group was present on behalf of Golub Corporation in connection with the application to amend the Brunswick Plaza Planned Development District to add a drive-thru pharmacy to the existing Price Chopper, currently pending before the Brunswick Town Board. Mr. Laberge stated that the Brunswick Town Board did refer this application to the Planning Board for review and recommendation, and requested the opportunity to present an overview of the project. Mr. Laberge reviewed the proposed drive-thru pharmacy location on the eastern side of the existing Price Chopper building, stating there would be no loss of greenspace

for the overall PDD site but that there will be a loss of 13 parking spaces in connection with constructing the drive-thru pharmacy window. Mr. Laberge reviewed the proposed traffic pattern, indicating that directional signage can be included. Mr. Laberge reviewed Golub Corporation's coordination with CDTA on its bus stop in that location, and that CDTA has signed off on the concept plan as the drive-thru pharmacy will not affect the turning movements of any of the busses. Member Tarbox raised a concern about the total number of parking spaces for the plaza, and the loss of 13 parking spaces in connection with this proposal. The Planning Board members and Mr. Bonesteel reviewed whether certain spaces in the southeast corner of the Price Chopper building would continue to be functional, and should be included in the total parking count for the plaza. Member Czornyj asked whether the lot located directly in front of the Price Chopper store is shared with all plaza tenants, or whether there was dedicated parking just for Price Chopper. Mr. Laberge stated that the parking spaces in the lot in front of the Price Chopper are available for all retail stores. Member Wetmiller stated that with a change from the Price Chopper to a Market 32 store, Golub Corporation must be expecting more customers which will result in more traffic. The issue of available parking spaces was discussed, including safety in terms of identified travel lanes. The issues of tractor-trailer deliveries, direction of travel lanes, as well as potential stacking in the pharmacy area were discussed. Member Tarbox then stated that the Planning Board would like to see the total parking space count for the plaza checked and updated parking space requirements provided for review. Member Czornyj also stated that larger maps of the proposal should be submitted to the Planning Board members. This matter is placed on the November 3 agenda for further discussion.

Chairman Oster entertained discussion regarding the proposed Town of Brunswick Zoning Law and Zoning Map, noting that the special use permit process is proposed to be moved from the

Brunswick Zoning Board of Appeals and be the responsibility of the Brunswick Planning Board. The Planning Board members generally discussed the relationship of the special use permit review process with the site plan review process. Members of the Planning Board indicated that they are likely to attend the public hearing on the proposed Zoning Law and Zoning Map to be held on October 25.

The index for the October 20, 2016 meeting is as follows:

1. Brunswick Design Group - Site plan - 11/3/2016
2. Bank of America - Recommendation on Brunswick Square Plaza PDD Amendment - Completed and forwarded to Brunswick Town Board
3. Fagan Associates - Site plan - 11/3/2016 (public hearing to commence at 7:00pm)
4. Cumberland Farms - Recommendation on special use permit - 11/3/2016
5. Nigro Group/Golub - Recommendation on Brunswick Plaza PDD Amendment application - 11/3/2016
6. Discussion regarding proposed Brunswick Zoning Law and Zoning Map.

The proposed agenda for the October 20, 2016 meeting currently is as follows:

1. Fagan Associates - Site plan (public hearing to commence at 7:00pm)
2. Brunswick Design Group - Site plan;
3. Cumberland Farms - Recommendation on special use permit;
4. Nigro Group/Golub - Recommendation on Brunswick Plaza PDD Amendment.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 3, 2016

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

ABSENT was VINCE WETMILLER.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department. and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the November 3 meeting as posted on the website and the Town signboard.

The Planning Board opened a public hearing on the site plan application submitted by Fagan Associates for property located at 767 Hoosick Road. Chairman Oster reviewed the procedure for the public hearing. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Chairman Oster requested the applicant to present a brief overview of the project. Nick Costa, P.E., of Advanced Engineering, representing the applicant, presented an overview of the project, which is located on the north side of Hoosick Road on a 1.12-acre site located in the B-15 commercial district, which includes an existing building used as a professional office, with a proposed 1,170 square foot addition and the addition of five parking spaces to the existing parking lot; there is no proposed change to the public water and public sewer connections; the architecture and exterior materials will match the existing

structure; the existing driveway will be used for ingress and egress; the site will continue to have approximately 70–75% greenspace; stormwater management will be improved on the site; and the existing sign will be relocated. Chairman Oster then opened the floor for receipt of public comment. Gus Scifo, Fire Chief for the Brunswick No. 1 Fire Department, wanted to confirm that there were no solar panels proposed for the new section of the structure, that the addition will match the existing roofline and will not be in excess of 30 feet, that a knox box will be installed, and that a copy of the fire suppression system and smoke/carbon monoxide detector locations will be provided to the Fire Department if required by the New York State Fire Code. Mr. Costa stated that there were no solar panels proposed for the new section of the structure, and that the roofline of the addition will match the roofline of the existing structure and will not be in excess of 30 feet. Mr. Costa also stated that a knox box will be installed, and the applicant will comply with New York State Fire Code requirements. There were no further public comments. Thereupon, the Planning Board closed the public hearing on the Fagan Associates site plan.

The regular meeting of the Brunswick Planning Board was then opened.

The Planning Board members reviewed the draft minutes of the October 20, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the minutes of the October 20, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Fagan Associates for property located at 767 Hoosick Road. Chairman Oster noted that the comments of the Brunswick No. 1 Fire Department were addressed during the public hearing. In addition, Chairman Oster noted that the Brunswick No. 1 Fire Department routinely requests a walk-through of the new structure prior to the issuance of the Certificate of Occupancy. Mr. Costa was in agreement. Chairman Oster asked Mr. Bonesteel whether the requested information on the site

plan had been received. Mr. Bonesteel stated that the dimensions of the stormwater features had been added to the site plan, as well as the public water and public sewer connection locations added to the site plan. Mr. Bonesteel confirmed that the site disturbance was less than one acre, and that a full stormwater pollution prevention plan was not required for the site plan, but that the erosion and sediment control plan had been prepared and completed, which Mr. Bonesteel deems to be adequate. Mr. Bonesteel stated that the site plan set was satisfactory for action by the Planning Board. Member Czornyj had a comment concerning the gravel surface located on the east side of the property, which Mr. Costa stated would continue to be used. Chairman Oster noted that the gravel surface will not infringe on the total greenspace percentage for the parcel. There were no further questions or comments from members of the Planning Board. It is noted that the recommendation of the Rensselaer County Department of Economic Development and Planning has not yet been received, and this matter is placed on the November 17 agenda for action on the site plan upon receipt of the County recommendation.

The next item of business on the agenda was the site plan application submitted by Brunswick Design Group for property located at 74 Farrell Road. The applicant seeks to construct self-storage units and a caretaker home on a 20-acre parcel located at 74 Farrell Road. William Bradley of Brunswick Design Group was present. Mr. Bradley provided to the Planning Board written responses to the public comments received at the public hearing. In addition, the Planning Board is in receipt of a comment letter from Larry and Ginette Chambers, 60 Farrell Road, dated November 1, 2016, and provided a copy to Mr. Bradley. Mr. Bradley indicated he had already received a copy of these comments from Chambers, and responses to the Chambers comment letter are included in his written responses to public comments. Chairman Oster noted that the Chambers comment letter raised comments concerning environmental issues, traffic, security and insurance,

property values, visual impact, and consideration of neighbors. Mr. Bradley then reviewed his written responses to public comments. Mr. Bradley stated that regarding the comment on security and vandalism, he conducted research and there is no identified correlation between theft and vandalism at self-storage unit facilities and the surrounding neighborhood, and that while theft and vandalism may be an issue at the self-storage facility itself, there is no correlation to security issues in the surrounding neighborhood. Regarding concerns about aesthetic impacts, Mr. Bradley stated that the proposed storage units are 100 feet off the road, and he proposes to install berms and plantings to provide a vegetative screening along Farrell Road. In addition, Mr. Bradley provided depictions of a storage unit with an exterior façade and roof to create a more residential look for units in the front of the project site. Member Tarbox asked whether the storage units would have a uniform color. Mr. Bradley stated the units will have a uniform color, and is proposing a green color, but would be agreeable to any other color for purposes of blending the units into the background. Regarding comments on vehicles exiting the facility and turning left onto Farrell Road, Mr. Bradley stated that he would agree to install signage at the exit of the facility directing traffic to proceed in a westerly direction and exit to Oakwood Avenue. Regarding comments concerning traffic impacts, Mr. Bradley stated that there are on average 15–30 cars per hour on Farrell Road, and that the projected traffic from the self-storage facility will be insignificant compared to current conditions. Regarding the comment that the proposed industrial use is not consistent with the surrounding neighborhood, Mr. Bradley did state the property is located in the industrial zone under the Brunswick Zoning Ordinance and that he is maintaining vegetation on the eastern lot line to screen the facility from adjacent properties. Regarding comments on concerns for impacts to groundwater, Mr. Bradley stated that there will not be significant threat from petroleum storage at the site, as there are no petroleum storage tanks being proposed, and

that he will have adequate provisions in the unit leases regarding prohibition on storage of fluids or hazardous materials, and that he was also proposing to include a lease provision that will limit the age of any vehicle storage at the facility. Chairman Oster inquired whether there would be prohibitions on fluid storage within the storage units. Mr. Bradley confirmed that he is proposing a lease provision that will include prohibitions on storage of hazardous materials or fluids within the storage containers. Regarding any comments on wastewater, Mr. Bradley stated that the only wastewater generation would be in connection with the caretaker home being proposed, similar to residential use. Regarding comments concerning site security, Mr. Bradley stated he is planning to use cameras, which his research shows to be the most effective security measure at self-storage facilities. Regarding any comments concerning abandoned property or junk at the facility, Mr. Bradley stated that abandoned property will be disposed of in compliance with New York State law, and that he is not proposing any storage of junk materials. Regarding maintenance of proposed landscaping, Mr. Bradley stated that the facility will comply with the New York State property maintenance code. Regarding the comment on potential future expansion of the storage facility, Mr. Bradley stated he has no current plans to expand the facility, but if such expansion is proposed in the future, it must be in compliance with the provisions of the applicable Brunswick Town Code at that time. Mr. Bradley stated that he had addressed comments concerning traffic, hazardous materials, visual impacts, vegetation and screening, and security. Mr. Bradley stated that the final location and design of the stormwater ponds for the overall site stormwater management had been completed, and the final stormwater plan will now be completed and submitted for review by Mr. Bonesteel. Chairman Oster noted that comments had been received about the adjacent paintball facility, and whether this project was connected to the paintball facility. Mr. Bradley confirmed they are entirely separate and unrelated projects. Member Esser

had a question about the 8-foot fence, and why it was limited to a certain portion of the site. Mr. Bradley confirmed that the fencing would be in the area of the outdoor vehicle storage, and that the best security option was not fencing but rather lighting and cameras. Mr. Bradley also stated that there would be a security access gate in the front of the site, and a 4-foot stock fence would also be constructed in the front of the facility. Member Esser had questions concerning the doors on the containers and the latching systems, and also the materials of the container systems and how the materials prevented rust. Member Czornyj wanted to confirm that the depiction of the container with the roof and exterior façade being proposed for the project would look like the depictions handed to the Planning Board, and Mr. Bradley confirmed that was the type of facility he was proposing. Member Czornyj asked whether this type of unit with the roof and façade would be located on both sides of the entrance road, which was confirmed by Mr. Bradley. Member Casey requested that the specific locations for the storage units with the roof and façade be identified, and that they be shown on the site plan. Member Esser had some questions regarding the size of the specific containers, and the size of doors for each of the proposed containers. The Planning Board members discussed the size and functionality of the doors, and customer use and convenience. The Planning Board requested that the initial phase of the container installation be shown on the site plan. Chairman Oster had a question regarding snow removal at the site. Mr. Bradley said the site was designed to allow snow to be plowed through and pushed onto greenspace areas. Mr. Bonesteel confirmed that he needed to receive and review the stormwater plan. Mr. Bonesteel also had a question concerning the location of the proposed septic field for the caretaker house, and Mr. Bradley stated that the location was shown but is looking to have a condition attached to site plan approval that Rensselaer County Health Department approval must be

obtained for the septic system prior to building permit issuance. This matter is placed on the November 17 agenda for further discussion.

The next item of business on the agenda was the proposed Cumberland Farms project located at the intersection of Hoosick Road and Hillcrest Avenue, and specifically the request from the Brunswick Zoning Board of Appeals for a recommendation on the special use permit requirement for the 6-pump fuel island. Stefanie Bitter, Esq., project attorney, was present for the applicant, together with Jim Gillespie of Bohler Engineering and Wendy Holsberger of Creighton Manning. Attorney Bitter stated that the traffic report which was discussed at the last Planning Board meeting was finalized and submitted on October 31, and presented Ms. Holsberger to review the report. Mr. Holsberger stated that the traffic report data and conclusions were not different than the discussion which was held at the last Planning Board meeting, and was available for any questions that the Planning Board may have. Chairman Oster stated that he had reviewed the traffic report, and while the report does analyze traffic impacts from this project in particular, he is more concerned that there is a lot of development now occurring and projected along Hoosick Road, and traffic issues are not limited to this one individual project. Chairman Oster stated that he read the traffic report prepared by Creighton Manning to conclude that most of the projected customers for the Cumberland Farms come from existing traffic along the Hoosick Road corridor. Chairman Oster then asked whether Mr. Bonesteel had had the opportunity to review the traffic report. Mr. Bonesteel stated that he did review the traffic report, and that it appears only one intersection was analyzed. Ms. Holsberger stated that because of the low number of projected additional trips from the proposed Cumberland Farms facility, additional intersection analysis was not warranted. Mr. Bonesteel stated that the report concludes no mitigation for traffic is required, even though the level of service for a left turn exiting the Cumberland Farms site onto Hoosick

Road in the AM peak goes from a level of service “C” to “D” and in the PM peak goes from a level of service of “D” to “E”. Mr. Holsberger stated that this was not unusual for a roadway which has existing significant traffic volume. Both Mr. Bonesteel and the Planning Board members then had extensive discussion concerning the findings and conclusions in the traffic report. Chairman Oster asked whether the traffic report considered potential additional construction on Hillcrest Avenue. Ms. Holsberger stated that additional construction on Hillcrest was not considered, but that other commercial projects in and along the Hoosick Road corridor were considered, and that the report does focus on the 2017 build season. Mr. Bonesteel also commented that delays exiting a commercial site will not be limited to the Cumberland Farms site, but is and will be experienced by businesses on and along the Hoosick Road corridor. Chairman Oster asked about the analysis of stacking cars in the center turn lane on Hoosick Road in relation to entering and exiting the Cumberland Farms through the Hoosick Road entrance. Ms. Holsberger stated that this had been modeled, and that there is not an excessive delay and adequate space exists for stacking in the center lane. Chairman Oster asked whether the traffic analysis was pertinent on their recommendation to the Zoning Board on the special use permit, or should be considered only in connection with the site plan review to be undertaken by the Planning Board. Attorney Gilchrist reviewed the standards in the Brunswick Zoning Ordinance which the Zoning Board of Appeals must apply for consideration of the special use permit, which include consideration of traffic congestion and traffic hazards, and attorney Gilchrist stated the Planning Board should consider traffic issues in connection with its recommendation to the Zoning Board of Appeals. Chairman Oster noted that the traffic report does conclude that additional traffic will be generated on the Hoosick Road corridor due to the construction of the Cumberland Farms, but that the report anticipates less than two cars per minute in both the AM and PM peak hours due solely to

construction of the Cumberland Farms. Mr. Bonesteel stated that 40 cars per hour was not a significant factor on the Hoosick Road corridor. Mr. Bonesteel stated that he agreed with the conclusions in the traffic report that the anticipated increase in traffic volume due to the construction of the Cumberland Farms was not significant. Chairman Oster and the Planning Board members discussed the traffic volume issue, but also identified the turning of traffic in and out of the Cumberland Farms to be the potential traffic problem. Ms. Holsberger stated that the ingress and egress from the Cumberland Farms was analyzed in the report, and particularly given the existence of the center turn lane on Hoosick Road, these turning movements do not present a significant impact. Member Mainello asked about the potential impact for cars exiting Hillcrest Avenue, and discussion between current conditions and post-build conditions were discussed. Chairman Oster asked whether the Planning Board members were concluding that the traffic report presented by Creighton Manning was adequate to support the conclusion that there will not be any significant traffic impact from the proposed Cumberland Farms. Member Mainello stated that he would like to review the traffic report in more detail, particularly regarding turning out of Hillcrest Avenue. Member Casey wanted to confirm that the latest traffic data was used by Creighton Manning in connection with the traffic assessment. Ms. Holsberger stated that the most updated traffic data was used, and the report is very conservative. The Planning Board members then generally discussed preparation of a draft recommendation on the special use permit, concluding that the recommendation would be in favor of granting the special use permit as the facility generally complies with the special use permit standards for the fueling station, with particular regard to reliance on the traffic assessment report to address traffic concerns. Attorney Gilchrist is directed to prepare a draft recommendation, which will be reviewed at the November 17 meeting. This matter is placed on the November 17 agenda for further discussion.

The next item of business on the agenda was the referral from the Brunswick Town Board on the application submitted by Nigro Group/Golub Corporation for an amendment to the Brunswick Plaza Planned Development District to allow the construction of a drive-thru pharmacy to the existing Price Chopper store. Phil Koziol, P.E., of Laberge Group, was present for the applicant, and generally reviewed the site layout and the location of the proposed drive-thru pharmacy. Mr. Koziol also presented a Google Earth aerial of the site (2015) to confirm the parking space count in the immediate location of the drive-thru pharmacy, as well as the overall plaza parking area. Mr. Koziol stated that with regard to the side parking lot in the immediate area of the proposed drive-thru pharmacy, there are currently 71 parking spaces, and 15 parking spaces will be lost in connection with the construction of the drive-thru pharmacy, resulting in a total of 56 parking spaces in the side lot in the immediate area of the drive-thru pharmacy. Mr. Koziol stated that in the total parking lot for the plaza, a total of 590 parking spaces exist, four of which are used for shopping cart corrals, and therefore a total of 586 usable parking spaces are available. The Director of Design for Golub Corporation was also present, and stated that the parking spaces on the east side of the Price Chopper building in the area of the proposed drive-thru pharmacy are generally used for employee parking, and that the reduction will not significantly affect the availability of employee parking, and stated that employee parking would not spill out into the front parking lot. Member Casey asked whether the original PDD approval had a specific parking space count. Member Tarbox stated that regardless of the original PDD parking space count, some of the spaces had been removed over the years, including removing parking spaces for the CDTA bus stop on the east side of the Price Chopper building, and an area for salt storage. In that regard, Member Tarbox asked whether the CDTA bus stop had ever been reviewed and approved by the Brunswick Building Department or the Brunswick Planning Board. Member Casey also raised a

concern regarding traffic flow in the area of the drive lane for the proposed drive-thru pharmacy. Mr. Bonesteel asked whether a one-way drive lane option was reviewed by Price Chopper, so that the driving lane was limited to a northerly direction consistent with the proposed car movement through the drive-thru pharmacy, and eliminating the south-bound traveling lane for parking adjacent to the drive-thru lane. The Price Chopper representative stated that this could be done, but questioned the need for that given the total width of that driving lane on the east side of the Price Chopper building. Ms. Guastella raised the issue of necessary turning radius for the CDTA busses leaving the bus stop area, and whether the busses leaving the bus stop would encroach into the travel lane for the drive-thru pharmacy. There was extensive discussion concerning the travel lanes in the immediate area of the drive-thru pharmacy window and exit area and in the area of the CDTA bus stop. Chairman Oster stated that the Planning Board did not have any problem conceptually with the addition of a drive-thru pharmacy at this location, and did see it as a viable amendment to the Brunswick Plaza PDD; however, he did see potential issues regarding traffic flow and traffic/pedestrian safety given the number of potential travel lanes with a CDTA bus stop, and that the safety issue and traffic flow issue must be analyzed in connection with the site plan review for this project. The Planning Board concurred, stating that a recommendation on the PDD approval could be positive, but it will note that the Planning Board does have concern regarding traffic flow and traffic/pedestrian safety, and that this issue will require analysis during the site plan review. The Planning Board directed attorney Gilchrist to prepare a draft recommendation on the PDD referral, and this matter is placed on the November 17 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was a site plan application submitted by Stewart's Shops for property located at 1001 Hoosick Road. Stewart's Shops is proposing the construction

of a new Stewart's Shop at this location. Chad Fowler of Stewart's Shops was present, together with representatives of Creighton Manning. Mr. Fowler presented a brief background regarding the existing Stewart's location at the intersection of Hoosick Road and NYS Route 142, and while Stewart's Shops preferred to expand at the current site, there was no physical space to do so and were unable to acquire additional property in that location for an expansion. As an alternative, Mr. Fowler stated Stewart's is proposing to relocate this store to 1001 Hoosick Road, which is a parcel of 1.068 acres in size, and does have access on both Hoosick Road and Sweetmilk Creek Road. Mr. Fowler stated that a new Stewart's convenience store is proposed of approximately 3,900 square feet, plus four new gas pumps in one gas island area. Mr. Fowler stated that the store would be similar in appearance to the new Stewart's store located in Cropseyville, and whereas the Cropseyville store has six gas pumps, this site is proposing to have only four gas pumps. Mr. Fowler generally reviewed the entrance and exit locations on both Hoosick Road and Sweetmilk Creek Road, noting that the proposal will require the addition of a turning lane on Hoosick Road. Linda Stancliffe of Creighton Manning generally reviewed the sketch site plan, identifying the location of the proposed store to the rear of the site with the gas pumps toward the front of the parcel, stating that the structures meet all Brunswick setback requirements, will maintain a 40% greenspace area post-development, is proposing 20 parking spaces, and deliveries will be made on the east side of the building. Ms. Stancliffe reviewed the two access driveways, both on Hoosick Road and Sweetmilk Creek Road. Ms. Stancliffe generally reviewed the public water and private sanitary sewer for the site, and generally discussed stormwater management. Alanna Moran of Creighton Manning generally discussed the preliminary traffic evaluation, concluding that the majority of the customers entering and exiting the new site will be existing traffic on Hoosick Road, and that the facility would generate new trips totaling 27 in the AM peak hours and 29 in

the PM peak hour. Ms. Moran did review the mitigation required on Hoosick Road for the Stewart's entrance, which will include a two-way left turn lane being proposed for Hoosick Road, which will require widening of Hoosick Road and approval of NYSDOT. Chairman Oster discussed the farmhouse and barn currently located on the property, and asked whether these buildings are proposed to be demolished or moved in connection with the site plan. Mr. Fowler stated that they were proposed to be demolished. Chairman Oster noted that demolishing the buildings may generate public comment, and that the architectural or aesthetic significance of the buildings will be reviewed under SEQRA. Chairman Oster asked about the plans for the current Stewart's Shop location. Mr. Fowler stated that the gas pumps and tanks would be removed, and that the parcel would be prepared for sale or lease by Stewart's, but that it would not be a convenience store. Chairman Oster stated that the Town would be concerned that the site would remain vacant. Chairman Oster asked about the traffic circulation in this location of Hoosick Road and NYSDOT Route 142, and asked whether Creighton Manning was aware of whether NYSDOT was proposing any type of traffic circle. Ms. Moran stated that she is not aware of any proposal by NYSDOT to install a traffic circle in that location, but rather NYSDOT had recently installed new poles in that location which would indicate NYSDOT is considering retaining the current configuration. The Planning Board and the applicants then generally discussed the concept site plan and layout. The Planning Board stated that a long environmental assessment form should be prepared, and that this site plan will require coordination with NYSDOT in connection with traffic issues. This matter is placed on the December 1 agenda for further discussion.

The second item of new business discussed was a waiver of subdivision application submitted by Holly Murphy for property located at 572 Pinewoods Avenue. The applicant was not present, but the application was reviewed. The proposal is for a 25-foot strip to be divided

from 576 Pinewoods Avenue to be transferred and merged into the lot identified as 572 Pinewoods Avenue, generally in the nature of a lot line adjustment. This matter is placed on the November 17 agenda for discussion.

One item of old business was discussed.

The waiver of subdivision application previously submitted by Michael Vickers for property located off Krieger Lane was discussed. Mr. Vickers was present. Mr. Vickers stated that he had received an area variance from the Brunswick Zoning Board of Appeals to allow the use of a private road to access his property for construction purposes, and that he is seeking to pursue the waiver of subdivision to divide his current lot into two building lots. The Planning Board generally reviewed the Zoning Board approval of the area variance, highlighting the conditions attached to that approval which must be met by Mr. Vickers. The Planning Board also noted that the subdivision presents the proposal for an additional building lot which is in excess of 12 lots on a dead end road, which must be addressed and approved by the Brunswick Town Board. This requires a referral from the Planning Board to the Brunswick Town Board for consideration of waiving the limitation on the number of lots on a dead end road. The Planning Board was generally in favor of the Town Board granting such variance, finding that the access road must be improved pursuant to the Zoning Board special use permit conditions which would allow adequate access, and also that the proposed lot was located in close proximity to Krieger Lane. Attorney Gilchrist was directed to draft a referral letter with recommendation to the Brunswick Town Board on this matter. This matter is placed on the November 17 agenda for review of the referral letter.

The index for the November 3, 2016 meeting is as follows:

1. Fagan Associates - Site plan - November 17, 2016;
2. Brunswick Design Group - Site plan - November 17, 2016;

3. Cumberland Farms - Recommendation on special use permit - November 17, 2016;
4. Nigro Group/Golub Corporation - Recommendation on PDD Amendment - November 17, 2016;
5. Stewart's Shops - Site plan - December 1, 2016;
6. Murphy - Waiver of subdivision - November 17, 2016; and
7. Vickers - Waiver of subdivision - November 17, 2016.

The proposed agenda for the November 17, 2016 meeting currently is as follows:

1. Fagan Associates - Site plan;
2. Brunswick Design Group - Site plan;
3. Cumberland Farms - Recommendation on special use permit;
4. Nigro Group/Golub Corporation - Recommendation on PDD Amendment;
5. Murphy - Waiver of subdivision; and
6. Vickers - Waiver of subdivision.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 17, 2016

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

ABSENT were VINCE WETMILLER and TIMOTHY CASEY.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the meeting. It is noted that the site plan application of Brunswick Design Group is adjourned to the December 1 meeting at the request of the applicant.

The draft minutes of the November 3, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the November 3, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Fagan Associates concerning property located at 767 Hoosick Road. The applicant seeks approval to construct a 1,170 square foot addition to the existing building and add five additional parking spaces at this location. The Planning Board confirmed that the recommendation from the Rensselaer County Department of Economic Development and Planning had been received, which stated that the proposal does not conflict with County plans and that local consideration shall prevail. Nicholas Costa, P.E. was present for the applicant. Mr. Costa noted that one correction

had been made to the site plan to correct the County identification in the title block to the site plan, and otherwise there had been no changes to the site plan. Chairman Oster confirmed that the comments of the Brunswick No. 1 Fire Department had been addressed, including that there are no solar panel installations proposed, the height of the building is compliant with Town Code, a knock box will be installed at the building, and that the State Fire Code requirements for fire suppression system plans, smoke alarm, and carbon monoxide alarms will be met. Chairman Oster asked whether Mr. Bonesteel had any further comments. Mr. Bonesteel had no further comments on his review of the site plan and stormwater plan. Chairman Oster inquired whether there were any further questions or comments from members of the Planning Board. 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 SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the site plan subject to the following conditions:

1. Compliance with applicant responses to the comments of the Brunswick No. 1 Fire Department;
2. Compliance with the approved stormwater and erosion control plan for the project; and
3. Coordinate with the Brunswick Building Department on all required building permits and inspections.

The motion was seconded by Member Mainello subject to the stated conditions. The motion was unanimously approved, and the Fagan Associates site plan approved subject to the stated conditions.

The Brunswick Design Group site plan application is adjourned at the request of the applicant to the December 1 meeting.

The next item of business on the agenda was the Planning Board recommendation on the special use permit application submitted by Cumberland Farms to the Brunswick Zoning Board of Appeals concerning the proposal to construct a Cumberland Farms convenience store at the intersection of Hoosick Road and Hillcrest Avenue, including a 6-pump fuel island which requires a special use permit under the Brunswick Zoning Ordinance. Stefanie Bitter, Esq., project attorney, was present and presented an overview of the project, stating that it will be a benefit to the community, that it is a good fit and presents a mixed use opportunity along the Hoosick Road corridor, the project meets all of the applicable bulk standards, that the use is appropriate in that location given surrounding commercial uses on the Hoosick Road corridor, that the proposed architecture is appropriate, that the applicant will work with the Brunswick No. 1 Fire Department on any concerns regarding Fire Code compliance, that the stormwater plan will meet all applicable New York State standards, that the proposed parking is adequate for the use, that an appropriate buffer will be included to the properties to the rear, that the use is complimentary to the neighbors, and that the special use permit standards have been met. Attorney Bitter further stated that the project will not create a traffic hazard, that the majority of the patrons will be included in the current pass-by traffic, that Hoosick Road is already a busy corridor but that the Cumberland Farms will compliment that existing traffic corridor, and that the project will not result in a significant negative traffic impact on Hillcrest Avenue. Chairman Oster stated that the main goal of the Planning Board at this meeting is to review and act upon the recommendation to the Zoning Board of Appeals on the special use permit application for the fueling station. Chairman Oster stated that a draft recommendation had been prepared by Attorney Gilchrist based on the prior Planning Board deliberations. Attorney Gilchrist and the Planning Board reviewed the draft

recommendation, and made modification concerning findings on potential traffic impacts, and thereafter adopted a final recommendation to the Brunswick Zoning Board of Appeals as follows:

WHEREAS, Cumberland Farms, Inc. has proposed the construction of a Cumberland Farms convenience store to be located at 630 Hoosick Road (Tax Map No. 101.8-10-2); and

WHEREAS, the Cumberland Farms proposal is to construct a 4,786 square foot convenience store together with a six-pump fuel island on a 1.38-acre site, with both frontage on Hoosick Road and Hillcrest Avenue; and

WHEREAS, in connection with the proposal, Cumberland Farms has submitted a site plan application to the Brunswick Planning Board and a special use permit application with the Brunswick Zoning Board of Appeals; and

WHEREAS, a special use permit is required for this proposal to allow for the construction and operation of the six-pump fuel island as a “filling station” under the Brunswick Zoning Ordinance; and

WHEREAS, the application material submitted by Cumberland Farms includes an analysis of the specific special use criteria for a “filling station” under the Brunswick Zoning Ordinance; and

WHEREAS, the Brunswick Zoning Board of Appeals has requested a recommendation from the Brunswick Planning Board in connection with such special use permit application; and

WHEREAS, the Brunswick Planning Board has considered the special use permit matter at its meetings held October 20, 2016 and November 3, 2016; and

WHEREAS, in particular, the Brunswick Planning Board has received and reviewed a traffic evaluation report dated October 31, 2016 submitted by Creighton Manning for the proposed Cumberland Farms; and

WHEREAS, the Brunswick Planning Board has duly deliberated and considered the special use permit application, including the issue of traffic as analyzed in the Creighton Manning traffic evaluation report, and hereby makes the following recommendation to the Brunswick Zoning Board of Appeals on the special use permit application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Brunswick Planning Board makes the following findings regarding the specific criteria for a special use permit for a “filling station” found at

Section 7(D) of the Brunswick Zoning Ordinance:

- a. The width of the lot meets the minimum lot width of 85 feet for a corner lot;
 - b. One pump island is proposed, with six pumps included, and is located over 25 feet from the highway right-of-way;
 - c. The proposed Cumberland Farms convenience store building is located in excess of 50 feet from the highway right-of-way;
 - d. The proposed location of the pump island does not create any sight line or visibility concerns;
 - e. Adequate landscaping will be included to the rear of the lot; and
 - f. No automobile repair work is proposed.
2. The Brunswick Planning Board makes the following findings regarding the general special use permit criteria found at Section 7(C) of the Brunswick Zoning Ordinance:
- a. The proposed Cumberland Farms convenience store is consistent with commercial uses on and along the Hoosick Road corridor, including several convenience stores with gas pumps located in the general vicinity of this site;
 - b. The proposed use includes adequate transportation facilities, water facilities, sewer facilities, fire protection availability, and adequate waste disposal; and
 - c. The proposed use will not create a significant negative traffic impact on Hoosick Road, noting that the Brunswick Planning Board has reviewed and considered the traffic evaluation report prepared by Creighton Manning for the proposed Cumberland Farms facility, and expressly relies on the professional conclusions contained therein. The Planning Board will be reviewing adequate ingress and egress at Hillcrest Avenue during site plan review.
3. In light of these findings, the Brunswick Planning Board adopts a positive recommendation to the Brunswick Zoning Board of Appeals on the Cumberland Farms application for a special use permit in connection with the “filling station” for the proposed Cumberland Farms at 630 Hoosick Road.

The recommendation was unanimously approved, and will be forwarded to the Brunswick Zoning Board of Appeals for consideration.

The next item of business on the agenda was a recommendation on the Brunswick Plaza Planned Development District amendment application submitted by Nigro Group/Golub

Corporation. The applicant seeks the PDD amendment to add a drive-thru pharmacy to the existing Price Chopper/Market 32 store. Chairman Oster noted that Mark Kestner, P.E. was present, and has been retained by the Town Board as review engineer for the PDD amendment application. Chairman Oster confirmed that the main goal of the Planning Board on this matter is to complete its recommendation to the Town Board on the proposed PDD amendment. Philip Koziol, P.E., of Laberge Group, project engineers, was present and gave a brief overview of the project. In addition, Mr. Koziol stated that the Planning Board had concern regarding the bus movements at the CDTA bus stop in the general vicinity of the proposed drive-thru pharmacy window, and presented a diagram showing the CDTA bus turning movements in this location. Member Tarbox stated that he had witnessed a CDTA bus turning at that location, and that the bus did go over the adjoining curb with its back wheel, but that the removal of the curb in connection with the construction of the drive-thru pharmacy would improve the situation. Mr. Kestner noted that his observations of the CDTA bus movements show that the bus stops at an angle to the bus stop shelter in order to accommodate the turning of the bus after the bus stop area, and that it is not clear whether the bus can adequately make the turn back into the main parking lot driving lane if the CDTA bus actually is parallel to the bus stop shelter. Mr. Kestner also stated that the other issue he sees is the two-way travel lane immediately adjacent to the drive-thru pharmacy lane, and questioned whether a car turning into the two-way travel lane would have adequate turning radius to maneuver into the drive-thru pharmacy lane. Mr. Kestner stated that the close proximity of the drive-thru pharmacy travel lane, the two-way traffic lane, and the CDTA bus shelter and bus turning area all come together to create a very complicated and tight vehicle movement area. Chairman Oster questioned how the CDTA bus stop was created, as it is his understanding that the matter was never in front of the Brunswick Building Department or the Planning Board, and

observed that it is possible CDTA designed this project on its own with no Town review. Representatives of Golub Corporation stated that it had no record of this, and that it may be likely that the former owner of the Brunswick Plaza (Pollock) and CDTA were involved in the design and location of the bus stop shelter. The Golub Corporation representative estimates that the bus shelter was installed sometime in 2013 or 2014. Chairman Oster noted that if the Town had reviewed this proposed design, it is likely that the Town would not have approved this design and would have required some kind of modification prior to construction. Chairman Oster then noted that one option to address this congested traffic area is to modify the two-way traffic lane immediately adjacent to the drive-thru lane and convert that to one-way traffic only, to shift the bus shelter 90 degrees, and have the CDTA busses loop around the parking lot to access the bus stop shelter. The Planning Board members, Mr. Kestner, Mr. Koziol, and the Golub Corporation representatives then discussed traffic flow and directional issues. It was noted by the Golub Corporation representatives that if the CDTA busses loop around the parking lot, there would not be the need to shift the location of the bus shelter as it currently has a mountable curb which would provide safe and adequate bus movement. The specific location of the drive-thru pharmacy window was also discussed in relation to the drive-thru lane. Chairman Oster noted that the main goal of the Planning Board is to complete its recommendation on the PDD amendment application, and stated that the Planning Board should reserve to itself the right to address these traffic and vehicle movement issues during site plan review in the event the Town Board does approve the PDD amendment. Chairman Oster noted that a draft recommendation had been prepared by attorney Gilchrist based on the prior Planning Board deliberations, and the Planning Board members and attorney Gilchrist reviewed the draft recommendation. The Planning Board unanimously adopted the following recommendation on the PDD amendment application:

WHEREAS, Nigro Group/Golub Corporation has submitted an application to the Town of Brunswick Town Board for an amendment to the Brunswick Plaza Planned Development District (“PDD”) to allow for the addition of a drive-thru pharmacy at the Price Chopper located in the Brunswick Plaza; and

WHEREAS, in connection with consideration of such PDD amendment application, the Town of Brunswick Town Board has referred the matter to the Brunswick Planning Board for review and recommendation; and

WHEREAS, the Brunswick Planning Board has reviewed the application materials and discussed the matter at meetings held October 20, 2016 and November 3, 2016; and

WHEREAS, after due deliberation and consideration of the proposed amendment to the Brunswick Plaza PDD, the Brunswick Planning Board provides the following recommendation to the Brunswick Town Board on this application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town of Brunswick Planning Board adopts a positive recommendation on the concept of adding a drive-thru pharmacy to the existing Price Chopper in the Brunswick Plaza, and considers the use appropriate for this location and consistent with the Brunswick Plaza Planned Development District.
2. The Brunswick Planning Board has discussed the proposed location of the drive-thru pharmacy on the east side of the Price Chopper building, the elimination of parking spaces in that location, traffic and pedestrian flow, and the location of an existing CDTA bus stop, and advises the Brunswick Town Board that the Planning Board has concern regarding the current proposal for two-lane traffic flow with a third-lane dedicated to the drive-thru pharmacy on the immediate east side of the Price Chopper building, particularly given the location of a CDTA bus stop in proximity to the drive-thru window exit and two-lane travel way. While the Planning Board does not view these issues as prohibiting the PDD amendment, it advises the Brunswick Town Board and the applicant that these issues must be analyzed in the subsequent site plan review for this proposal to address traffic flow and traffic/pedestrian safety issues.

This recommendation is to be forwarded to the Brunswick Town Board for its consideration in connection with the PDD amendment application. Chairman Oster did note on the record that the Planning Board would be examining these issues of traffic safety and vehicle movement regardless

of the specific applicant or the specific project site. Chairman Oster noted that the Planning Board was confident it could work with the project applicant to arrive at an appropriate design for a drive-thru pharmacy in the event the Town Board approves the PDD amendment.

The next item of business on the agenda was the waiver of subdivision application submitted by Holly Murphy for property located at 576 and 572 Pinewoods Avenue. The applicant was not present. The Planning Board members raised a question concerning the location of septic systems on the parcels, and needed additional information to confirm that the lot line adjustment will not have any impact on septic system location. This matter is placed on the December 1 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Michael Vickers for property located off Krieger Lane. The applicant seeks to divide a 5.5-acre lot to create one additional building lot. Chairman Oster noted that the main goal of the Planning Board this evening is to review the memorandum referring this matter to the Brunswick Town Board for consideration of a waiver regarding the subdivision regulation restriction of 12 lots on a dead end or cul-de-sac road. The members generally discussed a draft memorandum and recommendation on the waiver request. The Planning Board members unanimously approved the memorandum and referral of the matter to the Brunswick Town Board. The matter is referred to the Brunswick Town Board for consideration of waiver of the subdivision regulation restriction of 12 lots on a dead end or cul-de-sac road. This matter is adjourned on the Planning Board agenda until action by the Brunswick Town Board.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Kirk and Erin Duncan for property located at 173 Plank Road. Mark Danskin, Licensed Land

Surveyor, was present for the applicant. Mr. Danskin explained that this application was in the nature of a lot line adjustment. He indicated that Kirk Duncan is the owner of 173 Plank Road, on which a residence is located. Part of the front yard for the residence at 173 Plank Road is actually located on an adjacent parcel owned by Kirk Duncan and identified as 143 Plank Road. The applicant seeks to divide a 100-foot wide strip, totaling 0.94 acres, from the parcel identified as 143 Plank Road and transfer it to the parcel identified as 173 Plank Road, which will include all of the existing front yard for 173 Plank Road in that residential lot. Mr. Danskin stated that Kirk Duncan is seeking to market 173 Plank Road and did not want any issues concerning the front yard associated with the residence. The Planning Board inquired whether the remaining land identified as 143 Plank Road has frontage on a public road. Mr. Danskin stated that the lot continues to have approximately 600 feet of frontage on Plank Road. Chairman Oster inquired whether the lot line adjustment would impact any existing well or septic locations. Mr. Danskin stated he had identified the location of existing well and septic systems, and the lot line adjustment will have no impact on those systems. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application to create the lot line adjustment, subject to the condition that the 0.94-acre area divided from 143 Plank Road be legally merged into the deed for 173 Plank Road, with proof of merger filed with the Brunswick Building Department. The motion was seconded by Member Czornyj subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition.

The second item of new business discussed was a site plan application submitted by St. Peter's Health Partners Medical Associates for a proposed primary care facility to be located in the Brunswick Plaza (Price Chopper Plaza). The Planning Board noted that an environmental assessment form had been submitted in connection with the site plan map, but that a project narrative had not yet been submitted. After brief discussion, it was determined that this matter is placed on the December 1 agenda for discussion.

One additional matter was discussed.

Charles Farrell presented a concept plan to the Planning Board concerning the subdivision located on the Welch Farm property between NYS Route 2 and Pinewoods Avenue. Mr. Farrell had previously subdivided this property into four lots, and thereafter amended the subdivision to create additional building lots adjacent to Pinewoods Avenue. Mr. Farrell indicated that he has the opportunity to re-acquire the subdivided lot located in the northwest corner of the site adjacent to NYS Route 2, and is conceptually investigating the option of further dividing that lot to create two additional building lots in addition to the existing residence on that lot. The Planning Board noted that the Zoning District for this property is R-15, and that the proposed lots would be approximately $\frac{3}{4}$ of an acre. Mr. Farrell stated that the two new building lots would likely be homes in the general size of three bedroom/two bathroom. Mr. Farrell did indicate that the feasibility of the project would depend on Rensselaer County Health Department approval for water and septic, and conceptual locations for well and septic have been identified on the potential lots, and that he may seek to have the percolation tests done with the Health Department this season. Mr. Farrell generally inquired as to the Planning Board requirements for application and review of this concept. The Planning Board confirmed that it would consider the application to be an amendment to the major subdivision plat, that it would require the preparation of a full

environmental assessment form, and that based on the information in the EAF there may need to be follow-up site specific investigation for either environmental or archeological issues. Mr. Bonesteel also confirmed that, at a minimum, an erosion and sediment control plan would need to be prepared for each new building lot. Mr. Farrell stated that he is still reviewing this opportunity, and considering the costs for review and approval, and determining whether the economics worked to move forward with the project. This matter is adjourned without date.

The index for the November 17, 2016 meeting is as follows:

1. Fagan Associates - Site plan - Approved with conditions;
2. Brunswick Design Group - Site plan - 12/1/2016;
3. Cumberland Farms - Recommendation on special use permit - Completed;
4. Nigro Group/Golub Corporation - Recommendation on Application to Amend PDD - Completed;
5. Murphy - Waiver of subdivision - 12/1/2016;
6. Vickers - Waiver of subdivision - Referred to Brunswick Town Board;
7. Duncan - Waiver of subdivision - Approved with condition;
8. St. Peter's Health Partners Medical Associates - Site plan - 12/1/2016; and
9. Farrell Homes - Concept plan for subdivision - adjourned without date.

The proposed agenda for the December 1, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan;
2. Murphy - Waiver of subdivision;
3. Stewart's Shops - Site plan;
4. St. Peter's Health Partners Medical Associates - Site plan.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 1, 2016

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, DAVID TARBOX, VINCE WETMILLER and TIMOTHY CASEY

ABSENT were FRANK ESSER and KEVIN MAINELLO.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the December 1 meeting. It is noted that the site plan application submitted by Brunswick Design Group is adjourned at the request of the applicant to the December 15, 2016 meeting.

The draft minutes of the November 17, 2016 meeting were reviewed. Upon motion of Member Tarbox, seconded by Member Wetmiller, the minutes of the November 17, 2016 meeting were unanimously approved without amendment.

As noted, the first item of business on the agenda was the site plan application submitted by Brunswick Design Group, which is adjourned to the December 15, 2016 meeting.

The second item of business on the agenda was the waiver of subdivision application submitted by Holly Murphy for property located at 576 Pinewoods Avenue. The applicant was not in attendance. This matter is adjourned to the December 15, 2016 meeting.

The next item of business on the agenda was the site plan application submitted by Stewart's Shops for property located at 1001 Hoosick Road. The applicant seeks approval to

construct a 3,900 square foot Stewart's convenience store with a 4-pump fuel island. Chad Fowler of Stewart's Shops was in attendance, together with Linda Stancliffe and Alanna Moran of Creighton Manning, project engineers. Mr. Fowler presented an overview of the site plan proposal. In particular, Mr. Fowler stated that one of the issues previously discussed by the Planning Board was whether the existing home and outbuildings would be demolished or removed and relocated to another site. While Stewart's Shops had initially stated the buildings would be demolished, Stewart's Shops was contacted by the property owner who indicated they may have located someone who is interested in relocating the house and outbuildings to another property, and that possibility is being pursued. Mr. Fowler also stated that the applicant has completed a full environmental assessment form pursuant to SEQRA, and that an archeological assessment of the project site will be commenced on December 2. Ms. Stancliffe presented an overview of the site plan, stating that the septic field, which had originally been proposed on the east side of the convenience store building, has been relocated to the west side of the convenience store building, with stormwater management features now located on the east side of the convenience store building. Ms. Stancliffe stated that Creighton Manning had advanced more details to the site plan, and is currently coordinating with the New York State Department of Transportation concerning Hoosick Road improvements being proposed in connection with the project. Ms. Stancliffe also stated that a preliminary stormwater analysis had been completed and submitted for review by the Town. Ms. Stancliffe reiterated that the project site has access both off Hoosick Road and Sweetmilk Creek Road, and reviewed the proposed traffic circulation on the site. Ms. Stancliffe reviewed the parking space count, which includes 20 proposed parking spaces including a handicapped space in front of the convenience store building. Ms. Stancliffe confirmed there will be kerosene fuel sales at the site, and that one of the pumps in the fuel island area will include

diesel fuel sale. Chairman Oster inquired about the Hoosick Road improvements, including construction of a turning lane at the proposed access point on Hoosick Road. The applicant confirmed that the plan has been submitted to NYSDOT, and if approved, costs for widening and road improvements will be the responsibility of Stewart's Shops. Alanna Moran of Creighton Manning stated that a full traffic impact assessment report had been completed, dated November 11, 2016. Ms. Moran stated that the plan had been submitted to NYSDOT for review, but that NYSDOT generally will take a period of about 8 weeks to review the report, so that it is unlikely to hear back from NYSDOT until January 2017. In addition, Ms. Moran stated that NYSDOT will likely seek to coordinate with the Town on any proposed traffic improvements. Chairman Oster requested a description of the proposed improvements on Hoosick Road. Ms. Moran stated that the proposal is to extend a two-way turn lane from the traffic signal at the intersection of Hoosick Road and NYS Route 142, and to continue the two-way turn lane in an easterly direction past the proposed entrance to the Stewart's convenience store on Hoosick Road, and then to taper the two-way turn lane as it proceeds east. Ms. Moran confirmed that widening of the Hoosick Road corridor will be required if the proposal is approved; however, details will need to be worked out with NYSDOT in connection with any work permit application. Chairman Oster asked whether there was any proposed change to the traffic signal at the Hoosick Road/NYS Route 142 intersection. Ms. Moran confirmed that there were no proposed changes to that traffic signal. Chairman Oster asked about the plans for the existing Stewart's store. Mr. Fowler stated that the store would either be sold or leased, but that the site would be restricted so that it could not be used as a convenience store or for gasoline sales. Chairman Oster followed up on the option of relocating the house and existing outbuildings on the project site. Mr. Fowler stated Stewart's had been contacted by the owner of the property, and that the owner informed Stewart's that someone

had expressed interest in the buildings and is pursuing the option of relocating those buildings to another site. Mr. Fowler did confirm that Stewart's has not closed on the project site yet, and will not do so until the project is fully approved. Member Czornyj asked about the timing of the traffic light at the Hoosick Road/NYS Route 142 intersection, and whether Creighton Manning had analyzed the issue of the stacking of traffic proceeding in a westerly direction as it approaches that traffic signal, and whether the traffic stacking would block the proposed entrance into the Stewart's convenience store from Hoosick Road. Ms. Moran stated that she was not aware of any plans by NYSDOT to change the timing of the light at the Hoosick Road/NYS Route 142 intersection, but that Creighton Manning did perform an analysis of the traffic stacking in June of 2016, and did not identify any issue regarding traffic stacking that would block the entrance driveway to the Stewart's store, having only recorded once instance when that occurred over an extended testing period. The Planning Board members stated that recently, cars are stacked from the traffic signal at Hoosick Road/NYS Route 142 all the way up to the Center Brunswick firehouse, and possibly even further east, and that this may have been a result of a change in the timing of the traffic signal at Hoosick Road/NYS Route 142. Ms. Moran stated that the issue will be reviewed by Creighton Manning. Ms. Moran did review the level of service for the Sweetmilk Creek/Hoosick Road intersection, and that the construction of the Stewart's convenience store would not significantly impact level of service or intersection delays either during the AM peak or PM peak for that intersection. Member Casey questioned whether Sweetmilk Creek Road could be reconfigured in connection with the project so that it lined up more directly with the traffic light, rather than being slightly east of that traffic light in its current configuration. That matter could be further explored. Chairman Oster confirmed that the applicant will need to apply for a special use permit to the Brunswick Zoning Board of Appeals for the proposed gasoline sales, as a "filling station" requires

a special use permit under the Brunswick Zoning Ordinance. The applicant will prepare and submit the special use permit application. In connection with the special use permit application, the Planning Board will be required to make a recommendation, and Chairman Oster inquired whether the Planning Board could start that recommendation process now. Attorney Gilchrist stated that the Planning Board should be prepared to discuss the recommendation, but it may be premature to do so prior to a special use permit application being filed by the applicant. It was determined that the Planning Board members and Mr. Bonesteel would review the full traffic impact assessment report, and the matter will be placed on the December 15, 2016 agenda to begin the discussion and deliberation on a recommendation for the special use permit. The applicant indicated it would be preparing and filing the special use permit application immediately, with the goal of having a presentation to the Brunswick Zoning Board of Appeals at its December 19 meeting. Member Wetmiller had a question regarding the full environmental assessment form, particularly page 3 where the project site size is described. Member Wetmiller stated that the project site is identified as 1.68 acres, whereas the other documents in the application package show the project site to be 1.068 acres. Ms. Stancliffe explained that the area needed for the Hoosick Road widening was included in the overall project acreage, but that the project site itself remains 1.068 acres. Ms. Stancliffe stated this would be clarified on the environmental assessment form. Mr. Bonesteel confirmed he had not yet had a chance to review the preliminary stormwater report. Attorney Gilchrist stated that given the proposed modifications to Hoosick Road requiring review and approval of NYSDOT, and the need for the special use permit before the Brunswick Zoning Board of Appeals, it is recommended that SEQRA lead agency coordination be completed. The Planning Board concurred, and directed Attorney Gilchrist to complete and circulate the lead agency coordination notice, indicating that the Planning Board sought to be declared lead agency

for the environmental review of this project. This matter is placed on the December 15, 2016 agenda for commencement of discussion regarding a special use permit recommendation.

The next item of business on the agenda was the site plan application submitted by St. Peter's Health Partners Medical Associates. The applicant seeks to operate a primary care facility to be located in the Brunswick Plaza (Price Chopper Plaza). David Wendth was present representing St. Peter's, together with Ted Mallin and Megan Burke, project architects, and Steven Powers of Nigro Group, plaza owner. Mr. Wendth reviewed the proposed site plan, which proposes a 9,600 square foot primary care practice to be located in the Brunswick Plaza. Mr. Wendth reviewed the parking spaces that will be dedicated for this facility, including 40 patient spaces located at the front entrance to the primary care facility, which will include three handicapped spaces directly in front of the building, and also 23 staff/employee parking spaces located east of the existing Price Chopper store. Mr. Wendth stated that the proposed hours of operation are 8am to 5pm, Monday through Friday, with patients visiting by appointment only. Mr. Wendth stated that approximately 90–100 patients would be seen per day in the facility, or an average of 12 per hour. Mr. Wendth reviewed the interior floor plan, reviewing both primary and specialist exam rooms, and offices and related facilities. Chairman Oster inquired about water and sewer connections. Mr. Wendth reviewed the necessary renovations in the interior of the building for water and sewer connection. Chairman Oster noted that the proposed location for staff/employee parking is also in the general area where Price Chopper is currently proposing to construct and operate a drive-thru pharmacy on the east side of the Price Chopper building. Upon review, it was identified that the St. Peter's staff/employee parking is actually located further to the east in the parking lot, on the east side of the self-storage buildings that currently exist on the site. Member Czornyj asked whether patient parking would be designated in front of the primary

care facility. Mr. Powers stated that there would be signs for 15 spaces limiting their use to St. Peter's patient parking only. Chairman Oster inquired whether this use was consistent with the Brunswick Plaza Planned Development District. Attorney Gilchrist stated that the Brunswick Building Department had previously determined that this type of medical facility is consistent with the uses allowed in the Brunswick Plaza Planned Development District, citing the Albany Medical Center Urgent Care facility also located in the Brunswick Plaza. Member Tarbox asked whether the area for St. Peter's staff/employees on the east side of the self-storage units is already striped as parking spaces. Mr. Powers confirmed that the area was already striped for parking spaces. Member Casey noted that a designated crosswalk should be included for St. Peter's staff/employees as they will be entering the primary care space through the rear entrance. Mr. Powers stated that a dedicated crosswalk will be added. Member Wetmiller asked whether there was adequate lighting in the area of staff/employee parking. Mr. Powers and Mr. Wendth confirmed that lighting already exists in that location that is adequate for parking. Chairman Oster stated that the site plan package should be provided to the Brunswick No. 1 Fire Department for its review and comment. Member Wetmiller inquired whether there was the need for any ambulance service at the primary care facility. Mr. Wendth stated that this was not typical, and this would be similar to a regular doctor office at any other location. Attorney Gilchrist stated that the site plan will need to be referred to the Rensselaer County Department of Economic Development and Planning for recommendation. The Planning Board determined that the application materials were complete to open the public hearing on this application, and scheduled a public hearing for the December 15, 2016 meeting to commence at 7:00pm.

Brian Holbritten, Licensed Land Surveyor, was present and requested the opportunity to discuss and clarify application requirements in connection with a potential subdivision by Farrell

Homes for one of the existing subdivided lots for the Farrell Homes major subdivision located between NYS Route 2 and Pinewoods Avenue (Welch Farm). This was discussed on a concept level at the November 17, 2016 meeting with Mr. Farrell. Mr. Holbriiter was merely seeking confirmation of application requirements. Mr. Holbriiter did update the Planning Board that Mr. Farrell had completed an archeological assessment of the subject lot sought to be re-subdivided, and that no archeological impacts were identified. Also, Mr. Farrell had performed percolation tests for the proposed two building lots, and conditions look favorable for septic system approval. The Planning Board, Mr. Bonesteel, and Mr. Holbriiter discussed the form of application required for amendment to the major subdivision, the full environmental assessment form requirement, and application fees. This matter is adjourned without date.

The index for the December 1, 2016 meeting is as follows:

1. Brunswick Design Group - Site plan - December 15, 2016;
2. Murphy - Waiver of subdivision - December 15, 2016;
3. Stewart's Shops - Site plan - December 15, 2016;
4. St. Peter's Health Partners Medical Associates - Site plan - December 15, 2016 (public hearing to commence at 7:00pm);
5. Farrell Homes - Concept plan for subdivision - Adjourned without date.

The proposed agenda for the December 15, 2016 meeting currently is as follows:

1. St. Peter's Health Partners Medical Associates - Site plan (public hearing to commence at 7:00pm);
2. Stewart's Shops - Site plan;
3. Murphy - Waiver of subdivision;
4. Brunswick Design Group - Site plan.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 15, 2016

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

ABSENT were VINCE WETMILLER and TIMOTHY CASEY.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the December 15 meeting. Chairman Oster noted that the Planning Board had been contacted by the applicant regarding the Brunswick Design Group site plan application, and the matter will be adjourned at the request of the applicant without date pending further submission by the applicant.

The Planning Board opened a public hearing on the site plan application submitted by St. Peter's Health Partners Medical Associates, which proposes to operate a primary care facility located in the Brunswick Plaza (Price Chopper Plaza). Chairman Oster reviewed the rules regarding the public hearing. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. David Wendth, of St. Peter's Health Partners Medical Associates, was present for the applicant, together with representatives of Envision Architects and Steven Powers of Nigro Companies. Mr. Wendth presented an overview of the project, including the proposed layout of the interior space for the primary care facility,

parking, as well as proposed hours of operation for the facility. Chairman Oster opened the floor for receipt of public comment. No members of the public wished to offer any comment on this application. Following due period for receipt of public comment, the Planning Board closed the public hearing on the St. Peter's Health Partners Medical Associates site plan application.

The Planning Board then opened its regular business meeting.

The Planning Board reviewed the draft minutes of the December 1, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the minutes of the December 1, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by St. Peter's Health Partners Medical Associates, which seeks to operate a primary care facility to be located in the Brunswick Plaza (Price Chopper Plaza). Chairman Oster noted that the public hearing had been completed on this application. Chairman Oster stated that both he and Member Czornyj had visited the Brunswick Plaza, and reviewed the rear of the proposed St. Peter's Primary Care Facility and proposed employee parking area, and requested Member Czornyj to discuss those matters. Member Czornyj stated that the area of the proposed employee parking, located west of the stormwater management area and east of the storage units on the plaza property, has inadequate lighting and that the area needs more lighting to address safety for employees and staff members. Further, Member Czornyj stated that a designated cross-walk area needs to be installed between the employee parking area and the rear of the St. Peter's facility. Chairman Oster noted that there may have been a painted crosswalk in that area previously, but it has either faded or been paved over and a designated crosswalk does need to be installed. Member Czornyj also stated that traffic tends to go very fast in the area of the proposed crosswalk, and some designation to reduce speed should be considered for that area. Member Czornyj also stated that the rear of the St. Peter's

Primary Care Facility space is not well-lit and is currently filled with dumpsters or storage containers, and that this area must be addressed as well. Chairman Oster stated that the area of the pedestrian crosswalk may not need a stop sign, but some signage indicating a pedestrian crosswalk should be added to address safety issues. Member Czornyj also stated that his observation is that the CDTA bus pulls into the bus stop area at an angle in the vicinity of the proposed St. Peter's employee parking, resulting in the rear of the bus still being in the travel lane, which again presents a safety concern for pedestrians walking between the employee parking area and the rear of the St. Peter's facility. Member Esser raised the option of installing a speed bump in that location. Member Czornyj noted that regarding the patient parking area in the front of the St. Peter's facility, it appears to him that the designated parking area is not used a great deal at the current time, and therefore parking should be adequate for patients. Member Tarbox wanted to confirm that the hours of operation for the primary care facility will be 8:00am until 5:00pm, which Mr. Wendth did confirm. Member Tarbox asked whether this practice would be merging with any other medical practice in the area, which would result in more patients or extended hours of operation. Mr. Wendth stated that there are no plans to merge with any other medical practice, and that the physicians on staff at this facility are employees of St. Peter's Health Partners Medical Associates. Member Mainello stated that he had received a call from Gus Scifo, Chief of the Brunswick No. 1 Fire Department, and that Chief Scifo's comment was that the facility should install a knock box, to which Mr. Wendth agreed. Member Mainello stated that Chief Scifo did not mention any other issues or comments from the Brunswick No. 1 Fire Department. Chairman Oster wanted to confirm that the St. Peter's Medical facility space was sprinklered. Mr. Wendth and Mr. Powers confirmed that the space had sprinklers. Chairman Oster confirmed that there were no public comments received at the public hearing, but that the employee parking area, crosswalk, and rear

of the St. Peter's space must be addressed concerning employee safety. Mr. Wendth stated that the applicant will look at additional lighting and installation of a crosswalk as discussed by the Planning Board. It is noted that a response from the Rensselaer County Department of Economic Development and Planning pursuant to General Municipal Law had not yet been received, and that receipt of the County Planning Department response is required before the Planning Board can take action on the site plan. This matter is placed on the January 5 agenda.

The second item of business on the agenda was the site plan application submitted by Stewart's Shops, which seeks approval to construct a 3,900 square foot Stewart's convenience store with four-pump fuel island at 1001 Hoosick Road. Chad Fowler of Stewart's Shops was present. Mr. Fowler stated that the option of moving the existing home and outbuilding from 1001 Hoosick Road is still a possibility, and that the property owner is obtaining bids and options for relocating these structures. Mr. Fowler stated that Stewart's had submitted its application for a special use permit in connection with the fueling station for this facility, and the application will be on the Zoning Board of Appeals agenda for its December 19 meeting. Mr. Fowler also stated that Alanna Moran of Creighton Manning was present, and will address the Planning Board's prior comments regarding the Hoosick Road/NYS Route 142 traffic light timing and stacking on Hoosick Road. Chairman Oster raised the issue of Stewart's acquiring the property currently owned by Elliot to the rear of the existing Stewart's Shop. Mr. Fowler stated that he had been working on acquiring that property for several years, but that the Elliot lot is an odd shape and actually goes around the other property to the rear owned by the Brunswick Grange, and that Stewart's would need to obtain title to that property to make that project work, and that the Brunswick Grange has no intent to sell its property. Alanna Moran of Creighton Manning addressed the Board, stating that she had reviewed the issue of traffic stacking for vehicles

traveling westbound approaching the Hoosick Road/Route 142 traffic light. Ms. Moran stated that NYSDOT is in the process of replacing the light at this intersection, and while that project is ongoing, the timing of the light is not operating properly, and is it likely that the detectors are not set up properly at this time but will be corrected upon completion of the replacement traffic light by NYSDOT. Member Czornyj noted that there were two accidents along Hoosick Road in the westbound lane approaching the Hoosick Road/Route 142 traffic light just within the last few weeks, each being rear-end collisions and occurring at about 8 in the morning. Ms. Moran stated that NYSDOT stated its light installation has not yet been completed, and while new poles have been added, the detectors are not functioning properly and that this should be corrected upon completion of the light replacement by NYSDOT. Member Czornyj stated that there must be better signage near this traffic light in relation to Sweetmilk Creek Road, and that Sweetmilk Creek Road cannot be blocked by cars that are waiting at this traffic light. Member Czornyj said this issue was very important since there would be increased traffic coming off of Sweetmilk Creek Road onto Hoosick Road as a result of the proposed project. The Planning Board discussed with the applicant the traffic circulation for the proposed Stewart's Shop, focusing on cars leaving the store. Mr. Fowler and Ms. Moran confirmed that comments had not yet been received from NYSDOT regarding the proposed improvements to Hoosick Road in connection with this project, and that the report is pending with NYSDOT. Mr. Bonesteel stated that he had reviewed the traffic study, and that it is clear improvements must be made to the center turn lane on Hoosick Road in order for this project to be approvable. Mr. Bonesteel also stated that Creighton Manning should discuss with NYSDOT the installation of a stop bar or signage for westbound traffic on Hoosick Road as it is approaching the Hoosick Road/Route 142 traffic signal, so that blocking Sweetmilk Creek Road is eliminated. Ms. Moran stated she will review options with NYSDOT. Attorney

Gilchrist stated that the Zoning Board of Appeals will be reviewing the special use permit application for the fueling station for this project, and that the Zoning Board will likely require a recommendation from the Planning Board. Further, Attorney Gilchrist stated that the SEQRA lead agency coordination notice had been sent out to all involved agencies, and that designation of a lead agency for this project must still be made. The Planning Board determined to place this matter on the January 5 agenda for discussion on a recommendation to the Zoning Board of Appeals concerning the special use permit application, with the option of completing that recommendation at the January 19 meeting, which will likely be before the Zoning Board meeting for January 2017. This matter is placed on the January 5 agenda for purpose of discussing a recommendation on the special use permit application pending before the Zoning Board of Appeals.

The next item of business on the agenda was the waiver of subdivision application submitted by Holly Murphy for property located at 576 Pinewoods Avenue. Member Czornyj noted that he had visited the site and discussed the application with Ms. Murphy, that the homes at 576 Pinewoods Avenue and 572 Pinewoods Avenue are served by public water, and that there will be no issue for well/septic system separation on this application. The Planning Board determined that it was prepared to act on this application with this additional information. Member Czornyj 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 of subdivision application, subject to the condition that the 25-foot strip divided from 576 Pinewoods Avenue be transferred and merged into the parcel located at 572 Pinewoods Avenue, with proof of that merger being filed with the Brunswick Building Department. Member Esser seconded the motion subject to the stated condition. The motion was unanimously approved, subject to the stated condition.

Two items of new business were discussed.

The first item of new business discussed was a referral from the Brunswick Town Board on an application submitted by Nigro Companies for an amendment to the Brunswick Plaza Planned Development District. Steven Powers of Nigro Companies and Gregg Ursprung of Bergmann Associates were present for the applicant. Mr. Ursprung presented the proposed project, explaining that Nigro Companies had obtained title to two parcels located in the front of the Brunswick Plaza adjacent to Hoosick Road, which currently includes a house and small commercial building on one lot, and an area currently used as parking spaces on the second lot. The applicant is seeking to divide .33 acres from the existing Brunswick Plaza PDD and add this to the two out-parcels in the front, in order to create a single commercial lot adjacent to Hoosick Road that will not be part of the Brunswick Plaza PDD. The applicant states the additional acreage will allow the outparcel to be better developed and more marketable. Member Tarbox asked about the elimination of the parking spaces from the Brunswick Plaza. The applicant stated that the parking spaces in one of the front out-parcels is currently not part of the Brunswick Plaza PDD, and so the required parking for the Brunswick Plaza PDD should not be affected. Member Tarbox stated that the applicant should confirm parking requirements for the Brunswick Plaza PDD, particularly since parking spaces have been eliminated in connection with the proposed drive-thru pharmacy at the Price Chopper store, and this application seeks to eliminate parking spaces that are available for use at the Brunswick Plaza. Chairman Oster asked about the existing KeyBank ATM in the front of the Brunswick Plaza. The applicant indicated the ATM is not operating, given the recent merger between First Niagara Bank and KeyBank, and that the KeyBank branch has been relocated to the former First Niagara Bank branch further east on Hoosick Road. Chairman Oster asked why the proposed out-parcel is not added to the Brunswick Plaza PDD. The applicant

stated it would be easier in the future to develop the out-parcel under the B-15 Zoning District uses, rather than including the parcel in the Brunswick Plaza PDD. Member Mainello asked whether the proposed out-parcel would use the Brunswick Plaza entrance, or have its own entrance on Hoosick Road. The applicant stated that NYSDOT would not likely approve the use of separate curb cut on Hoosick Road for the out-parcel, and that the access for the Brunswick Plaza Shopping Center will likely be used for this out-parcel. Member Mainello reiterated that given the use of the Brunswick Plaza entrance, the out-parcel should be added to the Brunswick Plaza PDD. Member Mainello stated that keeping the out-parcel separate would be complicated, and require separate easements for access, which would not be required if the out-parcel was part of the Brunswick Plaza PDD. Chairman Oster again inquired whether the parking near the existing KeyBank ATM was part of the Brunswick Plaza PDD. The applicant stated that this parking was never part of the Brunswick Plaza Planned Development District. Member Tarbox stated that the applicant should still complete a traffic space assessment, to make sure that there is adequate parking in the existing Brunswick Plaza. The Planning Board further stated the issue of snow storage locations should also be reviewed. The applicant indicated it will perform the parking space calculation. This matter is placed on the January 5 agenda for further discussion on a proposed recommendation to the Town Board.

The next item of new business discussed was a referral from the Brunswick Town Board on an application to amend the existing Hudson Hills Planned Development District. William Hoblock of Capital District Properties was present for the applicant. Mr. Hoblock reviewed the application, including several exhibits attached to the application document. Mr. Hoblock reviewed the history of the project, including the 2007 approval of the Planned Development District by the Town Board. Mr. Hoblock explained that in connection with the PDD approval,

the Town Board required the construction of two youth baseball fields on a separate 25-acre parcel, with subsequent dedication to the Town of the baseball fields and the 25 acres, as a public benefit in connection with the PDD. Mr. Hoblock explained that the only amendment being sought to the PDD was to change the public benefit to eliminate the construction and dedication of the two youth baseball fields, and to substitute the payment of \$300,000.00 to the Town of Brunswick as a public benefit, to be used at the discretion of the Town of Brunswick for its recreation needs. Mr. Hoblock also stated that the PDD approval did require the applicant to acquire a separate 39-acre parcel for purposes of providing access to the youth baseball fields, and that the proposed amendment would eliminate the need to acquire the 39-acre separate parcel. Mr. Hoblock stated that there were changed circumstances since the 2007 PDD approval, including the fact that in 2007 there was concern regarding wetlands matters at the Route 2 ballfield complex, but those issues had been resolved; and further that an additional youth baseball field had been constructed in the intervening years; and that there was not the current need for two additional youth baseball fields in the Town. Mr. Hoblock stated that there was no further proposed amendment to the PDD, and no change to any prior environmental impact assessment under SEQRA. Chairman Oster stated that since 2007, the Planning Board has been concerned regarding the number of apartment units approved for construction and/or built in the Town as opposed to single-family residences, and has expressed the concern regarding the total number of rental units in Town to the Brunswick Town Board. Chairman Oster stated that the Building Department had previously prepared a calculation for the Planning Board which showed that approximately 1,500 rental units had been approved or built recently in the Town of Brunswick, and was not certain whether the 250 units approved for the Hudson Hills PDD had been included in that calculation, but will confirm that issue with the Building Department. Chairman Oster confirmed that in connection with any recommendation

concerning rental units in the future, the Planning Board will likely include its continuing concern regarding the number of rental units in the Town of Brunswick. Chairman Oster asked whether the emergency access road connecting to Lord Avenue was still included in the Hudson Hills project. Mr. Hoblock confirmed the emergency access road connecting to Lord Avenue was still part of the Hudson Hills project, including the requirement that a locked gate be installed to avoid tenant use of Lord Avenue for purposes of ingress and egress. Member Esser asked what happens to the 25 acres on which the two youth baseball fields were proposed for construction. Mr. Hoblock stated that Capital District Properties does own these 25 acres, but they are landlocked, as Capital District Properties did not renew its option to purchase the separate 39-acre parcel. Mr. Hoblock did confirm that Capital District Properties owns the 25-acre parcel, but has no current plans to develop that property. The Planning Board placed this matter on the January 5 agenda for further discussion regarding a recommendation to the Brunswick Town Board on the proposed PDD amendment.

The Planning Board noted that in connection with the proposed subdivision submitted by Michael Vickers for property located off Krieger Lane, it had previously provided a recommendation to the Brunswick Town Board on the requested waiver on the number of lots on a dead end or cul-de-sac road under the Brunswick Code. The Brunswick Town Board had addressed that issue at its November regular meeting, and has requested the Planning Board to provide a more specific recommendation in connection with the waiver request. The Planning Board reviewed the matter, and upon motion of Member Mainello, seconded by Member Tarbox, which was unanimously approved, the Planning Board will send a supplement to its prior recommendation specifically stating that the Planning Board recommends that the Town Board approve the requested waiver.

The index for the December 15, 2016 meeting is as follows:

1. St. Peter's Health Partners Medical Associates - Site plan - January 5, 2017;
2. Stewart's Shops - Site plan - January 5, 2017;
3. Murphy - Waiver of subdivision - Approved with condition;
4. Brunswick Design Group - Site plan - Adjourned without date;
5. Brunswick Plaza Planned Development District Amendment - Referral from Brunswick Town Board - January 5, 2017;
6. Hudson Hills Planned Development District Amendment - Referral from Brunswick Town Board - January 5, 2017;
7. Vickers - Subdivision - Supplement to recommendation on waiver completed.

The proposed agenda for the January 5, 2017 meeting currently is as follows:

1. St. Peter's Health Partners Medical Associates - Site plan;
2. Stewart's Shops - Site plan/recommendation on special use permit;
3. Brunswick Plaza PDD Amendment - Referral from Brunswick Town Board;
4. Hudson Hills PDD Amendment - Referral from Brunswick Town Board.