

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 1, 2012

PRESENT were MICHAEL CZORNYJ (Acting Chairman), FRANK ESSER, GORDON CHRISTIAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT was RUSSELL OSTER.

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

The Planning Board continued the public hearing on the Double Day Estates major subdivision application. The Notice of Public Hearing was read into the record, also noting that the Public Hearing Notice was published in the Troy Record, placed on the Town Sign Board, placed on the Town website, and mailed to adjacent property owners. Present for the Applicant were Charles Farrell, Scott Reese, Brian Holbritten, and Steven Dean, P.E. Mr. Holbritten presented a brief review of the project. Member Czornyj, acting as Planning Board Chair, then opened the floor for receipt of additional public comment. Mike Seddon, 494 McChesney Avenue Extension inquired as to any proposed construction plan or construction timeline. Mr. Reese stated that the phasing on the build-out of this project is set forth in the stormwater pollution prevent plan. In general, Mr. Reese explained that Phase I of the project will be construction of the stormwater infrastructure and road infrastructure. This will include all erosion and sediment control measures required as part of the erosion and sediment control plan. Mr. Reese noted that the State Stormwater Regulations limit the area of disturbed soil to a maximum of 5 acres at any one time, with remaining areas required to be stabilized before more

areas are open for excavation. Mr. Reese then further explained that the build-out of the homes on the individual lots will be market driven. Mr. Reese stated that in the event the residential real estate market picks up, the build-out is anticipated to be completed in a shorter timeframe, whereas the current market conditions will require a longer period of time to build-out the proposed 23 homes. Mr. Seddon responded that the information regarding the construction phasing schedule was not available in publicly-available information, and that the issue was important to him as a concern for quality of life, potential noise and dust impacts, and hopes that the Applicant will be a good neighbor and operate the construction site in a manner that does not impact any off-site properties. Mr. Seddon also stated that his water supply well remains a concern, that he reviewed the reason why he did not provide the Applicant's hydrogeologic consultant with access to his property, and specifically that the conditions set forth in the letter requesting access to the Seddon property by the Applicant's hydrogeologic consultant were unacceptable, and that it would have necessitated Mr. Seddon to retain his own consultant to ensure that the work was completed in a manner that did not impact his well, and that he had a concern regarding legal liability with third-party contractors on his property that were not adequately addressed by the hydrogeologic consultant, and that he was further concerned that the Applicant's hydrogeologic consultant wanted a complete waiver on any potential liability for the work performed on the Seddon property. Mr. Seddon stated that he had operated his water supply well for 19 years without any issue, either as to quantity or quality of water. Mr. Seddon stated that if his well is impacted from the build-out of this project, he will be looking to the developer for responsibility, and feels that the developer is glossing over this important issue. Mr. Seddon stated that he thinks that his neighbors also did not allow the access to their properties by the Applicant's hydrogeologic consultant because of the same concerns that Mr.

Seddon has. Mr. Seddon questioned the full duration of the build-out for this project, and also questioned any proposal to bury propane fuel tanks at the individual home sites. Mr. Seddon also stated that he would like to see the Town require maintenance guarantees by the Applicant regarding any potential impact on off-site properties, including wells. Ann Marie Hakeem, 4 Town Office Road, inquired whether there were more than 2 homes proposed to have direct driveway access onto Town Office Road. The Applicant stated that the project layout includes only two lots with driveway access onto Town Office Road. Ms. Hakeem inquired as to the type of home being proposed, and whether any fencing was proposed on the individual lots. Mr. Holbriiter stated that installation of a fence would be up to the individual homeowner, and that the Applicant had filed with the Town typical home-styles for this project. Ms. Hakeem asked why only two of the homes were set in an area along Town Office Road with direct driveway access onto Town Office Road. Mr. Holbriiter stated that the layout design was driven in part by location of regulated wetlands, and that the project design did take into account stormwater drainage as well. Josephine Seddon, 494 McChesney Avenue Extension, inquired how long it would take to construct the stormwater infrastructure and the road infrastructure. Mr. Reese generally discussed the construction phasing contained in the stormwater pollution prevention plan and other construction related issues. Ms. Seddon followed up and asked the specific timeframe for construction of the road and stormwater infrastructure from the time that work was commenced until the time that it was completed. Mr. Reese stated that it would take approximately 3-4 months to complete the construction of the stormwater infrastructure and road infrastructure. Ms. Seddon asked when the vegetation would be installed around the proposed stormwater basin along McChesney Avenue Extension opposite from her house. Mr. Holbriiter stated that those plantings between the stormwater basin and the Seddon house can be installed

within the first 3-4 month construction phase when the stormwater infrastructure and road infrastructure was being completed. There was discussion concerning the requirements of a performance bond for completion of the stormwater and road infrastructure, and discussion regarding the Town requirement for a stormwater management facility maintenance agreement. Ms. Seddon also raised concern regarding the style of the home being proposed in light of her historic home and property values. Ms. Seddon also stated they have general concerns regarding impacts to their well and quality of life. Ms. Seddon concluded by stating that a restriction on construction hours for this project build-out should be considered. Member Czornyj then inquired whether there were any further comments from the public on this project. Hearing none, Member Christian then made a motion to close the public hearing, which motion was seconded by Member Mainello. The motion was unanimously approved, and the public hearing on the Double Day Estates major subdivision application was closed.

The Planning Board then opened its regular meeting.

The Planning Board reviewed the draft minutes of the October 18, 2012 meeting. Member Czornyj noted a correction on page 6, line 16, changing “Town Office Road” to “McChesney Avenue Extension”. Subject to the stated correction, Member Wetmiller made a motion to approve the minutes of the October 18, 2012 meeting, which motion was seconded by Member Christian. The motion was unanimously approved, and the minutes of the October 18, 2012 meeting were approved subject to the stated correction.

The first item of business on the agenda was the major subdivision application by Farrell for the Double Day Estates project. Member Czornyj stated that he wanted to ensure that all of the driveways proposed for this project included required negative pitch. Member Christian noted that he felt a significant amount of shale existed on the project site, and asked whether

there would be the need for any ripping or blasting of shale to construct the foundations for the homes. Mr. Holbriiter stated that during the digging of the test pits on the site, the Applicant encountered shale but it was very soft, and was able to be dug with a track hoe, and that no material was hit that would require either ripping or blasting. Hearing this, the Planning Board made it clear that there would be no blasting allowed on this project site, and that in the event the Applicant encountered material that required blasting, the Applicant would be required to come back to the Planning Board for a modification to this project. Member Esser stated that he had a concern regarding the layout of lots 15-19, and specifically that it was the backyards and the back of the homes that would be facing Town Office Road, and felt that the project should include vegetative screening to address this. The Applicant and the Planning Board members then generally discussed options, which could include a vegetative strip along the rear area of lots 15-19, or a vegetative area directly adjacent to Town Office Road. Mr. Reese and Mr. Holbriiter stated that a vegetative screen along Town Office Road, but outside of the public right-of-way, would address any concern regarding people walking or driving along Town Office Road being able to see into the backyards of lots 15-19, while also maintaining the full usable area of the lots and views from lots 15-19. It was determined that additional planting along Town Office Road on the project site would be added to the project vegetation plan. Mr. Kestner stated that he was still reviewing the stormwater pollution prevention plan, and would complete his review shortly, but that he did not see any issues with the material which had been reviewed to date. Mr. Kestner had a few questions regarding the hydrogeologic study for the project, including whether any well logs were obtained for adjacent lots. Mr. Dean stated that well logs were not obtained for the adjacent lots, but that the hydrogeologic study had included a sufficient number of test wells on the project site to support its conclusions. The Planning Board also

noted that there had been a comment from a nearby property owner, Pete St. Germain, who complained he had sediment in his well as a result of the construction of the Sugar Hill Apartments. Mr. Kestner had looked at that issue, and found that there was a significant distance between the Sugar Hill site and the St. Germain property, a water divide, and a significant topographic difference. Having said that, Mr. Kestner also asked the Seddons, who were present at the meeting, as to whether they have any information concerning their well, including any analysis of the water supply. Mrs. Seddon stated that she did have that information, and Mr. Kestner requested a copy of that information so that an appropriate baseline could be established regarding current conditions at the Seddon well, in the event there were any issue in the future regarding the complaint that the construction from the Double Day site had impacted that off-site well. Mrs. Seddon stated that she would supply that information to the Town. Member Czornyj inquired as to the procedural status on the application. Attorney Gilchrist stated that the public hearing had now been closed on the major subdivision application, and that the next matter for the Planning Board to address on the application was a SEQRA determination. Once a SEQRA determination has been made, Attorney Gilchrist stated that the Planning Board would need to act upon the preliminary major subdivision application. After further discussion, it was determined that Mr. Kestner and Attorney Gilchrist would draft a proposed SEQRA determination for consideration by the Planning Board at its November 15 meeting. Member Czornyj then inquired of the Applicant whether he had contacted the County Highway Department regarding any signage for McChesney Avenue Extension in the area where the proposed road would exit onto McChesney Avenue Extension, particularly with respect to left hand turns out of the project site going in an easterly direction on McChesney Avenue Extension. Mr. Holbriiter stated that he had not yet contacted the County Highway Department, although he

did confirm that the stopping distances on McChesney Avenue Extension had been examined and confirmed, although Mr. Holbriiter stated that either he or Mr. Reese would contact the County Highway Department about the issue of signage installation. The Planning Board also stated that the stopping distances and sight distances should be placed on any final plat to be submitted on this project. This matter is placed on the November 15 agenda for further discussion.

There were no new items of business to discuss.

The index for the November 1, 2012 meeting is as follows:

1. Farrell – Double Day Estates major subdivision – 11/15/12.

The proposed agenda for the November 15, 2012 meeting currently is as follows:

1. Farrell – Double Day Estates major subdivision.