

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 15, 2012

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

ALSO PRESENT were DANIEL BRUNS, Building Fire Code Inspector, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the November 1, 2012 meeting. Member Czornyj made a motion to approve the minutes of the November 1, 2012 meeting, without correction, which motion was seconded by Member Christian. The motion was unanimously approved, and the minutes of the November 1, 2012 meeting were approved.

The first item of business on the agenda was the major subdivision application by Farrell for the Double Day Estates project. Chairman Oster noted that Mark Kestner had prepared Part 2, Project Impacts and Their Magnitude, of the Environmental Impact Statement on behalf of the Planning Board as SEQRA lead agency, and asked Mr. Kestner to review the same with the Planning Board. Mr. Kestner reviewed and discussed the proposed responses to each of the questions asked and responded to in Part 2. Hearing no further discussion from the Planning Board, and there being no questions from the Applicant with respect to the assessment of project impacts and/or magnitude, Chairman Oster asked the Applicant to discuss any changes made to the project since the last meeting. Brian Holbritter and Scott Reese appeared on behalf of the Applicant; and described the adjustments made to the planting plan as noted on the Grading and

Utility Plan – South. Mr. Reese clarified the type and size trees that would be planted and used for buffering, and those that would be planted along the street and on the project lots.

Brian Holbriiter raised an issue regarding the proposed driveways exiting onto the roadway within the project. It was understood that the Planning Board wanted each driveway to have a 2% negative pitch, but the Applicant would like to pitch the driveways towards the roadway, with drainage running into wing gutters along the roadway. Member Czornyj suggested that the Applicant speak to Town Highway Superintendent, Doug Eddy, to determine if this was an acceptable alternative to the 2% negative pitch.

Brian Holbriiter then advised the Planning Board that he had spoken with Wayne Bonesteel, Rensselaer County Highway Department, regarding additional signage to be placed on McChesney Avenue Extension, and he submitted to the Planning Board email correspondence between Scott Reese and Wayne Bonesteel confirming the same. Brian Holbriiter stated that the Applicant will install an intersection warning sign on McChesney Avenue warning of the intersection of the proposed project road with McChesney Avenue Extension. Mr. Holbriiter further stated the Applicant would also install a tractor sign.

Brian Holbriiter then stated that a 20' buffer along the westerly boundary of the project had been added to the preliminary plat, in which there would be no cutting. He also added the sight distances to the preliminary plat. Member Tarbox expressed the opinion that a 20' buffer with cutting restrictions may be excessive. Chairman Oster agreed with Member Tarbox. Discussion regarding the buffer ensued and there was general concern that maintaining a 20' buffer may result in too many restrictions being imposed on the project applicant and subsequent buyers. It was then agreed that the issue of the buffer would be revisited when the final plat was reviewed.

Chairman Oster noted that the Applicant had satisfied all past invoicing and agreed to establish an escrow for future review fees. Mr. Kestner was asked by the Board to provide an estimate of additional fees to the Applicant.

Chairman Oster asked if there were any additional comments and hearing none, reviewed the draft resolution approving the application; with conditions (a)-(o). Chairman Oster reviewed each of the proposed conditions as set forth in the draft resolution prepared by Attorney Gilchrist. It was agreed that condition (f) concerning the maintenance of an existing buffer would be further discussed during review of the final plat. It was further agreed that the Applicant will speak to Doug Eddy, Highway Superintendent, regarding whether the driveways exiting onto the project roadway can be drained into the wing gutter along the roadway, or if said driveways are required to have a 2% negative pitch. This issue will be further discussed in connection with final plat review. Regarding condition (n), the Applicant was reminded that he must establish an escrow for the top coat on the road. There were no further comments on the proposed conditions.

The Board then inquired as to the proposed width of the project road. Brian Holbriiter indicated the proposed roadway construction called for two 13' driving lanes, with 2' wing gutters on either side. Brian Holbriiter advised that the paved surface area would be 30' wide. The Applicant was advised that he had to seek approval from the Town Board to vary from the 36' wide road requirement prior to the final plat approval. The Planning Board indicated it would recommend to the Town Board that the variance be approved. Member Mainello indicated that John Kreiger and/or Doug Eddy would inspect and approve the road construction, and that Mr. Eddy is typically in attendance at the paving.

Hearing no further discussion, Chairman Oster stated he would entertain a motion for a negative declaration under SEQRA as he did not believe the project would have any significant environmental impact. Member Czornyj then made a motion for a negative declaration under SEQRA, which was seconded by Member Wetmiller. That motion was unanimously approved, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to grant preliminary plat approval, subject to the following conditions:

- a. The final plat to be submitted by the Applicant for review by the Planning Board must identify the utility easement location for the National Grid power line located on the project site, and also add as map notes the sight distances for the subdivision road onto McChesney Avenue Extension and Town Office Road, the Town of Brunswick right-to-farm law and that this project is subject to such right-to-farm law, and that all driveways shall conform to the Town of Brunswick Standards for Residential Driveways and Private Roads.
- b. The Applicant must coordinate with the Rensselaer County Highway Department regarding signage on McChesney Avenue Extension, with particular regard to vehicles making a left hand turn out of the proposed subdivision road onto McChesney Avenue Extension in an easterly direction.
- c. Any action by the Planning Board on the final subdivision plat will be subject to the execution of a stormwater management facilities maintenance agreement regarding all stormwater facilities located on the project site, in form and content acceptable to the Town of Brunswick.
- d. Any action by the Planning Board on the final subdivision plat will be subject to execution of a bonding security agreement for all proposed infrastructure on the project site, in form and content acceptable to the Town of Brunswick.
- e. Any action by the Planning Board on the final subdivision plat will be subject to all project infrastructure being completed in one construction phase, with the vegetation proposed for the stormwater basin located in proximity to McChesney Avenue Extension and the property of Seddon to be planted as part of such infrastructure construction phase. Commencement of construction activities will be subject to a pre-work conference with the Town of Brunswick.
- f. Any action by the Planning Board on the final subdivision plat will be subject to the requirement to maintain existing vegetation between the project site and the lands of Duncan and Tomaro.

- g. Any action by the Planning Board on the final subdivision plat will be subject to Rensselaer County Department of Health review and approval for all water supply and septic facilities, and the final plat will include a map note stating a hydrogeologic assessment report has been prepared for this project.
- h. Any action by the Planning Board on the final subdivision plat will be subject to engineering comments on the final plat submission.
- i. Any action by the Planning Board on the final subdivision plat will be subject to the Applicant's compliance with all applicable state and/or federal regulations regarding fuel tanks proposed for the project.
- j. Any action by the Planning Board on the final subdivision plat will be subject to the requirement of a 2% negative pitch within the first 10 feet of all project driveways located off all public roads.
- k. Any action by the Planning Board on the final subdivision plat will be subject to the requirement that no blasting is permitted as a method of shale and/or rock removal from the project site.
- l. The Planning Board will not review any final subdivision plat submittal unless and until payment of all consultant review fees has been made by the Applicant to the Town of Brunswick, and an escrow has been established for review of the final plat submission, in compliance with Local Law No. 8 of 2002 of the Town of Brunswick. No work permits of any kind will be issued by the Town of Brunswick until such consultant review fees are paid by the Applicant as required by the Town of Brunswick.
- m. Any action by the Planning Board on the final subdivision plat will be subject to a condition on allowable hours and days for construction activities, to be determined at the time of final plat action.
- n. Any action by the Planning Board on the final subdivision plat will be subject to a condition that no Certificate of Occupancy for any home will be issued by the Town of Brunswick until all infrastructure for this project has been completed to the satisfaction of the Town of Brunswick, including completion of road construction through binder course.
- o. Any action by the Planning Board on the final subdivision plat will be subject to a condition that all homes must, at a minimum, be in general conformance with the building elevations submitted by the Applicant to the Planning Board.

As an additional condition, the Applicant is to submit two sets of stamped preliminary plats prior to final subdivision approval. Said motion, with the foregoing conditions, was seconded by Member Wetmiller, and was duly put to a roll call vote as follows:

Chairman Oster – yes;

Member Czornyj – yes;

Member Esser – yes;

Member Christian – yes;

Member Tarbox – yes;

Member Wetmiller – yes;

Member Mainello – yes.

The motion, with the aforestated conditions, was unanimously adopted.

The Applicant was reminded that he has 6 months in which to submit the final plat for approval. Brian Holbriiter said he would contact the Planning Board when they are ready to be on the agenda.

There was one item of new business, specifically the application of Duncan Meadows to amend its Planned Development District (PDD); located at McChesney Avenue and McChesney Avenue Extension. Chairman Oster explained that an application has been submitted to the Town Board seeking amendment of the PDD to eliminate the age restriction on the apartments. Chairman Oster distributed revised maps from the Applicant to the Board members. He explained that the Town Board had not yet acted upon the application to amend the PDD, however, Andy Brick, on behalf of the Applicant, would like to come before the Planning Board and give an update on the proposed amendments to the project and possible sale of the apartments.

Mark Kestner further updated the Board regarding the water and sewer issues that are complicating things, namely that the DEC issued a letter stating it will not approve additional connections to the County sewer system until the City of Troy permanently fixes its interceptors. Additionally, the Town needs to resolve certain water and sewer issues directly with the City.

The one issue raised by the Board regarding the amendments to the PDD and possible sale of the apartments was whether the Board will want to require the apartments to own separate access to the project site. The matter was placed on the December 6, 2012 agenda for a presentation and update by the Applicant.

There were no new items of business to discuss.

The index for the November 15, 2012 meeting is as follows:

1. Farrell – Double Day Estates major subdivision.

The proposed agenda for the December 6, 2012 meeting currently is as follows:

1. Duncan Meadows – Amended Planned Development District.