

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 6, 2012

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

ABSENT was VINCE WETMILLER.

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

The Planning Board members reviewed the draft minutes of the November 15, 2012 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the November 15, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Duncan Meadows Planned Development District. Appearing for the Applicant were Andrew Brick, Esq., Peter Yetto of Ingalls & Associates, and also the potential purchasers and builders of the apartment section of the Duncan Meadows project, Peter Amato and Dr. Paran Edwards, together with their architect. Attorney Brick presented the general overview of the apartment section of the Duncan Meadows project. Attorney Brick stated that the original Duncan Meadows PDD approval included a 50-unit “age-restricted, senior” apartment building, but that the Applicant had not yet pursued a site plan review for the apartment section. Attorney Brick also explained that the owner, ECM Land Development, Inc., has made an application to amend the PDD approval to eliminate the age-restriction on the apartments, and that the application remains pending at the Town Board. Attorney Brick stated that he had already appeared before the Planning Board on the requested

elimination of the age-restriction on the apartments, and that the Planning Board had already issued a written recommendation in favor of approving the request to eliminate the age-restriction on the apartments subject to certain considerations that the Planning Board recommended that the Town Board discuss. Attorney Brick then generally overviewed the concept site plan proposal, which shows access to the apartments from the private road which is part of the Duncan Meadows project and also provides access to the townhouse-style condominiums. Attorney Brick stated that an easement would be granted by and between the owner of the condominium units and the apartment units for use of the private access road off McChesney Avenue Extension. Attorney Brick generally described the proposed apartment building, which is proposed to be a three-story L-shaped building, with central access in a common lobby area, which will include a community room and other related amenities. Attorney Brick also stated that each unit will have a balcony, and that a total of 50 garage spaces are also proposed in separate out-buildings. Attorney Brick also stated that the proposed lot on which the apartment section sits, and which is proposed to be transferred to the purchasers (Amato and Edwards) for construction of the apartment section, has been designed to include road frontage directly onto McChesney Avenue Extension, in the event that a separate access road does need to be constructed in the future providing direct access from McChesney Avenue Extension to the apartment section. Attorney Brick also stated that there would be a stormwater easement between the condominium section and the apartment section providing for use of stormwater facilities. Attorney Brick stated that there would be a phased utility installation, and that a specific phasing plan would be provided to the Planning Board. Attorney Brick also described the proposed sidewalk plan for the apartment section, which includes sidewalks in front of the entire apartment building, out the access road and connecting to McChesney Avenue

Extension. Mr. Yetto stated that he had been coordinating with the Brunswick No. Fire Department on the concept site plan, and that issues regarding fire company comments are being addressed. Attorney Brick stated that a total of 26 two-bedroom units and 24 one-bedroom units are being proposed. Chairman Oster made it clear that the Applicant was before the Planning Board to present the concept site plan, and that the Planning Board was not in the position to review the site plan until the Town Board acts upon the application to amend the PDD. Chairman Oster did suggest that the Planning members raise any questions or concerns that they had on the concept site plan at this time. Member Esser inquired how many three-story apartment buildings are currently located in the Town. Mr. Kreiger stated that the Town has no three-story apartment buildings, but there are existing two and one half story apartment buildings. Chairman Oster then inquired what the maximum height would be allowed for these apartment buildings. Mr. Kreiger stated that the general height restriction is 40 feet, and then generally discussed how the Town Building Department calculates the 40-foot height. Member Mainello inquired whether the Town Code has a restriction limited on height or limited on the number of stories. Mr. Kreiger stated that the Town Code limits height only, and did not address total number of stories. However, Mr. Kreiger did state that there would be a limit on the number of stories which could be constructed in compliance with the 40-foot height limitation under the State Building Code. Mr. Kreiger stated that this proposal is likely to meet the 40-foot height limitation as applied by the Building Department. Member Mainello asked whether the apartment building would have an elevator. Attorney Brick stated that an elevator would be included, located in the central lobby area. Member Esser asked whether the building would have sprinklers. Attorney Brick stated that the building would have sprinklers, and Mr. Amato stated that each unit and each balcony would also have sprinklers. Member Mainello wanted to

confirm the total number of bedrooms for the project. Attorney Brick stated that with 26 proposed two-bedroom units, and 24 proposed one-bedroom units, a total of 76 bedrooms would be included in the apartment building. Chairman Oster inquired whether there were comments from the Brunswick No. 1 Fire Department. Gus Scifo was present, and reviewed issues including relocation of a hydrant on the project site, required pavement and dead-end lengths past proposed garage units for fire apparatus access and turn-around, Knox box requirements, and sprinkler system backup when there is a power outage. Mr. Scifo confirmed that he has been coordinating with the project engineers, and that these issues were subject to continuing discussion. Chairman Oster wanted to confirm that this project would require both site plan review and subdivision for the apartment section. Attorney Gilchrist stated that the Planning Board would need to consider the site plan, and also consider the proposed lot lines for the apartment section parcel which would be subject to subdivision review by the Planning Board. Chairman Oster inquired of the builder as to anticipated rent for the apartments. Mr. Amato stated that the two-bedroom units would be approximately 1,160 square feet, and be approximately \$1,400 per month, and that the one-bedroom units would be approximately 860 square feet, and would be approximately \$1,000 per month. Mr. Amato confirmed that these apartments would be market based, and that there were not a certain number of units set aside for low income. Mr. Amato confirmed that all of the apartment units would be market-rate apartment units. Member Mainello inquired as to the dimension of the apartment building. Mr. Amato stated that the width of the building is 60 feet, and that each wing of the apartment building from the central lobby location would approximately 218 feet in length. Chairman Oster confirmed that the Town Board would need to act on the PDD amendment before the formal site plan review would continue, that in terms of the subdivision the Applicant had

proposed a lot for the apartment section which had frontage directly on McChesney Avenue Extension, but that there were certain other issues which the Applicant would need to address during the project review. Chairman Oster requested Mr. Kestner to review the sewer connection issue. Mr. Kestner generally described the sewer escrow payment requirements for upgrades in BSD6, and also generally described the issues surrounding the sewer connection and the approval required as part of the on-going CSO study. Mr. Kestner did confirm that NYSDEC was requiring certain installations in the interceptor sewer lines in the City of Troy to be made permanent, and Attorney Brick stated that proposals for the permanent installation must be approved and a determination made as to what entity would complete that installation. Mr. Kestner also confirmed that if the Applicant was proposing a utility phasing plan, that any waterline should be ended at a hydrant and any sewer line should be ended at a manhole. There was also discussion regarding a phased road construction, and Town requirements for a turn-around at the terminus of any road section. Chairman Oster confirmed that ECM Land Development, Inc. is responsible for constructing the road from McChesney Avenue Extension into the project site, and that Mr. Amato would be required to construct the remainder of the driveway into the apartment section and all parking areas. Attorney Brick stated that Chairman Oster was correct on the road construction responsibilities. Chairman Oster inquired as to total number of parking spaces being proposed. Attorney Brick stated that there were 50 garage spaces proposed, so that each unit had a garage, and that a total of 63 surface parking spaces were proposed in front of the apartment building. After discussion regarding Town requirements, it was determined that the garage spaces have been included in the total requirements on a per-unit basis, and that a total of two parking spaces per apartment unit had historically been required by the Town. In this case, a total of 100 parking spaces would be

required for the 50-units, and a total of 113 spaces (including garage spaces) are proposed. Member Esser asked whether any boats or trailers would be allowed to be parked at this location. Mr. Amato stated that no boats or trailers would be allowed, and that this was provided for in the lease agreement. Member Mainello asked whether there were any large rooms for community events or parties. Mr. Amato stated that while a community room was provided in the central lobby area, it is not designed to be any kind of banquet hall or large room for parties, it is designed solely for tenant use. The Planning Board generally discussed the option of holding a public hearing on the site plan application itself, but would address that issue after the Town Board acts on the PDD amendment request. Member Czornyj asked about the timing of the construction of the sidewalk/walkway area on McChesney Avenue Extension leading to McChesney Avenue, since Walmart had agreed to construct the sidewalk/walkway area up to the property line of ECM Land Development on McChesney Avenue. Attorney Brick stated it was the responsibility of ECM Land Development to construct the sidewalk/walkway area on McChesney Avenue Extension and McChesney Avenue, and would get further information to the Planning Board on the timing of that construction. This matter has been tentatively placed on the December 20 agenda for further discussion, dependent on action by the Brunswick Town Board on the PDD amendment request.

There was one item of new business discussed.

A waiver of subdivision application has been submitted by Douglas Wingate on behalf of the property owner, William and Nancy Bragin, for property located at 805 Farm to Market Road. William Darling, land surveyor, was present for the Applicant. The owner seeks to divide an existing 4.192 acre building lot into two pieces, with each piece being transferred to an adjacent property owner for merger into their existing lot. Specifically, the owner seeks to divide

an existing building lot into proposed Parcel A, which will be transferred and merged into the adjacent parcel owned by the Wingate Trust, and proposed Parcel B, which will be transferred and merged into the adjacent parcel owned by Duvall. The result of this application would be the elimination of one building lot, with two existing residential lots being enlarged. The Planning Board generally discussed this application, and found it to be in the nature of a lot line adjustment. Chairman Oster inquired as to why the additional land was being added to the existing residential parcels. Mr. Darling stated that, in general, the additional land will provide additional buffer and screening for the existing residential lots. Chairman Oster inquired whether there were any questions or concerns on the application. 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 the negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision subject to the requirement that the divided pieces of land to be transferred to the Wingate Trust and Duvall, respectively, be legally merged into the existing residential lots, with proof of such merger filed with the Brunswick Building Department. Member Tarbox seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

Mr. Kreiger reported that there were no other items of new business.

The index for the December 6, 2012 meeting is as follows:

1. Duncan Meadows – Planned Development District – concept site plan – 12/20/12 (tentative);
2. Wingate/Bragin – waiver of subdivision – approved with condition.

The proposed agenda for the December 20, 2012 meeting currently is as follows:

1. Duncan Meadows – Planned Development District – site plan.