

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 20, 2012

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

ABSENT were KEVIN MAINELLO and 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 December 6, 2012 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the minutes of the December 6, 2012 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Duncan Meadows Planned Development District. The Town Board approved the application to amend. 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. Attorney Brick updated the Board on the status of the project and advised that the Town Board had approved the amended PDD application and elimination of the age restriction. Attorney Coan provided the Planning Board and Applicant with copies of the Town Board's Resolution Adopting Supplemental SEQRA Findings Statement and Resolution Approving an Amendment to the Duncan Meadows Planned Development District, both adopted on December 13, 2012.

Peter Yetto advised the Planning Board that he had spoken with Gus Scifo of Brunswick Fire No. 1 and had addressed the Fire Department's comments regarding the site plan. The Applicant will install a fire hydrant at the end of the line on asphalt instead of subbase and has agreed to install 2 Knox boxes. Mr. Yetto also confirmed that the ends of the roads as designed are satisfactory for turnarounds and fire apparatus. Asphalt will be extended at the end of Phase 1 of construction to allow fire trucks to sit on asphalt if necessary to fight fire at the rear of the building. Mr. Yetto also noted that while he has no authority to grant the Fire Department's request to be on site during construction since the project will be transferred prior to construction, the buyers who were present at the meeting indicated that it would be acceptable for the Fire Department to be on site during construction.

The Fire Department has asked for a fire hose cabinet in the apartment building, however, the sprinkler system has not yet been designed. The Applicant stated that the sprinkler plans will be provided to the Fire Department once designed.

Attorney Brick noted he had spoken to his clients regarding extending an asphalt sidewalk out to McChesney Avenue to meet the Walmart sidewalk and it was confirmed the sidewalk would be extended during Phase 1 of construction. He also said that the Rensselaer County Highway Department has agreed to plow and maintain the sidewalk. The sidewalks internal to the project will be concrete.

Attorney Brick then asked whether the Planning Board was inclined to hold a public hearing on the project. Attorney Coan confirmed that the decision to hold a public hearing on the application was discretionary with the Planning Board. Attorney Brick did not think a public hearing would be necessary since only 1 person had commented throughout the review of the

application at the Town Board level, and that all aspects of the project had been reviewed many times.

Member Czornyj still wants to confirm that this project will require both site plan and subdivision approval for the apartment section. Attorney Coan stated that the Planning Board needs to consider the proposed lot lines for the apartment section parcel which would be subject to subdivision review by the Planning Board. Mr. Kestner would also like a list or delineation as to what will actually be built as part of Phase 1 of construction. Attorney Brick did state that the final sewer design has not been worked out yet, but acknowledged that such design will be subject to County Health Department and Water and Sewer Authority approvals.

Chairman Oster generally reviewed the two resolutions adopted by the Town Board regarding the amended PDD application. Given that the Town Board held a public hearing on the project, it was Chairman Oster's opinion that the Planning Board did not need to hold another public hearing. Member Esser expressed his opinion that there should be Town regulations developed limiting the construction of three-story apartment buildings within the Town. He also wants a public hearing on the project to inform people that the apartment building would be a three-story structure. Mr. Kreiger pointed out that while the Town currently has no three-story apartment buildings, but there are existing two and one half story apartment buildings, and reminded the Board that building height limit under the State Building Code is 40 feet. He further stated that the Town Code limits height of structures only, and does not restrict or limit the total number of stories a structure can be. Mr. Kreiger also stated that the NYS Fire Code will dictate where within the Town a three-story building may be built as such building must have its own water supply and be sprinklered.

Attorney Brick pointed out that the height restriction in the PDD was not an issue when before the Town Board. He further stated that the building elevations have been basically the same since the original project was presented. When asked by the Planning Board, Attorney Brick could not recall whether all renderings submitted to date showed a two story building, but that there had always been 50 units. He did state that the original footprint had been larger.

Member Esser expressed his concern that this project, particularly the three story building, will be precedent setting and will allow for other three story developments within the Town. Chairman Oster stated that he believes the 40' height restriction will adequately address the issue, regardless of how many stories the building actually is. Attorney Brick commented that so long as the building is in compliance with the height restriction set forth in the PDD, then any public comment on the number of stories could not be considered.

Chairman Oster thought that language could be included within the Planning Board resolution to the effect that approval of this three story project would not have precedential value on the issue of multi-story buildings within the Town generally. Attorney Coan stated that each project will be evaluated on a case by case basis.

The Planning Board then took a roll call vote on whether or not to hold a public hearing.

The vote against holding a public hearing was as follows:

Chairman Oster:	yay
Member Czornyj:	yay
Member Tarbox:	yay
Member Christian:	yay
Member Esser:	nay

Accordingly, a public hearing was waived pursuant to a majority vote.

Chairman Oster stated that a written resolution approving the site plan would be prepared, recognizing the conditions imposed by the Town Board in its resolution approving the amended PDD application eliminating the age restriction. Said resolution would also include the Planning Board's concerns about three story buildings generally, but would note how the proposed three-story building was suited to this particular site. Said resolution would be reviewed at the next Planning Board meeting on January 3rd, 2013.

There were no items of new business.

There was one item of old business. With respect to the Butch Farrell's Double Day Estates Major Subdivision, which has received preliminary subdivision approval with conditions, the Planning Board needs to make a formal findings and recommendation to the Town Board on the Applicant's application for a variance of the road width within the project. The Planning Board generally discussed why it believed such a variance should be granted. Such factors included the fact that the road was not a major highway; that a narrower road can accommodate the volume of traffic utilizing said road; the narrower roadway will be easier to maintain and plow; and there will be less runoff from the paved surface.

It was decided that a formal findings statement and resolution will be prepared and reviewed at the Planning Board's next meeting on January 3, 2013.

As a final note Mr. Kreiger reported that Reiser received Zoning Board approval at the last ZBA meeting and would likely ask to be placed on the Planning Board agenda in the near future.

The index for the December 20, 2012 meeting is as follows:

1. Duncan Meadows – Planned Development District – concept site plan – 1/3/13;
2. Farrell – Double Day Estates Major Subdivision – discussion on application for variance from road width requirements.

The proposed agenda for the January 3, 2013 meeting currently is as follows:

1. Duncan Meadows – Planned Development District – site plan;
2. Farrell – Double Day Estates Major Subdivision – recommendation on road width variance.