

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 7, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNJY, GORDON CHRISTIAN, KEVIN MAINELLO and DAVID TARBOX.

ABSENT were FRANK ESSER and VINCE WETMILLER.

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

The Planning Board reviewed the draft minutes of the January 17, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the January 17, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application by Darryl and Katherine Enfield for property located at 88 Bleakley Avenue. Mark Danskin, land surveyor, was also present for the Applicant. Mr. Danskin confirmed that the application sought approval to create a 1.75± acre building lot out of an existing 3.29± acre homestead parcel. The remaining homestead parcel would total approximately 1.54± acres. The proposed new building lot will have frontage on Knowlton Avenue. The property is located in the R-15 Zoning District, and the lot size meets the area and bulk requirements for the Town of Brunswick. As discussed at the January 17, 2013 meeting, the Planning Board raised the issue concerning the subdivision standard limiting the number of lots on a cul-de-sac or dead end road system to a total of 12 lots. Attorney Gilchrist advised the Board that similar applications reviewed by the Planning Board had required a waiver from this specific subdivision design standard, and that such waiver must

be granted by the Brunswick Town Board. Attorney Gilchrist reviewed the procedure on such a waiver request, and that the Planning Board should discuss and deliberate on proposed findings and make a formal written recommendation to the Town Board for its consideration in connection with the requested waiver. Before engaging in the discussion concerning the waiver on the number of lots on a dead end road system, Chairman Oster asked the Planning Board members whether there were any further issues on this waiver application. The Planning Board members had no additional questions on the application, determining that the division of this lot is otherwise approvable, dependent on Town Board action on the requested waiver. In this regard, the Planning Board deliberated on findings and a recommendation associated with the request to waive the 12-lot limit for lots on a cul-de-sac or dead end road system. Mr. Kreiger confirmed that this area constitutes a dead end road system since all of the lots on Bleakley Avenue, Weaver Avenue, Knowlton Avenue, and most of the lots on Banker Avenue, have a single access point onto Plank Road, at the Bleakley Avenue/Plank Road intersection. The Planning Board discussed the fact that this area was divided pursuant to a subdivision map from the 1930's, which also included a road system providing two access points to Plank Road. However, one of the proposed roads, Banker Avenue, was never fully constructed, resulting in a total of 41 current building lots having a single access point via Bleakley Avenue to Plank Road.

After deliberation, the Planning Board made the following findings:

1. The addition of one residential lot to the existing 41 residential lots in the Bleakley Avenue area is not a significant increase over the existing layout.
2. By adding one additional residential lot, the character of this area will not be altered, but will rather be maintained as residential.
3. The original Bleakley Avenue subdivision layout envisioned Banker Avenue to be connected to Plank Road, which will provide for a looped road system rather than a single access point to Plank Road via Bleakley Avenue. The waiver of this subdivision design standard is

necessitated by reason of Banker Avenue not having been fully constructed, and a portion of Banker Avenue's original layout remaining as a paper street.

Based on these findings, the Planning Board made a positive recommendation to the Town Board, and recommended that the Town Board approve the requested waiver to allow one additional building lot to be created. The Planning Board's findings and recommendation will be sent to the Town Board for review and action. This matter is tentatively placed on the February 21 agenda, subject to action by the Town Board on the waiver request.

The next item of business on the agenda was the final subdivision plat submittal by Farrell Homes, Inc. for the Doubleday Estates major subdivision. This project is located at the intersection of McChesney Avenue Extension and Town Office Road. Brian Holbritten was present for the Applicant. Chairman Oster confirmed that the timeframe for submittal of the proposed final subdivision plat following conditional preliminary approval has been met. Chairman Oster then inquired of Attorney Gilchrist whether a public hearing is required on the final plat submittal. Attorney Gilchrist stated that a public hearing on the final plat submittal is optional, and that an additional public hearing is not required if the Planning Board determines that the final plat is in substantial conformance with the preliminary plat which was granted conditional approval. Mr. Holbritten stated that the lot layout and final subdivision plat was the same as the preliminary plat, except for the addition of several map notes. Mr. Holbritten then proceeded to review the conditions imposed on preliminary subdivision approval, and updating the Planning Board on the status of compliance with those conditions:

- a. Preliminary approval required the Applicant to identify the location of a utility easement for the National Grid power line located on the project site. Mr. Holbritten stated that after research at the Rensselaer County Clerk's Office and research with National Grid, no utility easement has been identified. Mr. Holbritten stated that the National Grid representative he is dealing with stated that this is not uncommon in rural areas. To address this, the Applicant is proposing to add a 20' on center utility easement in favor of National Grid for maintenance of the utility lines until such time as the line is moved to be adjacent to a public road. Mr.

Holbriiter has stated that a map note is included on the final plat to indicate a 20' wide utility easement will be added, which will then extinguish by its terms in the event the utility line is relocated to be adjacent to a public road. Member Mainello stated that the utility line goes over the subdivision road, which is proposed to be dedicated to the Town of Brunswick. Attorney Gilchrist stated that any dedication document will need to identify the location of the utility easement, and that any deed transfer would be subject to the utility easement. In this regard, all of the lots over which the utility line currently is situated will likewise be subject to the utility easement. Member Tarbox inquired where the electric power will be accessed for this project. Mr. Holbriiter stated that options were being discussed with National Grid, but that National Grid will not review the project in detail until a final plat is approved. Mr. Holbriiter stated that a map note was added setting forth the sight distances for the subdivision road onto McChesney Avenue Extension and Town Office Road, and also a map note has been added on the Town's right to farm law. Mr. Holbriiter also stated that a map note has been added stating that all driveways need to conform with the Town driveway and private road standards, and that Mr. Holbriiter has discussed this with the Town Highway Superintendent, and that Town Highway Superintendent will be involved in the build-out of the project. Also, Mr. Holbriiter stated that the detail sheet of the final plat package does include information regarding private road standards for specific driveways due to length.

b. The Applicant has coordinated with the Rensselaer County Highway Department regarding signage on McChesney Avenue Extension. The final plat identifies proposed signs which will be installed by the County. The Applicant will purchase the signs.

c. Attorney Gilchrist reported that a Town Stormwater Management Facilities Maintenance Agreement is currently being worked on with the Applicant, and that the Applicant does need to proceed with creation of the subdivision homeowners association for the purpose of owning and operating the stormwater management facilities for the project. Mr. Holbriiter stated that the homeowner association documents are currently being prepared.

d. The Planning Board generally discussed the requirement that an acceptable form of financial security will be required for the infrastructure construction on the project, and that final plat action will be subject to the financial security requirement. This will be further discussed with the Applicant.

e. The Applicant will comply with all provisions of Conditional No. 1(e) of the preliminary approval.

f. The Planning Board generally discussed the existing vegetation between this project site and the lands of Duncan and Tomaro. The Planning Board determined that the final plat would be subject to a condition that the builder not clear or cut the existing vegetation along this project border, but that there would not be the need for a lot restriction on future lot owners. The Planning Board noted that a significant portion of the existing hedgerow is located on the adjacent lands of Duncan and Tomaro.

g. Mr. Holbriiter explained that all plans for water and septic have been submitted to the Rensselaer County Department of Health, and that it is his understanding that the County

Health Department is waiting for the Town SWPPP MS4 approval as well as the execution of the Town Stormwater Management Facilities Maintenance Agreement. Mr. Kestner explained that his office had reviewed the stormwater plan and finds it acceptable, but that further submittals need to be made by the Applicant in order for the Town to execute the MS4 approval. The Applicant will coordinate with Mr. Kestner in this regard. Attorney Gilchrist questioned why the County Health Department was waiting for a copy of an executed Stormwater Management Facilities Maintenance Agreement, as this agreement dealt with stormwater and not with potable water or septic. The Applicant will make this inquiry with the County Health Department. Mr. Holbriiter did note that a map note has been added to the final plat stating that a hydrogeological investigation has been conducted on the property. Attorney Gilchrist and Mr. Kestner will further review this proposed map note.

h. Mr. Kestner's office is continuing its review of the final subdivision plat submittal, and would be issuing any comments.

i. Mr. Holbriiter stated that he was coordinating with the Town Highway Superintendent on an acceptable negative pitch for all driveways located off the proposed subdivision road proposed to be dedicated to the Town.

j. The Planning Board confirmed that no blasting is allowed in conjunction with the project build-out, and that if rock requiring blasting is encountered during build-out, the Applicant will need to return to the Planning Board for an amendment to the subdivision approval. Attorney Gilchrist and Mr. Kestner will be reviewing a proposed final plat note in that regard.

k. The Planning Board generally reviewed the consultant review fee requirements for the final subdivision plat submittal. Mr. Holbriiter confirmed that the Applicant had paid all past consultant review fees incurred on the project.

l. Mr. Holbriiter stated that the Applicant was proposing hours and day restrictions for construction activities to be Monday through Friday 7:00 a.m. to 4:00 p.m., and Saturday 7:00 a.m. to 4:00 p.m. only as needed. The Planning Board will make a final determination on construction restrictions as part of action on the final plat.

m. Mr. Holbriiter stated that the Applicant will comply with Condition No. 1(n) of the preliminary approval. In this regard, the Planning Board noted that two of the proposed subdivision lots had frontage directly on Town Office Road, and would not be accessed from the subdivision road to be constructed. Mr. Kestner will further investigate whether these lots should be subject to the restriction that no certificate of occupancy would be issued until all infrastructure was completed. The Planning Board thought that the condition should not apply in terms of the road construction since these two lots would not be accessed from the subdivision road, but wanted Mr. Kestner to investigate whether the stormwater infrastructure needed to be completed for purposes of these two lots as well. This matter will be further discussed.

n. The Applicant was in agreement that all of the homes to be constructed as part of this project will, at a minimum, be in general conformance with the building elevations

submitted to the Planning Board. Mr. Kreiger confirmed that the building elevations were part of the application file.

Chairman Oster then discussed with the Planning Board members whether the Planning Board deemed the final plat submittal to be in substantial conformance with the preliminary plat. The Planning Board members generally concurred that the final plat is in substantial conformance with the preliminary plat which was granted conditional approval. Accordingly, the Planning Board will not conduct an additional public hearing on the final plat submittal. This matter is placed on the February 21 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application submitted by Farrell Homes for the former Welch Farm property located between NY Route 2 and Pinewoods Avenue. Mr. Kreiger noted that part of this property was situated in a State Agricultural District, that he had provided the Applicant with an Agricultural Data Statement, and that the Agricultural Data Statement needed to be filed and served on the project. Mr. Krieger also confirmed that a formal minor subdivision application had been filed with all application fees, and that an escrow account must be established for consultant review fees. Mr. Holbriiter was present for the Applicant. Mr. Holbriiter reviewed the minor subdivision plat, on which topography has been added, as well as location of neighboring home, well and septic locations. Mr. Holbriiter also noted that on the upper two lots with access off Pinewoods Avenue, a proposed home and septic location has also been added to the subdivision plat. Mr. Holbriiter noted that the two lots with access off Pinewoods Avenue are located in Town Water District No. 3, but that he had met with the Town Water Department and that the Town Map does not show these properties to be located in a water district. Mr. Kestner stated that he would coordinate with the Town Water Department, and that his understanding is the water district does extend 600' off of Pinewoods Avenue onto this project site. Mr. Holbriiter confirmed that the

two proposed lots off of Pinewoods Avenue, proposed Lots 3 and 4, will be connected to public water. Mr. Kestner noted that the two lots accessed off of NY Route 2, proposed Lots 1 and 2, do not show any well locations. Mr. Holbriiter confirmed that he had investigated the property, and that he could not find any potable water wells, and that the two homes located on these properties, as well as the farm building, may be hooked into public water off of the Pinewoods Avenue water main. The Planning Board had many questions in this regard, including whether these homes are located in a water district, whether there were multiple users hooked into one water feed line, whether there were existing meters to each of the users, whether these users had been billed for prior water use, and where the water line to these structures was located. Mr. Holbriiter stated that he was still investigating these issues, but that he had not been able to locate the water line which may lead to these existing structures. All of these issues must be further investigated and resolved with the Town Water Department as part of this subdivision review process. Member Czornyj inquired whether the existing commercial activity on proposed Lot 2 would continue. Mr. Holbriiter stated that while some commercial activity had occurred there in the past, no further commercial activity would be occurring on proposed Lot 2. Mr. Holbriiter also stated that test holes had been performed on proposed Lots 3 and 4 off Pinewoods Avenue for purposes of septic systems, and that proposed Lot 3 had good soils, but that proposed Lot 4 would likely require a raised bed septic system. Mr. Holbriiter stated that he would be adding the soil investigation data to the subdivision plat. Mr. Holbriiter also stated that the driveways for Lots 3 and 4 had been located, and that based on a 30 mph speed limit for Pinewoods Avenue, the projected sight distances are good. There was some discussion regarding the location of driveway locations, and potentially lining up those driveway locations to be opposite existing driveways on Pinewoods Avenue. Member Czornyj asked whether there

were wetlands located on proposed Lot 2. Mr. Holbriiter stated that there were wet areas on Lot 2, that they are not listed as NYS DEC wetlands, but they may be protected federal wetland areas, but that there are no activities projected for any wetland area on Lot 2. Chairman Oster confirmed that additional information is required on the water line issue, how that matter will be handled, and that coordination with the Town Water Department will be required. This matter is placed on the February 21 agenda for discussion.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Robert Wagner for property located on the easterly side of Garfield Road. Mr. Wagner seeks to divide 3.59± acres from an existing 97.8 acre lot for purposes of residential construction. Mr. Kreiger noted that this property is likewise located in an Agricultural District, and that an Agricultural Data Statement will be required. The Planning Board generally reviewed the proposed subdivision and property location. Member Tarbox asked about the pitch on the proposed driveway. Mr. Holbriiter was also present on this application for the Applicant, and stated that work will need to be done at the bottom of this property near Garfield Road for driveway construction, but that the grade on the driveway will be less than 12%. The Planning Board will look for further information on the driveway construction, including sight distances onto Garfield Road. This matter is placed on the February 21 agenda for further discussion.

The second item of new business discussed was the Berkshire Properties residential subdivision located off Betts Road. This matter had been previously reviewed by the Planning Board in conjunction with the Berkshire Properties PDD. The Planning Board noted that the major subdivision for the Berkshire Properties PDD was granted conditional final plat approval on May 19, 2011; however, the Applicant had not satisfied all conditions attached to the final

plat within applicable timeframes. Mr. Kreiger informed the Board that the project includes 10 residential lots, with 7 lots on a new cul-de-sac road and 3 lots on the existing Betts Road. Mr. Kreiger reported that one of the lots for the project was having difficulty meeting standards for septic systems. The project will need to come back before the Planning Board for further review, with particular regard to the lot which has had difficulty meeting Health Department standards for septic and how that will be addressed by the Applicant. At the request of the Applicant, this matter will not be addressed at the February 21 meeting, but will be placed on the March 7 agenda for discussion.

The index for the February 7, 2013 meeting is as follows:

1. Enfield – waiver of subdivision – 2/21/13 (tentative, subject to Town Board action on waiver request);
2. Farrell Homes, Inc. – Doubleday Estates major subdivision plat – 2/21/13;
3. Farrell Homes, Inc. – minor subdivision (Welch Farm) – 2/21/13;
4. Wagner – waiver of subdivision – 2/21/13;
5. Berkshire Properties PDD – major subdivision – 3/7/13.

The proposed agenda for the February 21, 2013 meeting currently is as follows:

1. Enfield – waiver of subdivision.
2. Farrell Homes, Inc. – Doubleday Estates major subdivision plat.
3. Farrell Homes, Inc. – minor subdivision (Welch Farm).
4. Wagner – waiver of subdivision.