

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 21, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT were GORDON CHRISTIAN, MICHAEL CZORNYJ and FRANK ESSER.

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 February 7, 2013 meeting. Upon motion of Member Tarbox, seconded by Member Wetmiller, the draft minutes of the February 7, 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, and Katherine Enfield were present on the application. The Applicant explained that the waiver of the subdivision standards limiting the number of lots on a cul-de-sac or dead-end road, as requested on this application, was granted by the Brunswick Town Board at its meeting held February 14, 2013. Mr. Kreiger confirmed that the waiver was granted by the Brunswick Town Board concerning the addition of one residential lot to this dead-end road system. Chairman Oster then confirmed that the Planning Board had reviewed the application and as of the February 7 meeting, had no additional questions or comments other than action by the Town Board on the requested waiver. Chairman Oster then inquired whether the Planning Board members had any additional questions or comments for the Applicant. Hearing none, Member

Tarbox made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a Negative Declaration under SEQRA adopted on this application. Thereupon, Member Mainello made a motion to approve this waiver of subdivision application, subject to Rensselaer County Health Department approval for well and septic. The motion was seconded by Member Tarbox, subject to the stated condition. The motion was unanimously approved, and the Enfield waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the major subdivision application by Farrell Homes, Inc. for the Doubleday Estates major subdivision application. Brian Holbriiter was present for the Applicant. Mr. Holbriiter confirmed that the Stormwater Pollution Prevent Plan for the project was finalized and signed by Scott Reese, and submitted to the Town for final review. Mr. Kestner confirmed that he is in receipt of the final, signed SWPPP, and that his office has reviewed that final SWPPP, and that his office will send the MS4 acceptance sheet to Mr. Kreiger for signature. The Planning Board next discussed proposed Lots 22 and 23, which have direct frontage onto Town Office Road, and whether such lots should be subject to the condition that no building permits will be issued for any lot until the project infrastructure was completed. This issue had arisen since these lots directly front onto Town Office Road, and are not dependent on the completion of the proposed subdivision road. Mr. Kestner had raised the issue of stormwater infrastructure at the February 7 meeting, and whether certain stormwater infrastructure would need to be completed prior to any construction on Lots 22 and 23. Mr. Kestner received further information from Scott Reese on behalf of the Applicant, which stated that the Applicant would complete the original construction phasing steps 1-3 listed in the SWPPP, and then follow the following steps with respect to Lots 22 and 23:

1. Install silt fencing as shown for Lots 22 and 23.
2. Install construction entrances for each lot.
3. Install sediment traps where the rain gardens are located.
4. Install drainage swales to sediment traps.
5. Install sediment trap for north entrance off of Town Office Road, to insure post-development runoff from the two lots is below pre-development conditions.
6. Begin construction of Lots 22 and 23.

Mr. Kestner stated that this proposal addressed stormwater compliance issues for construction of Lots 22 and 23. Mr. Kestner also raised the issue of phasing this project, so that a plat showing Lots 22 and 23 could be finalized and filed in the County Clerk's Office upon Rensselaer County Health Department approval, while all remaining issues could be addressed on the remaining lots. The primary issue on the phasing approach is the need for adequate security for the infrastructure construction on the remaining lots, most particularly the construction of the subdivision road. Mr. Holbriiter will review the option of phasing this project with the Applicant. Mr. Holbriiter also reviewed revised sheets 2 and 3 of the final plat package, stating that he had revised the final plat notes per comments of Mr. Kestner and Attorney Gilchrist. Mr. Holbriiter also stated that the Applicant was still waiting for the Rensselaer County Health Department to complete its review of the proposed well and septic plan, and that Steve Dean, P.E. was addressing final comments from the County Health Department. Mr. Holbriiter stated that it was his understanding that the Rensselaer County Health Department was waiting for the Town of Brunswick Stormwater Management Facilities Maintenance Agreement before issuing final approval on the well and septic plan. Mr. Kestner stated that he had spoken with the County Health Department, and that it was his understanding that the County Health Department was waiting for the MS4 acceptance signoff by the Town of Brunswick, and was not waiting for

the municipal Stormwater Management Facilities Maintenance Agreement. Mr. Holbriiter and Mr. Kestner will resolve this issue with the County Health Department. Mr. Holbriiter stated that the Applicant continued to work on the financial security issue associated with the subdivision infrastructure. Member Mainello asked Attorney Gilchrist as to the requirements for the financial security for infrastructure. Attorney Gilchrist reviewed the New York Town Law and Brunswick Code Requirements for financial security for infrastructure construction. Attorney Gilchrist explained that the Applicant has the option of providing acceptable financial security for infrastructure construction, which would then allow the Town to sign the final plat if approved, or in the alternative the Applicant could move forward and actually construct and complete the infrastructure, and upon review by the Town of Brunswick, the Town could then move forward and sign the final plat. This matter will be further discussed between the Planning Board and the Applicant. Mr. Holbriiter stated that he would provide the Planning Board with an estimate for infrastructure construction, to be reviewed by Mr. Kestner. Chairman Oster also noted that Mr. Kestner's office had provided an estimate for its review services following the issuance of preliminary subdivision approval through final plat review, that Chairman Oster found the estimate to be reasonable, and that an escrow for engineering services for final plat review needed to be established by the Applicant. Mr. Holbriiter stated that the review estimate had not been provided to the Applicant, but that he would review this requirement with the Applicant. Member Mainello stated that he felt a final plat note should be added to address a minimum height for the National Grid utility line which goes over the proposed subdivision road, since the Town would be taking over the road after final construction and acceptance by the Town, so that no safety issue would arise concerning the utility line height over the public road. Mr. Holbriiter stated that he would investigate a minimum height standard, and add an

appropriate map note to the final plat. This matter is placed on the March 7 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application by Farrell Homes for the proposed Welch Farm minor subdivision located between NY Route 2 and Pinewoods Avenue. Mr. Kreiger confirmed that an Agricultural Data Statement had been completed and sent out to the owners of agricultural property, but that no written comments had been received by the Town. It is noted for the record that the owner of Engel Farms, located on the opposite side of NY Route 2, was present. Chairman Oster raised the issue of the water line which exists on the project site, running from Pinewoods Avenue to the existing two homes, as well as several barn buildings, adjacent to NY Route 2. Mr. Kestner stated that the water line issue is still being reviewed by the Town Water Department, and issues concerning the water line had not yet been resolved. These issues include location of the water line, as well as metering and service connections to existing structures. Mr. Holbriiter explained that he had coordinated with the contractor who installed this water line previously on the site to discuss location of the water line. Mr. Holbriiter stated that he had placed the location of the water line only on Lot 4, and has included a 30' wide easement for access to the water line traversing Lot 4. Mr. Holbriiter stated that the Applicant was seeking approval to continue public water service for proposed Lots 1 and 2. Mr. Holbriiter stated that based on his investigation and discussion with the installation contractor, it appears that the old cow barn was first hooked up to public water, then the connection was made to the existing farm house, and then the connection was made to the newer cow barn, and the final connection was made to the smaller ranch home on the parcel. Mr. Holbriiter stated that he was not certain if there was an actual meter installed, but that there was a meter pit at Pinewoods Avenue. The Planning Board, Mr. Kestner, and Mr. Holbriiter then had a

lengthy discussion concerning the water line, including the issue of one water line servicing two separate residential units, future repair and maintenance responsibilities between these two residential units, the specific location of the water line traversing Lot 4, and repair responsibilities if a break in the line occurred on Lot 4. Also, the Planning Board, Mr. Kestner, and Mr. Holbriter had a lengthy discussion concerning the exact location of the water line, since the water line has not been specifically located due to the fact that it is reportedly a plastic line without any tracer. Member Mainello asked whether the Planning Board could act upon a subdivision plat showing a water line easement, without knowledge of where the water line actually existed, and what legal implications there were in terms of approving a plat showing a water line easement area without knowing whether the water line actually is located within the easement width. It was determined that further coordination with the Brunswick Water Department is necessary on this application. Mr. Engel, owner of Engel Farms, stated that when he was investigating the property at the time of his purchase of the adjacent property, it was his recollection that the existing ranch house had copper water lines, not a plastic water line. Chairman Oster then inquired of Mr. Holbriter as to whether National Grid had contacted the Applicant about installation of gas lines. Mr. Holbriter stated he had no information on that issue. The Planning Board discussed the need for a public hearing on the application, and whether the public hearing could proceed before the water line issue had been resolved. The Planning Board members were generally in agreement that the water line issue must be resolved, and insured that the water line easement area was properly located. Mr. Holbriter had concern regarding the extent of investigation required to determine the water line location, and how many test holes would be acceptable to the Planning Board to definitively locate the water line. Attorney Gilchrist stated that this was not an issue to be resolved by the Planning Board, but

rather the Applicant would need to determine the specific location of the water line and insure that the easement location is proper on the proposed plat. Further review by the Town Water Department, Mr. Kestner, Mr. Holbriiter, and the Applicant is required on the water line issue. This matter will be placed on the March 7 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Robert Wagner for property located on the easterly side of Garfield Road. Mr. Kreiger confirmed that an Agricultural Data Statement had been completed and served, and that no comments had been received by the Town. Mr. Holbriiter was present for the Applicant as well. Mr. Holbriiter reiterated that the Applicant is seeking to divide 3.59± acres from an existing 97.8 acre lot for purposes of residential construction. The Planning Board noted that there was an issue regarding the driveway elevation. Mr. Holbriiter stated that a driveway had been cut-in for purposes of conducting test holes on the proposed lot, that the driveway was currently steep but not finished, and that he was coordinating with the Rensselaer County Highway Department for an appropriate back pitch so that stormwater would not run out onto the road. Mr. Kestner confirmed that a back pitch would be required, and Mr. Holbriiter confirmed that Rensselaer County Highway Department had already commented on this. Chairman Oster inquired of the Planning Board whether there were any further comments or questions on the application. Hearing none, Member Tarbox made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a Negative Declaration adopted under SEQRA. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application subject to the following conditions:

1. Rensselaer County Health Department approval for well and septic.
2. Compliance with Brunswick Private Road Standards for the residential driveway.

3. Rensselaer County Highway Department driveway permit.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Mark Ross for property located at 13 Camel Hill Road. Mr. Ross was present. Mr. Ross is seeking to divide 3.29 acres out of his grandmother's lot (Tax Map No. 83.-4-20.1), which currently totals 12.92 acres. Mr. Ross is seeking to construct a home on the new lot. Chairman Oster reviewed the application fee and escrow requirements with the Applicant. The Planning Board members reviewed the general layout of the proposed residential lot, confirming that no waiver of subdivision had been completed within the last 7 years. Mr. Ross confirmed that his parents had broken off a lot from his grandmother's parcel over 30 years ago, and had constructed their home on that lot off of Camel Hill Road as well. Mr. Ross confirmed that there was an existing home on the lot owned by his grandmother, there was an existing home on the lot owned by his parents, and that he was proposing to construct a house on the new lot. The Planning Board generally reviewed the existing well and septic locations and separation requirements in connection with the proposed new lot. The Planning Board also reviewed the private road standards that would need to be complied with for a driveway on the new lot. The Planning Board requested that sight distance information be provided for the proposed driveway location onto Camel Hill Road. Chairman Oster noted that the septic location on Mr. Ross's grandmother's parcel is shown on the subdivision plat, but that the plat should also show the septic location on his parent's lot. Member Tarbox stated that he wanted to go out to the site to take a look prior to acting on the

application. The other Planning Board members concurred. Mr. Kestner confirmed that Mr. Ross should stake out the corners of the proposed lot, and indicate the proposed driveway location. This matter is placed on the March 7 agenda for further discussion.

The index for the February 21, 2013 meeting is as follows:

1. Enfield – waiver of subdivision – approved subject to condition;
2. Farrell Homes, Inc. – Doubleday Estates major subdivision – 3/7/13;
3. Farrell Homes, Inc. – Welch Farm minor subdivision – 3/7/13;
4. Wagner – waiver of subdivision – approved subject to conditions;
5. Ross – waiver of subdivision – 3/7/13.

The proposed agenda for the March 7, 2013 meeting currently is as follows:

1. Farrell Homes, Inc. – Doubleday Estates major subdivision.
2. Farrell Homes, Inc. – Welch Farm minor subdivision.
3. Ross – waiver of subdivision.
4. Berkshire Properties Planned Development District – major subdivision.