

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 7, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, GORDON CHRISTIAN, FRANK ESSER, KEVIN MAINELLO, DAVID TARBOX 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 February 21, 2013 meeting. Upon motion of Member Wetmiller, seconded by Member Tarbox, the draft minutes of the February 21, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application by Farrell Homes, Inc. for final major subdivision approval regarding the Doubleday Estates project located on Town Office Road and McChesney Avenue Extension. Charles Farrell and Steve Dean, P.E. were present on the application. Mr. Dean confirmed that the Rensselaer County Department of Health had issued its approvals for the water and septic plan for the project. Mr. Kestner confirmed that he had reviewed the executed Stormwater Pollution Prevent Plan, that his office had approved the SWPPP, and that the MS4 approval form had been prepared and signed by the Town. Mr. Kestner also confirmed that he had received correspondence from Brian Holbriiter concerning the height of all transmission lines over the subdivision road and proposed driveways and reviewed those heights with the Planning Board members. Chairman Oster stated that he had reviewed the escrow situation for consultant review fees on the application with the Town,

and that the Applicant needed to fund the escrow account for final consultant review fees. Mr. Farrell stated that he had received the request from the Town, and that he had already submitted the funds to the Town for the consultant review fees in connection with the review of the final plat submission. Chairman Oster requested Attorney Gilchrist to review the issue concerning the financial security for the infrastructure on the project. Attorney Gilchrist reviewed the New York Town Law and Brunswick Code requirements for project infrastructure construction on a subdivision application. Mr. Farrell stated that he was in the process of obtaining a performance bond for the project infrastructure, and would be filing a performance bond in connection with the infrastructure for the project. Mr. Kestner confirmed that he had received estimates for the infrastructure construction, that his office was reviewing those estimates, and that he had also forwarded the estimates to the Town Highway Superintendent for review as well. Chairman Oster confirmed with Mr. Farrell that during infrastructure construction, the Town will be performing inspections to insure compliance with the project plans, and that the Town Highway Department will likely oversee the road construction, and that the Town Building Department would oversee all building construction. Chairman Oster confirmed that he did not envision any additional review consulting fees incurred by the Planning Board in connection with the review of the final plat, but the Town will be performing further inspections during project build-out, and that any fees associated with such inspections will be handled directly by the Town. Attorney Gilchrist and Mr. Kestner then reviewed the status of all conditions which the Planning Board had imposed in connection with preliminary subdivision approval, and that all such conditions had been addressed by the Applicant. Member Tarbox asked about the status of Lots 22 and 23 in relation to completion of project infrastructure, and whether building permits and certificates of occupancy can be issued for Lots 22 and 23 before the infrastructure has been

completed for their balance of the project. Mr. Kestner stated that there was a phasing option, which could put Lots 22 and 23 within the first phase of construction, and all remaining lots would be in a second phase. Mr. Farrell stated that he had considered the phasing option, but will leave the project as a single phase build-out, as he anticipates the infrastructure construction to be completed fairly quickly, which will not delay his marketing and construction on Lots 22 and 23. After further deliberation, the Planning Board directed Attorney Gilchrist to draft a resolution for final plat approval to be reviewed at the March 21 meeting.

The next item of business on the agenda was the minor subdivision application submitted by Farrell Homes, Inc. for the Welch Farm property located between Pinewoods Avenue and NY Route 2. Chairman Oster stated that he had been in communication with Brian Holbriiter, Mark Kestner, P.E., and William Bradley, Town Water Superintendent, concerning the existing waterline issue from Pinewoods Avenue to the structures located adjacent to NY Route 2. Chairman Oster understood that the resolution of this issue was that Mr. Farrell would discontinue and disconnect public water servicing the structures on proposed Lots 1 and 2 adjacent to NY Route 2, and continue to propose connection to public water for Lots 3 and 4 adjacent to Pinewoods Avenue only. In addition, Chairman Oster understood that the Town was seeking to require a utility easement on the western side of the project site between Pinewoods Avenue and NY Route 2. Mr. Kestner confirmed his communications with Mr. Bradley concerning the existing public waterline disconnection and Town recommendation that a utility easement be granted on the western side of the project site. Mr. Kestner confirmed that Mr. Holbriiter had added the easement to the subdivision plat, on the western side of the project site over proposed Lots 4 and 2. Chairman Oster had a question concerning any future construction over this proposed utility easement area, including a potential road or driveway. Attorney

Gilchrist stated that once the utility easement is on the approved subdivision plat, and a separate easement document in favor of the Town is recorded in the County Clerk's Office, all future property owners will be subject to the rights of the Town of Brunswick set forth in the utility easement. Member Czornyj asked Mr. Kestner whether the Town would remove any existing water meter when the structures adjacent to NY Route 2 have been disconnected. Mr. Kestner stated that any meter would be disconnected and removed, but would be done after the wells are drilled and hooked up to the existing homes adjacent to NY Route 2 so that there would be no disruption in potable water supply. Chairman Oster asked whether there were any additional issues or questions concerning this application. Hearing none, the Planning Board determined to hold the public hearing on this application at its March 21 meeting at 7:00 p.m. Mr. Farrell raised a timing issue on when the new wells for Lots 1 and 2 would need to be drilled and Rensselaer County Health Department approval obtained, as he wanted to be able to transfer title to those lots as soon as possible after final approval. Attorney Gilchrist will research that issue.

The next item of business on the agenda was the waiver of subdivision application by Mark Ross for property located at 13 Camel Hill Road. After the initial discussion on this application at the February 21 meeting, Chairman Oster confirmed that the Planning Board members had an opportunity to review the proposed project site. Chairman Oster inquired whether the location of the septic system on Mr. Ross' father's lot had been put on the map. Mr. Ross stated that the location of the septic system on his father's lot had not been put on the map, but described the location as being approximately 45' east of the existing garage on his father's lot, and approximately 75' south of the northern boundary line of his father's lot. The Planning Board members generally reviewed this location on the map, and determined that it appeared there were adequate separations between Mr. Ross' grandmother's lot, his father's lot, and his

proposed new building lot in terms of well and septic. Chairman Oster inquired whether there were any further questions on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the condition of Rensselaer County Department of Health approval for water and septic. That motion was seconded by Member Wetmiller, subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition. The Planning Board noted that while not a condition on the approval, Mr. Ross will work with the Town Highway Department concerning any grading on the existing driveway to the new lot to insure that an appropriate back pitch is maintained so there will not be any stormwater runoff directly onto Camel Hill Road.

Town Highway Superintendent Eddy was present at the meeting, and addressed the Planning Board members concerning road issues. Mr. Eddy confirmed that he would coordinate with Mr. Holbitter and Mr. Farrell on the Doubleday Estates major subdivision road construction, and that he will look at the estimate for road construction costs in connection with the performance bond requirements. Mr. Eddy and the Planning Board members then generally discussed road issues which the Board reviews in connection with subdivision and site plan applications.

The next item of business on the agenda was the major subdivision application submitted by Bohler Engineering for the Berkshire Properties Planned Development District (PDD) major subdivision located on Betts Road. Chris Boyer of Bohler Engineering was present for the Applicant. Mr. Boyer generally gave the Planning Board an update on this project, confirming

that the major subdivision had previously been issued conditional preliminary plat approval on March 24, 2011 and conditional final plat approval on May 19, 2011, but that the conditions attached to the final approval had not been satisfied and the final plat had not been stamped or signed or recorded in the County Clerk's Office. Mr. Boyer confirmed that the project remains essentially unchanged from the prior review, with the exception of one minor change to add turning radius to the corners of the proposed new subdivision road, and to add a stop sign to the subdivision road at its intersection with Betts Road. Otherwise, Mr. Boyer said the project remains as previously reviewed, including 10 proposed lots on approximately 20± acres of land at the end of Betts Road. Two of the proposed lots directly front onto Betts Road, and all remaining lots access off the new cul-de-sac road for the subdivision. Mr. Boyer confirmed that two monitoring wells had been installed, that a pump test had been performed, and that his office was coordinating with the Rensselaer County Health Department on water and septic plans. Mr. Boyer confirmed that a full set of project plans had been submitted to the Town of Brunswick for review, which included a Stormwater Pollution Prevention Plan. Chairman Oster inquired whether there was any problem with the septic design for proposed Lot 4. Mr. Boyer confirmed that the Rensselaer County Health Department is requiring an under-drain for Lot 4, and that the under-drain would address soil conditions on proposed Lot 4, and while the under-drain was being installed the Applicant proposes to add a plat note indicating that Lot 4 was not buildable until the septic system was approved by the Rensselaer County Health Department. Mr. Kestner stated that the Health Department had issued a letter concerning Lot 4, and inquired what would happen in the event the under-drain system did not adequately address the soil conditions on Lot 4. Mr. Boyer stated that in the event the under-drain does not address the soil conditions so that a septic could be approved for that lot, then the area of Lot 4 would likely be divided between the

two adjacent lots. However, Mr. Boyer was confident that the under-drain would adequately address soil conditions on the property, and that a septic system could be approved for Lot 4. Attorney Gilchrist reviewed the issue concerning the need to condition any final action by the Planning Board on Rensselaer County Health Department approval for water and septic for all approved lots, and that there are statutory timeframes in which such conditions need to be satisfied in order for the Town Planning Board to stamp and sign the final plat. In this case, Attorney Gilchrist stated that the time needed to install and operate the under-drain for proposed Lot 4, and ultimate approval by the Rensselaer County Health Department for Lot 4, would impact the ability of the Town Planning Board to stamp and sign the final plat for all lots. This issue will need to be further addressed during project review. Attorney Gilchrist also inquired whether an environmental assessment form had been filed on the new application. Mr. Boyer confirmed that an environmental assessment form had not yet been completed, but he would do so prior to the next meeting. Mr. Kestner inquired as to the status of the water plans submitted to the Rensselaer County Health Department. Mr. Boyer confirmed that the plans for water supply had been submitted to the Health Department, and that he had received comments back and was working to address those comments. The Planning Board then generally discussed the issue of public water being installed along Betts Road in conjunction with the prior Hudson Hills PDD approval, but that the Hudson Hills PDD project had not been moved forward and a public waterline had not yet been installed. The Planning Board also discussed the size of the waterline to be installed on Betts Road to service a project the size of Hudson Hills as opposed to a project the size of the Berkshire PDD major subdivision. Because of these issues, the Applicant had determined previously to not wait for public water installation, but rather to move forward with private well installation. Mr. Boyer confirmed that the Applicant was still moving forward with

the private well installation. The Planning Board asked whether there was an existing homeowner on Betts Road who had problems with his well when Bohler Engineering had previously installed the first monitoring well for the subdivision. Mr. Boyer confirmed that when the first monitoring well was installed and pumped for the Berkshire Subdivision, an existing homeowner on Betts Road stated that his well was affected, both in terms of yield and the water turning a dark color. However, the homeowner did not provide access to his well, either by Bohler Engineering or the Rensselaer County Health Department. After the second test well was drilled, Mr. Boyer explained that a drawdown test had been done pumping both monitoring wells, and that neither his office nor the Rensselaer County Health Department had been contacted by the existing homeowner on Betts Road concerning any problems. The Planning Board next discussed the width of the subdivision road right-of-way, and that adequate area existed within the public right-of-way for future public utility line installation, if necessary. The Planning Board confirmed that this application would be treated as a new major subdivision application, and Mr. Kreiger confirmed that an application form and application fees had been paid. Chairman Oster confirmed that an escrow account needed to be established for engineering consultant review on this new application. This matter is placed on the March 21 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was the Brunswick Farms commercial subdivision and site plan application submitted by Reiser Bros. Mr. Kreiger confirmed that he had been contacted by Mr. Reiser, and requested that the site plan and commercial subdivision matters be placed on the March 21 agenda. Mr. Kreiger confirmed that the Brunswick Zoning

Board of Appeals had issued a special use permit concerning the gas station portion of this project in December, 2012. This matter will be placed on the March 21 agenda.

The second item of new business discussed was a site plan application submitted by Oakwood Property Management, LLC for amendment to existing site plan for industrial use located at 215 Oakwood Avenue, plus site plan approval for the adjacent parcel located in the industrial zoning district (the former Hasslinger parcel). Both of these parcels are located in the industrial district. This matter will be further discussed at the April 4 meeting.

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

1. Farrell Homes, Inc. – Doubleday Estates major subdivision – 3/21/13;
2. Farrell Homes, Inc. – Welch Farm minor subdivision – 3/21/13 (public hearing at 7:00 p.m.);
3. Ross – waiver of subdivision – approved with condition;
4. Bohler Engineering – Berkshire Properties PDD major subdivision – 3/21/13;
5. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan – 3/21/13;
6. Oakwood Property Management, LLC – site plan – 4/4/13.

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

1. Farrell Homes, Inc. – Welch Farm minor subdivision (public hearing at 7:00 p.m.);
2. Farrell Homes, Inc. – Doubleday Estate major subdivision.
3. Bohler Engineering – Berkshire Properties Planned Development District major subdivision.
4. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan.