

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 5, 2013

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, FRANK ESSER, KEVIN MAINELLO, TIMOTHY CASEY and DAVID TARBOX.

ABSENT was VINCE WETMILLER.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Planning Board members reviewed the draft minutes of the August 15, 2013 meeting. Chairman Oster noted one correction at page 6, line 5, changing “O’Malley” to “John O’Malley”. Subject to the noted correction, Member Czornyj made a motion to approve the minutes of the August 15, 2013, meeting, which motion was seconded by Member Mainello. The motion was unanimously approved, and the August 15, 2013 meeting minutes approved subject to the noted correction.

The first item of business on the agenda was the site plan application by Marini Homes, LLC in connection with the amended Highland Creek Planned Development District. Ivan Zdrahal, P.E. and Robert Marini were present for the Applicant. Mr. Zdrahal handed to the Planning Board a set of updated plans for the project, and generally presented an overview of the project. Mr. Zdrahal reviewed the proposal for 40 buildings, 4 units per building, built for condominium design. Mr. Zdrahal also reviewed the land transfer to the Town of Brunswick in connection with the project. Mr. Zdrahal then reviewed the lands retained by Marini on the project site, including those for development and those areas retained by Marini for preservation purposes. Mr. Zdrahal reviewed the detailed grading plans, identified in the plan set as Sheets E-

1 and E-2. Mr. Zdrahal reviewed the grading for the areas of building construction and garage construction, road construction, as well as stormwater management facilities. Mr. Zdrahal discussed the road layout, including the public road upgrade (Bonesteel Lane) as well as the internal roads to the condominium building layout, with the internal roads remaining private but built according to Town-approved specifications. Mr. Zdrahal reviewed the proposed hammerhead area at the end of Bonesteel Lane adjacent to the land to be transferred to the Town of Brunswick, which will provide a public roadway access from McChesney Avenue Extension to the lands to be transferred to the Town of Brunswick. Mr. Zdrahal also discussed the stormwater management system, which will remain private and subject to a Stormwater Management Facilities Agreement with the Town of Brunswick, with the Town provided an easement for access to the stormwater facilities. Mr. Zdrahal also reviewed the private road system in the project, which will be subject to a Road Maintenance Agreement with the Town of Brunswick. Mr. Zdrahal also identified the area of the public water line extension through the lands to be conveyed to the Town of Brunswick and extending to the lands formerly of John O'Malley, which water line will allow for a looped water line system for the benefit of public water users in this area of the Town. Mr. Zdrahal stated that the project has obtained all additional necessary permits, including permits from NYSDEC, Army Corps of Engineers, and the Rensselaer County Department of Health. Mr. Zdrahal stated that the site plan must still be reviewed by the Planning Board, and that the Applicant must complete its revised Stormwater Pollution Prevention Plan and submit that to the Town as well. Mr. Zdrahal stated that he would be submitting information showing that the previously approved stormwater facilities will be adequate and appropriate for the current condominium plan. Mr. Zdrahal also reviewed Sheet L-1 of the plan set, which includes general notes for the project, ownership of several parcels

within the project site, as well as a general layout for typical building construction, including water and sewer connections. Mr. Zdrahal stated that he would meet and get input from the Town Consulting Engineer and Town Water Department concerning this information. Chairman Oster inquired as to the property to be transferred to the Town of Brunswick on the project site, which the Town may use for recreational purposes, and observed that there was not a significant buffer between the property to be transferred to the Town and the rear of some of the condominium buildings on the project. Chairman Oster questioned whether this would be a potential issue for the unit owners in the future. Mr. Marini stated that he had considered that issue, and had provided for a retained preservation area around all but three of the condominium buildings. For the three condominium buildings that do not have a retained preservation area behind the building backyards, Mr. Marini explained that such area included a historic preservation area that was identified during the SHPO review process for the project, and that any use of that area is restricted as a result of the SHPO review. Mr. Marini also said that the location of the proposed hammerhead off of Bonesteel Lane was intended to be the likely area for public access to the land transferred to the Town of Brunswick, and that the hammerhead was located an adequate distance from the condominium buildings. Mr. Marini also commented that he is of the opinion that whatever public or recreational use the Town intends for the land transferred to the Town, it will not only be an asset for the Town of Brunswick but also an asset for this project. Member Czornyj asked whether Mr. Marini considered including an internal walkway from the condominium area to the land that will be transferred to the Town of Brunswick. Mr. Marini stated that the internal road system for the condominium area was wide enough and adequate for pedestrian use, and he is of the opinion that the unit owners will either use the road area for walking to the Town property, or will simply make their own trails for this

purpose. Member Mainello inquired about the road layout, including the upgrades to Bonesteel Lane. There was general discussion concerning the roads for the project. Member Mainello also inquired as to any provision of overflow parking in the event any of the unit owners had any special events. Mr. Marini stated that there were three parking spaces provided for each unit, two external spaces plus one garage, but there was no additional parking for overflow events, and that this would be consistent with projects for single family detached homes, and that there would be adequate parking along the shoulder of the internal roads for any type of special event. Chairman Oster inquired about the area depicted on the site plan for potential future clubhouse use. Mr. Marini explained that he did want to provide for an area for a clubhouse in the future as a place holder, but that there was no current plan to construct the clubhouse. Mr. Zdrahal stated that the area for a potential future clubhouse was about 0.6 acre, and site plan review would be required if a clubhouse is planned to be built in the future. Member Casey asked about the area of the hammerhead at the end of Bonesteel Lane, and whether the Applicant had considered any signage or other marker to denote the end of the public road and entry into the private internal roads for the condominium project. Mr. Marini stated that there would be an entrance sign near the entrance of Bonesteel Lane off of McChesney Avenue Extension identifying the project, and that a similar sign or other notice could be constructed at the area of the hammerhead to let users of the road know that this is an entrance to the Highland Creek project and that the roads are private. The Planning Board then had further discussion with Mr. Marini and Mr. Zdrahal, together with the Town's Consulting Engineer on this project, Mark Kestner, P.E., concerning the upgrades to the existing Bonesteel Lane and the emergency access road for the project. The Planning Board then generally inquired of Attorney Gilchrist as to whether a public hearing was required on the site plan. Attorney Gilchrist stated that the Town Board had conducted a public

hearing in connection with the amendment to the Planned Development District, and that public hearings had been held on the underlying Planned Development District when originally reviewed and approved, and that according to the Town Site Plan Regulations, a public hearing is optional with the Planning Board. Attorney Gilchrist stated that it is within the discretion of the Planning Board as to whether to conduct an additional public hearing on the site plan. Chairman Oster then inquired as to whether there was adequate information on the site plan itself, in the event the Planning Board sought to conduct a public hearing. Mr. Kestner stated that in his opinion, there was adequate information concerning the site plan in the event the Planning Board wished to conduct a public hearing, but also reiterated that the Town Board did hold a public hearing on the amendment to the Planned Development District, and that the public comments submitted at the Town Board public hearing were generally favorable for the project. Chairman Oster stated that in his personal opinion, given that the amendment was approved by the Town Board after public hearing, and that the changes to the project were generally viewed as positive, that he did not feel an additional public hearing was warranted. Chairman Oster then discussed the public hearing option with the Planning Board members. Member Mainello inquired whether the site plan in front of the Planning Board currently was the same plan that was reviewed and considered by the Town Board during the public hearing. Mr. Marini stated that the site plan is the same, but that additional engineering and architectural detail had been prepared for the site plan that was now in front of the Planning Board. Mr. Marini explained that while there was some generic architectural material in front of the Town Board, after the PDD amendment was approved by the Town Board, the Applicant had moved forward and had more detailed architectural and engineering plans prepared, but that the more detailed plans are consistent with the material that was in front of the Town Board. Member Czornyj commented

that these buildings and layout appear to be the same type of building design and color scheme as a project the Marini Builders is building in Saratoga County, which he feels is an appropriate design and color scheme for Brunswick. After further discussion, the Planning Board members concurred that given the project is consistent with the information available to the public when the public hearing was held by the Town Board, and that the Town Board approved the PDD amendment after public hearing, an additional public hearing on the site plan before the Planning Board will not be required. Chairman Oster then confirmed that Mr. Zdrahal would be submitting additional stormwater and drainage information as well as additional architectural drawings. Mr. Zdrahal stated that the information would be submitted to the Town, but would not be ready for the next Planning Board meeting and requested it be placed on the agenda for the first meeting in October. Chairman Oster also stated that the Applicant should be prepared to submit a phasing plan for review by the Planning Board, since the Applicant has indicated that he anticipates a four year build-out, with forty (40) units built per year. Mr. Marini stated that a phasing plan will be submitted, and would be ready for review at the October 3 meeting. This matter is placed on the October 3 agenda for further discussion.

One item of new business was discussed. An application for waiver of subdivision has been submitted by National Grid on behalf of property owner June Stevens for property located south of the eastern terminus of Hansen Road. The Applicant seeks to divide 8.81 acres from an existing 85.19 acre parcel for acquisition by National Grid in connection with a new electric transmission line corridor. Andrew Leja, Esq. was present for National Grid. Attorney Leja described the National Grid project, which in substantial part is located in the Town of Schaghticoke with a small area located in the Town of Brunswick. Attorney Leja explained that National Grid is proposing to construct a new substation in the Town of Schaghticoke to take

power from an existing 230 KV line, reduce the voltage in the substation and create a new power line corridor to bring the power to an existing 115 KV line. Attorney Leja explained that National Grid was attempting to improve the reliability of electric service in this area. Attorney Leja explained that the Town of Schaghticoke Planning Board served as SEQRA lead agency on the project after SEQRA coordination, and that the Town of Schaghticoke Planning Board has issued a SEQRA negative declaration, and approved a special permit and site plan for the project and also approved a subdivision which will allow National Grid to acquire property in the Town of Schaghticoke. Attorney Leja explained that the current application is seeking approval for subdivision of land in the Town of Brunswick, which will be acquired by National Grid for use as the power line corridor connecting the substation to the existing 115 KV line. Attorney Leja explained that National Grid had held a public forum in the Town of Schaghticoke in April to explain the project to interested parties, and that about 15 people had attended that public forum at the Schaghticoke Town Hall. Attorney Leja further explained that the Town of Schaghticoke Planning Board had conducted a public hearing in July which was held open to August 2013 on this project, and that only 2-3 immediately adjacent property owners attended that public hearing. As indicated, Attorney Leja stated that the Town of Schaghticoke has now approved all aspects of the project. Attorney Leja also explained that the New York Public Service Commission had also reviewed part of the project, and specifically the issue as to why the power corridor would not be constructed underground, and that the PSC had approved the above grade construction and that there was no further PSC jurisdictional requirements. Attorney Leja explained that National Grid had submitted to the Town of Brunswick a binder including substantial information on the project, and that National Grid would supply any additional information to the Town of Brunswick that it deemed necessary on the project. Attorney Leja

stated that he would provide copies of the SEQRA negative declaration, subdivision approval, special permit approval, and site plan approval from the Town of Schaghticoke. The Planning Board generally discussed the project, including the proposed power line corridor layout, and whether the application pending before the Brunswick Planning Board could be considered a lot line adjustment. Member Mainello raised the question as to whether a site plan approval was required in Brunswick since there would be installation of poles for the power line corridor as well as the construction of a maintenance road through the power corridor. Mr. Kreiger stated that in the past the Brunswick Planning Board had reviewed the substation construction issues as part of the site plan application but had not reviewed power transmission lines through a site plan application. Attorney Gilchrist stated that he would review that issue with Mr. Kreiger, and report to the Planning Board as to whether a site plan review is required on this matter. Attorney Leja stated that in the event site plan review was required, that National Grid would submit the appropriate application materials and fees and go through the site plan review process. Additionally, it was generally discussed that Brunswick would need to review all of the stormwater and drainage issues as part of the Stormwater Pollution Prevention Plan as an MS4 community. Member Mainello inquired as to the height of the poles to be constructed in the power corridor. Attorney Leja stated to the best of his recollection, the height of the poles would be approximately 80'. Chairman Oster noted for the record that the Planning Board would have its engineer, Wayne Bonesteel, review the project as well. Attorney Leja stated that in the event any escrow for Planning Board engineer review was required, that he should be notified and National Grid will supply the required escrow. This matter has been placed on the September 19 agenda for further discussion.

There were no additional items of new business.

The index for the September 5, 2013 meeting is as follows:

1. Highland Creek Planned Development District – site plan – 10/3/13;
2. National Grid – waiver of subdivision – 9/19/13.

The proposed agenda for the September 19, 2013 meeting currently is as follows:

1. National Grid – waiver of subdivision.