

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

**MINUTES OF THE PLANNING BOARD MEETING HELD October 17, 2013**

PRESENT were MICHAEL CZORNYJ, KEVIN MAINELLO, TIMOTHY CASEY, VINCE WETMILLER and DAVID TARBOX.

ABSENT were CHAIRMAN OSTER and FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Consulting Engineer to the Planning Board.

The draft minutes of the October 3, 2013 meeting were reviewed by the Planning Board members. Upon motion of Member Wetmiller, seconded by Member Mainello, the draft minutes of the October 3, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application submitted by Bohler Engineering on behalf of Berkshire Properties of New York, LLC, seeking an extension on the time in which to satisfy all conditions imposed on final subdivision approval for the residential subdivision portion of the Berkshire Properties Planned Development District. There was no one present for the Applicant, and Member Czornyj stated that this matter would be taken up later in the Planning Board meeting.

The second item of business on the agenda was the site plan application submitted by Marini Homes, LLC with respect to the Highland Creek Planned Development District. Ivan Zdrahal, P.E., project engineer, and also Lee Rosen and Bob Marini were present for the Applicant. Mr. Zdrahal stated to the Planning Board that he had submitted to the Town the final set of plans for this project, and that the final plans had also been reviewed by Mr. Kestner, as

consulting engineer on the Highland Creek Planned Development District. Mr. Zdrahal also stated he had completed an updated stormwater report and an amended Stormwater Pollution Prevention Plan for the project. Mr. Zdrahal then again generally reviewed the project for the Planning Board members, including all proposed development areas, access, water, sewer, dedicated open space, as well as areas to be transferred to the Town of Brunswick. Mr. Zdrahal stated that the project had received all NYSDEC and Army Corps of Engineer approvals. Mr. Zdrahal did report that the Rensselaer County Department of Health and NYSDEC were reviewing updated sanitary facility plans occasioned by the project amendment. Member Czornyj asked Mr. Kestner whether he had any additional comments. Mr. Kestner stated that the final plan set was complete and in approvable form, that the road layout and widths were consistent with the previously approved project, and that the building layout shown on the final plan set is consistent with the PDD amendment approved by the Brunswick Town Board. Mr. Kestner also stated that the water facilities were being reviewed by the Superintendent of Water Bradley, who was present at the meeting. Member Czornyj asked whether the buildings were designed to be sprinklered. Mr. Marini stated that the buildings are not sprinklered, but that they do meet all applicable fire code requirements, and that information concerning fire code compliance will be submitted to the Town. Mr. Kestner concluded that the application materials and final site plan set is in approval form, and he would suggest that he and Attorney Gilchrist meet to prepare an appropriate resolution and applicable conditions for the Planning Board's consideration. Member Mainello asked whether the plans had been reviewed by the Center Brunswick Fire Department. Mr. Kestner confirmed that the hydrant layout had already been reviewed for the previously approved project, and that the hydrant layout has not been amended. However, Mr. Kestner confirmed that both the Brunswick No. 1 Fire Company and the Center

Brunswick Fire Company will be consulted on the current final plan set. The Planning Board directed Mr. Kestner to meet with Attorney Gilchrist to prepare a resolution with appropriate conditions based upon the PDD amendment approval as well as deliberations by the Planning Board on the site plan application, and this matter will be further addressed at the November 7 meeting.

The next item of business on the agenda was the site plan submittal by Ingalls & Associates, Peter Yetto, P.E., on behalf of PE & PA Associates for the Duncan Meadows Planned Development District amendment pertaining to the 88-unit apartment phase of this project. Peter Yetto, P.E. was present for the Applicant, together with Peter Amato and Dr. Paren Edwards. Mr. Yetto stated to the Planning Board members that the PDD amendment approving the change from 88 condominium units to an 88-unit apartment facility for this section of the Duncan Meadows PDD was approved by the Town Board at its meeting held October 10, 2013. Mr. Yetto then generally reviewed the site plan layout, which the Planning Board had previously reviewed in connection with its recommendation on the PDD amendment. Member Czornyj wanted to confirm that the site plan drawing was the same layout and proposal that had previously been presented to the Planning Board members in connection with the PDD recommendation. Mr. Yetto confirmed that the current site plan was the same plan previously reviewed by the Planning Board. Mr. Yetto then completed his general description of the site plan, including building layout, road system, stormwater facilities, and water and sewer facilities. Member Czornyj noted that the project site appears to have been rough graded, and inquired whether the access road was located where the rough grading had already taken place. Superintendent of Water Bradley was still at the meeting, and stated that the area of the rough grading was not consistent with the access road location, which would need to be moved

approximately at 100 feet to comply with the location shown on the site plan. Mr. Yetto confirmed this, and generally reviewed the road layout location. Member Czornyj then requested Mr. Yetto to provide each Planning Board member with an up-to-date site plan. Mr. Yetto stated that he had previously submitted plan sets in connection with the PDD amendment review, but that he would provide to the Planning Board members an updated site plan map. Member Mainello then inquired as to any proposed vegetation around the stormwater pond located in proximity to McChesney Avenue near the access road to the project. Mr. Yetto explained that there was limited area around this stormwater basin since NYSDEC Regulations require the ability to access around the stormwater pond, but that he could add some vegetative screening on the side of the stormwater basin facing the adjacent neighboring property. Member Mainello stated that he would like to see screening for both the neighbor as well as screening along McChesney Avenue. The Planning Board members and the Applicant had extended discussion concerning the stormwater basins for this project. Mr. Kestner, consulting engineer for the Town on the Duncan Meadows Planned Development District, was present and also offered comments on the stormwater basins. The Planning Board members raised the issue of whether a fence should be required around the stormwater basins for safety purposes. Mr. Yetto stated that given the proposed grading for this stormwater basin, NYSDEC Regulation did not require a safety bench. Member Mainello inquired whether this basin was designed to have a permanent pool of water. Mr. Yetto did confirm that this basin is designed to have a permanent pool of water, and that it is required under current NYSDEC Regulation for stormwater quality issues. Superintendent of Water Bradley commented that putting a fence around the stormwater basin does inhibit maintenance, and that there should be free access to the stormwater basin for purposes of mowing and keeping the basin clean. Member Czornyj asked whether NYSDEC

Regulation requires a fence around the stormwater pond. Mr. Yetto stated that NYSDEC Regulation does not require a fence around the stormwater pond, and that given the design of this stormwater pond, it does not even need a safety bench given the limited grades. The Planning Board had extended discussion concerning the public safety issue and whether there should be a fence installed around the stormwater basins, with Mr. Yetto repeating that the design of the stormwater basins was to have a gradual grade so as not to create a safety issue. Member Mainello reiterated that he would like Mr. Yetto to further consider vegetative screening around the stormwater basin in close proximity to McChesney Avenue, both for the adjoining neighbor as well as directly along McChesney Avenue. Planning Board consulting engineer Bonesteel commented that the Planning Board must also consider the impact of vegetation directly adjacent to McChesney Avenue on sight distances when pulling out of the access road from this project onto McChesney Avenue. Mr. Yetto stated that he could design vegetation around the stormwater basin on the side adjacent to the neighboring property, but that there is limited area between the stormwater basin and McChesney Avenue for vegetation, and also stated that the stormwater design had already previously been reviewed by Mr. Kestner and Superintendent of Water Bradley. Mr. Yetto confirmed that he was in receipt of final review comments from Mr. Kestner's office on the final site plan set, and that all comments will be addressed and final plans submitted for Planning Board review. Mr. Yetto confirmed that these plans would be completed shortly and the application would be ready for the Planning Board's November 7 meeting. Mr. Yetto then requested that the Planning Board consider waiving an additional public hearing on the site plan, in light of the fact that the Brunswick Town Board had held a public hearing on the amendment to the Planned Development District which would allow the conversion of this project to the 88-unit apartment complex. Mr. Kestner confirmed for the Planning Board

members that the Town Board did conduct a public hearing, that there were a limited number of people that spoke at the public hearing, and generally reviewed the comments received at the Town Board public hearing. After deliberation, the Planning Board members concurred that an additional public hearing on the site plan is not required on this application, and waived the need for any additional public hearing. Mr. Kestner did confirm that at this point, the discussion between his office and the Applicant was down to final engineering details. Member Tarbox asked about the areas of open space on this phase of the project, and whether the Applicant intended on doing any vegetation or just letting the area go wild. Mr. Yetto confirmed that there were no plans to vegetate the area, that most of that area is now subject to a conservation easement in favor of the Town which requires the area to be maintained in a natural and wild state, and that it is anticipated that natural brush and vegetation will fill in the former agricultural areas. Dr. Paren Edwards, a member of the owner of this project, also stated on the record that as owners, they are concerned about the appearance of this project if they are to be successful in renting apartment units to the general public, and that he states on the record that the owner will maintain not only the building area and lawns but the overall project site for the benefit of the Town and his tenants. The Planning Board members then also observed that a stormwater basin for this project is located in close proximity to the property which has already been transferred to the Town of Brunswick for a recreation area. The Planning Board members generally discussed the same safety issues and stormwater basin design for this basin located in proximity to the Town property. Member Czornyj confirmed that Mr. Yetto will be providing the Planning Board members with the final updated site plan, as well as the final grading plan and vegetation plan for this project. Member Mainello wanted to confirm that the project plans had also been reviewed by the Brunswick No. 1 Fire Department. Mr. Kestner stated that the Brunswick No.1 Fire

Department had reviewed the updated site plan for this project. The Planning Board members also directed Mr. Kestner to meet with Attorney Gilchrist to review the PDD approval conditions as relates to the site plan, and prepare proposed conditions for the site plan to be reviewed by the Planning Board members. This matter is placed on the November 7 agenda for further deliberation.

Member Czornyj raised again the application by Bohler Engineering on behalf of Berkshire Properties of New York, LLC for an extension of time in which to satisfy conditions on final subdivision approval as part of the Berkshire Properties Planned Development District. There was still no one present from Bohler Engineering at the meeting. However, Mr. Kreiger and Attorney Gilchrist stated that the 180 day period under the New York Town Law for satisfaction of conditions on final site plan approval would expire prior to the November 7 meeting, and that Attorney Gilchrist reported he had been in direct communication with the project owner who is requesting that an extension be granted as he is diligently working toward satisfaction of final subdivision approval conditions. In light of this, the Planning Board members generally concurred that a 180 day extension should be entertained in this matter. Member Tarbox then made a motion to approve a 180 day extension on the time in which all final subdivision approval conditions must be satisfied, which motion was seconded by Member Mainello. The motion was unanimously approved, and a 180 day extension was granted on the time in which the owner must satisfy all final subdivision approval conditions imposed on the residential subdivision portion of the Berkshire Properties Planned Development District.

Mr. Kreiger reported that there were no new items of business.

The index for the October 17, 2013 meeting is as follows:

1. Bohler Engineering - Berkshire Properties Planned Development District major subdivision - extension granted on time to satisfy final subdivision approval conditions.
2. Highland Creek Planned Development District – site plan – 11/7/13.
3. Duncan Meadows Planned Development District – site plan – 11/7/13.

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

1. Highland Creek Planned Development District – site plan.
2. Duncan Meadows Planned Development District – site plan.