

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

**MINUTES OF THE PLANNING BOARD MEETING HELD November 7, 2013**

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, FRANK ESSER, TIMOTHY CASEY, VINCE WETMILLER and DAVID TARBOX.

ABSENT was KEVIN MAINELLO.

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

Following review of the meeting agenda items, the Planning Board reviewed the draft minutes of the October 17, 2013 meeting. Following discussion, Member Czornyj made a motion to approve the minutes of the October 17, 2013 meeting without amendment, which motion was seconded by Member Casey. The motion was unanimously approved, and the minutes of the October 17, 2013 meeting were adopted.

The first item of business on the agenda was the site plan application by Marini Homes, LLC with respect to the Highland Creek Planned Development District. Chairman Oster noted that the site plan had been reviewed by the Planning Board, and that at the October 17 Planning Board meeting, Attorney Gilchrist and engineering review consultant Mark Kestner were directed to review the Board deliberations as well as the Town Board PDD approval, and propose appropriate conditions for consideration by the Planning Board with respect to the site plan. Engineering review consultant Mark Kestner was in attendance at the meeting. Attorney Gilchrist then noted for the record that the Brunswick Town Board had previously approved the current amendment to the Highland Creek PDD to provide for 160 condominium units. Attorney

Gilchrist also noted for the record that the Brunswick Town Board was SEQRA lead agency on this action, and had adopted supplemental SEQRA Findings with respect to the PDD amendment, and therefore SEQRA had been completed with respect to this action. Attorney Gilchrist further noted that the Brunswick Planning Board had previously considered and determined that an additional public hearing on the site plan was not warranted in light of the fact that the Brunswick Town Board had held a public hearing on the PDD amendment. Mr. Kestner stated for the record that he had reviewed the full site plan set, and that they are in approvable form. Attorney Gilchrist and Mr. Kestner then reviewed the proposed conditions to the site plan for consideration by the Planning Board members. Following further discussion and deliberation, Member Czornyj made a motion to approve the site plan for the Highland Creek PDD amendment, subject to the following conditions:

**HIGHLAND CREEK AMENDED PDD SITE PLAN/160-CONDOMINIUM UNITS  
LOCATED OFF MCCHESENEY AVENUE EXTENSION  
SITE PLAN TITLED HIGHLAND CREEK PDD, AMENDED PLANS,  
BY IVAN ZDRAHAL ASSOCIATES, PLLC, DATED AUGUST 2013,  
LAST REVISION DATE 11/1/13 PLAN SET 23 SHEETS  
SITE PLAN CONDITIONS:**

1. All final comments of the Town Building Department, Town Water Department, and Town Consulting Engineer.
2. All final comments of Rensselaer County Department of Health and New York State Department of Environmental Conservation on wastewater plan.
3. Subject to resolution of all legal and engineering issues associated with the construction and dedication of Bonesteel Lane as a public roadway prior to the issuance of any building permit or other work permit by the Town of Brunswick.
4. The Owner/Applicant must submit a plat showing the subdivision of land to be transferred to the Town of Brunswick, which includes the parcels identified as parcels "A", "B", "C", and "D" as indicated on Sheet L-1 and shown

on Sheet S-1 of the site plan set. The Owner/Applicant and Town attorney will coordinate on this issue, including review of the area currently subject to a conservation easement required as part of the original Highland Creek PDD project.

5. The Owner/Applicant must submit a plat showing the subdivision of the pump station parcel, which is to be dedicated to the Town of Brunswick upon completion of the construction of the pump station.

6. The Owner/Applicant must submit a plat showing the abandonment of the prior filed subdivision plat that was recorded in the Rensselaer County Clerk's Office as part of the original Highland Creek PDD project, and showing a single lot on which the condominium project will be constructed, thereby consolidating the prior subdivided lots into one (1) lot.

7. All water and sewer facilities are to be dedicated to the Town of Brunswick upon completion and acceptance of construction, with the grant of an easement to the Town of Brunswick for access to such facilities.

8. The Owner/Applicant must execute a Road Maintenance and Infrastructure Agreement, which will establish the requirements for the private project roadways, water/sewer infrastructure, inspection escrow requirements, and the requirement to convey title to the water/sewer infrastructure to the Town of Brunswick upon completion and acceptance and grant of an access easement thereto. The Owner/Applicant and Town attorney will coordinate on reviewing the existing Bonding Security Agreement and Stormwater Management Facilities Maintenance Agreement that were executed as part of the original Highland Creek PDD project.

9. The Owner/Applicant must make all payments to the Town of Brunswick with respect to Brunswick Sewer District No. 6 Pump Station as required pursuant to the PDD approval by the Town Board of the Town of Brunswick as set forth in the SEQRA Findings Statement and incorporated in the PDD approval through Resolution No. 37 of 2006, as amended through Resolution No. 58 of 2013, including both payment for immediate upgrades to the existing pump station as well as a separate payment to be dedicated toward the design and construction of a new pump station for BSD #6.

10. The Owner/Applicant shall pay the total sum of \$80,000 as a park and recreation fee. Payment of this park and recreation fee by the Owner/Applicant must be received by the Town of Brunswick prior to the issuance of any certificate of occupancy for any building or structure on the project site in the manner prescribed by the Brunswick Town Board, as follows: The park and recreation payment shall be made by the Owner/Applicant to the Town of Brunswick on a phased basis calculated on a per building basis. Such phased payment shall be calculated on the total number of units per building,

based upon \$500 per unit. The payment of the park and recreation fee for each building shall be due from the Owner/Applicant to the Town of Brunswick prior to the issuance of a certificate of occupancy for such building.

11. The Owner/Applicant is required to obtain all necessary permits and/or approvals for potable water and sewer connections, and copies of all necessary permits and/or approvals must be filed with the Town of Brunswick prior to the issuance of any building permit for any structure to which public water and/or public sewer will be connected.

12. Payment of all outstanding legal and engineering review fees.

13. This site plan approval is also subject to all remaining applicable conditions of the Planned Development District approved by the Town of Brunswick Town Board, including all approval conditions as set forth in the SEQRA Findings Statement and incorporated in the PDD approval through Resolution No. 37 of 2006, as amended through Resolution No. 58 of 2013.

That motion with the site plan conditions was seconded by Member Wetmiller. The motion was unanimously approved, and the site plan for the Highland Creek PDD amendment was approved subject to the stated conditions.

The second item of business on the agenda was the site plan application by PE&PA Associates, Inc. regarding the Duncan Meadows Planned Development District amendment, providing for 88 apartment units with access directly off McChesney Avenue. The Town's consulting engineer on this project, Mark Kestner, remained in attendance at the meeting. Chairman Oster noted that at the October 17 meeting, the Planning Board members discussed the issue of the stormwater basins. Mr. Kestner reviewed the issue with the Planning Board members, and what was depicted on the current site plan for the stormwater basins. Mr. Kestner stated that there was no fence provided on the site plan, but that landscaping has been added between the pond located at the beginning of the entrance road and the private home located next door. Mr. Kestner stated that the site plan does not include landscaping between this basin near the beginning of the entrance road and the shoulder of McChesney Avenue. Mr. Kestner did

confirm that the stormwater basin located adjacent to the Town-owned recreation parcel, which had previously been shown to be located in part on the Town-owned property, had been relocated and now is located entirely on the parcel owned by PE&PA Associates, Inc. Member Esser raised an issue regarding the stormwater basin located near the beginning of the entrance road, and questioned whether having a 4 foot deep drainage basin next to the access road was acceptable. Peter Yetto, P.E., the Applicant's engineer, stated that the stormwater basin has been properly sized for the project. The Planning Board stated that the issue was a concern regarding an immediate drop off for the stormwater basin located next to the entrance road. Mr. Yetto stated that the Applicant could add a portion of guiderail at this location. Mr. Kestner also stated that the grading in that area could be altered a bit to address any concern regarding an immediate drop off. The Planning Board determined that such issue would be resolved between the Applicant's engineer, Town consulting engineer, and the Building Department. Mr. Yetto confirmed that regarding the stormwater basin located near the beginning of the entrance road off McChesney Avenue, vegetative screening has been added to screen the basin from the next door neighbor, but that the plans do not provide for installation of a fence, and that the stormwater basin does include a safety bench to address any safety concerns. Chairman Oster noted that this was an existing natural low spot on the site already. Mr. Yetto concurred, and stated that the stormwater pond is likely not to be seen from the grade of McChesney Avenue due to the lower grade of the area of the stormwater basin. Chairman Oster added that, in his opinion, including a fence around the stormwater basin would lead to a lack of maintenance. Chairman Oster stated that in his opinion, both from a maintenance issue as well as an aesthetic issue, he would not promote the installation of a fence, but would rather see the basin appropriately landscaped. Mr. Yetto stated that the stormwater basin design was for a permanent pool with required aquatic

plantings. Member Czornyj confirmed on the record that the Town would want to see the stormwater basin kept clean and maintained, which would also be in the best interest of the project owner since this was the entrance to the project. Member Wetmiller inquired as to the level of maintenance required for this stormwater basin. Mr. Yetto stated that the basin was not designed for a significant amount of maintenance because of the aquatic plant growth and the safety benches, and certainly would be maintained to the extent of not allowing any invasive species or trees to grow. Member Czornyj confirmed that the Town would like to see the basin maintained to keep the vegetation low, and not allow any trees or other invasive vegetation to impair the basin operation. Mr. Yetto confirmed that the owner will maintain the appearance of the stormwater basin. This was also confirmed by Bruce Tanski, who will participate in the project development, and who was also in attendance at the meeting. Mr. Yetto also confirmed that the additional stormwater basin located adjacent to the Town-owned recreational parcel has been relocated to be situated totally on the property of PE&PA Associates, Inc., and no part of the basin is located on the Town-owned property. The Planning Board members confirmed that the vegetation requirements would be the same for this stormwater basin in terms of maintenance, and that a fence is not required for this basin at this time. Mr. Kestner stated that if the Town felt the need for the installation of a fence in the future, it could be addressed at that time. The Applicant was agreeable with this approach. Chairman Oster then raised the issue of a review letter received from the Brunswick No. 1 Fire Department dated November 7, 2013, and read that letter into the record. Chairman Oster noted that the height of the buildings was raised in relation to compliance with the New York State Fire Code. Chairman Oster inquired with Mr. Kreiger regarding this issue. Mr. Kreiger stated that the top of the peak of the roof for these buildings is 30' 6", but that his office calculates the building height as the average between the

ridge and eave, and that therefore these buildings are determined to be below the 30' threshold for purposes of Fire Code requirements on minimum width on the building sides for aerial apparatus operation. Mr. Kreiger confirmed that this project is below the 30' threshold, and is in compliance. Mr. Kreiger also noted for the record that even if the building was above the 30' threshold, the Fire Code requires a 26' width for fire apparatus on one side of the building. Mr. Tanski stated for the record that if needed, he can keep the peak of the roof below 30'. Mr. Kreiger stated that this was not necessary for the building design, as the current design meets Building Code and Fire Code requirements. Chairman Oster also noted for the record that even if this project did require a 26' width for fire apparatus location, the Planning Board has previously allowed something other than asphalt pavement, and has allowed a paver system that would allow vegetation to grow as long as it provided an adequate base for fire fighting apparatus. Mr. Tanski also stated that he had used a mat system buried below the ground surface on projects in Saratoga County, and that this approach also provided an adequate base for fire fighting apparatus. Chairman Oster inquired of Gus Scifo, Assistant Fire Chief for the Brunswick No. 1 Fire Department who was in attendance at the meeting, whether he concurred that the current project design met Fire Code requirements. Mr. Scifo stated that he was satisfied with the project. Mr. Yetto also confirmed for the record that in his opinion, the current plans do meet Fire Code requirements. Chairman Oster then also noted that at the October 17 meeting, the Planning Board members directed Attorney Gilchrist and Mr. Kestner to review the Planning Board deliberations as well as the requirements of the Brunswick Town Board in connection with the PDD approval, and proposed draft conditions for the site plan to be reviewed by the Planning Board. Attorney Gilchrist and Mr. Kestner then reviewed the proposed conditions with the Planning Board members. After further deliberation and discussion, Member Czornyj made

a motion to approve the site plan for the Duncan Meadows PDD amendment, allowing for 88 apartment units with access directly off McChesney Avenue, subject to the following conditions:

**DUNCAN MEADOWS PDD SITE PLAN/88-APARTMENT UNIT PHASE,  
LOCATED OFF MCCHESENEY AVENUE  
SITE PLAN TITLED PDD AMENDMENT – PHASE 1,  
BY INGALLS & ASSOCIATES, LLP, DATED JULY 26, 2013,  
LAST REVISION DATE 10/28/13  
SITE PLAN CONDITIONS:**

1. Strict compliance with the approved site plan, including all sheets and notes of the full site plan set (total of 14 sheets).
2. All final comments of Town Building Department, Town Water Department, and Town Consulting Engineer.
3. Owner/Applicant must execute a Road Maintenance and Infrastructure Agreement, which will establish the requirements for the project roadway, water/sewer infrastructure, inspection escrow requirements, and the requirement to convey title to the utility infrastructure to the Town of Brunswick upon completion and acceptance and grant of an access easement thereto.
4. Owner/Applicant must make a payment to the Town of Brunswick in the amount of \$49,651 for BSD #6 Pump Station requirements; payment must be made prior to issuance of any building permit or other work permit.
5. Owner/Applicant must pay a park and recreation fee to the Town of Brunswick in the amount of \$44,000. The payment of the park and recreation fee shall be made on a building-by-building basis (\$500 per unit), and shall be due to the Town of Brunswick prior to the issuance of a certificate of occupancy for such building.
6. The Owner/Applicant shall convey to the Town of Brunswick an additional easement for a future waterline to connect this phase of the Duncan Meadows project to existing public water infrastructure located on adjacent lands owned by Brunswick Associates, to be located in the general area of the end of the project roadway turnaround.
7. The requirements for the project stormwater basins are depicted on the project plans. A fence is not required to be installed around the stormwater basins. The Project Engineer, Town Consulting Engineer, and Town Building Department will coordinate on the issue of the grade adjacent to the entrance roadway off McChesney Avenue and the stormwater basin adjacent thereto.

8. The Owner/Applicant shall execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick, and the form and content of such Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Brunswick Town Board and Town Attorney.

9. The Owner/Applicant is required to obtain all necessary permits and/or approvals for potable water and sewer connections, and copies of all necessary permits and/or approvals must be filed with the Town of Brunswick prior to the issuance of any building permit for any structure to which public water and/or public sewer will be connected.

10. The sidewalk/pedestrian walkway depicted on the site plan located on McChesney Avenue must be completed prior to the issuance of any certificate of occupancy for any building constructed pursuant to this site plan. The Owner/Applicant will coordinate with the Rensselaer County Highway Department, Rensselaer County Engineer, Town of Brunswick Highway Department, Town of Brunswick Building Department, and the Town of Brunswick Consulting Engineer on this construction of the sidewalk/pedestrian walkway on McChesney Avenue.

11. Payment of all outstanding legal and engineering review fees.

12. This site plan approval is also subject to all remaining applicable conditions of the Planned Development District approval by the Town of Brunswick Town Board, including all approval conditions as set forth in the SEQRA Findings Statement and incorporated in the PDD approval through Resolution No. 62 of 2010, as amended through Resolution No. 86 of 2012, and as further amended through Resolution No. 74 of 2013.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan for the Duncan Meadows PDD amendment, providing for 88 apartment units with access directly off McChesney Avenue, was approved subject to the stated conditions.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Edward Welch concerning property located on Spring Avenue Extension (Tax Map Parcel #113.-7-2.11). The Applicant seeks to divide approximately 2-3 acres of property from an existing large vacant parcel for

creation of a building lot for residential purposes. The Planning Board will place this matter on its November 21 agenda.

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

1. Highland Creek PDD amendment – site plan – approved subject to conditions.
2. Duncan Meadows PDD amendment – site plan (88 apartment units located off McChesney Avenue) – approved subject to conditions.
3. Welch – waiver of subdivision – 11/21/13.

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

1. Welch – waiver of subdivision.