Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 5, 2015,

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

ALSO PRESENT was DAN BRUNS, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the meeting agenda as posted on the Town website and on the Town sign board.

The draft minutes of the January 15, 2015 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the motion was unanimously approved, and the minutes of the January 15, 2015 meeting were approved without amendment.

The first item of business on the agenda was the waiver of subdivison application submitted by Sean Gallivan for property located on the westerly side of Deepkill Road, northerly of Smith Hill Road. Brian Holbritter was present for the applicant. Mr. Holbritter reviewed with the Board that the issue concerning this application was the barn and other out buildings remaining on one of the proposed lots without any principal structure being included on that lot. To address that, the applicant has now shown a proposed house location to be added to the lot with the barn and other out buildings, and the applicant requests the period of one year in which to apply for a building permit for a house on that lot or to remove the barn and other out buildings. Mr. Holbritter stated that he submitted a map showing the proposed house location, which does include utilizing an existing driveway off of Deepkill Road. Chairman Oster stated that the option of showing a

house location and having a period of time in which to apply for building permit was available to the applicant, and that if the building permit was not sought within that time period, then the buildings would need to be removed. Chairman Oster then generally inquired with Attorney Gilchrist as to whether there was any variance procedure available in order to allow the farm buildings to remain on the lot even if the house is not constructed. Attorney Gilchrist stated that the issue was that the barn and other out buildings were accessory structures without the presence of a principal structure on the lot, which raises a Zoning Code compliance issue for which a variance could be pursued, but that the particular type of variance would require further research. The members of Planning Board generally reviewed the proposed subdivision map, which does now show a proposed house location and ultization of the existing driveway. The Planning Board members noted that if the driveway exceeded 150 feet in length, then the driveway must be 16 feet wide and that it appeared there was adequate room to construct the required driveway. The Planning Board determined that a map note should be added to the plat stating that a driveway permit would be required from the Town of Brunswick Highway Department. Chairman Oster asked whether there were any further questions or comments from the Planning Board. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve a waiver of subdivision map, subject to the following conditions:

1. Addition of a map note stating that a driveway permit was required from the Town of Brunswick Highway Department for the lot showing a new house location with existing barn and out buildings.

2. A building permit for the proposed new house on the lot on which currently the barn and out buildings are located must be obtained within 1 year from the date of the approval, and if such a building permit is not obtained, then the barn and other outbuildings must be removed from the lot.

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

The second item of business on the agenda was the application by Rebhun for a subdivision of property located at 68 Norman Lane. Charles and Jean Rebhun were present on the application. Chairman Oster stated that after further discussion and consideration, it was his opinion that the application should be treated as a waiver of subdivision application rather than as a major subdivision. Attorney Gilchrist reviewed the history of the subdivision of property located at Norman Lane, and also reviewed the discretion which the Planning Board had with respect to treating the current application as a waiver of subdivision application. The Planning Board generally concurred that this application will be accepted and treated as a waiver of subdivision application, and that the applicants would need to fill out the correct application form and a correction on the application fees should be addressed. Attorney Gilchrist then reviewed the Building Code compliance issues which had previously been addressed by the Planning Board concerning the prior subdivision of property at this Norman Lane location. Attorney Gilchrist stated that the prior owner, Provost, had obtained Certificates of Occupancy for existing structures at this location through submission of engineering reports to the Building Department that analyzed the residential structures at this location and concluded that the structures were constructed and existed in compliance with State Building Code requirements. Based on these

engineering reports, the Brunswick Building Department had issued Certificates of Occupancy for the structures located at Norman Lane. However, it was determined that the structure in which the Rebhun's are currently living, located at 68 Norman Lane, was identified in the prior engineering reports and described in the Certificate of Occupancy issued by the Brunswick Building Department for 68 Norman Lane, as a 3-car garage with storage, not as a residential structure. The Planning Board Members recalled that while this structure had previously been used by Provost for residential purposes, Mr. Provost had stated he would convert that structure back into a 3-car garage and for storage. This clearly was not complied with, as Rebhun is currently living in that structure. To address that issue, the Planning Board will require Rebhun to coordinate with the Brunswick Building Department to obtain the necessary Certificate of Occupancy for residential purposes for this structure. Attorney Gilchrist stated that the Planning Board could proceed with consideration of the waiver of subdivision application, noting that any action by the Planning Board would need to be conditioned upon the applicants coordinating with Brunswick Building Department and obtaining a Certificate of Occupancy for the structure for residential purposes. The Planning Board also generally reviewed the subdivision map, and stated that the proposed lot for 68 Norman Lane will need to show a minimum of 15 feet of road frontage along the cul-de-sac at the end of Norman Lane, and that this could be achieved through the use of a flag lot. After further discussion, the applicant stated that would coordinate with her surveyor to have the subdivision map revised. This matter is placed on the February 19, 2015 agenda for further discussion.

One item of new business was discussed.

Rob Osterhaudt of Bohler Engineering presented a sketch site plan to the Planning Board concerning the Oakwood Property Management Planned Development District. Mr. Osterhaudt stated that the sketch site plan presented a slightly different layout than the conceptual PDD map, but that the sketch site plan layout places the apartment buildings further away from the North 40 subdivision. Mr. Osterhaudt stated that the proposal set forth in the PDD application documents had a mix of buildings, including 8-unit buildings, 12-unit buildings, and 14-unit buildings. The owners of the Oakwood Property Management PDD have been working with a builder, and the sketch site plan presents a single 11-unit building type for the entire site. The total number of bedrooms approved by the Town Board through the PDD was 254, but included 27 buildings. Mr. Osterhaudt stated that the sketch site plan has a total of 23 buildings, for a total of 253 bedrooms. Mr. Osterhaudt stated that the access to Oakwood Avenue is similar, and the sketch site plan provides an emergency access road connecting to the North 40 subdivision. Mr. Osterhaudt stated that the emergency access road was described in the PDD application documents, although it was not shown on the PDD map. Member Czornyj had a question concerning setbacks, and whether the sketch site plan maintained the same setbacks as the PDD map. Mr. Osterhaudt stated that all of the setbacks on the sketch site plan were compliant with the minimum setbacks on the PDD map, including setbacks from property lines as well as setbacks between buildings, although the sketch site plan has a slightly different layout. Mr. Osterhaudt generally reviewed ultility connections, including a proposed looped water system to the North 40 subdivision, and a gravity fed sewer system to a pump station to be located on Oakwood Avenue, with sewage pumped to the Farrell Road area, for connection and transportation through the Stoneledge Project in Troy. Mr. Osterhaudt stated that the proposal was for the Town to take title to the water main system and also the sewage pump station.

Chairman Oster asked about current potable water supply for the garage and office at the Oakwood property site. Mr. Osterhaudt stated that the current garage and office get their potable water from onsite wells. Chairman Oster then asked whether the owners of the site had any plans to connect to public water if the project moves forward. Mr. Osterhaudt stated that the owners would likely connect to the public water and to public sewer. The Planning Board inquired as to the applicable fire department that covers this site. This site is in the jurisdiction of the Center Brunswick Fire Department. Chairman Oster asked whether the plans have been submitted to that fire department yet. Mr. Osterhaudt stated that he had not yet forwarded any plans to the fire department, but rather just to the Planning Board to get initial feedback on the sketch site plan. Mr. Osterhaudt will forward the plans to the fire department, and also to Rensselaer County for review. Mr. Osterhaudt generally reviewed the proposed stormwater plan for the site, and discussion regarding on site freshwater wetlands occurred. Member Mainello confirmed the internal roadways to the project would remain private. Mr. Osterhaudt stated that the road system will remain private. Member Mainello then asked about the school districts, and whether buses would be going into the site. Mr. Osterhaudt stated that he will need to coordinate with both the Troy School District and the Lansingburgh School District on that issue. Member Casey asked whether the proposed build out for the project was a single phase or a multi-phase plan. Mr. Osterhaudt stated that a single phase construction was likely. Chairman Oster asked about the proposed project schedule. Mr. Osterhaudt stated that the builder with which the owner is working would like to start construction this summer, and therefore he is working toward having all the applications and fees together with detailed site plans submitted to the Town in about a month or so. Chairman Oster tentatively placed this matter on the March 5, 2015 agenda, with flexibility to move this to the March 19, 2015 agenda if Mr. Osterhaudt needs more time. The

Planning Board then generally asked about proposed building type for the apartments. Mr. Osterhaudt stated that the building type is two story with 11 units and 8 garages per building, with a combination of 1, 2, and 3 bedroom units in each building. Mr. Osterhaudt stated that he would provide building elevations with the site plan application. The Planning Board also had a question concerning projected traffic from the project, and whether a traffic study will be required. Mr. Osterhaudt stated that a traffic study had been completed as part of the PDD review through the SEQRA process. The Planning Board asked whether an additional traffic light at the project driveway would be required. Mr. Osterhaudt stated that the traffic study did not support or require an additional traffic light at the entrance driveway, and that the traffic study performed for this project did take into account the fact that a traffic light would be installed at the intersection of Oakwood Avenue and Farrell Road. Mr. Osterhaudt stated that he would revisit the traffic information with the Planning Board. This matter is tentatively placed in the March 5, 2015 agenda.

The index for the February 5, 2015 meeting is as follows:

1. Gallivan – waiver of subdivision – approved with conditions.
2. Rebhun – waiver of subdivision – February 19, 2015.
3. Oakwood Property Management PDD Site Plan – March 5, 2015.

The proposed Agenda for the February 19, 2015 meeting is currently as follows:

1. Rebhun – waiver of subdivision.