

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 19, 2016

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

ALSO PRESENT were WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board, and KAREN GUASTELLA, Brunswick Building Department.

Chairman Oster reviewed the agenda for the May 19 meeting.

The draft minutes of the May 5, 2016 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the May 5, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser was present for the applicant. Chairman Oster noted that the Planning Board had received updated subdivision plats for review, and requested that Mr. Reiser review the changes to the subdivision plat. Mr. Reiser stated that he had met with Highway Superintendent Eddy concerning the improvements to Plante Lane and drainage issues. Mr. Reiser also stated that there had been an error regarding the number of lots that were designed to be under 5 acres for this project, and that the current plat shows a total number of four lots that are under 5 acres, and all remaining lots are 5 acres or more, keeping the application consistent with the rules for non-reealty subdivisions. Mr. Reiser also stated that he is intent on rebuilding the home on this property that

recently burned, and therefore has added a Lot #12 to include the remainder land of approximately 71 acres, which is designated for home construction to replace the prior home that burned on the site. Mr. Reiser also stated that he had provided cross-sections for the road improvements to Plante Lane, including travel lanes, shoulders, and ditch line. Mr. Reiser also stated that he had added Town specifications for required driveway cross-sections, including both private driveway and private road specifications dependent on driveway length. Mr. Reiser also stated that he had coordinated with Highway Superintendent Eddy regarding drainage on Plante Lane, confirming that the existing drainage culvert under NYS Route 351 is 24 inches in diameter, and that the improved drainage pipe under Plante Lane will be either one 24-inch drainage pipe or two 12-inch drainage pipes, dependent on the determination of Highway Superintendent Eddy. Mr. Reiser also stated that some of the proposed driveways for these lots have been changed to correspond with the topography of the site. Mr. Reiser also stated that Rod Michaels had added the square footage for total proposed land disturbance in connection with the improvements to Plante Lane, and that the area of disturbance is approximately ½ acre. Member Esser asked where the crown of Plante Lane was going to be after the road improvements were completed. Mr. Reiser stated that the crown of the road would be changed to match the centerline of the road when widened, so that there would be a relocated centerline of the road. The Planning Board asked whether this raises any issues concerning property ownership. Attorney Gilchrist stated that he will need to review the deeds of the property owners on each side of Plante Lane. Mr. Reiser stated that he would supply the deed to his property to attorney Gilchrist for review. Member Esser raised an issue concerning the elevation of drainage ditches in relation to the new drainage pipe to be installed under Plante Lane. The Planning Board and Mr. Reiser discussed issues concerning drainage on the site. The issue of the drainage ditches, driveway drainage, and the drainage pipe under Plante Lane must be coordinated with the Town Highway Department. Member Mainello inquired as to

the type of top course for the improved Plante Lane. Mr. Reiser stated that the road will continue to be a gravel road, and that the top course will be a finer gravel, with the base course being a more course type of gravel. Mr. Bonesteel stated that these specifications for road materials should be identified on the plans. Member Mainello inquired whether the improved width of Plante Lane was sufficient for two vehicles to pass. Mr. Bonesteel stated that, in his opinion, 19-foot travel lanes with 2-foot shoulders was acceptable for a gravel rural road and would be adequate for two vehicles to pass. The Planning Board confirmed that any road improvements must be coordinated with the Town Highway Department. Mr. Bonesteel stated that in the cross-section provided for the improved Plante Lane, the cross-section should include the location of the crown of the road. Further, Mr. Bonesteel stated that the crown of this gravel road should be at least 3/8 inches, rather than 1/4 inch as gravel roads do not drain as well as a paved road. The Planning Board discussed the width of the proposed driveways, and reviewed the Town specifications for private driveways and private roads depending on the length of the driveways to be constructed. Member Mainello asked whether there should be any signage on Plante Lane indicating the road is a gravel road. Mr. Bonesteel stated there were no signs that would indicate the road is gravel, but that the Town could consider posting a reduced speed limit for the road given its nature as a gravel road. The Planning Board thought that reducing the speed limit to approximately 15 mph would be appropriate. Mr. Bonesteel stated that any speed limit reduction was a Town Board issue, which would then request a lower speed limit on the Town Road to the County, and in turn the County would make that request to the State, and that the State would need to approve the reduced speed limit. The Planning Board will consider whether this reduced speed limit on Plante Lane should be included as a condition to this project. The Planning Board discussed the existing cul-de-sac at the end of Plante Lane, and its adequacy for turn-around of trucks and buses. The Planning Board next reviewed the driveways for the lots proposed on Penny Royal Lane, including lots # 3 and #4 which

driveways appear to be located over existing streams and drainage ditches. Mr. Reiser stated that there was adequate room to locate driveways for each lot #3 and lot #4 without impacting the streams and drainage courses, and it was determined that Mr. Reiser would place a survey stake in the field where driveways are proposed so that the Planning Board members can review the driveway location in the field. Mr. Bonesteel and the Planning Board confirmed with Mr. Reiser that in order for the lots to be approved as buildable lots, adequate driveway access must be shown. Chairman Oster confirmed that Mr. Reiser must submit clarifications on the cross-section for Plante Lane road improvements, including identifying the crown of the road, and also must install survey stakes for the proposed driveway locations on lots #3 and #4. Town Water Superintendent Bradley was present, and offered comments concerning the stormwater plan for this proposal, referencing Town of Brunswick Local Law #5 of 2007 which Mr. Bradley states does require the preparation of a stormwater pollution prevention plan for this project. Mr. Bradley states that any project that collectively will disturb over 1 acre of land, including future development of the subdivided lots, must be considered together and if that total area of disturbance exceeds one acre, a full stormwater pollution prevention plan must be prepared at this time. The Planning Board discussed the applicability of that rule to a non-realty subdivision. Attorney Gilchrist stated that he will research that issue, and Mr. Bonesteel stated that he would review the terms of the State general stormwater permit for construction activities on that issue as well. The Planning Board determined that the application was complete for purposes of opening a public hearing, but anticipated keeping the public hearing open until such time as the stormwater compliance issue has been determined. This matter is scheduled for public hearing for the June 2, 2016 meeting to commence at 7:00pm.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located at 580 Pinewoods Avenue. Brian Holbriiter, Licensed Land

Surveyor, was present for the applicant. Chairman Oster noted that additional drawings had been submitted by Mr. Holbritter, and requested that he review any updates. Mr. Holbritter stated that the sight distances for the driveways had been added to the subdivision plat, and revisions to the grading plan had been made with particular regard to sediment control features, but that the subcontractor on that issue had provided Mr. Holbritter information only recently, and Mr. Holbritter was only able to provide the updated grading plans to the Planning Board on the previous day, and understood that the Planning Board and Mr. Bonesteel would need time to fully review the updated plans. In addition, Mr. Holbritter stated that this area is identified as being in an archeologically sensitive area, and that the applicant had a Phase 1A and Phase 1B Archeological Assessment completed, and that a draft report had been prepared, and that a final report will be available within a week for Mr. Bonesteel to review. Water Superintendent Bradley was also present for this application, and stated that the same rule regarding total land disturbance is applicable on the Farrell Homes major subdivision, and if the total land disturbance for the complete buildout of this subdivision is greater than one acre, a full stormwater pollution prevention plan and erosion and sediment control plan must be submitted at this time. Mr. Bonesteel stated that a full stormwater pollution prevention plan and erosion and sediment control plan had been submitted on this application, and Mr. Bradley stated he would like to review those documents. Mr. Bonesteel stated that he would need to review the updated grading plans and subdivision plat information, with particular regard to drainage. This matter is placed on the June 2 agenda for further discussion.

The next item of business on the agenda was the McCarty petition for rezoning with respect to property located at 1001 Hoosick Road. This matter had been referred from the Town Board for review and recommendation. This matter had been discussed at the May 5 meeting, and a proposed recommendation had been prepared based on the discussion and deliberation of the

Planning Board at the May 5 meeting. F. Redmond Griffin, Esq. was present for the applicant. Mr. Griffin stated that at the May 5 meeting, the Planning Board had raised the question as to whether there were any deed restrictions for this parcel. Mr. Griffin stated that he had researched the title for the past 100 years, and that there are no deed restrictions of record pertaining to this parcel, and that the record includes only an easement for a water line. The Planning Board members then reviewed the draft written recommendation. Following further deliberation, Member Czornyj made a motion to adopt the draft recommendation in final form, which motion was seconded by Member Mainello. The motion was unanimously approved, and a final written recommendation on the McCarty rezoning petition was adopted. This recommendation will be forwarded to the Town Board and the Zoning Board of Appeals.

The next item of business on the agenda was the site plan application submitted by Kasselman Solar, on behalf of AG Distributors Corp, pertaining to the property located at 831 Hoosick Road. This property is the location of the Ace Hardware store, and the owner seeks to install two carport-type structures to house solar panels at this location. Anna Marciano of Kasselman Solar was present. Ms. Marciano stated that this matter had been before the Brunswick Zoning Board of Appeals for an area variance concerning the distance of the carport-type structures to the building, that the Zoning Board of Appeals had held a public hearing on the variance application at which no one offered any comment, and that the Zoning Board of Appeals had granted the area variance at its meeting held May 16. Attorney Gilchrist confirmed that the Zoning Board of Appeals did hold a public hearing on the area variance application, that no comments were offered by any member of the public, and that the Zoning Board of Appeals did grant the area variance for the location of the structures in relation to the principal building. Chairman Oster confirmed that the Planning Board had determined that an additional public hearing on the site plan application was not required in this case. Chairman Oster asked the Planning Board members

if there were any questions or comments on the site plan. The Planning Board members stated they had reviewed the application at a prior meeting, and do not have any further questions or comments. Accordingly, Member Czornyj made a motion to adopt a negative declaration under SEQRA with respect to the site plan application, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then made a motion to approve the site plan, which amends the existing site plan for the Ace Hardware facility to add the carport-type structures for installation of solar panels, subject to the condition that coordination with the Town Building Department occur with respect to the installation of the carport-type structures as well as the solar panel installations. That motion was seconded by Member Mainello. The motion was unanimously approved, and the site plan amendment to the Ace Hardware site plan was approved subject to the stated condition.

The next item of business on the agenda was the site plan application submitted by Oakwood Property Management with respect to the Oakwood Property Management Planned Development District located on Oakwood Avenue. Robert Osterhaut, P.E. of Bohler Engineering was present, and stated that updated site plans had been provided to the Planning Board for review. Chairman Oster stated that the Planning Board had reviewed one issue concerning the updated plans set at a prior meeting, with particular regard to the location of the emergency access road being still identified as a utility access road, and that the Planning Board felt that the road should be removed from the site plan and the area of the water line identified only as a utility easement. Mr. Osterhaut stated that the site plan had been amended to remove the access road in its entirety, showing only a water line and utility easement area. Mr. Osterhaut reviewed the updated site plan. Regarding the utility corridors, Mr. Osterhaut reviewed both the water line locations and sewer line locations, again noting that the access road area had been removed from the site plan, which now shows only the location of utility lines and utility easements. Mr. Osterhaut also stated that

a lot of work had been done on the stormwater plan for the project, and that a full stormwater pollution prevention plan had now been submitted. Mr. Osterhaut stated there had been much discussion between the applicant and the Town concerning whether this project constituted re-development of a former site use or should be viewed as an undeveloped site, and that the stormwater pollution prevention plan now completed and submitted for review by the Town considers this project to be a new development, without taking into account the fact that this site had previously been used for industrial operations and had included areas deemed to be impervious. Mr. Osterhaut stated that the original stormwater plan for this project had considered the prior industrial use and impervious areas, and had included a total of seven stormwater management facilities to address stormwater runoff. In light of the redesign to consider this a new development without considering any prior industrial use, an additional stormwater facility had been added in a location adjacent to Oakwood Avenue, so that the stormwater plan for this project now includes eight stormwater management facilities on site. Mr. Osterhaut characterized the stormwater pollution prevention plan as being very detailed, and does reduce stormwater runoff quantity from pre-development conditions, even considering the pre-development condition as being an undeveloped site. Mr. Osterhaut confirmed that there have been review comments on the stormwater plan for the project from Laberge Engineering, the Town designated engineers on the project, and that he will meet with both Ronald Laberge, P.E. and Water Superintendent Bradley to review the stormwater plan. Concerning the site plan, Mr. Osterhaut stated that there were the same number of apartment units with the same basic layout for the apartment unit project; that with regard to the sewer system, the only sewer infrastructure that will be dedicated to the Town and made part of the Town's system is adjacent to Oakwood Avenue, including a facility that will be constructed in proximity to Farrell Road, and all other sewer lines internal to the project site will remain private; that the water line to be constructed on the site will be dedicated and made

part of the public water system; and that all stormwater facilities will remain private, subject to private maintenance pursuant to a stormwater management agreement to be executed with the Town. Chairman Oster requested comment from Water Superintendent Bradley. Water Superintendent Bradley stated that there were several items outstanding on this project, including necessary private easements for water line installation that must be obtained from private property owners including Kestner and Murray, and that the entire project was dependent on securing such private utility easements from these private property owners, and that the easements have not yet been provided to the Town; that coordination on sewer installation with the City of Troy remained outstanding; and that there have been no petitions for creation of water and sewer districts yet filed by the applicant. Mr. Osterhaut stated that the applicant is working with both Kestner and Murray on securing agreements to provide for provision of the required utility easements. Mr. Osterhaut stated that between the project site and Northstar Drive, there is a small strip of land owned by the St. Peters Cemetery, but that the applicant does have an easement for installation of utilities across that strip. Attorney Gilchrist requested that the easement from St. Peters be provided to the Planning Board for review. Mr. Osterhaut stated that the easement will be submitted to the Planning Board. Mr. Osterhaut also stated that there is an additional strip of land between the St. Peters parcel and Northstar Drive that is owned by Kestner, but that discussions concerning utility easements are progressing, and did note that the original North 40 project plans included a stormwater detention area which needed to be constructed adjacent to Northstar Drive, and that any water line installation will accommodate that detention area. Member Mainello asked about the parking on the project site, which appeared very limited to him. Mr. Osterhaut stated that the project includes not only surface parking, but that garages are included within each apartment building. Ms. Guastella asked about provision of handicap parking on the project. Mr. Osterhaut stated that handicap parking is provided. Member Tarbox inquired about the total number of

apartment units on the project site. Mr. Osterhaut stated that a total of 254 units were approved by the Town Board as part of the PDD approval, and that 253 units are being proposed, which include 23 buildings with 11 units per building, to be located on the total project site of approximately 75 acres. Member Mainello asked whether the fire department had reviewed the site plan for emergency vehicle access within the apartment area. It was confirmed that Mr. Osterhaut will supply additional copies of the site plan package to the Town, who will then forward the materials to the two fire districts that have jurisdiction over the project site. Member Mainello asked whether the roads had been reviewed for school bus access and turning radius. Mr. Bonesteel stated that Laberge Engineers will be able to review the road layout for compliance for truck and bus access. Chairman Oster noted that Laberge Engineers had prepared a review letter dated May 11. Mr. Osterhaut confirmed receipt of that comment letter, and stated he will be meeting with Mr. Laberge and Mr. Bradley to go over the Town comments. The Planning Board had further questions regarding parking on the project site and garage layout within the apartment buildings. Mr. Osterhaut stated he will submit a floor plan for the apartment buildings, and will get information as to where the applicant has constructed these apartment buildings elsewhere so that the Planning Board members could visit. The Planning Board held extensive discussion concerning the scheduling of a public hearing on this site plan application. It was determined that this matter will be placed on the June 2 agenda for further discussion, that the Planning Board will request Laberge Engineers to be present at the June 2 meeting to review the application, and that the applicant can respond to Town comments on the site plan and stormwater plan for further discussion at the June 2 meeting, with the tentative scheduling of the public hearing to occur at the June 16 meeting. The decision on the public hearing date will be finalized at the June 2 meeting. It is noted that while the property owned by Ross Valve may be exceeding 500 feet from the project site, the owner had actively participated in discussions concerning stormwater runoff from the

project site, and would be notified concerning the public hearing date. Mr. Osterhaut confirmed he would also provide building elevations when he submits the floor plan of the buildings for review. Water Superintendent Bradley also discussed the regional stormwater issues in this location, and stated that any stormwater plan for this project needs to have a very conservative design. Mr. Osterhaut stated he would be meeting with Mr. Laberge and Mr. Bradley concerning the stormwater plan. Mr. Osterhaut also stated a comment had been raised concerning installation of fencing around the stormwater detention basins on the project site, and whether fencing impaired future maintenance. Water Superintendent Bradley stated he was concerned with installing fencing around stormwater basins as impairing future maintenance, and will discuss further with Mr. Osterhaut an appropriate design for the stormwater basins which would promote future maintenance. This matter is placed on the June 2 agenda for further discussion.

The index for the May 19, 2016 meeting is as follows:

1. Reiser - Major subdivision - 6/2/2016 (public hearing to commence at 7:00pm);
2. Farrell Homes - Major subdivision - 6/2/2016;
3. McCarty - Recommendation on petition for rezoning;
4. Kasselmann Solar - Site plan - Approved with condition;
5. Oakwood Property Management PDD - Site Plan - 6/2/2016.

The proposed agenda for the June 2, 2016 meeting currently is as follows:

1. Reiser - Major subdivision (Public hearing to commence at 7:00pm);
2. Oakwood Property Management PDD - Site plan;
3. Farrell Homes - Major subdivision;
4. Mickel Hill LLC - Waiver of subdivision.