

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 2, 2016

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

ABSENT were FRANK ESSER and VINCE WETMILLER

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

Chairman Oster reviewed the agenda as posted on the Town website and Town signboard. Chairman Oster noted that at the request of the applicant, the Oakwood Property Management PDD site plan application is adjourned to the meeting of June 16.

The Planning Board opened a public hearing on the major subdivision application submitted by Reiser Builders Inc. for property located on NYS Route 351 at Plante Lane and Penny Royal Lane. Chairman Oster reviewed the rules for the conduct of the public hearing. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of adjacent properties. Henry Reiser of Reiser Builders Inc. was present, and presented a brief overview of the project. Chairman Oster then opened the floor for the receipt of public comments. Peggy Schmidt, 63 Plante Lane, asked about the style of houses planned to be constructed. Mr. Reiser stated that the homes would be similar to homes that Reiser Builders Inc. is constructing in the subdivision located off Langmore Lane and Buck Hill Road, that they will be in the nature of

a craftsman, colonial, or farmhouse style home, all to be custom built, and probably in the range of \$400,000 to \$500,000 in value. Ms. Schmidt also asked whether there were any restrictions on the use of the property, and whether the property was designated as “forever wild”. Mr. Reiser stated that there were no deed restrictions or conservation easements of record, that the former owner of the property has reviewed the proposed subdivision and agrees with the layout and lot size, and that the former owner needed to agree with the subdivision plan through an agreement with Mr. Reiser. Rod Owens, an owner of adjacent property located across NYS Route 351, stated that he owns approximately 325 acres, and has owned the property for approximately 32 years. Mr. Owens stated that he had spoken with Mr. Reiser concerning this project, and did state that the value of the homes was an issue of interest as it may affect his property values. Mr. Reiser again stated that he is planning to construct homes that are in the range of \$400,000–\$500,000 in value, all to be constructed on large lots. Mr. Reiser did state that the proposed homes would probably be a minimum of 3,000 square feet, and all would be single-family homes. Mr. Reiser also stated that it was his hope that prospective purchasers may purchase more than one lot, and have a very large land holding around one single-family home. Mr. Owens stated that with the additional residences on Plante Lane and Penny Royal Lane in this general area of NYS Route 351, and given the existing speed limit on Route 351 at 55mph, he felt that it would be appropriate for both the Town and NYSDOT to consider a lower speed limit on NYS Route 351. Mr. Owens did state that the concentration of traffic in this location was a concern, and that the speed limit issue should be addressed. Attorney Gilchrist stated that the issue of a speed limit on public roads is within the jurisdiction of the Brunswick Town Board, but that the Planning Board could make a request to the Town Board to consider the issue of speed limits, and ultimately the determination of the speed limits on NYS Route 351 would be within the sole discretion of NYSDOT. Mr. Owens stated that in general, he had no objections to the subdivision plan. Mr. Owens did ask

about the timing of the projected buildout of the subdivision. Mr. Reiser stated that the buildout would be market-driven, but that he would be marketing lots immediately after approval. Mr. Reiser also stated that it has been the general business of Reiser Builders Inc. to build approximately 2–3 homes per year. Chairman Oster requested any additional public comments. Hearing none, the Planning Board closed the public hearing on the Reiser Builders major subdivision application.

The Planning Board opened the regular meeting for June 2.

The Planning Board members reviewed the draft minutes of the May 19, 2016 meeting. Chairman Oster stated that at pages 7–11, with reference to the Oakwood Property Management PDD site plan, all references to Robert “Osterhaut” should be amended to Robert “Osterhoudt”. Subject to that typographical correction, Member Czornyj made a motion to approve the May 19, 2016 minutes, which motion was seconded by Member Tarbox. The motion was unanimously adopted, and the May 19, 2016 minutes were approved subject to the noted typographical correction.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located off NYS Route 351 at Plante Lane and Penny Royal Lane. Chairman Oster noted that the public hearing had been held earlier in the meeting, and that Mr. Reiser had addressed comments raised at the public hearing. Chairman Oster noted that the sight distance information for driveways on Plante Lane should be added to the subdivision plat. The Planning Board members generally discussed the comment concerning the speed limit on NYS Route 351, and felt that it would be appropriate as part of any action on this application to recommend to the Town Board that it request that NYSDOT consider reducing the speed limit on NYS Route 351 in the area of Plante Lane and Penny Royal Lane. Member Mainello also reiterated that the Planning Board should also recommend that the Town Board consider a reduced

speed limit for Plante Lane as well. Chairman Oster requested Planning Board Engineer Bonesteel to review the stormwater issues raised in this application at the May 19 meeting. Mr. Bonesteel stated he had reviewed the NYSDEC general permit for stormwater associated with construction activities, reviewed the definition of “construction activities” and stated that there was no immediate construction proposed on any of the subdivided lots, and that the immediate construction was limited to the work proposed on improving Plante Lane. In light of this, Mr. Bonesteel stated that only an erosion and sediment control plan is required at this time, and that a full SWPPP showing post-construction stormwater management facilities is not required at this time. Mr. Bonesteel did state that Mr. Reiser has indicated he will have the applicant’s engineer prepare a limited stormwater plan showing required erosion and sediment control facilities for the immediate construction activities in accordance with the NYSDEC general permit requirements. Attorney Gilchrist stated that he had reviewed the stormwater issue as well, noting that NYSDEC guidance documents for the State stormwater program indicate that, for rural residential subdivisions meeting certain qualifications, a full SWPPP is not required where the total projected land disturbance is greater than one acre but less than five acres—with the condition that the developer must notify subsequent purchasers of the subdivided lots that, during the buildout of each individual lot, compliance with State stormwater standards is mandatory. Attorney Gilchrist also noted that the Town of Brunswick, as an MS4 community, does have independent responsibility under the State stormwater program separate and apart from the applicant’s responsibilities, and that the Planning Board should be coordinating with the Town’s stormwater officer on such applications to ensure compliance with MS4 responsibilities. Attorney Gilchrist recommended that both he and Mr. Bonesteel coordinate with Mr. Bradley on stormwater compliance issues, draft an appropriate condition to action on the Reiser major subdivision application concerning stormwater compliance, and also prepare an appropriate note to be placed

on the subdivision plat. Member Mainello suggested that the public be apprised as to the proposed improvement of Plante Lane, and the status of Plante Lane as a user road. The Planning Board generally reviewed these issues for members of the public, including Peggy Schmidt who was in attendance and who resides on Plante Lane. Ms. Schmidt made a follow-up inquiry regarding adequacy of Plante Lane for fire protection. This matter was discussed by the Planning Board, including the improvement proposed for Plante Lane to accommodate two-way traffic, including truck traffic, as well as the adequacy of the turnaround area at the end of Plante Lane. Further discussion was held concerning the improvements to the drainage ditches and drainage pipes proposed along Plante Lane, including discussion on maintaining the drainage rate to ensure no change in drainage on downstream properties. The Planning Board determined that Mr. Bonesteel should be provided the limited SWPPP/erosion and sediment control plan associated with the project improvements for review prior to the June 16 meeting, and requested that attorney Gilchrist draft conditions to be attached to action on the major subdivision application for review at the June 16 meeting. In addition, Mr. Reiser handed to attorney Gilchrist the deed for his property for review prior to the June 16 meeting. This matter is placed on the June 16, 2016 agenda for further discussion.

Chairman Oster reiterated that the Oakwood Property Management PDD site plan is adjourned to the June 16 meeting.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue. The applicant seeks to subdivide an existing 13.36 acre parcel into five building lots, including four lots at approximately 0.95 acres and one lot at approximately 9.58 acres, all with access onto Pinewoods Avenue. Chairman Oster noted that the public hearing had been held and closed on this application. Brian Holbritten, Licensed Land Surveyor, was present for the applicant. Chairman Oster noted that Mr. Bonesteel

reviewed both the SWPPP for the project as well as the updated plans. Mr. Bonesteel stated he did review the SWPPP, which is limited to erosion and sediment control measures, which is appropriate for this project as more than one acre is disturbed but less than five total acres disturbed as a result of the subdivision, and noted that he had no objection to the SWPPP. Mr. Bonesteel did state he had comments concerning the grading plans that were provided, and reviewed the comments with the Board and Mr. Holbritter. First, Mr. Bonesteel raised a question concerning drainage at the rear of lot #4, stating he needed additional detail to understand the drainage patterns and adequacy of swales being proposed and that more detail should be provided for this area of drainage. Second, Mr. Bonesteel asked for further definition on the proposed swale near the 18-inch RCP drainage pipe under Pinewoods Avenue. Mr. Bonesteel also stated that Mr. Bradley should review the drainage plan as well. The Planning Board also generally discussed the gas line which had been installed along Pinewoods Avenue in 2015, and requested that the gas line be shown on the subdivision plat. Mr. Bonesteel also stated that a possible drainage easement over lot #8 in the area of the 18-inch RCP drainage pipe under Pinewoods Avenue should be considered by the applicant and provided to the County. Attorney Gilchrist noted that he will be preparing a standard subdivision plat note for purposes of State stormwater compliance for subdivisions in excess of one acre but less than five acres of disturbance, so that all future owners of the lots understand the need for compliance with the State stormwater program, and that he will provide that plat note language to Mr. Holbritter for addition to the Farrell subdivision plat. Member Casey raised an issue concerning the drainage swale in the area of the 18-inch RCP drainage pipe under Pinewoods Avenue, and the Board members generally discussed that drainage swale on the subdivided lot with Mr. Holbritter. This matter is placed on the June 16 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application submitted by Mickel Hill LLC for property located on Mickel Hill Road and Lockrow Road. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Member Tarbox, a member of Mickel Hill LLC, recused himself from consideration of the application. A letter was handed up to the Planning Board from the Coletti Family Trust - David A. Coletti in response to the Agricultural Data Statement on the application, noting that Coletti had no objection to the waiver of subdivision application. Mr. Holbriiter stated that the parcel currently is 72 acres in size, with an existing house and barns located on the south of Mickel Hill Road. Mr. Holbriiter stated that the proposal is to divide a 7 acre lot for the house and barns, and have the remaining land remain as open and vacant. Mr. Holbriiter stated that there were no new structures or roads being proposed, and that the house and barns are all existing. Chairman Oster asked whether the Planning Board members had any questions on the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved (Tarbox recused), and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application, which motion was seconded by Member Mainello. The motion was unanimously approved (Tarbox recused), and the waiver of subdivision application submitted by Mickel Hill LLC was approved.

The index for the June 2, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision - June 16, 2016;
2. Oakwood Property Management PDD - Site plan - adjourned to June 16, 2016
3. Farrell Homes - Major subdivision - June 16, 2016;
4. Mickel Hill LLC - Waiver of subdivision - Approved.

The proposed agenda for the June 16, 2016 meeting is as follows:

1. Reiser Builders Inc. - Major subdivision;
2. Oakwood Property Management PDD - Site plan;
3. Farrell Homes - Major subdivision;