

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 16, 2016**

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

ABSENT were KEVIN MAINELLO and 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 June 16 meeting.

The draft minutes of the June 2, 2016 meeting were reviewed. Chairman Oster noted that during the business portion of the June 2 meeting, and during the discussion concerning the Reiser Builders major subdivision, Rod Owens, an owner of property located across NYS Route 351 from the project site, had stated that he was concerned regarding drainage from the lots proposed for Plante Lane discharging through a drainage pipe under NYS Route 351 and impacting his property. The June 2 minutes, at page 5, lines 3–6, identify a discussion concerning improvements to drainage ditches and drainage pipes along Plante Lane. An additional sentence is added to this portion of the minutes as follows: “Rod Owens stated that he was concerned regarding drainage impacts to his property”. Member Czornyj made a motion to approve the June 2 draft minutes subject to the addition as noted above, which motion was seconded by Member Esser. The motion was unanimously approved, and the June 2 minutes were approved subject to the additional sentence noted above.

The first item of business on the agenda was the major subdivision application submitted by Reiser Builders Inc. for property located on NYS Route 351 at Plante Lane and Penny Royal Lane. Henry Reiser of Reiser Builders Inc., and Frances Bossolini, project engineer, were present. Chairman Oster noted that a plat note had been prepared concerning stormwater compliance for this project. The plat note required to be added to the final subdivision plat is as follows:

**Plat Note - Stormwater Compliance**

Purchasers of each individual lot created by this subdivision must comply with all laws, rules, and regulations of the New York State Department of Environmental Conservation and the Town of Brunswick regarding stormwater management prior to commencement of any grading or construction activities on the purchased lot, which may include the preparation of an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan. Notice to the Town of Brunswick Building Department and Town of Brunswick Water Department prior to any grading or construction activities is mandatory.

Mr. Reiser noted his receipt of the plat note language, and stated that the note would be added to the final subdivision plat. Mr. Bossolini stated that he had prepared a stormwater Erosion and Sediment Control Plan, and that Mr. Bradley of the Town Water Department had timely reviewed the draft Erosion and Sediment Control Plan, and had no additional comments other than the addition of the plat note to the final subdivision plat as discussed above. Mr. Bonesteel stated that he had only recently received the stormwater Erosion and Sediment Control Plan, and had not had adequate time to complete his detailed review, having only had time to perform a general review. Attorney Gilchrist noted for the Board that in the event the Board wished to proceed to action on the application at the June 16 meeting, the Planning Board could consider a condition regarding final engineering review comments on the stormwater Erosion and Sediment Control Plan. Member Tarbox raised the issue concerning the size of an improved drainage pipe under Plante Lane in connection with the Plante Lane improvements, and any impact on the drainage through

the existing two foot pipe under NYS Route 351 and downgradient properties. Member Tarbox stated that the stormwater flow may be too fast for the pipe under NYS Route 351 to handle, and this could result in stormwater backing up adjacent to NYS Route 351, or it may impact other downgradient properties. Mr. Bonesteel stated that the final pipe size under Plante Lane should be analyzed prior to installation, but that there is some storage area for stormwater between Plante Lane and NYS Route 351. Mr. Bonesteel did state that the final drainage pipe size and design should be analyzed in coordination with the Town Highway Department and Town Water Department prior to installation. The Planning Board members generally discussed the stormwater runoff issue, in light of the potential increase in stormwater due to construction of driveways and homes along Plante Lane. Mr. Reiser stated that Highway Superintendent Eddy had looked at this issue previously, and may want two 12-inch pipes installed. Member Tarbox stated that the number and size of drainage pipes to be installed under Plante Lane should be looked at, whether it is part of the stormwater plan or part of the work permit for the Plante Lane improvements. There was further discussion concerning the downstream properties, with Mr. Bossolini noting that the drainage pipes under NYS Route 351 do discharge through drainage courses or ravines into the Quackenkill Creek. Mr. Reiser also noted that he will be adding notes to the final subdivision plat to provide detail on the crown for Plante Lane as a result of the road improvements, that the pitch on the Plante Lane improvements would be 3/8 inch rather than 1/4 inch, and that the top course for the Plante Lane improvements will be finer gravel. Mr. Reiser also asked whether the condition that improvements to Plante Lane must be completed prior to any construction of homes in the subdivision applied also to the lots on Penny Royal Lane, since the Plante Lane improvements did not have any direct impact on the Penny Royal Lane lots. Attorney Gilchrist noted that any condition attached to subdivision approval must be rationally related to the proposed site improvements and existing conditions. After discussion, Chairman Oster stated

that the Planning Board will require the Plante Lane road improvements to be completed prior to construction of any of the lots in the subdivision, including the lots on Penny Royal Lane. Chairman Oster inquired whether there were any further questions or comments on the application. Member Esser asked whether Reiser Builders would be providing any guarantee on the Plante Lane road improvements. Attorney Gilchrist stated that in the usual case where a subdivision road is to be constructed by the applicant, and thereafter dedicated to the Town, the Town will require a repair and maintenance bond, but that in this case, Plante Lane is an existing public road in the nature of a highway-by-use, and that the improvements to Plante Lane are being performed by the applicant through agreement with the Town, but that the road is already a public road and is already being maintained by the Town. Attorney Gilchrist stated that in this case, it will be important for the Town Highway Department to inspect the road improvements being performed by Reiser Builders during construction, and ensure that the roadwork has been completed in accordance with approved plans prior to acceptance of the road improvements. Hearing no further comments, Chairman Oster stated the application was complete for purposes of action. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the major subdivision application subject to the following conditions:

1. Compliance with the approved plans for improvements to Plante Lane, including road widening and drainage improvements; coordination with the Town Highway Department and Town Water Department is mandatory prior to commencement of construction of improvements to Plante Lane.
2. All roadway improvements and drainage improvements on Plante Lane must be completed and accepted by the Town of Brunswick Highway Department prior to issuance of any grading or building permit for any lot in the subdivision; the owner is required to provide notice of this condition to all prospective purchasers of the subdivision lots.

3. The following note must be added to the final subdivision plat:

**Plat Note - Stormwater Compliance**

Purchasers of each individual lot created by this subdivision must comply with all laws, rules, and regulations of the New York State Department of Environmental Conservation and the Town of Brunswick regarding stormwater management prior to commencement of any grading or construction activities on the purchased lot, which may include the preparation of an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan. Notice to the Town of Brunswick Building Department and Town of Brunswick Water Department prior to any grading or construction activities is mandatory.

4. Driveway permits must be obtained from the Town of Brunswick Highway Department prior to construction of any driveway off Plante Lane and Penny Royal Lane, and all driveways must include proper drainage facilities and required backpitch.
5. Subject to final engineering comments of the Planning Board Engineer concerning stormwater Erosion and Sediment Control Plan.
6. Subject to review and comments by the Town of Brunswick Highway Department and Town of Brunswick Water Department concerning final design of the proposed drainage pipe improvements under Plante Lane prior to commencement of any road improvements on Plante Lane.
7. Final subdivision plat must add plat notes concerning detail on the crown for Plante Lane, a 3/8 inch pitch rather than 1/4 inch pitch on Plante Lane, and that the top course for Plante Lane improvements will be finer gravel.
8. The Planning Board shall send a letter to the Town of Brunswick Town Board which will request that the Brunswick Town Board reconsider sending a letter to the New York State Department of Transportation seeking review and lowering of the speed limit on NYS Route 351 in the area of Penny Royal Lane and Plante Lane.
9. The Planning Board shall send a letter to the Town of Brunswick Town Board requesting that the Brunswick Town Board consider reducing the speed limit on Plante Lane to 15mph.

Member Tarbox seconded the motion subject to the stated conditions. The motion was unanimously approved, and the major subdivision application of Reiser Builders Inc. was approved subject to the stated conditions.

The next item of business on the agenda was the site plan application submitted by Oakwood Property Management concerning the Oakwood Property Management Planned Development District located on Oakwood Avenue. Robert Osterhoudt, P.E., Bohler Engineering, was present for the applicant. Mr. Osterhoudt stated that the applicant had provided additional information responsive to comments at the May 19 meeting, and had sent the documents electronically to the Town on June 15, and handed up a hard copy of the additional submissions to each Planning Board member. Mr. Osterhoudt reviewed the additional submissions. Mr. Osterhoudt first reviewed floor plans for the proposed apartment buildings, and discussed the garages provided in the buildings which generally provide for indoor parking for 8 of the 11 apartment units in the typical building. Mr. Osterhoudt also reviewed typical building elevations for the two types of apartment buildings that are proposed for this project. Mr. Osterhoudt then stated there was additional information concerning the proposed utility easements between the project site and residents in North 40. Attorney Gilchrist stated that he had discussed the utility easement issue with the project attorneys, and that the project attorneys had written a letter dated June 14, stating that the owners of the Oakwood Property Management project had reached conceptual agreement with North 40 Realty (Kestner) for the utility easement, and that discussions were ongoing for the second utility easement through the lands of Murray. Attorney Gilchrist reported that the terms of the utility easement are being reviewed, and that work on the final utility easement is ongoing, but that the applicant reports conceptual approval for the utility easements for the project. Mr. Osterhoudt next reviewed a letter from the City of Troy Department of Public Utilities, which provides that the City of Troy approved a conceptual design to connect the Oakwood Property Management project to the City of Troy water service, and also that the City of Troy views the proposed sewer extensions as approvable, subject to evaluation of plan details. Mr. Osterhoudt also reviewed a proposed alternative for a public water connection as outlined in

the City of Troy correspondence, in the event a final utility easement is not obtained from either North 40 Realty or Murray. Attorney Gilchrist noted that the water and sewer plans are still subject to review and comment by the Town of Brunswick and Town designated engineers (Laberge), and while the Planning Board can take notice of this City of Troy correspondence, the Town of Brunswick has not yet commented on any alternate water supply for this project. Mr. Osterhoudt also presented the approved site plan for the Stoneledge Terrace Project on Oakwood Avenue, for the purpose of showing that a 40-foot utility right of way is included in the Stoneledge Terrace project which can be utilized by the Oakwood Property Management project. Attorney Gilchrist provided a copy of an email from Laberge Engineers concerning the status of the project, noting that Laberge Engineers has determined that, from an engineering perspective, the application documents are satisfactory for moving the project forward to public hearing, but noting that additional engineering review comments may be provided. Chairman Oster noted that the Planning Board had held extensive meetings on this project, including significant work on the need for an emergency access road for the project, water and sewer easement issues, and stormwater issues. Chairman Oster noted that the issue was whether the application was complete for purposes of scheduling the public hearing. Attorney Gilchrist reiterated the comments from Laberge Engineers concerning a public hearing, and also reiterated the information from the applicant concerning the utility easements. The Planning Board members discussed scheduling a public hearing for the project, and considered whether to schedule the public hearing for the July 7 meeting or the July 21 meeting. Ultimately, Chairman Oster stated that the Planning Board would open the public hearing on the Oakwood Property Management PDD site plan on July 7 at 7:00pm, but it is likely that the public hearing would be kept open, as the Planning Board is anticipating comment from the public on this project, and the issue of water and sewer connections remains open. This matter is scheduled for opening of the public hearing at the July 7 meeting,

commencing at 7:00pm. Attorney Gilchrist noted he would contact Laberge Engineers to confirm their attendance at the July 7 meeting.

The next item of business on the agenda was the major subdivision application submitted by Farrell Homes for property located on Pinewoods Avenue. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter stated that the comments of Planning Board Engineer Bonesteel concerning the stormwater plan and drainage plan for the project had been addressed, and revisions had been made to the drainage plan and submitted to the Town for review. Mr. Bonesteel confirmed that he had received the revisions to the drainage plan for the project, and noted that all of his review comments had been addressed and appropriate revisions to the subdivision plans had been made. Mr. Bonesteel further stated he had reviewed the stormwater plan for the project and finds it to be complete, subject to review and any final comments by the Town Water Department. Chairman Oster noted that the stormwater issues that had been addressed include the drainage located to the rear of lot #4, a drainage swale near the 18-inch RCP drainage pipe along Pinewoods Avenue, that a drainage easement will be provided to Rensselaer County in the area of lot #8 near the 18-inch RCP drainage pipe along Pinewoods Avenue, and also that the gas line along Pinewoods Avenue is now shown on the subdivision plat. Chairman Oster noted that the application is ready for action by the Planning Board, noting that all of the public comments and engineering review comments had now been addressed. Chairman Oster inquired whether there were any further questions or comments of the Planning Board members. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the major subdivision application, subject to the following conditions:

1. Approval of Rensselaer County Department of Health for septic systems for each lot.
2. Coordination with the Town of Brunswick Water Department concerning public water connections for each lot.
3. Compliance with applicable wetlands regulations during lot construction.
4. Coordination with the Rensselaer County Highway Department regarding driveway permits and construction activities along Pinewoods Avenue.
5. Addition of a note on the final subdivision plat concerning stormwater compliance, as follows:

**Plat Note - Stormwater Compliance**

Purchasers of each individual lot created by this subdivision must comply with all laws, rules, and regulations of the New York State Department of Environmental Conservation and the Town of Brunswick regarding stormwater management prior to commencement of any grading or construction activities on the purchased lot, which may include the preparation of an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan. Notice to the Town of Brunswick Building Department and Town of Brunswick Water Department prior to any grading or construction activities is mandatory.

6. Finals comments of the Town of Brunswick Water Department on the project stormwater plan.

The motion was seconded by Member Esser. The motion was unanimously approved, and the major subdivision application by Farrell Homes was approved subject to the stated conditions.

One item of new business was discussed. A waiver of subdivision application has been submitted by John and Theresa Bulmer concerning properties located at 79 and 81 Oneida Avenue. John Bulmer was present on the application. Mr. Bulmer explained that he is the owner of the property identified as 79 Oneida Avenue, which includes two 3,000 square foot lots (identified as 78 and 79) for a total area for the property identified as 79 Oneida Avenue of 6,000 square feet. Mr. Bulmer explained that a family member, recently deceased, owned the property identified as 81 Oneida Avenue, which consists of four 3,000 square foot lots (identified as 80, 81, 82, and 83),

for a total area of 12,000 square feet for the property identified as 81 Oneida Avenue. Mr. Bulmer stated that as part of the settlement of probate, a subdivision application has been submitted which seeks to divide 3,000 square feet from the property identified as 81 Oneida Avenue (lot 80) and transfer that to the property identified as 79 Oneida Avenue, resulting in a 9,000 square foot area for the property identified as 79 Oneida Avenue, and also resulting in a 9,000 square foot area for the property identified as 81 Oneida Avenue. Mr. Bulmer explains that the property identified as 81 Oneida Avenue would be put on the market for sale. Member Czornyj confirmed that a deck which had been constructed off the rear of the house at the property identified as 81 Oneida Avenue will still be in compliance with all Town setback requirements for accessory structures as a result of the proposed subdivision. Chairman Oster noted that this was a waiver of subdivision application in the nature of a lot line adjustment. Attorney Gilchrist stated that the Planning Board has required the legal merger of the divided area into the receiving parcel. Member Wetmiller confirmed that the parcels were serviced by public water and public sewer. Chairman Oster asked whether the Planning Board members had any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, 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 waiver of subdivision subject to the condition that the 3,000 square feet divided from 81 Oneida Avenue be legally merged into the parcel identified as 79 Oneida Avenue, with proof of merger being filed with the Brunswick Building Department. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver application approved subject to the stated condition.

The Planning Board next entertained a pre-application presentation by Mike Vickers for property located off Kreiger Lane. Mr. Vickers has not filed any formal land use application, but

the Planning Board allowed a pre-application presentation. Mr. Vickers explains he owns a 5.5 acre lot, with access via a private right-of-way ultimately connecting to Kreiger Lane. Mr. Vickers is looking to divide his 5.5 acre lot, creating an additional building lot. The new building lot proposed by Mr. Vickers would not include frontage on any public road. Mr. Vickers presented a history of subdivided lots along Kreiger Lane, including the 5.5 acre lot which he states was purchased by him in 1991. Attorney Gilchrist reviewed the legal requirements concerning new building lots with frontage on public roads, and stated that if Mr. Vickers does make an application for subdivision, research will need to be completed on the Planning Board record concerning any prior subdivision approvals for lots along Kreiger Lane, including the lot currently owned by Mr. Vickers. Once the prior subdivision history is obtained, proper legal review of this matter can be completed. Mr. Vickers stated he would file a waiver of subdivision application immediately. The Planning Board agreed to tentatively place this matter on the July 7 agenda for further discussion, subject to receipt of a complete application and payment of the application fee.

Chairman Oster noted for the Board members that he had a discussion with Town Board Member Mark Balistreri concerning the issue of new subdivision roads and the installation of street lights for safety and identification purposes. The issue was raised that it can be difficult for emergency responders to locate new subdivision roads in the absence of a street light for safety and identification purposes. Following discussion, the Planning Board determined to send a letter to the Brunswick Town Board requesting the Town Board's input concerning a requirement that project developers install a street light at all new subdivision road intersections with existing public roads, particularly in light of the fact that the ongoing utility charge for any streetlights will be incurred by the Town of Brunswick. Attorney Gilchrist will draft correspondence for review by the Planning Board.

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

1. Reiser Builders Inc. - Major subdivision - Approved with conditions;
2. Oakwood Property Management Planned Development District - Site plan - July 7, 2016 (public hearing to commence at 7:00pm);
3. Farrell Homes - Major subdivision - Approved with conditions;
4. Bulmer - Waiver of subdivision - Approved with condition;
5. Vickers - Waiver of subdivision application to be filed - July 7, 2016  
(tentative)

The proposed agenda for the July 7, 2016 meeting currently is as follows:

1. Oakwood Property Management Planned Development District - Site plan  
(public hearing to commence at 7:00pm);
2. Vickers - Waiver of subdivision (tentative).