

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 7, 2016

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

ABSENT was 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 for the July 7 meeting.

The first item of business on the agenda was the public hearing on 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., of Bohler Engineering, was present for the applicant. Chairman Oster reviewed the rules and procedure for public hearings in front of the Planning Board. Attorney Tingley then read the notice of public hearing and noted that it had been posted on the Town website, posted on the Town signboard, sent to adjacent property owners, and published in the Troy Record on June 24, 2016. Mr. Osterhoudt reviewed the characteristics of the application. Mr. Osterhoudt stated that the Town Board had approved a Planned Development District for this 75-acre site in December 2014, approving 254 apartments, which would primarily be located in the areas on the site previously impacted by the prior use. Mr. Osterhoudt described the project as a transitional use between the single-family neighborhood in the North 40 subdivision area and the commercial neighborhood

located along Oakwood Avenue. The project will include 2 access points at Oakwood Avenue, with the primary access point located at the south end of the project and an additional access point at the north end of the project. The proposal calls for 23 apartment buildings, each of which will contain 11 apartment units for a total of 253 apartments. The project will be served by public water and sewer. Mr. Osterhoudt stated that 24 acres of the 75-acre site would be impacted by the development, leaving approximately 2/3 in its original condition. Mr. Osterhoudt then reviewed the water, sewer, and stormwater facilities plan. Mr. Osterhoudt also reviewed the topography of the site and noted that much of the existing vegetation would be maintained on the site. Mr. Osterhoudt pointed out that there would be minor wetlands impacts at the north and south access driveway areas. Such wetlands are within the jurisdiction of the United States Army Corps of Engineers and would require what amounts to a permit modification. Mr. Osterhoudt reviewed the easement areas located to the east of the site through which the public water would be connected. The area through the existing vegetation through which the water line would be constructed was designed so as to maintain a visual buffer between the project site and the North 40 subdivision area. Mr. Osterhoudt also indicated that there had initially been consideration given to a secondary access point from the North 40 subdivision, but that has been removed following the review of a consultant retained by the Planning Board. Mr. Osterhoudt also reviewed the building elevations, the garages, parking areas, and access drives. Chairman Oster then invited comments from the public. Andy Ross of 266 Carrolls Grove Road asked whether the stormwater pollution prevention plan was public information that could be reviewed and whether the applicant had any plans to replace or upsize two existing culvert crossings along Oakwood. Mr. Osterhoudt responded that the stormwater pollution prevention plan is public and is available from the Planning Board file, and that the applicant was not proposing any changes to the culverts, which

are located on the other side of Oakwood Avenue and are not within the project site. Mike Corrigan of 23 Lindsay Drive asked whether there had been easements actually granted for the water connection. Mr. Osterhoudt responded that St. Peter's Cemetery and the North 40 Association had granted easements. Mr. Corrigan asked whether the easement areas were included within the PDD and Mr. Osterhoudt indicated that they were not. Mr. Corrigan also asked whether there would be a second waterline connection as shown on the plans and whether an easement had been obtained from the landowner. Mr. Osterhoudt indicated that the landowner had been contacted, but that Mr. Osterhoudt was not involved in the discussions and was not privy to the details. It is Mr. Osterhoudt's understanding that—as of now—the second water connection through the North 40 subdivision has not yet been made feasible by the granting of an easement, but that alternative is still under consideration. Mr. Corrigan asked whether the project would impact the water pressure in the North 40 subdivision, and Ron Laberge of Laberge Engineering, the Town's consulting engineer on this project, indicated that the impact on water pressure in the North 40 subdivision had been studied and that it had been determined that there would be no impact to water pressure in that area. Mr. Corrigan also asked whether water was available from Oakwood Avenue. Mr. Osterhoudt indicated that the Gallivan property is currently using a well and there is no public water in that area of Oakwood Avenue. Mr. Osterhoudt then stated that if the additional easement is granted to allow two connections to the public water system through the North 40 subdivision, then the looped system will actually increase the pressure in the North 40 subdivision. Chairman Oster also stated that a looped system would also likely allow the water to remain available to the North 40 subdivision in the event a repair had to be made somewhere within the system. Mr. Corrigan acknowledged the statement, but indicated that he has lived at his house for 15 years and has never had water shut off due to repairs. Jim Tachik, 387 Brunswick Road,

asked what the light green areas on the site rendering were meant to indicate. Mr. Osterhoudt indicated that the light green represented wetlands. Mr. Tachik asked whether Mr. Osterhoudt knew the distribution of number of bedrooms per apartment, and Mr. Osterhoudt indicated that the project primarily consisted of two-bedroom apartments, but that there were some one-bedroom apartments and also one or two three-bedroom units per building. Mr. Tachik asked whether the access would be controlled by stop signs or traffic lights. Mr. Osterhoudt indicated that the access would be controlled by stop signs. Andy Ross then asked whether the Board would receive questions and comments concerning the stormwater pollution prevention plan once he had an opportunity to review it. The Board indicated that it would likely be keeping the public hearing open and that any questions that Mr. Ross had concerning the stormwater pollution prevention plan could be directed to Mr. Laberge, the applicant, or the Planning Board at the next session of the public hearing. Mr. Ross also indicated that the additional water connection, if ultimately made available, would provide for additional capacity within the system. Chairman Oster then asked whether the fire companies had any comments to make. Mike Drinkwine, Assistant Chief for the Center Brunswick Fire Company, indicated that he had submitted a list of questions, and that the applicant had submitted responses to all of the questions. The applicant and Mr. Drinkwine agreed that they would meet and discuss the hydrant locations. Mr. Drinkwine asked whether the alarm would be a self-monitor alarm or would be tied into the Rensselaer County 911 Center. Mr. Osterhoudt indicated that he would check and let Mr. Drinkwine know. Gus Scifo asked questions concerning the water pressure, and Chairman Oster indicated that Bill Bradley would be able to provide insight to Mr. Scifo concerning the water pressure. The Planning Board then discussed whether to keep the public hearing open or to close it. Chairman Oster noted that there had been a fair amount of input received at the public hearing, and that Mr. Osterhoudt has answered many

of the questions that had been raised, but some questions remain outstanding and responses should be submitted in writing. Mr. Czornyj indicated that he had received calls that a number of people are on vacation, and that they would not be able to attend the July 7 public hearing, and therefore keeping the public hearing open would give them an opportunity to provide comment when they return. Chairman Oster stated that it was his preference to leave the public hearing open. Mr. Osterhoudt indicated that he would respect the Board's decision concerning whether to keep the public hearing open or to close it. The Board was of the consensus that the public hearing would remain open to the next meeting, which is July 21.

Chairman Oster then opened the regular meeting of the Planning Board. The draft minutes of the June 16, 2016 meeting were reviewed. Member Czornyj made a motion to approve the June 16 draft minutes, which was seconded by Member Tarbox. The motion was unanimously approved, and the June 16 minutes were approved.

The first item of business on the agenda of the regular meeting 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., of Bohler Engineering, was present for the applicant. Chairman Oster noted that the public hearing had begun and was continued until July 21, and he asked Mr. Osterhoudt if he had any additional information to submit at this time. Mr. Osterhoudt indicated that he had submitted written responses to the fire companies' questions and that those were included with materials distributed by the Brunswick Building Department. Member Casey asked what the procedure would be for determining the easements that would be used for the utility connections. Mr. Osterhoudt described the various utility options available for the water connection. Member Mainello asked whether the sewer issue had been resolved with the City of Troy. Mr. Osterhoudt indicated that

the applicant has been working with the City including with respect to the mitigation that the City indicates is necessary. Mr. Osterhoudt indicates that the design has been progressing and that there are some issues outstanding. The project was placed on the July 21, 2016 agenda for continuation of the public hearing.

The next item of business on the agenda was the waiver of subdivision application submitted by Michael Vickers for property located off Kreiger Lane. Mr. Vickers stated that he currently owns a 5.5 acre lot, and he is seeking approval to create an additional building lot that will have a 30-foot wide access to a private right-of-way leading to the buildable area at the rear of the lot. Mr. Vickers indicated that there had been questions concerning the history of the subdivision, and he discussed the existing right-of-way that leads from Kreiger Lane to his 5.5 acre lot. Mr. Vickers indicated that the drainage on the site is good, and that although the plan he submitted indicates the location of a home on his 5.5 acre parcel, that home was not actually built. Member Mainello asked whether there was access from Mr. Vickers' lot directly to Kreiger Lane and Mr. Vickers indicated that it was accessed by virtue of the private right-of-way. Member Tarbox asked who owns the property underlying the right-of-way, and Mr. Vickers indicated that he owned a portion of it and that the Whitbecks owned a portion of it. The Board then discussed with Mr. Vickers the properties over which the owners would have to cross to access the new lot along the private right-of-way. Chairman Oster also noted that the subdivision regulations imposed a limit on the number of lots on a dead end street. Mr. Vickers stated that the right-of-way is not a dead end street because it ultimately leads to Flower Lane. Attorney Tingley indicated that there were two legal issues facing the Board on this application:

1. Town Law Article 16 requires that a subdivided lot for building purposes have frontage on a public road; and

2. The Town's subdivision regulations impose a limit of 12 lots to be serviced by a cul-de-sac. Attorney Tingley indicated that the term cul-de-sac under the subdivision regulations was defined as including dead end roads. Attorney Tingley further stated that it appears that Kreiger Lane is a cul-de-sac under the subdivision regulations, and that it appears to serve more than 12 lots.

Member Czornyj indicated that he had reviewed the Planning Board records and could not find where this lot was previously subdivided by the Planning Board. Attorney Tingley advised the Board that under the current application, given the lack of frontage on a public road and the number of lots currently serviced by Kreiger Lane, the application could not be legally approved by the Planning Board. Attorney Tingley informed the Board, however, that the applicant could seek a variance from the Zoning Board of Appeals with respect to the lack of frontage on a public road, and that the applicant could seek from the Town Board a waiver of the requirement that Kreiger Lane service no more than 12 lots. Once those approvals are obtained, the application can then be acted upon by the Planning Board without those restrictions preventing its approval. The applicant inquired as to his next steps, and Member Czornyj indicated that he would meet with the applicant to review. The applicant indicated that he would be in Alaska on work from Monday, July 11 through October, and so he would like to progress the application as best he could in his absence. The Board advised Mr. Vickers that he could have a representative appear on his behalf and that he could get the necessary applications filed before July 11. Chairman Oster reported to Mr. Vickers that even if he gets Zoning Board of Appeals approval and Town Board approval as referenced by Attorney Tingley, he would still need to get Planning Board approval for this subdivision. The Board then discussed with the applicant the next time that this matter would

likely be on the Planning Board agenda, and Mr. Vickers indicated that given his schedule and the need to obtain Zoning Board and Town Board approval, the application would likely be on the agenda for the Planning Board in October.

There was one item of new business addressed. John Mainello appeared on behalf of Theresa and John Bulmer concerning 79 and 81 Oneida Avenue, for which the Board approved a waiver of subdivision at the June 16, 2016 meeting. Mr. Mainello indicated he was seeking on behalf of the Bulmers an amendment of that approval. Mr. Mainello indicated that the approval granted the Bulmers permission to adjust the lot line such that a 30x100 foot area of property that was vacant would be merged into 79 Oneida Avenue from 81 Oneida Avenue. He indicated that the Board approved the application conditioned on proof of merger being filed with the Brunswick Building Department. Mr. Mainello indicated that the application in front of the Board tonight is seeking an amendment to reduce the size of the lot line adjustment from 3,000 square feet to 1,500 square feet. The Board discussed with Mr. Mainello the reasoning behind the amendment. The Board asked whether the application seeking an amendment of the prior approval required compliance with SEQRA. Attorney Tingley stated that if the Board finds that there has been no substantial change from the prior application from an environmental impact perspective, then the Board can rely on the prior SEQRA determination. Member Czornyj made a motion to make a finding that there is no substantial change from an environmental perspective from the prior application to the currently proposed amendment, which motion was seconded by Member Mainello and was unanimously approved. Member Czornyj then made a motion to approve the amendment of the approval previously granted reducing the size of the lot line adjustment from 3,000 square feet (30 feet by 100 feet) to 1,500 square feet (15 feet by 100 feet) with the condition

that proof of merger be filed with the Brunswick Building Department, which motion was seconded by Member Casey and was unanimously approved.

The index for the July 7, 2016 meeting is as follows:

1. Oakwood Property Management Planned Development District - Site plan - July 21, 2016 (public hearing to continue at 7:00pm);
2. Vickers - Waiver of subdivision - October 6, 2016 (tentative);
3. Bulmer - Amendment of approved waiver of subdivision - Approved with condition.

The proposed agenda for the July 21, 2016 meeting currently is as follows:

1. Oakwood Property Management Planned Development District - Site plan (public hearing to continue at 7:00pm).