

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 18, 2016

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

ABSENT were KEVIN MAINELLO and VINCE WETMILLER.

ALSO PRESENT was WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

ABSENT was KAREN GUASTELLA, Brunswick Building Department.

The Planning Board members reviewed the draft minutes of the July 21, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Casey, the draft minutes of the July 21, 2016 meeting were unanimously approved without amendment. It is noted that there was no Planning Board meeting held August 4, 2016 due to a lack of agenda items, and therefore there are no formal minutes for a meeting of August 4, 2016.

The first 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. Robert Osterhoudt, P.E., of Bohler Engineering, was present for the applicant. Chairman Oster noted for the record that Bohler Engineering had submitted an updated site plan set, additional information concerning the proposed public water and public sewer for the project, and a letter dated August 12, 2016 that responded to public comments and review comments on the project. Mr. Osterhoudt stated that the updated site plan set included revisions

to address public comments, the prior written review comments of the Town Consulting Engineer and Town Water Department, and also comments of the Brunswick No. 1 Fire Department and Center Brunswick Fire Department. Mr. Osterhoudt also confirmed that the Bohler Engineering letter of August 12 was submitted to respond to public comments received at the public hearing as well as prior review comments. Mr. Osterhoudt reviewed the updates to the site plan. Mr. Osterhoudt stated that, subsequent to the July 21 Planning Board meeting, he had met with residents in the North 40 subdivision—Mr. Brosnahan and Mr. Doran—and was informed that Mr. Murray, owner of the property at the end of Naples Court and over which an easement for the water line would be needed, would not consent to providing the necessary easement for the water line. Accordingly, Bohler Engineering had reviewed this information with the owner and the site plan has been revised to remove the proposed water line connection to Naples Court and provide the alternate public water connection north on Oakwood Avenue to Farrell Road, with a connection to the water supply in the City of Troy at the Highpointe Project. Mr. Osterhoudt stated that the water line connection through the North 40 Realty property to Northstar Drive will remain on the site plan and will be constructed, as an easement will be able to be obtained from North 40 Realty. Mr. Osterhoudt discussed the proposed layout of the public water connection at Highpointe, and also reviewed a revision that will locate the sanitary sewer line and public water line through an easement over private property located at the corner of Oakwood Avenue and Highpointe, and with the use of the private property for utility installation the potential impacts of utility crossings at an intersection will be avoided and will allow easier maintenance in the future. Mr. Osterhoudt also stated the site plan had been updated to address comments on the stormwater plan, and clean up miscellaneous details. Mr. Osterhoudt then reviewed the response to comments prepared by Bohler Engineering in its letter of August 12, 2016. The response to comments include responses

to public comments received at the July 7 and July 21 public hearings, and the prior written review comments prepared by Laberge Group on the project. Member Czornyj inquired as to the status of approvals by the City of Troy for water and sewer connections. Mr. Osterhoudt stated that the City of Troy had issued conceptual approval, but will require further engineering details prior to final approval. Member Casey asked about utility line crossings on Oakwood Avenue. Mr. Osterhoudt stated that directional drilling will be used to install the water and sewer lines across Oakwood Avenue, and that the Rensselaer County Highway Department had reviewed the plans and has signed off. Chairman Oster wanted to confirm that the comments of the Brunswick No. 1 Fire Department and Center Brunswick Fire Department had been addressed. Mr. Osterhoudt stated that he had met with each fire department, and resolved all issues concerning hydrant locations, and had forwarded the revised site plan showing the revised hydrant locations to each fire department and they had signed off on the site plan. Mr. Osterhoudt stated that the only outstanding issue with respect to the fire departments is the issue of whether the fire alarm system in the buildings will be monitored or only local alarms, with Mr. Osterhoudt stating that this will be resolved with the fire departments during project buildout. Chairman Oster asked whether Mr. Bonesteel had any comments. Mr. Bonesteel stated that he had generally reviewed the stormwater plan, and had no questions, noting that Laberge Group is acting as consulting engineers for the site plan review. Ronald Laberge, P.E. of Laberge Group was present, and stated that he had no further comments regarding the site plan, including the site layout, grading, and similar items, but that further engineering details still needed to be reviewed. Mr. Osterhoudt confirmed that all final engineering details must still be reviewed by the Town Consulting Engineer, and did confirm that comments provided by the Brunswick Water Department regarding utilities must also be addressed. Member Esser asked about the proposed width of the easement across the private

property located at the intersection of Oakwood Avenue and Highpointe for the sewer line and water line installation. Mr. Osterhoudt stated that the proposed easement width is 30 feet. Chairman Oster asked whether there were any further questions or comments by the Planning Board members. Hearing none, Chairman Oster inquired whether the Planning Board members were prepared to act on the site plan application. The Planning Board members concurred that they were ready to proceed to act, but Member Esser had a further inquiry regarding the metering of public water for the project. William Bradley, of the Town Water Department, was present, and stated that a master meter would be installed at the City of Troy/Town of Brunswick municipal line, and that each of the buildings would be separately metered for water. The Planning Board did proceed to discuss action on the Oakwood Property Management Planned Development District site plan, and reviewed a series of proposed site plan conditions that had been prepared by Planning Board attorney Gilchrist, Town Consulting Engineer Laberge, and Chairman Oster. Following the review of the proposed site plan conditions, Member Tarbox inquired as to access by the Town of Brunswick for utilities on the project site. Attorney Gilchrist stated that the water system would be dedicated in whole to the Town of Brunswick, and an easement would be provided by the property owner to the Town for access. Attorney Gilchrist stated that with respect to public sewer, the pump station and sewer main located along Oakwood Avenue would be dedicated to the Town of Brunswick, but that all sewer facilities internal to the project site would remain private. Member Tarbox inquired about financial security for the construction of the public water and public sewer. Attorney Gilchrist stated that there is a performance bond requirement pursuant to the PDD Approvals for the construction of the public water and public sewer facilities, and that with respect to the internal road system, that road system will remain private and be subject to a private road maintenance agreement, and that the inspections of the construction of the private

road system will be financed through the establishment of a construction inspection escrow. Attorney Gilchrist stated that SEQRA had been completed through a coordinated environmental review undertaken by the Town of Brunswick Town Board serving as lead agency for the Oakwood Property Management Planned Development District approvals. Thereupon, Member Czornyj made a motion to approve the Oakwood Property Management Planned Development District site plan subject to the following conditions:

1. Subject to all final comments of the Town Building Department, Town Water Department, and Town Consulting Engineer.
2. Subject to resolution of legal and engineering issues associated with the approval of the proposed construction, and the ultimate dedication to the Town of Brunswick, of the public water and public sewer systems prior to the issuance of any building permit or other work permit by the Town of Brunswick, including but not limited to review and acceptance of all easements over private property for the construction and operation of any portion of the public water and/or public sewer system.
3. The owner/applicant is required to obtain all necessary permits, approvals, and easements for potable water and sewer connections, and copies of all necessary permits, approvals, and easements must be filed with the Town of Brunswick prior to the issuance of any building permit for any structure to which public water and/or public sewer will be connected.
4. Payment of all outstanding engineering review fees.
5. Subject to all conditions set forth in the Town of Brunswick Town Board Planned Development District approval, as identified in Resolution No. 42 of 2014, a copy of which is attached to these minutes.
6. Any changes to the site plan necessitated by final comments of the Town Building Department, Town Water Department, and/or Town Consulting Engineer shall require an amendment to site plan approval.
7. The utility easement for the water line to connect to North Star Drive must be reviewed by the Town Attorney, Brunswick Water Department, and Town Consulting Engineer.
8. The area on the project site subject to the conservation easement required pursuant to the Planned Development District approval shall be shown on a

map to be submitted to the Planning Board and reviewed by the Town Consulting Engineer and Town Water Department.

Member Esser seconded the motion subject to the stated conditions. The motion was unanimously approved, and conditional final site plan approval granted on the Oakwood Property Management Planned Development District site plan.

One item of old business was discussed.

William Bradley, on behalf of Brunswick Design Group, updated the Planning Board on the concept site plan for the construction of self-storage units on a 20-acre parcel located at 74 Farrell Road. Attorney Gilchrist noted for the record that he represents Brunswick Design Group on an unrelated matter concerning the parcel, and wanted to disclose that representation to the Planning Board. Chairman Oster indicated that the disclosure was noted for the record, and that the Planning Board had no objection to the continued representation by attorney Gilchrist on the Brunswick Design Group site plan application. Mr. Bradley then reviewed the concept site plan, which calls for installation of self-storage units at this location, plus an area for open storage of recreation vehicles and similar items, and reviewed the site layout in terms of area of disturbance, buffers, stormwater plan, phasing, and location of a proposed caretaker house. The particular type of storage container was reviewed. Mr. Bradley stated that the use was in compliance with the Industrial Zoning District for the property, that traffic would not be significant, that no odors would be generated, that stormwater compliance will be addressed, and generally discussed proposed lighting for the site. Mr. Bradley stated that in addition to use of the storage units by residences, he would also be targeting businesses as proposed tenants. Chairman Oster stated that with respect to having small businesses as tenants, is the owner preparing to include any restrictions on storage of hazardous materials, flammables, or similar items. Mr. Bradley confirmed that the issue will need to be reviewed, that appropriate restrictions would be included in the lease contract, that the

use of security cameras will be in place, and that he will need to review the issue of whether restricting certain tenants was legal. Chairman Oster noted that the issue was of concern because off-site storage units would seem to be more attractive to store materials that may not want to be stored in the primary residence or business space. Mr. Bradley confirmed that this was a concern, with particular regard to business tenants, and that he would be reviewing that issue. Member Casey asked whether the site would be fenced. Mr. Bradley stated that the area of the surface outdoor storage would be fenced, and that he had not yet determined whether the rest of the site would require fencing; that it was his current intent not to initially install a fence around the entire site, but after the fence is installed in the outdoor storage area, fencing may be considered around the remaining storage units in the future. Mr. Bradley did confirm that the access road would be controlled through the use of a gate. Member Casey asked whether the internal road and parking area would be paved. Mr. Bradley stated that the interior road and parking area would be all gravel, and he was intending to use roller-compacted millings. Member Esser asked how that could be maintained in the winter. Mr. Bradley stated that the roller-compacted millings is able to be plowed in the winter. Member Esser asked about screening in the fall and winter when the leaves of the hardwood trees are off. Member Esser asked whether any evergreens were to be planted. Mr. Bradley stated that evergreens could be included, but that the denseness of the existing hardwood stand should be adequate buffer. Member Casey asked whether there were any proposed berming along the front of the property adjacent to Farrell Road. Mr. Bradley stated that berming was an option, including planting evergreens on top of the berm. Chairman Oster confirmed that the house located immediately to the east is a two-story house, and that would need to be considered in connection with visual impact. Mr. Bradley stated that he had sold the property to the owner of the two-story home, and that the owner was on notice that the property adjacent was

in the Industrial Zoning District and that it was intended to be used for industrial purposes in the future. The Planning Board generally discussed the condition of the storage container units, the layout, unit size, configuration, door location, and color. Chairman Oster asked whether there was a common roof on all of the adjacent storage container units. Mr. Bradley stated there was not a common roof, but that the storage container units were placed on top of a concrete grade beam located on the ground. The Planning Board discussed application submittals and procedure. Mr. Bradley will prepare a full site plan submittal with environmental assessment form and stormwater plan. This matter is tentatively placed on the September 15 agenda for further discussion.

One of item of new business was discussed.

Brian Holbriiter, Licensed Land Surveyor, appeared for Farrell Homes in connection with the five-lot major subdivision previously approved by the Brunswick Planning Board located on Pinewoods Avenue. Mr. Holbriiter explained that an adjacent property owner had approached Mr. Farrell, and negotiated the purchase of a 7.58-acre area on the rear of Lot 4, which the adjacent property owner would purchase and merge into his existing lot. Mr. Holbriiter explained that this would leave Lot 4 of this major subdivision at two acres in size, equivalent to the other four lots in the five-lot major subdivision. Mr. Holbriiter confirmed that the five-lot major subdivision plat had been stamped, signed, and filed in the Rensselaer County Clerk's Office. Member Tarbox asked whether the house location and septic location for Lot 4 were the same, or had been changed in connection with the reduction in size of Lot 4 to two acres. Mr. Holbriiter confirmed that the house and septic location are the same, and that the only change to the plat is reducing the size of Lot 4 to two acres, and transferring 7.58 acres to the adjacent property owner. Chairman Oster inquired whether the proposed change to the plat affects the stormwater plan for the five-lot subdivision. Mr. Holbriiter stated that the stormwater facilities are not proposed to be changed,

that the total area of disturbance is not changed, and that the general grading of the site will not change. Mr. Holbriiter did confirm that the stormwater plan does direct stormwater from the five subdivided lots down onto the 7.58-acre area that will be transferred to the adjacent property owner. The Planning Board noted that this did raise the issue of the need for a drainage easement in favor of the five lots over the 7.58-acre area to be transferred to the adjacent property owner, so that the adjacent property owner was aware that these lots drained onto the land and that he would not be able to grade or place any structures on the 7.58 acres that would affect the drainage plan for the five subdivided lots. Mr. Bonesteel also stated he would like to review the stormwater pollution prevention plan for the project, as well as the previously-approved plat and the current proposed plat. The Planning Board discussed application and procedure, determining that the application should be received as an amendment to the previously-approved major subdivision plat, in the nature of a lot line adjustment. This matter is placed on the September 1, 2016 agenda for further discussion.

The index for the August 18, 2016 meeting is as follows:

1. Oakwood Property Management Planned Development District - Site plan - Conditional final approval
2. Brunswick Design Group - Site plan - September 15, 2016
3. Farrell Homes - Amendment to major subdivision plat - September 1, 2016.

The proposed agenda for the September 1, 2016 meeting currently is as follows:

1. Farrell Homes - Amendment to major subdivision plat.

RESOLUTION NO. 42, 2014

**TOWN OF BRUNSWICK
REGULAR MEETING**

May 8, 2014

**RESOLUTION APPROVING THE OAKWOOD PROPERTY
MANAGEMENT PLANNED DEVELOPMENT DISTRICT**

WHEREAS, an application for a Planned Development District (“PDD”) has been filed with the Town of Brunswick by Oakwood Property Management, LLC (“Applicant”) seeking approval for a project consisting of approximately 254 apartment units, with building styles that will consist of 8 units, 12 units, and 14 units per building, with a private road system and possible clubhouse or other amenities, with the maintenance of an existing vegetative buffer area on the east side of the project site, all located at 215 Oakwood Avenue; and

WHEREAS, in connection with the Oakwood Property Management PDD application, the Applicant filed a Full Environmental Assessment Form pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations at 6 NYCRR Part 617; and

WHEREAS, the Town Board of the Town of Brunswick (“Town Board”) sought to conduct a coordinated environmental impact review under SEQRA for this project; and

WHEREAS, the Town Board undertook coordination of Lead Agency designation with all involved agencies; and

WHEREAS, the Town Board designated itself as Lead Agency pursuant to SEQRA with respect to the Oakwood Property Management PDD application; and

WHEREAS, the Town Board has previously referred the Oakwood Property Management PDD application to the Town of Brunswick Planning Board, Town of Brunswick Zoning Board of Appeals, and Rensselaer County Department of Economic Development and Planning for review and recommendation; and

WHEREAS, the written recommendations from the Town of Brunswick Planning Board, Town of Brunswick Zoning Board of Appeals, and the Rensselaer County Department of Economic Development and Planning have been completed and submitted to the Brunswick Town Board; and

WHEREAS, the Brunswick Town Board placed the City of Troy on notice of the

Oakwood Property Management PDD application pursuant to General Municipal Law §239-nn; and

WHEREAS, the Town Board determined to hold a public hearing on the Oakwood Property Management PDD application in order to receive additional public comment and input; and

WHEREAS, the Town Board scheduled such public hearing for October 29, 2013; and

WHEREAS, the Town Board noticed such public hearing by publication in the Troy Record, posting such notice on the Notice Board at the Brunswick Town Hall, posting such notice on the Brunswick Town website, and providing direct written notification of such public hearing to all property owners located within 500 feet of the project site; and

WHEREAS, the Town Board further sent notice to the City of Troy concerning the public hearing to be conducted by the Town Board on the Oakwood Property Management PDD application; and

WHEREAS, the Town Board conducted such public hearing on October 29, 2013, and received public comment thereat; and

WHEREAS, the Town Board determined to continue the public hearing on the Oakwood Property Management PDD application on November 14, 2013; and

WHEREAS, in accordance therewith, the Town Board continued such public hearing at its meeting held November 14, 2013; and

WHEREAS, the Town Board closed the public hearing on the Oakwood Property Management PDD application on November 14, 2013; and

WHEREAS, all comments received by the Town Board at such public hearing and through the submission of written comments were forwarded to the Applicant for review and response; and

WHEREAS, the Applicant submitted a response to public comments dated December 9, 2013 for review and consideration by the Town Board; and

WHEREAS, through letter dated December 16, 2013, the Town's consulting engineers requested additional information from the Applicant to fully respond to public comments received at the aforementioned public hearing; and

WHEREAS, the Applicant submitted to the Town Board a supplemental response to comments dated January 23, 2014; and

WHEREAS, in such supplemental response to public comments dated January 23, 2014, the Applicant indicated that an application would be made to the Rensselaer County Industrial Development Agency (“IDA”) for an abatement to real property taxes through a Payment in Lieu of Taxes (“PILOT”) Agreement; and

WHEREAS, the Town Board submitted written comments to the Rensselaer County IDA concerning such PILOT Agreement application, and also attended a public hearing conducted by the Rensselaer County IDA concerning the same, indicating that the Town Board generally had significant concern regarding any abatement in real property tax payments concerning the proposed project, with particular regard to impacts to the school district and provision of municipal services; and

WHEREAS, the Applicant thereafter submitted a supplemental response to comments dated March 4, 2014, informing the Town Board that it estimates the annual real property tax revenues based on full valuation for the Oakwood Property Management PDD project to be \$613,500, and thereafter withdrew its application for a PILOT Agreement with the Rensselaer County IDA and represented to the Town Board that an application for real property tax abatement through a PILOT Agreement for this project will not be made; and

WHEREAS, the Applicant has indicated that it may seek to apply to Rensselaer County for exemption from sales tax and mortgage recording tax only in connection with the project; and

WHEREAS, the Town of Brunswick has historically not supported abatement of real property taxes with respect to residential land use projects, and continues to withhold support for any abatement of real property taxes for residential land use project; and

WHEREAS, the Town of Brunswick, however, acknowledges that this project site is unique given its location as a buffer area between an established single-family residential subdivision to the southeast and an Industrial Zone District along Oakwood Avenue immediately to the north; that this proposed project provides an appropriate transitional use between such residential and industrial/commercial uses; that the completion of this proposed project, which will include an area of restricted greenspace adjacent to the residential subdivision as an additional buffer, will provide a benefit to the owners of homes in such residential subdivision while also providing increased full real property tax assessed valuation to the Town, providing receipt of fully assessed real property taxes for the benefit of the Town and school district; and therefore, with regard to this particular location, this proposed use, and in consideration of current economic conditions, the Town Board has no objection to the County’s consideration of mortgage recording tax and sales tax exemption for this project; and

WHEREAS, the Town Board makes its findings and determination on this project based upon the consideration of real property tax assessment based on full valuation, to be determined by the Town of Brunswick Assessor, and receipt of full assessed real property taxes; and

WHEREAS, the Town Board has now reviewed all application documents and Full Environmental Assessment Form, the written comments of all involved agencies, the

recommendation of the Brunswick Planning Board, the recommendation of the Brunswick Zoning Board of Appeals, the recommendation of the Rensselaer County Department of Economic Development and Planning, all public comments received during the public hearing, and all response to public comments submitted by the Applicant; and

WHEREAS, the Town Board has deliberated and duly considered the Oakwood Property Management PDD application documents in full, and the Full Environmental Assessment Form; and

WHEREAS, the Town Board has completed Part II of the Environmental Assessment Form; and

WHEREAS, the Town Board has adopted a negative declaration for this action pursuant to the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town Board of the Town of Brunswick approves the application by Oakwood Property Management, LLC for the Oakwood Property Management Planned Development District, subject to the following conditions:

a. The Oakwood Property Management Planned Development District project shall encompass approximately 80 acres located on Tax Map Parcels 90.00-1-12.2, 90.00-1-13.1, 90.00-1-14, and 90.00-1-15, and shall allow up to 254 apartment units on the project site, with buildings that will include either 8 units, 12 units, or 14 units per building, or a mix of such building types, with a private road system and parking areas, also with the potential clubhouse or other site amenities on the project site, together with the maintenance of an existing vegetative buffer area on the east side of the project site, and additional landscaped and vegetated areas, all as depicted on a general site sketch plan titled "Site Sketch Plan – Site Plan Documents for Oakwood Property Management, LLC", dated June 12, 2013 as prepared by Bohler Engineering and a site rendering map titled "Site Render for Oakwood Property Management, LLC Planned Development District", dated July 11, 2013 as prepared by Bohler Engineering.

b. A conservation easement or restrictive covenant, in form acceptable to the Town of Brunswick, shall be required for the aforementioned existing vegetative buffer area located on the east side of the project site adjacent to the North Forty subdivision. The final boundaries of such restricted area shall be determined by the Town of Brunswick, consistent with the aforementioned site sketch plan and site rendering.

c. The Applicant must file with the Town of Brunswick a petition for the creation or extension of a water district, including Map, Plan and Report, in compliance with municipal and state requirements and standards. The petition for creation of a water district will be subject to full municipal review by the Town Board.

d. All improvements constructed in conjunction with providing a system of water supply and distribution will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation and maintenance without costs to the Town. Such water supply system shall be subject to review and approval by the Town of Brunswick Water Department.

e. The Applicant must file with the Town of Brunswick a petition for the creation of a sewer district, including full Map, Plan and Report, in compliance with municipal and state requirements and standards. The petition for creation of a sewer district will be subject to full municipal review by the Town Board.

f. All improvements constructed in conjunction with providing a sewerage system will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation and maintenance without costs to the Town, at the option of the Town of Brunswick. Such sewerage system shall be subject to review and approval by the Town of Brunswick Water Department.

g. The Applicant shall provide to the Town of Brunswick an easement for access to all public water and public sewer facilities to be dedicated to the Town of Brunswick as aforementioned. Such easement shall be included in the Declaration of Easement and Road Maintenance Agreement as set forth below in paragraph 1(h). The easement shall be a minimal width of fifteen (15) feet on each side of sewer and water piping, and be of sufficient area to allow for repair and maintenance activities. The area of the easement shall be subject to approval by the Town of Brunswick Water Department.

h. With respect to the private road system included in the Oakwood Property Management PDD, a Declaration of Easement and Road Maintenance Agreement in form and content acceptable to the Town Board and Town Attorney must be executed by the Applicant and recorded in the Office of the Rensselaer County Clerk at the expense of the Applicant. Proof of such filing at the Office of the Rensselaer County Clerk must be provided to the Town of Brunswick by the Applicant.

i. The Applicant shall be responsible for all roadway maintenance, including paving, repairing, and snow plowing, for the benefit of all tenants and invitees within the Oakwood Property Management PDD project, to insure that all roadways are open, passable, and accessible to and by residents, invitees, and emergency vehicles. All such roadways within the Oakwood Property Management PDD project are designed to be maintained as private roadways, and will not become public roadways subject to Town ownership, repair, or maintenance.

j. The Applicant shall pay the sum of \$500 per unit as a park and recreation fee. This amount shall be required to be paid by the Applicant at such time as the Applicant applies for the initial work permit and/or building permit for this project, to be calculated at such time based upon the total number of units set forth on a final site plan to be reviewed and acted upon by the Town of Brunswick Planning Board pursuant to the site plan regulations of the Town of Brunswick.

k. The Applicant must comply with all New York State Department of Environmental Conservation (NYSDEC) Stormwater Regulations and Town of Brunswick local laws concerning stormwater compliance. In addition to any mandatory Notice of Intent to commence construction activities, the Applicant must complete a full Erosion and Sediment Control Plan (ESCP) and Stormwater Pollution Prevention Plan (SWPPP) in compliance with NYSDEC Stormwater Regulations. The Applicant shall supply a copy of the ESCP and SWPPP to the Town of Brunswick, and shall not commence any grading or construction activities on the Oakwood Property Management PDD site until such time as the Town has executed the NYSDEC Notice of Intent to commence construction activities in its capacity as a MS-4 community.

l. All Stormwater Management Facilities for the Oakwood Property Management PDD action shall be constructed in compliance with the approved SWPPP. The Town of Brunswick shall not own or otherwise be responsible for future operation or maintenance of such Stormwater Management Facilities. The Town of Brunswick shall have no responsibility or liability with respect to such Stormwater Management Facilities. All Stormwater Management Facilities shall be owned and maintained by the private owner of the PDD site. The Town of Brunswick shall be granted an easement for access to such Stormwater Management Facilities by the owner of such PDD site. The owner of the PDD site must execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick, which shall include the easement described herein. The form and content of the Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Town Board and Town Attorney. The executed Stormwater Management Facilities Maintenance Agreement must be recorded in the Office of the Rensselaer County Clerk at the expense of the owner. Proof of such filing at the Office of the Rensselaer County Clerk must be provided to the Town of Brunswick by the owner.

m. The Applicant must comply with all requirements of the United States Army Corps of Engineers concerning wetlands, wetland buffers, and restrictions on the project site.

n. The final location and specifications of fire hydrants, emergency vehicle access, and fire code compliance shall be coordinated with the Center Brunswick Fire Company, the Town of Brunswick Planning Board, and Town Consulting Engineer as part of site plan review.

o. The required number of parking spaces and overall parking plan, and the layout and final location of the internal private road system, shall be determined by the Brunswick Planning Board during site plan review. Consideration of the parking and internal road layout shall also be coordinated with the Center Brunswick Fire Company with respect to emergency vehicle access and fire hydrant location.

p. In addition to the existing vegetative buffer area described in paragraphs 1(a) and 1(b) above, an appropriate vegetative screening and landscaping plan shall be determined by the Brunswick Planning Board during site plan review.

q. The Brunswick Planning Board shall make the final determination concerning an appropriate lighting plan for the project site.

r. The architectural style of the proposed apartment buildings, as well as any potential amenities including building construction, shall be determined by the Brunswick Planning Board during site plan review.

s. All site work and construction activities on the Oakwood Property Management PDD site shall be limited to the following hours of operation: Monday – Friday, 7:00 a.m. – 7:00 p.m.; Saturday, 7:00 a.m. – 5:00 p.m.; no site work or construction activity shall be permitted on Sundays or legal holidays.

t. The following note shall be placed on all plans and specifications for the Oakwood Property Management PDD project:

The undersigned Applicant for the property and undersigned owner of the property state that they are familiar with all conditions of the Town Board of the Town of Brunswick on the Oakwood Property Management Planned Development District, and consent to all said conditions.

_____	_____
Applicant	Date
_____	_____
Owner	Date

u. The Applicant shall provide the Town of Brunswick with GIS data, including but not limited to property boundary area, roads, utilities, control points, and drainage elements.

v. The Applicant shall pay all consulting review fees incurred by the Town Board of the Town of Brunswick and Planning Board of the Town of Brunswick in connection with the review of the Oakwood Property Management PDD project.

w. The Applicant shall be required to establish at the Town of Brunswick an inspection fee escrow account in an amount to be determined by the Town Board. The Applicant must submit an estimate for projected infrastructure costs, including public water, public sewer, and stormwater facilities; and further, the Applicant must submit an estimated construction schedule. This information will be used by the Town in considering an appropriate inspection fee escrow amount, which amount is anticipated to be five (5) percent of the total estimated infrastructure construction costs. All fees for inspections during the construction of the Oakwood Property Management PDD project shall be the responsibility of the Applicant, and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such inspection fee escrow account shall be subject to review from time to time by the Town Board during construction activities on the Oakwood Property Management project site. At no time shall such account be in an amount less than \$5,000. In the event the Applicant fails to maintain such

inspection fee escrow account in a minimum balance of \$5,000, a Stop Work Order shall be issued by the Town of Brunswick Building Department on all construction activities at the project site. The Applicant shall be entitled to an accounting of all inspection fees. At the conclusion of construction and completion of inspection activities, and upon a final accounting of all inspection fees, all funds remaining in such inspection fee escrow account shall be returned to the Applicant.

x. The Oakwood Property Management PDD project shall be subject to full review by the Town of Brunswick Planning Board pursuant to the site plan regulations of the Town Code of the Town of Brunswick.

y. Copies of all necessary permits and/or approvals for potable water and sewer connections must be filed with the Town of Brunswick prior to issuance of any building permit or other work permit for any structure to which public water and/or public sewer will be connected.

z. All rock, including bedrock, must be removed by mechanical means. The Applicant has indicated that based upon extensive historical onsite grading, there has been no indication of bedrock near the surface and therefore blasting is not anticipated. In the event blasting is required to remove any rock on the project site, notice to the Town Building Department and consulting engineer must be made, both verbally and in writing, prior to any blasting activities. The following best management practices for blasting must be complied with:

- (i) All blasts will be designed and implemented in accordance with all applicable state and federal regulations.
- (ii) A licensed expert blaster will perform all blasting.
- (iii) Blasting will be scheduled to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.
- (iv) All blast holes will be loaded and implemented under the direct supervision of an expert licensed blaster.
- (v) The blast area will be secured prior to each blast.
- (vi) Blasting will be done between 10:00 a.m. and 5:00 p.m. Monday through Friday. No blasting will occur on weekends.
- (vii) All blasts will be monitored with a properly calibrated seismograph.
- (viii) Records of all blasts, including seismograph data, will be prepared and maintained by the Applicant and/or blasting expert, and made available to the Town upon request.
- (ix) The Applicant will promptly and professionally respond to and

investigate all complaints. Applicant shall make all necessary repairs to homes and property if it is determined that such damage is causally related to the blast.

- (x) In addition, the Applicant shall offer to all property owners within 1500 feet of the blasting areas, or as directed by the Town's consulting engineer and Town Building Department, the opportunity to have a pre-blast survey conducted by the Applicant for all structures located within such area. This offer must be made in writing, with records of such written offer and/or pre-blast survey to be maintained by the Applicant and made available to the Town upon request.
- (xi) Prior to engaging in any blasting activity at the project site, the Applicant shall secure and maintain a policy of general liability insurance issued by a company or companies lawfully authorized to do business in New York in an amount no less than five million (\$5,000,000.00), which in addition to providing general liability coverage shall also cover all risks and claims associated with blasting activities on or about the project site. The Town of Brunswick shall be named as additional insured on such policy, and a certificate of such insurance shall be filed with the Town of Brunswick prior to any blasting activity at the project site.
- (xii) The Applicant shall execute a Hold Harmless and Indemnification Agreement with the Town of Brunswick for all liability and damages arising out of all blasting activities at the project site. Such Hold Harmless and Indemnification Agreement shall be fully executed prior to any blasting activities occurring at the project site.

2. The Applicant is required to file a site plan application with the Town of Brunswick Planning Board pursuant to the site plan regulations of the Town of Brunswick. Such application must include payment of all application and consulting review fees.

3. A Local Law shall be prepared to amend the official Zoning Map of the Town of Brunswick to add the Oakwood Property Management PDD project site as an approved Planned Development District. Such Local Law shall be subject to all applicable legal requirements associated with amendment to the official Zoning Map of the Town of Brunswick. All consulting fees incurred by the Town of Brunswick in connection with the preparation and adoption of such Local Law shall be paid by the Applicant.

The foregoing Resolution, offered by Supervisor Herrington and seconded by Councilman Christian, was duly put to a roll call vote as follows:

COUNCILMAN CHRISTIAN
COUNCILMAN CASALE
COUNCILMAN SULLIVAN
COUNCILMAN POLETO
SUPERVISOR HERRINGTON

VOTING aye
VOTING aye
VOTING aye
VOTING aye
VOTING aye

The foregoing Resolution was thereupon declared duly adopted.

May 8, 2014