

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD SEPTEMBER 1, 2016**

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

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

Chairman Oster reviewed the agenda for the September 1 meeting.

The Planning Board members reviewed the draft minutes of the August 18, 2016 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the August 18, 2016 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application for lot line adjustment in connection with the major subdivision by Farrell Homes for property located at 580 Pinewoods Avenue. Brian Holbritter, Land Surveyor, was present for the applicant. In follow up to the discussion held at the August 18 meeting, Mr. Holbritter stated that he had prepared a legal description for the portion of lot 4 to be transferred to the adjacent property owner, totaling an area of 7.58± acres, together with language subjecting that area to a drainage easement in favor of building lots 4–8 as shown on the approved major subdivision plat of Farrell Homes, filed in the Rensselaer County Clerk's office as document number 2016079. Mr. Holbritter also stated that the revised subdivision plat with the proposed lot line adjustment has now also shown a delineated

drainage area in the portion of lot 4 that will be transferred to the adjacent property owner. Mr. Holbritter also stated he had prepared a short environmental assessment form in connection with the proposed lot line adjustment. Chairman Oster inquired of Mr. Bonesteel whether he had reviewed the proposed lot line change in connection with the stormwater plan for the Farrell Homes major subdivision. Mr. Bonesteel stated he had reviewed the stormwater plan and soil erosion plan for the Farrell Homes major subdivision, and that all of the areas of disturbance reviewed in those plans remain within the area identified as the building lots on the amended plat, and none of the area to be disturbed is being transferred to the adjacent property owner. Mr. Bonesteel further stated that the inclusion of the drainage easement area on the amended plat confirms that drainage from the subdivided building lots will drain down onto the portion of the property to be transferred to the adjacent owner, and the area transferred to the adjacent owner will be subject to the drainage easement. Mr. Bonesteel then stated that the stormwater pollution prevention plan will not require any amendment in connection with the lot line adjustment, that a map note had been added to the amended major subdivision plat, and that the stormwater plan for the major subdivision still meets compliance. Chairman Oster inquired of attorney Gilchrist as to the adequacy of the drainage easement. Attorney Gilchrist stated that he had reviewed the language of the proposed drainage easement, and finds it adequate for purposes of the Planning Board action on the lot line adjustment. Member Wetmiller asked whether the area to be transferred to the adjacent owner could be developed in the future. Member Czornyj commented that the area could be developed given the Zoning District in which the property is located, just as Mr. Farrell could have sought further subdivision of the property in connection with his major subdivision application. Member Czornyj also commented that development of this property is less likely with access through the adjacent property owner than what could have been designed

and presented for approval by Mr. Farrell, and that the area is now subjected to the drainage easement. Member Wetmiller concurred in those comments. Member Wetmiller noted he had raised the issue simply because the item had been discussed during the public hearing on the Farrell Homes major subdivision. The Planning Board members discussed appropriate conditions in the event the lot line adjustment is approved. The Planning Board stated that the conditions should include the requirement for the drainage easement covering the lands to be transferred to the adjacent property owner, and that the lands transferred to the adjacent property owner must be merged into that lot owner's property. Chairman Oster asked whether there were 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 amendment to the major subdivision plat and the requested lot line adjustment, subject to the following conditions:

1. The 7.58± acre area to be divided from lot number 4 and transferred to the adjacent property owner is to be subject to a drainage easement in favor of lots 4–8 of the Farrell Homes major subdivision, identified as document number 2016079 filed in the Rensselaer County Clerk's office; and
2. The 7.58± acre portion of lot number 4 to be transferred to the adjacent owner must be legally merged into the property of the adjacent property owner, with proof of merger of the deeds to be filed with the Town of Brunswick Building Department.

Member Mainello seconded the motion subject to the stated conditions. The motion was unanimously approved, and the amendment to the Farrell Homes major subdivision and lot line adjustment was approved subject to the stated conditions.

There were no items of new business.

One item of old business was discussed. The Brunswick Building Department had brought to the attention of the Planning Board the status of infrastructure construction on the Brook Hill subdivision, and particularly the status of completion of the subdivision roads. The Planning Board generally discussed the approval of the Brook Hill subdivision granted on August 3, 2006, and the conditions attached to that final subdivision approval. The Planning Board reviewed the six conditions to approval, including condition number 4 which required completion of all required infrastructure prior to final plat stamp and signature, or in the alternative, that the owner was required to file with the Town adequate financial security for the completion of the subdivision infrastructure. The Planning Board discussed that the subdivision infrastructure included the completion of the two cul-de-sac subdivision roads, which the subdivision plan proposed for construction according to the Town's specifications and offer for dedication to become public roads. The Planning Board discussed the fact that the seven lots located on one of the cul-de-sac roads, North Langmore Lane, had been completed, but the road construction of North Langmore Lane had not been completed, including the installation of the final top course of pavement. The Planning Board reviewed options. Attorney Gilchrist stated that the Planning Board could place the status of infrastructure construction on the Brook Hill subdivision on its September 15 agenda for further discussion, and request that the owner, Reiser Builders Inc., appear at the September 15 meeting to discuss the status of completion of required subdivision infrastructure in compliance with the subdivision approval conditions. The Planning Board generally concurred with that

course of action. To that end, Chairman Oster executed a letter addressed to Reiser Builders Inc. informing Reiser Builders Inc. that the status of the Brook Hill subdivision infrastructure completion would be placed on the September 15 agenda for discussion, and to request that Reiser Builders Inc. be present for that discussion. The Planning Board made it clear that in the event the completion of the required infrastructure, and most particularly the completion of the pavement of North Langmore Lane and the dedication of that road to the Town of Brunswick, was not done in a timely manner, the Planning Board would recommend that the Town of Brunswick Town Board declare the subdivision infrastructure completion to be in default and use the posted financial security to complete that infrastructure. The Planning Board is intent on discussing the timeframe for completion of North Langmore Lane, and the overall subdivision infrastructure, at its meeting on September 15. This matter is placed on the September 15 agenda for further discussion.

The index for the September 1, 2016 meeting is as follows:

1. Farrell Homes - Amendment to major subdivision and lot line adjustment - Approved with conditions.
2. Reiser Builders Inc. - Brook Hill subdivision - 9/15/2016.

The proposed agenda for the September 15, 2016 meeting currently is as follows:

1. Brunswick Design Group - Site plan.
2. Reiser Builders Inc. - Brook Hill subdivision infrastructure completion.