

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 6, 2019

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, DONALD HENDERSON, LINDA STANCLIFFE, and J. EMIL KREIGER.

ABSENT were KEVIN MAINELLO, and ANDREW PETERSEN.

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

Chairman Oster reviewed the agenda for the meeting as posted on the Town signboard and Town website.

The first matter on the agenda was a public hearing on the minor subdivision application submitted by Louis Morizio for property located on Liberty Road. The notice of public hearing was read into the record, noting that the public hearing notice had been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairman Oster reviewed the rules for conduct of the public hearing. The applicant was represented by Mark Danskin, licensed land surveyor. Mr. Danskin reviewed the proposed four-lot minor subdivision. The property is currently an approximately 17-acre parcel located on the west side of Liberty Road, north of Farrell Road. Mr. Danskin stated that all lots would have access to Liberty Road. Chairman Oster opened the floor for receipt of public comment. Thomas Matthew Murley, P.E., 32 Hialeah Drive, stated that he was a managing partner of Topatoma, LLC and Matopato, LLC. Mr. Murley indicated that while he

supports the project, he did submit a letter on behalf of the LLCs identifying items that he believes should be reviewed by the Brunswick Planning Board and addressed by the developer of the proposed subdivision. Mr. Murley reviewed the items in his letter which included that the developer should comply with the current NYSDEC stormwater regulations for the proposed subdivision, that stormwater should be retained on site and not discharged to adjacent property owned by Topatoma, LLC, and that the NYSDEC and the NYS Health Department's approval should be required for any proposed wells for the subdivision due to the nearby location of the old Troy municipal incinerator. Mr. Murley stated that he had concerns about well water because he believed that the wells would be at a deeper elevation than the bottom of the nearby old Troy municipal incinerator. Thomas Michael Murley, 99 Liberty Road, stated that he was the son of Thomas Matthew Murley, P.E. Thomas Michael Murley stated that while he likewise supports the project, he submitted a letter that identified several items that should be reviewed by the Brunswick Planning Board and addressed by the developer of the proposed subdivision. These items include that all stormwater drainage must flow to the south and west rather than flowing north toward Mr. Murley's property at 99 Liberty Road; any septic system or leach fields should be located in the front yard of any future homes on the property so that it does not flow to the north toward Mr. Murley's property; the Planning Board approval should require a no-cut vegetative buffer at least 20 feet deep along the north property line of the proposed subdivision; the entrance driveways into the lots from Liberty Road should be combined and located in the middle of the property for the best traffic sight distance; no trees, brush, debris or combustibles should be burned or buried on site; and blasting of the rock on the site should be prohibited. Vincent Castiglione, of 83 Liberty Road, stated that he supports the project but does have concerns with the water. He stated that he has a special filter on his water supply. He further stated that he would like a 30-foot vegetative buffer along the property line and he asked the Planning Board

to consider the water issue. Louise Bergendahl, 100 Liberty Road, stated that she had concerns regarding the visibility at the driveway entrances, especially with regard to school bus stops and noted that the visibility along the road in the wooded area is limited. She further indicated that she had concerns regarding wildlife traffic and that the new homes would affect the wildlife traffic in the area. Chairman Oster asked whether there was any further public comment. Hearing none, the public hearing on the Morizio minor subdivision application was closed.

The next matter was a public hearing on the site plan application submitted by Parkland Development for property located on McChesney Avenue in proximity to McChesney Avenue Extension. The applicant proposes building an approximately 6,000 square foot Mohawk Ambulance facility on the approximately 8-acre site. Chairman Oster again reviewed the rules regarding the conduct of the public hearing. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Dominick Arico, of C.T. Male Associates, was present for the applicant. Mr. Arico stated that the overall site size was 8 acres and that the proposal was to construct a 6,000 square foot office and ambulance service building. Mr. Arico stated that there would be less than 1 acre of disturbance and the project would connect to public water and public sewer. Mr. Arico displayed a rendering of the building and reviewed the landscaping that was proposed for the site. Chairman Oster asked Mr. Arico to summarize the traffic of ambulances in and out of the facility. The applicant stated that although the ambulances will be dispatched from the site, during the day many of them are circulating or out on calls and would be dispatched from their off-site locations. However, in the morning, to some extent during the business day, and in the evening, the ambulances would be stored at the facility and would be dispatched from the facility. Also present on behalf of the applicant was James

McPartlon. Mr. McPartlon explained that during nighttime hours the ambulances will be at the facility and would be dispatched from the facility, but that during the day, many of them are out on the road and it is not typical for them all to be on-site at the same time. Chairman Oster opened the floor for receipt of public comment. Janet Kuhl, 170 McChesney Avenue, stated that her property was located across from the northern part of the site and that she was not necessarily opposed to the project. She expressed concern about the noise from the ambulances and the traffic from the facility. Jeanne McKeon, 168 McChesney Avenue, stated that she has concerns regarding the noise and she requested that the Board require use of lights with no sirens as the ambulance leave the facility between 8pm and 8am. Paul McKeon, 168 McChesney Avenue, asked whether this was a storage facility for the ambulance only. James McPartlon responded that it is not simply a storage facility, but will house office space for the operations, the ambulances would be dispatched from the facility, and there would be appropriate facilities within the building for the employees. Mr. McKeon stated that McChesney Avenue is only a two-lane road, with no sidewalks and he had concerns regarding the ambulance traffic. Mr. McPartlon responded that Mohawk Ambulance will minimize any disturbance to the neighborhood from the project, and assured the Board that Mohawk Ambulance would be a good corporate neighbor. Chairman Oster noted that he had received a letter from Jim Tkacik of 387 Brunswick Road. Mr. Tkacik inquired whether any medical waste materials including sharps from the ambulances would be stored at the facility prior to disposal. If so, he inquired if there would be any special disposal containers or procedures aside from ordinary trash, where storage containers would be located, how they would be secured, and how often they would be removed from the site. Mr. McPartlon stated that all ambulance have their own sharps container and any medical waste is disposed of by the ambulances at area hospitals. Chairman Oster asked whether there was

any further public comment. Hearing none, the public hearing on the Parkland Development site plan application was closed.

Chairman Oster then opened the regular business meeting.

The draft minutes of the May 16, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the minutes of the May 16, 2019 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application submitted by Louis Morizio for property located on Liberty Road. Mark Danskin, Licensed Land Surveyor, was present for the applicant. Chairman Oster asked whether the stormwater management plan had been submitted in compliance with current regulations. Mr. Danskin stated that the proposal does comply with current stormwater regulations. Mr. Bonesteel indicated that the current proposal does comply with current stormwater regulations, and that the updated plan submitted shows the location of driveways, homes, and septic systems and fields. Mr. Bonesteel further stated that an erosion and sediment control plan had been submitted. Mr. Bonesteel stated that the proposal met all requirements for minor subdivision and that a full stormwater pollution prevention plan is not required for this project. Chairman Oster then discussed the issues raised by commenters regarding the water quality for any proposed wells. Chairman Oster stated that the applicant would still need to obtain Rensselaer County Health Department approval for water wells and for septic systems. Mr. Danskin stated that the existing well on the site had been tested in 1998 and had been re-tested and sent back to the lab for analysis. Mr. Morizio stated that he had not yet received results because the testing that he wanted to do was more than just bacterial and the samples retrieved from the well were not sufficient to test for other contaminants. Member Henderson indicated that while the well had been tested in the late 90's, water quality requirements may have since changed. Mr. Danskin responded that the conditions

of the water in the area may have also changed during that time. Mr. Morizio stated that prior to construction of any homes, he would need to obtain Health Department approval for the wells. Mr. Danskin then proceeded to respond to the comments raised during the public hearing. With regard to the comments raised by Mr. Murley, Mr. Danskin stated that an erosion and sedimentation control plan and the submitted narrative satisfies current NYSDEC regulations. Mr. Danskin further stated that stormwater is designed to flow to the west and to the south and that Mr. Murley's property is at a slightly higher elevation than the subject property. Mr. Danskin further stated that surface water would flow into the subject property. Mr. Bonesteel asked Mr. Danskin and Mr. Morizio which well on the site was used as a testing well. Mr. Danskin responded that the existing well located on lot 4 was used for testing. With respect to Thomas Michael Murley's comments, Mr. Danskin stated that stormwater drainage would flow to the south and west, not to the north towards Mr. Murley's property; any septic system or leach fields would be located 50 feet from the property line and 15 feet to the first contour line; neighbors who require a vegetative buffer should maintain a buffer on their property and the obligation to maintain a buffer should not be imposed on the applicant, but substantial wooded areas are located on the north side of the property; the sight distances for each of the driveways have been shown on the updated submissions and they are all adequate; whether or not trees, brush, debris or combustibles would be burned or buried on site would be determined by whether such activity would be allowed under state or local law; and that the project would not require any blasting and that there would be very little rock that would need to be excavated. Chairman Oster asked whether maintenance of a 20-foot deep buffer would affect the location of the septic area. Mr. Danskin responded that a 20-foot buffer would not work with the septic area because as the trees grow the roots would encroach upon the septic area. With respect to Mr. Castiglione's comments, Mr. Danskin stated that Mr. Castiglione has on his property a substantial amount of screening and

that there is no septic area proposed near the Castiglione property. With respect to Ms. Bergendahl's comments, Mr. Danskin stated that the proposed lot 4 will maintain a substantial amount of wooded area providing habitat and passage for wildlife. With respect to comments relating to the sufficiency of Liberty Road, Mr. Danskin stated that Liberty Road is fairly wide in various parts and then also fairly narrow in other parts. To the extent there are concerns regarding the sufficiency of Liberty Road, the applicant is not in a position to address those matters, but the Town can add signage and other mitigating measures, which may include widening the road. Mr. Bonesteel was then asked by the Planning Board to review his comments on the project. Mr. Bonesteel indicated that Mr. Danskin had addressed the comments fairly well, that the project meets the minimum requirements for stormwater based on a minor subdivision, that four residential lots would not create a substantial amount of traffic, that the driveway sight distances would comply with requirements for a 30 mile per hour zone, and are within the standards for sight distances, and that it was not the applicant's responsibility to make the road safer. Mr. Bonesteel asked Mr. Danskin whether there was any rock that would be encountered, and Mr. Danskin replied that there would be some rock but that it would be excavated without blasting. Mr. Bonesteel indicated that a condition preventing blasting would be appropriate. Mr. Bonesteel indicated he had no exceptions to the plan. The Planning Board then discussed the issue of water quality that was raised by the public comments. Mr. Murley stated that when the well is drilled for these lots, the bottom of the well will be lower than the bottom of the old Troy landfill, and that the Board should consider that the bottom of the landfill will be at a higher elevation than the wells. Mr. Henderson asked whether the existing well on the north side of the property used for testing was fairly representative of the water that would be supplied to lots 2 and 3. Mr. Danskin stated that it was. Mr. Bonesteel stated that with respect to water quality, the applicant would have to go through the regulatory process to put wells in. Mr. Bonesteel further stated that the

Board to some extent needs to rely on the regulatory agency and their diligence in ensuring water quality. Mr. Bonesteel further stated that he had no evidence or data before him showing that there were problems with the water. The Board then discussed how to proceed. Attorney Tingley stated that because the public hearing was held this evening, the Planning Board has 62 days from today to render a decision on the application. Mr. Tingley further stated that in light of the fact that the comments had raised concerns regarding the water quality in the area based on the proximity of the old Troy landfill to the site, it would be appropriate to give that issue some consideration between now and a future meeting to determine in what way to address that issue and whether any conditions would be appropriate. The applicant asked whether the last major hurdle to action was the water quality issue. The Planning Board responded that at this point, it appeared that the water quality issue was the final remaining issue. The matter was placed on the agenda for June 20, 2019 for further discussion and possible action.

The next item of business on the agenda was the site plan application submitted by Parkland Development for property located on McChesney Avenue near McChesney Avenue Extension. Dominick Arico and James McPartlon were present for the applicant. Chairman Oster asked the applicant to review the potential traffic from the site. Mr. McPartlon stated that in the mornings, and in the evenings, the ambulances would be stored at the site and dispatched from the facility, and that during the day although some may be on site, others would be likely out on the road. Chairman Oster stated that it seemed to him like it would probably be minimal traffic, but that concerns were raised about the ambulance sirens. Mr. McPartlon stated that the company would implement a policy that the sirens not be activated until the ambulances approached Route 7. Member Stancliffe asked the applicant about the shifts for employees. The applicant stated that the shifts were staggered so that not all employees would be coming and going at one time. Mr. McPartlon also stated that the project

would be consolidating the current Brunswick and Troy stations into one station in Brunswick. Mr. McPartlon further stated that with regard to medical waste, there is no on-site storage of sharps or medical waste, and that all sharps are contained in sharps containers within the ambulances and are disposed of at area hospitals. Member Henderson asked about the material that the building would be constructed of. The applicant responded that it would be masonry and wood frame, not a steel building. Member Henderson stated that it was his opinion that the design of the building did not necessarily fit the character of the Town in particular with regard to its shape. The Planning Board then discussed with the applicant the requirements that the applicant install a Knox box for fire department purposes and that a walk-through be done by the fire department upon completion. The applicant agreed to those matters. Mr. Bonesteel asked the applicant to clarify the drainage and the parking. The applicant described the drainage plan and the parking area, including stating that there was not a curb proposed around the parking area. Mr. Bonesteel indicated that the applicant would need to ensure that the drainage from the impervious area would not drain all toward McChesney Avenue. Member Tarbox asked whether there was negative pitch on the proposed driveways. The applicant responded that obtaining the required negative pitch would be difficult in light of the existing conditions and the grading that would be necessary to obtain the negative pitch. Mr. Bonesteel asked whether the applicant had considered using trench drains. The applicant responded that it would be willing to use trench drains with culverts to ensure that the drainage from the impervious area did not all drain into McChesney Avenue. Mr. Bonesteel indicated that both entrance points should have trench drains and culverts. Member Henderson asked why the building had been relocated from the northern part of the site to its currently proposed location. The applicant responded that the sight distance at the currently proposed location was better and that the prior location also was in closer proximity to neighbors. Member Stancliffe asked about the speed of the ambulances

leaving the site. The applicant responded that in non-emergency situations, the ambulances would be driving just like all other passenger vehicles on the roadway. Chairman Oster stated that there had been some suggestion or question about a helicopter pad on the site. He wanted to make it clear on the record that there was not a helipad being requested and that the applicant was not giving any consideration to a helicopter pad. The applicant confirmed. Attorney Tingley then stated that if the Board was in a position to act on the application, it must first address the State Environmental Quality Review Act (“SEQRA”), and then if the Board was ready to approve the application there were some suggested conditions to consider. Member Tarbox made a motion to adopt a negative declaration for the project, which was seconded by Member Henderson and was unanimously approved. Attorney Tingley and the Planning Board then discussed potential conditions. Member Stancliffe then made a motion to approve the site plan application with the following conditions:

1. The applicant shall obtain all necessary permits and approvals for connection to public sewer;
2. The applicant shall coordinate with the Town Water Department;
3. The applicant shall install a knock box and coordinate a walk through with the fire department upon completion;
4. Prior to the Chairman’s signature on the site plan, the applicant shall submit an erosion and sedimentation control plan to the Planning Board’s review engineer, and the site plan shall not be signed until the review engineer approves the erosion and sediment control plan.

The motion was seconded by Member Henderson and was unanimously approved with conditions.

The next item of business on the agenda was the major subdivision application submitted by Robert Irwin for property located at Menemsha Lane. Rod Michael, Licensed Land Surveyor, was

present for the applicant. Mr. Michael indicated that the letter from the Office of Parks, Recreation and Historic Preservation indicating that no properties, including archeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places, will be impacted by the subdivision. The Board then confirmed that the two lot line adjustment applications had been incorporated into the current subdivision application. Attorney Tingley indicated that if the Board was inclined to act on the application, it must first address the State Environmental Quality Review Act and then he had some proposed conditions for consideration by the Board. Member Stancliffe then made a motion to adopt a negative declaration for the project which was seconded by Member Krieger, and was unanimously approved. Attorney Tingley then discussed various proposed conditions with the Planning Board. Member Tarbox asked whether the cemetery had been addressed. Mr. Michael indicated that the subdivision plat would show and did show the cemetery and an easement providing access to the cemetery. Member Tarbox also stated that an additional condition to the proposed conditions suggested by Attorney Tingley should be that the applicant submit a copy of the lot line adjustment and the proposed consolidation deed to the Building Department. Member Tarbox then made a motion to approve the application with the following conditions:

1. Health Department approvals for water and sewer shall be obtained prior to issuance of the building permit;
2. Driveways for the lots must be located as indicated on the plat;
3. The applicant shall coordinate with the Town Highway Department and obtain driveway permits prior to building permit issuance;
4. A park and recreation fee in the amount of \$500 per lot must be paid prior to the Chairman's signature on the plat;

5. The applicant shall submit a copy of the lot line adjustment and proposed consolidation deed to the Building Department.

The motion was seconded by Member Henderson and was unanimously approved with conditions.

The next item of business on the agenda was the minor subdivision application submitted by Elizabeth Reynolds for property located off Bulson Road and Tambul Lane. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant, as was Mrs. Reynolds. Mr. Holbriiter stated that the concern raised at the last meeting was the driveway located along the Parella lot line. Mr. Holbriiter stated that he had taken some pictures of the area and submitted those to the Board. Mr. Holbriiter stated that there is a row of trees along the property line and that Mr. Parella maintains the grass under the trees. Mr. Holbriiter stated that if Mr. Parella allowed the vegetation under the trees to grow, then there would be additional buffer. Mr. Holbriiter also stated that a portion of the area maintained by Mr. Parella is actually located on the applicant's property. Mr. Holbriiter stated that with respect to concerns that the 9-acre lot would be resubdivided into additional lots, that future potential is not part of the current application and any such application would need to be approved by the Planning Board and any issues associated with access to those potential new lots would need to be addressed if that ever became a reality. Mr. Holbriiter further stated that having two entrances to the subject lot adds value to the lot and that the applicant was therefore seeking to maintain the two available entrances to the lot. The Board asked whether any discussions had been had with the subject neighbor. Ms. Reynolds indicated that she did discuss the issue with Mr. Parella and Ms. Reynolds indicated that Mr. Parella does not object to the driveway under the current proposal. Chairman Oster indicated that it was his belief that Mr. Parella's concern was that the driveway could in the future become a private road, with additional traffic and additional impacts. The applicant indicated that it was not willing to change the application to relocate that particular access point for the reasons

previously stated. Mr. Bonesteel indicated that Mr. Parella's home is located approximately halfway into the lot, and the row of trees ends at or near the back of his house. Mr. Bonesteel further indicated that Mr. Parella's garage is located on the same side of his house as the subject area. Accordingly, Mr. Bonesteel stated that there was buffer between the proposed driveway and Mr. Parella's house. Attorney Tingley stated that if the Board was inclined to act on the application it must first address the State Environmental Quality Review Act, and then he had prepared a number of conditions for the Board's consideration. Member Henderson then made a motion to adopt a negative declaration, which motion was seconded by Member Stancliffe, and was unanimously approved. Attorney Tingley then reviewed suggested conditions with the Board. Chairman Oster made a motion to approve the application with the following conditions:

1. Payment of park and recreation fee in the amount of \$500 per lot for the four lots would be required prior to the Chairman's signing of the plat;
2. Health Department approval for water and sewer shall be obtained prior to building permit issuance;
3. The applicant shall coordinate with the Town Highway Department and obtain necessary driveway permits prior to building permit issuance.

The motion was seconded by Member Tarbox, and was unanimously approved with conditions.

The next item of business on the agenda was the recommendation to the Town Board on the application from Brunswick Road Development LLC seeking approval for re-zoning of an area comprising approximately 44 acres from R-40 to Planned Development District, located off New York State Route 2 (Brunswick Road) in proximity to Heather Ridge Road. Dominick Arico, of C.T. Male, appeared on behalf of the applicant. Mr. Arico reviewed the application, and indicated that no changes had been made since the last meeting of the Planning Board. Mr. Arico stated that the project

would be serviced by public water and by private septic systems. The Board then discussed the draft recommendation as prepared by the Planning Board attorney. Member Henderson indicated that he had concerns about the stormwater for the site. Mr. Arico responded that all stormwater issues will be adequately addressed and reviewed by Mr. Laberge if the PDD was ultimately approved. The Board indicated that it desired that the detention pond be placed onto a building lot with the homeowner's association to maintain it. The applicant responded that it will be back before the Board for subdivision approval if the PDD was approved by the Town Board. Jim Kehrer, also on behalf of the applicant, discussed various drainage issues with the Board and indicated there were a number of options that were available and that the applicant would work with Mr. Laberge to find an appropriate solution to any drainage issues. Member Henderson then raised the issue of allowing 26 lots on a single-lane, cul-de-sac road. Attorney Tingley indicated that the Town Board has the authority to waive the maximum number of lots on a dead-end road, and that the draft recommendation included comments to the Town Board that the single-lane cul-de-sac road for 26 lots should be carefully reviewed including consideration of any alternate road layouts to provide additional access points within the project site. Member Henderson wanted to make clear that the project would not propose a second connection to Riccardi Lane for public use. The Board reviewed the recommendation, and discussed that it included a comment that while a fire access road connecting the proposed subdivision road to Riccardi Lane was raised by Brunswick No. 1 Fire Department, the Planning Board had concern regarding a potential thru-road from NYS Route 7 and NYS Route 2 and the Planning Board does not support such a connecting roadway and further notes that the emergency response time will be the same for this project as currently exists for the Brunswick Hills and Heather Ridge neighborhoods. Chairman Oster then made a motion to adopt the resolution as prepared by the

Planning Board attorney adopting a recommendation on the Brunswick Acres Planned Development District application, which was seconded by Member Stancliffe and was unanimously approved.

The next item of business on the agenda was the application for a major personal wireless telecommunication service facility submitted by Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless. David Brennan, Esq., project attorney, was present on behalf of the applicant. Mr. Brennan reviewed the overall layout as presented at the last meeting and discussed the varying heights and various locations where a tower could be located on the property. Mr. Brennan indicated that the applicant had received a review letter from Mr. Laberge, the consulting engineer on the project for the Planning Board, and indicated that the applicant will review that letter and provide responses. Mr. Laberge was present and reviewed his letter with the Board. Chairman Oster stated that in connection with the prior application for this same facility on this site, there were requests for a balloon test and the applicant had agreed to perform one. Mr. Brennan acknowledged that the applicant would undertake a balloon test and further discussed whether or not the balloon test would require flying multiple balloons since there were several options available with respect to tower height and tower location on the property. Mr. Brennan indicated that the applicant and his office were very experienced in conducting balloon tests and at the appropriate time would develop a protocol for the balloon test and would be sure to notify the public of the balloon test. Mr. Brennan indicated that the balloon tests are typically held on Saturday mornings beginning at between 6 and 7am for 3–4 hours, since that time is the time that is most likely to be viewable by the public. Attorney Tingley then discussed with the Planning Board the procedure moving forward. Attorney Tingley reviewed with the Board the fact that the Zoning Board of Appeals and the Planning Board were both involved agencies for State Environmental Quality Review Act purposes. Attorney Tingley stated that because much of the technical review would be done in conjunction with the special use permit and site plan

applications, the Planning Board should consider seeking to be designated as lead agency. Attorney Tingley further stated that it was prudent to complete the SEQRA process prior to the public hearing so that the public had before it all of the technical reports relating to the environmental issues associated with the proposal. Attorney Tingley also stated that the Board should consider holding a joint public hearing with the Zoning Board of Appeals at the appropriate time so that any and all comments are received by both boards, ensuring the board to which those comments were relevant would be present when the comments were made. Member Tarbox then made a motion to commence the lead agency process by circulating the required notice, with the Planning Board stating its intent to serve as lead agency. The motion was seconded by Member Krieger and was unanimously approved. The Board then discussed that circulating the lead agency notice would allow the Zoning Board of Appeals to consider whether the Planning Board should serve as lead agency at its next meeting held on June 17, so that the Planning Board might be in a position on June 20 to declare lead agency. Mr. Brennan also indicated that the applicant would be prepared to further discuss balloon tests at the Planning Board's meeting on June 20. Mr. Laberge stated that the location providing for the shortest tower may require additional variances and that the proposed application for the 150-foot tower amounts to the "middle ground" which is more compliant than the shortest tower proposal. The matter was placed on the agenda for the Planning Board meeting on June 20, 2019.

One new item of new business was discussed.

The item of new business discussed was the application submitted by Oakwood Property Management LLC for property located at 215 Oakwood Avenue. Nicholas Costa, of Advanced Engineering and Surveying, was present on behalf of the applicant. Member Stancliffe indicated that she was recusing herself from participation on this action. Member Stancliffe left the room. Mr. Costa indicated that the project concerns the Oakwood PDD site which had received PDD approval

and site plan approval previously. Mr. Costa indicated that the application was for site plan amendment, and described the differences between the original approval and the revised proposal. Under the original proposal, the project included 23 buildings consisting of 11 apartments each, with a total number of apartments of 253. The revised proposal relates to a change in the building footprints in light of the fact that a new builder was going to be building the buildings. Mr. Costa reviewed the footprint changes for the Board and indicated that there were no other changes to the site and that the road layout, the stormwater and the utility service would all be the same as previously approved. The only other change to the site would be that one of the previous apartment buildings would be replaced by a clubhouse and pool. Mr. Costa indicated that as shown on the original approved site plan, not all of the buildings were parallel to the proposed roadway. Under the revised proposal, given the different building footprint, all buildings could then be made parallel to the roadway. The proposed clubhouse would be located in the same location as a previous building that had been approved. Mr. Costa also showed building elevations and described the garages that would be located next to the buildings. Chairman Oster asked what the total number of units was under the proposed revision. Mr. Costa responded that the total number of units would be 252 apartments, 1 less than the previously approved site plan. Attorney Tingley recommended to the Board that the Board retain Laberge Engineering as its consulting engineer to review the application for the site plan amendment since Laberge Engineering had been the Town's consulting engineer on the PPD and original site plan approvals. Chairman Oster made a motion to retain Laberge Engineering on this application, which was seconded by Member Tarbox and was unanimously approved, with Member Stancliffe abstaining and having recused herself. Attorney Tingley indicated that he would need to determine whether or not any referrals would need to be made for this application including to the County. The matter was placed on the agenda for the Planning Board's June 20, 2019 meeting.

Chairman Oster indicated that the proposed meeting date following the June 20, 2019 Planning Board meeting fell on July 4. The Board then discussed giving consideration to cancelling the meeting on July 4, rather than rescheduling it. The Board decided that it would be prudent to cancel the meeting entirely rather than rescheduling it.

The index for the June 6, 2019 meeting is as follows:

1. Morizio - Minor subdivision - June 20, 2019;
2. Parkland Development Corporation (Mohawk Ambulance) - Site plan - Approved with conditions;
3. Irwin - Major subdivision - Approved with conditions;
4. Reynolds - Minor subdivision - Approved with conditions;
5. Brunswick Acres PDD - Recommendation - Adopted;
6. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - June 20, 2019
7. Oakwood Property Management LLC - Site plan amendment - June 20, 2019.

The proposed agenda for the meeting to be held June 20, 2019 currently is as follows:

1. Kasselmann Solar - Special use permit and site plan (public hearing to commence at 7:00pm);
2. Morizio - Minor subdivision;
3. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan;
4. Oakwood Property Management LLC - Site plan amendment.

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

June 11, 2019

Town of Brunswick Town Board
Philip H. Herrington, Supervisor
336 Town Office Road
Troy, New York 12180

**Re: Brunswick Acres Planned Development District
Planning Board Recommendation**

Supervisor Herrington:

This letter is sent in my capacity as counsel to the Town of Brunswick Planning Board.

Enclosed please find a Resolution Adopting a Recommendation on the Brunswick Acres Planned Development District Application, which was adopted by the Planning Board at its June 6, 2019 meeting.

Respectfully yours,

By: Andrew W. Gilchrist
Andrew W. Gilchrist

AWG:lam
Enclosure

cc: Dan Casale
James Sullivan
Mark Balistreri
Gordon Christian
Thomas Cioffi, Esq.
Russell Oster
Linda Stancliffe
Kevin Mainello
David W. Tarbox

Donald Henderson
Andrew Petersen
J. Emil Kreiger
Wayne Bonesteel, P.E.
Charles Golden
Ronald Laberge
Dominic Arico

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

JUNE 6, 2019

**RESOLUTION ADOPTING A RECOMMENDATION ON THE BRUNSWICK ACRES
PLANNED DEVELOPMENT DISTRICT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick (hereinafter “Town Board”) has received an application from Brunswick Road Development LLC (hereinafter “Applicant”) seeking approval for a re-zoning of an area comprising approximately 44 acres from R-40 to Planned Development District, located off NYS Route 2 (Brunswick Road) in proximity to Heather Ridge Road, identified as the proposed Brunswick Acres Planned Development District (hereinafter “PDD”); and

WHEREAS, the Town Board has referred the Brunswick Acres PDD application to the Town of Brunswick Planning Board (hereinafter “Planning Board”) for its review and recommendation under Brunswick Zoning Law Section 160-99(B)(2)(c); and

WHEREAS, the Applicant was present at Planning Board meetings held May 2, 2019 and May 16, 2019, and discussed the proposed Brunswick Acres PDD with the Planning Board members; and

WHEREAS, the Planning Board members have had adequate opportunity to review the application materials and discuss the proposed PDD application;

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

1. The Planning Board makes the following findings concerning the Brunswick Acres PDD application:
 - a. The proposed project site, constituting approximately 44 acres, is located in the R-40 Zoning District under the Brunswick Zoning Law, with single-family residential development on a minimum 40,000 square foot building lot constituting a permitted use under the Brunswick Zoning Law;
 - b. The Applicant’s proposed subdivision layout consists of 26 single-family lots, with proposed access on a new cul-de-sac road to be located off NYS Route 2 (Brunswick Road);

- c. The Applicant's proposed subdivision layout with respect to lot size does not meet the area requirements of the Brunswick Zoning Law concerning minimum lot width requirements;
- d. The Applicant's proposed subdivision plan also proposes 26 single-family residential lots on a single cul-de-sac road, which likewise does not comply with the maximum lot count on a cul-de-sac road under the Brunswick subdivision regulations;
- e. The Applicant's proposed subdivision plan includes the extension of public water facilities, with a proposed loop connection to Riccardi Lane and also to Heather Ridge Road;
- f. The Applicant's proposed subdivision plan includes the installation of private septic systems, subject to approval of the Rensselaer County Department of Health;
- g. The Applicant proposes to dedicate to the Town of Brunswick both the new cul-de-sac subdivision road and public water facilities;
- h. The project site exhibits significant grade elevation changes, and the Applicant is proposing a grading plan that will include significant cut and fill activities on the project site;
- i. The proposed grading plan for the project site must be considered in connection with the proposed stormwater plan for the project, and compliance with NYSDEC stormwater requirements and Brunswick Local Law stormwater requirements;
- j. Wetlands are located on the project site, which the Applicant indicates are currently under the jurisdiction of the United States Army Corps of Engineers;
- k. The regulatory status of the wetlands located on the project site must be confirmed for both the United States Army Corps of Engineers and the New York State Department of Environmental Conservation ("NYSDEC"), since any jurisdiction by NYSDEC over the wetlands on the project site will significantly impact the proposed project design;
- l. There is a stream located on the project site, which is also under the jurisdiction of the NYSDEC.

2. Based on these findings and deliberations, the Planning Board recommends approval of the Brunswick Acres Planned Development District, subject to the following comments to be considered by the Town Board:
 - a. Appropriate restrictions be required for the rear area of the lots bordering the Brunswick Hills neighborhood, to restrict future development or use of such areas given the steep grade, and to address proper stormwater control and maintain adequate setbacks and buffer areas.
 - b. Overall density of the project should be considered, with particular regard to lot widths and separation between proposed house locations, and whether this density is consistent with the Brunswick Hills and Heather Ridge neighborhoods.
 - c. Loop public water system to Riccardi Lane and Heather Ridge Road to provide for increased water pressures is beneficial to the Town of Brunswick.
 - d. The single-lane cul-de-sac road for 26 lots should be carefully reviewed, including consideration of any alternate road layouts to provide additional access points within the project site.
 - e. Appropriate landscaping around the stormwater pond should be required.
 - f. The stormwater pond should not be located on a separate parcel, but should be included as part of one of the subdivided residential lots; separate stormwater parcels have been problematic in the past in terms of tax assessment and tax foreclosure issues.
 - g. Confirm stream location and no impact to the stream on the project site.
 - h. Confirm regulatory jurisdiction over the wetlands on the project site, including written confirmation from the US Army Corps of Engineers and NYS Department of Environmental Conservation.
 - i. While a fire access road connecting the proposed subdivision road to Riccardi Lane was raised by the Brunswick No. 1 Fire Department, the Planning Board has concern regarding a potential through road from NYS Route 7 and NYS Route 2 and the Planning Board does not support such a connecting roadway, and further notes that the emergency response time will be the same for this project as currently

exists for the Brunswick Hills and Heather Ridge neighborhoods.

The foregoing Resolution, offered by Chairman Oster and seconded by Member Stancliffe, was duly put to a roll call vote as follows:

PLANNING BOARD CHAIRMAN OSTER	VOTING <u>Aye</u>
MEMBER MAINELLO	VOTING <u>Absent</u>
MEMBER TARBOX	VOTING <u>Aye</u>
MEMBER STANCLIFFE	VOTING <u>Aye</u>
MEMBER HENDERSON	VOTING <u>Aye</u>
MEMBER PETERSEN	VOTING <u>Absent</u>
MEMBER KREIGER	VOTING <u>Aye</u>

The foregoing Resolution was thereupon declared duly adopted.

June 6, 2019