

PLANNING BOARD

MINUTES

2013

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 3, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, GORDON CHRISTIAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT was MICHAEL CZORNJY.

ALSO PRESENT were DAN BRUNS, Building Fire Code Inspector, and MARK KESTNER, Consulting Engineer to the Planning Board.

The draft minutes of the December 20, 2012 meeting were reviewed. Member Esser wanted it noted on the record that while the minutes include the discussion concerning the apartment building for the Duncan Meadows Planned Development District, and his comments that the location of that project a three-story apartment building is not a concern, the Town Board should look at the Brunswick Town Code to determine whether a three-story building is appropriate in other areas of the Town. There was no further discussion concerning the minutes. Member Christian made a motion to approve the minutes as drafted, which motion was seconded by Member Mainello. The motion was unanimously approved, and the minutes of the December 20, 2012 meeting approved without amendment.

The first item of business on the agenda was the site plan application for the Duncan Meadows Planned Development District, Phase 1, which is the apartment section of the PDD project. The Planning Board members reviewed a draft resolution to approve the site plan for the Phase 1 apartments of the Duncan Meadows PDD, specifically reviewing proposed conditions attached to that site plan approval. After deliberation, the draft resolution was unanimously

adopted, and the Duncan Meadows PDD site plan application for the Phase 1 apartment section was approved subject to stated conditions. A copy of the approval resolution is attached to these minutes.

The second item of business on the agenda was the application by Butch Farrell for a waiver of the Town Highway Specifications for the subdivision road proposed for the Doubleday Estates major subdivision, located at the intersection of McChesney Avenue Extension and Town Office Road. After deliberation held at the December 20 meeting, a draft recommendation including findings of fact and a positive recommendation to the Town Board to grant the road specification waiver was reviewed. After deliberation, Member Tarbox made a motion to adopt the written positive recommendation, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the positive recommendation for approval of the road waiver in connection with the Doubleday Estates major subdivision was approved. A copy of the Planning Board's positive recommendation is attached to these minutes. The Doubleday Estates final subdivision plat submittal has been tentatively placed on the February 7, 2013 agenda, contingent on the Brunswick Town Board action on the road waiver request, and a submission of a final subdivision plat package by the Applicant.

Dan Bruns reported that there were no items of new business received by the Brunswick Building Department.

Chairman Oster did entertain a sketch plan proposal for subdivision submitted by Charles Farrell for the Welch Farm property, located between NY Route 2 and Pinewoods Avenue. Brian Holbritter, who was present for the deliberation on the Doubleday Estates road waiver recommendation, presented the Planning Board a sketch subdivision plat on behalf of Charles Farrell for this project. Mr. Holbritter explained that Mr. Farrell had purchased the remainder of

the Welch Farm, and is presenting a sketch preliminary plat for consideration. Mr. Farrell seeks to divide the remaining property of the Welch Farm into four residential lots, which will include two lots adjacent to NY Route 2 on which existing homes are situated, and two new proposed residential lots with direct frontage onto Pinewoods Avenue. The total area of the proposed subdivision is 42.52± acres. The size of the proposed new residential lots with direct access off Pinewoods Avenue are 9.58± acres and 12.84±. There was discussion as to whether this application would constitute a minor or major subdivision. It was determined that the application is one for minor subdivision, and will be reviewed consistent with the minor subdivision review procedures. The requirements for a minor subdivision plat submittal were reviewed with Mr. Holbriter. In addition to the Code requirements, the Planning Board requested that Mr. Holbriter locate a proposed house and driveway location for the two new proposed residential lots directly off Pinewoods Avenue. In addition, the Planning Board requested that Mr. Holbriter locate the water and septic facilities on the proposed two lots for the existing homes with frontage on NY Route 2. This matter has been tentatively placed on the February 7, 2013 agenda, subject to the submission of a complete minor subdivision plat application.

There are no agenda items for the Planning Board regular meeting scheduled for January 17, 2013. However, the Planning Board will convene for purposes of reviewing stormwater regulations, as well as the site plan and subdivision standards contained in the Brunswick Code.

The index for the January 3, 2013 meeting is as follows:

1. Duncan Meadows – Planned Development District – Phase 1 site plan – approved with conditions;
2. Farrell – Double Day Estates Major Subdivision – road waiver request – recommendation adopted – 2/7/13 (tentative);

3. Farrell – Welch Farm minor subdivision – 2/7/13 (tentative).

There are no agenda items for the January 17, 2013 meeting, but the Planning Board will convene at a workshop session to discuss regulatory standards.

RESOLUTION NO. ____, 2013

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

January 3, 2013

**RESOLUTION GRANTING SITE PLAN
APPROVAL TO PHASE 1 OF DUNCAN MEADOWS
PLANNED DEVELOPMENT DISTRICT (APARTMENTS)**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board") approved the Duncan Meadows Planned Development District ("PDD") on August 12, 2010 through Resolution No. 62 of 2010; and

WHEREAS, the original Duncan Meadows PDD approval allowed for 166 condominium units and 50 senior, age-restricted, market-rate apartment units on property located on McChesney Avenue and McChesney Avenue Extension; and

WHEREAS, the owner of the Duncan Meadows PDD, ECM Land Development, Inc. (the "Owner"), thereafter applied to the Planning Board of the Town of Brunswick ("Planning Board") for site plan approval with respect to the condominium units; and

WHEREAS, the Owner did not file a site plan application for the apartment units at that time; and

WHEREAS, the Planning Board granted conditional final site plan approval for the condominium units of the Duncan Meadows PDD on February 3, 2011; and

WHEREAS, the Owner of the Duncan Meadows PDD thereafter made application to the Town Board to amend the Duncan Meadows PDD approval to eliminate the age-restriction associated with the 50 apartment units; and

WHEREAS, the Town Board approved the amendment to the Duncan Meadows PDD through Resolution No. 86 of 2012, adopted December 13, 2012; and

WHEREAS, the owner thereafter presented the site plan concerning the Phase 1 of the Duncan Meadows PDD project, specifically the 50 apartment units, to the Planning Board for consideration; and

WHEREAS, the Planning Board has now duly considered the application materials and presentation by the owner on Phase 1 of the Duncan Meadows PDD project, specifically the 50 apartment units, and has duly deliberated thereon;

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 of the Town of Brunswick approves the site plan application for Phase 1 of the Duncan Meadows PDD project, specifically the apartment units, subject to the following conditions:

- a. All conditions imposed by the Town Board of the Town of Brunswick on the Duncan Meadows PDD project, as expressly set forth in the SEQRA Findings Statement and incorporated into the PDD approval through Resolution No. 62 of 2010, as amended by the Town Board of the Town of Brunswick through Resolution No. 86 of 2012, are hereby incorporated in the site plan approval for Phase 1 of the PDD project.
- b. The water line to be constructed adjacent to the access road leading to Phase 1 of the Duncan Meadows PDD, and which is designed to provide access to the remaining condominium units in the Duncan Meadows PDD project located on the east side of McChesney Avenue Extension, and which water distribution system will be installed on a phased basis but which will specifically service Phase 1 at this time, shall include the installation of a fire hydrant at the point of its terminus, and all portions of the access road to be constructed adjacent to such water line shall be paved through, at a minimum, the binder course of pavement.
- c. Knox boxes shall be installed in the apartment building per the recommendation of the Brunswick No. 1 Fire Department.
- d. A turnaround will be installed at the end of all road terminuses to be constructed as part of Phase 1 satisfactory to the Town Highway Department, Town consulting engineer, and Brunswick No. 1 Fire Department.
- e. Adequate asphalt will be installed at the end of Phase 1 road and parking areas to provide for adequate space for fire apparatus to be located for fire fighting purposes at all areas of the apartment building.
- f. The plans for the sprinkler system to be installed in the apartment building are subject to final review and comment by the Town Building Department, Town consulting engineer, and Brunswick No. 1 Fire Department.
- g. The sidewalk/walkway to be installed on McChesney Avenue Extension from the Phase 1 access road to the location on McChesney Avenue at which the Walmart Real Estate Business Trust is constructing the sidewalk/walkway as part of the Walmart expansion project will be completed during Phase 1 construction, and the Owner will coordinate with the Walmart Real Estate Business Trust, Rensselaer County Highway Department, and the Town of Brunswick on such sidewalk/walkway installation.

2. The apartment building approved for Phase 1 of the Duncan Meadows PDD complies with the height limitations as set forth in the Brunswick Code. The Brunswick Code regulates height measured in feet only, not the number of building stories, and this determination shall not be construed as an approval based solely on the number of building stories.

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

PLANNING BOARD CHAIRMAN OSTER	VOTING <u>Yes</u>
MEMBER CZORNYJ	VOTING <u>Absent</u>
MEMBER ESSER	VOTING <u>Yes</u>
MEMBER CHRISTIAN	VOTING <u>Yes</u>
MEMBER TARBOX	VOTING <u>Yes</u>
MEMBER WETMILLER	VOTING <u>Yes</u>
MEMBER MAINELLO	VOTING <u>Yes</u>

The foregoing Resolution was thereupon declared duly adopted.

January 3, 2013

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

MEMORANDUM

To: Town of Brunswick Town Board

From: Town of Brunswick Planning Board

Date: January 3, 2013

Re: Farrell Homes Inc.
Doubleday Estates Major Subdivision
Requested Waiver on Subdivision Standard/Highway Specifications

Farrell Homes, Inc. has filed an application for major subdivision for property located at the intersection of McChesney Avenue Extension and Town Office Road. The project proposal consists of 23 residential lots with road and stormwater infrastructure to be located on 54.57 acres of land. This memorandum addresses the proposed specifications for the subdivision road as proposed by the Applicant.

According to Brunswick Local Law No. 4 of 2003, an Applicant may request a waiver from the development, design and improvement standards in connection with application for the subdivision of land. With respect to such waiver requests, the Planning Board is to review the proposal, make written findings and recommendations, and refer such matter to the Town Board, which has the jurisdiction to act upon the waiver request. The Planning Board does not have the jurisdiction to act upon the waiver request, but rather that jurisdiction lays with the Town Board.

In connection with the Farrell Homes Inc. major subdivision application, the Applicant has included a requested waiver from the Highway Specifications as set forth in the Town Code. The specific waiver request is discussed below.

This application has been reviewed extensively by the Planning Board, which has included public hearings as well as receipt of public written comment. While the Planning Board has granted conditional preliminary subdivision plat approval on November 15, 2012, such approval is subject to consideration of the requested waiver from the Town Highway Specifications. At this time, the Applicant has not filed its application for final plat approval in connection with the proposed major subdivision. In connection with the review of the preliminary subdivision plat, the Planning Board discussed the requested waiver and proposed Town Road Specifications, and now makes the following findings and recommendations to the Town Board concerning the requested waiver from the Town Highway Specifications.

The Applicant proposes to construct a Town road with the following specifications:

- 2 x 13' travel lanes
- 2 x 2' wing gutters

The Town Code Highway Specifications require 15' wide travel lanes, and 3' wide wing gutters. The Applicant will comply with all remaining Town Highway Specifications. The requested waiver addresses only the width of the travel lanes and width of the wing gutters.

The Planning Board finds that the proposed road specifications provide for adequate public health, safety and welfare. In particular, the Planning Board finds that the proposed 13' wide travel lanes, and the 2' wide wing gutters, for a total of 30' in paved width for the road, provides adequate width for this subdivision road. The Planning Board finds that the significant majority of vehicles using this road will be cars accessing the residential homes by the homeowners or guests of the homeowners, and that any truck traffic will be limited and likely for home deliveries only. Also, it is significant that this Town subdivision road will have a reduced speed limit of a maximum of 30 mph. The Planning Board finds that while a road with 30' of pavement width may not be suitable for roads with a higher speed limit or a greater number of anticipated truck trips, the Planning Board finds that a road with 30' of pavement width is adequate for this Town subdivision road. The Town Board may want to consider further reducing the maximum speed limit for this road if the waiver is granted, although the Planning Board recommendation is not contingent on such a reduction.

Also, the Planning Board finds that a road with 30' of pavement width as opposed to a road with 36' of pavement width will result in less repair and maintenance costs in the future. It is proposed that this road will otherwise be built according to Town Specifications, and upon completion, be offered for dedication as a public road to the Town of Brunswick. In the event this dedication is accepted, the reduced road width will result in reduced repair and maintenance costs in the future, while still maintaining adequate width for public health and safety purposes.

In addition, a road with 30' of pavement width as opposed to a road with 36' of pavement width will result in less stormwater generation, since the area of impervious surface is reduced. This results in a reduced amount of stormwater which needs to be managed. A reduction in stormwater generation is viewed by the Planning Board as a positive benefit.

The Planning Board notes that it has not coordinated with the Town Highway Department on this issue. The Planning Board recommends that the Town Board consult with the Town Highway Department on this waiver request prior to any action.

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

MINUTES OF THE PLANNING BOARD MEETING HELD January 17, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNJY, FRANK ESSER, GORDON CHRISTIAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

Chairman Oster noted that there were no formal agenda items for the January 17, 2013 meeting. Chairman Oster did note that the meeting will constitute a regular business meeting of the Planning Board, and that the Planning Board will discuss an overview presented by Kestner Engineering on regulatory review issues pertinent to the Planning Board.

The draft minutes of the January 3, 2013 meeting were reviewed. Upon motion of Member Wetmiller, seconded by Member Christian, the draft minutes of the January 3, 2013 meeting were unanimously approved without amendment.

One item of new business has been received by the Planning Board.

A waiver of subdivision application has been submitted by Darrell and Katherine Enfield, 88 Bleakley Avenue. Katherine Enfield was present. The Enfields currently own a parcel totaling 2.27 acres, and are seeking to divide off a 1± acre parcel. A sketch plan showing the proposed lot line was submitted and reviewed by the Planning Board. Mr. Kreiger confirmed that the property is located in the R-15 Zoning District, and that a proposed 1± acre lot will need to meet lot size requirements. The Planning Board members generally reviewed the proposed lot

location, and requested more information concerning proposed well and septic location on the proposed lot, and also well and septic location information on the existing lot. The Planning Board also requested information concerning slope, and whether the new proposed building lot had any limitations concerning slope. The Planning Board members discussed with the Applicant the need to obtain separate approval from the Rensselaer County Health Department for well and septic, and that any action by the Planning Board on this waiver application would be subject to approval by the Rensselaer County Health Department. The Planning Board members also reviewed the road system in this area off Plank Road, noting that the proposed lot would have access fronting on Knowlton Avenue. Knowlton Avenue, as well as Weaver Avenue, are dead end streets which connect to Bleakley Avenue. Bleakley Avenue is also a dead end street having a single access point onto Plank Road. The Planning Board stated that research will need to be done as to the applicability of the Town's limitation of 12 lots on a cul-de-sac or dead end street to this particular application. This research will be completed prior to the February 7, 2013 meeting. Finally, Chairman Oster reviewed with the Applicant the consultant review fees that may be incurred in connection with the application. This matter has been placed on the February 7, 2013 agenda for further discussion.

Mr. Kreiger noted that there were no other items of new business.

Thereupon, the Planning Board discussed regulatory review issues pertinent to the applications routinely reviewed by the Planning Board. In this regard, Kestner Engineering presented a discussion concerning regulatory issues associated with potable water, sanitary sewer, stormwater, transportation, site access, and environmental impact review. Both Mark Kestner, P.E. and Lindsay Kestner, P.E. presented this information to the Planning Board. Other topics discussed were the overlap of these regulatory programs, and potential areas of conflict

between regulatory programs; common regulatory agencies involved in project review, including potential overlapping of regulation and agency review; the role of the municipal review engineer; and options for the Planning Board to consider in terms of improving project review, including pre-screening of applications, updated application forms and checklists, and improvements to the Town website for these purposes.

The index for the January 17, 2013 meeting is as follows:

1. Enfield – waiver of subdivision – 2/7/13;
2. Presentation of regulatory review criteria and procedure.

The proposed agenda for the February 7, 2013 meeting currently is as follows:

1. Enfield – waiver of subdivision.
2. Farrell Homes, Inc. – Doubleday Estates major subdivision final plat (tentative).
3. Farrell Homes, Inc. – Welch Farm minor subdivision (tentative).

Planning Board
TOWN OF BRUNSWICK
336 Town Office Road
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MINUTES OF THE PLANNING BOARD MEETING HELD February 7, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNJY, GORDON CHRISTIAN, KEVIN MAINELLO and DAVID TARBOX.

ABSENT were FRANK ESSER and VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the January 17, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the January 17, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application by Darryl and Katherine Enfield for property located at 88 Bleakley Avenue. Mark Danskin, land surveyor, was also present for the Applicant. Mr. Danskin confirmed that the application sought approval to create a 1.75± acre building lot out of an existing 3.29± acre homestead parcel. The remaining homestead parcel would total approximately 1.54± acres. The proposed new building lot will have frontage on Knowlton Avenue. The property is located in the R-15 Zoning District, and the lot size meets the area and bulk requirements for the Town of Brunswick. As discussed at the January 17, 2013 meeting, the Planning Board raised the issue concerning the subdivision standard limiting the number of lots on a cul-de-sac or dead end road system to a total of 12 lots. Attorney Gilchrist advised the Board that similar applications reviewed by the Planning Board had required a waiver from this specific subdivision design standard, and that such waiver must

be granted by the Brunswick Town Board. Attorney Gilchrist reviewed the procedure on such a waiver request, and that the Planning Board should discuss and deliberate on proposed findings and make a formal written recommendation to the Town Board for its consideration in connection with the requested waiver. Before engaging in the discussion concerning the waiver on the number of lots on a dead end road system, Chairman Oster asked the Planning Board members whether there were any further issues on this waiver application. The Planning Board members had no additional questions on the application, determining that the division of this lot is otherwise approvable, dependent on Town Board action on the requested waiver. In this regard, the Planning Board deliberated on findings and a recommendation associated with the request to waive the 12-lot limit for lots on a cul-de-sac or dead end road system. Mr. Kreiger confirmed that this area constitutes a dead end road system since all of the lots on Bleakley Avenue, Weaver Avenue, Knowlton Avenue, and most of the lots on Banker Avenue, have a single access point onto Plank Road, at the Bleakley Avenue/Plank Road intersection. The Planning Board discussed the fact that this area was divided pursuant to a subdivision map from the 1930's, which also included a road system providing two access points to Plank Road. However, one of the proposed roads, Banker Avenue, was never fully constructed, resulting in a total of 41 current building lots having a single access point via Bleakley Avenue to Plank Road. After deliberation, the Planning Board made the following findings:

1. The addition of one residential lot to the existing 41 residential lots in the Bleakley Avenue area is not a significant increase over the existing layout.
2. By adding one additional residential lot, the character of this area will not be altered, but will rather be maintained as residential.
3. The original Bleakley Avenue subdivision layout envisioned Banker Avenue to be connected to Plank Road, which will provide for a looped road system rather than a single access point to Plank Road via Bleakley Avenue. The waiver of this subdivision design standard is

necessitated by reason of Banker Avenue not having been fully constructed, and a portion of Banker Avenue's original layout remaining as a paper street.

Based on these findings, the Planning Board made a positive recommendation to the Town Board, and recommended that the Town Board approve the requested waiver to allow one additional building lot to be created. The Planning Board's findings and recommendation will be sent to the Town Board for review and action. This matter is tentatively placed on the February 21 agenda, subject to action by the Town Board on the waiver request.

The next item of business on the agenda was the final subdivision plat submittal by Farrell Homes, Inc. for the Doubleday Estates major subdivision. This project is located at the intersection of McChesney Avenue Extension and Town Office Road. Brian Holbriiter was present for the Applicant. Chairman Oster confirmed that the timeframe for submittal of the proposed final subdivision plat following conditional preliminary approval has been met. Chairman Oster then inquired of Attorney Gilchrist whether a public hearing is required on the final plat submittal. Attorney Gilchrist stated that a public hearing on the final plat submittal is optional, and that an additional public hearing is not required if the Planning Board determines that the final plat is in substantial conformance with the preliminary plat which was granted conditional approval. Mr. Holbriiter stated that the lot layout and final subdivision plat was the same as the preliminary plat, except for the addition of several map notes. Mr. Holbriiter then proceeded to review the conditions imposed on preliminary subdivision approval, and updating the Planning Board on the status of compliance with those conditions:

a. Preliminary approval required the Applicant to identify the location of a utility easement for the National Grid power line located on the project site. Mr. Holbriiter stated that after research at the Rensselaer County Clerk's Office and research with National Grid, no utility easement has been identified. Mr. Holbriiter stated that the National Grid representative he is dealing with stated that this is not uncommon in rural areas. To address this, the Applicant is proposing to add a 20' on center utility easement in favor of National Grid for maintenance of the utility lines until such time as the line is moved to be adjacent to a public road. Mr.

Holbriiter has stated that a map note is included on the final plat to indicate a 20' wide utility easement will be added, which will then extinguish by its terms in the event the utility line is relocated to be adjacent to a public road. Member Mainello stated that the utility line goes over the subdivision road, which is proposed to be dedicated to the Town of Brunswick. Attorney Gilchrist stated that any dedication document will need to identify the location of the utility easement, and that any deed transfer would be subject to the utility easement. In this regard, all of the lots over which the utility line currently is situated will likewise be subject to the utility easement. Member Tarbox inquired where the electric power will be accessed for this project. Mr. Holbriiter stated that options were being discussed with National Grid, but that National Grid will not review the project in detail until a final plat is approved. Mr. Holbriiter stated that a map note was added setting forth the sight distances for the subdivision road onto McChesney Avenue Extension and Town Office Road, and also a map note has been added on the Town's right to farm law. Mr. Holbriiter also stated that a map note has been added stating that all driveways need to conform with the Town driveway and private road standards, and that Mr. Holbriiter has discussed this with the Town Highway Superintendent, and that Town Highway Superintendent will be involved in the build-out of the project. Also, Mr. Holbriiter stated that the detail sheet of the final plat package does include information regarding private road standards for specific driveways due to length.

b. The Applicant has coordinated with the Rensselaer County Highway Department regarding signage on McChesney Avenue Extension. The final plat identifies proposed signs which will be installed by the County. The Applicant will purchase the signs.

c. Attorney Gilchrist reported that a Town Stormwater Management Facilities Maintenance Agreement is currently being worked on with the Applicant, and that the Applicant does need to proceed with creation of the subdivision homeowners association for the purpose of owning and operating the stormwater management facilities for the project. Mr. Holbriiter stated that the homeowner association documents are currently being prepared.

d. The Planning Board generally discussed the requirement that an acceptable form of financial security will be required for the infrastructure construction on the project, and that final plat action will be subject to the financial security requirement. This will be further discussed with the Applicant.

e. The Applicant will comply with all provisions of Conditional No. 1(e) of the preliminary approval.

f. The Planning Board generally discussed the existing vegetation between this project site and the lands of Duncan and Tomaro. The Planning Board determined that the final plat would be subject to a condition that the builder not clear or cut the existing vegetation along this project border, but that there would not be the need for a lot restriction on future lot owners. The Planning Board noted that a significant portion of the existing hedgerow is located on the adjacent lands of Duncan and Tomaro.

g. Mr. Holbriiter explained that all plans for water and septic have been submitted to the Rensselaer County Department of Health, and that it is his understanding that the County

Health Department is waiting for the Town SWPPP MS4 approval as well as the execution of the Town Stormwater Management Facilities Maintenance Agreement. Mr. Kestner explained that his office had reviewed the stormwater plan and finds it acceptable, but that further submittals need to be made by the Applicant in order for the Town to execute the MS4 approval. The Applicant will coordinate with Mr. Kestner in this regard. Attorney Gilchrist questioned why the County Health Department was waiting for a copy of an executed Stormwater Management Facilities Maintenance Agreement, as this agreement dealt with stormwater and not with potable water or septic. The Applicant will make this inquiry with the County Health Department. Mr. Holbriiter did note that a map note has been added to the final plat stating that a hydrogeological investigation has been conducted on the property. Attorney Gilchrist and Mr. Kestner will further review this proposed map note.

h. Mr. Kestner's office is continuing its review of the final subdivision plat submittal, and would be issuing any comments.

i. Mr. Holbriiter stated that he was coordinating with the Town Highway Superintendent on an acceptable negative pitch for all driveways located off the proposed subdivision road proposed to be dedicated to the Town.

j. The Planning Board confirmed that no blasting is allowed in conjunction with the project build-out, and that if rock requiring blasting is encountered during build-out, the Applicant will need to return to the Planning Board for an amendment to the subdivision approval. Attorney Gilchrist and Mr. Kestner will be reviewing a proposed final plat note in that regard.

k. The Planning Board generally reviewed the consultant review fee requirements for the final subdivision plat submittal. Mr. Holbriiter confirmed that the Applicant had paid all past consultant review fees incurred on the project.

l. Mr. Holbriiter stated that the Applicant was proposing hours and day restrictions for construction activities to be Monday through Friday 7:00 a.m. to 4:00 p.m., and Saturday 7:00 a.m. to 4:00 p.m. only as needed. The Planning Board will make a final determination on construction restrictions as part of action on the final plat.

m. Mr. Holbriiter stated that the Applicant will comply with Condition No. 1(n) of the preliminary approval. In this regard, the Planning Board noted that two of the proposed subdivision lots had frontage directly on Town Office Road, and would not be accessed from the subdivision road to be constructed. Mr. Kestner will further investigate whether these lots should be subject to the restriction that no certificate of occupancy would be issued until all infrastructure was completed. The Planning Board thought that the condition should not apply in terms of the road construction since these two lots would not be accessed from the subdivision road, but wanted Mr. Kestner to investigate whether the stormwater infrastructure needed to be completed for purposes of these two lots as well. This matter will be further discussed.

n. The Applicant was in agreement that all of the homes to be constructed as part of this project will, at a minimum, be in general conformance with the building elevations

submitted to the Planning Board. Mr. Kreiger confirmed that the building elevations were part of the application file.

Chairman Oster then discussed with the Planning Board members whether the Planning Board deemed the final plat submittal to be in substantial conformance with the preliminary plat. The Planning Board members generally concurred that the final plat is in substantial conformance with the preliminary plat which was granted conditional approval. Accordingly, the Planning Board will not conduct an additional public hearing on the final plat submittal. This matter is placed on the February 21 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application submitted by Farrell Homes for the former Welch Farm property located between NY Route 2 and Pinewoods Avenue. Mr. Kreiger noted that part of this property was situated in a State Agricultural District, that he had provided the Applicant with an Agricultural Data Statement, and that the Agricultural Data Statement needed to be filed and served on the project. Mr. Krieger also confirmed that a formal minor subdivision application had been filed with all application fees, and that an escrow account must be established for consultant review fees. Mr. Holbritten was present for the Applicant. Mr. Holbritten reviewed the minor subdivision plat, on which topography has been added, as well as location of neighboring home, well and septic locations. Mr. Holbritten also noted that on the upper two lots with access off Pinewoods Avenue, a proposed home and septic location has also been added to the subdivision plat. Mr. Holbritten noted that the two lots with access off Pinewoods Avenue are located in Town Water District No. 3, but that he had met with the Town Water Department and that the Town Map does not show these properties to be located in a water district. Mr. Kestner stated that he would coordinate with the Town Water Department, and that his understanding is the water district does extend 600' off of Pinewoods Avenue onto this project site. Mr. Holbritten confirmed that the

two proposed lots off of Pinewoods Avenue, proposed Lots 3 and 4, will be connected to public water. Mr. Kestner noted that the two lots accessed off of NY Route 2, proposed Lots 1 and 2, do not show any well locations. Mr. Holbriiter confirmed that he had investigated the property, and that he could not find any potable water wells, and that the two homes located on these properties, as well as the farm building, may be hooked into public water off of the Pinewoods Avenue water main. The Planning Board had many questions in this regard, including whether these homes are located in a water district, whether there were multiple users hooked into one water feed line, whether there were existing meters to each of the users, whether these users had been billed for prior water use, and where the water line to these structures was located. Mr. Holbriiter stated that he was still investigating these issues, but that he had not been able to locate the water line which may lead to these existing structures. All of these issues must be further investigated and resolved with the Town Water Department as part of this subdivision review process. Member Czornyj inquired whether the existing commercial activity on proposed Lot 2 would continue. Mr. Holbriiter stated that while some commercial activity had occurred there in the past, no further commercial activity would be occurring on proposed Lot 2. Mr. Holbriiter also stated that test holes had been performed on proposed Lots 3 and 4 off Pinewoods Avenue for purposes of septic systems, and that proposed Lot 3 had good soils, but that proposed Lot 4 would likely require a raised bed septic system. Mr. Holbriiter stated that he would be adding the soil investigation data to the subdivision plat. Mr. Holbriiter also stated that the driveways for Lots 3 and 4 had been located, and that based on a 30 mph speed limit for Pinewoods Avenue, the projected sight distances are good. There was some discussion regarding the location of driveway locations, and potentially lining up those driveway locations to be opposite existing driveways on Pinewoods Avenue. Member Czornyj asked whether there

were wetlands located on proposed Lot 2. Mr. Holbriiter stated that there were wet areas on Lot 2, that they are not listed as NYS DEC wetlands, but they may be protected federal wetland areas, but that there are no activities projected for any wetland area on Lot 2. Chairman Oster confirmed that additional information is required on the water line issue, how that matter will be handled, and that coordination with the Town Water Department will be required. This matter is placed on the February 21 agenda for discussion.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Robert Wagner for property located on the easterly side of Garfield Road. Mr. Wagner seeks to divide 3.59± acres from an existing 97.8 acre lot for purposes of residential construction. Mr. Kreiger noted that this property is likewise located in an Agricultural District, and that an Agricultural Data Statement will be required. The Planning Board generally reviewed the proposed subdivision and property location. Member Tarbox asked about the pitch on the proposed driveway. Mr. Holbriiter was also present on this application for the Applicant, and stated that work will need to be done at the bottom of this property near Garfield Road for driveway construction, but that the grade on the driveway will be less than 12%. The Planning Board will look for further information on the driveway construction, including sight distances onto Garfield Road. This matter is placed on the February 21 agenda for further discussion.

The second item of new business discussed was the Berkshire Properties residential subdivision located off Betts Road. This matter had been previously reviewed by the Planning Board in conjunction with the Berkshire Properties PDD. The Planning Board noted that the major subdivision for the Berkshire Properties PDD was granted conditional final plat approval on May 19, 2011; however, the Applicant had not satisfied all conditions attached to the final

plat within applicable timeframes. Mr. Kreiger informed the Board that the project includes 10 residential lots, with 7 lots on a new cul-de-sac road and 3 lots on the existing Betts Road. Mr. Kreiger reported that one of the lots for the project was having difficulty meeting standards for septic systems. The project will need to come back before the Planning Board for further review, with particular regard to the lot which has had difficulty meeting Health Department standards for septic and how that will be addressed by the Applicant. At the request of the Applicant, this matter will not be addressed at the February 21 meeting, but will be placed on the March 7 agenda for discussion.

The index for the February 7, 2013 meeting is as follows:

1. Enfield – waiver of subdivision – 2/21/13 (tentative, subject to Town Board action on waiver request);
2. Farrell Homes, Inc. – Doubleday Estates major subdivision plat – 2/21/13;
3. Farrell Homes, Inc. – minor subdivision (Welch Farm) – 2/21/13;
4. Wagner – waiver of subdivision – 2/21/13;
5. Berkshire Properties PDD – major subdivision – 3/7/13.

The proposed agenda for the February 21, 2013 meeting currently is as follows:

1. Enfield – waiver of subdivision.
2. Farrell Homes, Inc. – Doubleday Estates major subdivision plat.
3. Farrell Homes, Inc. – minor subdivision (Welch Farm).
4. Wagner – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD February 21, 2013

PRESENT were RUSSELL OSTER, CHAIRMAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ABSENT were GORDON CHRISTIAN, MICHAEL CZORNYJ and FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the February 7, 2013 meeting. Upon motion of Member Tarbox, seconded by Member Wetmiller, the draft minutes of the February 7, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application by Darryl and Katherine Enfield for property located at 88 Bleakley Avenue. Mark Danskin, land surveyor, and Katherine Enfield were present on the application. The Applicant explained that the waiver of the subdivision standards limiting the number of lots on a cul-de-sac or dead-end road, as requested on this application, was granted by the Brunswick Town Board at its meeting held February 14, 2013. Mr. Kreiger confirmed that the waiver was granted by the Brunswick Town Board concerning the addition of one residential lot to this dead-end road system. Chairman Oster then confirmed that the Planning Board had reviewed the application and as of the February 7 meeting, had no additional questions or comments other than action by the Town Board on the requested waiver. Chairman Oster then inquired whether the Planning Board members had any additional questions or comments for the Applicant. Hearing none, Member

Tarbox made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a Negative Declaration under SEQRA adopted on this application. Thereupon, Member Mainello made a motion to approve this waiver of subdivision application, subject to Rensselaer County Health Department approval for well and septic. The motion was seconded by Member Tarbox, subject to the stated condition. The motion was unanimously approved, and the Enfield waiver of subdivision application approved subject to the stated condition.

The next item of business on the agenda was the major subdivision application by Farrell Homes, Inc. for the Doubleday Estates major subdivision application. Brian Holbriiter was present for the Applicant. Mr. Holbriiter confirmed that the Stormwater Pollution Prevent Plan for the project was finalized and signed by Scott Reese, and submitted to the Town for final review. Mr. Kestner confirmed that he is in receipt of the final, signed SWPPP, and that his office has reviewed that final SWPPP, and that his office will send the MS4 acceptance sheet to Mr. Kreiger for signature. The Planning Board next discussed proposed Lots 22 and 23, which have direct frontage onto Town Office Road, and whether such lots should be subject to the condition that no building permits will be issued for any lot until the project infrastructure was completed. This issue had arisen since these lots directly front onto Town Office Road, and are not dependent on the completion of the proposed subdivision road. Mr. Kestner had raised the issue of stormwater infrastructure at the February 7 meeting, and whether certain stormwater infrastructure would need to be completed prior to any construction on Lots 22 and 23. Mr. Kestner received further information from Scott Reese on behalf of the Applicant, which stated that the Applicant would complete the original construction phasing steps 1-3 listed in the SWPPP, and then follow the following steps with respect to Lots 22 and 23:

1. Install silt fencing as shown for Lots 22 and 23.
2. Install construction entrances for each lot.
3. Install sediment traps where the rain gardens are located.
4. Install drainage swales to sediment traps.
5. Install sediment trap for north entrance off of Town Office Road, to insure post-development runoff from the two lots is below pre-development conditions.
6. Begin construction of Lots 22 and 23.

Mr. Kestner stated that this proposal addressed stormwater compliance issues for construction of Lots 22 and 23. Mr. Kestner also raised the issue of phasing this project, so that a plat showing Lots 22 and 23 could be finalized and filed in the County Clerk's Office upon Rensselaer County Health Department approval, while all remaining issues could be addressed on the remaining lots. The primary issue on the phasing approach is the need for adequate security for the infrastructure construction on the remaining lots, most particularly the construction of the subdivision road. Mr. Holbriiter will review the option of phasing this project with the Applicant. Mr. Holbriiter also reviewed revised sheets 2 and 3 of the final plat package, stating that he had revised the final plat notes per comments of Mr. Kestner and Attorney Gilchrist. Mr. Holbriiter also stated that the Applicant was still waiting for the Rensselaer County Health Department to complete its review of the proposed well and septic plan, and that Steve Dean, P.E. was addressing final comments from the County Health Department. Mr. Holbriiter stated that it was his understanding that the Rensselaer County Health Department was waiting for the Town of Brunswick Stormwater Management Facilities Maintenance Agreement before issuing final approval on the well and septic plan. Mr. Kestner stated that he had spoken with the County Health Department, and that it was his understanding that the County Health Department was waiting for the MS4 acceptance signoff by the Town of Brunswick, and was not waiting for

the municipal Stormwater Management Facilities Maintenance Agreement. Mr. Holbriiter and Mr. Kestner will resolve this issue with the County Health Department. Mr. Holbriiter stated that the Applicant continued to work on the financial security issue associated with the subdivision infrastructure. Member Mainello asked Attorney Gilchrist as to the requirements for the financial security for infrastructure. Attorney Gilchrist reviewed the New York Town Law and Brunswick Code Requirements for financial security for infrastructure construction. Attorney Gilchrist explained that the Applicant has the option of providing acceptable financial security for infrastructure construction, which would then allow the Town to sign the final plat if approved, or in the alternative the Applicant could move forward and actually construct and complete the infrastructure, and upon review by the Town of Brunswick, the Town could then move forward and sign the final plat. This matter will be further discussed between the Planning Board and the Applicant. Mr. Holbriiter stated that he would provide the Planning Board with an estimate for infrastructure construction, to be reviewed by Mr. Kestner. Chairman Oster also noted that Mr. Kestner's office had provided an estimate for its review services following the issuance of preliminary subdivision approval through final plat review, that Chairman Oster found the estimate to be reasonable, and that an escrow for engineering services for final plat review needed to be established by the Applicant. Mr. Holbriiter stated that the review estimate had not been provided to the Applicant, but that he would review this requirement with the Applicant. Member Mainello stated that he felt a final plat note should be added to address a minimum height for the National Grid utility line which goes over the proposed subdivision road, since the Town would be taking over the road after final construction and acceptance by the Town, so that no safety issue would arise concerning the utility line height over the public road. Mr. Holbriiter stated that he would investigate a minimum height standard, and add an

appropriate map note to the final plat. This matter is placed on the March 7 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application by Farrell Homes for the proposed Welch Farm minor subdivision located between NY Route 2 and Pinewoods Avenue. Mr. Kreiger confirmed that an Agricultural Data Statement had been completed and sent out to the owners of agricultural property, but that no written comments had been received by the Town. It is noted for the record that the owner of Engel Farms, located on the opposite side of NY Route 2, was present. Chairman Oster raised the issue of the water line which exists on the project site, running from Pinewoods Avenue to the existing two homes, as well as several barn buildings, adjacent to NY Route 2. Mr. Kestner stated that the water line issue is still being reviewed by the Town Water Department, and issues concerning the water line had not yet been resolved. These issues include location of the water line, as well as metering and service connections to existing structures. Mr. Holbriiter explained that he had coordinated with the contractor who installed this water line previously on the site to discuss location of the water line. Mr. Holbriiter stated that he had placed the location of the water line only on Lot 4, and has included a 30' wide easement for access to the water line traversing Lot 4. Mr. Holbriiter stated that the Applicant was seeking approval to continue public water service for proposed Lots 1 and 2. Mr. Holbriiter stated that based on his investigation and discussion with the installation contractor, it appears that the old cow barn was first hooked up to public water, then the connection was made to the existing farm house, and then the connection was made to the newer cow barn, and the final connection was made to the smaller ranch home on the parcel. Mr. Holbriiter stated that he was not certain if there was an actual meter installed, but that there was a meter pit at Pinewoods Avenue. The Planning Board, Mr. Kestner, and Mr. Holbriiter then had a

lengthy discussion concerning the water line, including the issue of one water line servicing two separate residential units, future repair and maintenance responsibilities between these two residential units, the specific location of the water line traversing Lot 4, and repair responsibilities if a break in the line occurred on Lot 4. Also, the Planning Board, Mr. Kestner, and Mr. Holbriter had a lengthy discussion concerning the exact location of the water line, since the water line has not been specifically located due to the fact that it is reportedly a plastic line without any tracer. Member Mainello asked whether the Planning Board could act upon a subdivision plat showing a water line easement, without knowledge of where the water line actually existed, and what legal implications there were in terms of approving a plat showing a water line easement area without knowing whether the water line actually is located within the easement width. It was determined that further coordination with the Brunswick Water Department is necessary on this application. Mr. Engel, owner of Engel Farms, stated that when he was investigating the property at the time of his purchase of the adjacent property, it was his recollection that the existing ranch house had copper water lines, not a plastic water line. Chairman Oster then inquired of Mr. Holbriter as to whether National Grid had contacted the Applicant about installation of gas lines. Mr. Holbriter stated he had no information on that issue. The Planning Board discussed the need for a public hearing on the application, and whether the public hearing could proceed before the water line issue had been resolved. The Planning Board members were generally in agreement that the water line issue must be resolved, and insured that the water line easement area was properly located. Mr. Holbriter had concern regarding the extent of investigation required to determine the water line location, and how many test holes would be acceptable to the Planning Board to definitively locate the water line. Attorney Gilchrist stated that this was not an issue to be resolved by the Planning Board, but

rather the Applicant would need to determine the specific location of the water line and insure that the easement location is proper on the proposed plat. Further review by the Town Water Department, Mr. Kestner, Mr. Holbritter, and the Applicant is required on the water line issue. This matter will be placed on the March 7 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by Robert Wagner for property located on the easterly side of Garfield Road. Mr. Kreiger confirmed that an Agricultural Data Statement had been completed and served, and that no comments had been received by the Town. Mr. Holbritter was present for the Applicant as well. Mr. Holbritter reiterated that the Applicant is seeking to divide 3.59± acres from an existing 97.8 acre lot for purposes of residential construction. The Planning Board noted that there was an issue regarding the driveway elevation. Mr. Holbritter stated that a driveway had been cut-in for purposes of conducting test holes on the proposed lot, that the driveway was currently steep but not finished, and that he was coordinating with the Rensselaer County Highway Department for an appropriate back pitch so that stormwater would not run out onto the road. Mr. Kestner confirmed that a back pitch would be required, and Mr. Holbritter confirmed that Rensselaer County Highway Department had already commented on this. Chairman Oster inquired of the Planning Board whether there were any further comments or questions on the application. Hearing none, Member Tarbox made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously approved, and a Negative Declaration adopted under SEQRA. Thereupon, Member Tarbox made a motion to approve the waiver of subdivision application subject to the following conditions:

1. Rensselaer County Health Department approval for well and septic.
2. Compliance with Brunswick Private Road Standards for the residential driveway.

3. Rensselaer County Highway Department driveway permit.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Mark Ross for property located at 13 Camel Hill Road. Mr. Ross was present. Mr. Ross is seeking to divide 3.29 acres out of his grandmother's lot (Tax Map No. 83.-4-20.1), which currently totals 12.92 acres. Mr. Ross is seeking to construct a home on the new lot. Chairman Oster reviewed the application fee and escrow requirements with the Applicant. The Planning Board members reviewed the general layout of the proposed residential lot, confirming that no waiver of subdivision had been completed within the last 7 years. Mr. Ross confirmed that his parents had broken off a lot from his grandmother's parcel over 30 years ago, and had constructed their home on that lot off of Camel Hill Road as well. Mr. Ross confirmed that there was an existing home on the lot owned by his grandmother, there was an existing home on the lot owned by his parents, and that he was proposing to construct a house on the new lot. The Planning Board generally reviewed the existing well and septic locations and separation requirements in connection with the proposed new lot. The Planning Board also reviewed the private road standards that would need to be complied with for a driveway on the new lot. The Planning Board requested that sight distance information be provided for the proposed driveway location onto Camel Hill Road. Chairman Oster noted that the septic location on Mr. Ross's grandmother's parcel is shown on the subdivision plat, but that the plat should also show the septic location on his parent's lot. Member Tarbox stated that he wanted to go out to the site to take a look prior to acting on the

application. The other Planning Board members concurred. Mr. Kestner confirmed that Mr. Ross should stake out the corners of the proposed lot, and indicate the proposed driveway location. This matter is placed on the March 7 agenda for further discussion.

The index for the February 21, 2013 meeting is as follows:

1. Enfield – waiver of subdivision – approved subject to condition;
2. Farrell Homes, Inc. – Doubleday Estates major subdivision – 3/7/13;
3. Farrell Homes, Inc. – Welch Farm minor subdivision – 3/7/13;
4. Wagner – waiver of subdivision – approved subject to conditions;
5. Ross – waiver of subdivision – 3/7/13.

The proposed agenda for the March 7, 2013 meeting currently is as follows:

1. Farrell Homes, Inc. – Doubleday Estates major subdivision.
2. Farrell Homes, Inc. – Welch Farm minor subdivision.
3. Ross – waiver of subdivision.
4. Berkshire Properties Planned Development District – major subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 7, 2013

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

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board members reviewed the draft minutes of the February 21, 2013 meeting. Upon motion of Member Wetmiller, seconded by Member Tarbox, the draft minutes of the February 21, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application by Farrell Homes, Inc. for final major subdivision approval regarding the Doubleday Estates project located on Town Office Road and McChesney Avenue Extension. Charles Farrell and Steve Dean, P.E. were present on the application. Mr. Dean confirmed that the Rensselaer County Department of Health had issued its approvals for the water and septic plan for the project. Mr. Kestner confirmed that he had reviewed the executed Stormwater Pollution Prevent Plan, that his office had approved the SWPPP, and that the MS4 approval form had been prepared and signed by the Town. Mr. Kestner also confirmed that he had received correspondence from Brian Holbitter concerning the height of all transmission lines over the subdivision road and proposed driveways and reviewed those heights with the Planning Board members. Chairman Oster stated that he had reviewed the escrow situation for consultant review fees on the application with the Town,

and that the Applicant needed to fund the escrow account for final consultant review fees. Mr. Farrell stated that he had received the request from the Town, and that he had already submitted the funds to the Town for the consultant review fees in connection with the review of the final plat submission. Chairman Oster requested Attorney Gilchrist to review the issue concerning the financial security for the infrastructure on the project. Attorney Gilchrist reviewed the New York Town Law and Brunswick Code requirements for project infrastructure construction on a subdivision application. Mr. Farrell stated that he was in the process of obtaining a performance bond for the project infrastructure, and would be filing a performance bond in connection with the infrastructure for the project. Mr. Kestner confirmed that he had received estimates for the infrastructure construction, that his office was reviewing those estimates, and that he had also forwarded the estimates to the Town Highway Superintendent for review as well. Chairman Oster confirmed with Mr. Farrell that during infrastructure construction, the Town will be performing inspections to insure compliance with the project plans, and that the Town Highway Department will likely oversee the road construction, and that the Town Building Department would oversee all building construction. Chairman Oster confirmed that he did not envision any additional review consulting fees incurred by the Planning Board in connection with the review of the final plat, but the Town will be performing further inspections during project build-out, and that any fees associated with such inspections will be handled directly by the Town. Attorney Gilchrist and Mr. Kestner then reviewed the status of all conditions which the Planning Board had imposed in connection with preliminary subdivision approval, and that all such conditions had been addressed by the Applicant. Member Tarbox asked about the status of Lots 22 and 23 in relation to completion of project infrastructure, and whether building permits and certificates of occupancy can be issued for Lots 22 and 23 before the infrastructure has been

completed for their balance of the project. Mr. Kestner stated that there was a phasing option, which could put Lots 22 and 23 within the first phase of construction, and all remaining lots would be in a second phase. Mr. Farrell stated that he had considered the phasing option, but will leave the project as a single phase build-out, as he anticipates the infrastructure construction to be completed fairly quickly, which will not delay his marketing and construction on Lots 22 and 23. After further deliberation, the Planning Board directed Attorney Gilchrist to draft a resolution for final plat approval to be reviewed at the March 21 meeting.

The next item of business on the agenda was the minor subdivision application submitted by Farrell Homes, Inc. for the Welch Farm property located between Pinewoods Avenue and NY Route 2. Chairman Oster stated that he had been in communication with Brian Holbriiter, Mark Kestner, P.E., and William Bradley, Town Water Superintendent, concerning the existing waterline issue from Pinewoods Avenue to the structures located adjacent to NY Route 2. Chairman Oster understood that the resolution of this issue was that Mr. Farrell would discontinue and disconnect public water servicing the structures on proposed Lots 1 and 2 adjacent to NY Route 2, and continue to propose connection to public water for Lots 3 and 4 adjacent to Pinewoods Avenue only. In addition, Chairman Oster understood that the Town was seeking to require a utility easement on the western side of the project site between Pinewoods Avenue and NY Route 2. Mr. Kestner confirmed his communications with Mr. Bradley concerning the existing public waterline disconnection and Town recommendation that a utility easement be granted on the western side of the project site. Mr. Kestner confirmed that Mr. Holbriiter had added the easement to the subdivision plat, on the western side of the project site over proposed Lots 4 and 2. Chairman Oster had a question concerning any future construction over this proposed utility easement area, including a potential road or driveway. Attorney

Gilchrist stated that once the utility easement is on the approved subdivision plat, and a separate easement document in favor of the Town is recorded in the County Clerk's Office, all future property owners will be subject to the rights of the Town of Brunswick set forth in the utility easement. Member Czornyj asked Mr. Kestner whether the Town would remove any existing water meter when the structures adjacent to NY Route 2 have been disconnected. Mr. Kestner stated that any meter would be disconnected and removed, but would be done after the wells are drilled and hooked up to the existing homes adjacent to NY Route 2 so that there would be no disruption in potable water supply. Chairman Oster asked whether there were any additional issues or questions concerning this application. Hearing none, the Planning Board determined to hold the public hearing on this application at its March 21 meeting at 7:00 p.m. Mr. Farrell raised a timing issue on when the new wells for Lots 1 and 2 would need to be drilled and Rensselaer County Health Department approval obtained, as he wanted to be able to transfer title to those lots as soon as possible after final approval. Attorney Gilchrist will research that issue.

The next item of business on the agenda was the waiver of subdivision application by Mark Ross for property located at 13 Camel Hill Road. After the initial discussion on this application at the February 21 meeting, Chairman Oster confirmed that the Planning Board members had an opportunity to review the proposed project site. Chairman Oster inquired whether the location of the septic system on Mr. Ross' father's lot had been put on the map. Mr. Ross stated that the location of the septic system on his father's lot had not been put on the map, but described the location as being approximately 45' east of the existing garage on his father's lot, and approximately 75' south of the northern boundary line of his father's lot. The Planning Board members generally reviewed this location on the map, and determined that it appeared there were adequate separations between Mr. Ross' grandmother's lot, his father's lot, and his

proposed new building lot in terms of well and septic. Chairman Oster inquired whether there were any further questions on the application. 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. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the condition of Rensselaer County Department of Health approval for water and septic. That motion was seconded by Member Wetmiller, subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition. The Planning Board noted that while not a condition on the approval, Mr. Ross will work with the Town Highway Department concerning any grading on the existing driveway to the new lot to insure that an appropriate back pitch is maintained so there will not be any stormwater runoff directly onto Camel Hill Road.

Town Highway Superintendent Eddy was present at the meeting, and addressed the Planning Board members concerning road issues. Mr. Eddy confirmed that he would coordinate with Mr. Holbitter and Mr. Farrell on the Doubleday Estates major subdivision road construction, and that he will look at the estimate for road construction costs in connection with the performance bond requirements. Mr. Eddy and the Planning Board members then generally discussed road issues which the Board reviews in connection with subdivision and site plan applications.

The next item of business on the agenda was the major subdivision application submitted by Bohler Engineering for the Berkshire Properties Planned Development District (PDD) major subdivision located on Betts Road. Chris Boyer of Bohler Engineering was present for the Applicant. Mr. Boyer generally gave the Planning Board an update on this project, confirming

that the major subdivision had previously been issued conditional preliminary plat approval on March 24, 2011 and conditional final plat approval on May 19, 2011, but that the conditions attached to the final approval had not been satisfied and the final plat had not been stamped or signed or recorded in the County Clerk's Office. Mr. Boyer confirmed that the project remains essentially unchanged from the prior review, with the exception of one minor change to add turning radius to the corners of the proposed new subdivision road, and to add a stop sign to the subdivision road at its intersection with Betts Road. Otherwise, Mr. Boyer said the project remains as previously reviewed, including 10 proposed lots on approximately 20± acres of land at the end of Betts Road. Two of the proposed lots directly front onto Betts Road, and all remaining lots access off the new cul-de-sac road for the subdivision. Mr. Boyer confirmed that two monitoring wells had been installed, that a pump test had been performed, and that his office was coordinating with the Rensselaer County Health Department on water and septic plans. Mr. Boyer confirmed that a full set of project plans had been submitted to the Town of Brunswick for review, which included a Stormwater Pollution Prevention Plan. Chairman Oster inquired whether there was any problem with the septic design for proposed Lot 4. Mr. Boyer confirmed that the Rensselaer County Health Department is requiring an under-drain for Lot 4, and that the under-drain would address soil conditions on proposed Lot 4, and while the under-drain was being installed the Applicant proposes to add a plat note indicating that Lot 4 was not buildable until the septic system was approved by the Rensselaer County Health Department. Mr. Kestner stated that the Health Department had issued a letter concerning Lot 4, and inquired what would happen in the event the under-drain system did not adequately address the soil conditions on Lot 4. Mr. Boyer stated that in the event the under-drain does not address the soil conditions so that a septic could be approved for that lot, then the area of Lot 4 would likely be divided between the

two adjacent lots. However, Mr. Boyer was confident that the under-drain would adequately address soil conditions on the property, and that a septic system could be approved for Lot 4. Attorney Gilchrist reviewed the issue concerning the need to condition any final action by the Planning Board on Rensselaer County Health Department approval for water and septic for all approved lots, and that there are statutory timeframes in which such conditions need to be satisfied in order for the Town Planning Board to stamp and sign the final plat. In this case, Attorney Gilchrist stated that the time needed to install and operate the under-drain for proposed Lot 4, and ultimate approval by the Rensselaer County Health Department for Lot 4, would impact the ability of the Town Planning Board to stamp and sign the final plat for all lots. This issue will need to be further addressed during project review. Attorney Gilchrist also inquired whether an environmental assessment form had been filed on the new application. Mr. Boyer confirmed that an environmental assessment form had not yet been completed, but he would do so prior to the next meeting. Mr. Kestner inquired as to the status of the water plans submitted to the Rensselaer County Health Department. Mr. Boyer confirmed that the plans for water supply had been submitted to the Health Department, and that he had received comments back and was working to address those comments. The Planning Board then generally discussed the issue of public water being installed along Betts Road in conjunction with the prior Hudson Hills PDD approval, but that the Hudson Hills PDD project had not been moved forward and a public waterline had not yet been installed. The Planning Board also discussed the size of the waterline to be installed on Betts Road to service a project the size of Hudson Hills as opposed to a project the size of the Berkshire PDD major subdivision. Because of these issues, the Applicant had determined previously to not wait for public water installation, but rather to move forward with private well installation. Mr. Boyer confirmed that the Applicant was still moving forward with

the private well installation. The Planning Board asked whether there was an existing homeowner on Betts Road who had problems with his well when Bohler Engineering had previously installed the first monitoring well for the subdivision. Mr. Boyer confirmed that when the first monitoring well was installed and pumped for the Berkshire Subdivision, an existing homeowner on Betts Road stated that his well was affected, both in terms of yield and the water turning a dark color. However, the homeowner did not provide access to his well, either by Bohler Engineering or the Rensselaer County Health Department. After the second test well was drilled, Mr. Boyer explained that a drawdown test had been done pumping both monitoring wells, and that neither his office nor the Rensselaer County Health Department had been contacted by the existing homeowner on Betts Road concerning any problems. The Planning Board next discussed the width of the subdivision road right-of-way, and that adequate area existed within the public right-of-way for future public utility line installation, if necessary. The Planning Board confirmed that this application would be treated as a new major subdivision application, and Mr. Kreiger confirmed that an application form and application fees had been paid. Chairman Oster confirmed that an escrow account needed to be established for engineering consultant review on this new application. This matter is placed on the March 21 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was the Brunswick Farms commercial subdivision and site plan application submitted by Reiser Bros. Mr. Kreiger confirmed that he had been contacted by Mr. Reiser, and requested that the site plan and commercial subdivision matters be placed on the March 21 agenda. Mr. Kreiger confirmed that the Brunswick Zoning

Board of Appeals had issued a special use permit concerning the gas station portion of this project in December, 2012. This matter will be placed on the March 21 agenda.

The second item of new business discussed was a site plan application submitted by Oakwood Property Management, LLC for amendment to existing site plan for industrial use located at 215 Oakwood Avenue, plus site plan approval for the adjacent parcel located in the industrial zoning district (the former Hasslinger parcel). Both of these parcels are located in the industrial district. This matter will be further discussed at the April 4 meeting.

The index for the March 7, 2013 meeting is as follows:

1. Farrell Homes, Inc. – Doubleday Estates major subdivision – 3/21/13;
2. Farrell Homes, Inc. – Welch Farm minor subdivision – 3/21/13 (public hearing at 7:00 p.m.);
3. Ross – waiver of subdivision – approved with condition;
4. Bohler Engineering – Berkshire Properties PDD major subdivision – 3/21/13;
5. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan – 3/21/13;
6. Oakwood Property Management, LLC – site plan – 4/4/13.

The proposed agenda for the March 21, 2013 meeting currently is as follows:

1. Farrell Homes, Inc. – Welch Farm minor subdivision (public hearing at 7:00 p.m.);
2. Farrell Homes, Inc. – Doubleday Estate major subdivision.
3. Bohler Engineering – Berkshire Properties Planned Development District major subdivision.
4. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 21, 2013

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board conducted a public hearing on the application by Farrell Homes, Inc. for a minor subdivision of the former Welch Farm property located between NY Route 2 and Pinewoods Avenue (Tax Map No. 102.-2-10.1). 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 Sign Board, placed on the Town website, and mailed to owners of all adjacent properties. Chairman Oster requested that the Applicant make a brief presentation of the proposed subdivision. Brian Holbritter, licensed land surveyor, was present for the Applicant. Mr. Holbritter gave a brief presentation of the proposed subdivision. The property totals approximately 42.5 acres, on which two existing homes are located, together with a series of barns and outbuildings. The Applicant is proposing to divide this property into four residential lots. Two of the lots, fronting on NY Route 2, will each include one of the existing homes. The first lot fronting on NY Route 2 will total approximately 1.5 acres, and will have one existing home. The second lot fronting on NY Route 2 will total approximately 18.5 acres, on which will be one existing home together with all of the barns and outbuildings. Each of the two lots

fronting on NY Route 2 will have a new well drilled for potable water supply, and have an existing septic system. The remaining land will be divided into two residential lots fronting on Pinewoods Avenue. Proposed Lot 3 totals approximately 9.1 acres, and proposed Lot 4 totals approximately 13.3 acres. Each of the two lots fronting on Pinewoods Avenue is proposed to be connected to public water, and have a private septic system. Chairman Oster inquired about the proposed waterline easement on the westerly border of the project site. Mr. Holbriiter confirmed that in coordination with the Brunswick Water Department, an easement will be granted in favor of the Town of Brunswick for purposes of future waterline installation. Mr. Holbriiter explained that in the event public water was extended in the easterly direction on Route 2, this waterline easement would allow the Town of Brunswick to connect the existing water line on Pinewoods Avenue with a potential future waterline on NY Route 2 to create a looped system. Chairman Oster then opened the floor for receipt of public comment. James Fishback, 4 Diana Place, stated that the northeast corner of the project site adjacent to NY Route 2 is wet, and contains cattails and reeds, and inquired whether the Applicant would be required to delineate any wetlands or place any restrictions on the project. Jim Tkacik, 387 Brunswick Road, had an inquiry concerning the size of the houses proposed to be built on the lots adjacent to Pinewoods Avenue. Charles Farrell, also present for the Applicant, stated that no homes are proposed currently, and the subdivision plat merely shows a potential house and driveway location at the request of the Planning Board, to insure that the lots were buildable. Mr. Tkacik also inquired as to the zoning district for the lots adjacent to NY Route 2. Mr. Kreiger confirmed that the zoning district for the lots adjacent to NY Route 2 is R-25. Mr. Tkacik questioned whether the landscaping/soil blending operation occurring on the property adjacent to NY Route 2 would be allowed to continue. Member Czornyj stated that the zoning district for the property will not be

changed as a result of any action on the subdivision, and that the zone will remain Residential R-25, and that any action by the Planning Board would not approve any commercial operation. Mr. Tkacik stated that this issue must be addressed, because he feels if the barns and outbuildings are not used, they will deteriorate, and that he has no problem with the current operation occurring on the property and would rather see that operation be allowed to continue in order to maintain the barns and outbuildings. Attorney Gilchrist advised that this matter needs to be addressed by the Town Building Department. Chairman Oster stated that this application sought residential subdivision only, and that the Planning Board would not be addressing any commercial use or zoning compliance issue. Mr. Tkacik reiterated that he did not have any complaint regarding the current operations, but simply wanted clarification and consideration of whether any restriction should be placed on the operation. Attorney Gilchrist again stated that this issue is one to be addressed by the Town Building Department. Mr. Tkacik also questioned whether the Applicant had communicated with National Grid about a potential gas line running from Pinewoods down to NY Route 2, and wondered whether the proposed waterline easement could be expanded to include a gas line. Mr. Holbriiter stated that the Applicant would be happy to sell an easement to National Grid for that purpose. George Bejian, 615 Pinewoods Avenue, had an inquiry regarding the house location on the lots adjacent to Pinewoods Avenue, but now understood that these lots may be sold as just building lots, and that the location shown on the subdivision plat is merely a potential house location. Mr. Farrell confirmed that he may be selling the land merely as a building lot, or he could be retained by a potential purchaser to construct the home as well. Mr. Holbriiter confirmed that the subdivision plat shows a proposed house and driveway location at the request of the Planning Board, but that the Applicant is initially looking to sell the building lots. Member Czornyj stated that in the event the purchaser of these lots wished to change the

proposed house location, that purchaser would still need to comply with all required setbacks and address the sight distance issue onto Pinewoods Avenue in terms of driveway location. Mr. Bejian inquired whether the lots adjacent to Pinewoods Avenue could be further subdivided by a potential purchaser. Mr. Kreiger stated that the zoning district for the lots adjacent to Pinewoods Avenue is R-25, requiring a minimum lot size of 25,000 square feet. The Planning Board confirmed that there would be adequate area on these lots for further subdivision, but that it would be subject to further review by the Planning Board. Mr. Farrell commented that, in his opinion, it would not be cost effective to further subdivide the lots adjacent to Pinewoods Avenue, and that if it were economically feasible to do so, his application would have included additional lots adjacent to Pinewoods Avenue. Chairman Oster inquired whether there were any further comments from the public. Hearing none, the Planning Board closed the public hearing on the minor subdivision by Farrell Homes, Inc. for the former Welch Farm property.

Thereupon, the Planning Board opened its regular business meeting.

The Planning Board reviewed the draft minutes of the March 7, 2013 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes of the March 7, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the minor subdivision application by Farrell Homes, Inc. for the former Welch Farm property located between Pinewoods Avenue and NY Route 2. Chairman Oster reviewed the comments received during the public hearing. First, Chairman Oster noted the comment concerning the wet areas in the northeast corner of the project site. Mr. Holbriiter stated that any wetland area has not been delineated on the subdivision plat because no new construction is being proposed, no activities which would impact any wetland area are being proposed, and that for the part of the project site adjacent to

NY Route 2 the Applicant is merely seeking to add lot lines and create two residential lots, each one of which will include an existing home. Mr. Kestner stated that with regard to a prior major subdivision application for this property which had been previously submitted and initially reviewed by the Planning Board, additional residential lots were proposed for the northeast corner of the project site, and therefore a wetland delineation would have been required. However, on this application, Mr. Kestner confirmed that no additional lots are being proposed for the northeast corner of the project site, and that the Applicant is not proposing any activities that would change or alter the existing conditions in the northeast corner of the project site. The Planning Board confirmed that in the event any future subdivision of the property were proposed, then the Planning Board would require additional information concerning the wet conditions in the northeast corner of the project site, and further that if any structures were proposed for the northeast section of the project site, then the Building Department would need to further review the wet conditions and soil types during any building permit application review. Chairman Oster next addressed the comment concerning the existing landscaping and soil blending operation on the project site adjacent to NY Route 2. Attorney Gilchrist stated that further research should be performed on that issue, particularly with respect to the potential impact of any action by the Planning Board on the current operations and/or potential zoning compliance matters. Chairman Oster inquired of Mr. Farrell whether it was his understanding that the landscaping and soil blending operation would be moving, or whether the owner of that operation intended on remaining at that location. Mr. Farrell stated that the owner of that operation is currently renting the property, and may have an interest in purchasing the subdivided lot on which the operations are occurring. Attorney Gilchrist again stated that further research should be done on that issue prior to any Planning Board action. Chairman Oster next raised the

comment concerning the waterline easement running on the westerly boundary of the project site, and whether that could include a potential gas line. Mr. Kestner stated that the Town is seeking an easement for installation of a waterline only, and that the Town would be concerned about any additional utility lines that could potentially impact access to any waterline. There was general discussion about the width of the proposed waterline easement, and whether that width could be expanded to accommodate a gas line. Attorney Gilchrist stated that the gas line was not a public issue, but rather a private issue between private property owners and a private utility. Member Czornyj stated that Farrell Homes, Inc. and National Grid should communicate on the issue, but that it was not a Planning Board matter. Chairman Oster inquired whether there were any further questions or comments by the Planning Board members on the application. Hearing none, Chairman Oster stated that the matter will be placed on the April 4 agenda for further discussion.

The next item of business on the agenda was the application by Farrell Homes, Inc. on the Doubleday Estates major subdivision for property located between McChesney Avenue Extension and Town Office Road. The Planning Board reviewed a proposed resolution granting conditional final subdivision plat approval. Upon review and deliberation, the Planning Board granted conditional final subdivision plat approval on the Doubleday Estates major subdivision, subject to the following conditions:

- a. Final subdivision plat notes 7, 8, 9, 10, 11, and 12 are hereby incorporated by reference as conditions to final plat approval.
- b. The utility easement described in final subdivision plat note No. 9 shall also provide that such easement shall be extinguished in the event the existing utility pole line is relocated to the public road right-of-way.

- c. All stormwater management facilities for the Doubleday Estates major subdivision shall be constructed in compliance with the approved stormwater pollution prevention plan. 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 a homeowners association which shall be prepared for the Doubleday Estates subdivision. This obligation shall be set forth in the homeowner association documents. The Town of Brunswick shall be granted an easement for access to such stormwater management facilities pursuant to the homeowner association documents. The form and content of the homeowner association documents as to stormwater management facility ownership, operation, maintenance, insurance and access, including the easement granted in favor of the Town of Brunswick for access as described herein, shall be subject to review by the Brunswick Town Board and Town Attorney. The homeowner association must further execute a stormwater management facilities maintenance agreement with the Town of Brunswick. The form and content of the stormwater management facilities maintenance agreement shall be subject to approval by the Brunswick Town Board and the Town Attorney. The formation of the homeowners association, and execution of the stormwater management facilities maintenance agreement, shall be completed prior to the issuance of any certificate of occupancy for any structure in the Doubleday Estates Subdivision.
- d. The Applicant shall execute a Bonding Security Agreement and Declaration of Easement and Road Maintenance Agreement in form and content acceptable to the Town of Brunswick. Pursuant to the terms of said Bonding Security Agreement, the Applicant must provide to the Town of Brunswick a performance bond or other acceptable financial undertaking for the construction of the proposed subdivision road and stormwater facilities. The form and content of such performance bond or other acceptable financial undertaking is subject to approval by the Brunswick Town Board, Town Attorney, Town Highway Superintendent, and Town consulting engineer as to form, content, and amount. Pursuant to the terms of said Bonding Security Agreement and Declaration of Easement and Road Maintenance Agreement, until the subdivision road is completed, offered for dedication and accepted by the Town of Brunswick, the Applicant shall be responsible for all subdivision road maintenance, including paving, repairing, and snow plowing, for the benefit of all homeowners within Doubleday Estates Subdivision, to insure that all roadways are open, passable, and accessible to such homeowners and emergency vehicles.

In addition, until such time as a subdivision road is offered for dedication and accepted by the Town of Brunswick, the Applicant shall be responsible for the maintenance of a sign at the entrance to the subdivision, providing the following: "NOTICE: this subdivision road is being maintained by the developer. Upon completion and final inspection, this roadway will be taken over by the Town of Brunswick".

- e. The subdivision road in the Doubleday Estates Subdivision is designed to be a public roadway. Upon construction of this subdivision road in compliance with applicable specifications, the Applicant shall offer for dedication such subdivision road to the Town of Brunswick. The Applicant shall comply with all requirements of the Town of Brunswick with respect to dedication of such road.
- f. All project infrastructure is to be completed in one construction phase, with the vegetation proposed for the stormwater basin located in proximity to McChesney Avenue Extension and the property of Seddon is to be planted as part of such infrastructure phase. Commencement of construction activities will be subject to a pre-work conference with the Town of Brunswick.
- g. The Applicant is required to maintain the existing vegetation between the project site and the lands of Duncan and Tomaro.
- h. Approval by the Rensselaer County Department of Health for all water supply and septic facilities.
- i. All final comments of the Brunswick Building Department and consulting engineer on project plans.
- j. The driveways for each residential lot shall provide for a 2% negative pitch within the first 10 feet off the subdivision road or other public road, or other design acceptable to the Town Highway Superintendent, to prohibit stormwater flow onto the subdivision road or other public road.
- k. No work permits of any kind will be issued by the Town of Brunswick until all required fees, including consulting review fees, are paid by the Applicant as required by the Town of Brunswick.
- l. All site work and construction activities on the Doubleday Estates Subdivision site shall be limited to the following hours of operation: Monday-Friday 7:00 a.m. – 4:00 p.m.; Saturday 7:00 a.m. – 4:00 p.m.; no site work or construction activity shall be permitted on Sundays or legal holidays.

- m. No certificate of occupancy for any home will be issued by the Town of Brunswick until all infrastructure for this project has been completed to the satisfaction of the Town of Brunswick, including completion of road construction through binder course.
- n. All homes constructed in the Doubleday Estates Subdivision must, at a minimum, be in general conformance with the building elevations submitted by the Applicant to the Planning Board. Compliance with this condition shall be determined by the Brunswick Building Department.
- o. The Applicant shall pay the sum of \$500.00 per lot as a park and recreation fee. This amount shall be required to be paid by the Applicant on a \$500.00 per lot basis at such time as the Applicant applies for the issuance of a building permit for residential construction for such lot.
- p. The Applicant shall comply with all requirements for the Town of Brunswick with respect to inspections of all site construction activities, including all required fees for such inspections.

The third item of business on the agenda was the major subdivision application submitted by Bohler Engineering for the Berkshire Properties PDD major subdivision. Chris Boyer of Bohler Engineering was present on the application. Mr. Boyer stated that he had submitted a full environmental assessment form and stormwater pollution prevention plan to the Town and Mr. Kestner for review. Mr. Boyer reiterated that there were no major changes proposed for the project, and that the Applicant was seeking to renew prior approvals. Chairman Oster raised the issue of the septic plan for Lot 4 and what the Applicant was proposing to do with that lot. Mr. Boyer stated that the Applicant was proposing a condition that the Health Department approval for the septic plan must be obtained within one year, or that the property within that lot would be split and added to the two adjacent subdivided lots. Attorney Gilchrist stated that the Planning Board should consider the potential issue of approving Lot 4 as a subdivided building lot with the condition that Rensselaer County Health Department approval for the septic plan be obtained within one year, given that all conditions attached to final plat approval must be satisfied before the Planning Board can stamp and sign the subdivision plat for recording in the County Clerk's

Office. A condition attached to Lot 4 which may not be fulfilled for one year would not permit the Planning Board to stamp and sign that 10-lot subdivision plat until such time as the Health Department approves the septic plan for the single Lot 4. Attorney Gilchrist explained that in that case, no building permits could be issued for the other residential lots, since the final plat will not have been stamped, signed, and recorded in the County Clerk's Office to create the legal lots in the subdivision. Mr. Kestner also stated that the proposal that Lot 4 could be split one year into the future and added to the two adjoining lots raised practical issues, since the Applicant may have already transferred ownership to these two adjacent lots to third parties, and such third parties may not want to add that land to their lots after purchase. Member Wetmiller asked whether this project could be phased, so that nine lots could be included in Phase 1, for which there was not any issue with obtaining Health Department approval for septic, and the final Lot 4 could be subject to a second phase. In this way, the first phase subdivision plat which would include nine approved lots could be stamped and signed, and the remaining Lot 4 could be subject to the second phase plat. Attorney Gilchrist stated that he would research that issue. Member Tarbox inquired why the Applicant would wait one year for Rensselaer County Health Department approval for Lot 4, given that an under-drain could be installed on Lot 4 and approval could be obtained sooner than one year. Mr. Kestner stated that according to the Rensselaer County Health Department, the Health Department was requiring the under-drain to be in place through one "weather cycle", which may be interpreted as one full year, prior to Department approval for the proposed septic plan. The Planning Board entertained further discussion regarding options for Lot 4. It was determined that the Applicant will submit a written proposal concerning Lot 4 for the Planning Board's review. Chairman Oster inquired whether the Planning Board had any further questions or need for additional information on the

subdivision plat, or whether the Planning Board could move forward and schedule a public hearing. Hearing no objection, Chairman Oster stated this application will move forward to public hearing, to be held at 7:00 p.m. on April 4.

The next item of business on the agenda was the site plan and commercial subdivision application by Reiser Bros. for the proposed Brunswick Farms project located on NY Route 2 and NY Route 278. Scott Reese and Henry Reiser were present for the Applicant. Mr. Reese confirmed that this project had already obtained a negative declaration under SEQRA, issued by the Planning Board on August 16, 2012. Mr. Reese also reported that the Brunswick Zoning Board of Appeals had issued a special use permit for the "filling station" on Lot 1, having granted the special use permit on December 17, 2012. The Applicant was before the Planning Board at this point for action on the commercial subdivision, creating three (3) commercial lots, and the site plans proposed for Lots 1 and 2. Mr. Reese stated that Rensselaer County Health Department approval for septic remained pending. Mr. Reese also confirmed that all consulting review fees would be paid by the Applicant within one week. Member Czornyj asked whether the site plan had any changes since the last time the Applicant was in front of the Planning Board. Mr. Reese stated that there had been no changes to the site plan. Chairman Oster inquired whether Mr. Reiser had obtained any written authorization from the owners of lots within the Brook Hill Subdivision for construction of the berm, which in part goes on to third-party lot owners in the Brook Hill Subdivision. Mr. Reiser stated that there was only one lot within the Brook Hill Subdivision on which the proposed berm extended, and that he already had verbal authorization but would obtain written authorization from that lot owner for the record. Chairman Oster inquired as to the status of NYS DOT approval. Mr. Reese stated that NYS DOT had issued conceptual approval for the proposed entrances off NY Route 278 and NY

Route 2, and use of the State stormwater drainage system, but that formal work permits would be required. Mr. Kestner confirmed that NYS DOT had granted conceptual approval only. Mr. Reese also stated that he had sent the stormwater pollution prevention plan to NYS DOT, and that NYS DOT had no comments. Chairman Oster inquired whether NYS DOT had submitted anything in writing concerning its review of the stormwater pollution prevention plan. Mr. Reese stated that nothing had been received in writing, but that he would contact NYS DOT and obtain something in writing concerning NYS DOT's review of the stormwater pollution prevention plan. Member Tarbox asked whether the Applicant was limited to the proposed buildings for Lot 1 and for Lot 2 as submitted on the site plan, and that if any substantial changes were made, the Applicant must come back for amendment of the site plan. Attorney Gilchrist stated that if there were any substantial change to the building proposed on the site plans, then an application for amendment would be required. Member Tarbox also inquired as to the status of the shared driveway off NY Route 2 to both Lots 1 and 2. Mr. Reese confirmed that a shared driveway is proposed. Attorney Gilchrist stated that the Planning Board would require cross-easements for access, similar to past Planning Board practice as required in the CAP-COM/Honda and Burger King/Dunkin Donuts sites. The Planning Board generally discussed the berm and whether a bond for construction costs should be required. The Planning Board generally determined that the grading on the site had been significantly reduced, and that a bond for the berm would not be required, but that construction of the berm would be a condition on any action on the site plan. The Planning Board entertained further discussion on the berm, including its height. Mr. Reiser stated that the berm was 4-5 feet at its highest point, and that he planned to feather the berm into the back yard of the lot in the Brook Hill Subdivision on which the berm was located. Chairman Oster raised the issue of days and hours of operation for

construction on this project. Mr. Reiser stated that the hours discussed for the Doubleday Estates project were acceptable, which are Monday to Friday, 7:00 a.m. to 4:00 p.m., and Saturday, 7:00 a.m. to 4:00 p.m. as needed, with no work on Sunday or legal holidays. Chairman Oster confirmed that all consultant review fees must be paid to the Town before the Planning Board would act on the commercial subdivision and site plan applications. Attorney Gilchrist stated that he would like the opportunity to draft proposed conditions with Mr. Kestner for the Planning Board's review. Member Tarbox thought that in connection with the grading of the site, no material should be trucked into the Langmore neighborhood. Mr. Reiser had no objection to that condition. Mr. Kreiger stated that if the material was graded and transported to another site in Brunswick, then a permit from the Town would be required; however, if the material is transported from the project site to another site outside the Town, then no permit would be required. Mr. Reiser understood this requirement as well. This matter is placed on the April 4 agenda for further discussion.

One item of new business was discussed.

Bohler Engineering, on behalf of McDonalds USA, LLC has inquired whether a site plan application is required for proposed renovations for the existing McDonalds on Hoosick Road (780 NY Route 7), including a re-orientation of the drive-thru. Mr. Kreiger stated that he would review the prior Planning Board site plan approval for conditions, as it was his recollection that there may be a condition concerning the drive-thru. This matter is tentatively placed on the April 4 agenda.

Doug Eddy, Highway Superintendent, was present at the meeting, and discussed generally with the Planning Board the option of limiting any on-street parking during project review by the Planning Board. Mr. Eddy reported that on-street parking, particularly in areas

where dense development is permitted, becomes an issue during snowplowing and is potentially a safety issue as well.

The Planning Board noted that with respect to the site plan submittal by Oakwood Property Management, LLC for property located on Oakwood Avenue, Attorney Gilchrist stated that the Applicant had filed a motion with the New York Court of Appeals in the pending litigation, and suggested to the Planning Board that it defer any action on the site plan application until such time as the New York Court of Appeals renders a decision on such motion, as it could affect the Planning Board review of the current site plan submittal. Attorney Gilchrist opined that the New York Court of Appeals should render a decision on the Oakwood Property motion no later than mid-April, and that Attorney Gilchrist would update the Planning Board on this issue subsequent to the New York Court of Appeals decision.

The index for the March 21, 2013 meeting is as follows:

1. Farrell Homes, Inc. – Welch Farm minor subdivision – 4/4/13;
2. Farrell Homes, Inc. – Doubleday Estates major subdivision – final conditional subdivision approval;
3. Bohler Engineering – Berkshire Properties PDD major subdivision – 4/4/13 (public hearing to commence at 7:00 p.m.);
4. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan – 4/4/13;
5. Bohler Engineering (McDonalds USA, LLC) – site plan requirement to be researched – 4/4/13 (tentative).

The proposed agenda for the April 4, 2013 meeting currently is as follows:

1. Bohler Engineering – Berkshire Properties PDD major subdivision (public hearing to commence at 7:00 p.m.).
2. Farrell Homes, Inc. – Welch Farm minor subdivision.
3. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan.
4. Bohler Engineering (McDonalds USA, LLC) – site plan (tentative).

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 4, 2013

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

ABSENT was GORDON CHRISTIAN.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board opened the public hearing on the major subdivision application submitted by Bohler Engineering for the Berkshire Properties Planned Development District. The Notice of Public Hearing was read into the record. The Notice of Public Hearing was published in the Troy Record, placed on the Town Sign Board, placed on the Town website, and mailed to owners of all adjacent properties. Chairman Oster requested the Applicant to make a brief presentation of the project. Chris Boyea of Bohler Engineering was present for the Applicant. Mr. Boyea also stated that the project attorney, William Doyle, Esq., and the project owner, Randy Stratton, were also present. Mr. Boyea gave a brief presentation of the subdivision layout. Mr. Boyea noted that this project had previously been reviewed and approved by the Planning Board in May 2011, but that the owner had thereafter been coordinating with the Rensselaer County Department of Health on septic design and approval, and that certain issues had arisen on one lot (Lot 4) which are addressed in the current proposal. Mr. Boyea also stated that a full stormwater pollution prevention plan had also been prepared for the subdivision, which had been submitted to the Planning Board engineer for review. Mr.

Boyea stated that there were no substantial changes to the project layout, and that the owner is ready to move forward with construction of the project. Mr. Boyea did indicate that the one modification dealt with the septic review for Lot 4. Subsequent to the May 2011 approval, it was discovered that while the lot passed a soils analysis, it was determined that Lot 4 had a high water table. Because of this, the Rensselaer County Health Department was requiring the installation of an underdrain system, which would have the effect of lowering the water table by a few inches, and that after the under-drain had been installed and operating for a full one year cycle, the septic design would again be reviewed by the Rensselaer County Health Department. Because of this, the Applicant is proposing to combine Lot 4 with the adjacent Lot 6 in the current proposed plat, with the understanding that it will be installing the under-drain in the area of Lot 4, and in the event the Rensselaer County Health Department approves the lot for septic, the Applicant will seek to again re-subdivide this combined lot into two building lots. In the event the Rensselaer County Health Department does not approve the lot or area for septic, then no further re-subdivision will be sought, and the project will keep one large combined lot, and the project will then total only 9 lots. Chairman Oster then opened the floor for receipt of public comment. Norman Fivel, 101 Wilrose Lane, asked a further question regarding the phasing of the project. Mr. Boyea further explained the combining of Lots 4 and 6 while the under-drain was installed and operated in the area of Lot 4, and how the combined lot would be re-subdivided in the future in the event the under-drain system proves successful and the Rensselaer County Health Department approves the Lot 4 area for septic. Mr. Boyea confirmed that there were no other changes to the project, and the remaining lots did not have any change in terms of lot line or location. Hearing no further public comment, the public hearing was closed on the major subdivision application on the Berkshire Properties Planned Development District.

The Planning Board then opened its regular business meeting.

The draft minutes of the March 21, 2013 meeting were reviewed by the Planning Board members. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the March 21, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the major subdivision application submitted by Bohler Engineering with regard to the Berkshire Properties Planned Development District. Chris Boyea of Bohler Engineering confirmed on the record that he had submitted an email to both Kestner Engineering and the Town Building Department dated April 3, 2013 regarding the proposal on combining Lots 4 and 6, and in the event the Rensselaer County Health Department subsequently approves the Lot 4 area for septic, the Applicant will seek to re-subdivide that combined lot into two building lots. The Bohler Engineering email dated April 3, 2013 is on file with the Brunswick Building Department. Mr. Boyea explained that by combining Lot 4 with Lot 6 at the present time, there will be no risk that a vacant parcel remains in the future in the event the Rensselaer County Health Department does not approve septic for the area of Lot 4. Member Wetmiller asked whether the combined lot (Lots 6 and 4) could be built on, given that the Applicant will be seeking to have the area of Lot 4 approved for septic. Mr. Boyea stated that it could be built on as an approved lot, but in all likelihood it would be the last lot built on, and would not be built until such time as it was determined whether septic could be approved for the area of Lot 4. Attorney Gilchrist also stated that such issue could be handled privately through negotiation between the Applicant and any future owner of the combined lot. Mr. Kestner stated that his office was completing its review of the stormwater pollution prevention plan for the project, and will be meeting with Mr. Boyea to address certain issues. Chairman Oster inquired whether there were any further issues or questions concerning the subdivision

project. Hearing none, Chairman Oster inquired as to the procedural status. Attorney Gilchrist stated that given the project is part of an approved planned development district, he would like the opportunity to review the PDD conditions prior to any action by the Planning Board on the major subdivision. Mr. Kestner also stated that he would like to complete his review of the SWPPP. Chairman Oster has scheduled this matter for the April 18, 2013 meeting.

The next item of business on the agenda was the minor subdivision application submitted by Farrell Homes, Inc. for the former Welch Farm property located between Pinewoods Avenue and NY Route 2. Attorney Gilchrist, Mr. Kestner, and the Planning Board members reviewed proposed conditions on this minor subdivision application. Following deliberation on those conditions, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Mainello made a motion to approve the minor subdivision application subject to the following conditions:

1. Lots 3 and 4 are each greater than 5 acres in size. The Owner/Applicant is seeking approval of these lots as a non-reatly subdivision. Accordingly, Rensselaer County Health Department approval for septic will be required to be obtained by any owner (current or future owner) of Lot 3 and/or Lot 4, with proof of such approval filed with the Brunswick Building Department, prior to the issuance of any building permit for any structure on said lots.
2. Rensselaer County Health Department approval for private water supply to Lots 1 and 2.
3. The current Owner/Applicant must coordinate with the Town of Brunswick Water Department on the disconnection of public water from the existing homes on Lots 1 and 2, and further coordinate with the Town of Brunswick Water Department on connection of the existing homes on Lots 1 and 2 to a private water supply; these activities are to be completed without interruption of potable water supply to the existing homes on Lots 1 and 2, and further to be completed within six months from the date of final subdivision approval.
4. Prior to the construction of any structure on Lot 3 and/or Lot 4, the owner (current or future owner) of any such lot must coordinate with the Town of Brunswick

- Water Department on connection of Lot 3 and/or Lot 4 (as the case may be) to public water supply.
5. The current Owner/Applicant must provide a 30' wide waterline easement to the Town of Brunswick, located on the western boundary of the project site as depicted on the final subdivision plat; the waterline easement must be prepared by the Owner/Applicant, and submitted to the Town of Brunswick for review and approval as to form and content; such waterline easement must be recorded in the Rensselaer County Clerk's Office at the expense of the Owner/Applicant.
 6. Payment of all consultant review fees.
 7. Payment of the park and recreation fee in the amount of \$2,000.00 (\$500.00 per lot).
 8. The owner (current or future owner) must obtain all necessary permits from Rensselaer County for construction of driveways to Lots 3 and 4.
 9. This approval for the Farrell Homes, Inc./Welch Farm minor subdivision is for residential subdivision only, and does not constitute an approval of any specific activities occurring on the project site, which may include commercial and/or industrial activities, nor does this approval constitute a direct or indirect approval and/or acknowledgement as to compliance of any such activities with the Town of Brunswick Zoning Ordinance or any other law or ordinance of the Town of Brunswick.

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

The next item of business on the agenda was the application submitted by Reiser Bros. Inc. for a commercial subdivision and site plan on the Brunswick Farms project. At the request of the Applicant, this matter has been adjourned to the April 18 meeting.

The next item of business on the agenda was the site plan application submitted by Bohler Engineering on behalf of McDonalds USA, LLC regarding the existing McDonalds located on Hoosick Road (780 NY Route 7). Chairman Oster requested that Mr. Kreiger review the prior site plan approval for this location. Mr. Kreiger stated that the site plan for the McDonalds site was approved by the Planning Board in 1993, but the site plan did not include

any exterior order board but rather the building contained a drive-up window for placing orders and a second window for food pickup. The approved site plan did not include an exterior order board, which is currently in use at the McDonald's site. The current application seeks approval to do minor changes to the drive-thru lane and to add a second order board. Since this will amount to an amendment to the approved site plan on file with the Town, site plan review is appropriate. Chris Boyea of Bohler Engineering was present for the Applicant. Mr. Boyea stated that Francis Essian, McDonalds Corporation, Boston Regional Office, was also present for the Applicant. Chairman Oster stated that the Planning Board was in receipt of a memorandum from the Brunswick No. 1 Fire Department dated April 4, 2013, which included comments on the site plan submittal. Mr. Boyea stated that he was in receipt of the Brunswick No. 1 Fire Department memorandum. Mr. Boyea explained that this application seeks to renovate the current McDonalds, which will include upgrades to the both the exterior and interior of the facility to meet all current ADA requirements; that a sidewalk will be installed leading out to the current sidewalk system on NY Route 7; that a new façade will be constructed on the building; and that the existing drive-thru layout will be modified to add greenspace, realign the drive-thru, and add a second order menu board. Mr. Boyea stated that this would provide more efficiency, and less traffic stacking during peak hours at the drive-thru. Member Wetmiller asked whether the additional greenspace will result in any loss of parking. Mr. Boyea stated that three parking spaces would be lost, going from the current 41 spaces to a proposed 38 spaces, but that the Town Code requires only 13 spaces, so the site does contain adequate parking. In addition, Mr. Boyea stated that current statistics show that the drive-thru option is more popular than parking and using the sit down tables within the McDonald's restaurant. Chairman Oster again inquired whether a full site plan review requirement has been triggered. Attorney Gilchrist stated that

since the current proposal is not consistent with the approved 1993 site plan, and since part of the current proposal will effect internal vehicular flow, site plan review by the Planning Board is appropriate. Mr. Kestner also stated that during the public hearing held on the project in 1993, there were comments submitted by nearby residents that they were concerned the noise from an order intercom would be heard, particularly at night, and that the addition of a second order board could raise certain issues. However, Mr. Kestner did confirm that in 1993, there were a number of residential uses surrounding the McDonalds, which have subsequently been converted to commercial use, and other commercial facilities have been built in that area since 1993, including Walmart, the Brunswick Plaza, Dunkin Donuts, and Burger King. Member Wetmiller inquired whether the McDonalds is proposing to be open 24 hours a day. Mr. Boyea stated that the request would be to have the option of staying open 24 hours a day, but that it would be market driven, and likely that the drive-thru only would be open 24 hours. Mr. Kestner asked whether the detention basin at the facility was being reviewed. Mr. Boyea stated that he has not included any amendment to the detention area. Mr. Kestner stated that Mr. Boyea should look into the operation of the detention basin to insure that it was functioning properly. Member Tarbox asked whether the addition of the second menu board would allow for people in the drive-thru lane to pull around cars waiting at the first menu board after ordering at the second menu board. Mr. Boyea stated that the drive-thru lane would continue to be a single lane, and cars would need to stay in line regardless of which menu board is used. Mr. Boyea confirmed that both of the order boards would be located to the rear of the McDonalds building approximately 20 feet apart from each other. The Planning Board noted that the proposal also included new signage, and it appears that a sign variance would be required. Mr. Boyea understood this, and indicated that an application for a sign variance would be made to the

Brunswick ZBA in the event the site plan was approved. The Planning Board confirmed that the site plan will be referred to the Rensselaer County Department of Planning and Economic Development for recommendation. The Planning Board next discussed whether a public hearing should be held on the site plan. It was determined that a public hearing would be held, and scheduled for the April 18 meeting commencing at 7:00 p.m. Mr. Kestner stated that Mr. Boyea should be prepared to address how far the sound from the menu board could travel, particularly with respect to residents on McChesney Avenue. Mr. Boyea stated that the volume of the new proposed order boards is not significantly different from the current order board, and that if comments were raised at the public hearing concerning offsite impact by residences, he will address those issues with those property owners. This matter is placed on the April 18 agenda for public hearing.

Mr. Kreiger reported that there were no items of new business.

The Planning Board addressed one item of old business. With respect to the Duncan Meadows Planned Development District, formal action by the Planning Board on the subdivision of the apartment parcel must be taken, and the Planning Board would review and update the approvals for the subdivision of the athletic field parcel and the northeast parcel which was not subject to the approved Planned Development District. Andrew Brick, Esq. was present for the Applicant. Attorney Gilchrist stated that the Planning Board had recently approved the site plan for the apartment parcel, and had considered the proposed lot lines for the apartment parcel, but had not formally acted to approve the subdivision of the apartment parcel from the balance of the Duncan Meadows PDD site. The Planning Board would need to take formal action on the subdivision of the apartment parcel. Attorney Gilchrist also stated that while the Planning Board had previously approved the subdivision of the athletic field parcel which will be transferred to

the Town of Brunswick, and also the remaining land of the Applicant to the northeast of the PDD site, which was not part of the approved Planned Development District, formal subdivision plats were not recorded in the Rensselaer County Clerk's Office. To address that issue, Attorney Gilchrist recommended that the Planning Board update those approvals so that there are no issues concerning the filing of the approved subdivisions at the Rensselaer County Clerk's Office. Attorney Brick concurred with that description, and also added to the record that SEQRA has been completed with respect to the Planned Development District, including the subdivision of the apartment parcel as well as the subdivision of the athletic field parcel which will be transferred to the Town. Thereupon, the Planning Board first addressed the subdivision of the apartment parcel. Chairman Oster inquired whether any conditions should be attached to the action on these subdivisions. Attorney Gilchrist stated that this project has gone through review and approval, that several conditions were attached to the Planned Development District approval, and that a meeting has recently been held between the Town of Brunswick and the project applicants and builders concerning compliance with the conditions to the project. It is noted for the record that a memorandum dated March 27, 2013 is on file in the Town of Brunswick concerning the conditions which must be complied with by the project applicant and builder in conjunction with the Duncan Meadows PDD project, and that such memorandum has also been provided to the attorneys for the project owners. All parties, including the project owner and applicant, confirmed that these conditions must be addressed and complied with in connection with the buildout of this project. Attorney Brick concurred. After noting that for the record, the Planning Board moved forward with the subdivisions at issue. Member Czornyj made a motion to approve the subdivision of the apartment parcel from the remaining lands of the project owner as set forth on the final project plan, which motion was seconded by Member

Tarbox. The motion was unanimously approved, and the subdivision of the apartment parcel from the remaining project site was approved. Thereupon, Member Wetmiller made a motion to approve the subdivision of the athletic field parcel from the remaining land of the Duncan Meadows PDD project site, which motion was seconded by Member Czornyj. The motion was unanimously approved, and the subdivision of the athletic field parcel was approved. It was noted that the athletic field parcel is to be conveyed in title to the Town of Brunswick in conjunction with the Duncan Meadows PDD project. Thereupon, the Planning Board addressed the subdivision of the remaining land of the project owner located northeast of the Duncan Meadows PDD site. Since this parcel was not part of the approved Planned Development District, the Planning Board first addressed SEQRA with respect to this subdivision. Member Czornyj made a motion to adopt a negative declaration under SEQRA with regard to the subdivision of the remaining land of the project owner located to the northeast of the project site, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the subdivision of the remaining land of the project owner located to the northeast of the Duncan Meadows PDD project site as depicted on the final Duncan Meadows PDD project plan, which motion was seconded by Member Mainello. The motion was unanimously approved, and the subdivision of the remaining land of the project owner located to the northeast of the Duncan Meadows PDD project site was approved.

The index to the April 4, 2013 meeting is as follows:

1. Bohler Engineering – Berkshire Properties PDD major subdivision – 4/18/13;
2. Farrell Homes, Inc. – Welch Farm minor subdivision – final approval subject to conditions;

3. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan – 4/18/13;
4. Bohler Engineering (McDonalds USA, LLC) – site plan – 4/18/13 (public hearing to commence at 7:00 p.m.);
5. Duncan Meadows Planned Development District – subdivision approvals.

The proposed agenda for the April 18, 2013 meeting currently is as follows:

1. Bohler Engineering – (McDonalds USA, LLC) – site plan – public hearing to commence at 7:00 p.m.
2. Bohler Engineering – Berkshire Properties PDD major subdivision.
3. Reiser Bros., Inc. – Brunswick Farms commercial subdivision and site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 18, 2013

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The Planning Board members reviewed the draft minutes of the April 4, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Christian, the draft minutes of the April 4, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda had been the site plan application submitted by Bohler Engineering on behalf of McDonalds USA, LLC for its site located on Hoosick Road (780 NY Route 7). Chris Boyea of Bohler Engineering was present for the Applicant, and explained to the Board there had been miscommunication between his client and the Town concerning his client's intent on the site plan application. Mr. Boyea explained that while he did request the public hearing to be cancelled, his client did not intend to withdraw the site plan application, but had merely been working on certain internal economic issues and site issues before proceeding. At this point, his client would like to proceed with the site plan application, and requested that the Planning Board schedule a public hearing on the site plan application for its May 2 meeting. After discussing the matter, the Planning Board agreed to reschedule and hold the public hearing on the site plan application at its May 2 meeting commencing at 7:00

p.m. Mr. Kreiger noted that the referral to the Rensselaer County Department of Economic Development and Planning had been completed, and that the County determined that local consideration shall prevail. The County did note that the proposed sidewalk from the McDonalds restaurant to the sidewalk system along NY Route 7 was positive and long overdue. Chairman Oster stated that the Applicant will need to establish the required site plan review escrow. Mr. Boyea stated that the escrow would be completed by the Applicant. This site plan application is scheduled for public hearing at 7:00 p.m. on May 2, 2013.

The second item of business on the agenda was the Berkshire Properties Planned Development District major subdivision. Chris Boyea of Bohler Engineering was present for the Applicant. The public hearing has been held on this application, and the matter is before the Planning Board for final subdivision action. After due deliberation, Member Czornyj made a motion to grant final subdivision plat approval on the Berkshire Properties PDD major subdivision subject to the following conditions:

- a. With respect to the residential subdivision portion of the Berkshire Properties PDD, a bonding security agreement for the proposed subdivision road in form and content acceptable to the Town Board and Town Attorney must be executed by the Applicant.
- b. With respect to the residential subdivision portion of the Berkshire Properties PDD, the Applicant must provide to the Town of Brunswick a performance bond or other acceptable financial undertaking for the construction of the proposed subdivision roadway. The form and content of such performance bond or other acceptable financial undertaking is subject to approval by the Town Board, Town Attorney, and Town Consulting Engineer as to form, content, and amount.

- c. With respect to the residential subdivision portion of the Berkshire Properties PDD, until the subdivision roadway is completed, offered for dedication and accepted by the Town Board, the Applicant shall be responsible for all subdivision roadway maintenance, including paving, repairing, and snow plowing, for the benefit of all homeowners within the Berkshire Properties residential subdivision, to insure that all roadways are open, passable, and accessible to Betts Road, and further that all such roadways are open, passable, and accessible to and by emergency vehicles. In addition, until such time as the subdivision roadway is offered for dedication and accepted by the Town Board, the Applicant shall be responsible for the maintenance of a sign at the entrance to the residential subdivision, providing the following: "NOTICE: this subdivision road is being maintained by the developer. Upon completion and final inspection, this roadway will be taken over by the Town of Brunswick".
- d. With respect to the residential subdivision portion of the Berkshire Properties PDD, the subdivision roadway is designed to be a public roadway. Upon construction of this subdivision roadway in compliance with applicable specifications, the Applicant shall offer for dedication such subdivision roadway to the Town of Brunswick.
- e. Approval by the Rensselaer County Health Department with respect to private water and private septic facilities. Former Lot #4 has been merged into Lot #6. In the event the Rensselaer County Health Department approves a septic facility for the area of Lot #6 encompassing the former Lot #4, then an application will be entertained by the Planning Board to re-subdivide Lot #6 into two residential lots.
- f. The Applicant shall pay the sum of \$4,500 as a park and recreation fee. This amount shall be required to be paid by the Applicant on a \$500 per lot basis at such time as the Applicant applies for issuance of a building permit for residential construction on the residential subdivision portion of the Berkshire Properties PDD. In the event Lot #6 is re-subdivided in the future, an additional \$500 park and recreation fee shall be due.

- g. 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 complete copy of the ESCP and SWPPP to the Town of Brunswick, and shall not commence any grading or construction activities on the Berkshire Properties 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.
- h. All stormwater management facilities for the Berkshire Properties 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. The stormwater management facilities proposed for the residential subdivision and commercial portions of the Berkshire Properties PDD shall be as follows:
- (i) Residential Subdivision: All stormwater management facilities shall be owned and maintained by a homeowners association for this residential subdivision. This obligation shall be set forth in homeowner association documents. The Town of Brunswick shall be granted an easement for access to such stormwater management facilities pursuant to homeowner association documents. The form and content of the homeowners association documents as to stormwater management facility ownership, operation, maintenance, insurance and access, including the easement granted in favor of the Town of Brunswick for access as described herein, shall be subject to review by the Town Board and Town Attorney. The homeowners association must further execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick. The form and content of the Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Town Board and Town Attorney.
- i. The Applicant must comply with all requirements of the United States Army Corps of Engineers and New York State Department of Environmental Conservation concerning wetlands, wetlands buffers, and restrictions on the project site.
- j. All site work and construction activities on the Berkshire Properties PDD site, both with respect to the residential subdivision and commercial lots, 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.

- k. The following note shall be placed on all plans and specifications for the Berkshire Properties 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 Berkshire Properties Planned Development District, and consent to all said conditions.

Applicant

Date

Owner

Date

- l. The Applicant shall provide the Town of Brunswick GIS data, including but not limited to property boundary area, roads, utilities, control points, and drainage elements.
- m. The Applicant shall pay all consulting review fees incurred by the Town Board in connection with the review of the Berkshire Properties PDD application. A final accounting for all such fees shall be made, and all such fees shall be paid by the Applicant within 30 days of notification of such a final accounting.
- n. The Applicant shall be required to establish at the Town of Brunswick an engineering review escrow account in an amount to be determined by the Town Board upon review with its consulting engineer. The Applicant must submit an estimate for projected infrastructure costs, including subdivision roads, 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 engineering review amount, which amount is anticipated to be five (5) percent of the total estimated infrastructure construction costs. The Town Board shall retain an engineer for the purpose of providing engineering review and oversight on all construction plans and site construction activities related to the Berkshire Properties PDD project infrastructure. In addition, such consulting engineer shall assist the Town Building Department, as necessary, in all mandatory inspections pursuant to all applicable codes. All fees for engineering oversight 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 escrow account shall be subject to review from time to time by the Town Board during

construction activities on the Berkshire Properties project. At no time shall such account be in an amount less than \$5,000. In the event the Applicant fails to maintain such 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 site. The Applicant shall be entitled to an accounting of all invoices of engineering review fees. At the conclusion of construction and completion of engineering oversight activities, and upon a final accounting of all engineering fees, all funds remaining in such escrow account shall be returned to the Applicant.

- o. All final engineering review comments of Brunswick Building Department and consulting engineer on final plat and project plans.
- p. Subdivision road plan shall include the Town's standard wing gutter specification and eliminate the use of "Miami curb".

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and final conditional subdivision plat approval granted on the Berkshire Properties PDD major subdivision. Attorney Gilchrist noted for the record that SEQRA compliance has been completed on this action in conjunction with the Planned Development District review and approval. Mr. Kestner stated that in his discussions with Mr. Boyea, the issue of the Applicant constructing a model home on one of the proposed lots adjacent to Betts Road had been raised, and whether construction on such model home could be commenced while the conditions are being satisfied on the final plat approval. Attorney Gilchrist stated that this would primarily be a matter for the Building Department, but that it should be noted that the Applicant could not market or offer for sale any subdivided lot until such time as the subdivision plat has been stamped, signed, and recorded in the Rensselaer County Clerk's Office. Mr. Boyea stated that he would review the matter with his client.

The next item of business on the agenda was the Brunswick Farms commercial subdivision and site plan application submitted by Reiser Bros. Inc. for property located along NY Route 2 and NY Route 278. Scott Reese, RLA, was present for the Applicant, together with

Henry Reiser and John Reiser. Chairman Oster confirmed that the matters before the Board included both commercial subdivision and site plan action for the proposed Lot 1 and Lot 2. Attorney Gilchrist confirmed that both matters were currently before the Planning Board. Attorney Gilchrist also confirmed that SEQRA had been completed on this action pursuant to a coordinated environmental review, and that the Brunswick Zoning Board of Appeals has granted a special permit for the "filling station" proposed use on Lot 1. Mr. Kreiger confirmed that all required escrow payments for consultant review have been paid by the Applicant. After due deliberation, the Planning Board first addressed the commercial subdivision action. A motion was made by Member Czornyj to approve the three lot commercial subdivision, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the commercial subdivision approved. It was noted that the site plan action addressed proposed uses only on Lot 1 and Lot 2, and that there is no current action proposed or addressed by the Planning Board with respect to commercial Lot 3. Any use on commercial Lot 3 would be subject to further review and consideration by the Brunswick Planning Board. With respect to the action concerning the site plan for Lot 1 and Lot 2, Member Czornyj made a motion to approve the site plan for Lot 1 and Lot 2, subject to the following conditions:

1. The following conditions apply to the grading of the project site and removal of excavated material from the project site:
 - a. Compliance with the grading plan, Sheet 3 of 9, last revision date February 27, 2013 (revision 8) (plan set includes Sheets 1 of 9 through 9 of 9, Brunswick Farms).
 - b. Compliance with NYSDEC construction exemption requirements.
 - c. No trucking of excavated material into Langmore Lane neighborhood or Brook Hill Subdivision.
 - d. Notification to NYSDEC prior to commencement of grading and excavation.
 - e. Notification to the Town of Brunswick Building Department prior to grading and excavation.

- f. A pre-work conference with the Town of Brunswick Building Department must occur prior to commencement of grading and excavation.
 - g. Grading and removal of material from the project site is limited to Monday – Saturday 7:00 a.m. to 5:00 p.m.; no grading or removal of material from the project site on Sunday or legal holidays.
 - h. NYSDOT must approve entrance point onto NY Route 278 and/or NY Route 2 for all trucks removing excavated materials from the project site.
 - i. Compliance with the Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan; MS4 acceptance must be obtained from the Town of Brunswick, and Notice of Intent (NOI) filed with NYSDEC.
 - j. A permit from the Town of Brunswick is required if excavated material is deposited in another location within the Town of Brunswick.
 - k. The berm located between the project site and residential lots in the Brook Hill Subdivision must be completed prior to issuance of a building permit for structures on Lot 1 and/or Lot 2.
 - l. Written authorization from the owners of all residential lots in the Brook Hill Subdivision on which the berm is to be constructed must be filed with the Town of Brunswick Building Department.
 - m. All grading and removal of excavated material from Lots 1 and 2 must be completed within two years from commencement, with progress meetings with the Town of Brunswick Building Department required each quarter during such two year term.
2. NYSDOT work permit for all entrance driveways off NY Route 278 and NY Route 2.
 3. NYSDOT approval for stormwater discharge to the State drainage system on NY Route 278 and/or NY Route 2.
 4. Rensselaer County Health Department approval for septic on Lots 1 and 2.
 5. The shared entrance driveway between Lot 1 and 2 off NY Route 2 must be fully constructed and completed prior to the issuance of a certificate of occupancy for any structure on Lot 1.
 6. Lot 2 site plan is not approved for construction and operation of a restaurant or automobile and equipment service use.
 7. Compliance with all NYSDEC and/or federal requirements for petroleum bulk storage on Lot 1.
 8. The Owner will prepare and implement an emergency spill response plan and training program for the petroleum bulk storage and containment system for the “filling station” on Lot 1.
 9. Cross easement for access regarding the entrance driveway off NY Route 2 for Lots 1 and 2.
 10. All stormwater management facilities for the Brunswick Farms site plan shall be constructed in compliance with the approved stormwater pollution prevention plan. 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 of liability with respect to such stormwater management activities. All stormwater management facilities shall be

owned and maintained by the private lot owner(s). The Town of Brunswick shall be granted an easement for access to such stormwater management facilities by such owner(s). The lot owner(s) must execute a stormwater management facilities maintenance agreement with the Town of Brunswick. The form and content of the stormwater management facilities maintenance agreement shall be subject to approval by the Brunswick Town Board and the Town Attorney. The execution of the stormwater management facilities maintenance agreement shall be completed prior to the issuance of any certificate of occupancy for any structure on the Brunswick Farms project.

11. Final comments of the Town of Brunswick Building Department, Water Department, and consulting engineer.
12. No work permits of any kind will be issued by the Town of Brunswick until all required fees, including consultant review fees, are paid by the owner as required by the Town of Brunswick.
13. The owner shall comply with all requirements of the Town of Brunswick with respect to inspections of all site construction activities, including all required fees for such inspections.
14. All conditions set forth on project narrative dated July 27, 2012 prepared by Scott D. Reese, RLA (copy in Brunswick Building Department file).

The motion with conditions was seconded by Member Christian. The motion was unanimously approved, and the site plan for the Brunswick Farms Lot 1 and Lot 2 was approved subject to the stated conditions.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Patrick Abrams, for property located at 10 Kreiger Lane (Tax Map No. 83.-2-8.2). The Applicant seeks to divide 2 acres from an existing 11.04 acre parcel for transfer to his daughter for construction of a home. The Planning Board members reviewed the concept map showing the area of the proposed new residential lot. It was noted by Mr. Kreiger that there are currently 13 lots located on Kreiger Lane, and that Kreiger Lane is a dead-end road, and therefore a waiver from the Code limit on the number of lots on a dead-end road system must be obtained from the Town Board. In this regard, the Planning Board commenced its deliberations on a recommendation to the Town Board on such a waiver. Attorney Gilchrist was directed to prepare an outline of the Planning

Board recommendation on the requested waiver consistent with its deliberations. This matter is placed on the agenda for the May 2 meeting.

The index for the April 18, 2013 meeting is as follows:

1. Bohler Engineering (McDonalds USA, LLC) – site plan – 5/2/13 (public hearing to commence at 7:00 p.m.);
2. Bohler Engineering – Berkshire Properties Planned Development District major subdivision – final conditional plat approval;
3. Reiser Bros. Inc. – Brunswick Farms commercial subdivision and site plan – final commercial subdivision approval and final conditional site plan approval;
4. Abrams – waiver of subdivision – 5/2/13.

The proposed agenda for the May 2, 2013 meeting currently is as follows:

1. Bohler Engineering (McDonalds USA, LLC) – site plan (public hearing to commence at 7:00 p.m.).
2. Abrams – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 2, 2013

PRESENT were MICHAEL CZORNYJ, GORDON CHRISTIAN, KEVIN MAINELLO,
DAVID TARBOX and VINCE WETMILLER.

ABSENT were CHAIRMAN OSTER and FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK
KESTNER, Consulting Engineer to the Planning Board.

The Planning Board opened a public hearing on the site plan application submitted by Bohler Engineering on behalf of McDonalds USA, LLC for property located on Hoosick Road (780 NY Route 7). The notice of public hearing was read into the record, noting that the hearing notice was published in the Troy Record, placed on the Town website, placed on the Town Sign Board, and mailed to owners of all adjacent properties. Chris Boyea of Bohler Engineering was present for the Applicant. Also in attendance was Francis Essian of McDonald's Corporation, Boston Regional Office. Mr. Boyea explained that McDonalds was looking to reinvest at its current McDonald's site located on Hoosick Road, including installation of a second menu board, limited reorientation of the drive-thru area, additional greenspace to the rear of the restaurant building, exterior renovation to the restaurant building, and construction of a sidewalk and pedestrian crosswalk from the restaurant building and existing sidewalk on Hoosick Road. Member Czornyj then opened the floor for receipt of public comment. Mr. Kestner reported that the Brunswick No. 1 Fire Department had submitted a memo requesting the installation of a Knox box, and that the fire department be provided a print of the building after all construction

has been completed to provide a current layout of the building for emergency response purposes. Gus Scifo was present on behalf of the Brunswick No. 1 Fire Department and had no further comment in addition to the memorandum. Member Czornyj asked whether there were any further public comments. Hearing none, the Planning Board closed the public hearing on the site plan application by McDonalds USA, LLC.

The Planning Board members then reviewed the draft minutes of the April 18, 2013 meeting. Upon motion of Member Christian, seconded by Member Wetmiller, the draft minutes of the April 18, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda had been the site plan application submitted by Bohler Engineering on behalf of McDonalds USA, LLC for its facility located on Hoosick Road (780 NY Route 7). Mr. Boyea stated that there had been no public comments regarding noise, which had been a potential issue identified by the Planning Board when scheduling the public hearing. Mr. Boyea noted that he was at the subject McDonalds restaurant on May 2, and that the sound levels at the McDonalds restaurant were at the low-60 decibel range, and that the biggest contributor to sound at that location was the traffic on Hoosick Road. Member Wetmiller wanted to confirm that the sound volume of the menu boards would not change after this project. Mr. Boyea confirmed that the volume would not change, and that sound would continue in its current volume. Member Czornyj inquired of Mr. Kestner as to whether he had any comments. Mr. Kestner stated that he had visited the site, and that the stormwater detention basin located to the rear of the property appeared to have been drained. Mr. Boyea stated that McDonalds, nor any of its consultants, had done anything with respect to the stormwater detention basin, and the fact that it is drained must indicate that it is functioning as designed. Mr. Kestner stated that historically, the detention basin had retained water, and that he had never

previously seen the basin dry. Mr. Boyea stated that he did not have any information concerning historic operation, but that it would appear that the detention basin is now functioning as designed. Mr. Kreiger confirmed that the referral to the Rensselaer County Department of Economic Development and Planning had been completed on this application, and that the County had submitted comments that local consideration shall prevail, and that the installation of a sidewalk from the restaurant building to the sidewalk system on Hoosick Road was long overdue. Member Czornyj then inquired of the Board members whether there were any further questions or comments on the application. The Board members had no further questions or comments. Attorney Gilchrist stated that the application was ready for action by the Board, given that the referral to the Rensselaer County Department of Economic Development and Planning had been completed, and the public hearing held and completed. Thereupon, Member Wetmiller made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was unanimously affirmed, and a negative declaration adopted pursuant to SEQRA. Member Christian then made a motion to approve the site plan application, which motion was seconded by Member Mainello. The motion was unanimously approved, and the site plan application by McDonalds USA, LLC for site renovation and improvements at 780 NY Route 7 was approved.

The second item of business on the agenda was the waiver of subdivision application by Patrick Abrams for property located at 10 Kreiger Lane. This application raises the issue of number of lots on a cul-de-sac or dead end road, and will require a waiver of the 12-lot limit contained in the Town Code by the Brunswick Town Board. In that regard, the Planning Board members generally discussed a proposed recommendation to the Town Board on the waiver of the 12-lot limit on a dead end road system. In this case, the Planning Board members noted that

there are currently a total of 13 lots on Kreiger Lane, and this one additional lot would result in 14 lots on Kreiger Lane. The Planning Board also noted that the proposed lot was 2 acres out of an existing 11 acre site, and that this would not significantly alter the character of that area. Further, the Planning Board members noted that the proposed lot would be the second lot on Kreiger Lane, it would not result in an additional lot at the end of Kreiger Lane, and therefore any discussion regarding improvement at the end of Kreiger Lane for a turn around area was not relevant. The Planning Board members did note that there was an existing turn around area at the end of Kreiger Lane which seemed to provide adequate turn around area for Town vehicles. The Planning Board members also noted that there was no significant traffic on Kreiger Lane, and that this proposed Lot, including any driveway location going onto Kreiger Lane, would provide adequate sight distances and good visibility. The Planning Board members directed Attorney Gilchrist to draft a recommendation consistent with the Planning Board deliberation and transmit such recommendation to the Town Board for consideration of the waiver from the Town Code limit of 12 lots on a dead end road system.

Mr. Kreiger reported that there were no new items of business.

The index for the May 2, 2013 meeting is as follows:

1. McDonalds USA, LLC – site plan – approved;
2. Abrams – waiver of subdivision – recommendation transmitted to Brunswick Town Board.

The proposed agenda for the May 16, 2013 meeting currently is as follows:

1. Abrams – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 16, 2013

PRESENT were CHAIRMAN OSTER, MICHAEL CZORNYJ, GORDON CHRISTIAN, FRANK ESSER, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

The draft minutes of the May 2, 2013 meeting were reviewed. Upon motion of Member Christian, seconded by Member Czornyj, the draft minutes of the May 2, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Patrick Abrams for property located at 10 Kreiger Lane. Chairman Oster noted that the Brunswick Town Board had approved the requested waiver on the number of lots on the cul-de-sac or dead end road. That waiver was approved by the Brunswick Town Board at its meeting held May 9, 2013. Chairman Oster also confirmed with Mr. Kreiger that all fees had been paid on this application. Chairman Oster inquired whether there were any additional comments or questions regarding this application. The Planning Board members had no further comments or concerns. Thereupon, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Czornyj then

made a motion to approve the waiver of subdivision application subject to the following conditions:

1. Rensselaer County Department of Health approval for water and septic;
2. Applicant must obtain a driveway permit from the Town of Brunswick prior to construction of the driveway for the subdivided lot.

Member Christian seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application by Patrick Abrams for 10 Kreiger Lane is approved subject to the stated conditions.

Mr. Kreiger reported that there were no new items of business.

Chairman Oster stated for the record that the Town of Brunswick Town Board will be conducting a public hearing on the draft update to the Town Comprehensive Plan, to be held on May 30 at 6:30 p.m. at the Brunswick Town Hall.

Chairman Oster also noted that the first Planning Board meeting scheduled for July falls on the July 4 holiday, and therefore that meeting will be cancelled. There will only be one Planning Board meeting in July, to be held on July 18.

Chairman Oster also noted for the record that Member Christian is stepping down from his position as Member of the Brunswick Planning Board, and that this meeting was Member Christian's last meeting as a Planning Board member. Chairman Oster stated for the record that Member Christian had served as a member of the Brunswick Planning Board with distinction for many years, and the Town of Brunswick is thankful to Member Christian for his public service.

The index for the May 16, 2013 meeting is as follows:

1. Abrams – waiver of subdivision – approved with conditions.

There are currently no agenda items for the June 6, 2013 meeting. Mr. Kreiger will coordinate with the Planning Board members in the event any new applications are submitted in advance of the June 6 meeting date.

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 20, 2013

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

ABSENT were FRANK ESSER and VINCE WETMILLER.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

Chairman Oster welcomed Tim Casey as the new member of the Planning Board, having been appointed by the Brunswick Town Board to replace former member Gordon Christian.

The Planning Board reviewed the draft minutes of the May 16, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the minutes of the May 16, 2013 meeting were unanimously approved without amendment. As there was no meeting held on June 6, 2013, there were no minutes to review and adopt.

There were no pending items of business to discuss.

Mr. Kreiger presented one item of new business. A site plan application has been submitted by Anthony Famiano, on behalf of Red Kap Sales, Inc. for the former Mobil Gas Station site located at 575 Hoosick Road. Joe Metzger, architect, was present for the Applicant. Mr. Famiano was also present. Mr. Metzger explained that the Applicant was seeking to renovate the existing Mobil Gas Station site, to remove the existing service bay, and renovate the structure into a convenience store, while maintaining the existing two pump gasoline island with canopy in the front of the convenience store. Mr. Metzger explained that the Applicant currently operates six locations in the general area, including similar facilities located at the intersection of

Albany Shaker Road and Osborne Road, and a facility located on Route 4 in North Greenbush. Mr. Metzger handed up the proposed building elevation and site plan map, going over the building type as well as the general layout on the site. Member Czornyj immediately raised an issue concerning the exterior of the building, particularly with respect to the proposed color scheme. Chairman Oster also inquired about a site plan for a landscaping business that was located generally to the rear of this site, and whether this proposed site plan by Famiano included that area. Mr. Kreiger stated that the prior site plan approved was for a separate parcel, that a landscaping operation was approved for that site, that the landscaping business never moved forward at the site, and that it remains a separate parcel and is not part of this proposed project. The Applicant confirmed that the current site plan application is to renovate the existing Mobil Gas Station facility only. Chairman Oster inquired whether the site meets parking requirements. Mr. Kreiger stated that the site does meet current parking requirements. Chairman Oster inquired as to the total green space on the site. Mr. Metzger stated that the existing site has approximately 21.5% green space, and the area of building renovation would occupy areas that were already paved, so that no green space would be lost. Member Czornyj confirmed that any addition to the building to this proposal is located in an area that already has pavement. It was noted that the green space was in the rear of the parcel, and the Planning Board would look to add some green area or landscaping to the front of the parcel. Member Mainello inquired as to the area of the proposed building expansion. Mr. Metzger stated that this would be an area expanded for purpose of adding cooler space, and that there would be no windows in the addition. Member Tarbox inquired as to the proposed hours of operation for the convenience store. Mr. Metzger stated that the proposed hours would be 6:00 a.m. to 11:00 p.m. It was noted that the project narrative submitted indicated that the convenience store would be operated 24

hours a day, 7 days a week. The Applicants responded that this was a potential operating schedule, but that initially the store would run 6:00 a.m. to 11:00 p.m., and that the store operations would need to support moving the store to a 24/7 operating basis. Chairman Oster noted that with an expanded convenience store, traffic issues, including ingress and egress, would need to be considered. The Board members generally discussed the site plan, including curbing locations and handicap accessibility. Member Czornyj wanted to confirm that there would be no automotive sales at the site. The Applicant stated that there would be no automotive sales, and in fact there would be no automobile service associated with this proposal, and that this proposal consisted only of operating a convenience store and having the gas pumps for retail sale of gasoline in the front. Chairman Oster asked how long the former gas station operated, and when it ceased operations. Mr. Kreiger stated that it was an operating gas station until approximately two months ago, and prior to that it was in continuous use as a gasoline service station. Member Tarbox noted that there appeared to be a wooden fence situated on the neighbor's parcel that actually encroached onto this site. It was determined that the Applicant and the Building Department would further investigate the location of the fence at issue. Member Mainello inquired as to proposed site lighting. Mr. Metzger stated that there was no current lighting at the site, except the street light and the gasoline canopy. Mr. Metzger explained that the Applicant was not proposing any additional lighting, with the exception of normal signage in the windows and down lighting in the overhang to the renovated building. Member Mainello stated that the Applicant should consider the need for lighting the parking area. The Applicant stated that it would investigate additional lighting for the parking area. Member Czornyj inquired whether the existing sign pole would be utilized. Mr. Metzger stated that the existing sign pole would be utilized, but they would consider renovating that to be more

consistent with the style of the Applicant's other locations in the area. Chairman Oster confirmed with Mr. Kreiger that all application fees and escrow fees had been paid, and that the environmental assessment form had been submitted. Mr. Kreiger confirmed that all fees are paid and a completed EAF is on file. Member Mainello inquired whether there would be any sale of merchandise outside of the building. The Applicant stated that there would not be any merchandise displays generally on the exterior of the building, but that they may want to have very limited merchandise outside consistent with other convenience-retail stores. Member Czornyj inquired whether there needed to be a waiver for the total amount of green space. Attorney Gilchrist stated that the Board does not need to consider a waiver of the green space, given that this is an existing developed site. Chairman Oster reviewed with the Applicants additional information that should be submitted on the application, including additional information on site lighting, possible repositioning of the handicap spot in the parking area, as well as further investigation of the fence located on the adjoining parcel. Member Mainello noted that on the west side of the site there was an existing 6' wooden fence, and inquired whether this would be adequate for screening purposes. The Applicant stated that this would be maintained and would be adequate to block headlights from parking areas. Chairman Oster reviewed the application materials, which include a project narrative, site plan, floor plan, building elevation, and EAF on file. While some limited additional information is requested from the Applicant, the Board determined that there was adequate information for scheduling the public hearing on this application. The public hearing on this matter will be held on July 18, 2013 at 7:00 p.m. The Planning Board members then generally discussed with the Applicant the issue of the proposed color schemes for the building, with Chairman Oster noting that the recent Comprehensive Plan Committee discussions included consideration of building styles and colors,

and suggested that the Applicant give further thought of the proposed building, particularly since this corridor is one of the entrance ways into the Town.

The Planning Board entertained the presentation of two concept plans, both of which have been submitted to the Brunswick Town Board as Planned Development District applications, but for which formal referrals had not yet been made.

The first concept presentation was made by Bohler Engineering, Chris Boyea, concerning the Oakwood Property Management site located at 215 Oakwood Avenue. Mr. Boyea presented the concept proposal, which seeks approval for the redevelopment of the site to a multi-unit apartment complex. Mr. Boyea generally discussed that the former mulch and landscape operations would be removed from the site, and that a multi-unit apartment project consisting of approximately 254 units is being proposed. It was noted that the current office building and parking area utilized by Oakwood Property Management, LLC would continue, as well as the adjacent auto repair area. However, Mr. Boyea explained that all remaining mulch and landscaping operations, including grinding and storage of mulch, would be eliminated from the site. Mr. Boyea generally explained the proposed mix of apartment units, including 8 unit buildings, 12 unit buildings, and a townhouse-style 14 unit building. Mr. Boyea generally reviewed the entrance road locations, as well as internal circulation. Mr. Boyea explained that the proposal included the two large parcels formally occupied by the mulch and topsoil operation of Oakwood Property Management, LLC, a portion of the parcel on which the Oakwood Property Management office is located, as well as the recently-acquired adjacent parcel to the north, known as the former Hasslinger parcel. The Planning Board generally discussed the apartment proposal, whether the Applicant had any other residential options other than apartments, or whether other site options could include light commercial uses. Mr. Boyea

explained that the market area supports an apartment use, and that this type of multi-unit residential use would provide an appropriate use adjacent to the North Forty residential subdivision. Mr. Boyea stated that this project, including the types of apartments and potential rates, would be similar to the Stone Ledge project currently being constructed very close to this project in the City of Troy with access off of Oakwood Avenue. The Board asked whether the Applicant had prepared any renderings of the proposed buildings. Mr. Boyea stated that renderings had not yet been prepared, and that the concept plan included the building footprints as well as road circulation, but that specific building renderings, including building materials and style, would be subject to detailed site plan review. The Planning Board also generally discussed traffic issues, with particular regard to ingress and egress on Oakwood Avenue. The Planning Board adjourned this matter without date, pending further action by the Town Board on the PDD application.

The second concept presentation was made by Peter Yetto of Ingalls & Associates with regard to the Duncan Meadows Planned Development District. Mr. Yetto was accompanied by Peter Amato, Bruce Tanski, and Dr. Paren Edwards, the developers of the 50-unit apartment building on the Duncan Meadows project site. This group explained that the previously approved condominium section located off McChesney Avenue and to the rear of the Town recreation parcel is currently under contract to be purchased from the current land owner, and that this group seeks to modify the approval to convert the project from a total of 11 8-unit condominium buildings to a total of 8 11-unit apartment buildings. This group described the proposal as an 11-plex building, which they have built successfully and operated successfully in other locations in the Capital District. Photographs of other locations with this building type were presented to the Board for review. It was explained that the proposal would simply

eliminate three building locations, and maintain the same building footprint for the remaining 8 building locations, but build an 11-unit apartment building within those 8 existing building footprints, rather than 8-unit condominiums. The group explained that the market currently does not support condominium construction and sale, and that the market is very supportive of the apartment unit plan, and that this type of building has had great success in other locations, including Saratoga County. Mr. Yetto explained that the proposal included the same total number of bedrooms, and anticipated to have the same water and sewer requirements. Mr. Yetto further explained that the traffic generation would be unchanged, and that the stormwater management system would also remain unchanged. The group also explained that this would not be a phased build-out, but would rather result in the building of all 8 apartment buildings in one construction phase, and would be completed in approximately one year. The Board generally discussed the size of the units, and compared the size of the prior condominium unit with the proposed size of the various apartment units. The Applicant stated that the square footage for their apartment units ranged from 866 square feet to 1,571 square feet, and currently ranged in price from \$950/month to \$1,500/month in the Saratoga County market. Mr. Yetto stated there would still be two parking spaces for each rental unit. The Applicant stated that the apartment buildings are two-stories. Chairman Oster noted that while he did not have any specific opposition to this proposal, he noted for the record that the Planning Board has raised an issue concerning the total number of apartment/rental units in the Town of Brunswick, and would likely caution the Town Board to consider that issue in relation to both the Oakwood Property Management concept presentation and the Duncan Meadows concept presentation heard at this Board meeting. The Planning Board members generally concurred, and thought that additional information concerning the ratio of apartment/rental units in the Town of Brunswick as

compared to single-family detached homes would be useful information. This matter was likewise adjourned without date pending further action by the Brunswick Town Board on the PDD application.

Mr. Kreiger reported no other items of new business.

Chairman Oster noted for the record that the Town of Brunswick has retained a part-time employee, Mr. Wayne Bonesteel, to provide engineering review services to the Planning Board, and that the Planning Board will need to coordinate with Mr. Bonesteel on procedure and expectations for future application review.

The index for the June 20, 2013 meeting is as follows:

1. Famiano/Red Kap Sales, Inc. – site plan – 7/18/13 (public hearing to commence at 7:00 p.m.);
2. Oakwood Property Management – Planned Development District concept presentation;
3. Duncan Meadows Planned Development District – concept presentation.

The proposed agenda for the July 18, 2013 meeting currently is as follows:

1. Famiano/Red Kap Sales, Inc. – site plan (public hearing at 7:00 p.m.).

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 18, 2013

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

ABSENT was DAVID TARBOX.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, Consulting Engineer to the Planning Board.

The Planning Board opened a public hearing regarding the site plan application submitted by Anthony Famiano for property located at 575 Hoosick Road. The Notice of Public Hearing was read into record, noting that the notice had been published in the Troy Record, placed on the Town Sign Board, placed on the Town website, and mailed to owners of all adjacent properties. Anthony Famiano and Joe Metzger were present for the Applicant. Mr. Metzger generally reviewed the proposal, which generally seeks to renovate the former Mobil Gas Station site located at 575 Hoosick Road into a convenience store with retail gasoline sales to be operated by Red-Kap Sales, Inc. Chairman Oster opened the floor for the receipt of public comments. John Mainello of Cortland-Oneida, LLC, stated that he was the owner of property to the rear of this project site, and that he had no opposition to this proposal. The owner of the Valley Gas Station located at 566 Hoosick Street commented that this proposal does change the property from its existing use since a convenience store will be added, and that the Planning Board should require appropriate setbacks and greenspace which were required in connection with the Valley Gas Station. Chief Steve Wilson of the Brunswick No. 1 Fire Department also commented that the

Fire Department would request that a Knox box be installed in connection with the renovation of the building to a convenience store. Anthony Famiano immediately responded that it was the company's practice to install Knox boxes if requested by the local Fire Department. Hearing no further public comment, Chairman Oster closed the public hearing with respect to the Famiano site plan application.

Thereupon, the Planning Board opened its regular business meeting. The draft minutes of the June 20, 2013 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the June 20, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Famiano site plan application concerning property located at 575 Hoosick Road. Chairman Oster reiterated that public comments were received regarding setback and greenspace requirements for this property. Initially, Chairman Oster inquired of Attorney Gilchrist as to the setback and greenspace requirements for this existing site. Attorney Gilchrist stated that it was his understanding from the Building Department that there were no setback issues concerning the proposed expansion to the existing structure. Mr. Kreiger confirmed that there were no setback issues associated with the proposed building expansion. With regard to greenspace requirements, Attorney Gilchrist stated that this site was an existing commercial site, and that the area of the proposed building expansion was already used as a paved surface, so that the building expansion would not result in reduced greenspace. Attorney Gilchrist stated that given the site is currently in commercial use, and that the greenspace currently is at approximately 21%, the Planning Board did not need to require compliance with the 35% greenspace requirement, but that the Planning Board could consider adding greenspace to the site. Attorney Gilchrist advised the Planning Board that while it could

work with the Applicant to increase greenspace on the site, there was no requirement under the Town Code to mandate a minimum of 35% greenspace for this location given its current commercial use. With respect to the Planning Board requirements for greenspace in connection with the Valley Gas Station at 566 Hoosick Street, the Planning Board members noted that the Valley Gas Station site proposed a significant building expansion into green areas, including expanded parking areas, expanded building footprint, and an expanded gasoline island area. This proposal for the former Mobil Gas Station is much more limited, and is utilizing existing pump location and proposes only a minor condition to the existing building footprint. Mr. Famiano stated on the record that he understood the greenspace issue, and does prepare his sites to look attractive, and is proposing to add vegetation to the front of the building and to add planters to the site where appropriate. Chairman Oster then reviewed issues which were raised at the June 20 meeting. These included moving the location of a handicap parking spot, proposed lighting at this location, a curb issue along Oneida Avenue, a fence located toward the rear lot line of this site, and the exterior colors proposed for the building. Mr. Metzger said that the Applicant was still working on relocation of a handicap spot, and that the site lighting will be addressed, most likely through the use of a wall pack light fixture, as a light pole is not being proposed because of a concern regarding glare. Mr. Metzger stated that these issues would be addressed through a further submittal. Mr. Famiano and Mr. Metzger were also continuing to work out the issue of the fence in the rear of the site with the adjoining neighbor, and will be able to further address this with the Planning Board. As to the curb cut/entrance to the site from Oneida Avenue, Mr. Famiano stated that he needed to maintain that entrance off Oneida Avenue for purposes of fuel delivery trucks. Member Czornyj and Member Mainello had considered the issue of eliminating the curb cut to prevent cut through traffic from Oneida Avenue, but that the Planning Board

understood the need to maintain the existing curb cut to accommodate fuel deliveries to the site. The Planning Board raised the proposed hours of operation for the facility. The Planning Board noted that the Applicant had stated that the proposed hours for the facility were 6:00 a.m. to 11:00 p.m. initially, but that if the location proves successful, the facility may move to a 24/7 operation. Attorney Gilchrist stated that if the proposal was for a 24/7 operation, then the Planning Board needed to consider all of the potential impacts regarding night operation. Mr. Famiano stated that he is now seeking approval for only 6:00 a.m. to 11:00 p.m. operation only, and if the facility proves successful, then he would reapply to the Planning Board to amend the site plan to allow for a 24/7 operation. Member Czornyj raised the issue of maintaining the existing fence on the west side of the site to address any light spillage from cars onto the adjoining property. Mr. Famiano stated that he would maintain that fence, and if there were any complaint by the adjoining property owner, he would address that complaint as he is seeking to be a good neighbor. Member Esser raised the issue that the application documents state that 11 spaces are provided for parking, but that the site plan shows only 8 parking spaces. Mr. Kreiger noted that per code, the areas provided for the gas pumps can be used toward the total parking spaces provided, and that in that case a total of 11 spaces are provided. On the issue of the colors of the proposed building, there was general discussion between the Planning Board members and the Applicant regarding proposed colors for the building, given its location as one of the entrances into the Town of Brunswick. The Planning Board members did note that with respect to architectural issues and color requirements, there is currently nothing in our Town Code to address that, but that the Planning Board is looking to discuss this issue with Applicants to work with the Town on certain colors and styles of buildings, particularly with respect to entrance ways into the Town. Mr. Famiano understood the issue, stated that he would work with the

Town on that issue, and further color schemes were discussed. Mr. Famiano will present a proposal to the Planning Board at the next meeting. The Applicant will provide the amendments to the site plan as discussed at this meeting, and this matter is placed on the August 1 agenda for action.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Hill Road Properties, LLC for a 36.9 acre parcel located on Hill Road, Tax Map #81-3-11.1. The Applicant seeks to divide 10± acres from the existing 36.9 acre parcel for sale to a third party for construction of a single family residence. The Planning Board members generally reviewed the map of the proposed subdivision waiver, and has placed this matter on the August 1 agenda for further discussion.

Two items of pending business were discussed.

First, an application has been submitted to the Town of Brunswick Town Board to amend the Duncan Meadows Planned Development District. That application has been referred by the Town Board to the Planning Board for review and recommendation. Peter Yetto, of Ingalls & Associates, together with Peter Amato and Dr. Paren Edwards presented the proposed PDD amendment to the Planning Board. Mr. Yetto stated that he has reviewed the proposal with the Town Board's Consulting Engineer on this application, Kestner Engineering. Mr. Yetto then generally reviewed the proposed amendment with the Planning Board, which seeks to amend the prior PDD approval to allow for the construction of apartment units in place and instead of condominium units, and also to reduce the total number of buildings for such units from 11 buildings to a total of 8 buildings, and maintaining the total number of 88 units. Mr. Yetto stated that all other aspects of the project, including projected traffic, water/sewer requirements, school impacts, economics, and stormwater, remained unchanged with respect to the proposed

amendment. Mr. Yetto stated that he would have a full set of plans to Mr. Kestner within a week for review. Dr. Edwards reiterated that the proposal was to eliminate three buildings located to the rear of the project site, to add additional boulevard to the project roadway, and to add a loop to the end of the roadway to provide for a loop road system. Mr. Yetto also stated that he has eliminated proposed parking spots off the main road, and added those parking spots to the rear of the project site along the loop road. Chairman Oster wanted to confirm that the proposal was to remove three building locations of the rear of the project site only. Mr. Yetto reiterated that the three buildings which had been proposed to the rear of the project site had been eliminated, and that there were no other building locations being moved. Mr. Yetto and Dr. Edwards then discussed that the footprint of the new building was smaller, and fit within the building envelope of the prior building sites. Mr. Kestner was present at the meeting, and stated that he had went to see a similar apartment project constructed by Mr. Amato and Dr. Edwards in the Halfmoon area called the Halfmoon Heritage Project located on Fellows Road, and that he recommended that the Planning Board members likewise do a site visit to see the proposed buildings. Mr. Amato stated that the Halfmoon Heritage Project is much more dense than this proposal for Brunswick, and that the Brunswick project has significantly more greenspace and space between buildings. Following further discussion about the project proposal, Chairman Oster summarized by saying the proposal appeared to increase greenspace and reduce the total number of buildings on the project site, move parking off the main boulevard road to the rear loop road area, and that there did not appear to be any other project changes from the previously approved plan. Chairman Oster did reiterate the general concern of the Planning Board regarding the total number of apartment units in the Town versus the total number of owner occupied or single family homes in the Town. Chairman Oster stated that this would likely be part of the recommendation to the

Town Board, but that this would ultimately be a Town Board determination concerning the total number of apartment units for the Town of Brunswick. Chairman Oster confirmed that the project road would remain private, and would not be maintained or owned by the Town of Brunswick. The Planning Board will continue its work on preparing its recommendation on this proposed amendment to the Duncan Meadows Planned Development District.

The next pending item of business was a Planned Development District application which has been submitted by Oakwood Property Management, LLC for property located at 215 Oakwood Avenue. Robert Osterhaut, of Bohler Engineering, was present for the Applicant. Attorney Gilchrist initially reviewed the status of the property, which had been the subject of prior litigation. Attorney Gilchrist also stated that as a result of the prior litigation, the industrial operations which were the subject of the prior litigation have been removed from the site, and that it was his understanding that the five acre parcel which is zoned industrial at this location is also proposed to be reduced in size in the event this PDD is approved. Mr. Osterhaut confirmed that the office building and garage currently utilized by Oakwood Property Management at this site would continue to be used, and that the back part of this parcel would actually be merged into and become part of the proposed apartment project. In this regard, Mr. Osterhaut stated that the Applicant would need to address an appropriate buffer and transition between the office/garage use, and the apartment use on the balance of the project site. Mr. Osterhaut generally reviewed the proposal, which has not been significantly altered from the presentation made at the June 20 meeting. Mr. Osterhaut confirmed that the project site was limited to the previously graded areas, and that all remaining parts of the property would be maintained as buffers and vegetation. Chairman Oster noted that the concept has merit, and given the controversial historical uses at this site, it was his opinion that this was an excellent use of the

property, and that the concept land use was appropriate for this area. Chairman Oster did reiterate his concern, as well as the concern of the Planning Board members, as to the total number of apartment units in the Town of Brunswick, and the ratio between rental units and single family/owner occupied units in the Town. Member Czornyj inquired as to a setback issue concerning the area of the existing auto shop along Oakwood Avenue. Attorney Gilchrist and the Applicant responded that this matter would need to be addressed through a lot line adjustment, which would also address rezoning issues. Member Czornyj noted that the proposed pool, clubhouse, and tennis area were identified as "optional" on the concept site plan. Mr. Osterhaut stated that the current owners, Oakwood Property Management, LLC, would not be building at the site, but rather would be transferring this project site to a builder. Upon transfer to a builder, the details of the site plan would then be confirmed, including a potential pool, clubhouse, and tennis area. Mr. Osterhaut stated that the current owners are in the process of talking to several builders, and that the building design and details for the project site would be determined shortly. The Planning Board members asked whether the building locations would change dependent upon a specific builder. Mr. Osterhaut stated that the building locations would not change, and that the general layout for the project would remain the same. Member Mainello inquired whether the build-out of this project would be phased. Mr. Osterhaut stated that this would be contingent upon the particular builder who takes over the site, but that the current plan is to build this project out in a single phase. Member Wetmiller noted that the Applicant should focus on stormwater, including the offsite discharge points for stormwater. Mr. Osterhaut stated that the project site does include significant areas for stormwater retention, and that the discharge areas would be addressed. Member Casey wanted to confirm that the former Hasslinger parcel, currently zoned industrial, is proposed to be included in the PDD area. Mr. Osterhaut confirmed

that the former Hasslinger parcel is proposed to be included in the PDD area. Member Casey asked whether traffic had been considered. Mr. Osterhaut stated that traffic had been addressed in the environmental assessment form, which is currently being reviewed by the Town Board's Consulting Engineer, Laberge Engineering. Mr. Osterhaut did state that there was not a significant traffic impact anticipated, since the prior use of this site included a significant number of trucks entering and exiting the facility. The municipal boundary between the Town of Brunswick and the City of Troy was discussed, with a very small portion of the property owned by Oakwood Property Management, LLC along Oakwood Avenue being situated within the City of Troy, but that no proposed activities were being proposed for that area. Attorney Gilchrist stated that the Town of Brunswick would need to refer the PDD application to the City of Troy for review and recommendation, but that the City of Troy would have no approval jurisdiction over the project. Following further deliberation, the Planning Board indicated that it would continue its deliberation in preparation of a recommendation to the Town Board on this matter.

The index for the July 18, 2013 meeting is as follows:

1. Famiano – site plan – 8/1/13;
2. Hill Road Properties, LLC – waiver of subdivision – 8/1/13;
3. Duncan Meadows Planned Development District amendment – referral and recommendation;
4. Oakwood Property Management Planned Development District – referral and recommendation.

The proposed agenda for the August 1, 2013 meeting currently is as follows:

1. Famiano – site plan.
2. Hill Road Properties, LLC – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 1, 2013

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

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Planning Board opened its regular business meeting. Chairman Oster reviewed the agenda and noted that the recommendations and referrals to the Town Board for the Duncan Meadows Planned Development District Phase I amendment application and the Oakwood Property Management, LLC Planned Development District application were still being prepared and, therefore, were moved from the current agenda to the agenda for the August 15, 2013 meeting. The draft minutes of the July 18, 2013 meeting were then reviewed by the Planning Board. Member Wetmiller noted at page 3, the word "condition" should be changed to "expansion" and the sentence should read: "This proposal for the former Mobil Gas Station is much more limited, and is utilizing existing pump location and proposes only a minor *expansion* to the existing building footprint". Member Czornyj made a motion to adopt the draft minutes of the July 18, 2013 meeting, as amended, which motion was seconded by Member Tarbox and unanimously approved.

The first item of business on the agenda was the Famiano site plan application concerning property located at 575 Hoosick Road. Joe Metzger was present for the Applicant. Chairman Oster noted that the Planning Board had received the modified site plan with changes and modifications discussed at the July 18th meeting, and a letter from Joseph M. Metzger, Architect

dated July 23, 2013, which addressed and responded to the comments received at the public hearing. In addition, the Applicant had submitted a short form EAF.

Mr. Metzger noted for the Board that the Applicant had modified the colors of the building, which are now acceptable to the Town. Chairman Oster asked if the Board had any comments. Hearing none, he reminded the Applicant that the proposed hours for the facility were 6:00 a.m. to 11:00 p.m., but if the Applicant desires to move to a 24/7 operation then the Applicant will have to come back to the Planning Board for an amended site plan, at which time, the Board will consider all of the potential impacts regarding night operation. Mr. Metzger said the Applicant understood and agreed.

Chairman Oster confirmed with John Kreiger that the proposed site plan had been referred to the County for review. Mr. Kreiger confirmed that it had been, that 30 days have elapsed, and he has received no comments from the County. Mr. Kreiger also confirmed all fees had been paid by the Applicant.

Chairman Oster asked if there were any further questions or comments on the application from the Board. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox and unanimously approved by the Board. Member Czornyj then made a motion to approve the site as modified by the Metzger letter dated July 23, 2013 and with the understanding that if the Applicant seeks to expand the hours of operation beyond the hours of 6:00 a.m. to 11:00 p.m., the Applicant will come back before the Planning Board to amend the site plan. Member Wetmiller seconded the motion which was unanimously approved, and the site plan application by Famiano was approved.

The second item of business was the waiver of subdivision application submitted by Hill Road Properties, LLC for a 36.9 acre parcel located on Hill Road, Tax Map #81-3-11.1.

William Doyle was present for the Applicant. Applicant seeks to divide 10± acres from the existing 36.9 acre parcel for sale to a third party for construction of a single family residence. Mr. Doyle reviewed the history of the subject parcel and the adjoining parcels. Mr. Doyle further stated there is a contract to purchase 10± acres, which is contingent upon Rensselaer County Health Department approval of the septic system. Mr. Doyle noted that the road to the property is maintained by the Town, and utilities are already in place.

Chairman Oster noted that because of the size of the parcel, the Planning Board does not require a proposed house location on the map. In addition, because the parcel is more than five (5) acres, approval of the waiver of subdivision application does not have to be conditioned on obtaining Health Department approvals for water and septic. Chairman Oster noted the map was acceptable as drawn.

Member Wetmiller stated that he had gone to the proposed project site and noted there was more than sufficient sight distance.

Hearing no further comments, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which was seconded by Member Tarbox. The motion was then unanimously approved.

There were no items of new business discussed.

There was one item of pending business discussed. Chairman Oster stated that Highland Creek has requested to be on the August 15, 2013 agenda for final site plan review of its amended PDD application which was approved by the Town Board. The matter has been placed on the August 15th agenda.

The index for the August 1, 2013 meeting is as follows:

1. Famiano – site plan – approved;

2. Hill Road Properties, LLC – waiver of subdivision – approved.

The proposed agenda for the August 15, 2013 meeting is currently as follows:

1. Duncan Meadows Planned Development District amendment – referral and recommendation;
2. Oakwood Property Management Planned Development District – referral and recommendation.
3. Highland Creek Planned Development District – final review of amended PDD application.

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 15, 2013

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

ABSENT were FRANK ESSER, KEVIN MAINELLO and TIMOTHY CASEY.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Planning Board members reviewed the draft minutes of the August 1, 2013 meeting. An addition is made to page 3, line 16 to add the following: "a motion was then made by Member Czornyj to approve the waiver of subdivision application, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the Hill Road Properties waiver of subdivision was approved". There were no further additions or amendments. Member Tarbox then made a motion to approve the minutes of the August 1, 2013 meeting with the noted correction, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the August 1, 2013 Planning Board meeting minutes were approved subject to the noted addition.

The first item of business on the agenda was the referral of the Duncan Meadows Planned Development District second amendment for review and recommendation. The Applicants were present. Peter Yetto, P.E., project engineer, reviewed minor technical amendments to the proposal with the Planning Board. Mr. Yetto reviewed the addition of an outlet from a stormwater detention pond, hydrant locations, and the area of an easement in favor of the Town of Brunswick for waterline purposes. Mark Kestner, P.E., consulting engineer for the Town

Board on this project, was also present, and reviewed with the Planning Board that a liner would be used in a stormwater pond to address concerns of an adjoining property owner. Member Wetmiller inquired as to the life expectancy of a pond liner. Mr. Kestner stated that the pond liner would likely last 40 years. Attorney Gilchrist also stated that maintenance of the stormwater detention facilities, including the liner, would be subject to the Stormwater Management Facilities Maintenance Agreement. Mr. Yetto also stated that maintenance or replacement of the pond liner would depend on conditions present at that future time. Mr. Yetto also generally discussed issues surrounding stormwater runoff from the detention pond. The Planning Board members then reviewed a draft recommendation on this project. Following deliberation, the Planning Board approved the following recommendation to the Town Board on this project:

1. Based upon the application materials and representations of the Applicant, the Planning Board generally finds that this proposed second amendment to the Duncan Meadows PDD will not result in any significant impacts which were not adequately analyzed and considered in the prior project review, and while the proposed amendment reduces the total number of buildings it maintains the total number of bedrooms at 176 total bedrooms, and therefore any resulting changes to potential traffic counts, school aged children generation, stormwater, public water, and public sewer requirements, the Planning Board finds that these changes are not significant.

2. The Planning Board finds that with the elimination of 3 buildings, the total amount of greenspace for this phase of the project is increased, which provides a benefit to the general area in terms of maintenance of existing vegetated greenspace areas.

3. The Planning Board further finds that the relocation of parking spaces off the main boulevard road to the rear loop road area is a positive change and promotes overall public safety.

4. The Planning Board considers the fact that the road servicing these apartment buildings will remain private, and is not designated nor intended to become a public roadway, to be a significant factor. The Planning Board also considers the fact that the apartment buildings will remain a total of 2 stories to be a significant factor, and will be consistent with the 50-unit apartment building that is part of the Duncan Meadows PDD and also the adjacent Sugar Hill and Glen apartments.

5. The Planning Board therefore adopts a positive recommendation on the proposed second amendment to the Duncan Meadows PDD to allow the construction of 88 apartment units to be located in eight (8) buildings, eleven (11) units per building, with a maximum of 2 stories per building, in place and instead of the previously-approved 88 condominium units which were previously approved for a total of eleven (11) buildings, eight (8) units per building.

6. Having made this recommendation, the Brunswick Planning Board also suggests that the Brunswick Town Board consider the total number of apartment units in the Town of Brunswick, both existing and approved for construction, with particular regard to the number of apartment units recently approved for construction in the Town. The Planning Board urges the Town Board to consider the ratio of the total number of rental units to the total number of single-family, owner-occupied units in the Town of Brunswick. While the Planning Board does not make this general comment as a negative observation for this particular project, it is a general comment which the Planning Board considers appropriate for consideration by the Brunswick Town Board.

7. If approved by the Brunswick Town Board, this amendment to the Duncan Meadows PDD will require an amendment to the site plan for this portion of the project. Accordingly, the Applicant will be required to submit an application for amendment to the site plan in light of any PDD amendment.

The second item of business on the agenda was the referral of the Oakwood Property Management Planned Development District application for review and recommendation. Robert Osterhout, P.E. of Bohler Engineering, was present for the Applicant. Mr. Osterhout generally reviewed the project layout, noting that the Town's review engineer and review attorney had met to review the application materials, and the Town's consulting engineer, LaBerge Engineering, had informed Mr. Osterhout that certain amendments need to be made to the Environmental Assessment form, that additional information concerning traffic generation needs to be prepared, and that prior site investigation and technical reports prepared for this location needed to be incorporated into the application materials. Mr. Osterhout stated that such information was currently being prepared, but that the information in front of the Planning Board was adequate for purposes of the Planning Board review and recommendation. The Planning Board members concurred that adequate information was present for its review and recommendation on the

concept plan. The Planning Board then reviewed a draft recommendation concerning this application. After such deliberation, the Planning Board adopted the following recommendation concerning the Oakwood Property Management Planned Development District application:

1. The building envelope for that part of the Planned Development District situated on Tax Map Parcel #s 90.00-1-12.2 and 90.00-1-13.1 should generally be limited to the areas previously graded, and appropriate consideration should also be made about areas of disturbance for building purposes on Tax Map Parcel #90.00-1-15;

2. The areas of existing vegetation between the previously-graded areas identified as the building envelope and the North Forty Subdivision located to the east should be maintained as permanent vegetative buffering between this proposed apartment project and the North Forty Subdivision; any walking trails, gazebo, or other such amenities in this area should be reviewed by the Planning Board during site plan review, and that any such amenities should be consistent with the use of such area as a vegetative buffer;

3. The Town Board should further consider appropriate buffers from the building envelope and lands located to the north and south of the project site; to the north, the property is currently zoned industrial, and appropriate buffering between apartment use and industrial use should be considered; to the south, the property is currently used as cemetery use, and appropriate buffering between the cemetery use and apartment use should be considered;

4. In connection with the proposal, a proposed lot line adjustment for Tax Map Parcel #90.00-1-14 must be considered, including dividing a portion of that parcel for inclusion in the proposed apartment project use; however, the Town Board needs to further consider appropriate lot line adjustments for the existing automobile building located on Tax Map Parcel #90.00-1-14, and that appropriate setbacks are maintained for this existing building;

5. This recommendation is based on the current general project layout and building locations, and that general concept plan should be maintained; in the event there is any significant alteration to the project layout, further review and recommendation from the Planning Board should be sought;

6. Stormwater management for this project must be carefully considered and reviewed, particularly in light of downgradient current land uses;

7. The Town Board should carefully consider ingress and egress from the project site onto Oakwood Avenue, particularly in light of the new traffic signal which is planned to be installed at the Oakwood Avenue/Farrell Road intersection in connection with the Stoneledge apartment project;

8. The Town Board should carefully consider the appropriate water and sewer connection points, and particularly that such connection points be done in a manner most beneficial to the Town of Brunswick, including future water and sewer needs for properties located to the north on Oakwood Avenue;

9. Having made this recommendation, the Brunswick Planning Board also suggests that the Brunswick Town Board consider the total number of apartment units in the Town of Brunswick, both existing and approved for construction, with particular regard to the number of apartment units recently approved for construction in the Town. The Planning Board urges the Town Board to consider the ratio of the total number of rental units to the total number of single-family, owner-occupied units in the Town of Brunswick. While the Planning Board does not make this general comment as a negative observation for this particular project, it is a general comment which the Planning Board considers appropriate for consideration by the Brunswick Town Board.

The next item of business on the agenda was the commencement of site plan review for the Highland Creek Planned Development District amendment. Robert Marini and Ivan Zdrahal, project engineer, were present for the Applicant. Mr. Zdrahal presented an overview of the site plan, which now provides for development of 160 condominium units in 40 buildings, 4 units per building. Attorney Gilchrist noted that the Town Board has approved this amendment to the Planned Development District, providing for the development of up to 160 condominium units in 40 buildings, 4 units per building. Mr. Zdrahal generally reviewed the site layout, which does provide for the condominium buildings to be located generally in the area where the carriage homes were proposed on the original Highland Creek PDD. Mr. Zdrahal confirmed that the same road system which was previously reviewed and approved with the original Highland Creek PDD has been maintained, and generally the same stormwater plan has been maintained as well. Mr. Zdrahal went over the increased overall green and open space on the project site, a large part of which will be transferred in title to the Town of Brunswick. Mr. Zdrahal went over the area for proposed development, which includes an area for road and condominium building construction, as well as retained open space within the building envelope which will remain

undeveloped. The balance of this project site, as indicated by Mr. Zdrahal, will be transferred in title to the Town of Brunswick. Mr. Zdrahal generally reviewed the water and sewer connections, including the construction of a water main from the project site through the lands to be transferred to the Town of Brunswick to be extended generally to the parcel formerly owned by O'Malley, which is also under contract to be obtained by the Town of Brunswick. Mr. Zdrahal stated that the revised site plan results in total area to be developed of 16%, while 84% of the site remains in a green state. Mr. Zdrahal stated that Bonesteel Lane will remain a public road and will be improved by the developer, but the internal road system in the condominium area would be private and maintained by the condominium association. Also, the stormwater facilities will remain private and maintained by the condominium association. Member Wetmiller inquired as to the responsibility for ownership and maintenance of the road and stormwater facilities while the project is available for rental prior to the condominium conversion. Mr. Marini confirmed that the developer and owner of the site will initially be responsible for road maintenance and stormwater facility maintenance, and that upon condominium conversion, that responsibility will be transferred to the condominium association. Member Wetmiller wanted to confirm that it is still the intent of the developer to convert the project to condominium ownership. Mr. Marini confirmed that his plan is to convert this project to condominium ownership. Member Wetmiller wanted to confirm that the roads are still being constructed to Town specification. Mr. Marini explained that the existing Bonesteel Lane is a public road, but that it will be upgraded by the developer and will remain a public road. The road internal to the condominium project itself will remain private, and will not be transferred to the Town. However, Mr. Marini stated that the private road was originally designed to be a public road in conjunction with the original Highland Creek PDD, and rather than having that

road redesigned at this point, he will continue to construct the road per Town approved specifications, but that the internal condominium road will simply remain private. Chairman Oster wanted to confirm that the Fire Department has had a chance to review the road layout and specifications. Mr. Kestner, who is the Town Board review engineer for this project, confirms that the road layout remains the same as originally designed and approved for the original Highland Creek PDD, and that coordination with the Fire Department had occurred during the review of the original Highland Creek PDD project proposal. Member Czornyj wanted to confirm that there are no internal sidewalks being proposed for the project. Mr. Marini confirmed that there are no internal sidewalks, but the specifications for the internal road construction were adequate to allow for pedestrian walk areas. Mr. Kestner confirmed that the roads for the project are designed to be a total of 26 foot wide travel way (two 13' travel lanes), plus 2' wide shoulders on each side of the road. Chairman Oster and Member Czornyj both stated that this would provide adequate areas for walking internally on the project site. Mr. Kestner also stated that this was adequate for access by fire fighting apparatus. Mr. Marini also generally reviewed the parking plan, which does provide for two surface parking areas per unit, plus a garage for each unit. Mr. Marini explained that the project has been designed this way so that cars would not be parking on the internal road system. This promotes safety for pedestrians walking on the internal road system. Mr. Marini also generally reviewed that each unit has its own separate access points (both exterior and from the garage dedicated to that unit), that there are no common entrance ways, and that there are no common hallways. Mr. Marini confirmed that the project is being designed for condominium ownership, and not generally designed as an apartment building. Member Tarbox inquired as to whether smoke detectors in all four units per building would go off in the event one smoke detector went off in one unit. Mr. Marini generally

reviewed the construction design, which has undergone extensive building code compliance review. In general, Mr. Marini explained that the building design is essentially two separate halves in each building, each housing two units, which functionally provides for two duplexes with both foundation wall and fire wall between them, housed under one roof. Mr. Marini confirmed that each unit has its own electric, smoke alarm, and carbon monoxide alarm. Mr. Marini confirmed that this project is being designed for single unit condominium ownership, even though it will be available for rental prior to condominium conversion. Mr. Marini and Mr. Zdrahal confirmed that all of the detailed plans are being finalized and will be put together in a project set, and submitted to the Planning Board for continuing site plan review. The Planning Board also entertained general discussion regarding the condominium conversion process, and also details regarding the sewer pump station proposals. This matter is placed on the September 5 agenda for further review.

Mr. Kreiger reported that there were no new items of business to discuss, and no new applications have been received by his office.

The index for the August 15, 2013 meeting is as follows:

1. Duncan Meadows Planned Development District second amendment– recommendation completed;
2. Oakwood Property Management Planned Development District– recommendation completed;
3. Highland Creek Planned Development District – site plan review – 9/5/13.

The proposed agenda for the September 5, 2013 meeting currently is as follows:

1. Highland Creek Planned Development District – site plan review.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

August 15, 2013

**RESOLUTION ADOPTING A RECOMMENDATION ON
THE PROPOSED OAKWOOD PROPERTY MANAGEMENT
PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board"), received an application by Oakwood Property Management, LLC ("Applicant") for a Planned Development District ("PDD") seeking approval for a 254± apartment project located on approximately 80 acres of land located at 215 Oakwood Avenue, encompassing Tax Map Parcel #s 90.00-1-12.2; 90.00-1-13.1; 90.00-1-14; and 90.00-1-15; and

WHEREAS, the Brunswick Town Board referred the Oakwood Property Management PDD application to the Planning Board of the Town of Brunswick ("Planning Board") for its review and recommendation; and

WHEREAS, the Applicant, through its engineering consultants, presented the proposed PDD project to the Brunswick Planning Board at meetings held on June 20, 2013 and July 18, 2013; and

WHEREAS, the Planning Board members discussed the proposed Oakwood Property Management PDD at such meetings and further discussed the project at its meeting held August 15, 2013, and have duly deliberated thereon;

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

1. The Brunswick Planning Board adopts a favorable recommendation on the Oakwood Property Management Planned Development District application, subject to the following considerations:

- a. The building envelope for that part of the Planned Development District situated on Tax Map Parcel #s 90.00-1-12.2 and 90.00-1-13.1 should generally be limited to the areas previously graded, and appropriate consideration should also be made about areas of disturbance for building purposes on Tax Map Parcel #90.00-1-15;

- b. The areas of existing vegetation between the previously-graded areas identified as the building envelope and the North Forty Subdivision located to the east should be maintained as permanent vegetative buffering between this proposed apartment project and the North Forty Subdivision; any walking trails, gazebo, or other such amenities in this area should be reviewed by the Planning Board during site plan review, and that any such amenities should be consistent with the use of such area as a vegetative buffer;
- c. The Town Board should further consider appropriate buffers from the building envelope and lands located to the north and south of the project site; to the north, the property is currently zoned industrial, and appropriate buffering between apartment use and industrial use should be considered; to the south, the property is currently used as cemetery use, and appropriate buffering between the cemetery use and apartment use should be considered;
- d. In connection with the proposal, a proposed lot line adjustment for Tax Map Parcel #90.00-1-14 must be considered, including dividing a portion of that parcel for inclusion in the proposed apartment project use; however, the Town Board needs to further consider appropriate lot line adjustments for the existing automobile building located on Tax Map Parcel #90.00-1-14, and that appropriate setbacks are maintained for this existing building;
- e. This recommendation is based on the current general project layout and building locations, and that general concept plan should be maintained; in the event there is any significant alteration to the project layout, further review and recommendation from the Planning Board should be sought;
- f. Stormwater management for this project must be carefully considered and reviewed, particularly in light of downgradient current land uses;
- g. The Town Board should carefully consider ingress and egress from the project site onto Oakwood Avenue, particularly in light of the new traffic signal which is planned to be installed at the Oakwood Avenue/Farrell Road intersection in connection with the Stoneledge apartment project;
- h. The Town Board should carefully consider the appropriate water and sewer connection points, and particularly that such connection points be done in a manner most beneficial to the Town of Brunswick, including future water and sewer needs for properties located to the north on Oakwood Avenue.

2. Having made this recommendation, the Brunswick Planning Board also suggests that the Brunswick Town Board consider the total number of apartment units in the Town of Brunswick, both existing and approved for construction, with particular regard to the number of apartment units recently approved for construction in the Town. The Planning Board urges the Town Board to

consider the ratio of the total number of rental units to the total number of single-family, owner-occupied units in the Town of Brunswick. While the Planning Board does not make this general comment as a negative observation for this particular project, it is a general comment which the Planning Board considers appropriate for consideration by the Brunswick Town Board.

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

PLANNING BOARD CHAIRMAN OSTER	VOTING <u>yes</u>
MEMBER CZORNYJ	VOTING <u>yes</u>
MEMBER ESSER	VOTING <u>absent</u>
MEMBER CASEY	VOTING <u>absent</u>
MEMBER TARBOX	VOTING <u>yes</u>
MEMBER WETMILLER	VOTING <u>yes</u>
MEMBER MAINELLO	VOTING <u>absent</u>

The foregoing Resolution was thereupon declared duly adopted.

August 15, 2013

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 5, 2013

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

ABSENT was VINCE WETMILLER.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

The Planning Board members reviewed the draft minutes of the August 15, 2013 meeting. Chairman Oster noted one correction at page 6, line 5, changing "O'Malley" to "John O'Malley". Subject to the noted correction, Member Czornyj made a motion to approve the minutes of the August 15, 2013, meeting, which motion was seconded by Member Mainello. The motion was unanimously approved, and the August 15, 2013 meeting minutes approved subject to the noted correction.

The first item of business on the agenda was the site plan application by Marini Homes, LLC in connection with the amended Highland Creek Planned Development District. Ivan Zdrahal, P.E. and Robert Marini were present for the Applicant. Mr. Zdrahal handed to the Planning Board a set of updated plans for the project, and generally presented an overview of the project. Mr. Zdrahal reviewed the proposal for 40 buildings, 4 units per building, built for condominium design. Mr. Zdrahal also reviewed the land transfer to the Town of Brunswick in connection with the project. Mr. Zdrahal then reviewed the lands retained by Marini on the project site, including those for development and those areas retained by Marini for preservation purposes. Mr. Zdrahal reviewed the detailed grading plans, identified in the plan set as Sheets E-

1 and E-2. Mr. Zdrahal reviewed the grading for the areas of building construction and garage construction, road construction, as well as stormwater management facilities. Mr. Zdrahal discussed the road layout, including the public road upgrade (Bonesteel Lane) as well as the internal roads to the condominium building layout, with the internal roads remaining private but built according to Town-approved specifications. Mr. Zdrahal reviewed the proposed hammerhead area at the end of Bonesteel Lane adjacent to the land to be transferred to the Town of Brunswick, which will provide a public roadway access from McChesney Avenue Extension to the lands to be transferred to the Town of Brunswick. Mr. Zdrahal also discussed the stormwater management system, which will remain private and subject to a Stormwater Management Facilities Agreement with the Town of Brunswick, with the Town provided an easement for access to the stormwater facilities. Mr. Zdrahal also reviewed the private road system in the project, which will be subject to a Road Maintenance Agreement with the Town of Brunswick. Mr. Zdrahal also identified the area of the public water line extension through the lands to be conveyed to the Town of Brunswick and extending to the lands formerly of John O'Malley, which water line will allow for a looped water line system for the benefit of public water users in this area of the Town. Mr. Zdrahal stated that the project has obtained all additional necessary permits, including permits from NYSDEC, Army Corps of Engineers, and the Rensselaer County Department of Health. Mr. Zdrahal stated that the site plan must still be reviewed by the Planning Board, and that the Applicant must complete its revised Stormwater Pollution Prevention Plan and submit that to the Town as well. Mr. Zdrahal stated that he would be submitting information showing that the previously approved stormwater facilities will be adequate and appropriate for the current condominium plan. Mr. Zdrahal also reviewed Sheet L-1 of the plan set, which includes general notes for the project, ownership of several parcels

within the project site, as well as a general layout for typical building construction, including water and sewer connections. Mr. Zdrahal stated that he would meet and get input from the Town Consulting Engineer and Town Water Department concerning this information. Chairman Oster inquired as to the property to be transferred to the Town of Brunswick on the project site, which the Town may use for recreational purposes, and observed that there was not a significant buffer between the property to be transferred to the Town and the rear of some of the condominium buildings on the project. Chairman Oster questioned whether this would be a potential issue for the unit owners in the future. Mr. Marini stated that he had considered that issue, and had provided for a retained preservation area around all but three of the condominium buildings. For the three condominium buildings that do not have a retained preservation area behind the building backyards, Mr. Marini explained that such area included a historic preservation area that was identified during the SHPO review process for the project, and that any use of that area is restricted as a result of the SHPO review. Mr. Marini also said that the location of the proposed hammerhead off of Bonesteel Lane was intended to be the likely area for public access to the land transferred to the Town of Brunswick, and that the hammerhead was located an adequate distance from the condominium buildings. Mr. Marini also commented that he is of the opinion that whatever public or recreational use the Town intends for the land transferred to the Town, it will not only be an asset for the Town of Brunswick but also an asset for this project. Member Czornyj asked whether Mr. Marini considered including an internal walkway from the condominium area to the land that will be transferred to the Town of Brunswick. Mr. Marini stated that the internal road system for the condominium area was wide enough and adequate for pedestrian use, and he is of the opinion that the unit owners will either use the road area for walking to the Town property, or will simply make their own trails for this

purpose. Member Mainello inquired about the road layout, including the upgrades to Bonesteel Lane. There was general discussion concerning the roads for the project. Member Mainello also inquired as to any provision of overflow parking in the event any of the unit owners had any special events. Mr. Marini stated that there were three parking spaces provided for each unit, two external spaces plus one garage, but there was no additional parking for overflow events, and that this would be consistent with projects for single family detached homes, and that there would be adequate parking along the shoulder of the internal roads for any type of special event. Chairman Oster inquired about the area depicted on the site plan for potential future clubhouse use. Mr. Marini explained that he did want to provide for an area for a clubhouse in the future as a place holder, but that there was no current plan to construct the clubhouse. Mr. Zdrahal stated that the area for a potential future clubhouse was about 0.6 acre, and site plan review would be required if a clubhouse is planned to be built in the future. Member Casey asked about the area of the hammerhead at the end of Bonesteel Lane, and whether the Applicant had considered any signage or other marker to denote the end of the public road and entry into the private internal roads for the condominium project. Mr. Marini stated that there would be an entrance sign near the entrance of Bonesteel Lane off of McChesney Avenue Extension identifying the project, and that a similar sign or other notice could be constructed at the area of the hammerhead to let users of the road know that this is an entrance to the Highland Creek project and that the roads are private. The Planning Board then had further discussion with Mr. Marini and Mr. Zdrahal, together with the Town's Consulting Engineer on this project, Mark Kestner, P.E., concerning the upgrades to the existing Bonesteel Lane and the emergency access road for the project. The Planning Board then generally inquired of Attorney Gilchrist as to whether a public hearing was required on the site plan. Attorney Gilchrist stated that the Town Board had conducted a public

hearing in connection with the amendment to the Planned Development District, and that public hearings had been held on the underlying Planned Development District when originally reviewed and approved, and that according to the Town Site Plan Regulations, a public hearing is optional with the Planning Board. Attorney Gilchrist stated that it is within the discretion of the Planning Board as to whether to conduct an additional public hearing on the site plan. Chairman Oster then inquired as to whether there was adequate information on the site plan itself, in the event the Planning Board sought to conduct a public hearing. Mr. Kestner stated that in his opinion, there was adequate information concerning the site plan in the event the Planning Board wished to conduct a public hearing, but also reiterated that the Town Board did hold a public hearing on the amendment to the Planned Development District, and that the public comments submitted at the Town Board public hearing were generally favorable for the project. Chairman Oster stated that in his personal opinion, given that the amendment was approved by the Town Board after public hearing, and that the changes to the project were generally viewed as positive, that he did not feel an additional public hearing was warranted. Chairman Oster then discussed the public hearing option with the Planning Board members. Member Mainello inquired whether the site plan in front of the Planning Board currently was the same plan that was reviewed and considered by the Town Board during the public hearing. Mr. Marini stated that the site plan is the same, but that additional engineering and architectural detail had been prepared for the site plan that was now in front of the Planning Board. Mr. Marini explained that while there was some generic architectural material in front of the Town Board, after the PDD amendment was approved by the Town Board, the Applicant had moved forward and had more detailed architectural and engineering plans prepared, but that the more detailed plans are consistent with the material that was in front of the Town Board. Member Czornyj commented

that these buildings and layout appear to be the same type of building design and color scheme as a project the Marini Builders is building in Saratoga County, which he feels is an appropriate design and color scheme for Brunswick. After further discussion, the Planning Board members concurred that given the project is consistent with the information available to the public when the public hearing was held by the Town Board, and that the Town Board approved the PDD amendment after public hearing, an additional public hearing on the site plan before the Planning Board will not be required. Chairman Oster then confirmed that Mr. Zdrahal would be submitting additional stormwater and drainage information as well as additional architectural drawings. Mr. Zdrahal stated that the information would be submitted to the Town, but would not be ready for the next Planning Board meeting and requested it be placed on the agenda for the first meeting in October. Chairman Oster also stated that the Applicant should be prepared to submit a phasing plan for review by the Planning Board, since the Applicant has indicated that he anticipates a four year build-out, with forty (40) units built per year. Mr. Marini stated that a phasing plan will be submitted, and would be ready for review at the October 3 meeting. This matter is placed on the October 3 agenda for further discussion.

One item of new business was discussed. An application for waiver of subdivision has been submitted by National Grid on behalf of property owner June Stevens for property located south of the eastern terminus of Hansen Road. The Applicant seeks to divide 8.81 acres from an existing 85.19 acre parcel for acquisition by National Grid in connection with a new electric transmission line corridor. Andrew Leja, Esq. was present for National Grid. Attorney Leja described the National Grid project, which in substantial part is located in the Town of Schaghticoke with a small area located in the Town of Brunswick. Attorney Leja explained that National Grid is proposing to construct a new substation in the Town of Schaghticoke to take

power from an existing 230 KV line, reduce the voltage in the substation and create a new power line corridor to bring the power to an existing 115 KV line. Attorney Leja explained that National Grid was attempting to improve the reliability of electric service in this area. Attorney Leja explained that the Town of Schaghticoke Planning Board served as SEQRA lead agency on the project after SEQRA coordination, and that the Town of Schaghticoke Planning Board has issued a SEQRA negative declaration, and approved a special permit and site plan for the project and also approved a subdivision which will allow National Grid to acquire property in the Town of Schaghticoke. Attorney Leja explained that the current application is seeking approval for subdivision of land in the Town of Brunswick, which will be acquired by National Grid for use as the power line corridor connecting the substation to the existing 115 KV line. Attorney Leja explained that National Grid had held a public forum in the Town of Schaghticoke in April to explain the project to interested parties, and that about 15 people had attended that public forum at the Schaghticoke Town Hall. Attorney Leja further explained that the Town of Schaghticoke Planning Board had conducted a public hearing in July which was held open to August 2013 on this project, and that only 2-3 immediately adjacent property owners attended that public hearing. As indicated, Attorney Leja stated that the Town of Schaghticoke has now approved all aspects of the project. Attorney Leja also explained that the New York Public Service Commission had also reviewed part of the project, and specifically the issue as to why the power corridor would not be constructed underground, and that the PSC had approved the above grade construction and that there was no further PSC jurisdictional requirements. Attorney Leja explained that National Grid had submitted to the Town of Brunswick a binder including substantial information on the project, and that National Grid would supply any additional information to the Town of Brunswick that it deemed necessary on the project. Attorney Leja

stated that he would provide copies of the SEQRA negative declaration, subdivision approval, special permit approval, and site plan approval from the Town of Schaghticoke. The Planning Board generally discussed the project, including the proposed power line corridor layout, and whether the application pending before the Brunswick Planning Board could be considered a lot line adjustment. Member Mainello raised the question as to whether a site plan approval was required in Brunswick since there would be installation of poles for the power line corridor as well as the construction of a maintenance road through the power corridor. Mr. Kreiger stated that in the past the Brunswick Planning Board had reviewed the substation construction issues as part of the site plan application but had not reviewed power transmission lines through a site plan application. Attorney Gilchrist stated that he would review that issue with Mr. Kreiger, and report to the Planning Board as to whether a site plan review is required on this matter. Attorney Leja stated that in the event site plan review was required, that National Grid would submit the appropriate application materials and fees and go through the site plan review process. Additionally, it was generally discussed that Brunswick would need to review all of the stormwater and drainage issues as part of the Stormwater Pollution Prevention Plan as an MS4 community. Member Mainello inquired as to the height of the poles to be constructed in the power corridor. Attorney Leja stated to the best of his recollection, the height of the poles would be approximately 80'. Chairman Oster noted for the record that the Planning Board would have its engineer, Wayne Bonesteel, review the project as well. Attorney Leja stated that in the event any escrow for Planning Board engineer review was required, that he should be notified and National Grid will supply the required escrow. This matter has been placed on the September 19 agenda for further discussion.

There were no additional items of new business.

The index for the September 5, 2013 meeting is as follows:

1. Highland Creek Planned Development District – site plan – 10/3/13;
2. National Grid – waiver of subdivision – 9/19/13.

The proposed agenda for the September 19, 2013 meeting currently is as follows:

1. National Grid – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 19, 2013

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

ABSENT were FRANK ESSER, KEVIN MAINELLO and TIMOTHY CASEY.

ALSO PRESENT was DAN BRUNS, Town Building Department.

The Planning Board members reviewed the draft minutes of the September 5, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Wetmiller, the minutes of the September 5, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by National Grid on behalf of property owner June Stevens. The Applicant is seeking to divide 8.81 acres from an existing 85.19 acre parcel for acquisition by National Grid in connection with construction of a new electric transmission line corridor. This property is located south of the eastern terminus of Hanson Road. Andrew Leja, Esq. and Nick Spagnoletti, National Grid, were present on the application. Chairman Oster noted that Attorney Leja had presented the Planning Board with an extensive review of the application materials at the September 5 meeting. Chairman Oster noted that there was a question raised at the September 5 meeting as to whether the Brunswick Planning Board needed to review a site plan on this matter, in addition to the waiver of subdivision application. Mr. Kreiger and Attorney Gilchrist had reviewed this matter, and determined that pursuant to the terms of the Brunswick Code, site plan review was not required in this instance, and that the application was properly limited to a waiver

of subdivision. Chairman Oster also noted that there was a question raised at the September 5 meeting as to whether SEQRA lead agency coordination had been completed by the Applicant when it was before the Schaghticoke Planning Board. Upon further investigation, it has been determined that proper SEQRA lead agency coordination was undertaken, that the Town of Brunswick deferred SEQRA lead agency to the Schaghticoke Planning Board, and that the Schaghticoke Planning Board had declared itself lead agency and conducted the SEQRA review on this action. Attorney Gilchrist noted for the record that he was provided a copy of the SEQRA negative declaration adopted by the Schaghticoke Planning Board, which upon review did include an examination of the action in both the Town of Schaghticoke and the Town of Brunswick, considered the potential environmental impacts of the action in both Towns, and that a SEQRA negative declaration was adopted. Chairman Oster did note that all of the Planning Board members had received a copy of the complete SEQRA negative declaration. Chairman Oster also noted for the record that there had been public hearings conducted by the Schaghticoke Planning Board on this application. Chairman Oster did note that the Brunswick Planning Board's consulting engineer had not yet had an opportunity to review the Stormwater Pollution Prevention Plan, and would be undertaking that review shortly. Chairman Oster confirmed that the full SWPPP was on file with the Town of Brunswick, and that the Planning Board's engineer will have an opportunity to review it. Member Czornyj inquired whether any additional SEQRA review is required by the Brunswick Planning Board. Attorney Gilchrist stated that because the SEQRA review on this action had been coordinated, and that the Town of Schaghticoke Planning Board had adopted a SEQRA negative declaration, no further SEQRA action was necessary by the Brunswick Planning Board, and this action has been determined not to have the potential for any significant adverse environmental impact. Attorney Gilchrist also

noted that he was in receipt of a letter from the Applicant's consultant with respect to the grading on this project, and specifically that an area greater than 5 acres would be open during the grading of this project, and that the Schaghticoke Planning Board had determined the grading plan in connection with its SEQRA negative declaration. Attorney Gilchrist stated that the Brunswick Planning Board's engineer should be provided a copy of this letter concerning the acreage to be open during the grading of this project in connection with his review of the SWPPP. Chairman Oster noted that upon further investigation at the Town, National Grid had an existing escrow account of \$450 that had been on file from the review of a separate National Grid project in the Town. With the consent of the Applicant, this \$450 escrow will be utilized by the Town in connection with the Planning Board engineer's review of the SWPPP. Chairman Oster also noted that the issue of the height of the poles for this utility corridor located within the Town of Brunswick was raised at the September 5 meeting. However, Chairman Oster noted that the SEQRA review had considered the pole height issue as part of its visual assessment, and that there has been a determination that no significant adverse visual impact will result from this project. Chairman Oster then inquired whether there were any further questions or comments by the Planning Board members. Hearing none, Chairman Oster stated that the Board was prepared to act on the application. Attorney Gilchrist again noted for the record that a coordinated SEQRA review had been undertaken, and that the SEQRA lead agency on the project had adopted a SEQRA negative declaration, and that no further SEQRA determination is required from the Brunswick Planning Board. Member Czornyj then made a motion to approve the waiver of subdivision application subject to the following conditions:

1. Final engineering comments by the Brunswick Planning Board engineer concerning review of Stormwater Pollution Prevention Plan, and that if the existing escrow for engineering review is inadequate, National Grid will be required to pay any additional

escrow fees for Planning Board engineer's review of the Stormwater Pollution Prevention Plan; and

2. The property divided from the Stevens lot and transferred to National Grid must be merged into and made part of the remaining adjacent lands of National Grid.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated conditions.

One item of new business was discussed.

An application for waiver of subdivision has been submitted by Michael Scesny for property located at 446 North Lake Avenue. The application seeks to divide 0.4 acres from an existing 4.14 acre lot owned by Andrew Allin, to be transferred to and merged into the adjacent land of Michael Scesny. Mr. Scesny was present on the application, and explained to the Planning Board that he had been maintaining this 0.4 acres for some time, and that his neighbor Mr. Allin has now agreed to transfer that property to Mr. Scesny. The Allin lot is divided by a stream, and the 0.4 acre is on the opposite side of the stream adjacent to the Scesny lot, and that his why Mr. Scesny has been maintaining it for some time. Attorney Gilchrist inquired whether there was an existing contract for the purchase of this land between Mr. Allin and Mr. Scesny. Mr. Scesny stated that there was no written contract, but there had been discussions between the parties. Attorney Gilchrist stated that the application must include a signature or other written authorization from Mr. Allin, as he is the owner of the parcel sought to be divided. Mr. Scesny inquired whether it would be adequate to have Mr. Allin come to the next Planning Board meeting. The Planning Board said that this would be adequate, or a letter or other writing from Mr. Allin would be satisfactory. Mr. Scesny confirmed that this was not intended as a separate building lot, but would be merged into his adjacent lot. Chairman Oster confirmed that the

application was complete and all application fees had been paid. Chairman Oster inquired whether the Board had any additional questions or comments. Hearing none, Chairman Oster stated that this matter would be placed on October 3 agenda, and repeated that Mr. Allin would need to come to the meeting or submit something in writing that he concurred in the subdivision request. This matter is placed on the October 3 agenda for further discussion.

The index for the September 19, 2013 meeting is as follows:

1. National Grid – waiver of subdivision – approved with conditions;
2. Scesny – waiver of subdivision – 10/3/13.

The proposed agenda for the October 3, 2013 meeting currently is as follows:

1. Scesny – waiver of subdivision.
2. Highland Creek Planned Development District – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 3, 2013

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

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer.

Chairman Oster notified the Planning Board members that upon request of the Applicant, the Highland Creek PDD site plan matter has been adjourned and moved to the October 17, 2013 meeting.

The Planning Board members reviewed the draft minutes of the September 19, 2013 meeting. One correction was noted at page 4, line 16, correcting the word "his" to "is". Subject to the typographical correction, Member Czornyj made a motion to approve the minutes of the September 19, 2013 meeting, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and the minutes of the September 19, 2013 meeting approved subject to the noted correction.

The first item of business on the agenda was the application by Michael Scesny, 446 North Lake Avenue, for a waiver of subdivision. This matter was reviewed at the September 19 meeting, with the only remaining outstanding issue being consent of the adjacent property owner, Andrew Allin, whose property would be divided and transferred to Scesney. Andrew Allin and Philip Allin were present, and stated on the record that they consent and join in the application for waiver of subdivision. Member Esser inquired as to the specific location of the property to be divided, and general discussion among the Planning Board members and the

Applicant addressed that issue. Chairman Oster inquired of the Planning Board members as to whether there were any further questions or comments on the application, which had been previously discussed at the September 19 meeting. 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 negative declaration adopted under SEQRA. Thereupon, Member Wetmiller made a motion to approve the waiver of subdivision application subject to the condition that the 0.4 acres divided from the Allin lot must be transferred to the Scesny lot and must be legally merged into the Scesny lot. Member Czornyj seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition. Attorney Gilchrist explained to Mr. Scesny that the 0.4 acre area transferred from Allin to Scesny must be legally merged into the existing Scesny lot, and that the conditional approval did not allow the 0.4 acre area to remain as a separate lot. Attorney Gilchrist also stated that upon legal merger, Mr. Scesny needed to submit a copy of the deed of merger to the Brunswick Building Department for its records.

There were no further items of business on the agenda, given the adjournment of the Highland Creek PDD site plan to the October 17, 2013 meeting.

Mr. Kreiger reported that there were no new items of business. Mr. Kreiger did note, however, that a submittal had been made by Bohler Engineering on behalf of Berkshire Properties of New York, LLC concerning the subdivision off Betts Road, requesting that the Planning Board grant an extension on the time to satisfy conditions which were imposed on final subdivision approval. Mr. Kreiger noted that the Planning Board can entertain a total of two 90-

day extensions on the time in which all conditions attached to final subdivision approval must be satisfied. This matter has been placed on the October 17, 2013 meeting agenda for discussion.

The index for the October 3, 2013 meeting is as follows:

1. Highland Creek PDD – site plan – 10/17/13;
2. Scesny – waiver of subdivision – approved subject to condition.

The proposed agenda for the October 17, 2013 meeting currently is as follows:

1. Berkshire Properties of New York, LLC – requested extension on conditional final subdivision approval.
2. Highland Creek PDD – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 17, 2013

PRESENT were MICHAEL CZORNYJ, KEVIN MAINELLO, TIMOTHY CASEY, VINCE WETMILLER and DAVID TARBOX.

ABSENT were CHAIRMAN OSTER and FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Consulting Engineer to the Planning Board.

The draft minutes of the October 3, 2013 meeting were reviewed by the Planning Board members. Upon motion of Member Wetmiller, seconded by Member Mainello, the draft minutes of the October 3, 2013 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application submitted by Bohler Engineering on behalf of Berkshire Properties of New York, LLC, seeking an extension on the time in which to satisfy all conditions imposed on final subdivision approval for the residential subdivision portion of the Berkshire Properties Planned Development District. There was no one present for the Applicant, and Member Czornyj stated that this matter would be taken up later in the Planning Board meeting.

The second item of business on the agenda was the site plan application submitted by Marini Homes, LLC with respect to the Highland Creek Planned Development District. Ivan Zdrahal, P.E.; project engineer, and also Lee Rosen and Bob Marini were present for the Applicant. Mr. Zdrahal stated to the Planning Board that he had submitted to the Town the final set of plans for this project, and that the final plans had also been reviewed by Mr. Kestner, as

consulting engineer on the Highland Creek Planned Development District. Mr. Zdrahal also stated he had completed an updated stormwater report and an amended Stormwater Pollution Prevention Plan for the project. Mr. Zdrahal then again generally reviewed the project for the Planning Board members, including all proposed development areas, access, water, sewer, dedicated open space, as well as areas to be transferred to the Town of Brunswick. Mr. Zdrahal stated that the project had received all NYSDEC and Army Corps of Engineer approvals. Mr. Zdrahal did report that the Rensselaer County Department of Health and NYSDEC were reviewing updated sanitary facility plans occasioned by the project amendment. Member Czornyj asked Mr. Kestner whether he had any additional comments. Mr. Kestner stated that the final plan set was complete and in approvable form, that the road layout and widths were consistent with the previously approved project, and that the building layout shown on the final plan set is consistent with the PDD amendment approved by the Brunswick Town Board. Mr. Kestner also stated that the water facilities were being reviewed by the Superintendent of Water Bradley, who was present at the meeting. Member Czornyj asked whether the buildings were designed to be sprinklered. Mr. Marini stated that the buildings are not sprinklered, but that they do meet all applicable fire code requirements, and that information concerning fire code compliance will be submitted to the Town. Mr. Kestner concluded that the application materials and final site plan set is in approval form, and he would suggest that he and Attorney Gilchrist meet to prepare an appropriate resolution and applicable conditions for the Planning Board's consideration. Member Mainello asked whether the plans had been reviewed by the Center Brunswick Fire Department. Mr. Kestner confirmed that the hydrant layout had already been reviewed for the previously approved project, and that the hydrant layout has not been amended. However, Mr. Kestner confirmed that both the Brunswick No. 1 Fire Company and the Center

Brunswick Fire Company will be consulted on the current final plan set. The Planning Board directed Mr. Kestner to meet with Attorney Gilchrist to prepare a resolution with appropriate conditions based upon the PDD amendment approval as well as deliberations by the Planning Board on the site plan application, and this matter will be further addressed at the November 7 meeting.

The next item of business on the agenda was the site plan submittal by Ingalls & Associates, Peter Yetto, P.E., on behalf of PE & PA Associates for the Duncan Meadows Planned Development District amendment pertaining to the 88-unit apartment phase of this project. Peter Yetto, P.E. was present for the Applicant, together with Peter Amato and Dr. Paren Edwards. Mr. Yetto stated to the Planning Board members that the PDD amendment approving the change from 88 condominium units to an 88-unit apartment facility for this section of the Duncan Meadows PDD was approved by the Town Board at its meeting held October 10, 2013. Mr. Yetto then generally reviewed the site plan layout, which the Planning Board had previously reviewed in connection with its recommendation on the PDD amendment. Member Czornyj wanted to confirm that the site plan drawing was the same layout and proposal that had previously been presented to the Planning Board members in connection with the PDD recommendation. Mr. Yetto confirmed that the current site plan was the same plan previously reviewed by the Planning Board. Mr. Yetto then completed his general description of the site plan, including building layout, road system, stormwater facilities, and water and sewer facilities. Member Czornyj noted that the project site appears to have been rough graded, and inquired whether the access road was located where the rough grading had already taken place. Superintendent of Water Bradley was still at the meeting, and stated that the area of the rough grading was not consistent with the access road location, which would need to be moved

approximately at 100 feet to comply with the location shown on the site plan. Mr. Yetto confirmed this, and generally reviewed the road layout location. Member Czornyj then requested Mr. Yetto to provide each Planning Board member with an up-to-date site plan. Mr. Yetto stated that he had previously submitted plan sets in connection with the PDD amendment review, but that he would provide to the Planning Board members an updated site plan map. Member Mainello then inquired as to any proposed vegetation around the stormwater pond located in proximity to McChesney Avenue near the access road to the project. Mr. Yetto explained that there was limited area around this stormwater basin since NYSDEC Regulations require the ability to access around the stormwater pond, but that he could add some vegetative screening on the side of the stormwater basin facing the adjacent neighboring property. Member Mainello stated that he would like to see screening for both the neighbor as well as screening along McChesney Avenue. The Planning Board members and the Applicant had extended discussion concerning the stormwater basins for this project. Mr. Kestner, consulting engineer for the Town on the Duncan Meadows Planned Development District, was present and also offered comments on the stormwater basins. The Planning Board members raised the issue of whether a fence should be required around the stormwater basins for safety purposes. Mr. Yetto stated that given the proposed grading for this stormwater basin, NYSDEC Regulation did not require a safety bench. Member Mainello inquired whether this basin was designed to have a permanent pool of water. Mr. Yetto did confirm that this basin is designed to have a permanent pool of water, and that it is required under current NYSDEC Regulation for stormwater quality issues. Superintendent of Water Bradley commented that putting a fence around the stormwater basin does inhibit maintenance, and that there should be free access to the stormwater basin for purposes of mowing and keeping the basin clean. Member Czornyj asked whether NYSDEC

Regulation requires a fence around the stormwater pond. Mr. Yetto stated that NYSDEC Regulation does not require a fence around the stormwater pond, and that given the design of this stormwater pond, it does not even need a safety bench given the limited grades. The Planning Board had extended discussion concerning the public safety issue and whether there should be a fence installed around the stormwater basins, with Mr. Yetto repeating that the design of the stormwater basins was to have a gradual grade so as not to create a safety issue. Member Mainello reiterated that he would like Mr. Yetto to further consider vegetative screening around the stormwater basin in close proximity to McChesney Avenue, both for the adjoining neighbor as well as directly along McChesney Avenue. Planning Board consulting engineer Bonesteel commented that the Planning Board must also consider the impact of vegetation directly adjacent to McChesney Avenue on sight distances when pulling out of the access road from this project onto McChesney Avenue. Mr. Yetto stated that he could design vegetation around the stormwater basin on the side adjacent to the neighboring property, but that there is limited area between the stormwater basin and McChesney Avenue for vegetation, and also stated that the stormwater design had already previously been reviewed by Mr. Kestner and Superintendent of Water Bradley. Mr. Yetto confirmed that he was in receipt of final review comments from Mr. Kestner's office on the final site plan set, and that all comments will be addressed and final plans submitted for Planning Board review. Mr. Yetto confirmed that these plans would be completed shortly and the application would be ready for the Planning Board's November 7 meeting. Mr. Yetto then requested that the Planning Board consider waiving an additional public hearing on the site plan, in light of the fact that the Brunswick Town Board had held a public hearing on the amendment to the Planned Development District which would allow the conversion of this project to the 88-unit apartment complex. Mr. Kestner confirmed for the Planning Board

members that the Town Board did conduct a public hearing, that there were a limited number of people that spoke at the public hearing, and generally reviewed the comments received at the Town Board public hearing. After deliberation, the Planning Board members concurred that an additional public hearing on the site plan is not required on this application, and waived the need for any additional public hearing. Mr. Kestner did confirm that at this point, the discussion between his office and the Applicant was down to final engineering details. Member Tarbox asked about the areas of open space on this phase of the project, and whether the Applicant intended on doing any vegetation or just letting the area go wild. Mr. Yetto confirmed that there were no plans to vegetate the area, that most of that area is now subject to a conservation easement in favor of the Town which requires the area to be maintained in a natural and wild state, and that it is anticipated that natural brush and vegetation will fill in the former agricultural areas. Dr. Paren Edwards, a member of the owner of this project, also stated on the record that as owners, they are concerned about the appearance of this project if they are to be successful in renting apartment units to the general public, and that he states on the record that the owner will maintain not only the building area and lawns but the overall project site for the benefit of the Town and his tenants. The Planning Board members then also observed that a stormwater basin for this project is located in close proximity to the property which has already been transferred to the Town of Brunswick for a recreation area. The Planning Board members generally discussed the same safety issues and stormwater basin design for this basin located in proximity to the Town property. Member Czornyj confirmed that Mr. Yetto will be providing the Planning Board members with the final updated site plan, as well as the final grading plan and vegetation plan for this project. Member Mainello wanted to confirm that the project plans had also been reviewed by the Brunswick No. 1 Fire Department. Mr. Kestner stated that the Brunswick No.1 Fire

Department had reviewed the updated site plan for this project. The Planning Board members also directed Mr. Kestner to meet with Attorney Gilchrist to review the PDD approval conditions as relates to the site plan, and prepare proposed conditions for the site plan to be reviewed by the Planning Board members. This matter is placed on the November 7 agenda for further deliberation.

Member Czornyj raised again the application by Bohler Engineering on behalf of Berkshire Properties of New York, LLC for an extension of time in which to satisfy conditions on final subdivision approval as part of the Berkshire Properties Planned Development District. There was still no one present from Bohler Engineering at the meeting. However, Mr. Kreiger and Attorney Gilchrist stated that the 180 day period under the New York Town Law for satisfaction of conditions on final site plan approval would expire prior to the November 7 meeting, and that Attorney Gilchrist reported he had been in direct communication with the project owner who is requesting that an extension be granted as he is diligently working toward satisfaction of final subdivision approval conditions. In light of this, the Planning Board members generally concurred that a 180 day extension should be entertained in this matter. Member Tarbox then made a motion to approve a 180 day extension on the time in which all final subdivision approval conditions must be satisfied, which motion was seconded by Member Mainello. The motion was unanimously approved, and a 180 day extension was granted on the time in which the owner must satisfy all final subdivision approval conditions imposed on the residential subdivision portion of the Berkshire Properties Planned Development District.

Mr. Kreiger reported that there were no new items of business.

The index for the October 17, 2013 meeting is as follows:

1. Bohler Engineering - Berkshire Properties Planned Development District major subdivision - extension granted on time to satisfy final subdivision approval conditions.
2. Highland Creek Planned Development District – site plan – 11/7/13.
3. Duncan Meadows Planned Development District – site plan – 11/7/13.

The proposed agenda for the November 7, 2013 meeting currently is as follows:

1. Highland Creek Planned Development District – site plan.
2. Duncan Meadows Planned Development District – site plan.

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 7, 2013

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

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Consulting Engineer to the Planning Board.

Following review of the meeting agenda items, the Planning Board reviewed the draft minutes of the October 17, 2013 meeting. Following discussion, Member Czornyj made a motion to approve the minutes of the October 17, 2013 meeting without amendment, which motion was seconded by Member Casey. The motion was unanimously approved, and the minutes of the October 17, 2013 meeting were adopted.

The first item of business on the agenda was the site plan application by Marini Homes, LLC with respect to the Highland Creek Planned Development District. Chairman Oster noted that the site plan had been reviewed by the Planning Board, and that at the October 17 Planning Board meeting, Attorney Gilchrist and engineering review consultant Mark Kestner were directed to review the Board deliberations as well as the Town Board PDD approval, and propose appropriate conditions for consideration by the Planning Board with respect to the site plan. Engineering review consultant Mark Kestner was in attendance at the meeting. Attorney Gilchrist then noted for the record that the Brunswick Town Board had previously approved the current amendment to the Highland Creek PDD to provide for 160 condominium units. Attorney

Gilchrist also noted for the record that the Brunswick Town Board was SEQRA lead agency on this action, and had adopted supplemental SEQRA Findings with respect to the PDD amendment, and therefore SEQRA had been completed with respect to this action. Attorney Gilchrist further noted that the Brunswick Planning Board had previously considered and determined that an additional public hearing on the site plan was not warranted in light of the fact that the Brunswick Town Board had held a public hearing on the PDD amendment. Mr. Kestner stated for the record that he had reviewed the full site plan set, and that they are in approvable form. Attorney Gilchrist and Mr. Kestner then reviewed the proposed conditions to the site plan for consideration by the Planning Board members. Following further discussion and deliberation, Member Czornyj made a motion to approve the site plan for the Highland Creek PDD amendment, subject to the following conditions:

**HIGHLAND CREEK AMENDED PDD SITE PLAN/160-CONDOMINIUM UNITS
LOCATED OFF MCCHESENEY AVENUE EXTENSION
SITE PLAN TITLED HIGHLAND CREEK PDD, AMENDED PLANS,
BY IVAN ZDRAHAL ASSOCIATES, PLLC, DATED AUGUST 2013,
LAST REVISION DATE 11/1/13 PLAN SET 23 SHEETS
SITE PLAN CONDITIONS:**

1. All final comments of the Town Building Department, Town Water Department, and Town Consulting Engineer.
2. All final comments of Rensselaer County Department of Health and New York State Department of Environmental Conservation on wastewater plan.
3. Subject to resolution of all legal and engineering issues associated with the construction and dedication of Bonesteel Lane as a public roadway prior to the issuance of any building permit or other work permit by the Town of Brunswick.
4. The Owner/Applicant must submit a plat showing the subdivision of land to be transferred to the Town of Brunswick, which includes the parcels identified as parcels "A", "B", "C", and "D" as indicated on Sheet L-1 and shown

on Sheet S-1 of the site plan set. The Owner/Applicant and Town attorney will coordinate on this issue, including review of the area currently subject to a conservation easement required as part of the original Highland Creek PDD project.

5. The Owner/Applicant must submit a plat showing the subdivision of the pump station parcel, which is to be dedicated to the Town of Brunswick upon completion of the construction of the pump station.

6. The Owner/Applicant must submit a plat showing the abandonment of the prior filed subdivision plat that was recorded in the Rensselaer County Clerk's Office as part of the original Highland Creek PDD project, and showing a single lot on which the condominium project will be constructed, thereby consolidating the prior subdivided lots into one (1) lot.

7. All water and sewer facilities are to be dedicated to the Town of Brunswick upon completion and acceptance of construction, with the grant of an easement to the Town of Brunswick for access to such facilities.

8. The Owner/Applicant must execute a Road Maintenance and Infrastructure Agreement, which will establish the requirements for the private project roadways, water/sewer infrastructure, inspection escrow requirements, and the requirement to convey title to the water/sewer infrastructure to the Town of Brunswick upon completion and acceptance and grant of an access easement thereto. The Owner/Applicant and Town attorney will coordinate on reviewing the existing Bonding Security Agreement and Stormwater Management Facilities Maintenance Agreement that were executed as part of the original Highland Creek PDD project.

9. The Owner/Applicant must make all payments to the Town of Brunswick with respect to Brunswick Sewer District No. 6 Pump Station as required pursuant to the PDD approval by the Town Board of the Town of Brunswick as set forth in the SEQRA Findings Statement and incorporated in the PDD approval through Resolution No. 37 of 2006, as amended through Resolution No. 58 of 2013, including both payment for immediate upgrades to the existing pump station as well as a separate payment to be dedicated toward the design and construction of a new pump station for BSD #6.

10. The Owner/Applicant shall pay the total sum of \$80,000 as a park and recreation fee. Payment of this park and recreation fee by the Owner/Applicant must be received by the Town of Brunswick prior to the issuance of any certificate of occupancy for any building or structure on the project site in the manner prescribed by the Brunswick Town Board, as follows: The park and recreation payment shall be made by the Owner/Applicant to the Town of Brunswick on a phased basis calculated on a per building basis. Such phased payment shall be calculated on the total number of units per building,

based upon \$500 per unit. The payment of the park and recreation fee for each building shall be due from the Owner/Applicant to the Town of Brunswick prior to the issuance of a certificate of occupancy for such building.

11. The Owner/Applicant is required to obtain all necessary permits and/or approvals for potable water and sewer connections, and copies of all necessary permits and/or approvals 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.

12. Payment of all outstanding legal and engineering review fees.

13. This site plan approval is also subject to all remaining applicable conditions of the Planned Development District approved by the Town of Brunswick Town Board, including all approval conditions as set forth in the SEQRA Findings Statement and incorporated in the PDD approval through Resolution No. 37 of 2006, as amended through Resolution No. 58 of 2013.

That motion with the site plan conditions was seconded by Member Wetmiller. The motion was unanimously approved, and the site plan for the Highland Creek PDD amendment was approved subject to the stated conditions.

The second item of business on the agenda was the site plan application by PE&PA Associates, Inc. regarding the Duncan Meadows Planned Development District amendment, providing for 88 apartment units with access directly off McChesney Avenue. The Town's consulting engineer on this project, Mark Kestner, remained in attendance at the meeting. Chairman Oster noted that at the October 17 meeting, the Planning Board members discussed the issue of the stormwater basins. Mr. Kestner reviewed the issue with the Planning Board members, and what was depicted on the current site plan for the stormwater basins. Mr. Kestner stated that there was no fence provided on the site plan, but that landscaping has been added between the pond located at the beginning of the entrance road and the private home located next door. Mr. Kestner stated that the site plan does not include landscaping between this basin near the beginning of the entrance road and the shoulder of McChesney Avenue. Mr. Kestner did

confirm that the stormwater basin located adjacent to the Town-owned recreation parcel, which had previously been shown to be located in part on the Town-owned property, had been relocated and now is located entirely on the parcel owned by PE&PA Associates, Inc. Member Esser raised an issue regarding the stormwater basin located near the beginning of the entrance road, and questioned whether having a 4 foot deep drainage basin next to the access road was acceptable. Peter Yetto, P.E., the Applicant's engineer, stated that the stormwater basin has been properly sized for the project. The Planning Board stated that the issue was a concern regarding an immediate drop off for the stormwater basin located next to the entrance road. Mr. Yetto stated that the Applicant could add a portion of guiderail at this location. Mr. Kestner also stated that the grading in that area could be altered a bit to address any concern regarding an immediate drop off. The Planning Board determined that such issue would be resolved between the Applicant's engineer, Town consulting engineer, and the Building Department. Mr. Yetto confirmed that regarding the stormwater basin located near the beginning of the entrance road off McChesney Avenue, vegetative screening has been added to screen the basin from the next door neighbor, but that the plans do not provide for installation of a fence, and that the stormwater basin does include a safety bench to address any safety concerns. Chairman Oster noted that this was an existing natural low spot on the site already. Mr. Yetto concurred, and stated that the stormwater pond is likely not to be seen from the grade of McChesney Avenue due to the lower grade of the area of the stormwater basin. Chairman Oster added that, in his opinion, including a fence around the stormwater basin would lead to a lack of maintenance. Chairman Oster stated that in his opinion, both from a maintenance issue as well as an aesthetic issue, he would not promote the installation of a fence, but would rather see the basin appropriately landscaped. Mr. Yetto stated that the stormwater basin design was for a permanent pool with required aquatic

plantings. Member Czornyj confirmed on the record that the Town would want to see the stormwater basin kept clean and maintained, which would also be in the best interest of the project owner since this was the entrance to the project. Member Wetmiller inquired as to the level of maintenance required for this stormwater basin. Mr. Yetto stated that the basin was not designed for a significant amount of maintenance because of the aquatic plant growth and the safety benches, and certainly would be maintained to the extent of not allowing any invasive species or trees to grow. Member Czornyj confirmed that the Town would like to see the basin maintained to keep the vegetation low, and not allow any trees or other invasive vegetation to impair the basin operation. Mr. Yetto confirmed that the owner will maintain the appearance of the stormwater basin. This was also confirmed by Bruce Tanski, who will participate in the project development, and who was also in attendance at the meeting. Mr. Yetto also confirmed that the additional stormwater basin located adjacent to the Town-owned recreational parcel has been relocated to be situated totally on the property of PE&PA Associates, Inc., and no part of the basin is located on the Town-owned property. The Planning Board members confirmed that the vegetation requirements would be the same for this stormwater basin in terms of maintenance, and that a fence is not required for this basin at this time. Mr. Kestner stated that if the Town felt the need for the installation of a fence in the future, it could be addressed at that time. The Applicant was agreeable with this approach. Chairman Oster then raised the issue of a review letter received from the Brunswick No. 1 Fire Department dated November 7, 2013, and read that letter into the record. Chairman Oster noted that the height of the buildings was raised in relation to compliance with the New York State Fire Code. Chairman Oster inquired with Mr. Kreiger regarding this issue. Mr. Kreiger stated that the top of the peak of the roof for these buildings is 30' 6", but that his office calculates the building height as the average between the

ridge and eave, and that therefore these buildings are determined to be below the 30' threshold for purposes of Fire Code requirements on minimum width on the building sides for aerial apparatus operation. Mr. Kreiger confirmed that this project is below the 30' threshold, and is in compliance. Mr. Kreiger also noted for the record that even if the building was above the 30' threshold, the Fire Code requires a 26' width for fire apparatus on one side of the building. Mr. Tanski stated for the record that if needed, he can keep the peak of the roof below 30'. Mr. Kreiger stated that this was not necessary for the building design, as the current design meets Building Code and Fire Code requirements. Chairman Oster also noted for the record that even if this project did require a 26' width for fire apparatus location, the Planning Board has previously allowed something other than asphalt pavement, and has allowed a paver system that would allow vegetation to grow as long as it provided an adequate base for fire fighting apparatus. Mr. Tanski also stated that he had used a mat system buried below the ground surface on projects in Saratoga County, and that this approach also provided an adequate base for fire fighting apparatus. Chairman Oster inquired of Gus Scifo, Assistant Fire Chief for the Brunswick No. 1 Fire Department who was in attendance at the meeting, whether he concurred that the current project design met Fire Code requirements. Mr. Scifo stated that he was satisfied with the project. Mr. Yetto also confirmed for the record that in his opinion, the current plans do meet Fire Code requirements. Chairman Oster then also noted that at the October 17 meeting, the Planning Board members directed Attorney Gilchrist and Mr. Kestner to review the Planning Board deliberations as well as the requirements of the Brunswick Town Board in connection with the PDD approval, and proposed draft conditions for the site plan to be reviewed by the Planning Board. Attorney Gilchrist and Mr. Kestner then reviewed the proposed conditions with the Planning Board members. After further deliberation and discussion, Member Czornyj made

a motion to approve the site plan for the Duncan Meadows PDD amendment, allowing for 88 apartment units with access directly off McChesney Avenue, subject to the following conditions:

**DUNCAN MEADOWS PDD SITE PLAN/88-APARTMENT UNIT PHASE,
LOCATED OFF MCCHESENEY AVENUE
SITE PLAN TITLED PDD AMENDMENT – PHASE 1,
BY INGALLS & ASSOCIATES, LLP, DATED JULY 26, 2013,
LAST REVISION DATE 10/28/13
SITE PLAN CONDITIONS:**

1. Strict compliance with the approved site plan, including all sheets and notes of the full site plan set (total of 14 sheets).
2. All final comments of Town Building Department, Town Water Department, and Town Consulting Engineer.
3. Owner/Applicant must execute a Road Maintenance and Infrastructure Agreement, which will establish the requirements for the project roadway, water/sewer infrastructure, inspection escrow requirements, and the requirement to convey title to the utility infrastructure to the Town of Brunswick upon completion and acceptance and grant of an access easement thereto.
4. Owner/Applicant must make a payment to the Town of Brunswick in the amount of \$49,651 for BSD #6 Pump Station requirements; payment must be made prior to issuance of any building permit or other work permit.
5. Owner/Applicant must pay a park and recreation fee to the Town of Brunswick in the amount of \$44,000. The payment of the park and recreation fee shall be made on a building-by-building basis (\$500 per unit), and shall be due to the Town of Brunswick prior to the issuance of a certificate of occupancy for such building.
6. The Owner/Applicant shall convey to the Town of Brunswick an additional easement for a future waterline to connect this phase of the Duncan Meadows project to existing public water infrastructure located on adjacent lands owned by Brunswick Associates, to be located in the general area of the end of the project roadway turnaround.
7. The requirements for the project stormwater basins are depicted on the project plans. A fence is not required to be installed around the stormwater basins. The Project Engineer, Town Consulting Engineer, and Town Building Department will coordinate on the issue of the grade adjacent to the entrance roadway off McChesney Avenue and the stormwater basin adjacent thereto.

8. The Owner/Applicant shall execute a Stormwater Management Facilities Maintenance Agreement with the Town of Brunswick, and the form and content of such Stormwater Management Facilities Maintenance Agreement shall be subject to approval by the Brunswick Town Board and Town Attorney.

9. The Owner/Applicant is required to obtain all necessary permits and/or approvals for potable water and sewer connections, and copies of all necessary permits and/or approvals 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.

10. The sidewalk/pedestrian walkway depicted on the site plan located on McChesney Avenue must be completed prior to the issuance of any certificate of occupancy for any building constructed pursuant to this site plan. The Owner/Applicant will coordinate with the Rensselaer County Highway Department, Rensselaer County Engineer, Town of Brunswick Highway Department, Town of Brunswick Building Department, and the Town of Brunswick Consulting Engineer on this construction of the sidewalk/pedestrian walkway on McChesney Avenue.

11. Payment of all outstanding legal and engineering review fees.

12. This site plan approval is also subject to all remaining applicable conditions of the Planned Development District approval by the Town of Brunswick Town Board, including all approval conditions as set forth in the SEQRA Findings Statement and incorporated in the PDD approval through Resolution No. 62 of 2010, as amended through Resolution No. 86 of 2012, and as further amended through Resolution No. 74 of 2013.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was unanimously approved, and the site plan for the Duncan Meadows PDD amendment, providing for 88 apartment units with access directly off McChesney Avenue, was approved subject to the stated conditions.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Edward Welch concerning property located on Spring Avenue Extension (Tax Map Parcel #113.-7-2.11). The Applicant seeks to divide approximately 2-3 acres of property from an existing large vacant parcel for

creation of a building lot for residential purposes. The Planning Board will place this matter on its November 21 agenda.

The index for the November 7, 2013 meeting is as follows:

1. Highland Creek PDD amendment – site plan – approved subject to conditions.
2. Duncan Meadows PDD amendment – site plan (88 apartment units located off McChesney Avenue) – approved subject to conditions.
3. Welch – waiver of subdivision – 11/21/13.

The proposed agenda for the November 21, 2013 meeting currently is as follows:

1. Welch – waiver of subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 19, 2013

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

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster confirmed that there were no meetings of the Planning Board held November 21, 2013 or December 5, 2013 for lack of agenda items. Accordingly, Chairman Oster entertained a review of the draft minutes of the November 7, 2013 meeting. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the November 7, 2013 meeting were unanimously approved without amendment.

Mr. Kreiger reported that he was in receipt of three new applications for discussion at this meeting.

The first item of new business discussed was a site plan application submitted by Daniel Smith for the renovation of an existing residence located at 899 Hoosick Road to a dental office. Mr. Smith was present. Mr. Smith stated that the Brunswick Zoning Board of Appeals had issued a special use permit for the location of a dental office at this location at the Zoning Board meeting held in July, 2013. For the record, it is noted that the Brunswick Zoning Board of Appeals approved a special use permit for the renovation of an existing residence at this location to a dental office, subject to the following conditions:

1. All excavation in connection with the project must be monitored and inspected by the Brunswick Building Department.
2. The drainage system presented to the Brunswick Zoning Board of Appeals at its meeting held July 15, 2013 for the project site must be strictly complied with.
3. The parking plan for this action is predicated upon a maximum of two dentists and one dental hygienist; therefore, given the constraints of the existing structure, a maximum of four rooms are allowed to be used for a dental practice so as to comply with the minimum parking space requirements for this location.

Chairman Oster confirmed that the application fees had been paid. Mr. Kreiger confirmed that all required fees have been paid by the Applicant. Chairman Oster inquired whether the proposal was to convert the entire structure for use as a dental office, or would there be any residential use continued at that location. Mr. Smith stated that this would be a dental office only, and no residential use would be included once the building was converted to professional dental office use. Member Czornyj inquired whether a site plan stamped by a professional engineer was required on the application. Attorney Gilchrist stated that the site plan regulations did require the submission of plans stamped by a professional engineer, professional land surveyor, or professional architect, licensed to practice in New York State. Mr. Smith will need to comply with this requirement and submit a site plan in compliance with the site plan requirements. Chairman Oster also stated that as this building is located on Hoosick Road, it has been the practice of the Planning Board to require a public hearing on the site plan. Chairman Oster inquired about parking space requirements on this application. Mr. Kreiger stated that it was his recollection during the Zoning Board of Appeals meetings that all minimum parking space requirements have been met, but that he would confirm the parking requirements for this application. Member Esser asked about required greenspace, noting that it appeared only the front yard provided the greenspace on the entire site. The Planning Board members and the

Applicant then entertained general discussions regarding parking space requirements on the site plan, including parking space size, handicapped parking, and vehicle movement. The Planning Board also discussed greenspace requirements in relation to areas that are paved for parking. Member Esser also raised the issue of drainage from the parking lot and other paved areas, and requested additional information on drainage for the site. Member Wetmiller asked where the main entrance for the dental office would be. Mr. Smith stated that the main entrance for the dental office will be in the rear of the building, in the location of the parking lot, and that the front of the building will continue the residential appearance. Chairman Oster noted that the Planning Board did need engineered drawings to continue its review and assessment of site issues. Chairman Oster also inquired as to the location of the existing septic and well. Mr. Smith stated that the septic area was in the front of the building, and the well was located behind the existing home. Chairman Oster inquired whether there were any special requirements for wastewater generated at a dental office. Mr. Smith stated that there were no special wastewater requirements, but that New York State did require an amalgam separator to be installed in the basement prior to wastewater discharge to the septic system. The Planning Board members generally discussed the water and septic requirements for the professional dental office. Member Mainello inquired as to whether a fence was being proposed for the rear lot line, given that a fence will be installed on both side yard lines. Mr. Smith stated that a rear line fence is not proposed, since there is a significant amount of open space to the rear of this lot. Member Czornyj noted that the Town requires parking areas to be at least 7' off the property line, and that Mr. Smith should coordinate with his professional engineer in meeting that requirement in terms of parking on this site. The Planning Board confirmed that a site plan in compliance with the Town Regulations is required, and that this matter is tentatively placed on the January 16, 2014

agenda pending submission of the engineered site plan. Chairman Oster noted that if Mr. Smith ran into a timing issue in terms of preparing the engineered site plan, he should contact Mr. Kreiger and the matter would be further adjourned. Chairman Oster confirmed that upon receipt of the engineered site plan, the Planning Board would then entertain general discussion to determine whether the application was complete for purposes of scheduling the public hearing.

The next item of new business discussed by the Planning Board was a request for a sketch plan conference in relation to a proposed site plan submitted by Tim Parsons/TWC, Inc. for property located on NY Route 7 adjacent to the existing IKON building and opposite the existing recreation vehicle sales location. The Applicant seeks approval for the construction of a 3,000 square foot veterinary hospital with an upper level of approximately 600 square feet for staff use only, with the structure having a residential appearance. Mr. Kreiger confirmed that a veterinary hospital is an allowed use in the A-40 Zoning District in which the property is located. The Planning Board members noted that the sketch plan submitted with the application shows a proposed septic location, which needs to be further analyzed and discussed with particular regard to the soil conditions at this site as well as a water supply well located on an adjacent lot. The Planning Board then generally discussed the site and the proposed site plan layout. This matter is placed on the agenda for the Planning Board meeting to be held on January 2, 2014 for a sketch plan conference.

The third item of new business discussed was a site plan application submitted by Ace Hardware for property located at 831 Hoosick Road, the current location of Feathers Furniture. This proposal includes 3 adjacent parcels owned by Rob Feathers, which are proposed to be transferred to a new buyer who in turn will renovate the existing Feathers Furniture store to an Ace Hardware store. This proposal includes three lots, which include the existing Feathers

Furniture store lot, the adjacent commercial building lot immediately to the west, and adjacent residential lot immediately to the east. Mr. Kreiger reported to the Planning Board that the Applicant had submitted an original site plan set, which was later revised by the Applicant based upon initial comments by the Brunswick Water Department, which included comments concerning traffic flow on the site. The Planning Board members noted that they would be reviewing the parking and traffic flow proposal for this site in conjunction with the Planning Board review engineer. Mr. Kreiger also reported that this proposal was to be constructed in phases, with the first phase being the renovation of the Feathers Furniture to an Ace Hardware store and the demolition of the adjacent residential structure for parking purposes, with a future phase being the construction of a warehouse/distribution building to replace the existing commercial building immediately to the west. Mr. Kreiger requested that the Applicant submit the entire 3-parcel site for review by the Planning Board at this time. The Planning Board also confirmed that Mr. Kreiger would be the contact point for all future communications by the Applicant to the Planning Board, and that Mr. Kreiger would distribute that information to the appropriate Boards and Departments for review of the site plan application. The Planning Board generally discussed greenspace requirements, proposed parking areas, and traffic flow on the site. Mr. Bonesteel also generally discussed with the Planning Board matters relating to stormwater issues, parking issues, points of ingress and egress, and traffic circulation. This matter has been placed on the January 2, 2014 Planning Board agenda for further discussion.

The index for the December 19, 2013 meeting is as follows:

1. Smith – site plan – 1/16/2014.
2. Parsons – site plan/sketch plan conference – 1/2/2014.
3. Ace Hardware – site plan – 1/2/2014.

The proposed agenda for the January 2, 2014 meeting currently is as follows:

1. Parsons – sketch plan conference/site plan.
2. Ace Hardware – site plan.