

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 18, 2022

PRESENT were LINDA STANCLIFFE, ACTING CHAIRPERSON, J. EMIL KREIGER, DAVID TARBOX, and KEVIN MAINELLO.

ABSENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, and ANDREW PETERSEN.

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

Acting Chairperson Stancliffe reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the August 4, 2022 regular meeting were reviewed. Upon motion of Acting Chairperson Stancliffe, seconded by Member Tarbox, the draft minutes of the August 4, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC. Ronald Laberge, P.E., of Laberge Group, the Review Engineer to the Planning Board on this project, was present to review the application. Attorney Gilchrist stated that a proposed Resolution granting final conditional subdivision approval had been presented to the Planning Board at its August 4 meeting for review. Attorney Gilchrist then reviewed the proposed Resolution again, including the procedural history of the project and several conditions on the conditional approval of the Resolution. Acting Chairperson Stancliffe noted that the Town Board had declared itself lead

agency under SEQRA for the project and completed SEQRA review. There were no further questions or comments from the Planning Board members, Mr. Bonesteel, or Mr. Laberge. The Resolution was offered by Member Tarbox and seconded by Member Kreiger. Upon a roll call vote of the members present, the Planning Board voted unanimously to approve the Resolution, a complete copy of which is attached to these minutes.

The second item of business on the agenda was a site plan application submitted by Paulsen Development of Albany, LLC for property located at 112 McChesney Avenue. Greg Beswick, P.E., of Creighton Manning Engineering, LLP, was present for the applicant. Mr. Beswick stated that a revised set of plans and Stormwater Pollution Prevention Plan (SWPPP) were submitted to the Planning Board on August 11. Mr. Beswick stated that the application was submitted to the Rensselaer County Department of Public Works (DPW) due to the project needing a driveway permit, that DPW had requested a traffic study, and that the traffic study had begun that day. Mr. Beswick stated that the sewer investigation he had discussed at the last meeting had been postponed and had been rescheduled for August 29. Mr. Beswick also requested a public hearing on the application for the Planning Board's September 15 meeting as SEQRA lead agency would be established by then. Member Tarbox asked if the lot had been filled. Mr. Beswick confirmed that fill had been placed on the site many years ago. Member Tarbox asked if additional fill would be required for the project, or if the site was currently at its final elevation. Mr. Beswick stated that some fill would be required for the site. Acting Chairperson Stancliffe asked if anything would be cut in the rear of the lot. Mr. Beswick stated that there was significant rock at the rear of the site that would be removed. Member Tarbox stated that he would like to see sidewalks along McChesney Avenue from the existing Price Chopper plaza entrance to the proposed medical building. The Planning Board and Mr. Bonesteel discussed an extended paved shoulder of the road

along McChesney Avenue that Rensselaer County could maintain. Mr. Beswick asked if installing a sidewalk on private land adjacent to McChesney Avenue would be sufficient. Mr. Bonesteel stated that it would have to be coordinated with Rensselaer County. Mr. Beswick and Mr. Bonesteel agreed to discuss the issue further. Acting Chairperson Stancliffe stated that the project was proposed to be on multiple tax map parcels and asked if the applicant was proposing to merge them. Mr. Beswick stated that merging the parcels was not currently proposed, but that the applicant could look into it if necessary. Mr. Bonesteel stated that Rensselaer County would likely prefer that the deeds be merged for tax map and tax assessment purposes. Acting Chairperson Stancliffe asked if an Agricultural Data Statement had been submitted. Mr. Beswick confirmed that one had been. Acting Chairperson Stancliffe asked if the applicant was planning any blasting on the site, specifically for the rock at the rear of the site that would be removed. Mr. Beswick stated that there would be no blasting, and that the rock at the rear of the site would be ripped. Acting Chairperson Stancliffe stated that the landscaping plan should be supplemented, and that the landscaping at the front of the building should be revised. Acting Chairperson Stancliffe asked if the application was complete for purposes of holding a public hearing. Mr. Bonesteel stated that the plans were adequate for a public hearing, and that while there were minor engineering review comments on the plans and SWPPP, those comments and responses would not significantly change the plans. Acting Chairperson Stancliffe asked if the SEQRA lead agency notice had been sent. Attorney Gilchrist stated that the notice had been sent to all involved agencies, that the Zoning Board had discussed the notice at its August 15 meeting and had no objection to the Planning Board serving as lead agency, and that the Planning Board is now waiting to receive responses from the other involved agencies. Attorney Gilchrist stated that because public hearings must be noticed 10 days prior to the hearing, it would be better to schedule the public hearing on this

application for the second Planning Board meeting in September. Acting Chairperson Stancliffe asked Mr. Beswick if the applicant would like to be on the agenda for the first September meeting of the Planning Board if the public hearing were to be held at the second September meeting. Mr. Beswick stated that it would not be necessary to be at the first September meeting in that case. A public hearing on this application is scheduled for September 15, 2022 at 7:00pm.

The third item of business on the agenda was a waiver of subdivision application submitted by Paul Brunina for property located at 137 Tamarac Road. Paul Brunina was present to review the application. Mr. Golden stated that the application had changed since the last Planning Board meeting, and that Mr. Brunina was instead proposing to merge the land he was purchasing from his adjacent neighbor into his existing lot, and that the action was more in the nature of a lot line adjustment. Mr. Golden also noted that a new site map had been submitted by the applicant, dated August 11. There were no questions from the Planning Board or Mr. Bonesteel on the new site map. Member Tarbox asked if an Agricultural Data Statement would be required. Attorney Gilchrist stated that while the Planning Board had the authority to request one, it did not seem necessary here since the action was just a lot line adjustment and no new lot was being created. Member Tarbox made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Mainello. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Acting Chairperson Stancliffe asked if there should be any conditions on the application. Attorney Gilchrist stated that the only condition for the Planning Board to consider would be that the deed merging the divided area into the existing Brunina lot be filed with the Brunswick Building Department. Member Mainello made a motion to approve the waiver of subdivision application subject to the stated condition, which was seconded by Member

Tarbox. The Planning Board voted unanimously to approve the waiver of subdivision application subject to the stated condition.

The fourth item of business on the agenda was a minor subdivision application submitted by Vincent Santoro for property located at 282 Bald Mountain Road. No one was present to review the application. Mr. Golden stated that the applicant had understood the additional information requested by the Planning Board at its last meeting on August 4, but that he had instead decided to go ahead and build a house on the 98.68-acre parcel, and would submit the additional information for minor subdivision approval at a later date once the house was completed. This matter is adjourned without date, subject to Mr. Golden confirming the building schedule with the applicant.

The fifth item of business on the agenda was a special use permit and site plan application submitted by Atlas Renewables, LLC for property located off Oakwood Avenue and Farrell Road. Lluís Torrent, of Atlas Renewables, was present to review the application. Mr. Torrent reviewed the responses to comments made at the July 7 public hearing, which had been submitted to the Planning Board in a letter dated August 2. Mr. Bonesteel noted that his comments on the project's stormwater pollution prevention plan (SWPPP) had been addressed. Mr. Torrent reviewed separation distances and the type of fence that would be around the solar project. Member Tarbox asked if the fence would be metal or plastic. Mr. Torrent stated that the fence would be metal wire. Mr. Torrent reviewed additional visual impact assessment information, including leaf-on and leaf-off conditions. Mr. Torrent reviewed the tree cutting area, noise levels of the inverter on the site, and site preparation, which included no grading, but that there would be limited digging for equipment installation. Mr. Bonesteel asked if the applicant would be removing tree stumps after cutting down trees on the site. Mr. Torrent stated that the tree stumps would be removed, and that it would be included in a supplemental response. Mr. Bonesteel stated that he would review the

issue of tree stump removal in the project's SWPPP, as removing tree stumps would affect stormwater on the site. Mr. Bonesteel also asked if the tree removal areas had been clearly marked on the site plan. Mr. Torrent confirmed that there had been. Mr. Torrent stated that the project's SWPPP had been submitted, but that it would need to be reviewed due to the tree stump removal issue. Mr. Torrent reviewed the impact of the project on neighboring property values, stating that there would be no negative impact as long as the site was properly screened with at least 300 feet of separation distance. Mr. Torrent stated that there would be no pesticides or herbicides used on the site. Mr. Torrent also addressed impacts on federal wetlands, stating that the U.S. Army Corps of Engineers' Nationwide Permit 51 for Land-Based Renewable Energy Generation Facilities allows for renewable energy facilities on federal wetlands, but that it is not necessary here due to having no equipment proposed for any area within the wetlands. Acting Chairperson Stancliffe asked if the applicant was planning to lease the parcel outside the tree removal area so that they could have control over screening around the site. Mr. Torrent stated that the applicant was only leasing the land to where the fence is proposed to go, and that the applicant will not be able to cut down existing trees or plant new trees outside of the leased land. Mr. Bonesteel asked if the staging area for construction shown on the site plan was within the leased area. Mr. Torrent stated that it was not, but that the applicant had a separate agreement with the landowner to use the staging area during construction. Acting Chairperson Stancliffe asked if more work was necessary on the SWPPP based on the comments made at this meeting. Mr. Bonesteel stated that some issues had been addressed, but that more work was necessary, specifically on the total disturbance area and tree stump removal. There were no further questions or comments from the Planning Board at this time. This matter is placed on the September 1, 2022 agenda for further deliberation.

Two items of new business were discussed. The first item of new business was a special use permit application submitted by Kevin Bailey for property located at 197 Bulson Road. Kevin Bailey was present to review the application. Mr. Bailey stated that his company, High Peaks Solar, LLC, was proposing to install a small-scale, ground-mounted solar facility consisting of 36 solar panels at the single-family residence owned by Richard and Bernadette Glynn. Mr. Bailey stated that the project met all requirements for small-scale solar, including the maximum allowable height for the solar panels, and that there would be significant natural vegetation for screening. Mr. Bonesteel asked if cut sheets of the equipment and solar panels had been submitted. Mr. Bailey stated that he would submit them to the Brunswick Building Department. Acting Chairperson Stancliffe asked about separation distances. Mr. Bailey stated that he would submit that information. Member Tarbox stated that he would like to see pictures of the site from Bulson Road with the location of the proposed solar panels identified. Mr. Bailey stated that he would submit pictures of the project site. This matter is placed on the September 1, 2022 agenda for further deliberation.

The second item of new business was a waiver of subdivision application submitted by David Bonesteel and Joanne Bonesteel for property located at 6 Elmview Drive. No one was present to review the application. Mr. Golden stated that the applicants seek to remove a land hook on their parcel, then sell 0.5 acres to the adjacent lot at 5 Elmview Drive, with the neighbors merging the 0.5 acres to their parcel. Mr. Golden also stated that no new lot would be created by the action. Acting Chairperson Stancliffe stated that any well and septic systems needed to be added to the site map. Mr. Golden noted that the applicants had submitted a tax map of the property, which is not sufficient, and that a new site map needed to be submitted. This matter is placed on the September 1, 2022 agenda for further deliberation.

The index for the August 18, 2022 regular meeting is as follows:

1. Brunswick Acres – major subdivision (conditional final approval granted per attached Resolution).
2. Paulsen Development – site plan (September 15, 2022).
3. Brunina – waiver of subdivision (approved with condition).
4. Santoro – minor subdivision (adjourned without date).
5. Atlas Renewables (North Troy Solar) – special use permit and site plan (September 1, 2022).
6. Bailey – special use permit (September 1, 2022).
7. Bonesteel – waiver of subdivision (September 1, 2022).

The proposed agenda for the September 1, 2022 regular meeting is currently as follows:

1. Atlas Renewables (North Troy Solar) – special use permit and site plan.
2. Bailey – special use permit.
3. Bonesteel – waiver of subdivision.

The proposed agenda for the September 15, 2022 regular meeting is currently as follows:

1. Paulsen Development – site plan (public hearing to commence at 7:00pm).

**BRUNSWICK PLANNING BOARD
REGULAR MEETING**

AUGUST 18, 2022

**RESOLUTION GRANTING CONDITIONAL FINAL SUBDIVISION APPROVAL FOR
BRUNSWICK ACRES PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the Town of Brunswick Building Department received from Brunswick Road Development LLC, (hereinafter “Applicant”) under cover letter dated February 4, 2019, a site layout map and plan, a project narrative, and a Full Environmental Assessment Form, requesting the establishment of a Planned Development District (hereinafter “PDD”) in accordance with Article 12 of the Zoning Law of the Town of Brunswick, on a 44.1±-acre parcel of land located along the north side of Brunswick Road (NYS Route 2) just west of Heather Ridge Road, in the Town of Brunswick, consisting of 26 single-family home building lots and one stormwater management lot, to be known as the “Brunswick Acres Planned Development District”; and

WHEREAS, the application was first presented to the Town Board of the Town of Brunswick (hereinafter “Town Board”) at its meeting on February 14, 2019; and

WHEREAS, the Town Board stated that, upon initial review, said application constituted the PDD sketch plan required under Brunswick Zoning Law Section 160-99(A) to initiate the application review process for the establishment of a PDD; and

WHEREAS, the Town Board reviewed and acknowledged receipt of the PDD sketch plan submission, scheduled a sketch plan conference for a special meeting to be held March 14 at 6:30 P.M., appointed Gilchrist Tingley P.C. as legal counsel, and appointed Laberge Group as engineering review consultants on behalf of the Town at its February 14 meeting; and

WHEREAS, the Town Board, upon due public notice, held its special meeting on March 14, 2019 for the purpose of conducting a sketch plan conference pursuant to Brunswick Zoning Law Section 160-99(A)(2) with respect to a sketch plan submittal, including site layout map and plan, project narrative, and environmental assessment form; and

WHEREAS, upon review of the sketch plan submittal materials, Laberge Group presented review comments to the Town Board at said special meeting; and

WHEREAS, the Town Board determined that additional materials needed to be presented to the Town Board before the Board could make a sketch plan decision, and whether the application should move forward to the Town of Brunswick Planning Board (hereinafter “Planning Board”) for review and recommendation; and

WHEREAS, the Applicant thereafter submitted additional information to the Town Board; and

WHEREAS, the Town Board again reviewed and considered the application, the additional information submitted by the Applicant, and additional review comments from Laberge Group at its April 11, 2019 meeting; and

WHEREAS, the Town Board adopted a preliminary determination on the PDD sketch plan at its April 11, 2019 meeting, and referred the application to Planning Board and Rensselaer County Department of Economic Development and Planning; and

WHEREAS, the application was presented to the Planning Board at its April 18, 2019 meeting and placed on the agenda for its next meeting for deliberation; and

WHEREAS, the Planning Board reviewed and considered the application at its May 2, 2019 meeting and placed the action on the agenda for its next meeting for further deliberations; and

WHEREAS, at its meeting held May 9, 2019, the Town Board determined to undertake a coordinated environmental impact review on the application pursuant to 6 NYCRR Section 617.6(b)(3); and

WHEREAS, at its meeting held May 9, 2019, the Town Board directed that coordination of lead agency designation with all involved agencies on the application be completed through the service of a notice of intent to establish lead agency, indicating that the Brunswick Town Board sought to be designated as lead agency for the action; and

WHEREAS, the Rensselaer County Department of Economic Development and Planning transmitted its recommendation to the Town Board on May 9, 2019, stating that the project did not have a major impact on County plans and that local consideration shall prevail; and

WHEREAS, the Planning Board further reviewed and considered the application at its May 16, 2019 meeting and placed the action on the agenda for its next meeting for further deliberations; and

WHEREAS, the Planning Board further reviewed and considered the application at its June 6, 2019 meeting; and

WHEREAS, the Planning Board reviewed a draft recommendation on the application at such meeting; and

WHEREAS, at such meeting, the Planning Board approved a positive recommendation on the application, subject to a number of conditions, and referred the application back to the Town Board; and

WHEREAS, the Town Board designated itself as lead agency pursuant to the State Environmental Quality Review Act (hereinafter “SEQRA”) with respect to the application at its June 13, 2019 meeting; and

WHEREAS, the Town Board, serving as SEQRA lead agency on this action, found that holding a public hearing on the application prior to the completion of SEQRA would assist the Town Board in performing its environmental review of this action, allow the public to provide comments on potential environmental impacts of the action for the Town Board’s consideration, and was in the overall public interest, and scheduled a public hearing on the application for July 11, 2019 at 6:30 P.M.; and

WHEREAS, the Town Board, upon due public notice, opened its public hearing on July 11, 2019 with respect to the Brunswick Acres PDD application and received public comment; and

WHEREAS, the Town Board, upon receipt of final public comment, closed the public hearing with respect to the Brunswick Acres PDD application on July 11, 2019; and

WHEREAS, the Town Board noticed a written comment period with respect to the Brunswick Acres PDD application running through and including July 31, 2019, with all comments to be directed to the Town of Brunswick Town Board; and

WHEREAS, the Town Board, through correspondence dated August 16, 2019 by Laberge Group, transmitted to the Applicant all comments received at the public hearing held on July 11, 2019, and directing that responses be provided; and

WHEREAS, the Town Board, through correspondence dated August 22, 2019 by Laberge Group, directed the Applicant to provide additional information on the potential environmental impacts from this action; and

WHEREAS, the Applicant thereafter submitted written responses to the public hearing comments and the Town Board review comments through submittals dated November 5, 2019; and

WHEREAS, the Town Board reviewed all application materials, including the site layout map and plan, the project narrative, the Full Environmental Assessment Form, public comments, agency comments, Applicant responses to comments, Planning Board recommendation, and recommendation of the Rensselaer County Department of Economic Development and Planning; and

WHEREAS, the Town Board adopted a Negative Declaration pursuant to SEQRA for this action at its meeting on December 12, 2019; and

WHEREAS, the Town Board duly considered all record information and followed the procedural requirements set forth at Brunswick Zoning Law Section 160-99(B)(2), and considered the standards set forth at Brunswick Zoning Law Section 160-99(B)(2)(g), and upon such due

deliberation, approved the Brunswick Acres Planned Development District, subject to conditions, at its December 12, 2019 meeting through Resolution No. 84 of 2019; and

WHEREAS, the Planning Board thereafter received an application for major subdivision approval, Stormwater Pollution Prevention Plan, project plans, and Engineer's Report, from the Applicant; and

WHEREAS, the Planning Board reviewed and considered the major subdivision application at its February 6, 2020 meeting; and

WHEREAS, it was established that Laberge Group was to continue as the Planning Board review engineer for the project, as Laberge had conducted the engineering review for the PDD application before the Town Board (hereinafter "Laberge Group" or "Town Designated Review Engineer"); and

WHEREAS, the Planning Board placed the application on the agenda for its February 20, 2020 meeting for further consideration; and

WHEREAS, the matter was adjourned without date at the February 20, 2020 meeting of the Planning Board as Laberge Group continued its engineering review of the Planning Board application documents; and

WHEREAS, the application review was thereafter delayed due to the Covid-19 pandemic; and

WHEREAS, the Planning Board next reviewed and considered the major subdivision application at its August 20, 2020 meeting; and

WHEREAS, at such meeting, the Applicant stated that changes had been made to the project's grading plan due to comments from the Rensselaer County Health Department; and

WHEREAS, the Applicant further stated that it had also responded to the engineering review comments by Laberge Group; and

WHEREAS, Laberge Group noted that the changes to the proposed site grading plan affected a number of proposed lots on the west side of the project site; and

WHEREAS, the Planning Board deliberated as to whether the application documents were sufficient to hold a public hearing considering the significant changes to the project's grading plan; and

WHEREAS, Planning Board Attorney Gilchrist noted that the Planning Board would have 62 days after the close of the public hearing to make a determination on the subdivision application, unless extended upon consent of the Applicant, and to consider whether or not that would be enough time to receive and consider any additional documents the Planning Board might request; and

WHEREAS, the Planning Board determined that there was sufficient material submitted by the Applicant to hold a public hearing on the major subdivision application, and sought to receive input from the public on this project; and

WHEREAS, the Planning Board scheduled a public hearing on the major subdivision application for September 17, 2020 at 7:00 P.M.; and

WHEREAS, public notice of the public hearing, to be held September 17, 2020, was duly published, posted, and mailed by the Planning Board in compliance with the Brunswick Zoning Law; and

WHEREAS, the Planning Board opened its public hearing on the major subdivision application on September 17, 2020 and received public comment; and

WHEREAS, the Planning Board, upon receipt of final public comment, closed the public hearing on the major subdivision application on September 17, 2020; and

WHEREAS, the Planning Board tentatively placed the application on the agenda for its October 1, 2020 meeting for further consideration; and

WHEREAS, the October 1, 2020 Planning Board meeting was cancelled as part of the public effort to contain a potential spread of Covid-19; and

WHEREAS, the Planning Board reviewed and considered the major subdivision application at its October 15, 2020 meeting; and

WHEREAS, the Applicant stated that all public comments had been responded to in writing, and that revisions were being made to the application based on comments from Laberge Group, the Planning Board, and the Town of Brunswick Water Department; and

WHEREAS, the Planning Board discussed the 62-day period for action on the application and requested an extension, to which the Applicant consented; and

WHEREAS, the period for action by the Planning Board on the major subdivision application was extended to December 18, 2020; and

WHEREAS, due to significant review comments and issues associated with the proposed project site grading, the Applicant thereafter further consented to extending the period of time for action on the major subdivision application multiple times, through and including September 29, 2022; and

WHEREAS, the project was thereafter adjourned from the Planning Board's November 2020 and December 2020 meeting agendas; and

WHEREAS, the Planning Board next reviewed and considered the major subdivision application at its January 7, 2021 meeting; and

WHEREAS, the Applicant discussed the extensive grading that needed to be done on the site, describing it as a “substantial change” to the project, and stating that 90,000 yards of material was proposed to be removed from the site, which would take approximately 5,000 truckloads over 36 months; and

WHEREAS, the Planning Board noted that the SEQRA review for this action stated that the proposed grading of the site would be balanced so that no material would be excavated and removed from the site, and further, that if the Applicant proposes to remove 90,000 yards of material from the site it would need to return to the Town Board for a PDD amendment and further SEQRA review; and

WHEREAS, the Planning Board adjourned the project without date; and

WHEREAS, the Planning Board briefly discussed the major subdivision application at its April 1, 2021 meeting and placed it on the agenda for its April 15, 2021 meeting; and

WHEREAS, the project was adjourned from the Planning Board’s April 15, 2021 meeting; and

WHEREAS, the Planning Board briefly discussed the major subdivision application at its May 6, 2021 meeting and placed it on the agenda for its May 20, 2021 meeting; and

WHEREAS, the Applicant thereupon amended its proposed grading of the site to achieve a balanced grading plan with no material to be excavated and removed from the site, resulting in substantial cuts and fills as part of the site grading plan; and

WHEREAS, the project was adjourned from the Planning Board’s May 20, 2021 meeting, due to Laberge Group’s continuing review of the project’s updated plans, and was placed on the agenda for the Planning Board’s June 3, 2021 meeting; and

WHEREAS, the project was thereafter tabled prior to the Planning Board’s June 3, 2021 meeting and was adjourned without date; and

WHEREAS, the Planning Board briefly discussed the major subdivision application at its February 3, 2022 meeting with the Laberge Group, with the project remaining adjourned without date; and

WHEREAS, the Planning Board briefly discussed the major subdivision application at its March 3, 2022 meeting, stating that the Planning Board had received a letter from Laberge Group stating that a slope stability analysis report had been received by Laberge Group and was under review, with the project remaining adjourned without date; and

WHEREAS, the Planning Board briefly discussed the major subdivision application at its March 17, 2022 meeting, and requested that the Applicant attend an upcoming Planning Board meeting to give a status update on the project; and

WHEREAS, the Planning Board reviewed and considered the major subdivision application and multiple time period extensions at its meeting on May 19, 2022; and

WHEREAS, at the Planning Board's May 19, 2022 meeting, the Applicant reviewed the status of the project, including issues which had arisen during the review of the project septic plans by the Rensselaer County Health Department; and

WHEREAS, the Rensselaer County Health Department determined that grading of certain lots was required to be completed in order for the Health Department to complete its review of the septic plan and percolation testing; and

WHEREAS, to address this issue, the Applicant proposed two options for moving forward with the project: completing all site grading at once, or beginning a "phased subdivision" approach, proposing that the 11 lots which had been reviewed and conceptually approved by the Rensselaer County Health Department would be subdivided first, and then proposing further subdivision approval for the remaining 13 lots on the project site after site grading had been completed; and

WHEREAS, it is noted that during the pendency of subdivision review before the Planning Board, and due to certain modifications to the project made by the Applicant, the total number of residential lots was reduced to 24; and

WHEREAS, the major subdivision application was adjourned without date; and

WHEREAS, thereafter, the Town Designated Review Engineer and Planning Board attorney, together with the Town Building Department and Town Water Department, further reviewed the site grading issues in relation to the pending subdivision review process; and

WHEREAS, the Planning Board next reviewed and considered the major subdivision application at its meeting on July 7, 2022, including site grading, slope stability, and stormwater requirements, and further discussed procedural options with respect to the proposed site grading work and septic design review by the Rensselaer County Health Department; and

WHEREAS, it was determined that continuation of project review based upon all 24 proposed residential lots be pursued, rather than a "phased" subdivision approach, and that site grading of the full project site could be commenced at the Applicant's risk upon granting conditional final subdivision approval but prior to the subdivision plat being stamped or signed by the Town of Brunswick, conditioned on required financial security and inspection escrow posted by the Applicant with the Town as well as compliance with other conditions of subdivision approval; and

WHEREAS, the project was further discussed at the Planning Board’s August 4, 2022 meeting, and placed on the August 18, 2022 meeting agenda for consideration of conditional final subdivision approval; and

WHEREAS, the Planning Board, having duly considered all record information and upon due deliberation, is prepared to render a determination on the major subdivision application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick that conditional final subdivision approval for the Brunswick Acres PDD is **GRANTED**, subject to the following conditions which must be fully satisfied and completed prior to the subdivision plat being stamped or signed by the Town of Brunswick:

1. All conditions included in the Town of Brunswick Town Board PDD approval, Resolution No. 84 of 2019 duly adopted on December 12, 2019, a complete copy of which is attached hereto as Appendix “A”, are and remain applicable and mandatory conditions of the Brunswick Acres PDD project, and are hereby established as conditions to final subdivision approval as supplemented hereinafter.
2. In addition to the financial security requirements included in the Town Board PDD approval, financial security pursuant to Brunswick Zoning Law Section 160-101 shall be provided for site grading work as set forth in the project site grading plan and slope stability analytical report. A Bonding Security Agreement for such site grading work in a form and content acceptable to the Town of Brunswick must be executed by the Applicant, and a bond or other financial security in form and amount acceptable to the Town of Brunswick shall be provided to the Town prior to commencement of any site grading work. Such financial security shall remain in place with the Town of Brunswick until rough grading work of the project site has been completed by the Applicant and the site is stabilized as determined by the Town of Brunswick MS4 Officer.
3. In compliance with Brunswick Zoning Law Section 160-101, and in addition to the requirements set forth in the Town Board PDD approval, the Applicant shall be required to establish at the Town of Brunswick an inspection fee escrow account in an amount to be determined by the Town of Brunswick to cover all Town designated review engineer and MS4 Officer inspections of site grading work. The Applicant must submit an estimate for projected grading costs, together with an estimated schedule for all grading activities. Such estimate and schedule shall be of sufficient detail to determine the reasonableness of the proposed estimate and schedule. This information will be used by the Town in considering an appropriate inspection fee escrow amount, which amount shall be a minimum of five (5%) percent of the total estimated grading costs. All fees for inspections during the grading of the Brunswick Acres PDD project site shall be the responsibility of the Applicant, and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such inspection escrow account shall be subject to review from time to time by the Town of Brunswick during grading activities

on the Brunswick Acres PDD project site. At no time shall such account be in an amount less than \$5,000.00. In the event the applicant fails to maintain such inspection fee escrow account in a minimum balance of \$5,000.00, a Stop Work Order shall be issued by the Town of Brunswick Building Department and/or Town of Brunswick MS4 Officer on all grading activities at the project site. The Applicant shall be entitled to an accounting of all inspection fees. At the conclusion of the grading of the Brunswick Acres PDD project site through rough grading phase, and upon a final accounting of all inspection fees, all funds remaining in the grading inspection escrow account shall be returned to the Applicant.

4. All site grading work must be performed in compliance with the Brunswick Acres PDD site grading plan and slope stability analytical report.
5. All grading work in the vicinity of the spoils area proposed on lots 6, 7 and 8, including but not limited to slope preparation and fill placement shall be performed under the supervision of a qualified geotechnical engineer. All costs associated with the geotechnical engineer shall be at the Applicant's sole cost and expense. Periodic reports shall be prepared by such geotechnical engineer on no less than a weekly basis and shall be submitted to the Town of Brunswick Building Department, Town of Brunswick MS4 Officer and Town designated review engineer on the same weekly interval. The report shall include, but not be limited to, a description of the work completed, any deviations from the plans, any corrective actions required and the geotechnical engineer's professional opinion as to the overall integrity of the work performed. At the completion of the work, the geotechnical engineer shall provide a certification to the Town of Brunswick that the work was performed in accordance with the plans and geotechnical recommendations and that the slope is secure and stable. Prior to commencing any work on site, a preconstruction conference shall be held including the project owner, contractor, geotechnical engineer, Town of Brunswick Building Department, Town of Brunswick MS4 Officer and Town designated review engineer to review the contractor's approach to the work and clearly identify the area of concern as it pertains to the geotechnical engineer's responsibility.
6. All site grading work must be performed in compliance with erosion and sediment control requirements of the project SWPPP under the supervision of the Town of Brunswick MS4 Officer. The Applicant must comply with all New York State and Town of Brunswick stormwater compliance requirements for all site grading work, and the Applicant shall be required to obtain a waiver, if necessary, from NYSDEC and/or the Town of Brunswick for all open graded areas in excess of five (5) acres prior to stabilization.
7. New York State Department of Transportation work permit/approval for the subdivision road intersection with NYS Route 2; such permit/approval must be filed with the Town of Brunswick Building Department prior to commencement of site grading activities.

8. Rensselaer County Health Department approval of septic design for all residential building lots.
9. Rensselaer County Health Department approval of the extension of public water supply for the project.
10. The plan for extension for public water supply is subject to final comments of the Town Designated Review Engineer and Town of Brunswick Water Department.
11. The plan for erosion and sediment control and SWPPP are subject to final comments of the Town Designated Review Engineer and Town of Brunswick MS4 Officer.
12. No further subdivision or re-subdivision of any residential lot in the Brunswick Acres PDD that would increase the total number of residential lots for this project to greater than 24 lots.
13. All driveways must include a 2% negative pitch for ten (10) feet from the proposed public subdivision roadway, or comply with a driveway drainage plan acceptable to the Town Designated Review Engineer, Town of Brunswick MS4 Officer, and Town of Brunswick Highway Department.
14. An easement for public water utility over the lands of Liporace and National Grid, in recordable form, must be filed with the Town of Brunswick Building Department and Town of Brunswick Water Department prior to commencement of site grading.
15. Easements for utilities and drainage over the lands of Benevino, in recordable form, must be filed with the Town of Brunswick Building Department and Town of Brunswick Water Department prior to commencement of site grading.
16. Subject to comments of Town designated review engineer dated August 4, 2022.

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

CHAIRMAN OSTER	VOTING <u> Absent </u>
MEMBER MAINELLO	VOTING <u> Yes </u>
MEMBER KREIGER	VOTING <u> Yes </u>
MEMBER PETERSEN	VOTING <u> Absent </u>
MEMBER HENDERSON	VOTING <u> Absent </u>
MEMBER TARBOX	VOTING <u> Yes </u>
MEMBER STANCLIFFE	VOTING <u> Yes </u>

The foregoing Resolution was thereupon declared duly adopted.

Dated: August 18, 2022

Appendix A

RESOLUTION NO. 84, 2019

**TOWN OF BRUNSWICK
REGULAR MEETING**

DECEMBER 12, 2019

**RESOLUTION APPROVING APPLICATION FOR
BRUNSWICK ACRES PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the Town of Brunswick Building Department received from Brunswick Road Development LLC, (hereinafter “Applicant”) under cover letter dated February 4, 2019, a site layout map and plan, a project narrative, and a Full Environmental Assessment Form, requesting the establishment of a Planned Development District (hereinafter “PDD”) in accordance with Article 12 of the Zoning Law of the Town of Brunswick, on a 44.1±-acre parcel of land located along the north side of Brunswick Road (NYS Route 2) just west of Heather Ridge Road, in the Town of Brunswick, consisting of 26 single-family home building lots and one stormwater management lot, to be known as the “Brunswick Acres Planned Development District”; and

WHEREAS, the application was first presented to the Town Board of the Town of Brunswick (hereinafter “Town Board”) at its meeting on February 14, 2019; and

WHEREAS, the Town Board stated that, upon initial review, said application constituted the PDD sketch plan required under Brunswick Zoning Law Section 160-99(A) to initiate the application review process for the establishment of a PDD; and

WHEREAS, the Town Board reviewed and acknowledged receipt of the PDD sketch plan submission, scheduled a sketch plan conference for a special meeting to be held March 14 at 6:30 P.M., appointed Gilchrist Tingley P.C. as legal counsel, and appointed Laberge Group as engineering review consultants on behalf of the Town at its February 14 meeting; and

WHEREAS, the Town Board, upon due public notice, held its special meeting on March 14, 2019 for the purpose of conducting a sketch plan conference pursuant to Brunswick Zoning Law Section 160-99(A)(2) with respect to a sketch plan submittal, including site layout map and plan, project narrative, and environmental assessment form; and

WHEREAS, upon review of the sketch plan submittal materials, Laberge Group presented review comments to the Town Board at said special meeting; and

WHEREAS, the Town Board determined that additional materials needed to be presented to the Town Board before the Board could make a sketch plan decision, and whether the application should move forward to the Town of Brunswick Planning Board (hereinafter “Planning Board”) for review and recommendation; and

WHEREAS, the Applicant thereafter submitted additional information to the Town Board; and

WHEREAS, the Town Board again reviewed and considered the application, the additional information submitted by the Applicant, and additional review comments from Laberge Group at its April 11, 2019 meeting; and

WHEREAS, the Town Board adopted a preliminary determination on the PDD sketch plan at its April 11, 2019 meeting, and referred the application to Planning Board and Rensselaer County Department of Economic Development and Planning; and

WHEREAS, the application was presented to the Planning Board at its April 18, 2019 meeting and placed on the agenda for its next meeting for deliberation; and

WHEREAS, the Planning Board reviewed and considered the application at its May 2, 2019 meeting and placed the action on the agenda for its next meeting for further deliberations; and

WHEREAS, at its meeting held May 9, 2019, the Town Board determined to undertake a coordinated environmental impact review on the application pursuant to 6 NYCRR Section 617.6(b)(3); and

WHEREAS, at its meeting held May 9, 2019, the Town Board directed that coordination of lead agency designation with all involved agencies on the application be completed through the service of a notice of intent to establish lead agency, indicating that the Brunswick Town Board sought to be designated as lead agency for the action; and

WHEREAS, the Rensselaer County Department of Economic Development and Planning transmitted its recommendation to the Town Board on May 9, 2019, stating that the project did not have a major impact on County plans and that local consideration shall prevail; and

WHEREAS, the Planning Board further reviewed and considered the application at its May 16, 2019 meeting and placed the action on the agenda for its next meeting for further deliberations; and

WHEREAS, the Planning Board further reviewed and considered the application at its June 6, 2019 meeting; and

WHEREAS, the Planning Board reviewed a draft recommendation on the application at such meeting; and

WHEREAS, at such meeting, the Planning Board approved a positive recommendation on the application, subject to a number of conditions, and referred the application back to the Town Board; and

WHEREAS, the Town Board designated itself as lead agency pursuant to the State Environmental Quality Review Act (hereinafter “SEQRA”) with respect to the application at its June 13, 2019 meeting; and

WHEREAS, the Town Board, serving as SEQRA lead agency on this action, found that holding a public hearing on the application prior to the completion of SEQRA would assist the Town Board in performing its environmental review of this action, allow the public to provide comments on potential environmental impacts of the action for the Town Board’s consideration, and was in the overall public interest, and scheduled a public hearing on the application for July 11, 2019 at 6:30 P.M.; and

WHEREAS, the Town Board, upon due public notice, opened its public hearing on July 11, 2019 with respect to the Brunswick Acres PDD application and received public comment; and

WHEREAS, the Town Board, upon receipt of final public comment, closed the public hearing with respect to the Brunswick Acres PDD application on July 11, 2019; and

WHEREAS, the Town Board noticed a written comment period with respect to the Brunswick Acres PDD application running through and including July 31, 2019, with all comments to be directed to the Town of Brunswick Town Board; and

WHEREAS, the Town Board, through correspondence dated August 16, 2019 by Laberge Group, transmitted to the Applicant all comments received at the public hearing held on July 11, 2019, and directing that responses be provided; and

WHEREAS, the Town Board, through correspondence dated August 22, 2019 by Laberge Group, directed the Applicant to provide additional information on the potential environmental impacts from this action; and

WHEREAS, the Town Board received a letter dated August 22, 2019 from the Applicant requesting that the period of time allowed to render a decision on the application be increased from 62 days to 126 days in order for the Applicant to properly address all public comments; and

WHEREAS, the Town Board confirmed the extension of time for the Town Board to render a decision on the PDD application from 62 days to 126 days in a letter dated September 12, 2019; and

WHEREAS, the Applicant thereafter submitted written responses to public comments and Town Board review comments through submittals dated November 5, 2019; and

WHEREAS, the Applicant agreed to a further extension of time for the Town Board to render a decision on the PDD application to December 31, 2019 to allow adequate time for the Town Board and its professional consultants to review the November 5, 2019 submittals; and

WHEREAS, the Town Board has reviewed all application materials, including the site layout map and plan, the project narrative, the Full Environmental Assessment Form, public comments, agency comments, Applicant responses to comments, Planning Board recommendation, and recommendation of the Rensselaer County Department of Economic Development and Planning; and

WHEREAS, the Town Board has adopted a Negative Declaration pursuant to SEQRA for this action; and

WHEREAS, the Town Board has duly considered all record information and has followed the procedural requirements set forth at Brunswick Zoning Law Section 160-99(B)(2), and has considered the standards set forth at Brunswick Zoning Law Section 160-99(B)(2)(g), and upon such due deliberation and consideration is prepared to render a determination on the Brunswick Acres PDD application;

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

- A. The Town Board of the Town of Brunswick approves the Brunswick Acres Planned Development District submitted by Brunswick Road Development LLC, subject to the following conditions:
 - 1. The Brunswick Acres Planned Development District project shall encompass 44.1 acres located on Tax Map Parcel No. 102.00-1-36, and shall allow up to 26 residential building lots, with a subdivision road to be dedicated to the Town of Brunswick as a public road, the extension of public water supply, installation of private septic disposal systems, construction and operation of stormwater management facilities, and conservation of natural areas, all as depicted on a general site layout map titled “Site Layout, Brunswick Acres Planned Development District”, prepared by CT Male Associates, identified as Sheet C-101, dated February 4, 2019, with last revision date 10/30/19 (hereinafter “PDD Map”), subject to the conditions as set forth herein. The PDD Map includes a table of proposed area and bulk standards. The lot width and frontage figures as set forth on the PDD Map are approved, but all other area and bulk requirements for building lots set forth in the Brunswick Zoning Law, including but not limited to front yard setbacks, side yard setbacks, and rear yard setbacks, are applicable and binding on the Brunswick Acres Planned Development District, and the Brunswick Acres PDD Map must be amended accordingly.

2. A deed restriction shall be required for each lot of the Brunswick Acres PDD subdivision, inclusive of the lot on which the stormwater facilities (detention pond and bioretention pond) are constructed. The deed restriction shall be in form and content acceptable to the Town of Brunswick, and shall restrict the use of land included in the area depicted as “Conservation of Natural Area” on the PDD Map, noted as a green cross-hatched area on such PDD Map, excepting that portion of lot 15 on which a cemetery is located. The deed restriction covering the “Conservation of Natural Area” shall, at a minimum, preclude clearing, cutting, or destruction of any vegetation (excepting the removal or trimming of vegetation hazardous to person or property or invasive, non-native species, or of timber downed or damaged due to natural disaster); grading, filling, or otherwise changing the grade or elevation of the land; construction or erection of buildings or structures; and use of motorized recreation vehicles, including but not limited to motorcycles, all-terrain vehicles, and snowmobiles. The Applicant must submit the proposed deed restriction to the Town of Brunswick for review and approval prior to the subdivision plat being stamped and signed by the Town of Brunswick Planning Board.
3. The Applicant must file with the Town of Brunswick a petition for the extension of a public water district, including the filing of a map, plan, and report, in compliance with municipal and state requirements and standards, which petition shall be subject to full municipal review by the Town of Brunswick Town Board.
4. All improvements constructed in conjunction with providing a system of water supply and distribution to the Brunswick Acres PDD subdivision will be, upon satisfactory completion by the Applicant, dedicated to the Town of Brunswick for operation and maintenance without cost to the Town of Brunswick. Such water supply system shall be subject to review and approval by the Town of Brunswick Water Department. The Applicant shall execute an irrevocable offer of dedication of such public water supply infrastructure, and shall be required to record such irrevocable offer of dedication in the Office of the Rensselaer County Clerk.
5. The Applicant shall construct a public water supply connection between the Brunswick Acres Planned Development District public water supply and the existing public water supply system located on and along Heather Ridge Road, creating a loop public water system, and thereafter dedicate such public water connection infrastructure to the Town of Brunswick for operation and maintenance without cost to the Town. Such water supply infrastructure connection shall be subject to review and approval by the Town of Brunswick Water Department. The Applicant shall execute an irrevocable offer of dedication of such public water supply infrastructure, and shall be required to record such irrevocable offer of dedication in the Office of the Rensselaer County Clerk.

6. The Applicant shall provide to the Town of Brunswick a utility easement for access to all public water facilities to be dedicated to the Town of Brunswick. Such easement shall be a minimum width of thirty (30) feet, and be of sufficient area to allow for repair and maintenance activities. The location and area of the utility easement shall be subject to approval by the Town of Brunswick Water Department, and the terms and conditions of such access easement shall be subject to approval by the Town of Brunswick.
7. The Applicant shall provide to the Town of Brunswick a 30-foot wide utility easement running from the proposed public road right-of-way in the Brunswick Acres PDD subdivision and extending to the western-most lot line of lot 11 as depicted on the PDD Map. The location and area of the utility easement shall be subject to approval of the Town of Brunswick Water Department, and the terms and conditions of such utility easement shall be subject to approval of the Town of Brunswick.
8. All private septic disposal systems are subject to approval of the Rensselaer County Department of Health.
9. The Brunswick Acres PDD subdivision road is designed to be a public roadway. Upon construction of said roadway in compliance with the approved specifications, the Applicant shall dedicate such roadway as a public roadway to the Town of Brunswick. The Applicant shall execute an irrevocable offer of dedication of the subdivision roadway, and shall be required to record such irrevocable offer of dedication in the Office of the Rensselaer County Clerk.
10. The Applicant shall comply with all requirements of the Town of Brunswick for dedication and acceptance of public utility infrastructure and public roads.
11. Required financial security pursuant to Brunswick Zoning Law Section 160-101 shall be provided for all public infrastructure improvements. A bonding security agreement for the public water infrastructure, stormwater infrastructure, and subdivision road in a form and content acceptable to the Town of Brunswick must be executed by the Applicant, and a bond or other financial security in form and amount acceptable to the Town of Brunswick shall be provided to the Town, prior to the final subdivision plat being stamped or signed by the Town of Brunswick Planning Board.
12. Until the subdivision road within the Brunswick Acres PDD is completed and accepted by the Town of Brunswick, the Applicant shall be responsible for all subdivision roadway maintenance, including paving, repairing, and snowplowing, for the benefit of all lot owners within the Brunswick Acres

PDD, to ensure that the subdivision roadway is open, passable, and accessible to NYS Route 2 (Brunswick Road), and further that such roadway is open, passable, and accessible to and by emergency vehicles. In addition, until such time as the subdivision roadway is accepted by the Town of Brunswick, the Applicant shall be responsible for the maintenance of a sign at the entrance of the Brunswick Acres PDD project providing the following:

“NOTICE: This subdivision road is being maintained by the developer. Upon completion and final inspection, the road will be taken over by the Town of Brunswick”.

13. The Applicant must comply with all NYS Department of Environmental Conservation 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 and stormwater pollution prevention plan in compliance with NYSDEC stormwater regulations. The Applicant shall supply a copy of the erosion and sediment control plan and the stormwater pollution prevention plan to the Town of Brunswick, and shall not commence any grading or construction activities on the Brunswick Acres 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.
14. All stormwater management facilities for the Brunswick Acres PDD project shall be constructed in compliance with the approved stormwater pollution prevention plan. The Applicant must file with the Town of Brunswick a petition for the creation of a drainage district for this subdivision pursuant to Article 12 of the New York Town Law, including the filing of a map, plan and report, which petition shall be subject to full municipal review by the Brunswick Town Board. The subdivision lot on which the stormwater facilities are constructed (the detention pond and bioretention pond) shall be transferred in fee to the Town of Brunswick at no cost. The Applicant shall execute an irrevocable offer of dedication of such stormwater lot, and shall be required to record such irrevocable offer of dedication in the Office of the Rensselaer County Clerk.
15. The Applicant must comply with all requirements of the United States Army Corps of Engineers concerning wetlands and wetland buffers.
16. The Applicant shall pay the sum of \$500 per lot as a park and recreation fee. This amount shall be required to be paid in full by the Applicant prior to the final subdivision plat for the Brunswick Acres PDD subdivision being stamped or signed by the Town of Brunswick Planning Board.

17. The final location and specifications of fire hydrants shall be coordinated with the Brunswick No. 1 Fire Company and the Town of Brunswick Planning Board during subdivision review.
18. Minimum square footage of all homes to be constructed in the Brunswick Acres PDD shall be 1,800 square feet.
19. All site work and construction activities on the Brunswick Acres PDD site shall be limited to the following hours of operation: Monday – Friday, 7:00 a.m. – 7:00 p.m.; Saturday, 7:00 a.m. – 5:00 p.m.; no site work or construction activity shall be permitted on Sundays or legal holidays.
20. The following note shall be placed on all plans and specifications for the Brunswick Acres 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 Brunswick Acres Planned Development District, and consent to all said conditions.

_____	_____
Applicant	Date
_____	_____
Owner	Date

21. The Applicant shall provide the Town of Brunswick with GIS data, including but not limited to property boundary area, roads, utilities, control points, and drainage elements.
22. The Applicant shall pay all consulting review fees incurred by the Town Board of the Town of Brunswick and Planning Board of the Town of Brunswick in connection with the review of the Brunswick Acres PDD project.
23. In compliance with Brunswick Zoning Law Section 160-101, the Applicant shall be required to establish at the Town of Brunswick an inspection fee escrow account in an amount to be determined by the Town Board. The Applicant must submit an estimate for projected infrastructure costs, including public water, road, and stormwater facilities; and further, the Applicant must submit an estimated construction schedule. This information will be used by the Town in considering an appropriate

inspection fee escrow amount, which amount is anticipated to be five (5) percent of the total estimated infrastructure construction costs. All fees for inspections during the construction of the Brunswick Acres PDD project shall be the responsibility of the Applicant, and shall be paid out of the escrow account established pursuant to this paragraph. The amount of such inspection fee escrow account shall be subject to review from time to time by the Town Board during construction activities on the Brunswick Acres project site. At no time shall such account be in an amount less than \$5,000. In the event the Applicant fails to maintain such inspection fee escrow account in a minimum balance of \$5,000, a Stop Work Order shall be issued by the Town of Brunswick Building Department on all construction activities at the project site. The Applicant shall be entitled to an accounting of all inspection fees. At the conclusion of construction and completion of inspection activities, and upon a final accounting of all inspection fees, all funds remaining in such inspection fee escrow account shall be returned to the Applicant.

24. In light of the proximity of the project detention pond and bioretention pond to NYS Route 2, landscaping around these stormwater facilities shall be required and subject to review and approval by the Planning Board during subdivision review.
25. The Applicant shall include an access easement in the deed to lot 15, allowing access to the cemetery located on lot 15 from the subdivision road.
26. The Brunswick Acres PDD project shall be subject to full review by the Town of Brunswick Planning Board pursuant to the subdivision regulations of the Town of Brunswick, and the Applicant must file a major subdivision application as set forth in paragraph (B) hereof.
27. Copies of all necessary permits and/or approvals for potable water must be filed with the Town of Brunswick prior to issuance of any building permit or other work permit for any structure to which public water will be connected.
28. All rock, including bedrock, is to be removed by mechanical means. In the event mechanical means are not able to remove rock and blasting is required, notice to the Town Building Department and consulting engineer must be made, both verbally and in writing, prior to any blasting activities. The following best management practices for blasting must be complied with:
 - (i) All blasts will be designed and implemented in accordance with all applicable state and federal regulations.
 - (ii) A licensed expert blaster will perform all blasting.

(iii) Blasting will be scheduled to avoid adverse weather conditions such as strong, low level thermal inversions and thunderstorms.

(iv) All blast holes will be loaded and implemented under the direct supervision of an expert licensed blaster.

(v) The blast area will be secured prior to each blast.

(vi) Blasting will be done between 10:00 a.m. and 5:00 p.m. Monday through Friday. No blasting will occur on weekends.

(vii) All blasts will be monitored with a properly calibrated seismograph.

(viii) Records of all blasts, including seismograph data, will be prepared and maintained by the Applicant and/or blasting expert, and made available to the Town upon request.

(ix) The Applicant will promptly and professionally respond to and investigate all complaints. Applicant shall make all necessary repairs to homes and property if it is determined that such damage is causally related to the blast.

(x) In addition, the Applicant shall offer to all property owners within 1500 feet of the blasting areas, or as directed by the Town's consulting engineer and Town Building Department, the opportunity to have a pre-blast survey conducted by the Applicant for all structures located within such area. This offer must be made in writing, with records of such written offer and/or pre-blast survey to be maintained by the Applicant and made available to the Town upon request.

(xi) Prior to engaging in any blasting activity at the project site, the Applicant shall secure and maintain a policy of general liability insurance issued by a company or companies lawfully authorized to do business in New York in an amount no less than five million (\$5,000,000.00), which in addition to providing general liability coverage shall also cover all risks and claims associated with blasting activities on or about the project site. The Town of Brunswick shall be named as additional insured on such policy, and a certificate of such insurance shall be filed with the Town of Brunswick prior to any blasting activity at the project site.

(xii) The Applicant shall execute a Hold Harmless and Indemnification Agreement with the Town of Brunswick for all liability and damages arising out of all blasting activities at the project site. Such Hold Harmless and Indemnification Agreement shall be fully executed prior to any blasting activities occurring at the project site.

29. Compliance with all blasting requirements of Rensselaer County.

- B. The Applicant is required to file a major subdivision application with the Town of Brunswick Planning Board pursuant to the subdivision regulations of the Town of Brunswick. Such application must include payment of all application and consulting review fees.
- C. A Local Law shall be prepared to amend the official Zoning Map of the Town of Brunswick to add the Brunswick Acres PDD project site as an approved Planned Development District. Such Local Law shall be subject to all applicable legal requirements associated with amendment to the official Zoning Map of the Town of Brunswick. All consulting fees incurred by the Town of Brunswick in connection with the preparation and adoption of such Local Law shall be paid by the Applicant.

The foregoing Resolution, offered by Councilman Sullivan and seconded by Councilman Christian, was duly put to a vote as follows:

COUNCILMAN CHRISTIAN	VOTING <u>AYE</u>
COUNCILMAN SULLIVAN	VOTING <u>AYE</u>
COUNCILMAN CASALE	VOTING <u>AYE</u>
COUNCILMAN BALISTRERI	VOTING <u>AYE</u>
SUPERVISOR HERRINGTON	VOTING <u>AYE</u>

The foregoing Resolution was thereupon declared duly adopted.

December 12, 2019