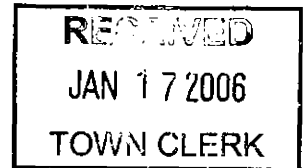


**PLANNING
BOARD
MINUTES**

2006

Planning Board

TOWN OF BRUNSWICK
308 Town Office Road
Troy, New York 12180-8809



MINUTES OF THE PLANNING BOARD MEETING HELD January 12, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the minor subdivision application of James Kennelly, for property located on Bellview Road. At the request of the applicant, this matter has been adjourned until the January 19, 2006 Planning Board meeting.

The next item of business on the agenda was the site plan application of Heer Realty for property located at 731 Hoosick Road. Appearing on behalf of the applicant was Linda Stancliff, of Erdman Anthony & Associates. Ms. Stancliff provided a revised site plan, and reviewed the changes. First, a wing-gutter had been added along the western property line to avoid any stormwater runoff to the neighboring property to the west. Two light poles had been added in the rear parking lot, with detail on the proposed lighting fixtures, including foot candle radius and photometrics. Next, the handicap parking space had been relocated in the rear parking lot per the suggestions of the Planning Board. Next, the grading will continue the 96 foot contour to drain surface water runoff to the stone trench on the east side of the property, ultimately discharging to the proposed detention basin in the front of the lot. Chairman Malone asked Mr. Kestner if he had reviewed the revised site plan. Mr. Kestner stated that he had reviewed the

changes on the site plan, and that the prior comments of the Planning Board had been addressed. Mr. Kestner had also reviewed the stormwater report for the site, which addresses stormwater runoff entirely on the site without potential impact to the property to the west through the installation of the additional wing-gutter, and the stone trench on the east side of the property discharging to the proposed detention basin on the front of the lot. Chairman Malone inquired whether any of the Board members had additional comments prior to the scheduling of a public hearing. Member Oster inquired as to the status of the letter from the New York State Department of Transportation that an additional curb cut was not required, that the existing driveway could be used for this commercial site. Ms. Stancliff stated that a copy of the NYSDOT had been provided to Mr. Kestner. Hearing no further comments, Chairman Malone scheduled a public hearing for the site plan for January 19, 2006 commencing at 7:15 p.m.

The next item of business on the agenda was the site plan application of Prime Rate and Return for property located on Route 2. Tim Fitzpatrick appeared for the applicant. Mr. Fitzpatrick stated that a narrative of the proposed use of the property had been provided, describing the site use for financial planning and real estate, with a potential for future use as a law office as well. Mr. Fitzpatrick explained that there will be no changes to the exterior of the building, including the physical structure as well as the parking areas. Mr. Fitzpatrick provided photographs as well as the tax map of the subject parcel and adjacent lots. Chairman Malone inquired as to the status of the variance application in front of the Brunswick Zoning Board of Appeals. Mr. Fitzpatrick stated that the Zoning Board of Appeals was set to act upon that application at its meeting on January 17, 2006. Chairman Malone again inquired as to whether there were any proposed changes to the existing structure. Mr. Fitzpatrick stated that there are

no changes to the exterior of the building proposed, nor the parking area. Mr. Kestner stated that he had researched and was unable to locate the existing approved site plan for this site, although he had been able to uncover the minutes of the previous Planning Board meeting in the mid 1990's at which the site plan for the current structure was approved. Both Mr. Kreiger and Mr. Kestner will continue their investigation to locate the site plan. Mr. Kestner did inquire whether this applicant sought to have both the financial services and real estate uses within the same building. Mr. Fitzpatrick stated that both uses would be in the same building. Mr. Kestner asked whether there would be multiple entrances, or the use of one common entrance with separate interior access ways. Mr. Fitzpatrick stated that the same entrances would be used as presently exist, which include both a front and rear entrance and two side entrances. The main access will be through the front entrance. Mr. Fitzpatrick said minor modifications were planned for the interior of the building, but no exterior modifications are planned. Mr. Fitzpatrick also stated that the current site plan provides for thirteen (13) parking spaces, and that only ten (10) parking spaces will be required for the proposed financial and real estate uses. Member Esser inquired whether the Brunswick Town Code required pavement in the parking lot, or whether it allowed crushed stone, which currently exists in the parking lot. Mr. Kestner stated that the Town Code does not require a paved parking lot, and that a crushed stone parking lot could be used. Chairman Malone stated that he recalls having allowed a crushed stone parking area in the past, but that the handicapped spot would need to be in a paved section of the parking area with proper signage. Member Wetmiller suggested that a concrete curb/parking stop could be used in the crushed stone parking lot to denote areas for parking spaces, as striping would not be used. Mr. Fitzpatrick stated that while this could be an option, such curbing becomes an issue in the winter

with snowplowing. Mr. Kestner stated that while he was unable to locate the currently approved site plan, he also suggested that Mr. Kreiger research whether a certificate of occupancy was ever issued for this building, given that the building has never been occupied after construction. Chairman Malone stated that while a public hearing had been required in front of the Zoning Board of Appeals, the Planning Board would also hold a public hearing at its discretion on this application. Mr. Fitzpatrick requested that the public hearing be scheduled for the January 19, 2006 meeting. Chairman Malone stated that he would not schedule the public hearing until final action has been taken by the Zoning Board of Appeals, and that further research needed to be done by the Planning Board in terms of the currently approved site plan. Chairman Malone asked whether there were any other comments by the Planning Board Members. Generally, the Board requested additional information on stormwater management on the site, information on the New York State Department of Transportation curb cut for this property, additional information on the topography on the site and whether the building as constructed on the property is consistent with the approved site plan. This matter has been placed on the January 19, 2006 agenda for further discussion.

The next item of business on the agenda was the application by North Troy Congregation of Jehovah's Witnesses for waiver of subdivision and site plan for property located off Cooksboro Road. Dick Bovee, P.E. appeared for the applicant. Mr. Bovee stated that he had previously filed a site plan for the proposed house of worship, and had submitted photographs concerning the site. Mr. Bovee informed the Board that since the submission of the site plan, the applicant has dug six (6) test holes on the property and is in the process of preparing a stormwater management plan. Mr. Bovee explained that the church has an option on the

property, and is not yet the owner of the site. The option covers approximately 4 acres out of a total 19 acre lot and if this project moves forward, the 4 acre parcel is the subject of the waiver of subdivision application. Mr. Bovee explained that the church had been conducting a land search for approximately 3 years, and that it must move out of its current location on First Street in Troy by the 112th Street Bridge as a result of change in ownership of the property. Mr. Bovee explained that the church entails bible study and worship, and the congregation currently has approximately 85 members. The church worships at a 2 hour service on Sunday, and also provides bible study and education on Tuesday evenings at 7:30 p.m. through 9:30 p.m. and Thursday evening from 7:30 p.m. to 8:30 p.m. The proposed building is a single story with a carport. The proposal calls for a 50 space parking lot. Mr. Bovee explained that the church likes to pave the parking lot with binder course for the first year, including striping and letting the binder course set for a one year period. Thereafter, in year two, the top coat is placed on a parking lot with the final striping. Mr. Bovee also explained the lighting plan, which proposes to use shoebox/down lighting to cut down on glare, with motion detectors on the exterior lights to the building. Chairman Malone inquired whether there were any recent church buildings constructed which the board members could look at. The applicant stated that a church had been built in Halfmoon near the Town Hall within the last three years, and that an additional facility had been constructed in the City of Greenport on Route 9W. Chairman Malone also asked whether there was a church recently constructed on Route 66 in Averill Park. Mr. Bovee confirmed that, stating that that facility had been constructed within the last ten years. Mr. Bovee explained the proposed structure will house a large auditorium, bathrooms, a small kitchenette, a lobby, two classrooms, and a child care area. All fuel storage is outside the

building. Given the topography of the site, the proposal calls for cutting back the slope and leveling out an area for the building and parking lot construction. Member Oster inquired as to the total available occupancy within the structure. Mr. Bovee said the structure is capable of occupying 125 people, even though the congregation currently has only 85 members. Mr. Kreiger stated that he will investigate whether sprinklers are required for such occupancy. Mr. Kreiger also noted that the Rensselaer County Highway Department had issued a driveway permit for this facility with access off Cooksboro Road, subject to certain conditions concerning drainage. Mr. Kestner stated that the Planning Board would still require investigation of available sight distances onto Cooksboro Road. Mr. Bovee stated that sight distance was one of the reasons to cut back the slopes on the site, and that the applicant will work with the Planning Board on this issue. Mr. Kestner asked whether a church is an allowable use in the agricultural district. Mr. Kreiger stated that a church was a permitted use in the agricultural district. Mr. Kestner asked whether an environmental assessment form had been filed on the application. Mr. Bovee stated that the EAF had not yet been filed, and that his office was completing the long EAF for filing. Mr. Bovee asked whether a traffic study would be required in connection with the site plan. Chairman Malone stated that once the Board had reviewed the site plan and the long environmental assessment form, it would then determine whether a full traffic study would be required. This matter has been placed on the January 19, 2006 agenda for further discussion.

The next item of business on the agenda was the subdivision applications of Brooks Heritage, LLC for property located on Route 142 (Grange Road) and Dusenberry Lane. The applicant has two subdivisions proposed. First, a minor 3 lot subdivision has been proposed for property located at the intersection of Dusenberry Lane and Route 142, with proposed lot 1

having a driveway off Dusenberry Lane and proposed lots 2 and 3 having access directly off Route 142. The applicant also has a major 28 lot subdivision for property located at the end of Dusenberry Lane. First, with respect to the 3 lot subdivision, the applicant stated that driveway profiles had been provided for each lot, which include the negative pitch and culvert location, and information that each of the driveways comply with grades for private driveways. Mr. Kestner confirmed that these driveways are less than 150 feet, and are not greater than the 15 percent grade under the Town Code. The applicant also explained that the four corners of each proposed lot have been staked out in the field, to allow members of the Planning Board to look at the property and proposed lot areas. Mr. Kestner stated that the Board wanted a note on the subdivision plans indicating that a pump system was required for the septic systems. The applicant stated that the plans say that a pump system may be required, since proposed lot 1 will be a gravity fed septic system. The Planning Board wanted the map note amended to specifically provide that lot 1 was a gravity feed septic system, while lots 2 and 3 were a pump system to the septic field. Chairman Malone inquired of Mr. Kestner whether all prior issues have been addressed on the application. Mr. Kestner confirmed that the Planning Board's prior comments had all been addressed, and that the application is ready for public hearing. Chairman Malone scheduled the public hearing for the 3 lot minor subdivision for January 19, 2006 commencing at 7:00 p.m. With respect to the proposed 28 lot major subdivision, the applicant presented to the Planning Board for consideration 3 alternatives with respect to the extension of Dusenberry Lane. The applicant first noted that he had met several times with the existing homeowners at the bottom of Dusenberry Lane, and has had discussions with Highway Superintendent Eddy concerning this road. The first option proposed by the applicant is to extend Dusenberry Lane

with a boulevard road, with a small cul-de-sac midway up the extended Dusenberry Lane, and a full cul-de-sac at the end of the Dusenberry Lane extension so as not to connect with Bald Mountain Road. The next option proposed by the applicant is to construct a full width road extending Dusenberry Lane to and connecting with Bald Mountain Road, with a small cul-de-sac midway up the Dusenberry extension. With this option, however, the applicant only has a 40 foot frontage onto Bald Mountain Road, and would propose to construct the public road within the 40 foot right of way. The Town Code requires a 60 foot right of way for public highway purposes. The applicant stated that while the full width road could be constructed with the right of way, the 40 foot right of way would limit the area for utilities on the shoulders. The applicant did state that sewer lines would not be required, but that drainage and water lines would be required. Mr. Kestner did note that the 40 foot right of way was located directly at the frontage with Bald Mountain Road, but that the width widens like a pie shape as you go down the hill, which would widen the potential public right of way down gradient from Bald Mountain Road. The third option presented by the applicant was a boulevard road commencing at the end of Dusenberry, with a cul-de-sac midway up the Dusenberry extension, and a cul-de-sac at the end of the Dusenberry extension with a 16 foot wide emergency access road leading off the cul-de-sac and connecting with Dusenberry Lane. The 16 foot wide emergency access road would include a crash gate to eliminate the potential for any through traffic. The crash gate and 16 foot wide emergency access was designed to address emergency vehicle access given the number of lots on the proposed roadway, thereby providing two ways into the subdivision for emergency access vehicles. The Planning Board noted that this application will require a Town Board application for waiver of Town Standards with respect to any of these options, whether it be the

number of lots on a proposed cul-de-sac road or a variance from the public highway specifications for the width of the public right of way. Superintendent Eddy was present at the Planning Board meeting. Superintendent Eddy questioned how his department would plow the emergency access road given the existence of the crash gate. The applicant stated that this would require the Town personnel to open the crash gate, plow away the snow, and close the crash gate after the plowing had been completed. Mr. Kestner stated that another option is to eliminate the crash gate and put in signage allowing emergency access vehicles only. Chairman Malone noted that a number of the residents along the existing Dusenberry Lane were present, and understood that a big concern for the existing residents was the extension of Dusenberry Lane to become a through road for people currently living on Bald Mountain Road. One member of the public did state that this was a major concern and that neighbors were not simply concerned by the additional traffic from 28 residential lots, but the potential additional traffic coming from homeowners already living on Bald Mountain Road and even Bellview Road to use Dusenberry as an easy through road down to Route 142 and North Lake Avenue. Member Wetmiller agreed with this potential use of the road as a through road. The applicant discussed a number of options to create a disincentive to use the road as a through road, including a number of stop signs as well as road alignment. Chairman Malone inquired who would maintain the crash gate if one would be installed. The applicant stated that the crash gate would be dedicated as part of the public dedication, and therefore the Town would need to maintain the crash gate. After discussion, it became clear that the Planning Board was not favorable to the installation of the crash gate. After further discussion, the Planning Board suggested that it would be helpful to have information concerning traffic flows on Bellview Road and Bald Mountain Road in order to

fully assess the current Dusenberry homeowners' concern regarding additional traffic on Dusenberry. The applicant agreed to perform traffic counts at the intersection of Bald Mountain Road and Bellview Road, as well as on Bald Mountain Road at the eastern end of the road, to determine the potential traffic flow on Bald Mountain Road in the area of the extended Dusenberry Lane to better assess the potential amount of traffic. Member Tarbox expressed concern about the use of a 40 foot wide right of way on a public highway and did not think that this was appropriate. The applicant stated that one of the options presented was a cul-de-sac only, with no access onto Bald Mountain Road. The Planning Board stated that when this application was first presented, a loop road had been proposed at the upper grades prior to intersecting with Bald Mountain Road. The applicant explained that while the loop road was potentially viable, the grades of the property were difficult. Superintendent Eddy noted that while Dusenberry is a public road within a 50 foot right of way, he was concerned that the existing Dusenberry was only 18 feet wide and that the proposed extension would be at full Town width, thereby creating a bottle neck coming down the hill. The applicant stated that he will incorporate upgrades to the existing Dusenberry Lane as part of this subdivision project. The applicant stated that he had presented the options on the road to the Board, seeking the Board's guidance as to which option to pursue. Chairman Malone stated that the Planning Board did not favor the installation of the crash gate. Chairman Malone did state that it was premature to get a full recommendation from the Planning Board until the additional traffic data was available. Mr. Kestner did state that the applicant should complete its traffic study to determine the potential number of cars on Bald Mountain Road which could access the extended Dusenberry Lane. Mr. Kestner also stated that on a conceptual basis, he was in favor of having two ways in and out of

the proposed subdivision for safety reasons. Chairman Malone noted that in terms of emergency access, it was likely that the Center Brunswick Fire Department will use the Route 142 entrance on Dusenberry Lane. Mr. Kreiger noted that the main entrance would be at Route 142 and that a Bald Mountain access would be used primarily to loop water by taking trucks out onto Bald Mountain Road. Mr. Kreiger did note that if the entrance off Route 142 were somehow blocked, a second entrance off Bald Mountain Road for emergency access would be needed. Members of the public also suggested that the extended Dusenberry Lane not be one road at all, but rather a cul-de-sac road leading off Route 142, and a second cul-de-sac road leading off Bald Mountain Road. Superintendent Eddy expressed concern about this, given the number of deadend roads that already exist in the Town. After further discussion, the Planning Board suggested further investigation should be made into a cul-de-sac road at the top of the Dusenberry extension with a 16 foot wide paved emergency access connecting the cul-de-sac to Bald Mountain Road without the installation of the crash gate. This emergency access would have proper signage limiting the road to emergency access only. Member Oster returned to the issue of the loop road, and noted that the applicant had previously informed the Board that it was seeking to negotiate with National Grid (formerly NIMO) to acquire additional property adjacent to this site. The applicant stated that the negotiations with National Grid were ongoing, and he had not received any response from National Grid to date. The applicant did state that if he were able to get ownership of the adjacent National Grid property, he would seek to add 5 additional large lots to the project. However, he has not had any success in negotiating with National Grid to date. The applicant noted that there were no power lines on the National Grid property, in that it was simply vacant property. The applicant stated that he would complete the traffic count at the

identified intersections, and that he would further investigate the cul-de-sac with a one way 16 foot emergency access leading to Bald Mountain Road without the crash gate. This matter has been placed on the January 19, 2006 agenda for further discussion.

One item of new business was discussed.

Mr. Kreiger reported that Provost had submitted a new application for the property off Norman Lane at the Town's border with Pittstown. The new plan called for 3 residential lots, with private driveways leading to the public 50 foot right of way at the Brunswick/Pittstown border. This would eliminate any public road within the Town of Brunswick. However, the Board initially noted that three 15 foot wide driveways within a 50 foot right of way was not a viable design in that one of the proposed lots appeared to have two houses on it. This matter has been tentatively placed on the February 2, 2006 agenda, subject to Mr. Kestner, Mr. Kreiger, and Chairman Malone meeting with the applicant's surveyor to discuss this plan prior to the February 2, 2006 meeting.

The minutes of the December 15, 2005 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Oster, the minutes were approved 7/0 as written.

The **index** for the January 5, 2006 meeting is as follows:

1. Kennelly - minor subdivision - 1/19/06;
2. Heer Realty – site plan – Public Hearing 1/19/06;
3. Prime Rate and Return – site plan – 1/19/06;
4. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – 1/19/06;
5. Brooks Heritage, LLC – three lot minor subdivision – Public Hearing 1/19/06;

6. Brooks Heritage, LLC – major subdivision – 1/19/06; and
7. Provost – minor subdivision – 2/2/06.

The proposed agenda for the January 19, 2006 meeting is as follows:

1. Brooks Heritage, LLC – minor subdivision – Public Hearing 7:00 p.m.;
2. Heer Realty – site plan – Public Hearing 7:15 p.m.;
3. Brooks Heritage, LLC – major subdivision;
4. Kennelly – minor subdivision;
5. Prime Rate and Return – site plan; and
6. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road

Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD January 19, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board opened a Public Hearing concerning the 3 lot minor subdivision by Brooks Heritage, LLC for property located at the intersection of Route 142 (Grange Road) and Dusenberry Lane. The Notice of Public Hearing was read into the record. The record will reflect that the Notice of Public Hearing was published in the Troy Record on January 9, 2006. In addition, the record will reflect that all adjacent property owners, as well as all property owners located on Dusenberry Lane and Brunswick Park Drive, were notified in writing of the Public Hearing. Chairman Malone requested the applicant to present an overview of the project. Jeff Brooks of Brooks Heritage, LLC, provided an overview of the proposed 3 lot minor subdivision. Chairman Malone then opened the floor for public comment. Frank Brenenstuhl, residing on Dusenberry Lane, provided comment. First, Mr. Brenenstuhl stated that the proposed driveway from lot (1) directly onto Dusenberry Lane must take into consideration the existing pavement and width of Dusenberry Lane, as well as that of potential upgrades to Dusenberry Lane in connection with a proposed major subdivision project for property located upgradient on Dusenberry Lane. Mr. Brenenstuhl wanted it noted that if the major subdivision project did not move forward, that the driveway for this proposed lot (1) directly onto Dusenberry met all Town requirements; and further that if the major subdivision did move forward, that this proposed driveway from lot (1) took into consideration future upgrades to the existing Dusenberry Lane. Mr. Kestner noted that the applicant had

submitted driveway profiles for each of the three proposed residential lots, and that the driveway profile for proposed lot (1) did meet current Town requirements with regard to the existing Dusenberry Lane, and was designed in a way to allow potential upgrades to Dusenberry Lane in connection with the proposed major subdivision. Mr. Brenenstuhl also noted that the grading proposed for these three residential lots should take into account the potential traffic generated from the proposed major subdivision upgradient on Dusenberry Lane. Chairman Malone called for any further public comment. Hearing none, Chairman Malone inquired whether any of the Board Members had questions or comments to add to the record. Hearing none, Chairman Malone closed the Public Hearing with respect to the Brooks Heritage, LLC minor subdivision application.

Chairman Malone then opened a Public Hearing with respect to the site plan of Heer Realty for property located at 731 Hoosick Road. The Notice of Public Hearing was read into the record. The record will reflect that the Public Hearing Notice had been published in the Troy Record on January 9, 2006. The record also reflects that written notification of the Public Hearing was provided to all adjacent property owners. Chairman Malone noted for the record that the Planning Board was in receipt of a letter from Robert R. Schroeder, Esq. attorney for Theresa M. Pascucci concerning the Heer Realty site plan. Chairman Malone identified the issues raised in the Schroeder letter, including surface water runoff, light pollution, snow storage, and privacy concerns. The letter from attorney Schroeder is dated January 8, 2006. Chairman Malone then requested the applicant to provide an overview of the site plan. Linda Stancliff, of Erdman Anthony and Associates, presented an overview of the site plan. Dean Heer of Heer Realty was also in attendance. Chairman Malone then opened the floor for receipt of comment.

Nick Pascucci spoke on behalf of his mother, Theresa Pascucci, property owner of both 729 and 733 Hoosick Road, bordering the proposed site. Mr. Pascucci questioned whether the surface water runoff was discharging into the Route 7 drainage system, or into a basin on the property. Ms. Stancliff explained that the surface water runoff from the driveway would be discharged to the Route 7 drainage system, but that the balance of the site runoff would be handled through a series of stone trenches, swales, and a detention basin located in the front of the property. Mr. Pascucci stated that he had concerns regarding the detention basin, that it may overflow and cause additional flooding problems, and that a detention basin must be properly maintained. Ms. Stancliff did state that with respect to the driveway, the driveway grade was being raised, and a curb/wing gutter was being added to capture runoff on the site and divert it to the Route 7 drainage system before it could runoff onto adjacent properties. Mr. Pascucci raised concerns about light pollution, particularly in the rear parking lot area, as the property located at 729 was directly adjacent to the driveway and parking area. Ms. Stancliff stated that the type of lights to be installed direct all lights downward, to reduce any light spillage onto adjacent properties. Also, Ms. Stancliff explained that the lights would be on a timer, so that the parking lot lights would not be on all night. Mr. Pascucci raised concerns about snowplowing on the driveway and snow storage areas, raising concern about snow being thrown onto 729 Hoosick Road, potentially impacting shrubs existing along the property line. Mr. Pascucci was also concerned about snow melt adding to the surface water runoff problem. Mr. Pascucci was also concerned about salt being applied to the driveway, which could affect the shrubs along the property line on 729 Hoosick Road. Mr. Pascucci also raised concern about solid waste collection and whether there would be a dumpster on the property. If a dumpster was to be used, Mr. Pascucci was

concerned about odors and rodents. Finally, Mr. Pascucci raised a question about a boundary line issue between 729 and 731 Hoosick Road, and thought there was no current survey. Dean Heer responded to a number of the issues raised by Mr. Pascucci. First, Mr. Heer stated that a current survey was done, and that a survey map has been prepared. Mr. Heer committed to putting survey pins in the field to identify the property boundaries. In terms of surface water runoff onto adjacent properties from the driveway, Mr. Heer reiterated that his plan raises the grade of the driveway and installs a wing gutter to divert stormwater runoff down to Route 7. As to snow being thrown onto 729 Hoosick Road, particularly in the area of the shrubs, Mr. Heer committed to directing his snowplowing service to angle all snow away from the property boundary and onto 731 Hoosick Road to avoid this issue. Theresa Pascucci noted that recent rains had already flooded her yard at 729 Hoosick, and that she was very concerned about additional stormwater runoff onto her property. Mrs. Pascucci wanted the record to show that there would be problems between the property owners if any additional surfacewater runoff ran onto her property. Mr. Heer responded that he was trying to avoid that issue by raising the driveway and installing the wing gutter to make the current situation better. In terms of any restrictions on the hours for the lights in the parking lot, Mr. Heer stated that he was flexible, and do whatever the Board wanted to do. Mr. Heer did note that he was installing directional lighting so as to avoid any light spillage onto neighboring properties. Chairman Malone stated that a reasonable hour for the lights to be shut off is 7:00 p.m. The Planning Board Members concurred, and Mr. Heer stated that this was acceptable to him. Mrs. Pascucci also stated that this was acceptable to her. Mr. Heer then stated that there would be no solid waste dumpsters on the site. In terms of salt usage, Mr. Heer stated that he would use as little as possible, and that

any melting or runoff would be collected by the wing gutter and diverted down to Route 7. Mr. Pascucci then raised concern about snowplowing throwing the snow and salt onto the shrubs along the property boundary, and that there was no barrier between the properties to avoid this. Chairman Malone inquired whether Mr. Pascucci was asking for a fence to be installed between the properties to create that barrier. Mr. Pascucci said that while a fence would be a barrier, he was not looking for a fence to be installed. Mr. Heer reiterated that he would direct his commercial plow service to angle the plow away from 729 Hoosick, and put as much of the snow onto 731 Hoosick as possible. Also, Mr. Heer reiterated that he was not intending to use a lot of salt on the property. Mr. Pascucci pressed Mr. Heer as to whether he was willing to pay for the shrubs if they were damaged or killed as a result of snowplowing or salt runoff. Mr. Heer stated that he would work with Mr. Pascucci in this regard. Chairman Malone inquired whether there were any additional comment. Patrick Poletto spoke on behalf of his mother, property owner at 735 Hoosick Road. Mr. Poletto explained that there were a series of underground pipes on all of these properties along Hoosick Street, originating upgradient near the Green Alliance Church. Mr. Poletto explained that the underground pipe goes through the Poletto property at 735 Hoosick, then to the Pascucci lot at 733 Hoosick. At that point, the pipe splits, with one line going directly down the Pascucci property line, and the second pipe going through the Heer lot at 731 Hoosick and eventually out to Route 7. Mr. Poletto thought that these were six inch clay pipes, and that the pipe on 731 Hoosick went directly beneath the house. Mr. Poletto wanted to make sure that when any excavation was being done on 731 Hoosick, that care was taken not to impact these drainage pipes; otherwise, water could back up and impact the upgradient properties, including his mother's parcel. Member Czornyj asked Mr. Kestner whether a

connection to these underground drainage pipes would help alleviate some of the surfacewater runoff problems at these properties. Mr. Kestner thought that a connection to these existing underground pipes could help alleviate surface runoff problems at 731 Hoosick Road, but that further inquiries should be made as to where these drainage pipes discharge. Mrs. Poletto then stated she owned the property directly behind the lot at 731 Hoosick, and was concerned whether the grading associated with a parking lot would impact her property. Ms. Stancliff explained that there was at least 20 feet between the area of the parking lot and the Poletto parcel to the rear, and no impact should result. Mr. Heer stated that there was an existing tree on the back part of the 731 Hoosick Road parcel which would be maintained under the site plan. Ms. Stancliff also explained that the size of the parking lot was required to meet Town Code for requisite parking spaces, and that the original proposal did include a retaining wall, but that proposal has been eliminated. Chairman Malone inquired whether there were any further comments. Hearing none from the public or members of the Planning Board, Chairman Malone closed the Public Hearing on the site plan of Heer Realty for property located at 731 Hoosick Road.

Chairman Malone then opened the Planning Board Meeting for its regular business agenda.

The first item of business on the agenda was the 3 lot minor subdivision application of Brooks Heritage, LLC for property located at the intersection of Route 142 (Grange Road) and Dusenberry Lane. Jeff Brooks of Brooks Heritage, LLC appeared. Mr. Brooks presented the plat for the proposed 3 lot subdivision for final approval. Chairman Malone inquired whether Mr. Kestner had any remaining questions on the application. Mr. Kestner stated that the map notes concerning the septic systems for these lots had been changed at the request of the Board,

so that the map note now reads that lot one (1) has a gravity fed septic system, while lots two (2) and three (3) have a pump septic system. Mr. Kestner also noted that driveway profiles had been provided, information regarding culverts and swails had been provided, first floor elevations had been provided, and that measurements for sight distances had been provided. Member Czornyj inquired whether the grading on these proposed lots would be adequate to provide safe sight distances at the intersection of Dusenberry Lane onto Route 142 in the event the major subdivision application for property upgradient on Dusenberry Lane went forward. Mr. Kestner stated that the grading was adequate to provide safe sight distances from Dusenberry Lane unto Route 142. Mr. Kestner also noted that in light of the public comment concerning the driveway from lot one (1) onto Dusenberry Lane, the record should note that the driveway has been designed to provide safe access both with respect to the current Dusenberry Lane as well as integration into any future upgrades of Dusenberry Lane in the event the major subdivision upgradient on Dusenberry Lane goes forward. Mr. Kestner noted that a driveway permit will be required for lot one (1) onto Dusenberry Lane, as it is a Town road. Mr. Brooks acknowledged this requirement. Mr. Brooks also noted that he will continue to work with Highway Superintendent Eddy as well as the neighboring properties on Dusenberry Lane in connection with both this minor subdivision as well as his proposed major subdivision upgradient on Dusenberry Lane. Chairman Malone inquired whether there were any further comment. The record should note that while parts of this minor subdivision application were designed in contemplation of a major subdivision proposal upgradient on Dusenberry Lane, including site grading and driveway profiles, this minor subdivision remains a functionally independent action and is not interdependent with any other project. Thereupon, Member Czornyj made a motion to

adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 7/0, and a negative declaration adopted. Chairman Malone then made a motion to approve the minor subdivision application subject to Rensselaer County Health Department approval, which motion was seconded by Member Czornyj. The motion was approved 7/0, and final approval granted.

The next item of business on the agenda was the site plan application of Heer Realty for a proposed real estate office at 731 Hoosick Road. Linda Stancliff of Erdman Anthony and Associates and Dean Heer were present. Ms. Stancliff handed up to the Board a copy of a letter from the New York State Department of Transportation dated December 7, 2005 which provides that as long as the proposed work within the State right of way was kept to paving the area from the back of the sidewalk to the property line, then DOT does not require a permit. Mr. Heer stated for the record that his hours of operation will generally be 9:00 a.m. to 7:00 p.m. with the rear property lights on the parking lot turned off at 7:00 p.m. However, Mr. Heer wanted both the Planning Board and the neighboring property owners to note that on a rare occasion, he may have a client meeting after 7:00 p.m. in the winter time, which would necessitate keeping the lights on for a short period of time. The Planning Board agreed with these general hours of operation with limited exceptions for the occasional client meeting after 7:00 p.m., and the neighbors were agreeable to that condition. Chairman Malone noted for the record that as soon as this site plan was presented to the Planning Board, both he and Mr. Kestner went to the property, and acknowledged the preexisting surfacewater problem at these houses. Chairman Malone noted that once he saw sump pumps and drainage lines leaving these houses, he knew that flooding problems would be a major issue. The Planning Board instructed the applicant to

address this issue, and not only consider the surfacewater runoff issues on 731 Hoosick, but come up with a design which could help alleviate the general area flooding problems as well. Chairman Malone is of the opinion that this site plan will help the flooding problems in this general area and Mr. Kestner concurs in that opinion. Chairman Malone also knew that lighting would be an issue, given the close proximity of the homes along Hoosick Road. Chairman Malone directed that the applicant install low impact lighting, and that the lights be directed down to avoid light spillage. Chairman Malone also noted that extinguishing these lights at night would be a requirement. In this regard, Mr. Kestner wanted testing of these lights once they are installed at this site to verify the lighting data provided with the application. Member Wetmiller wanted to reiterate that if the underground drainage pipes identified by Mr. Poletto were used in connection with this site plan, Mr. Kestner should be contacted so that appropriate oversight can be done in the field while that work is ongoing. On this issue, Member Oster inquired whether using the existing underground pipe would require DOT approval, since DOT did not allow drainage to be directly discharged from the front yard into the State drainage system. Mr. Stancliff explained that DOT denied direct access from the detention basin overflow into the State drainage system because DOT did not want this applicant to dig up the new sidewalk that had been installed in connection with the Route 7 reconstruction project. However, Ms. Stancliff thought that if these existing underground drainage pipes are already connected to the State drainage system, an additional permit from DOT may not be required. Mr. Kestner stated that before any work is done to tie into these underground drainage pipes if they are encountered during excavation, coordination with DOT will be mandatory. Member Mainello observed that in the attorney Schroeder letter of January 8, 2006 on behalf of Theresa Pascucci, on the issue of

privacy, it appeared that Ms. Pascucci was asking for a fence or some type of screening. Mr. Pascucci responded by stating that they did not want a fence, and that this was not a significant issue. Mr. Kreiger confirmed that the site plan had been referred to the Rensselaer County Department of Economic Development and Planning, and that a response had been received indicating that local considerations shall prevail. Chairman Malone inquired whether there were any additional issues for discussion by the Board. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Mainello. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the site plan subject to the following conditions:

1. Additional data be collected on light intensity once the lights have been installed to confirm the data submitted in connection with the application, with such information to be reviewed by Mr. Kestner.
2. General hours of operation will be 9:00 a.m. to 7:00 p.m., with all lights in the rear parking lot turned off at 7:00 p.m., subject to a limited number of client meetings after 7:00 p.m. during the winter time when the lights will need to be maintained, with such condition already having been consented to by the adjoining property owner.
3. Survey pins are to be installed in the field in compliance with the survey map prepared on the application.
4. If the existing underground drainage pipes are utilized in connection with this project, the applicant must contact and coordinate with Mr. Kestner prior to any field work.
5. The stormwater detention basin and stormwater detention features on the site must be properly maintained by the property owner.

Chairman Malone seconded the motion subject to the stated conditions. The motion was approved 7/0, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the major subdivision application of Brooks Heritage LLC for property located on Dusenberry Lane. Jeff Brooks of Brooks Heritage LLC appeared, as well as a representative of Lansing Engineering. The project engineer reviewed a traffic study prepared by the applicant, focusing on the intersections of Bald Mountain Road and Bellview Road, and Sweet Mill Creek Road and Bald Mountain Road. The traffic study identified both AM and PM peak traffic, in order to assess the potential for existing traffic on these road systems to utilize Dusenberry Lane as a cut through in the event a full connecting road from Bald Mountain Road to Route 142 was installed. The project engineer reviewed the traffic data collected, as well as the projected traffic from the proposed 28 residential lots as well. The conclusion of the traffic analysis was that there was no change in the level of service for any of the identified intersections, and that minimal impact from this subdivision will occur in terms of traffic. In order to avoid the potential for cut through traffic from Bald Mountain Road to Route 142, the applicant is proposing a cul-de-sac at the end of the extension for Dusenberry Lane with an additional 16 foot wide emergency access road from the cul-de-sac connecting to Bald Mountain Road. Chairman Malone noted that the Planning Board has not yet determined what the road system for this subdivision will be. Jeff Brooks stated that the traffic study was done to aid in that determination, and to assess the potential for cut through traffic. Mr. Brooks stated that he had also met with Highway Superintendent Eddy to discuss this road issue. As a result of the meeting with Highway Superintendent Eddy, any boulevard proposal for the Dusenberry Lane extension has been eliminated. The applicant was proposing one cul-de-sac half way up the Dusenberry Lane extension, and an additional cul-de-sac at the top of the Dusenberry Lane extension. In addition, a 16 foot wide emergency access road would be installed connecting the

upper cul-de-sac with Bald Mountain Road, with additional signage to allow exit only for the residents on Dusenberry Lane onto Bald Mountain Road. Mr. Brooks explained that he only has 40 feet of frontage onto Bald Mountain Road, and that a 16 foot wide emergency access road, which also allowed for one way traffic exiting Dusenberry Lane onto Bald Mountain Road, would fit within the 40 foot right of way, allowing for adequate width for installation of utilities along the shoulder of the road within the right of way. Chairman Malone inquired as to what proposal Brooks had for signage. Mr. Brooks stated that appropriate signage, both at the cul-de-sac as well as on Bald Mountain Road, would need to be installed, identifying emergency access only and one way traffic only, exiting the cul-de-sac onto Bald Mountain Road. Chairman Malone asked if any Board Members had any opinions on this proposal. Member Esser stated that he would like to hear the opinion of Highway Superintendent Eddy. Mr. Eddy started by stating that he felt there were already too many cul-de-sacs in the Town now, that he would prefer a full road, but understood the concern of the residents already living on Dusenberry Lane for the potential for cut through traffic running by their homes. Mr. Eddy felt that a cul-de-sac with a 16 foot wide road is a workable solution, but that enforcement will be crucial to avoid cut through traffic any way. Chairman Malone noted that signage may help, but that law enforcement may become necessary. The Board inquired as to the length of the 16 foot wide roadway from the cul-de-sac to Bald Mountain Road, and its grade. The project engineer stated that the roadway length is approximately 800 feet, with an average grade of 10%. Mr. Kestner noted that the recently approved subdivision on Route 351 included a roadway (Settlers Lane) which averaged 10% grade for reference by the Planning Board Members. Member Oster asked whether the Town would be able to plow the 16 foot wide road given its grade. Highway

Superintendent Eddy stated that he would need to plow the road downhill from Bald Mountain Road into the cul-de-sac. Member Mainello inquired whether there any other one way roads existing in the Town of Brunswick. Mr. Kestner stated that there are no other one way roads in Brunswick, and this would be a first. Member Tarbox added up the potential and current lots on Dusenberry Lane. First, Member Tarbox noted that there were 5 current homes on Dusenberry Lane, that the Board had just approved the Brooks minor subdivision which will add 1 lot with a driveway directly onto Dusenberry Lane. The current application proposes 28 residential lots, plus one vacant lot. This vacant lot is adjacent to property currently owned by National Grid, and that if Brooks was able to obtain title to this National Grid parcel, up to 5 additional lots were possible. Adding all of these current and potential lots, a total of 39 residential lots could be possible on Dusenberry Lane. Member Mainello then noted that there may be two issues for Town Board involvement. First, the proposed 16 foot wide emergency access and one way road would require a waiver from Town specifications, and the number of lots on a cul-de-sac would need to be waived. Chairman Malone noted that if the emergency access and one way road were approved then the issue of the number of lots on the cul-de-sac may be eliminated. Attorney Gilchrist stated that he would need to further investigate and research this issue and whether the emergency access and one way road was compliant with all laws and regulations. Member Czornyj stated that he was concerned regarding the grade of the road over its length, particularly in light of a proposed width of 16 feet. Mr. Kestner noted that the issue of the width is a difficult one, since if the road is too wide, the road will invite two way traffic which raises the concern of cut through traffic on these existing property owners down gradient on Dusenberry Lane. However, if the road is too narrow, safety concerns on snowplowing become an issue. This

matter has been placed on the February 2, 2006 agenda for further discussion with particular attention to the road issue. Chairman Malone requested that the applicant put stakes with ribbon the proposed location of this access road onto Bald Mountain Road, and stake out with ribbon a path of the proposed road down to the proposed cul-de-sac. This will allow the Planning Board Members, Mr. Kestner, Mr. Kreiger and Mr. Eddy to do further investigation of the proposed road on the ground.

The next item of business on the agenda was the minor subdivision application of Kennelly for property located on Bellview Road. There was no appearance on the application, and this matter has been adjourned without date.

The next item of business on the agenda was the site plan application of Prime Rate and Return for property located on Route 2. Mr. Kreiger noted that the Zoning Board of Appeals had granted a use variance for this property at its meeting held on January 17, 2006. Tim Fitzpatrick appeared for the applicant. Mr. Fitzpatrick stated that he had located a site plan for this site dated 1997, and had also uncovered a Certificate of Occupancy dated 2000. The Planning Board was concerned that the building on the ground was not in compliance with the 1997 site plan. Member Tarbox noted that the original site plan called for a door in the front, which was not installed, and not all of the parking spaces under the 1997 site plan had been installed. In addition, there were two doors on the side of the building which were not shown on the 1997 site plan. Mr. Fitzpatrick stated that he was able to only uncover the 1997 site plan and the 2000 Certificate of Occupancy and that there may have been a modified site plan approved between those dates, with evidence of this being the issuance of a Certificate of Occupancy. Chairman Malone noted that it is important on this application that the building footprint is not being

changed at all, with only minor interior renovations. Mr. Kreiger noted that while the Certificate of Occupancy had been uncovered, he was not able to find any building plans which would have been required in connection with the issuance of the building permit and subsequent certificate of occupancy. The Planning Board Members, upon further discussion, determined that either a correct site plan needed to be found which was in compliance with the building as actually constructed, or an updated site plan needed to be submitted by the applicant. This will provide the Town with accurate records concerning this property. It was determined that the Town, both by Mr. Kreiger and Mr. Kestner, would continue its search for existing Town records for this property, and also that Mr. Fitzpatrick would contact the original site engineer on the original 1997 site plan and arrange for a revision to that site plan to comply with the constructed building. The Board also asked whether the Zoning Board of Appeals had placed any conditions on its use variance approval. Mr. Kreiger reported that the Zoning Board of Appeals had conditioned the use variance on the use of the property for financial planner, real estate, and attorney office only, and subject to site plan approval by the Planning Board. This matter will be placed on the February 2, 2006 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision and site plan application by the North Troy Congregation of Jehovah's Witnesses for property located on Cooksboro Road. Dick Bovee, P.E. appeared for the applicant. Mr. Bovee handed up a long environmental assessment form in connection with the site plan. Mr. Bovee explained that the site plan and waiver application covered 4.1 acres out of a total parcel of 19 +/- acres, and that once the project was completed, only 0.59 acre of impervious surface would result. Accordingly, a full stormwater pollution prevention plan was not required, but that the applicant was in the

process of completing its erosion and sediment control plan in compliance with stormwater regulations. Chairman Malone noted that there was both a waiver application and site plan application, and inquired of Attorney Gilchrist as to procedure. Attorney Gilchrist suggested that the actions were functionally interdependent, and that one SEQRA review was appropriate. Further, while both the site plan and waiver applications were subject to discretionary Public Hearing, the Planning Board had been requiring Public Hearings on site plans in and near the Route 7 corridor on recent applications. In light of this, in the event a Public Hearing is required by the Planning Board, a Public Hearing on both the waiver application and site plan application would be appropriate. Chairman Malone concurred in this procedure, and advised the applicant that a Public Hearing would be required, which would cover both the waiver application and site plan application. It was noted that the property abuts Cooksboro Road, which is a County road, which necessitates the referral of the site plan to the Rensselaer County Department of Economic Development and Planning. Mr. Kreiger will make that referral. Chairman Malone inquired whether there were any residences directly across the street on Cooksboro Road. Mr. Bovee stated that there were no residences, but that the area was vacant and wetlands. Mr. Kestner noted that on the site plan application, a 50 car parking lot was proposed, but that the membership currently has 85 members, and the meeting facility is designed for occupancy of 125 people. Mr. Bovee stated that the typical meeting is approximately 30-35 people. Mr. Kestner stated that the parking requirements would be calculated in connection with the full capacity of the facility. Mr. Tarbox noted that on other applications in connection with churches, a ratio of one parking spot for every 4 persons had been used. Mr. Kestner will further investigate this issue. Member Esser inquired into some particulars concerning the entrance lane

and carport, which will be the subject of further discussion in connection with the site plan. Chairman Malone stated that he thought applications for churches were not reviewed in the same way as commercial site plan applications. Attorney Gilchrist explained that while church and educational site plans were subject to zoning compliance and review, New York Law does provide a deferential review toward religious and educational uses and that there is a presumption that such uses are beneficial for the community. Member Tarbox noted that if this waiver and site plan were approved, there must be sufficient frontage for the balance of the existing parcel onto Cooksboro Road. The Board reviewed this issue. A total of 1,000 feet of frontage exists on Cooksboro Road for the current parcel. The property subject to the waiver and proposed site plan will include 600 foot of frontage on Cooksboro Road, leaving 400 feet of frontage for the balance of the parcel. Mr. Bovee wanted some direction from the Planning Board conceptually as to whether the waiver would be approvable, so that the applicant can move forward and complete the detail work on the site plan. The Board stated that conceptually the waiver application did not present any significant issue, and directed the applicant to move forward and complete the full site plan application. Chairman Malone directed the applicant to put everything on the site plan that it sought to do on the property, and to comply fully with the Town's Site Plan Regulations. This matter will be placed on the Planning Board's February 16, 2006 agenda for further discussion.

The next item of business discussed was the waiver of subdivision application by Arden Bull for property located on White Church Road. This matter had previously been before the Planning Board on November 17, 2005. At that time, Mr. Bull was directed to obtain at least a 25 foot access for his proposed lot directly onto White Church Road, thereby providing direct

access for this lot onto a public road. Mr. Bull had obtained additional property from Marjorie Roden, current owner of the parcel. In fact, Mr. Bull obtained a 50 foot wide strip connecting his proposed lot onto White Church Road. This additional frontage was obtained in order to have Bull's proposed driveway at least 100 feet away from existing wetlands and a waterway. In this regard, Mr. Bull stated that he had contacted the Army Corps of Engineers, and that he was informed by the Army Corps that there was no problem with his proposed development as long as he stays away from the wetland boundary. In addition, Mr. Bull stated that this wetland area is not part of any NYSDEC regulated wetland, but that he was going to stay at least 100 feet away from it at any rate, which complies with buffer zone requirements for State wetlands. Mr. Bull stated that he would be placing a culvert under his driveway for drainage along White Church Road, and that the driveway would have the appropriate 10 foot back pitch. Chairman Malone inquired whether the Board had any further questions on this waiver 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 approved 7/0, and a negative declaration was adopted. Thereupon, Member Tarbox made a motion to approve the waiver application, subject to Rensselaer County Health Department approval and the coordination with Highway Superintendent Eddy on the installation of the culvert under the new driveway along White Church Road. Member Esser seconded the motion subject to the stated conditions. The motion was approved 7/0, and the waiver application approved subject to the stated conditions.

Mr. Kreiger reviewed one item of new business.

Mr. Kreiger explained that a Mr. Rezek, owner of property at 793 Pawling Avenue, needed to submit a site plan application as he was not in compliance with the current zoning for use of the property as both an apartment and car sales. Chairman Malone stated that there was no approved site plan for these uses, and that Mr. Rezek had been in front of the Planning Board several years ago. Chairman Malone stated that the Board should not accept a site plan application where the property was not in compliance with existing zoning, and that Mr. Rezek should work out his existing zoning violations before coming before the Planning Board with a site plan application. Mr. Kreiger will further investigate this issue.

The minutes of the January 5, 2006 meeting were reviewed. Upon motion of Member Oster, seconded by Member Tarbox, the minutes were approved 7/0 as written.

The **index** to the January 19, 2006 meeting of the Planning Board is as follows:

1. Brooks Heritage, LLC – minor subdivision, Public Hearing and approval;
2. Heer Realty – site plan – Public Hearing and approval;
3. Brooks Heritage, LLC – major subdivision – 2/2/06;
4. Prime Rate and Return – site plan – 2/2/06;
5. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – 2/16/06;
6. Bull – waiver of subdivision – approved; and
7. Rezek – site plan – not accepted due to current zoning violations.

The proposed agenda for the February 2, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision; and
2. Prime Rate and Return – site plan.

Planning Board

TOWN OF BROOKS

308 Town Office Road
Troy, New York 12180-8809

RECEIVED

FEB 06 2006

TOWN CLERK

MINUTES OF THE PLANNING BOARD MEETING HELD February 2, 2006

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

ABSENT was JOSEPH WETMILLER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the major subdivision application of Brooks Heritage for property located on Dusenberry Lane. Appearing for the applicant was Jeff Brooks. Chairman Malone noted that two (2) letters have been received by the Planning Board concerning this application. The first letter is from Frank Brenenstuhl, 27 Dusenberry Lane, and is dated January 23, 2006. The second letter is from Terrance Smarro, Sr. and Joyce Smarro, 152 Bald Mountain Road, and is dated February 1, 2006. Mr. Brooks presented the three proposals concerning the road system for this application. These include:

1. A full cul-de-sac terminating the Dusenberry Lane extension at a point approximately 800 feet down-gradient from Bald Mountain Road;
2. A full road meeting Town specifications in terms of width of pavement extending Dusenberry Lane and leading all the way and connecting with Bald Mountain Road;
3. A cul-de-sac terminating the Dusenberry Lane extension at a point approximately 800 feet down-gradient from Bald Mountain Road, with a 16 foot wide

emergency access/one way road connecting the cul-de-sac with Bald Mountain Road.

Mr. Brooks stated that he had identified the proposed location of the connector road with Bald Mountain Road, as well as located the area of the proposed cul-de-sac in the field. Some Planning Board Members as well as Mr. Kestner did have the opportunity to inspect these locations in the field. Mr. Brooks also handed up a drawing depicting the proposed connection of Dusenberry Lane to Bald Mountain Road with thirty (30) foot wide paved travel way, also identifying the point where the Brooks property narrows as it approaches Bald Mountain Road so that a full 60 foot right-of-way is not possible. This drawing shows that Brooks owns property to allow a full 60 foot right-of-way up to a point where approximately 147 feet down-gradient from Bald Mountain Road, and thereafter his property narrows to a point with a right-of-way area of approximately 40 feet. Also, Brooks stated that a more detailed examination of the topography from Bald Mountain Road to the area of the proposed cul-de-sac was undertaken, and the grade averages 8.58 percent, and with minimal grading, the average grade can be eight (8%) percent. Mr. Brooks also reviewed the traffic study prepared by his engineer. First, Brooks noted that the "trip ends" did not speak to the number of cars anticipated per dwelling, but rather "trip ends" addresses the anticipated number of cars passing a certain intersection based on the number of proposed dwellings in the subdivision. Also, Brooks explained that the traffic study used the 2003 traffic manual used by NYS DOT, and not outdated engineering references. Brooks stated that the traffic study shows the current situation at the identified intersections is level-of-service "A", and that with the addition of the proposed subdivided lots, these intersections remain at level-of-service "A". Therefore, Brooks stated that with a full thirty (30) foot wide connector

road to Bald Mountain Road, there would not be any significant impact to traffic. Nonetheless, Brooks stated that he was willing to do the cul-de-sac if that is what the Town preferred, and include the emergency access/one way road as well. Chairman Malone inquired as to the width of the current Dusenberry Lane. Brooks stated that the existing Dusenberry Lane is approximately twenty (20) feet at its widest, but that he was prepared to upgrade the existing portion of Dusenberry Lane to meet Town specifications. Member Oster inquired whether Brooks intended to install any utilities along the right-of-way between the proposed cul-de-sac and Bald Mountain Road, or whether this was planned for roadway only. Brooks stated that there would not be any utilities installed, as he was bringing in only a waterline, and that waterline would terminate in the area of the cul-de-sac. Member Oster then stated for the record that the only use of the 800+/- feet between the area of the proposed cul-de-sac and Bald Mountain Road was for a road, and no utilities. Brooks did state that while he was bringing in the water main up Dusenberry Lane, there would be the opportunity for the existing residents to hook-in, and that he would explore extending individual waterlines to homeowners up-gradient on Bald Mountain Road. Mr. Kestner stated that this would raise some issues concerning water pressure and would need to be further investigated. Mr. Kestner concluded that based on these discussions, if no connector road to Bald Mountain Road was installed, there would be no land disturbance in this area. Mr. Kestner also reviewed the three (3) road proposals for the Board. Mr. Kestner did note for the record that Highway Superintendent Eddy did state that he felt there were already too many cul-de-sac roads in the Town, and that if the 16 foot wide emergency access/one way road were used, he would need to plow down that road against traffic. Board Member Mainello also raised the concern about plowing against traffic flow. Member Czornyj

stated that given the drop off in topography from Bald Mountain Road onto the Brooks property, there may be the need for the installation of a guardrail. Mr. Kestner said that this would need to be further investigated. Member Esser stated that he was against installing emergency access/one way only road in the Town. Further, Member Esser stated that if a full thirty (30) foot wide two way road were installed, and given the drop off from Bald Mountain Road onto Brooks property, and further given only a forty (40) foot wide right-of-way in this area, a retaining wall may need to be built for this roadway, or else necessary fill would encroach upon adjoining property owners. Member Esser stated that he did not think the retaining wall would be a good idea, as it would be in close proximity to existing homes on Bald Mountain Road. Mr. Brooks stated that he would do whatever is needed to construct a safe roadway connection to Bald Mountain Road, and could use a vegetated buffer up against any retaining wall. Mr. Brooks did note that he was presenting these three (3) options for consideration by the Board, and was happy to proceed with any of the options, including only the cul-de-sac. Attorney Gilchrist stated that his research did not disclose any legal prohibition under state or local law for the Town of Brunswick to accept a one way road as a public road. Attorney Gilchrist also stated that the record should reflect Highway Superintendent Eddy's comment that there were already a significant number of cul-de-sac roads in the Town, and that the Board does need to consider this comment in its deliberations. Attorney Gilchrist also noted that a potential public safety issue did arise with respect to plowing a 16 foot wide road against traffic and that the Board should also consider this in its deliberation. Finally, Attorney Gilchrist noted that Brunswick Code Section 131-13(c) provided that streets in a subdivision should be arranged and laid out in a manner to connect the existing roadways, both for a current development as well as future

development of adjoining properties. This code provision should also be taken into account in the Board's deliberations. Member Esser repeated that he did not think a one way road in the Town would be proper. Member Oster stated that he concurred that a one way road was not a good idea, and that there should only be two options to be considered by the Board, those being a full thirty (30) foot wide connector road, or a cul-de-sac only. Member Mainello agreed with that approach. Mr. Brooks stated that he offered the 16 foot wide emergency access/one way road only for purposes of providing a second access if a cul-de-sac was used, but that he was agreeable to building a cul-de-sac terminating the Dusenberry Lane extension. It was determined that since thirty (30+) plus homes could exist on a cul-de-sac road at this location, and that a cul-de-sac would allow only one access point in and out onto Route 142, comment from the Center Brunswick Fire Department is advisable. The Board determined to open the Public Hearing on this major subdivision application to allow members of the public, most particularly the Dusenberry Lane residents to offer their opinion on the record to the road issue. The applicant consented to keeping the Public Hearing open, as the initial discussion may focus only on the roadway issue. This matter will need to be referred to the Town Board for any of these options. First, if a cul-de-sac only is proposed, a waiver from the maximum lot count on a cul-de-sac road will need to be considered by the Town Board. Second, if a full thirty (30) feet wide paved roadway is proposed, the Town Board will need to consider a waiver of the minimum sixty (60) foot wide right-of-way requirement, as Brooks only owns forty (40) feet at its terminus with Bald Mountain Road. Finally, if the 16 foot wide emergency access/one way only road is proposed, the Town Board will need to consider a waiver of the public road specifications. This matter has been scheduled for Public Hearing to commence at 7:00 p.m. on February 16, 2006.

The next item of business on the agenda was the site plan application of Prime Rate and Return. At the request of the applicant, this matter has been adjourned to February 16, 2006.

Mr. Kreiger noted that the waiver of subdivision and site plan application of the North Troy Congregation of Jehovah's Witnesses, tentatively scheduled for the February 16, 2006 meeting, has been adjourned to the March 2, 2006 meeting at the request of the applicant.

One item of new business was discussed.

An application for waiver of subdivision has been received from Sean Gallivan, for property located on McChesney Avenue Extension. Gallivan seeks to divide an existing 2.5 acre parcel in half, with a single family home and barn on one parcel, and a second vacant building parcel created. The Planning Board Members had questions regarding set backs, and wanted additional information pursuant to the Town Regulations, including lot dimensions, proposed lot lines, and existing well and septic locations. The Planning Board had concerns regarding the compliance of this applicant with recent site plan and subdivision approvals. Mr. Kreiger will investigate these concerns.

Mr. Kestner reviewed a meeting which he and Mr. Kreiger had with the engineer for Provost for property located on Norman Lane. Mr. Kestner reports that Provost now seeks to have a three (3) lot subdivision without the installation of a cul-de-sac, but merely taking three (3) private driveways directly off the existing Norman Lane within a fifty (50) foot right-of-way area. Specifically, the Provost proposal is for three lots, with one lot having two existing homes on it, a second lot having one existing home on it, and a third new building lot. Provost proposes providing an area for the construction of three private driveways directly off Norman Lane within a fifty (50) foot right-of-way, but not construct three driveways, but rather have one

shared driveway for use of all the lots. The Board had an immediate question concerning two principle residences on one lot. Attorney Gilchrist stated that subject to further research, only one principle structure is allowed per residential lot, with limited accessory dwellings permitted. As two principle residences are proposed for one lot, this would need to be further split into separate lots for each principle residence, thus changing the application to four lots. In this regard, there is not enough room within a fifty (50) foot right-of-way for driveway locations for four lots. Mr. Kestner also wanted additional information as to whether Norman Lane, within the Town of Pittstown, is a deeded roadway or a highway by use. This could impact the project in terms of any cul-de-sac or driveway connections. Upon further discussion, the Board determined that these roadway issues still presented significant problems, and that Mr. Kestner and Mr. Kreiger were to relay these issues to the applicant for resolution in compliance with the subdivision regulations prior to coming back before the Board. Member Tarbox also raised concern whether construction and demolition debris had been placed on this property, and if yes, how that impacted any future construction.

Member Tarbox and Member Czornyj raised question concerning the Forest Mayer logging operation on Route 7, and whether that operation was in compliance with its site plan. Mr. Kreiger will inspect the facility.

The Board generally discussed the need to prepare its recommendation on the proposed Highland Creek Planned Development District application for consideration by the Town Board. This matter will be further discussed at the February 16, 2006 meeting.

Capital District Properties, LLC, the applicant on the proposed Hudson Hills Planned Development District, has requested to be placed on the February 16, 2006 agenda for

presentation of its revised site plan layout, in preparation of the Planning Board's recommendation to the Town Board on this application. That matter will be placed on the February 16, 2006 agenda.

The minutes of the January 19, 2006 meeting were reviewed. Upon motion of Member Esser, seconded by Member Czornyj, the minutes were approved 6/0 as written.

The **index** for the February 2, 2006 meeting of the Planning Board is as follows:

1. Brooks Heritage, LLC – major subdivision - Public Hearing 2/16/06 at 7:00 p.m.;
2. Prime Rate and Return – site plan – 2/16/06;
3. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – 3/2/06;
4. Gallivan – waiver of subdivision – adjourned without date; and
5. Provost – minor subdivision – adjourned without date.

The proposed agenda for the February 16, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – Public Hearing at 7:00 p.m.;
2. Prime Rate and Return – site plan;
3. Capital District Properties, LLC – Hudson Hills PDD – presentation; and
4. Landmark Development, LLC – Highland Creek PDD – recommendation.

Planning Board

TOWN OF BRUNSWICK

308 Town Office Road

Troy, New York 12180-8809

MINUTES OF THE PLANNING BOARD MEETING HELD February 16, 2006

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, RUSSELL OSTER, KEVIN MAINELLO, DAVID TARBOX and JOSEPH WETMILLER.

ABSENT was FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the major subdivision application of Brooks Heritage, LLC for a major subdivision located off Dusenberry Lane. At the request of the applicant, this matter has been adjourned to the March 2, 2006 meeting, when a Public Hearing will be convened commencing at 7:00 p.m.

The next item of business on the agenda was the site plan application of Prime Rate and Return for a commercial building located on Route 2. At the request of the applicant, this matter has been adjourned to the March 2, 2006 meeting to allow the applicant to finalize its site plan.

The next item of business on the agenda was the Planned Development District Application by Capital District Properties for the proposed Hudson Hills Apartment project. This matter was before the Planning Board for concept presentation by the applicant, in connection with the Planning Board's review and recommendation for the Town Board's consideration in connection with the PDD application. Appearing for Capital District Properties were William Hoblock, Esq. and Paul Fleming. The applicant presented its project to the Board, highlighting the modification to the application to reduce the requested number of units from 1,116 to 668 units on this site. The applicant raised several points, including the reduction in

density on a unit-per-acre analysis from the original application of five (5) units per acre to the modified application of three (3) units per acre; the amount of green space reserved on the modified application was 95% for proposed Phase I, 90% for proposed Phase II, and 84% upon Phase III full build out; the change in the visual impact analysis due to the modified application; the modified traffic analysis due to the modification of the application; and the change to the school district impact analysis based on the modified application. The applicant presented the power point presentation that had been presented to the Town Board during the Public Hearing held on January 17, 2006. The applicant was available for questions by the Board Members. Member Wetmiller inquired as to the future of the project, as larger families may ultimately fill these apartment units, which will have greater impacts on school and traffic, etc. Mr. Hoblock stated that Capital District Properties is not building this project to sell it, but rather building it to keep it. Mr. Hoblock wanted to emphasize that Capital District Properties is going to build this project for the future and that Capital District Properties will be here in the Town. Mr. Hoblock stated that Capital District Properties did look at the future demographics and is targeting this project towards the "empty nester" and young professional, and is anticipating that that will be the customer base in the future, although he does not have any "crystal ball". Member Czornyj asked how much of the 215 +/- acres was buildable land. Mr. Hoblock stated that there were only limited wetlands on the site, and very limited areas of steep slopes, and that the vast majority of the property was buildable. Member Oster inquired whether the applicant anticipated any future application to modify the project to allow additional units in the area now being described as green space. Member Oster did note that since the applicant feels most of the property is buildable, does it anticipate modifying this proposal in the future to provide for

additional units. Mr. Hoblock stated that Capital District Properties has no plan to alter this project, and that they are seeking only 668 total units for the 215 +/- acres. Mr. Hoblock did note that if any modification were sought, it would need to go through full PDD modification, SEQRA review, and site plan review, and that Capital District Properties has no plan or intent to do so. Mr. Hoblock emphasized that Capital District Properties was seeking only 668 units for the site, and to leave the balance of the property in a "green" or forever wild state. Chairman Malone inquired about the occupancy rate in Phase I of the Hudson Preserve, currently being built by Capital District Properties in Colonie. Mr. Hoblock stated that of the approximate 130 units in Phase I of Hudson Preserve, Capital District Properties had currently leased out approximately 100, which is more than anticipated given the construction during the fall and winter season. Because of the occupancy rate in Phase I, Capital District Properties was already moving into Phase II of Hudson Preserve, according to Mr. Hoblock. Chairman Malone asked what type of renter is going to Hudson Preserve. Mr. Hoblock stated that the majority of the current renters in Hudson Preserve Phase I are empty nesters, with a smaller number of young professionals. Member Mainello inquired as to the projected price range of the apartment units for this proposal. Mr. Hoblock stated that the anticipated rental rates range from \$850.00 per month for a one bedroom unit, up to \$1,500.00 per month for a two bedroom unit with den. However, Mr. Hoblock stated that these numbers are subject to increases in building costs. Member Czornyj inquired into the number of stories for the proposed apartment buildings. Mr. Hoblock stated that the apartment units will not be "up and down", but will rather be entirely on one floor, and be considered "flats". Mr. Hoblock stated that the units were designed to eliminate stairs for "empty nesters", since this demographic do not like to have to go up and

down stairs in their unit. The Planning Board thanked the applicants for their presentation, and will further deliberate on this project to render its recommendation to the Town Board.

The next item of business on the agenda was the minor subdivision application of James Kennelly for property located on Bellview Road. Mr. Kennelly presented an updated plan, which addressed the drainage issues for the property. Mr. Kennelly is seeking a road cut to install a drainage pipe under Bellview Road, which will then discharge through proposed Lot 2. Mr. Kennelly indicated that he had spoken with Highway Superintendent Eddy, who stated that if such a drainage pipe was approved, the Town would need an easement for access to the end of the pipe in order to be able to clean out the drain pipe. Mr. Kennelly stated that his engineer, Harold Berger, was scheduled to conduct perc tests which will be reviewed by the Rensselaer County Health Department in April. Mr. Kennelly did state that he felt his drainage plan would not only address the potential stormwater runoff from these lots, but would help the down-gradient properties on Bellview Road as well. Mr. Kestner reviewed the stormwater plan, and stated that Mr. Kennelly would need to prepare drainage calculations for both pre and post construction scenarios. The Planning Board was concerned that stormwater appeared to be discharged to the property of McGirk. Mr. Kennelly stated that the drainage is already going across his property onto the property of McGirk, and that his plan will not discharge any additional water onto the lands of McGirk. Member Oster inquired whether an adjacent parcel owned by Perry contained a well and/or septic, and whether this impacted proposed Lot 4. Mr. Kennelly stated that the small parcel owned by Perry was not a building lot, as it was too small, and that the only thing that existed on that parcel was a small shed. Mr. Kennelly stated that the proposed well and septic location on Lot 4 did not pose any issue concerning setbacks from the

small Perry parcel. Member Oster stated that the Town must confirm that the small Perry parcel is not a building lot. Member Czornyj further stated that even though the small Perry parcel may not be a building lot, Perry owns another adjacent lot on which his house sits, and that Kennelly must insure that there is the appropriate separation distance between the proposed well and septic location on Lot 4 and the well and septic location on the Perry homestead lot. Kennelly stated that he would confirm that information. Kennelly inquired as to what additional information would be required in order to schedule the Public Hearing on the application. Mr. Kestner stated that he needed to review the stormwater calculations for both pre and post construction scenarios, as well as driveway profiles. Kennelly stated that he would put that information together, and requested to be placed on the agenda for the March 2, 2006 meeting to determine completeness for the scheduling of a Public Hearing.

The next item of business discussed was the subdivision application by Cobblestone Associates for property located on Tamble Lane and Bulson Road. Appearing on the application were James Dunn and Frances Bossolini, P.E. Mr. Dunn presented to the Planning Board a revised sketch plan layout, showing a reduced proposal. The applicant is presenting a subdivision totaling nine (9) lots. This includes 3 proposed residential lots off the current Winfield Estates cul-de-sac, plus 6 additional lots for the balance of the property. Of these 6 additional lots, the applicant seeks 5 residential lots with access for each lot directly off Tamble Lane, plus one reserved parcel for non-building purposes, principally the wetland and farmland. The applicant presented this proposal to the Planning Board for concept consideration, as opposed to the pending subdivision application seeking 24 residential lots. The Planning Board thought that the proposed lot reduction was movement in the right direction, and the applicant

stated it would amend its application to submit a revised preliminary plat showing the reduced number of lots, as well as submit an amended environmental assessment form. Attorney Gilchrist stated that this would represent a significant modification to the application, warranting the Planning Board to revisit its prior SEQRA determination, and also subject the amended application to an additional Public Hearing. This matter has been adjourned without date pending the submission of the amended application and the revised plat and environmental assessment form.

The next item of business on the agenda was a waiver of subdivision application by Brendan and Sean Gallivan for property located at 531 McChesney Avenue. Brendan Gallivan handed up a map showing the proposed lot split, which would leave an existing house, well and septic system on one lot and create an additional building lot. Brendan Gallivan further reviewed the compliance with all necessary zoning lot requirements and setback requirements, as well as appropriate setbacks for well and septic from the surrounding well and septic on adjacent parcels. Chairman Malone inquired as to the minimum frontage required for a lot on a public road. Mr. Kreiger stated that the minimum frontage on a public highway is 15 feet. Member Czornyj inquired of Mr. Kreiger as to the necessary setbacks in the A-40 zone. Mr. Kreiger stated that the lot is capable of meeting the necessary 50 foot front and back setbacks, as well as the 25 foot setbacks for a side yard. The Board inquired of Mr. Kreiger as to the minimum lot width. Mr. Kreiger stated that the Town Code requires a minimum width of 180 feet, but to be measured anywhere on the lot, not required at the property line. Brendan Gallivan indicated that a determination by Rensselaer County Highway Department was already obtained, which allows an existing driveway cut to be used for the proposed new building lot. Upon further deliberation,

the Planning Board determined that there were no additional issues on the application. Member Tarbox then made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Oster. The motion was approved 6/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver application, which motion was seconded by Member Tarbox. The motion was approved 6/0, and the waiver application approved.

The next item of business discussed was a site plan application by Cingular Wireless for co-location of an antenna on an existing National Grid tower located on Pinewoods Avenue. The site plan application sought approval for the installation of a prefabricated building at the base of the tower, plus a fence surrounding the building. In addition, the applicant seeks to install underground utility from Pinewoods Avenue to the base of the tower in connection with its building installation. Chairman Malone inquired as to the existing access road to the tower. The applicant stated that the existing road was gravel with existing drainage. Mr. Kestner inquired as to the grade of the access road. The applicant stated that at its steepest grade, the road is 18%. Mr. Kestner asked the applicant whether there are any proposed changes to the grade or drainage features associated with the access road. The application stated that no changes to the access road were proposed, other than the installation of underground utility. Mr. Kreiger noted that the Zoning Board of Appeals had reviewed this application during 2004 and 2005, and that a special use permit was approved by the Zoning Board of Appeals in early 2005. This applicant had initially appeared before the Planning Board on the site plan application on June, 2005. At that time, the only concern raised by the Planning Board was any changes to the proposed access road. The applicant confirmed that no changes were proposed for the access road. Chairman

Malone inquired as to how many times Cingular accesses the site for maintenance of the facility. The applicant stated that the company generally accesses the site two times per year. Mr. Kreiger noted that the Zoning Board of Appeals did recommend the installation of a gate at the beginning of the access road off Pinewoods Avenue. Member Czornyj inquired whether there was room on the tower for any future co-locations by other companies. The applicant stated that there were two additional spaces beyond the Cingular Wireless antenna for installation on the existing facility. Chairman Malone inquired whether there were any further questions or comments. Hearing none Member Oster made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and a negative declaration adopted. Thereupon, Member Oster made a motion to approve the site plan subject to the following conditions:

1. installation of a security gate at the beginning of the access road directly off Pinewoods Avenue;
2. no change to the grade or drainage facilities along the access road.

Member Wetmiller seconded that motion subject to the stated conditions. The motion was approved 6/0, and the site plan application approved subject to the stated conditions.

Two items of new business were discussed.

Mr. Kreiger reported that he had been contacted by the applicant for the major subdivision proposed for Welch's Farm, 414 Brunswick Road, stating that full engineering plans and environmental assessment form would be filed with the Town shortly, and requested that this matter be placed on the Planning Board agenda for March 2, 2006 for discussion. This

application proposes 24 residential lots, plus the construction of a through road connecting Pinewoods Avenue with Route 2. The property totals 42.65 acres.

A waiver of subdivision application has been received from Michael Hatalla for property located on Coons Road. The applicant seeks to divide an existing 18.9 acre parcel into two parcels, the first totaling 17 +/- acres, and the second totaling 1.9 +/- acres. This matter will be placed on the March 2, 2006 agenda.

The Planning Board deliberated on a proposed Resolution concerning its recommendation on the Highland Creek Planned Development Application. Upon discussion and deliberation, a Resolution setting forth its recommendation was adopted.

The minutes of the February 2, 2006 meeting were reviewed. Upon motion of Member Oster, seconded by Member Tarbox, the minutes were approved as written.

The **index** for the February 16, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision - 3/2/06: a Public Hearing at 7:00 p.m.;
2. Prime Rate and Return – site plan – 3/2/06;
3. Capital District Properties – Hudson Hills PDD Application – adjourned without date;
4. Kennelly – minor subdivision – 3/2/06;
5. Cobblestone Associates – major subdivision – adjourned without date;
6. Gallivan – waiver of subdivision – approved;
7. Cingular Wireless – site plan – approved with conditions;
8. Zouky/Welch – major subdivision – 3/2/06; and

9. Hatalla – waiver of subdivision – 3/2/06;

The proposed agenda for the March 2, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision – Public Hearing at 7:00 p.m.;
2. Prime Rate and Return – site plan;
3. Kennelly – minor subdivision;
4. Zouky/Welch – major subdivision;
5. Hatalla – waiver of subdivision; and
6. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

February 16, 2006

**RESOLUTION ADOPTING A RECOMMENDATION
ON THE HIGHLAND CREEK
PLANNED DEVELOPMENT DISTRICT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board") has received an application by Landmark Development Group, LLC for a Planned Development District ("PDD") called Highland Creek; and

WHEREAS, the Highland Creek PDD is a proposal for a one hundred ninety (190) lot residential subdivision, consisting of thirty-nine (39) traditional single family homes, twenty-one (21) manor homes and one hundred thirty (130) carriage homes, and located on 210.13 acres of land situated on the Northeast side of McChesney Avenue Extension, south of its intersection with McChesney Avenue; and

WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act, required the preparation of an Environmental Impact Statement for the Highland Creek PDD Application; and

WHEREAS, the applicant prepared a Draft Environmental Impact Statement ("DEIS") for the Highland Creek PDD, and the Town Board has accepted the DEIS as complete; and

WHEREAS, the Town Board has held a Public Hearing on the Highland Creek PDD Application and DEIS, occurring on November 28, 2005 and December 29, 2005; and

WHEREAS, the Town Board has referred the Highland Creek PDD Application to the Planning Board of the Town of Brunswick ("Planning Board") for its review and recommendation; and

WHEREAS, the Applicant appeared before the Planning Board to review the PDD Application and to discuss the proposed project with the Planning Board members; and

WHEREAS, the Planning Board members received and reviewed the PDD Application and complete DEIS; and

WHEREAS, the Planning Board members discussed the application documents and DEIS, and having duly deliberated thereon;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick as follows:

1. The Planning Board adopts the following recommendation on the Highland Creek PDD application, subject to the following considerations:

- a. The preservation of green space and open space is an important consideration for the Town of Brunswick, and the Planning Board finds that the concept of mixed residential housing units in a clustered development plan is positive and provides for such preservation goals. However, the Planning Board also acknowledges concerns regarding density, and finds that the proposed number of subdivided lots in this application is too high and creates too much density on this site, particularly with respect to the proposed carriage home lots. Therefore, the Planning Board recommends a reduction in the total number of units in this application while retaining the clustered layout to maintain green space and open space.
- b. The concept of a smaller residential lot with a carriage home designed for the "empty nester" population is positive, but must be balanced with appropriate setbacks between residential structures. The current proposal includes side yard setbacks for carriage homes of five (5) feet, thus allowing only a ten (10) foot separation between dwellings. The applicant has stated that it does not intend to build structures closer than fifteen (15) feet between structures. However, the Planning Board feels that this layout would allow structures to be situated too close to the property line and other structures and therefore, recommends a greater separation between residential structures.
- c. The Planning Board recommends that all roads within the subdivision be a minimum 26 foot paved travel-way with 2 foot wing-gutters on each side. Due to the reduced width of the subdivision roads, the Planning Board recommends a prohibition on street parking of any vehicles or equipment. Finally the application includes a proposed private roadway/driveway, Harvest Drive, to service several lots. The Planning Board finds that this road should be the same minimum width and construction standards as all roads within the subdivision, and should be dedicated as a public roadway together with all other roads in the subdivision.
- d. The Planning Board finds that pedestrian movement throughout the project site would be enhanced through the installation of sidewalks on at least one side of all subdivision roads adjacent to all homes.

- e. Due to the presence of wetlands on the site, the recommendations of the United States Army Corps of Engineers and New York State Department of Environmental Conservation should be incorporated into the project design.
- f. A complete major subdivision application in compliance with the subdivision regulations of the Town of Brunswick must be submitted to the Planning Board, and such subdivision application will be subject to Planning Board review pursuant to the standards set forth in the subdivision regulations of the Town of Brunswick.

The foregoing Resolution, offered by MEMBER CZORNYJ and seconded by MEMBER OSTER was duly put to a roll call vote as follows:

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

The foregoing Resolution was ~~was not~~ thereupon declared duly adopted.

February 16, 2006

PHILIP H. HERRINGTON
SUPERVISOR
SUSAN QUEST-SHERMAN
TOWN CLERK
SAM SALVI
COUNCILMAN
PATRICK E. POLETO
COUNCILMAN
CAROLYN M. ABRAMS
COUNCILWOMAN
CARL CLEMENTE
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SOLE ASSESSOR
JOHN E. KREIGER
SUPT. OF UTILITIES & INSP.
MYRON VANDYKE
WATER SUPERINTENDENT
G. LAWRENCE KRONAU
TOWN JUSTICE
ROBERT H. SCHMIDT
TOWN JUSTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:00 p.m. on Thursday, March 2, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the major subdivision application submitted by Brooks Heritage, LLC for a proposed twenty-eight (28) lot subdivision located on Dusenberry Lane. Copies of the subdivision application are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: February 9, 2006
Brunswick, New York

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 2, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Chairman Malone opened a Public Hearing on the Brooks Heritage, LLC major subdivision application. The Notice of Public Hearing was read into the record. Chairman Malone directed the applicant to describe the proposed subdivision for the public. Jeff Brooks of Brooks Heritage, LLC presented an overview of the subdivision application, which was supplemented by the applicant's engineers, Lansing Engineering. Chairman Malone noted that letters had been received on this application from the Giamis family (35 Dusenberry Lane), Daniel Bartels (23 Dusenberry Lane) and Terrance Smarro, Jr. (160 Bald Mountain Road). Chairman Malone then opened the meeting for receipt of public comment. Gia Giamis, 35 Dusenberry Lane, read her letter into the record. The letter generally discusses both surface water and groundwater runoff problems onto her property from the upgradient properties, resulting in the flooding of her basement and a polluted drinking water well. Ms. Giamis wanted to ensure that this water issue, which impacts her property, was taken into consideration by the Planning Board on this application. Ms. Giamis also raised concern about the proposed road for the subdivision, stating that each of the alternatives is unacceptable. In terms of the proposed cul-

de-sac with a one-way street for emergency access, Ms. Giamis was opposed to this design. As to a full through road connecting to Bald Mountain Road, Ms. Giamis was opposed to that since the right-of-way on the Brooks property at its intersection with Bald Mountain Road is only 40 feet wide, whereas Town Code requires 60 foot wide, and the potential need for a retaining wall to construct a safe roadway at the intersection with Bald Mountain Road. With respect to a cul-de-sac road, Ms. Giamis was opposed to this since Town Code allows only 12 lots off a cul-de-sac. Ms. Giamis also raised concern regarding a proposed stormwater basin located near her property, and raised concern regarding safety, the presence of stagnant water in the basin, the ownership and management of the basin. Finally, Ms. Giamis stated that the traffic analysis prepared by the applicant makes no sense, and that there would be at least two (2) cars per proposed house, resulting in 56 additional cars on the proposed road. At this point, the public inquired whether the Public Hearing would be held open. Chairman Malone noted that the applicant had already consented to keeping the Public Hearing open, since the prime area of inquiry currently is the road design alternatives. Chairman Malone noted that the applicant consented to keeping the Public Hearing open at the Board's February 2, 2006 meeting. The next resident to speak was Frank Brenenstuhl, 27 Dusenberry Lane. Mr. Brenenstuhl also stated that none of the road alternatives were acceptable. First, a through road connecting to Bald Mountain Road would result in too much traffic. Further, the Brooks property allowed only for a 40 foot right-of-way at its intersection with Bald Mountain Road, and a retaining wall would be needed to construct such a through road, which presents safety and aesthetic concerns. As to a cul-de-sac road, Town Code allows only 12 houses, and a variance should not be allowed. Mr. Brenenstuhl also raised concerns about stormwater runoff, and makes reference to the Giamis' letter. Mr. Brenenstuhl also stated that proposed Lots 1-10 back up to a very wet area on the

property. Mr. Brenenstuhl had a concern about the total number of cars on the road at peak times. Mr. Brenenstuhl thought the development should be limited. On the road issue, Mr. Brenenstuhl thought that speed on the proposed road would be a factor, and if approved, he stated that the existing Dusenberry Lane width should be kept as is to reduce speed. John Donahue, 132 Bald Mountain Road, stated that the through road connection to Bald Mountain Road would go through an area that is now a creek bed, and how would the applicant handle this. Further, Mr. Donahue stated that stormwater runoff would go directly into the creek, which ultimately runs into the Town reservoir property, and was concerned about potential contamination. Mr. Donahue stated that the cul-de-sac option was absurd with the total number of houses proposed and the terrain of the land. Finally, Mr. Donahue stated that the project would displace deer and wildlife onto adjacent properties. Terrance Smarro, Jr., 160 Bald Mountain Road read his letter into the record. Mr. Smarro's letter raises concern regarding the proximity of the proposed through road to his house, and that of his parents who live at 152 Bald Mountain Road. Edwin Shott inquired as to whether the property was zoned for residential use, and further had questions regarding the width of existing Dusenberry Lane and the width of the right-of-way of the Brooks property at its intersection with Bald Mountain Road. At this point, Jeff Brooks stated that the option of a cul-de-sac with a one-way emergency access road was off the board, as the Planning Board had already raised significant concerns about the one-way emergency access road. Therefore, Mr. Brooks stated that the two options for the road on the board presently were the cul-de-sac and a full two lane through road connecting with Bald Mountain Road. Dan Bartells, 23 Dusenberry Lane, stated that he was opposed to both road options, and that neither option could be approved without variances, and that variances should not be granted. Mr. Bartells also raised concerns regarding drainage. George Morrissey, 24

Dusenberry Lane, raised concern regarding stormwater retention in close proximity to his property, and contamination of the creek leading to the Town reservoir property. Mr. Morrissey stated that wet areas and/or wetlands were located on the property near the old barn, and that water flowed on this property 12 months a year. Mr. Morrissey was concerned regarding 28 septic systems on this property that was so wet. Mr. Morrissey reviewed that a creek exists at the top of the property as well as a second creek draining down the property towards the Town reservoir. Shilton Latham asked questions regarding notice on the application, and whether the Planning Board had properly noticed the application. Chairman Malone stated that the Notice of the Public Hearing was published in The Record, posted at Town Hall, as well as posted on the Town website. Written notice was sent to all property owners within 500 feet of the project site, and all Dusenberry Lane residents. In terms of the prior discussions of the Board concerning the application, this was set forth in the prior Planning Board Minutes, which includes not only the substance of the discussion but also agendas noting that the application would be addressed at subsequent meetings. Chairman Malone stated that the Public Notice was posted only with respect to the Public Hearing, in accordance with procedural requirements. Bill Bradley, 398 Bald Mountain Road, stated that Town Code limits cul-de-sac roads to a total of 12 lots, and that if 28 lots were approved, the Town should require a full two lane road connecting with Bald Mountain Road. Chairman Malone noted that Mr. Bradley was in favor of the two lane through road in the event 28 lots were approved. Jeff Brooks then reviewed the specifications he was proposing for the through road, which include two 12 foot wide travel lanes, plus 2 foot wing gutters on each side of the road for a total of 28 feet of paved width within the right-of-way. Mr. Brooks also stated that this proposed width allows an appropriate connection and minimal widening to the current Dusenberry Lane, which he will upgrade in connection with the

subdivision work. Mr. Morrissey then stated that if a through road were approved, there would be more cut through traffic coming from the Bald Mountain Road area. Joyce Smarro, 152 Bald Mountain Road, stated that she did not want a full through road constructed outside her window, and that she would litigate an adverse possession claim on that property, given her maintenance of the property for an extended period of time. John Donahue then also added the comment that the intersection of Dusenberry Lane and Route 142 is dangerous, and should be considered by the Board. Gia Giamis also stated that the speed on Route 142 at this location was dangerous. Shilton Latham inquired into the possible development of the National Grid property. Jeff Brooks stated that he had sought to acquire the National Grid property, but that National Grid responded that it is not selling any assets at this time. The proposed subdivision does provide for a 60 foot right-of-way to the National Grid property, and Mr. Brooks stated that if he is able to acquire that parcel in the future, he would need to reapply to the Town for subdivision at that time. Mr. Brooks anticipates that the National Grid property could be subdivided to no more than five (5) residential lots. Terrance Smarro, Jr. inquired as to the status of a historical sign outside the farm house located on Route 142, which had recently been demolished. Mr. Brooks stated that there was no historical sign on the property when he worked on that location, and members of the public stated that the historical sign had been gone for over 20 years. Chairman Malone noted for the record that the Public Hearing will remain open at the consent of the applicant, and adjourned the Public Hearing until a later date to be determined.

Thereupon, Chairman Malone opened the regular Planning Board Meeting.

The first item of business on the agenda was the major subdivision of Brooks Heritage, LLC for property located on Dusenberry Lane. Chairman Malone stated that he had spoken with Mr. Brooks, and has scheduled a site visit to walk the property to be held on Tuesday, March 7,

2006 at 9:30 a.m. Chairman Malone will attend that meeting with Mr. Kestner, but that the total number of Planning Board Members able to attend did not constitute a quorum and will not be considered a meeting of the Board. The neighbors in attendance inquired whether they would be able to attend that site visit. Jeff Brooks stated that there was an open invitation to the Dusenberry Lane neighbors to participate in the site visit on March 7, 2006. Lansing Engineering then stated that the traffic study prepared on the application had been revised based on the discussion at the February 2, 2006 Planning Board Meeting. In this regard, the traffic study now includes consideration of two cars for each lot, and has included the 28 proposed subdivided lots, the potential five (5) residential lots on the National Grid property plus the one new additional lot at the bottom of Dusenberry Lane in connection with the Brooks minor subdivision. The traffic study also includes traffic from the five existing homes on Dusenberry Lane, plus the anticipated traffic from Bald Mountain Road as a result of traffic counts prepared by the applicant. According to the revised traffic study, this results in an additional 80 cars at peak times. Lansing Engineering stated that the intersection of Dusenberry Lane and Route 142 currently operates at a level of service B, and that the level of service will remain unchanged given the additional potential traffic. In terms of wait time at this intersection, the additional traffic will increase that wait time by 1.2 seconds. In terms of stormwater, Lansing Engineering explained that full DEC compliance with Phase II Stormwater Regulations will be required, which includes erosion and sediment control as well as full stormwater retention and detention, both in terms of quantity and quality. The discharge from the site will need to be equal to or less than pre-development rates, and that the full stormwater design had not yet been completed given the road options. The applicant is aware of the creeks on the site, and that this will be part of the stormwater design. Jeff Brooks then stated that there was much discussion for the need for

a retaining wall if a through road was built connecting to Bald Mountain Road. Mr. Brooks stated that a 28 foot paved road will not require a retaining wall, and that there was sufficient room to meet NYS DOT guidelines for proper grades on shoulders of roads. In addition, that part of Dusenberry Lane that was existing would be reduced from a 12% grade to an 11% grade, with the balance of Dusenberry Lane being approximately 9-9.5% in grade. Member Czornyj asked for a profile for a two lane road at its connection with Bald Mountain Road. Lansing Engineering stated that it did not have a detailed profile for that location yet, but that the grade for the shoulder would be one on three, which meets NYS DOT guidelines. Mr. Kestner inquired whether the grade of the road was proposed to be 9.5% all the way to its connection to Bald Mountain Road, or whether a level area would be constructed prior to the connection with Bald Mountain Road to allow cars to have a level stopping area prior to turning onto Bald Mountain Road. Lansing Engineering stated that the one on three grade would be in connection with a 9% road all the way to its connection to Bald Mountain Road, and that if a level area for stopping was required prior to the connection with Bald Mountain Road, then a retaining wall would be required. Brooks stated that he would have profiles and grading plans prepared for this road section. This matter has been placed on the agenda for the March 16, 2006 meeting for further discussion.

The next item of business on the agenda was the site plan application of Prime Rate and Return for property located on Route 2. The applicant has proposed to utilize the former veterinary building for professional office space, including financial services, real estate, and legal. This matter has been reviewed extensively by the Planning Board, and the Board had required the applicant to prepare a current site plan. The applicant handed up a current site plan dated February 28, 2006. Mr. Kestner had questions concerning stormwater flow on the

property. The applicant stated that the stormwater flows to the rear of the property, and does not flow onto adjacent parcels. Mr. Kestner also inquired as to the septic location. The applicant identified the septic location on the updated site plan. Chairman Malone inquired as to the proposed dumpster location, and whether this was feasible to allow a truck to access the dumpster and be able to back up and out of the parking lot. The applicant stated that this was the existing location for the dumpster, and that ample area existed for pick up. Chairman Malone inquired as to the size of the building, and the applicant stated that the building was 2,368 square feet. Under Town Code, a total of 10 parking spaces were required, and the updated site plan shows 13 parking spaces provided onsite. Member Mainello inquired whether the site plan presented was in the nature of an "as-built", since the site plan showed a number of features that were labeled as "proposed". The applicant stated that he had merely had the prior site plan updated to reflect the one change which had occurred during the building of the site, which was a relocation of doors. Members Mainello and Esser inquired whether the Planning Board should be acting on a site plan which labels certain features as "proposed" when the building had actually been built. Chairman Malone reviewed the history of this application, which showed that the site plan for this facility had been approved in 1996, that building plans had been submitted to the Building Department, and that both Building Permits and a Certificate of Occupancy had been issued. However, the site plan and building plans on file had a change made in pencil, noting the relocation of the doors. The Town files do not include a final site plan stamped by a professional engineer or architect showing the current layout of the site. Therefore, the Planning Board had requested that the applicant update the site plan to show the door relocations. The applicant has supplied the updated site plan showing the door relocations. Chairman Malone noted that the Building Department will need to go out and perform an

inspection prior to issuing a Certificate of Occupancy for this new use, and that compliance with this site plan dated February 28, 2006 will be confirmed at that time. Chairman Malone inquired as to whether a Public Hearing was required on the site plan. Attorney Gilchrist stated that according to the Town Site Plan Regulations, a Public Hearing was optional at the discretion of the Board. The Planning Board took cognizance of the fact that the Zoning Board of Appeals had held a Public Hearing in connection with the use variance issued for this project. Mr. Kreiger noted that the neighbors attending that Public Hearing at the Zoning Board of Appeals were generally in favor of the application since the currently-vacant building would now be occupied. Mr. Kreiger further noted that the referral to the Rensselaer County Department of Economic Development and Planning had been completed and that the County stated that local consideration should prevail. Chairman Malone stated that a Public Hearing was not required on this application, which was concurred by the Board members. Member Mainello suggested that the site plan should be cleaned up so that it is an "as-built" plan. Member Oster stated that he felt the applicant had worked very hard to fill the gap created by the Town through the loss of the site plan, and that he did not have any problem with the site plan dated February 28, 2006. Member Wetmiller agreed, particularly since the Town had already issued a Certificate of Occupancy for the building. Mr. Kreiger confirmed that the only change on the site plan on file with the Town was the pencil mark showing the door relocations, and that was now corrected on the updated site plan. Chairman Malone noted that since the CO is on file, he felt comfortable with the updated site plan. Member Czornyj concurred, stating that the Board had only required the applicant to update the site plan to show the current location of the doors. Chairman Malone noted that this was a unique situation, caused by a deficiency in the Town's records. The Board concurred that the site plan dated February 28, 2006 was sufficient on the application. Having

determined that a Public Hearing would not be required on this application, and having determined that the site plan was sufficient, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the site plan subject to an inspection by the Town Building Department and issuance of a Certificate of Occupancy to confirm compliance with the site plan dated February 28, 2006, which motion was seconded by Member Oster. The motion was approved 7/0, and the site plan approved subject to the stated condition.

The next item of business on the agenda was the minor subdivision application of James Kennelly for property located on Bellview Road. This matter has been adjourned to the March 16, 2006 at the request of the applicant.

The next item of business on the agenda was the major subdivision application by Zouky-Welch for property located between Route 2 and Pinewoods Avenue. There was no appearance by the applicant, and Mr. Kreiger had not heard from the applicant concerning this application. This matter is adjourned without date.

The next item of business on the agenda was a waiver of subdivision application by Michael Hatalla for property located on Coons Road. Mr. Hatalla explained that he owns a parcel approximately 18 acres in size, and he seeks to divide 1.94 acres with the homestead, leaving 16+/- acres of vacant property. While the 18+/- acres had been one parcel, Coons Road is located on the parcel, and Mr. Hatalla now seeks to use Coons Road as the dividing line. Two issues arose on the application. First, while the homestead would be situated on the 1.94 acre parcel, a barn was situated on the 16+/- acre, and Town Code does not allow an accessory structure to be located on a separate parcel. Second, the barn on the proposed 16+/- parcel was

located directly on the shoulder of Coons Road, which would now become the property boundary, resulting in a violation of set back requirements for structures. The applicant was advised that if he seeks to pursue the application, he would need variances from the Zoning Board of Appeals concerning these two issues. This matter has been adjourned without date.

The next item of business on the agenda was the waiver of subdivision and site plan application by the North Troy Congregation of Jehovah's Witnesses for property located on Cooksboro Road. At the request of the applicant, this matter has been adjourned to the April 6, 2006 meeting.

Three items of new business were discussed.

First, Mr. Kreiger supplied the Board members with the site plan application for a proposed Wal-Green's at the intersection of Hoosick Road and North Lake Avenue. Approximately 90% of the site is located in the City of Troy, and 10% of the site is located in the Town of Brunswick. Mr. Kreiger reported that the applicant would appear before the Troy Planning Commission on March 9, 2006, and that the applicant had requested to appear before the Brunswick Planning Board at its March 16, 2006 meeting. Attorney Gilchrist reviewed with the Board that this matter should be coordinated with the Troy Planning Commission, both in terms of SEQRA review as well as site plan review. This matter is placed on the March 16, 2006 agenda for presentation of the application.

Second, a waiver of subdivision application was submitted by John May for property located on Cooksboro Road. Mr. Kreiger noted that this appeared to be the same property and same proposed waiver subdivision as included in the application by the North Troy Congregation of Jehovah's Witnesses. Mr. Kreiger reports that there appears to be a dispute between an engineer who is a member of the church and the outside engineer retained by the church on the

application. The Board was unclear as to why a second waiver of subdivision application had been filed, and directed Mr. Kreiger to clarify this issue. This matter has been adjourned without date.

Third, a waiver of subdivision application has been submitted by Kenneth Ray for property located at 30 Stone Arabia Drive. A question was raised as to whether this application sought any change to the North 40 Planned Development District. Mr. Kreiger will get further information on this application, and the matter was adjourned without date.

Mr. Kestner reported that Provost had called his office, and requested that he be able to address the Board concerning his subdivision application for property located on Norman Lane. The issue on this application had been proposed driveway locations, and whether they met Town Code. The Board agreed to place this matter on the March 16, 2006 agenda.

Highway Superintendent Eddy was in attendance, and raised with the Board the issue of compliance on the site plan concerning the car cleaning business located in the former Sycaway Body Shop building located next to Maselli on Route 7. Mr. Eddy stated that the shop owner was parking cars on Tarbell Road, and inquired whether this was a site plan violation. Member Oster also noted that he had seen the owner using a power washer outside the building, which also raised a question regarding compliance with the approved site plan. The Board directed Mr. Kreiger to investigate.

Donna Forster was in attendance, and inquired as to the Resolution adopted by the Planning Board concerning the proposed Highland Creek Planned Development District. Ms. Forster was looking for a copy of the Resolution. The Planning Board stated that the Resolution will be filed with the Town Board, and will be made available as a public document for review and inspection.

Member Mainello inquired when the Planning Board needs to make its recommendation concerning the proposed Hudson Hills Planned Development District. Attorney Gilchrist stated that it was his understanding that the applicant was still preparing its Final Environmental Impact Statement, so that there was no specific timeframe in which the Board needed to act. However, Attorney Gilchrist suggested that the Board should move forward with its deliberation on the Hudson Hill proposal, in light of the applicant's presentation at the February 16, 2006 meeting. Both Member Czornyj and Chairman Malone noted that they had gone to see the Hudson Preserve project by Capital District Properties in the Town of Colonie, and that they were not impressed with the construction.

Upon review of the proposed Minutes of the February 16, 2006 meeting, Member Czornyj made a motion to approve the Minutes as written, which was seconded by Chairman Malone. The motion was approved 7/0, and the Minutes were adopted as written.

The **index** for the March 2, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision - 3/16/06;
2. Prime Rate and Return – site plan – approved with condition;
3. Kennelly – minor subdivision – 3/16/06;
4. Zouky-Welch – major subdivision – adjourned without date;
5. Hatalla – waiver of subdivision – adjourned without date;
6. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – 4/6/06;
7. Wal-Green's – site plan – 3/16/06;
8. May – waiver of subdivision – adjourned without date;
9. Ray – waiver of subdivision – adjourned without date; and

10. Provost – minor subdivision – 3/16/06.

The proposed agenda for the March 16, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision;
2. Kennelly – minor subdivision;
3. Wal-Green's – site plan; and
4. Provost – minor subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD March 16, 2006

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER and JOSEPH WETMILLER.

ABSENT was RUSSELL OSTER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the major subdivision application of Brooks Heritage, LLC for property located off Dusenberry Lane. Jeff Brooks of Brooks Heritage, LLC appeared on the application. Mr. Brooks reviewed the field inspection, at which several members of the Planning Board and Mr. Kestner were in attendance. Mr. Brooks reviewed the two proposals concerning an access road for the project. First, one option is to build a road connecting with Bald Mountain Road. Second, a cul-de-sac terminating down-gradient of Bald Mountain Road is proposed to eliminate a through road. Chairman Malone noted that he was on the site during the field inspection, and that he had concerns regarding the topography of the Brooks property as it approached Bald Mountain Road, that the property was very steep, and that the proposed road would be very close to adjoining properties along Bald Mountain Road. Member Czornyj also stated he was onsite during the field inspection, and that he did not feel that a connection to Bald Mountain Road was feasible given these concerns. Member Tarbox also concurred that a connection to Bald Mountain Road was not feasible given the topography and close proximity of homes on adjoining properties along Bald Mountain Road. Member

Czornyj also had concerns about the location of the proposed cul-de-sac at the end of the proposed access road, as it was in an area that seemed to be very wet during the site inspection. Mr. Brooks stated that he had the ability to relocate the cul-de-sac, and would submit a revised plat showing a new location for the cul-de-sac terminus. Also, Mr. Brooks had proposed a cul-de-sac approximately halfway up the access road, but that such cul-de-sac could be eliminated and replaced with flag lots off the access road. Member Czornyj reiterated the concern regarding the connection of a road to Bald Mountain, and that a significant retaining wall would need to be built in order to allow appropriate topography as the road connected with Bald Mountain Road. Chairman Malone inquired of Attorney Gilchrist as to procedural issues concerning the road. Attorney Gilchrist stated that according to the Town Code, the Town Board had jurisdiction to provide a waiver on Town Road specifications, and also the number of permissible lots on a cul-de-sac road. Under Town Code, the number of lots on a cul-de-sac road is limited to 12. On this application, with respect to the proposed cul-de-sac road, a waiver on road specifications will be required, as the applicant is proposing a road width of less than 30 feet. Also, the number of proposed lots is greater than 12 (both existing as well as new proposed residential lots), and a waiver on that issue would be required as well. The Town Code requires the Planning Board to make factual findings and a recommendation to the Town Board, with the Town Board having the jurisdiction to grant or deny such waivers. Chairman Malone requested the applicant to submit a revised plat showing the relocated cul-de-sac, as well as the elimination of the cul-de-sac halfway up the proposed road, and that the matter would be further discussed at the April 6th meeting. Attorney Gilchrist also stated that the Planning Board had the option of addressing the road issue first, making factual findings and sending the matter to the Town Board for consideration, and then to continue the balance of the subdivision review once the Town Board

acted on the road issue. Alternatively, the Planning Board could continue the review of the entire plat, and send the matter to the Town Board on the road issue once the entire plat had been reviewed. Attorney Gilchrist noted that the Public Hearing on this application remains open. This matter will be further discussed at the April 6th meeting.

The next item of business on the agenda was the minor subdivision application of James Kennelly for property located on Bellview Road. James Kennelly was present on the application, and handed up to the Board a stormwater management plan, driveway details, and a revised subdivision plat. Member Czornyj stated that he had reviewed this application with Highway Superintendent Eddy, and that Mr. Eddy was concerned regarding drainage onto an adjoining lot of McGirk. Mr. Kennelly responded that he had reviewed the subdivision plat and drainage plan with Mr. McGirk and that Mr. McGirk was not concerned because the Kennelly property already drains onto his land. Member Czornyj did acknowledge that there was some drainage going onto the McGirk property, but that Kennelly was now proposing to bring surfacewater runoff from the opposite side of Bellview Road and discharge it onto the land of McGirk. Mr. Kennelly stated that Mr. McGirk was aware of the entire plan, and that he was not concerned. Mr. Kennelly did note that his stormwater plan showed no additional drainage leaving the site from preconstruction conditions. Mr. Kestner asked whether the water that Mr. Kennelly sought to divert under Bellview Road was now going down Bellview in drainage culverts. Mr. Kennelly stated that this water was not going down Bellview Road, but was staying on his land, and that his current stormwater plan should help the situation. Member Czornyj stated that the Board's concern was that no down-gradient properties were impacted with additional stormwater runoff as a result of this application. Mr. Kestner stated that he needed to review the stormwater plan in detail. Chairman Malone reiterated that the main

concern of the Board is stormwater runoff, and impact to other properties. Member Tarbox asked whether Mr. Kennelly planned on putting a house on the existing lot on the opposite side of Bellview Road. Mr. Kennelly stated that this lot was under a separate deed, and was not part of the current subdivision application. However, Mr. Kennelly stated that he did include this lot in his stormwater plan, so that if a house was built in the future, the runoff was already accounted for in his current stormwater plan. Mr. Kennelly stated that a detention pond was planned for proposed lot number 2, for stormwater maintenance purposes. Member Esser asked where the water went to after it entered the detention pond. Mr. Kennelly stated that there was overflow from the detention pond to a creek that exists on proposed lot number 2, which then flows to a pond on the McGirk property, which then ultimately drains to the reservoir. Member Czornyj asked who maintained the detention basin on the proposed lot number 2. Attorney Gilchrist reviewed the Town Policy on stormwater detention basins. The Town Policy is that the stormwater detention basins remain in private ownership, generally under a Homeowners Association created for the purpose of stormwater detention ownership and maintenance. Chairman Malone noted that the Board and Mr. Kestner will continue to review the stormwater maintenance issues, and requested that Mr. Kennelly put stakes in the corners of the proposed lots in the field so that the Board can conduct a site visit. Chairman Malone also requested Mr. Kennelly to provide an updated subdivision plat with additional detail on the stormwater basin, and site topography. This matter has been placed on the April 6th agenda for further discussion.

The next item of business on the agenda was the site plan application by Schuyler Companies for a proposed Walgreens Pharmacy on property located on the northeast corner of North Lake Avenue and Hoosick Street. The applicant reviewed a proposed site plan with the Planning Board. The site constitutes nine (9) parcels, totaling approximately 1.5 acres. The

proposal is to demolish the existing buildings on these parcels, and replace with a Walgreens Pharmacy. The proposal is to construct a single freestanding store with a drive-thru pharmacy. The exterior is masonry with brick. The applicant has prepared a traffic study. The applicant proposes 4 entrances to the store, 2 directly off Hoosick Street, with 1 additional entrance off North Lake Avenue, and 1 additional entrance off Wayne Street. The applicant explained that it reviewed about a dozen layouts in terms of store location and traffic flow, and that the presented site plan is the best for safety and access. Lighting detail has been provided to the Board. An 8 foot high privacy fence is proposed along the northern property line. Approximately 75% of this site is located in the City of Troy, and sits in a "B-2" zoning district. The site has been designed to meet the "B-2" requirements under the Troy Zoning Code. The remaining 25% of the site is located in Brunswick. The public water and sewer connections will be in the City of Troy. A stormwater management plan has been prepared to comply with current Phase II Stormwater Regulations. This application was presented to the City of Troy Planning Board on March 9, 2006, at which meeting the Troy Planning Board granted conceptual approval, and seeks to coordinate with the Town of Brunswick Planning Board on the full review of the application. Chairman Malone inquired of Attorney Gilchrist as to procedure on the coordination of review of the application. Attorney Gilchrist explained that both the City of Troy and the Town of Brunswick Planning Board will need to act upon the proposed site plan as part of the site lies in both municipalities. In terms of SEQRA review, coordination between these two agencies must occur, and one lead agency should be designated. The SEQRA review on this application should be coordinated. The lead agency coordination will also include all other involved agencies, which will, at a minimum, include the New York State Department of Transportation concerning the proposed access points on Hoosick Road. The Troy and Brunswick Planning Boards should

communicate on the application, providing each Board with comments on the entire site plan application. Clearly, the majority of the site sits in the City of Troy, and the applicant already stated that the Troy Planning Board seeks to assume Lead Agency designation under SEQRA, and take the lead in the site plan review. Chairman Malone stated that this would be appropriate, since the majority of the site does sit in the City of Troy. Attorney Gilchrist stated that the Brunswick Planning Board should receive a formal written request for Lead Agency designation from the City of Troy Planning Board, and that the Brunswick Planning Board should respond in writing as to Lead Agency designation. Once Lead Agency has been established, both the Troy and Brunswick Planning Boards can continue to review the site plan, and should communicate with any comments on the entire site plan. . Importantly, the technical review of the application between the engineers for the City of Troy and Town of Brunswick should be a joint review. Mr. Kestner reported that both he and the Troy City Engineer had already met with the New York State Department of Transportation concerning traffic and access issues. Member Czornyj raised a question regarding the total greenspace on the project, and for that part of the site plan that lies in the Town of Brunswick. The applicant stated that he would provide additional detail on the greenspace percentage, but did note that the City of Troy has no greenspace requirements under their Code. This matter has been placed on the April 6th agenda to address SEQRA Lead Agency coordination.

The next item of business on the agenda was the minor subdivision application of Provost for property located at the end of Norman Lane. Dave Dickinson was present for the applicant. Mr. Dickinson explained that Mr. Provost initially proposed 4 residential lots, but that this would require the construction of a cul-de-sac to provide minimum frontage on a public road, and that the construction of a cul-de-sac was too expensive. Therefore, Mr. Provost revised his proposed

subdivision plat to provide for 3 residential lots. While the Provost property lies in the Town of Brunswick, the only frontage for the property to a public road is a 50 foot access directly onto the terminus of Norman Lane. Norman Lane is in the Town of Pittstown, and is a Pittstown road. Provost proposed to allow a 15 foot access for each of the proposed 3 lots directly onto the terminus of Norman Lane. Mr. Dickinson explained that Mr. Provost was looking for guidance on the access/public road issues. The Planning Board inquired as to how many structures were currently built on the Provost property. Mr. Kreiger reported that the Town's records show a Building Permit having been issued for one house in 1986, for a 3 car garage issued in 1983, and for a 2 car garage issued in 1988. Mr. Kreiger further reports that the Town has no record of any other Building Permits, or any Certificates of Occupancy having been issued for any of the structures on the Provost property. Mr. Dickinson stated that there were 5 structures on the Provost property. Mr. Kestner reviewed the fact that there are 3 homes built on the site, with 2 garages and/or barns on the property. Mr. Dickinson did not have any Certificates of Occupancies for any of these structures, and stated that he could research the records of the Rensselaer County Health Department for approvals for the well and septic systems on the existing houses. Member Czornyj asked why Mr. Provost was not prepared to build a cul-de-sac on the end of Norman Lane to provide appropriate frontage. Member Czornyj thought that the Town of Brunswick could coordinate with the Town of Pittstown on the standards for a cul-de-sac, and enter into an agreement with Pittstown for the maintenance of that cul-de-sac. Mr. Dickinson stated that the applicant did not want to construct a cul-de-sac, but wanted to pursue the application with 15 feet of frontage for 3 lots along the 50 foot frontage on the terminus of Norman Lane, with a restriction that he would not further subdivide his property. Member Tarbox stated that this presented a problem, since there were 2 houses shown on one proposed

lot on the subdivision plat. Mr. Dickinson did state that one of the proposed lots had 2 existing houses, and that a third proposed lot was vacant. Mr. Provost seeks to build a new house on this third, currently-vacant lot. Chairman Malone stated that this presents a problem since the Board would not allow more than one principal resident per lot. Attorney Gilchrist stated that the Town Code did not provide for multiple principal residences on one lot in this zone, but rather only one principal residence with certain accessory structures per subdivided lot. Attorney Gilchrist stated that in essence, several principal residences per lot resulted in multi-family dwelling on one lot, which was not permitted in this zone. Chairman Malone asked whether the existing situation was legal. Attorney Gilchrist stated that it appears the Town records show a Building Permit having been issued for one house with two accessory structures, and that no Certificates of Occupancy had ever been issued. However, on the ground, Mr. Provost has constructed 3 houses and two accessory structures, all situated on one lot. These facts do not appear to be in compliance with Town Code requirements. Member Czornyj stated that the applicant would need to have a minimum of 4 lots if he sought to construct an additional house, and that 4 individual driveways with access to a public road would need to be provided. Member Wetmiller also was concerned about locating driveways right next to each other within a narrow access to a public road, as maintenance and drainage would likely be problems. Upon further discussion, the Board was insistent that an appropriate cul-de-sac or T-turnaround be proposed for the end of Norman Lane, which would provide necessary frontage and area for the construction of individual driveways. Mr. Dickinson stated that he would review this matter with the Town of Pittstown, and provide the Board with a revised plan. This matter has been adjourned without date.

The Planning Board next entertained the waiver of subdivision application of Michael Hatalla, for property located on Coons Road. This matter had been discussed by the Board at the March 2, 2006 meeting. The issue remaining on this application was the existence of a barn which would be located directly on a proposed boundary line, resulting in a setback violation if the waiver application was approved. Mr. Hatalla asked whether the Board would act upon the application if he took the barn down, eliminating the structure from the plan. The Planning Board felt that this would remove the issue, since no structural setback problems would continue. The Board inquired whether the barn had any historic significance. The Board directed Mr. Hatalla to review this matter with the Town Historian. Mr. Hatalla stated that he would do so. Mr. Hatalla also stated that he would not be able to get the barn down before the next Planning Board meeting, but that he would provide whatever the Board asked for in terms of a guaranty that he would remove the barn before the property was transferred, or before any Building Permits were issued. Attorney Gilchrist stated that the Board could condition an approval on such basis. Mr. Hatalla stated that he would check on the historic significance of the barn with the Town Historian, and ask that this matter be placed on the next Planning Board agenda. This matter will be placed on the next Planning Board agenda for April 6, 2006 for further discussion.

Three items of new business were discussed.

First, a waiver of subdivision application has been filed by Joe Jacoby for property located on Route 142. This property is currently owned by Alderman, and is the site in proximity to North Lake Avenue, which had been the subject of significant filling activities by Mr. Alderman. Jacoby seeks to purchase the property from Alderman and construct a house. Member Czornyj thought that Mr. Alderman had previously stipulated on a prior subdivision review that the area of the fill would not be used as a building lot. Mr. Kreiger will review the

Planning Board records on that issue. Also, Member Czornyj thought that this proposed lot would constitute a fifth lot that Mr. Alderman had created over the past few years from the same original parcel, and that this matter should now be reviewed as a major subdivision by Mr. Alderman. Member Czornyj had significant concerns about the type of fill that was placed there. All of the Planning Board Members raised this concern, in that in addition to clean fill, construction and demolition debris may have been included in the fill material. The Board wanted to coordinate with the Rensselaer County Health Department concerning septic use on the fill material. Member Czornyj also recalled that there was a drainage pipe placed under the fill, and wanted to know how this would impact the ability to build on that site. The Board was also concerned about constructing a house on fill material, even though the applicant had submitted soil compaction test data that was obtained in February, 2006. Member Wetmiller was also concerned about the potential liability of the Town if the lot was approved and there were future problems on the site. Member Wetmiller thought that the fill contained blacktop, concrete, wood, construction debris, windows, shingles, and similar material. Mr. Kreiger will report to the Board at the April 6th meeting as to any stipulations Alderman may have made concerning the site being used as a building lot.

The next item of new business was an updated plat and stormwater information submitted by Henry Reiser for the Hewitt property located at the intersection of Route 2 and Route 278. This subdivision seeks a total of 14 lots, 7 lots located on a cul-de-sac off Langmore Lane, and 7 lots located on a cul-de-sac off Buck Road. This matter will be placed on the April 6th agenda for further discussion.

Mr. Kreiger raised a third point concerning a stormwater detention basin located on Oak Tree Lane, off Moonlawn Road. Mr. Kreiger reports that the stormwater detention basin had

been located on a separate lot, not part of any of the residential lots in this subdivision. The taxes due on this lot had not been paid, and the property was subject to a tax sale. Some of the owners of the residential lots within the subdivision had inquired as to whose responsibility it was to maintain the detention basin. Attorney Gilchrist stated that the detention basin remained in private ownership, and the minutes of the approval for the subdivision would need to be reviewed to see how the Planning Board had addressed the issue of maintenance of that stormwater detention basin. Nonetheless, since the detention basin is in private ownership, the primary obligation for maintenance rests with the private owner. Mr. Kreiger will also investigate the Planning Board Minutes for the approval of this subdivision, and provide information at the April 6th meeting.

The Minutes of the March 2, 2006 meeting were reviewed. Three typographical errors were corrected. On Page (3), "Edwin Shott" was corrected to "Edwin Schutt". On Pages (4) and (5), "Shilton Latham" was corrected to "Chilton Latham". Subject to these typographical corrections, Member Czornyj made a motion to approve the Minutes, which motion was seconded by Member Esser. The motion was approved 6/0, and the Minutes were adopted subject to the stated corrections.

The **index** for the March 16, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision - 4/6/06;
2. Kennelly – minor subdivision – 4/6/06;
3. Schuyler Companies – site plan – 4/6/06;
4. Provost – minor subdivision – adjourned without date;
5. Hatalla – waiver of subdivision – 4/6/06;
6. Jacoby – waiver of subdivision – 4/6/06; and

7. Reiser – major subdivision – 4/6/06.

The proposed agenda for the April 6, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision;
2. Kennelly – minor subdivision;
3. Schuyler Companies – site plan;
4. Hatalla – waiver of subdivision;
5. Jacoby – waiver of subdivision;
6. Reiser – major subdivision; and
7. North Troy Congregation of Jehovah’s Witnesses – waiver of 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 6, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item of business on the agenda was the major subdivision application of Brooks Heritage, LLC for property located on Dusenberry Lane. At the request of the applicant, this matter has been adjourned to the April 20, 2006 meeting.

The next item of business on the agenda was the minor subdivision application by James Kennelly for property located on Bellview Road. James Kennelly was present. Mr. Kennelly confirmed that he had accompanied some Planning Board members on a site visit, and also handed up to the Planning Board a revised stormwater plan, as well as additional information on site topography. The revised stormwater plan now locates a stormwater detention pond entirely on proposed Lot No. 2. Member Czornyj asked whether stormwater runoff from the lot on the opposite side of Bellview Road, which Mr. Kennelly planned to pipe under Bellview Road, would go to the proposed stormwater detention pond. Mr. Kennelly stated that this water would be directed to the detention pond, and that the projected amount of stormwater has been factored into his stormwater plan. Member Czornyj noted that on the map as submitted, it appeared that the stormwater from the lot on the opposite side of Bellview Road was directed to a swale, and

not to the detention pond. Mr. Kennelly stated that the swale indicated on the map was existing and that the proposal was to redirect that swale to empty into the detention pond. Member Czornyj asked whether Kennelly could divert this water by pipe all the way to the pond, rather than a drainage swale. Mr. Kestner stated that a hard pipe could be used all the way to the pond, but that the Board had initially asked Mr. Kennelly only to pipe that water past the proposed house location. Mr. Kennelly also added that the Town Highway Department did not favor long lengths of pipe for stormwater in that it created maintenance problems, and therefore, Kennelly preferred to maintain the flow through a drainage swale. Mr. Kestner asked whether the current plans upgraded culverts under proposed driveways from 12" to 15" culvert pipe. Mr. Kennelly noted that this change had been made. Chairman Malone stated that there was now sufficient information on the application to move this matter to public hearing. The Board set a public hearing for this application for April 20, 2006 at 7:15 p.m.

The next item of business on the agenda was the site plan application by Schuyler Companies for a proposed Walgreens at the corner of Hoosick Road and North Lake Avenue. Appearing on the application was Bruce Secor of Vollmer Associates. Mr. Secor noted the Lead Agency coordination letter from the City of Troy Planning Board, and requested that the Brunswick Planning Board respond to that. Also, Mr. Secor reviewed the amount of greenspace on the site plan, both within the Town of Brunswick and on the overall site. Mr. Secor explained that for that portion of the site lying in the Town of Brunswick, 17% of that area is devoted to greenspace. Mr. Secor explained that the applicant could not add greenspace to the area within the Town and still meet the parking requirements under the Troy regulations for the site. Mr. Secor then explained that the City of Troy had no greenspace requirements under their regulations for this application. Mr. Secor did calculate the total greenspace for the site, which is

at 27% greenspace. Chairman Malone inquired whether the Planning Board had the authority to modify the greenspace requirements, which are set at 35% under the Brunswick Site Plan Regulations. Attorney Gilchrist stated that the Site Plan Regulations provide that the Planning Board may consider and approve projects with less landscaped area upon a showing that the proposed landscape plan is necessary in order to avoid undue hardship or that the nature of the land and its location in relation to other properties in areas of the Town is such as not to cause substantial damage to the general character of the neighborhood. Mr. Secor explained that the overall traffic and parking plan for the project is still in design, and being reviewed by the New York State Department of Transportation. NYSDOT is still considering the access point opposite Sycaway Avenue, and is looking for comment for both the City of Troy and Town of Brunswick on that issue. Mr. Secor stated that the access point opposite Sycaway Avenue is important from the applicant's perspective since it provides access for the drive-thru pharmacy located on the east side of the building. Otherwise, Mr. Secor explained that access to the pharmacy would be off Wayne Street, and would require patrons to go completely around the store building in order to get to the drive-thru pharmacy area, which was not preferable. The Planning Board raised the issue of using this access way when traveling in an easterly direction up Hoosick Street, and the necessity of crossing three lanes of traffic to get into the Walgreens, consisting of two travel lanes and one turning lane. Mr. Kestner noted that NYSDOT will control the determination on this access point in the Town of Brunswick since it is directly off the NYSDOT roadway, but the Town will have the opportunity to provide comment to NYSDOT. Member Oster also commented that cars exiting Sycaway Avenue in a westerly direction onto Hoosick Road often use the turning lane temporarily, and then merge onto the travel lane when a space opens up. Member Oster suggested that this makes that area of the proposed access way into

Walgreens potentially problematic. The Planning Board thought that entering the Walgreens at this proposed access way when traveling westbound on Hoosick Road is not a problem, but that traffic going up Hoosick Street in an eastbound direction could present a problem when trying to turn left into the proposed entrance way. The Board suggested that the applicant should consider this entry way to be westbound right turn only, and Mr. Secor indicated that he would raise this with Walgreens. Mr. Kestner suggested that the Planning Board refer the application to the Town's traffic consultant, Transportation Concepts, for help on the application. Chairman Malone inquired where the application stood at the City of Troy. Mr. Secor explained that the Troy Planning Board had already granted concept approval, and was now looking at details on the site plan, including lighting, fencing/screening, and traffic issues in terms of entrances and exits. Mr. Secor also stated that the Troy Zoning Board of Appeals must address the application, due to the lot size as well as the proposal for a freestanding sign. Chairman Malone then stated that the Planning Board must consider the SEQRA Lead Agency issue. Upon discussion, focusing principally on the fact that the majority of the site lies in the City of Troy, Member Czornyj made a motion to confirm that the City of Troy Planning Board should act as SEQRA Lead Agency on this site plan. Member Oster seconded the motion. The motion was approved 7/0, and Chairman Malone directed Attorney Gilchrist to forward a letter to the City of Troy Planning Board indicating that the Brunswick Planning Board does not object to the City of Troy Planning Board acting as SEQRA Lead Agency on this application. Chairman Malone also stated that this matter will be placed on the April 20, 2006 agenda for further discussion. Chairman Malone inquired of Mr. Secor as to when this application would next be on a Troy Planning Board agenda for discussion. Mr. Secor stated that the matter will be considered by the

Troy Planning Board at its April 17, 2006 meeting. Chairman Malone indicated that he would attend that meeting.

The next item of business on the agenda was the waiver of subdivision application by Michael Hatalla, for property located on Coons Road. The only matter left for discussion on this application was the removal of a barn, which would eliminate a setback issue from one of the proposed lot lines created by the waiver. Mr. Kreiger confirmed that the barn had been removed, and that the applicant was finishing up the removal of the debris. Chairman Malone asked whether there were any remaining issues on this application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the waiver application, which motion was seconded by Member Oster. The motion was approved 7/0, and the waiver of subdivision application approved.

The next item of business on the agenda was a proposed waiver of subdivision application by Joseph Gicobbi, concerning property owned by Jeff Alderman on Grange Road (Route 142). Mr. Gicobbi explained that in 2004, Mr. Alderman had subdivided lots on Brunswick Park Drive, and that a 4.3 acre lot was created which extends to Grange Road. Mr. Gicobbi seeks to split this 4.3 acre lot to create a 2 acre parcel on which he seeks to build a home. Mr. Gicobbi confirmed that this was the area where substantial filling activities had occurred, but that he had a compaction test performed to confirm that the land was buildable. There was significant discussion by the Planning Board concerning the types of fill that were placed on the property, and whether the compaction test was sufficient. Also, the Planning Board was concerned with the number of applications made by Mr. Alderman over the last

several years, resulting in a number of lots being created. Upon Planning Board review, this proposed Gicobbi lot would be the fifth lot created by Alderman within the last few years at this location. The Planning Board stated that the application should be treated as a major subdivision, since more than three lots had been created over a relatively short period of time, all of which would have constituted a major subdivision application if treated at once. Attorney Gilchrist reviewed the procedure on waiver applications, which do provide that the Planning Board has the discretion to treat the application as a regular subdivision application if a waiver or other subdivision approval had been granted within the last seven years. Further, from a SEQRA standpoint, reviewing a subdivision in a piecemeal process could result in illegal segmentation. The Planning Board confirmed that this application should be treated as a major subdivision application. Attorney Gilchrist then inquired whether Mr. Gicobbi was under contract to purchase the land. Mr. Gicobbi stated that he was not yet under contract to purchase. Attorney Gilchrist then stated that Mr. Gicobbi was not a contract vendee and had no legal standing to make the application before the Planning Board. Alternatively, as owner of the property, Mr. Alderman will need to make the application and appear before the Planning Board on this issue. Mr. Gicobbi stated that he would review this with Mr. Alderman. This matter has been adjourned without date, pending the submission of a new subdivision application.

The next item of business on the agenda was the major subdivision application by Reiser Builders for property located at the intersection of Route 2 and Route 278, on the lands of Hewitt. Appearing for the applicant was Harold Berger. Mr. Berger reviewed the concept plan, which provides for a total of 14 lots, consisting of two seven lot sections, each with a proposed cul-de-sac road. One cul-de-sac is proposed off Langmore Lane, and one cul-de-sac is proposed off Buck Road. Mr. Berger reviewed information concerning road layout, grading, water supply,

sewage system design, and drainage. Mr. Berger noted that the area that is currently zoned commercial adjacent to Route 2 is not part of the subdivision application. Mr. Berger explained that the Rensselaer County Health Department had been on site when perc and soil tests were done, and that he would be designing raised septic systems for each subdivided lot. Mr. Berger explained that he had submitted a stormwater report for review, and was in the process of completing the full stormwater pollution prevention plan. Mr. Berger explained that the stormwater plan was difficult for the site, since the onsite soils were fairly impervious and that little recharge occurred. Accordingly, Mr. Berger was going to design a system using sand filters to enhance groundwater recharge. Mr. Berger stated that he had not submitted his water and septic plan to the Rensselaer County Health Department but rather was awaiting Planning Board review of the proposed layout. Member Esser inquired whether a Homeowners Association would be created for the stormwater detention system. Mr. Berger stated that the applicant did not want to create a Homeowners Association. Attorney Gilchrist reviewed the policy of the Town concerning the stormwater detention basins, which required applicants to prepare a Homeowners Association and locate the stormwater facilities on commonly owned land to be owned and maintained by the subdivision lot owners through the governing mechanism of a Homeowners Association. The Town of Brunswick does not take ownership or maintenance responsibility for stormwater facilities in connection with NYSDEC Phase II Stormwater Regulations. Member Tarbox stated that one through road should be considered rather than two cul-de-sac roads. Mr. Berger stated that the design of the subdivision was given considerable thought, and that the applicant was trying to reduce impacts to both residents on Langmore Lane and Buck Road as much as possible, and that a through road connecting Buck Road with Langmore Lane could result in greater traffic impacts to existing residents on both roads. Also,

with two cul-de-sacs, there was less total road on the project site, reducing stormwater runoff. Henry Reiser also stated that two cul-de-sac roads eliminated the potential of a cut-through from Route 278 to Route 2, particularly for cars trying to avoid the light at the intersection of Route 2 and Route 278. Mr. Kestner stated that he would review the stormwater report, but would also like the ability to review the Stormwater Pollution Prevention Plan when that is completed. Generally, Mr. Kestner stated that the drainage off this property is in three directions, including drainage to Buck Road, drainage to Langmore Lane, and drainage onto the remaining lands of Hewitt located adjacent to Route 2. Mr. Kestner also reviewed the grades of the proposed cul-de-sac roads, which are in the area of 8%-9%, and noted that the applicant will be requesting a waiver from road specifications. Mr. Kestner stated that the general layout and road grades are in conformance with Town Code requirements. Mr. Kestner also stated that he would work with Mr. Berger on the water supply plan as well. Member Oster asked whether there were any residents on the opposite side of Buck Road to the proposed cul-de-sac road. Mr. Berger and the Planning Board members confirmed that there were no neighbors on the other side of the proposed entrance road, only a pond. The residences were much further in on Buck Road from the proposed access road. The Board inquired whether the area that is currently zoned commercial along Route 2 was not part of the subdivision application. Mr. Berger stated that the commercially zoned property was not part of the subdivision application, and that there are no current plans to develop that lot at this time. Chairman Malone noted that petitions had been handed up to the Planning Board for their consideration from the Tamarac Regional Homeowners Association, objecting to any use of Langmore Lane, North Langmore, Woodcut and Long Hill as access to the proposed subdivision. Chairman Malone also accepted a letter from the Tamarac Regional Homeowners Association objecting to the application. Chairman

Malone stated he would do a site visit with Mr. Kestner, and will coordinate with Mr. Berger on that site visit. This matter will be placed on the April 20, 2006 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application and site plan application by the North Troy Congregation of Jehovah's Witnesses for property located on Cooksboro Road. The applicant submitted updated plans for review. Mr. Kestner inquired whether a stormwater analysis had been completed. The applicant stated that the stormwater analysis was being completed, but it was not yet done. That report will be submitted shortly. Mr. Kestner asked whether the applicant had confirmed sight distances for the proposed access off Cooksboro, and whether those sight distances met applicable standards. The applicant stated that the sight distance information had been obtained, and it does meet adequate standards for the entrance way off Cooksboro. The design has not yet been submitted to Rensselaer County for review. The Board again discussed the amount of parking spaces required. The plan notes that there may be times when 125-150 people are in attendance, and that 51 parking spaces are provided on the site plan. Mr. Kreiger noted that the Town Code does require one spot for every four people at religious facilities and therefore the plan was compliant for parking purposes. Member Oster noted that on the building design, one room was shown with a sink and refrigerator. Member Oster inquired whether that kitchen would also have an oven, and whether food would be served. The applicant stated that there was not an operating kitchen proposed, and that there would be no oven. Member Oster stated that he was not so much concerned about serving food, but was concerned whether there were adequate fire exits. The applicant stated that the building was designed to meet fire code for a building without a working kitchen, but that Mr. Kreiger will need to review this for compliance. The applicant explained its proposed stormwater plan which is still being finalized, which includes two proposed detention ponds.

Mr. Kestner will review the plan once fully submitted. The Planning Board deemed the site plan to have sufficient information to move the matter to public hearing, subject to the receipt of the stormwater plan. The applicant indicated that it would be submitting the stormwater plan within the next several days. Chairman Malone stated that a public hearing should be scheduled for May 4, 2006 at 7:00 p.m., which should provide sufficient time for submission of the stormwater plan and review by Mr. Kestner. This matter will be scheduled for public hearing on May 4, 2006 at 7:00 p.m.

The next item of business on the agenda is the waiver of subdivision application by Tomhannock, LLC for property located at 267 Grange Road (Route 142). Peter Gibson appeared on the application. The property at issue, the old Calhoun property, totals 19.9+/- acres. The applicant seeks to divide the land into two parcels, with the existing house on a 10.5+/- acre parcel and a 9.4+/- acre vacant parcel. The applicant is planning to sell the house plus the 10.5 acres and retain the 9.4+/- acres as vacant land. Mr. Kreiger had required the applicant to provide sight distance at two locations on the parcel for driveways, even though there is no current plan to subdivide or build on that parcel. Mr. Kreiger wanted this information to ensure that the remaining acreage had road frontage capable of a safe driveway and adequate sight distance. The applicant had supplied that information for the Board to review, and there is adequate sight distance for two driveways. After further discussion, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 7/0 and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the waiver application, which motion was seconded by Member Czornyj. The motion was approved 7/0 and the waiver application approved.

The next item of business on the agenda was a two lot minor subdivision application by Kenneth Ray for property abutting Plum Road, Sunset View Avenue, and Valley View Drive, also in proximity to Stone Arabia Drive. Appearing on the application was RDM Surveying Consultants, by Rod Michael. It is noted that Mr. Kestner has recused himself from review on this application, as Kestner was involved with the North 40 West Planned Development District, which includes Stone Arabia Drive. Kestner also owns a small strip of land between Stone Arabia Drive and proposed Lot 1 on the subdivision plat. The Planning Board has retained Linda Stancliffe of Erdman Anthony & Associates for technical review of this application. Mr. Ray seeks to create two residential lots. Lot No. 1, totaling 3.363+/- acres, will have 50 foot of road frontage on Plum Road. However, Mr. Michael asserted that the grade of the land along this 50 foot road frontage is not conducive to constructing a driveway. Alternatively, the applicant seeks to provide an easement over lot 82 of the North 40 West PDD (owned by the applicant) for purpose of ingress and egress. Lot No. 2, totaling 4.099+/- acres, has frontage on Sunset View Avenue. Proposed Lot 2 may also have frontage on Valley View Drive. Member Czornyj inquired whether the Planning Board should consider a residential lot where the proposed road frontage is not conducive to ingress and egress due to steep grades, and that sole access is limited to an easement over a third party property. Attorney Gilchrist stated that he will research that issue. Chairman Malone stated that he wanted to inspect this property together with Ms. Stancliffe to better understand the issue. Chairman Malone felt that this matter should move to public hearing, to receive comment of adjoining and nearby residential owners. Chairman Malone scheduled the commencement of the public hearing on this application for May 4, 2006 at 7:15 p.m.

The next item of business on the agenda was the major subdivision application of Cobblestone Associates for property located at Tambul Lane and Bulson Road. James Dunn appeared on the application. Mr. Dunn handed up a revised subdivision plat, narrative, and amended Environmental Assessment Form. This application has been amended to reduce the proposed number of lots to a total of nine, including three new lots on the existing Winfield Estates cul-de-sac, plus six lots directly off Tambul Lane. No new roads are proposed in the amended application. It was noted that with the addition of three lots to the Winfield Estates cul-de-sac, the total number of lots off that cul-de-sac road would total 13, which would necessitate a waiver from the Town Board. Member Mainello asked whether the applicant proposed to reconstruct the cul-de-sac at the end of Winfield Estates. Mr. Dunn stated that the applicant did not plan on reworking the cul-de-sac, but doing some work to correct the drainage. The Board noted that the applicant still owned the area of the cul-de-sac, which was never dedicated to the Town. Mr. Kestner explained that the original Winfield Estates project included a through road from Bulson Road to Tambul Lane. The first part of that road was built in connection with Winfield Estates. Under the original plan, that road was to be continued and ultimately connected to Tambul Lane. The Winfield Estates project was never completed, and the Town took over the uncompleted road. A cul-de-sac was built at the end of Winfield Estates, but it was never dedicated to the Town. This applicant still owns the existing cul-de-sac, and the Board suggested that the applicant work with the Town Highway Superintendent to agree on appropriate upgrade for the cul-de-sac for trucks to turn around as part of this subdivision application. The applicant was agreeable to this. Member Czornyj asked about the historic cemetery along Tambul Lane and how the applicant was going to deal with this on the application. Mr. Dunn stated that the area would be blocked off, and the applicant sought to

deed the cemetery property to the Town. Mr. Kestner stated that the key issue here was the actual size of the cemetery. Mr. Dunn stated that the cemetery appeared to be in a raised area, and that the applicant has stayed twenty feet away from this raised area with proposed property lines. Also, given the setback of houses and other structures within the residential lot, structures would be at least forty feet away from the raised area of the cemetery. Member Czornyj also stated that the traffic report prepared by the applicant on the previous application would need to be updated. The applicant stated that with the reduced number of lots, traffic would become less of an issue. Chairman Malone noted that the configuration of the intersection of Tambul Lane and Tamarac Road had not changed, but could become less of an issue given the reduced projected number of cars from five residential lots on Tambul Lane (one of the proposed lots off Tambul Lane will remain vacant and include the State regulated wetlands). The Planning Board directed the applicant to submit an updated letter report from the applicant's traffic consultant to address the fact that there will be fewer cars associated with the reduced project, and how that impacted the report's earlier conclusions. The issue of drainage from the lots on Tambul Lane was also discussed, and the applicant will provide the Board with information on that issue. Member Tarbox also stated that the applicant was going to install additional wells to analyze groundwater issues. Mr. Dunn stated that the applicant was looking for preliminary approval subject to gathering further groundwater data prior to final approval. Member Czornyj stated that the Planning Board will be holding another public hearing on the application, given the significant modification. Member Czornyj thought that groundwater impacts will be raised as an issue at the public hearing, and the applicant should be prepared to address those comments. Toward that end, Chairman Malone felt that this matter should proceed to public hearing as well, to receive the public comments of the surrounding property owners. Chairman Malone set May

18, 2006 for the public hearing to commence, starting at 7:00 p.m. Mr. Kestner also stated that the applicant should provide more detailed information concerning the lots around the Winfield Estates cul-de-sac, including proposed house and driveway location, septic location, grading, and drainage information. Mr. Dunn stated that such additional information would be submitted to the Board by May 4, 2006, in anticipation of the May 18, 2006 public hearing.

Mr. Kreiger noted that he had been contacted by Mr. Zouky concerning the proposed major subdivision for the Welch property located between Route 2 and Pinewoods Avenue. Chairman Malone stated that the application will be placed on the April 20, 2006 agenda for discussion.

The Planning Board set a workshop meeting to be held on April 11, 2006 at 6:30 p.m. to discuss the proposed Carriage Hill Planned Development District application.

The minutes of the March 16, 2006 meeting were reviewed. One typographical correction was made, changing "Jacoby" to "Gicobbi". Subject to that typographical correction, Chairman Malone made a motion to approve the minutes, which motion was seconded by Member Tarbox. The motion was approved 7/0, and the minutes adopted as corrected.

The **index** to the April 6, 2006 meeting is as follows:

1. Brooks Heritage, LLC – major subdivision - 4/20/06;
2. Kennelly – minor subdivision – 4/20/06 (public hearing at 7:15 p.m.);
3. Schuyler Companies – Walgreen site plan – 4/20/06;
4. Hatalla – waiver of subdivision – approved;
5. Gicobbi – waiver of subdivision – adjourned without date;
6. Reiser Builders – major subdivision – 4/20/06;

7. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – 5/4/06 (public hearing at 7:00 p.m.);
8. Tomhannock, LLC – waiver of subdivision – approved;
9. Kenneth Ray – minor subdivision – 5/4/06 (public hearing at 7:15 p.m.);
10. Cobblestone Associates – major subdivision – 5/18/06 (public hearing at 7:00 p.m.); and
11. Zouky – major subdivision – 4/20/06.

The proposed agenda for the April 20, 2006 meeting is as follows:

1. Kennelly – minor subdivision – public hearing at 7:15 p.m.;
2. Brooks Heritage, LLC – major subdivision;
3. Schuyler Companies – Walgreen's site plan;
4. Reiser Builders – major subdivision; and
5. Zouky – major subdivision.

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

MINUTES OF THE PLANNING BOARD MEETING HELD April 20, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Chairman Malone opened a public hearing on the minor subdivision application of James Kennelly for property located on Bellview Road. The Public Notice was read into the record. The applicant, James Kennelly, presented an overview of the proposed subdivision. Chairman Malone opened the floor for receipt of public comment. Bob Vickery, 80 Bellview Road, stated that he owns the property adjacent and down gradient of the proposed subdivision and wanted to know what was in place to handle stormwater runoff. Mr. Kennelly stated that a full stormwater plan had been prepared, and that a swale was intended to carry stormwater to the back of the Kennelly property, to a detention basin, which ultimately discharges to the reservoir. Mr. Kennelly stated that the stormwater plan should improve the drainage situation for Mr. Vickery. Mr. Kestner stated that the swale could be run the entire length of the Vickery property line. Mark Danskin, 74 Bellview Road, stated that he had no issue with the subdivision, but that he had been asked by his neighbor, Vincent Jodice, 228 Bellview Road, to make an inquiry to the Board concerning the limit of 12 lots on a cul-de-sac road. Mr. Jodice wanted to know whether this end of Bellview was considered a cul-de-sac, and does the 12 lot cul-de-sac rule apply. Mr.

Jodice is interested in this issue since he owns 70 acres on the top end of Bellview. Chairman Malone noted that there were other outlets on Bellview Road. Mr. Danskin stated that while there were other outlets on the road, this end of Bellview beyond Bald Mountain Road is considered a deadend, and has no other outlet. Chairman Malone then thought this may implicate the rule regarding 12 lots on a cul-de-sac. Member Oster asked whether there was a cul-de-sac constructed at the end of Bellview. Mr. Danskin stated that there was not a cul-de-sac, it was just a deadend road. Member Czornyj thought that if this end of Bellview is considered a cul-de-sac or deadend road, the matter may need to be referred to the Town Board for a waiver. Joe Dempsey, 99 Bellview Road, spoke. Mr. Dempsey owns property on the other side of Bellview Road from the 4 proposed lots, adjacent to the separate deeded parcel owned by Kennelly and down gradient of that parcel. Mr. Dempsey stated that drainage was a concern. Chairman Malone stated that the Kennelly lot on the other side of Bellview is under a separate deed, it is not covered by this application. However, Chairman Malone noted that the stormwater plan prepared by Kennelly does include the lot on the other side of Bellview in order to address runoff conditions on all of his property. Mr. Dempsey was also concerned about separation from his well and septic on the separate Kennelly parcel. Member Czornyj stated that the Rensselaer County Health Department will govern any Building Permit issued on the existing deeded lot owned by Kennelly on the other side of Bellview Road. Bob Carroll, 30 Bellview Road, raised concerns regarding traffic, and potential impacts on septic and wells on the down gradient side of Bellview Road. Mr. Carroll thought that the intersection of Bellview and Bald Mountain Road needed a stop sign, because cars come down Bellview too fast. Mr. Carroll was generally in favor of the subdivision, but raised concerns regarding the traffic. Chairman Malone noted that the Planning Board has no jurisdiction over signage on public roads, and directed Mr.

Carroll to Highway Superintendent Eddy. Joseph Cioffi, Jr., 23 Norfolk Street, spoke concerning stormwater and groundwater issues. Mr. Cioffi was against this proposed subdivision, stating that both surfacewater and groundwater impacts would likely occur. Mr. Kennelly stated that he had hired Harold Berger, P.E. and that both the stormwater plan plus water and septic plan had been prepared. Chairman Malone also noted that the Planning Board was concerned from the beginning of this application about stormwater runoff and made sure that the applicant prepared a full stormwater plan by a professional engineer, and that the stormwater plan had been reviewed by the Planning Board's consulting engineer, Mr. Kestner. In Chairman Malone's opinion, this proposal will improve stormwater runoff conditions in that area. Mr. Cioffi was insistent that he felt that both stormwater runoff and groundwater impact problems would result from the subdivision. Mrs. Palermo, owner of adjacent property noted that Mr. Kennelly's consultants had gone onto her property to do certain survey measurements without her knowledge or consent. Mr. Kennelly acknowledged that his consultants were on the Palermo property, and apologized for that, noting that he would make sure that his consultants would contact private property owners before doing any additional work. Jane Williams, 131 Bellview Road, stated that the entire Bellview area cannot support the additional density which would result from this 4 lot subdivision. Ms. Williams raised groundwater concerns, as well as safety concerns on Bellview Road. Ms. Williams stated that school children walk one half mile on Bellview Road to the bus stop, that there is no sidewalk on Bellview Road, and that the road is quite narrow and not safe for pedestrians. Further, Ms. Williams stated that the drainage ditches installed by the Town do not work, resulting in very icy conditions during the winter. Ms. Williams stated that she felt Mr. Kennelly was a very responsible applicant, but that her concern is regarding the whole Bellview Road area. Ed Quackenbush, 70 Bellview Road, had

questions concerning the proposed stormwater plan, and the swale carrying the water to the detention basin. Mr. Quackenbush also stated that the drainage system maintained by the Town was not working properly, and Chairman Malone directed him to Highway Superintendent Eddy. Mr. Quackenbush also inquired whether there would be any additional paving on Farrell Road or Bellview Road. Chairman Malone noted that both of these were existing public highways, and directed Mr. Quackenbush to Highway Superintendent Eddy. Sheila Dempsey, 99 Bellview Road, also stated that Bellview Road is like a racetrack, with cars going too fast. Henry Reiser, 595 Brunswick Road, stated that proposed new development in the Town were generally complying with existing regulations, and that problems that are being raised by existing residents are directed more toward current problems which are trying to be addressed and alleviated by new development, not caused by new development. Bob Vickery, 80 Bellview Road, then inquired who would be responsible for stormwater runoff problems in the event the swale carrying the water to the rear of the Kennelly property did not work. Mr. Vickery asked whether the applicant would be responsible, or the Town. The Board stated that the project applicant and his engineer had prepared the plans, and are responsible for proper installation and construction to ensure that the swale properly handles stormwater runoff. Mr. Kennelly stated that with respect to the number of lots on a cul-de-sac road, there are already more than 12 existing residences on that portion of Bellview Road above Bald Mountain Road, and asked how those homes could have been built if there is a limit of 12 on a cul-de-sac or deadend road. Chairman Malone stated that the Board would look into that issue further. Hearing no further public comment, Chairman Malone closed the public hearing.

Chairman Malone then opened the regular business meeting for the Planning Board.

The first item of business on the agenda was the minor subdivision application for James Kennelly for property located on Bellview Road. Chairman Malone stated that Mr. Kennelly would now need to respond to the comments received at the public hearing, and that Mr. Kestner was looking for detail on the outlet and overflow for the detention basin on the stormwater plan. The Board also wanted Mr. Kennelly to ensure that there was no stormwater drainage in areas for proposed septic, and that all stormwater was carried beyond the area of proposed homes and septic fields. Mr. Kestner also wanted additional profile information on the application. This matter has been placed on the May 4, 2006 agenda for further discussion.

The next item of business on the agenda was the major subdivision application of Brooks Heritage, LLC for property located on Dusenberry Lane. Chairman Malone inquired whether Mr. Brooks had submitted information on streams and wetlands on the property. Mr. Brooks stated that the streams and wetlands are shown on the current maps already filed with the Town. Mr. Brooks reviewed the proposed upgrade on the current Dusenberry Lane, widening this existing public road, and reducing the grade from the existing 11.5% to 9%. Mr. Brooks also reviewed the proposed Dusenberry Lane Extension, including its relationship to streams and wetlands on the site. Mr. Brooks stated that the proposed extension of Dusenberry Lane does not exceed 5.5% after leaving the existing Dusenberry Lane deadend. Mr. Brooks stated that the total lot count off Dusenberry Lane is now 25. Mr. Brooks did state that one additional lot had been added at the upper end of the property, with a proposed driveway directly off Bald Mountain Road. This raises the total proposed lot count to 26. Member Czornyj asked whether the proposed lot off Bald Mountain Road was too wet to be buildable. Mr. Brooks stated that there were no DEC wetlands on this property, and that the Army Corps Wetlands had been delineated, and all of the lots are buildable. Further, Mr. Brooks stated that the project engineers

had calculated the total wetland impacts for road and utility crossings to be less than one-tenth of an acre, and that he would supply a separate sheet to the Board with all the wetland information and disturbance calculation. Member Oster stated that his review of the map for proposed lots 10 and 11 seem to indicate that the septic was in a wet area. Mr. Brooks stated that the septic for these areas were located in the front yards, in a dry area. Member Czornyj was still concerned about the wet areas on the proposed lot directly off Bald Mountain Road. Mr. Brooks stated that he would put markers in the field to locate driveway and lot location. Chairman Malone wanted the ability to look at the land again in light of the cul-de-sac road reconfiguration, particularly in terms of topography. Member Oster concurred, and stated that the project engineer had originally placed the cul-de-sac in an area where there are streams. There was discussion on an earlier site visit with the engineer where he indicated that the cul-de-sac would be put in a certain area, and now upon review of the plans it seems to be in a different location. Member Oster thought that the cul-de-sac on the current maps was in an area with steep slopes, and wanted the ability to further investigate that issue. The Board determined to do an additional site visit on April 25 at 9:00 a.m. and Mr. Brooks indicated that he would have additional markers in the field for that site visit.

The next item of business on the agenda was the site plan application by Schuyler Companies for a proposed Walgreens at the corner of Hoosick Street and North Lake Avenue. Bruce Secor, P.E. appeared for the applicant. Mr. Secor gave the Planning Board an update. The Troy Planning Board had sought Lead Agency coordination under SEQRA on March 9, 2006 and forwarded the coordination request to the Brunswick Planning Board. The Brunswick Planning Board had determined that the Troy Planning Board should take SEQRA Lead Agency, as the majority of the site is located in the City of Troy. The Troy Zoning Board of Appeals on

April 10, 2006 had granted a variance regarding the lot size, and has also approved the proposed sign. The Troy Planning Board on April 17, 2006 had designated itself SEQRA Lead Agency, and had issued a negative declaration. Further, the Troy Planning Board had waived certain overlay district requirements on the application. Mr. Secor reported that the only issue remaining for the Troy Planning Board was traffic circulation, and the proposed entrances off Route 7. The Brunswick Planning Board indicated that it had retained Transportation Concepts, LLC for traffic engineering consultation. Mr. Kestner reviewed an initial letter from Transportation Concepts, LLC, reviewing certain traffic issues. Mr. Secor responded to each of the points raised. First, Transportation Concepts had suggested that the entrance onto North Lake Avenue be aligned so that it is opposite from Conway Court. Mr. Secor stated that such an alignment was difficult because there was an existing residence opposite Conway Court, and that he had aligned the Walgreen's entrance as close as possible to Conway Court. Transportation Concepts had raised an issue regarding the location of the drive-thru and the difficulty of making a right turn onto Wayne Street after proceeding through the drive-thru. Mr. Secor stated that he would discuss a relocation of the drive-thru with Walgreens, but that this implicated the layout in the interior of the building as well. Transportation Concepts had also commented on the entrance located in the Town of Brunswick, located off Hoosick Road, and suggested either the elimination of this entrance way or making it entrance only. Mr. Secor stated that he would review those comments with Walgreens. Member Czornyj stated for the record that he felt the proposed access off Hoosick Road in the City of Troy closest to the intersection of Hoosick Road and North Lake should be eliminated altogether, as it raised a safety concern in his mind. Member Oster noted that a new CVS store built on Wolf Road at the corner of Sand Creek had no entrance or exit directly on Wolf Road. Member Oster thought that this Walgreens likewise

should not have any entrances or exits on Hoosick Road, but should be limited to Wayne Street and North Lake Avenue. Member Czornyj concurred. Member Czornyj also raised the point that the property in Brunswick used to house a gas station, and that an inquiry into any underground storage tanks or petroleum release should be done. Mr. Secor stated that a Phase I Environmental Assessment is currently being undertaken. Chairman Malone noted that the Troy Planning Board had already issued a negative declaration under SEQRA, but that the information concerning the former gas station had not yet been prepared. Mr. Secor stated that the SEQRA review could be reopened if new information came to light. John Mainello was present, owner of the property, and reported that the City of Troy was aware that the site had been a former gas station, but that he had been informed that all tanks were removed when he acquired the property. Chairman Malone noted that public hearings had already been held by the City of Troy, and questioned whether the Brunswick Planning Board should hold a public hearing. Member Czornyj thought that a public hearing should occur, particularly on notice to the adjoining property owners in the Town of Brunswick. Mr. Kreiger raised another issue on the site plan application, specifically the corner of the building in Brunswick near Hoosick Road is only 22.1 feet from Hoosick Road, and that zoning requires a 30 foot setback. The Planning Board noted that a variance would need to be obtained from the Zoning Board of Appeals on that issue. The Planning Board directed the applicant to the Zoning Board of Appeals on the variance issue, and noted that the Planning Board would reschedule this matter for further discussion when the Zoning Board of Appeals process is complete.

The next item of business on the agenda was the major subdivision application of Reiser Brothers Builders for property located at the intersection of Route 2 and Route 278. Harold Berger, P.E. appeared for the applicant. Mr. Berger generally reviewed the project, which seeks

14 residential building lots. The applicant proposes two cul-de-sac roads, each with 7 lots. One cul-de-sac road is proposed off Langmore Lane, and a second cul-de-sac road is proposed off Buck Road. Public water would service the residential lots. Each residential lot would have an individual private septic system, and that soil testing had already been done in conjunction with the Rensselaer County Health Department. Mr. Berger stated that the septic designs had been completed. Mr. Berger also stated that a stormwater management plan is being prepared, and that the stormwater management facilities would be privately owned and maintained. Mr. Berger reported that he was doing further investigation on the public water supply line, and that his current proposal was to extend the waterline off North Langmore Lane, but that he was investigating the ability to loop the water system to connect to the waterline on Route 2. Regarding the road configuration, Mr. Berger noted that comments had been received by property owners on Langmore Lane wanting the access to be directly off Route 2, not from Langmore Lane. Mr. Berger noted that topography in this area would be a consideration, and that he would look into the feasibility of having an access road directly off Route 2. Member Oster stated that he felt a through road connecting to Buck Road was superior to having two cul-de-sac and noted that cul-de-sacs are difficult to plow and maintain. Henry Reiser was in attendance and stated that in his experience, people do like to live on cul-de-sac roads for the benefits of privacy. Also, Mr. Reiser stated that a through road had been investigated, but felt that it would result in a short cut from Route 278 to Route 2, and that a through road, because of its cost, would likely result in a request for addition building lots. Mr. Berger stated that when he designed the layout, he did so in an effort to have the least impact possible, and he felt that with a through road, there would be a need for too many building lots to cover the cost of infrastructure installation. However, Mr. Berger stated that he would be willing to investigate all

possibilities, and would coordinate that investigation with Mr. Kestner. Member Oster stated that he should coordinate with Highway Superintendent Eddy as well concerning cul-de-sacs. Mr. Reiser did note that with a suggestion that the access be directly off Route 2, topography becomes an issue, in that such a road might be too steep and unsafe. Member Tarbox noted that a through road connecting Langmore Lane and Buck Road should also be examined. Mr. Berger stated that he would review these issues with Mr. Kestner and Highway Superintendent Eddy. Chairman Malone scheduled this matter for further discussion at the May 18, 2006 meeting, at which point the Board would ask Highway Superintendent Eddy to appear as well.

The next item of business on the agenda was the major subdivision application by Zouky for the old Welch Farm property located between Pinewoods Avenue and Route 2. Mr. Zouky appeared on the application. Mr. Zouky explained that the family was seeking to divide a part of the farm property into 24 lots, for single family homes. The proposal includes a connector road between Route 2 and Pinewoods Avenue. Chairman Malone noted that he had visited the property with Mr. Kestner. Mr. Zouky explained that the proposal was for only part of the Welch property, and that many of the structures currently on the site, including the cow barn and related out buildings, would stay. Mr. Zouky noted that Fatone was running a landscaping business out of one of the barns on the property. Mr. Zouky stated that the remainder of the land on the south side of Route 2 may go to one party and stay an agriculture use, but if that did not move forward, there may be a second phase to this project which would add additional subdivided lots and an additional road. Chairman Malone noted that topography would be a major issue. Mr. Zouky stated that the area of the proposed road was in the flattest area, but that some of the proposed subdivided lots would have a fairly steep grade. Mr. Zouky then generally discussed the water and electric lines distributing water and power to the existing farm, and that

this infrastructure was significantly outdated and needed to be upgraded. This proposal would not only provide current utilities to the new proposed lots, but also would be able to upgrade these utilities to the existing buildings. Mr. Zouky stated that the family would build the infrastructure, and then sell the building lots to individual homeowners who would bring in their own builders. Mr. Zouky also stated that the extension of public water through the property on the south side of Route 2 would allow water to be extended to the property on the north side of Route 2 as well, which is now currently being farmed. Mr. Zouky explained that given the carrying costs on the property, the family is currently losing money. Chairman Malone inquired why Mr. Zouky had not come in with an application to develop the entire property, since he has already informed the Board that there is potentially a second phase of subdivision for the property on the south side of Route 2, and that this project was extending public water to the property on the north side of Route 2 as well. Mr. Zouky explained that this was a difficult and emotional issue for the family, and that the family is not ready to do so yet. Chairman Malone said that the Planning Board has to take into account all of the Welch property at this location, and that the Board was concerned about SEQRA segmentation. On this issue, the Board explained that while the application asks for 24 residential lots and new roads and extension of infrastructure, the map also shows a 25th lot which is the remainder of the property, and that Mr. Zouky has already explained that there may be the potential for additional development on this property. Mr. Zouky stated that there was no current plans to develop the property. The Planning responded that SEQRA Regulations require the applicant to look not only at the current plan, but also future projects which are likely to be undertaken as a result of the current plan. In this regard, Mr. Zouky has already suggested the extension of utilities may result in a second phase of construction on the south side of Route 2, with the extension of public water to the

property located on the north side of Route 2. Member Czornyj asked whether the property on the north side of Route 2 was under a separate deed, or was connected to the balance of the Welch property. Mr. Zouky stated that it was not under a separate deed, and that all the Welch holdings at this location were under one deed. Chairman Malone suggested that Mr. Zouky discuss with the Welch family the plans for this property, including any future development. In this regard, Chairman Malone informed Mr. Zouky that the Planning Board would be reviewing the 24 lot subdivision in detail, but was responsible for considering the balance of the Welch property at this location, and at least consider generically the development potential. This matter has been adjourned subject to submission of additional information by the applicant.

Two items of new business were discussed.

A site plan application has been submitted by Cingular Wireless for co-location on the existing monopole located in the Callanan Quarry off Camel Hill Road. Adam Walters, Esq. appeared for Cingular Wireless. Mr. Walters explained that the existing monopole located in the quarry had Nextel already located on the pole, that Verizon Wireless had already approved by the Zoning Board of Appeals for co-location on that pole subject to site plan approval by the Planning Board, and that Cingular Wireless was currently before the Zoning Board of Appeals for co-location on the pole. Mr. Walters explained that the ZBA had already opened a public hearing on the application, which will be continued at the ZBA's May 15th meeting. Upon discussion, the Planning Board determined that a public hearing should be held, but that it would make sense to coordinate and hold one joint public hearing for both the Verizon and Cingular co-locations. The site plan application had not been formally submitted by Verizon as of the April 20th meeting, but Mr. Kreiger indicated that Verizon would be submitting the site plan application and had requested to be placed on the May 4th agenda. Also, the ZBA had not yet

acted upon the Cingular application, but that the applicant was looking for that decision at the ZBA's May 15th meeting. Accordingly, Chairman Malone set a public hearing on both the Verizon and Cingular Wireless co-location applications for June 1st, subject to receipt of the site plan application by Verizon and action by the ZBA on the Cingular Wireless application.

Mr. Kreiger reported that he received a waiver of subdivision application for property located on Hughes Avenue and Derek Avenue behind the Plum Blossom Restaurant. The property includes a paper road, which had not yet been built. The application seeks a new residential lot of 2.3 acres, with a remainder of 3.7 acres, including the paper road. Chairman Malone placed this matter on the May 4th agenda for further discussion.

Mr. Kestner reviewed the Walgreens' traffic issues with the Planning Board, to make sure that he understood the Planning Board's comments for coordination with Transportation Concepts, LLC. Member Czornyj reiterated that he felt there should be no exits onto Route 7, including the intersection located in the City of Troy near the Hoosick Road North Lake intersection. Also, the entrance from North Lake Avenue should be lined up as much as possible with Conway Court. The Planning Board members generally concurred. Mr. Kestner will follow-up with Transportation Concepts, LLC.

The minutes of the April 6, 2006 meeting were reviewed. Prior to reviewing those minutes, Member Oster suggested that the minutes from the previous meeting should be reviewed at the beginning of the Planning Board meetings, not at the end. After some discussion, Chairman Malone stated that the procedure of the Planning Board would be changed so that minutes from the previous meeting were reviewed at the beginning of Planning Board meetings, not at the end. Thereupon, Member Czornyj made a motion to approve the minutes of

the April 6th meeting as written, which motion was seconded by Member Esser. The motion was approved 7/0, and the minutes adopted.

The **index** for the April 20, 2006 meeting is as follows:

1. Kennelly – minor subdivision – 5/04/06;
2. Brooks Heritage, LLC – major subdivision – 5/04/06;
3. Schuyler Companies – Walgreen site plan – refer to Zoning Board of Appeals;
4. Reiser Brother Builders – major subdivision – 5/18/06;
5. Zouky – major subdivision – adjourned without date;
6. Cingular Wireless – site plan – 6/01/06; and
7. Hughes Avenue/Derek Avenue property – waiver of subdivision – 5/04/06.

The proposed agenda for the May 4, 2006 meeting is as follows:

1. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – public hearing 7:00 p.m.;
2. Kenneth Ray – minor subdivision – public hearing 7:15 p.m.;
3. Kennelly – minor subdivision;
4. Brooks Heritage, LLC – major subdivision; and
5. Hughes Avenue/Derek Avenue property – waiver of subdivision.

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Planning Board of the Town of Brunswick at 7:15 p.m. on Thursday, April 20, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the subdivision plat submitted by James Kennelly pursuant to Article V of the Subdivision Regulations of the Town of Brunswick relative to a proposed subdivision of property located on Bellview Road. Copies of the subdivision plat and all application documents are available at the Brunswick Town Hall and are available for public inspection during regular business hours. All interested persons will be heard at the Public Hearing.

DATED: April 7, 2006
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 4, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Chairman Malone opened a public hearing on the waiver of subdivision application and site plan application of the North Troy Congregation of Jehovah's Witnesses for property located on Cooksboro Road. The public notice of hearing was read into the record, which was dated April 24, 2006 and published in the Record on April 27, 2006. Richard Bovee, P.E. appeared for the applicant. Mr. Bovee reviewed the proposed site plan, including both the worship building as well as the proposed parking areas. Mr. Bovee reviewed the stormwater management plan, including a full stormwater pollution prevention plan and notice of intent to be filed with the New York State Department of Environmental Conservation. Mr. Bovee also reviewed his meeting with the Rensselaer County Highway Department, which approved the proposed driveway entrance onto Cooksboro Road. Mr. Bovee also reviewed the site meeting with the Rensselaer County Health Department for the perc test for the private onsite septic system. Finally, Mr. Bovee reviewed the changes to the entrance driveway to increase the turning radii for access of fire trucks. Mr. Kestner reviewed the stormwater plan, noting that the full stormwater pollution prevention plan appeared to be in compliance with State Regulations. Mr.

Kestner also stated that his question concerning pipe size from the parking area to the detention basin had been answered and a twelve inch pipe will be installed. Mr. Kestner did raise a concern regarding the potential light impacts from the 19 foot pole lights in the area of the parking lot, and requested that the applicant submit light intensity data for his review. Chairman Malone opened the floor for receipt of comment. Don Coletti, 66 Cooksboro Road, inquired about the light impacts from the light poles, and whether there was a landscaping plan. Mr. Bovee explained that there was a landscaping plan, but stated that additional shrubbery would be added to the landscaping plan along the parking area next to the Coletti property. In terms of the lights, Mr. Bovee stated that the lights at the parking lot will be shut off one half hour after meetings. Mr. Bovee explained that there were two evening meetings. These meetings include Tuesday evenings from 7:30 p.m. to 9:00 p.m., and Thursday evenings from 7:30 p.m. to 8:30 p.m. Again, Mr. Bovee stated that the lights in the parking area would shut off one half hour after the conclusion of these meetings. Mr. Bovee also stated that there were no wall pack lighting fixtures, which do have a potential problem with light spillage. Chairman Malone asked whether there were any further comment. Hearing none, Chairman Malone closed the public hearing.

Chairman Malone then opened a public hearing with respect to the minor subdivision application of Kenneth Ray for property abutting Plum Road, Sunset View Avenue, and Valley View Drive, and in proximity to Stone Arabia Drive. The notice of public hearing was read into the record, which was dated April 24, 2006 and published in the Record on April 27, 2006. Rod Michael of RDM Surveyors reviewed the proposed two lot subdivision. Currently, the property totals 7.46 acres. The applicant seeks to create two residential lots. Lot #1 totals 3.36 acres, and has 50 foot of road frontage on Plum Road. With respect to this lot, the applicant seeks to place

a residential driveway for ingress/egress across a private easement on a residential lot owned by the applicant within the North 40 Subdivision, and access the lot off Stone Arabia Drive. Proposed Lot #2 totals 4.1 acres, and has frontage both on Sunset View Avenue and Plum Road, with proposed access off of Plum Road. Public sewer and public water will be available for the two residential lots, with available connections off Stone Arabia Drive, Plum Road, and Sunset View Avenue. The lots are designed for single family residential use only. Chairman Malone opened the floor for receipt of comment. Tom McNally, 26 Valley View Drive, asked where the proposed building locations would be. Mr. Michael stated that the exact house locations had not yet been sited, but that the building envelope would be in the area of the highest elevation on the lots. This is a practical approach for the resulting views from the residential homes, as well as the ability to have gravity sewer systems. Joe Rizzo, 24 Valley View Drive, asked where the access road would be for Lot #2. Mr. Michael stated that the access would be off Plum Road, or possibly off Sunset View Avenue, but no access off Valley View Drive. Mike Lavin, 32 Stone Arabia Drive, raised certain questions on lot lines, which were addressed by Mr. Michael. Paul Bouchard, who owns downgradient property on Humiston Avenue, stated that he did not have any objection to the subdivision, but was concerned that stormwater runoff would impact his property. Mr. Bouchard stated that he had discussions with Mr. Michael, and that if the residences were constructed at the highest elevations on the lot, then runoff would not be a problem. Mr. Bouchard wanted to make sure that if the homes were built at a lower elevation closer to his property, that the Planning Board made sure there was no stormwater runoff impact to his property. Chairman Malone inquired whether there were any further comments. Hearing none, Chairman Malone closed the public hearing.

Chairman Malone then opened the regular business portion of the meeting.

Initially, the Planning Board reviewed the draft minutes of the April 20, 2006 meeting. Member Oster made a correction at Page (6) of the minutes, indicating that his concern regarding proposed Lots 10 and 11 of the Brooks Heritage, LLC major subdivision was not that the septic field was in a wet area, but that the piping leading to the septic field was located in a wet area. This correction is noted at lines 3 and 4 of Page (6) of the April 20, 2006 draft minutes. Also Member Wetmiller noted that he was not present for the meeting. With these two corrections, Member Czornyj made a motion to approve the minutes as corrected, which motion was seconded by Member Oster. The motion was approved 7/0, and the minutes adopted as corrected.

The first item of business on the agenda was the waiver of subdivision and site plan application by North Troy Congregation of Jehovah's Witnesses for property located on Cooksboro Road. Mr. Bovee again appeared for the applicant. Chairman Malone inquired as to access for the proposed garage noted on the site plan. This garage measures 22 feet by 28 feet, and is located near the corner of the parking lot. Mr. Bovee explained that access is obtained from the parking lot apron. The garage size was correctly stated, and that there will be one 16 foot door for access off the parking lot apron. The garage will be used for the storage of seasonal equipment. Chairman Malone inquired where the landscaping would be added to the area of the parking lot near the Coletti property line. Mr. Bovee confirmed that he will add a row of evergreens to the landscaping plan to this area of the parking lot near the Coletti property. Mr. Kestner reviewed that the issue of sight distance onto Cooksboro Road has been resolved, and that Rensselaer County Highway Department has issued a driveway permit. On that issue, Mr. Bovee concurred that the permit had been issued, but that Rensselaer County wanted to be notified when a certain drainage pipe was to be installed, and wanted to be present when that

installation occurred. Mr. Kestner stated that the entrance off Cooksboro Road had been modified to increase the turning radii for easy access for fire vehicles. Mr. Kestner confirmed that the stormwater pollution prevention plan had been submitted and reviewed, and was acceptable. Mr. Kestner did state that he wanted additional lighting data for the parking lot lights. Mr. Kestner reviewed that there were two types of light poles proposed. First, a 19 foot light pole with a 250 watt light, and also a 10 foot pole with 175 watt light. Mr. Bovee stated that the 19 foot light pole and light would be visible, but there would not be any spillage of that light onto adjacent properties due to the type of fixture. Mr. Bovee stated that he would put the light intensity data on the map, to be viewed by Mr. Kestner. Mr. Kestner also stated that the applicant should be required to confirm the light data once the light poles have been installed. Member Mainello inquired as to the reason for the installation of the retaining wall. Mr. Bovee stated that a retaining wall would be used to limit the total amount of excavation and grading that would be needed to meet acceptable grades. Member Tarbox asked whether there would be drainage installed in connection with the retaining wall. Mr. Bovee stated that drainage would be provided, including stone behind the wall with appropriate drainage piping. Member Esser asked whether there would be a dumpster located on site. Mr. Bovee stated that there would not be a dumpster on site, as the church membership routinely collects the garbage in garbage bags and takes them home for disposal. Member Esser also inquired into the percent of grade on the proposed access driveway. Mr. Bovee stated that there was an average 7% grade on the driveway, but that it was steeper in certain spots. Mr. Kreiger confirmed that the Rensselaer County Highway Department had approved the driveway permit as proposed, but the caveat that the County wanted to be notified and present when the drainage pipe was installed in connection with the driveway. Member Czornyj noted that there should be a negative pitch on the access

driveway off Cooksboro Road. Member Tarbox asked whether a retaining wall would be used in the area of the parking lot. Mr. Bovee stated that no retaining wall would be installed at that location. Member Esser asked whether the access driveway ran all the way to the building foundation. Mr. Bovee stated that the driveway was pulled back about 5 feet from the building for the installation of the sidewalk. Chairman Malone stated that the sidewalk must be shown on the site plan. Mr. Kestner stated that he need final stamped site plans with all the requested information for final review. Mr. Bovee stated that he would supply final signed and stamped site plans, and provide 10 sets to the Town. Member Esser also noted that the retention basins proposed for the site should be landscaped. Mr. Bovee concurred, stating that the detention basins in general are not an attractive site feature. This would be shown on the site plan. Mr. Kreiger will confirm with Rensselaer County Department of Economic Development and Planning as to the County recommendation on the site plan. This matter has been placed on the May 18, 2006 agenda for further action.

The next item of business on the agenda was the minor subdivision application of Kenneth Ray for property abutting Plum Road, Sunset View Avenue, and Valley View Drive, and in proximity to Stone Arabia Drive. Chairman Malone noted that Mr. Kestner had recused himself from any engineering review services on the application. The Planning Board had retained the services of Linda Stancliffe of Erdman Anthony to provide technical consultation on the application. It is noted that Ms. Stancliffe had prepared a letter dated May 4, 2006 setting forth her review comments on the application. Member Czornyj focused on the proposed easement across the existing Ray residential lot in North 40 West as providing access for proposed Lot #1. Mr. Czornyj inquired whether the proposed easement on the Ray lot can actually be divided off the Ray lot and transferred to and merged into proposed Lot #1. Member

Czornyj thought that this would eliminate the issue of the easement. Attorney Gilchrist stated that upon review of the deed restrictions and covenants running with the land in the North 40 West subdivision, there was a prohibition on any further subdivision of the residential lots within North 40 West. Any division of the Ray residential lot for transfer and merger into proposed Lot #1 may implicate questions concerning the North 40 West deed restrictions. Member Czornyj asked whether an easement would violate the deed restrictions in the North 40 West development. Attorney Gilchrist stated that upon his review of the list of restrictions, an easement would not violate the North 40 West covenants and restrictions. Member Czornyj felt that the easement should not be shown on the map. Attorney Gilchrist stated that while the easement could be eliminated from the map, it is clear that the applicant has proposed the easement as part of the application, and an option for the Planning Board would be to allow the easement to remain on the map, subject to express conditions to be placed on the map as map notes, and to be included as deed restrictions. This would provide clarity on the record, both in terms of the easement location as well as its use limitations. It was decided that Attorney Gilchrist would draft appropriate conditions to be placed on the map as map notes. A further issue arose concerning the underlining zoning districts for these proposed lots. It was noted that proposed Lot #1 fell both within the A-40 Zoning District as well as the Recreation District. Proposed Lot #2 fell within the R-9 District and the Recreation District. Attorney Gilchrist stated that he must further research this issue as to whether any residential uses can occur within the Recreation District under the Town Zoning Code. The applicant suggested that he would be able to place the residential structures entirely within the residential zones on each lot. It was decided that Mr. Michael would place building envelope limitations on the map for each lot, to be located entirely within the residential portions within the lots, compliant with all setback

requirements from lot lines. Member Oster inquired whether the setbacks would also apply to the zoning district line bisecting the lots. Attorney Gilchrist stated that the setback provision apply only to the property boundary lines, not the zoning district lines. However, Attorney Gilchrist noted that he needed to further research the issue of the Recreation District prior to the next Planning Board meeting. Ms. Stancliffe reviewed her May 4, 2006 review letter. Ms. Stancliffe noted that the owners of Lot #83 and lot south of Lot #2 had been added to the map. Ms. Stancliffe noted that the municipal water service for these lots had been shown off Plum Road, but should also be shown off Stone Arabia Drive as the applicant stated utilities may be obtained via Stone Arabia Drive. Ms. Stancliffe noted that the system of drainage, sewerage, and water supply within the subdivided area would be added to the map when the building envelope had been added. Ms. Stancliffe noted that the zoning lines had been added to the map, and Mr. Michael stated that there are no known covenants or easements of record effecting the application. Ms. Stancliffe noted that all structures within 200 feet of the property boundary had been added, but that one additional structure needs to be added on Stone Arabia Drive. Ms. Stancliffe finally noted that the address of the record owner and sub-divider had been added to the map. Ms Stancliffe noted that the above comments were requirements under the Minor Subdivision Regulations of the Town. Ms. Stancliffe also had included in her May 4, 2006 comment letter a series of recommendations as to items to be added to the map, although not required under the Subdivision Regulations. Ms. Stancliffe noted that the applicable zone for Lot #2 had been corrected from A-15 to R-9. Ms. Stancliffe also noted that the proposed easement to Stone Arabia Drive should include utilities in the description. Ms. Stancliffe suggested that a note be added to the map indicating that stormwater requirements for disturbances greater than one acre will be in compliance with NYSDEC Regulations. Ms.

Stancliffe noted that the applicable setback lines, proposed house location, and driveway access points will be added to the map when the building envelope is added. Ms. Stancliffe suggested that a note be added to the map regarding access driveway slopes in compliance with Town Standards. Ms. Stancliffe also stated that if proposed Lot #2 is going to tap into the sanitary manhole on Plum Road, then a map note may be added including verbiage regarding grinder pump usage and maintenance if needed. Mr. Michael stated that this will be addressed. The Planning Board again discussed what conditions should be attached as map notes concerning the easement from Stone Arabia Drive. In this regard, the Board suggested that the easement be limited for use only for one residential driveway and utilities for one single family residence on proposed Lot #1. Member Czornyj again suggested that the easement should not be on the subdivision plat. Member Czornyj thought that the easement was a matter purely private, and that if the easement were on the map, it may suggest that the Town was approving the easement as well as the subdivision. Member Wetmiller concurred with Member Czornyj. The applicant stated that he would like to have the easement shown on the map. Mr. Michael stated that the easement does not need to be shown on the map, but that a purely private agreement for the easement would be acceptable. The Board then suggested that Mr. Michael remove the easement from the map. It was decided that this matter would be subject to further discussion at the May 18, 2006 meeting.

The next item of business on the agenda was the minor subdivision application of James Kennelly for property located on Bellview Road. Mr. Kennelly handed up a new map, which showed a swale along Kennelly's property line with Vickery, in response to Vickery's comments during the public hearing. Mr. Kennelly stated that he had met in the field with Mr. Vickery, and agreed as to the location and size of the swale. Mr. Kestner suggested that the swale be put

entirely on the Kennelly property, keep all the trees and existing vegetation on the Vickery property, and extend the swale to the rear of the Vickery property. Chairman Malone noted that this swale would help the stormwater runoff issues, which the Planning Board was concerned with from the initial review of the application. Chairman Malone stated that he felt the stormwater plan that was prepared for this application would improve stormwater runoff conditions over current conditions. Mr. Kestner also confirmed that the Kennelly lot located on the opposite side of Bellview Road has likewise been included in the stormwater management plan, and that runoff will be piped and eventually outlet to the detention pond. Further, Mr. Kestner reviewed and accepted the outlet details from the detention pond. Mr. Kestner confirmed that the culverts used along the road will be 15 inches. Chairman Malone raised the issue of the number of lots on a deadend road, which had been raised during the public hearing. Attorney Gilchrist stated that the Subdivision Regulations limit the total number of lots on a deadend road to 12, and that if there were more than 12 lots on this portion of Bellview Road constituting a deadend road, then a waiver from the Town Board would be required. Mr. Kennelly confirmed that the total number of lots on Bellview Road above Vista is 20, one of which he is currently seeking to subdivide. Thus, he would be seeking to add a total of 3 lots over existing conditions. Upon deliberation, the Board determined that a waiver from the Town Board would be required due to the prohibition under the Subdivision Regulations limiting the number of lots on a cul-de-sac or deadend road to 12. However, the Planning Board determined that it would issue a positive recommendation on such waiver, and noted that the significant factor in that recommendation was the improvement on stormwater runoff conditions due to the project's stormwater management plan. In addition, the Planning Board did not feel that the addition of 3 total building lots to this area added a significant number of lots, nor created a

density problem. The Planning Board directed Attorney Gilchrist to send a letter to the Town Board referring the matter on the issue of the waiver of total number of lots on the deadend road, and setting forth the positive recommendations for the reasons stated. Mr. Kreiger noted that a park and recreation fee of \$500.00 per lot will be required on the application. Chairman Malone noted that a letter had been received from Joseph Cioffi, Jr. setting forth his calculations and conclusions regarding stormwater runoff. This letter is to be forwarded to Harold Berger, P.E., the engineer who prepared the stormwater management plan for Mr. Kennelly, for review and response. Mr. Kestner noted for the record that he did review the stormwater management plan prepared by Mr. Berger, and found it to be in compliance with current regulations. Further, Mr. Kestner concluded that implementation of the stormwater management plan will be an improvement on stormwater conditions on both sides of Bellview Road in this area. The Board placed this matter on the May 18, 2006 agenda for further discussion.

The next item of business on the agenda was the major subdivision application of Brooks Heritage, LLC for property located on Dusenberry Lane. Jeff Brooks of Brooks Heritage, LLC was in attendance, together with his engineer from Lansing Engineering. The applicant presented wetland disturbance calculations on the map for consideration by the Board. In addition, the engineer reviewed the changes that have been made to the project, including a reduction in the length of the cul-de-sac by 950 feet, reducing the total length of Dusenberry Lane and its proposed extension to 3,150 feet (the first 500 feet is the existing Dusenberry Lane). Also, the right-of-way which had been shown on prior plats leading to the land owned by National Grid has now been eliminated, and has been included as parts of two subdivided lots. Mr. Brooks stated that even though he owns land on the other side of the power lines, he will include that in one of the current subdivided lots on Dusenberry Lane, and there will be no

further subdivision of land in the area of the National Grid property in the future. The stormwater basins are now located on the plat, but have not been subject to final design. Dusenberry Lane plus the proposed extension will be two 12 foot wide travel lanes with 2 foot wing gutters over its entire length. Chairman Malone wanted to make sure there was sufficient detail shown on the plans regarding the widening of the existing Dusenberry Lane. The engineer explained that a 50 foot right-of-way exists in the area of the current Dusenberry Lane, and that the applicant was going to keep the center line of the existing road for the widened road as well as the extension to service the requested additional lots. The applicant explained that a wetlands biologist had flagged the wetlands in the field, and were currently coordinating with the U.S. Army Corps of Engineers on concurrence on wetland delineation. The applicant stated that given the wetland disturbance calculations for road and utility crossings, a nationwide permit under the Federal Wetland Regulations may be available, thereby avoiding the necessity for an individual wetlands permit from the Army Corps of Engineers. Chairman Malone inquired whether all the utility lines, including pipes leading to septic leach fields, are able to be installed in wetland areas. The applicant stated that it was working with the Army Corps of Engineers on these issues, that the wetlands were not located on any New York State Freshwater Wetlands Maps, and therefore felt that the Federal Nationwide Permit would be applicable. Chairman Malone further inquired regarding the existence of standing water on the property which he noted during his last site visit. Mr. Brooks stated that with his grading plan and stormwater management plan, there would be no standing water in any area of the project site. Member Tarbox asked whether any stormwater detention basins were located in wetland areas. The applicant's engineer confirmed that parts of the detention basins were located in wetland areas, but that the wetlands were identified as isolated and not subject to federal jurisdiction. The

Board inquired whether the Army Corps of Engineers concurs in this opinion that the wetland is isolated. The applicant stated that they are still waiting for concurrence from the Army Corps of Engineers. Mr. Kestner discussed the wetland disturbance calculation, and explained that to the Planning Board. Member Tarbox then questioned whether certain areas of the road and Lot 4 were in areas that appeared to be very wet on the site visit, and questioned how this could not be Federal Wetland. The applicant again stated that this area had been delineated as wetlands, but conclude that they are isolated and not subject to Federal Jurisdiction. It is noted for the record that the wetland delineation and characterization of isolated wetlands is proposed by the applicant, but remains pending with the Army Corps of Engineers for concurrence. The applicant then requested a referral to the Town Board for a waiver on the total number of lots on a cul-de-sac road. Chairman Malone stated that he wanted to continue and close the public hearing to complete the record prior to making any referral to the Town Board on the number of proposed lots on the cul-de-sac road. The Board concurred in this opinion, particularly since there have been changes both in road length, road location, and lot configuration. The Board determined that the public hearing should be reopened and all comments on all issues should be received by the Planning Board for consideration prior to making any referral to the Town Board. Member Tarbox wanted to confirm that all grading associated with upgrading existing Dusenberry Lane would be within the 50 foot right-of-way. The applicant stated that all work would be done within the right-of-way. Chairman Malone wanted to make it clear that residents on Dusenberry Lane may have been maintaining lawns up to the current edge of the roadway, but those areas may be within the public right-of-way, and certain grading work may be occurring in what residents feel is their front lawn. The applicant stated that the areas within the right-of-way that are mowed by the homeowners may be subject to grading, but all grading work

will be completed within the 50 foot public right-of-way. The applicant also stated that the existing Dusenberry Lane is at 11% grade, and that upon further review, the applicant will maintain that 11% grade for ease of continuing the proposed extension to Dusenberry Lane. The applicant's engineer also noted that there would be a back pitch on Dusenberry Lane at its intersection with Route 142. Member Mainello wanted to make sure that all culverts on both existing Dusenberry Lane and its extension were kept within the right-of-way for future maintenance purposes. Chairman Malone scheduled a continuation of the public hearing on the Brooks major subdivision application for May 18, 2006 at 7:00 p.m. This public hearing will be for the receipt of comment of all issues connected with the application.

The next item of business on the agenda was a waiver of subdivision application by David Smith for property located off Derrick Avenue and Taft Avenue, and specifically off a gravel road identified by map as Mount Kenio Avenue, now also known as Smith Terrace. Mr. Smith's mother resides at the end of Smith Terrace, at Tax Map Parcel 90.2-10-1. Mrs. Smith also owns an additional parcel along Smith Terrace, known as Tax Map Parcel 90.2-10-10. Mrs. Smith seeks to convey to her son all of Tax Map Parcel 90.2-10-10, totaling 1.66+/- acres. Mrs. Smith also seeks to divide off 0.70+/- acres from Tax Map Parcel 90.2-10-1, and also transfer that to her son. The subject of the waiver application will be to divide the 0.70+/- acres from Tax Map Parcel 90.2-10-1, for transfer to her son and to be merged into Tax Map Parcel 90.2-10-10, resulting in a new parcel totaling 2.36+/- acres. Mr. Smith represents to the Board that he seeks to build his house on this land. The Board inquired whether Smith Terrace was a public road. The applicant stated that it was a public road, and that there was a road sign at the end of the road. However, the applicant did not know whether the road was dedicated to the Town, or that the Town merely maintained it. Highway Superintendent Eddy was present at the meeting,

and confirmed that the Town is plowing Smith Terrace over its length leading to Mrs. Smith's house. The Board looked at the map submitted on the application and noted that a 30 foot right-of-way is shown where Smith Terrace is located. Upon further review, the Board noted that part of Smith Terrace is located outside of the 30 foot right-of-way in the area directly off Taft Avenue. Highway Superintendent Eddy noted that the road is narrow, and that he would like to see a T-Turnaround at the end of Smith Terrace for turning the snowplows and Town vehicles around, in the event this application is approved. The Board was concerned regarding a 30 foot right-of-way and a gravel road, in the event this 2.36+/- new parcel is sought to be subdivided in the future. The Board suggested that Mr. Smith consider extending the right-of-way to at least 40 feet, which is consistent with the public roads in this immediate area. Also, Highway Superintendent Eddy stated that if Smith Terrace was ever to be paved, a widening of the right-of-way would be necessary. It is noted that Smith Terrace is currently a gravel road. There are several issues that need to be addressed on this application. First, the applicant must submit further information as to whether Smith Terrace is a publicly dedicated, Town owned roadway, or constitutes a highway by use. The Town will also investigate that issue. Additionally, the applicant has been directed to revise the proposed map to include a 40 foot right-of-way and an area for a T-Turnaround at the end of Smith Terrace. Also, the applicant was made aware that the 0.70+/- acre division from Mrs. Smith's property identified as Tax Map Parcel 90.2-10-1, to be transferred to Mr. Smith, will not be allowed to remain a separate lot, but must be merged into Tax Map Parcel 90.2-10-10, creating one new tax map parcel totaling 2.36+/- acres. This matter has been placed on the May 18, 2006 agenda for further discussion.

The next item of business addressed by the Planning Board is the site plan application of Verizon Wireless for antenna co-location on the existing monopole located in the Callanan

Quarry. Appearing for the applicant was Henry Collins, Esq. of the Cooper Erving Law Firm, representing Verizon Wireless. Mr. Collins stated that the Zoning Board of Appeals had issued an approval on the co-location application at its April 20, 2006 meeting. One of the conditions attached to the ZBA approval was that the applicant needed to use its best efforts to plant shrubbery at the base of the monopole. Chairman Malone and Mr. Kestner noted that they had performed a site visit to the Quarry to examine the monopole location, and had felt that the planting of any shrubbery at that location would be difficult at best. In addition, Chairman Malone and Mr. Kestner felt that there were no residences in close proximity which could benefit from screening the equipment sheds at the base of the pole, and that the only people that would see this shrubbery would be from within the rock quarry. The applicant stated that it had analyzed the feasibility of installing shrubbery at the base of the monopole, and had determined that any greenery would be difficult to keep alive and its function would be severely limited. Chairman Malone did note that during his site visit, he saw an electrical panel outside the fenced area at the base of the monopole. Attorney Collins stated that he would look into that, but stated to the Planning Board that all of the Verizon equipment would be housed within the existing fence compound at the base of the tower. Attorney Collins stated that there would be no change at anything else, including access, parking, or any of their equipment within the existing fence compound at the base of the tower. Member Tarbox asked whether the Verizon panels plus the Cingular Wireless panels that were currently before the ZBA would fill up this monopole. Attorney Collins stated that in addition to Verizon and Cingular, there would be two more spaces that were available for co-location on the tower. Attorney Collins noted that while Cingular and Verizon had space within the existing fence compound for their equipment, he would anticipate that the final two tenants on the tower would need to expand the fenced area. Member Esser

stated that the Town should require the initial construction of the fenced compound area at the base of the tower for all projected tenants on the tower, and that additional tenants should not have to extend the fenced area upon each subsequent application. Member Czornyj asked whether the Planning Board should address the ZBA condition regarding the planting of shrubbery. Attorney Gilchrist stated that this remains a ZBA condition of the approval for the co-location, and that the Planning Board did not need to address that condition if it chose not to. Member Czornyj inquired whether the Planning Board needed to make a SEQRA determination. Attorney Gilchrist stated that the ZBA did not conduct a coordinated environmental review under SEQRA, and therefore the Planning Board did need to make a determination under SEQRA. However, Attorney Gilchrist stated that the Planning Board could rely and make reference to the underlying SEQRA record created before the ZBA. Upon further discussion, Member Czornyj made a motion to adopt a negative declaration under SEQRA which motion was seconded by Chairman Malone. The motion was approved 7/0, and a negative declaration adopted. Chairman Malone inquired whether there were any additional questions or comments on the site plan application. Mr. Kestner stated that he had no issues, that both he and Chairman Malone had done a site visit, that he had reviewed the information in front of the ZBA, and saw no objections to the site plan. Chairman Malone noted that while a public hearing was optional on a site plan, the Planning Board felt that a public hearing was not necessary since public hearings had already been held before the ZBA. Thereupon, Chairman Malone made a motion to approve the site plan, subject to the payment of all necessary fees and engineering escrow. Member Oster seconded that motion. The motion was approved 7/0, and the site plan application approved subject to the stated conditions.

Mr. Kreiger noted that he had received additional information from Land Vantage, Inc. concerning its subdivision proposal for property located on Old Siek Road in both the Town of Brunswick and Town of Grafton. The Board will review this additional information at its May 18, 2006 meeting.

Mr. Kreiger also reminded the Board that the Reiser Brothers major subdivision application for the property at the intersection of Route 2 and Route 278 would be on the Board's agenda for May 18, 2006. Member Tarbox stated that he had further considered the road construction issue, and felt that this project should not have any cul-de-sacs. Member Tarbox felt that the cul-de-sacs were difficult to maintain, were difficult to plow, and took much longer to clear snow than a through road. Highway Superintendent Eddy concurred that plowing the cul-de-sacs took much longer, and a through road would be much easier to maintain. Member Tarbox thought that the roads were located properly on the subdivision plat off Langmore Lane and Buck Road, but that the cul-de-sacs should be connected to create a through road. Member Tarbox noted that there was a concern regarding through traffic to avoid the light at the Route 278/Route 2 intersection, but felt that the benefit of having the through road outweighed any concern regarding through traffic.

The Planning Board noted that the revised Cobblestone Associates subdivision application would be the subject of a public hearing at its May 18, 2006 meeting, commencing at 6:45 p.m. Highway Superintendent Eddy inquired how the existing cul-de-sac at Winfield Estates was going to be handled. The Planning Board stated that the cul-de-sac would be upgraded to meet Town specifications. This application, as revised, will be the subject of a public hearing on May 18, 2006 at 6:45 p.m.

The index for the May 4, 2006 Planning Board is as follows:

1. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – public hearing closed, further discussion 5/18/06;
2. Kenneth Ray – minor subdivision – public hearing closed, further discussion 5/18/06;
3. Kennelly – minor subdivision – 5/18/06;
4. Brooks Heritage, LLC – major subdivision – continuation of public hearing 5/18/06;
5. Smith – waiver of subdivision – 5/18/06;
6. Verizon Wireless – site plan – approved with conditions;
7. Land Vantage, Inc. – major subdivision – 5/18/06; and
8. Reiser Brothers – major subdivision – 5/18/06.

The proposed agenda for the May 18, 2006 meeting is as follows:

1. Cobblestone Associates – major subdivision – public hearing at 6:45 p.m.;
2. Brooks Heritage, LLC – major subdivision – public hearing at 7:00 p.m.;
3. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan;
4. Kenneth Ray – minor subdivision;
5. Kennelly – minor subdivision;
6. Smith – waiver of subdivision;
7. Reiser Brothers – major subdivision; and
8. Land Vantage, Inc. – major subdivision.

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick to be held on Thursday, May 18, 2006, at 6:45 p.m. at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the major subdivision application submitted by Cobblestone Associates for a proposed nine (9) lot subdivision located off Bulson Road and Tambul Lane. This application has been modified, and now includes a total of three (3) lots off the existing cul-de-sac in Winfield Estates off Bulson Road, and six (6) lots directly off Tambul Lane. Copies of the subdivision application are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: May 8, 2006
Brunswick, New York

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:00 p.m. on Thursday, May 18, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the major subdivision application submitted by Brooks Heritage, LLC for a proposed twenty-eight (28) lot subdivision located on Dusenberry Lane. Copies of the subdivision application are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: May 8, 2006
Brunswick, New York

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD May 18, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Chairman Malone opened a public hearing concerning the proposed Cobblestone Associates major subdivision application. The Notice of Public Hearing was read into the record. The applicant, through James Dunn, made a general presentation concerning the modified application. Mr. Dunn described a total of 8 proposed lots, including 3 residential lots off the existing Winfield Lane cul-de-sac, and 5 lots directly off Bulson Road, including 4 residential lots and 1 large lot inclusive of the wetlands. Mr. Dunn explained that there are no new roads proposed in connection with the subdivided lots, only improvements to the cul-de-sac on Winfield Lane. All lots located off Bulson Road will have direct access onto Bulson Road. Chairman Malone then opened the public hearing for receipt of public comment. David Oster, 87 Tambul Lane, inquired whether the applicant had performed any additional test wells to determine availability of groundwater and potential impacts on existing wells. Mr. Oster was particularly concerned regarding the 4 proposed residences off Tambul Lane. Mr. Oster indicated that he has already had pressure problems with his well, and is concerned with any additional wells being installed in the area. Mr. Oster wanted the additional test wells installed,

and the data considered by the Planning Board. Mr. Oster also raised concern regarding stormwater runoff management. Mr. Oster stated that it appeared proposed Lots 4 and 6 have runoff going through his back yard, and that there should not be any additional stormwater runoff allowed from these residential lots. Also, the driveways for proposed Lots 3 and 5 appear to direct stormwater to the back of the lots, creating a depression and potential stormwater runoff problems. Mr. Oster also stated that there is an existing hedgerow on his property line with the Cobblestone property, and would like to see that existing hedgerow maintained. Finally, Mr. Oster stated that the size of the proposed lots was too small, and that most of the existing lots on Tambul Lane were in the multi-acre range. The proposed lots off Tambul are only approximately 1 acre, out of character with the remaining properties. Tony Parella, 41 Tambul Lane, stated that areas for the lots directly off Tambul Lane were already very wet with a ravine, and that the applicant needed to mitigate stormwater runoff and factor in the wet conditions for lot development. Mr. Parella also stated that the modified plan appears to be a "bail out" to recover investment by Cobblestone Associates, and that the Planning Board should not compromise since the existing residences on Tambul Lane are stuck with what is built. Mr. Parella thought that the "bail out" plan has similar problems raised with the earlier, denser proposal. John Lazunas, 7 Winfield Lane, inquired how the cul-de-sac on Winfield Lane would be upgraded, and that more detail needed to be provided to the Planning Board. Mr. Lazunas also inquired as to the status of the additional well tests, including the area around Winfield Lane. Mr. Lazunas also inquired whether any fill would be brought in to the lots around Winfield Lane. Steven Reynolds, corner of Tambul Lane and Bulson Road, stated that he needed to drill a new well when the homes in Winfield Estates were built, and this fact should not be ignored by the Planning Board. Mr. Reynolds also reiterated that it is his position that he

owns Tambul Lane. Mr. Reynolds also stated that traffic on Tambul Lane in the morning is a steady stream of cars, going up Tambul Lane and over Bulson Road. Mr. Reynolds thought that the proposed additional houses would only add to the traffic problem, and create a safety issue. Mr. Dunn inquired as to the timeframe when Mr. Reynolds' well went dry and how many homes had been built in Winfield Estates at that time. Mr. Reynolds was not certain as to the exact time he drilled a new well for his property. Bill Niemi, 166 Tamarac Road, stated that the aquifer in this area must be protected, and that the Planning Board must consider potential impacts of additional septic systems and wells to the aquifer. Andrew Bryce, 361 Tamarac Road, asked whether the fields would continue to be farmed. Mr. Dunn stated that farming would continue on the large lot off Tambul Lane, and that access has been provided for continued farming. Tony Parella inquired as to procedure. Chairman Malone stated that these public comments would be considered by the Planning Board, and that the applicant would be required to respond to these questions with additional information for Planning Board consideration. Ann Smith, 104 Tambul Lane, inquired as to the traffic issue at the corner of Tambul Lane and Tamarac Road. Chairman Malone noted that the applicant was preparing an updated traffic report in light of the reduced number of lots, and that information would be considered by the Planning Board. Hearing no further comment, Chairman Malone closed the public hearing for the Cobblestone Associates major subdivision.

Chairman Malone then continued the public hearing concerning the Brooks Heritage, LLC major subdivision application. The Notice of Public Hearing was read into the record. Jeff Brooks of Brooks Heritage, LLC and a representative of Lansing Engineering were present. The project engineer reviewed the general development plan, which the engineer described as 28 lots on 74 acres, with the extension of Dusenberry Lane to a cul-de-sac. Public water will be

extended to all residential lots, with individual, private, onsite wastewater septic systems. A stormwater management plan is being prepared. Chairman Malone noted that letters had been received from Daniel Bartels dated May 15, 2006, and Mrs. Giamis, and noted them for the record. Chairman Malone opened the floor for receipt of public comment. Frank Brenanstuhl, 27 Dusenberry Lane, handed up a letter to the Planning Board to be made part of the public record, but also reviewed the letter for the Board. Initially, Mr. Brenanstuhl inquired whether the project had a total of 28 or 26 lots. The subdivision plat was reviewed by Lansing Engineering, which conceded that the project totals 26 lots, not 28 lots. Mr. Brenanstuhl started by stating the 3 lots previously approved on Route 142 had not been completed, the bank was not fully cut back, and the site lines at the intersection of Dusenberry Lane and Route 142 were not achieved. Further, there has been no residential construction started on these 3 lots, and questioned the work product of this applicant. Further, Mr. Brenanstuhl stated that dirt was being tracked onto Dusenberry Lane, and that the applicant was bringing in a substantial amount of material and filling portions of the site upgradient on Dusenberry Lane. Mr. Brenanstuhl also stated that there was water runoff on Dusenberry Lane now, instead of going into the creek which it previously did before Mr. Brooks started his work. Mr. Brenanstuhl questioned the accuracy of the application drawings, road profiles, which he felt reflected on the competency of the applicant and attention to detail. Mr. Brenanstuhl noted that none of these specific items were significant in and of themselves, but taken together raises questions on the competency of this applicant. Mr. Brenanstuhl felt that the Town Code limitation of 12 residences on a cul-de-sac should be applied, and no variance should be granted. Mr. Brenanstuhl noted that there are currently 7 residences on Dusenberry Lane, and that only 5 additional residences should be allowed. Mr. Brenanstuhl stated that if more than 5 residences were allowed, the total number should be

significantly less than 25 (noting that the 26th lot has access directly off of Bald Mountain Road). Mr. Brenanstuhl raised concerns regarding drainage and stormwater runoff, and impact on existing residences on Dusenberry Lane. Mr. Brenanstuhl noted that it appeared only one detention area had been designed for stormwater retention, and he was concerned about the adequacy of that. Mr. Brenanstuhl noted that the Town required a Homeowners Association to be created to own and maintain the stormwater management features, and raised concerns about stormwater basin construction, safety, and mosquitoes. Mr. Brenanstuhl stated that sump pumps would likely be required in each of these homes, and pump out from these sump pumps should be considered in terms of surfacewater runoff. Mr. Brenanstuhl raised concern regarding septic system impacts on the existing creeks, and that quality tests should be mandated for preconstruction and post construction for both creeks and existing residential wells. Concerning the water and gas extensions, Mr. Brenanstuhl inquired whether the extensions would be brought to the property lines of the existing residences on Dusenberry Lane or all the way to the homes, and whether the homes on Bald Mountain Road would be included. Concerning the grade of Dusenberry Lane Extension, whether it is 11 or 11.5%, it is still over the Town standard and should not be allowed. Mr. Brenanstuhl thought a large increase in traffic is a safety issue onto Route 142. Mr. Brenanstuhl thought the existing grade on Dusenberry Lane would be changed, and that this may impact the ability of cars to stop before entering Route 142. Mr. Brenanstuhl inquired as to the status of wetlands delineation on the property. Mr. Brenanstuhl noted that many specific conditions had been attached to other projects in the Town, including the pending Highland Creek Planned Development District, and felt that such conditions should be imposed on this project, including dust control, hours of operation, engineering oversight during construction, performance bonds, stop work orders in the event of non-compliance, and

restrictions on further development or resubdivision. Mr. Brenanstuhl repeated that only 5 additional residences should be allowed on this cul-de-sac, and that large lot homes would work from an economic perspective. Mr. Brenanstuhl noted that the standard for a variance is "extraordinary hardship", and that this was not a case of extraordinary hardship. Mr. Brenanstuhl noted that the Town Board recently approved a variance for the Kennelly subdivision on Bellview Road, and that the reasons stated by both the Planning Board and the Town Board for this variance was the improvement of stormwater runoff conditions as well as an increase of only 3 residences to existing conditions as not being significant. Here, Mr. Brenanstuhl argued that going from 7 existing residences to a total of 32 on the cul-de-sac extension represented a significant increase, and that stormwater runoff problems would be created, not reduced. In the case of the Kennelly subdivision, the neighbors were not opposed to the project, but in this case the existing residences on Dusenberry Lane were opposed to this project. Gia Giamis, Dusenberry Lane, also spoke in opposition to the project, and in support of the comments of Mr. Brenanstuhl. Ms. Giamis stated that the property was too wet for the addition of 26 lots. Ms. Giamis also concurred that water is now running down Dusenberry Lane, not going into the creek bed as it had previous to work being done by Mr. Brooks. Ms. Giamis stated that Mr. Brooks was placing fill in areas that were wet, which had impacted general runoff conditions in the area. Ms. Giamis reiterated her position that this project would flood her basement and driveway, and impact her well, and would look to hold everyone, including the Town, liable for such conditions. Ms. Giamis stated that the limit of 12 residences on a cul-de-sac should be adhered to on this case. Ms. Giamis felt that there were no positive benefits associated with this project, and that the project should not move forward under its current design. Gail Scullin, 2 Brunswick Park Drive, spoke concerning the road system in the

Route 142, North Lake Avenue, Brunswick Park Drive, and Dusenberry Lane area. Ms. Scullin raised a concern regarding the offset between Dusenberry Lane and North Lake Avenue. Ms. Scullin noted that the school buses currently back up the entire length of Brunswick Park Drive to pick up kids, and that additional traffic would potentially impact safety. Ms. Scullin thought a traffic light should be installed on Route 142, but Chairman Malone indicated that Route 142 was a State highway under the jurisdiction of NYSDOT, not the Town. Member Czornyj also inquired why the school buses are backing up the length of Brunswick Park Drive, since a cul-de-sac had been added at the end of Brunswick Park Drive to allow trucks and buses to turn around. Ms. Scullin also commented that the fire hydrant in the area of Route 142 and North Lake Avenue had been broken for sometime, and what was going to happen with the fire hydrant. Mr. Kreiger noted that parts for repair of the fire hydrant had been ordered, and that the hydrant will be fixed shortly. Ms. Scullin also raised concern regarding stormwater runoff, and its impact on Route 142, North Lake Avenue, and Brunswick Park Drive. Also, Ms. Scullin questioned allowing drainage to runoff into the Town reservoir. Ms. Scullin thought the grade on Dusenberry Lane was a safety concern. George Morrissey, 24 Dusenberry Lane, spoke in opposition to the project. Mr. Morrissey raised concern about the existing creek, and that the creek was running harder than before Mr. Brooks started any work on the property, and also concurred that water was now running down Dusenberry Lane as well. Part of this creek does run on the Morrissey property, and he was concerned regarding impacts. Mr. Morrissey also noted that proposed Lots 1, 2, 3 and 4 were in an area where the former barn used to be before demolition, and that this whole area is wet and muddy. Mr. Morrissey thought that the whole area was wet and felt the project should stop until the US Army Corps of Engineers and the New York State Department of Environmental Conservation reviewed the project. Christine Perry,

130 Bellview Road, also commented that the number of proposed residences was a concern. Ms. Perry noted that there was a blind corner at the intersection of Bellview Road and Route 142, and any additional traffic going onto Route 142 was a concern. Terence Smarro, 152 Bald Mountain Road, inquired whether there would be only 1 house off Bald Mountain Road, and whether it was to be serviced by a private driveway or public road. Joyce Smarro, 152 Bald Mountain Road, asked how the Planning Board could consider this project before the Rensselaer County Health Department had reviewed it. Member Mainello inquired about the work Mr. Brooks was currently doing on the property, including bringing fill onto the land upgradient from the existing Dusenberry Lane. Mr. Brooks did state that he was bringing some material from the 3 residential lots approved on Route 142, but was also having clean fill brought in by Calhoun. This fill was going in areas that were wet, and stated that if water was going onto Dusenberry Lane, he would make sure that the grading was corrected to eliminate that condition. Hearing no further public comments, Chairman Malone closed the public hearing on the Brooks Heritage, LLC major subdivision.

Chairman Malone then opened the regular business meeting for the Planning Board.

The Planning Board reviewed the minutes of the May 4, 2006 meeting. Upon motion of Member Oster, seconded by Member Czornyj, the minutes were adopted as drafted.

The first item of business on the agenda was the major subdivision application by Cobblestone Associates for property located off Tambul Lane and Bulson Road. James Dunn appeared for the applicant. Mr. Dunn explained that a new traffic consultant had been retained on the application, and that the new traffic consultant was continuing his work, and an updated report would be submitted shortly. Also, Mr. Dunn stated that the subdivision plats would be updated to show proposed locations for homes, driveways, wells, and septic. Chairman Malone

stated that additional test wells needed to be installed to address the concerns regarding groundwater adequacy for potable purposes. Mr. Dunn stated that the applicant was not opposed to installing additional test wells, but wanted to have the application moved forward to preliminary approval, and the applicant to thereafter install the test wells. Mr. Dunn also stated that he would need permission to go onto private property to monitor water levels in existing private wells. Chairman Malone stated that the groundwater issue was critical, and that the Board would consider how best to handle that issue. Mr. Kestner stated that stormwater compliance was also going to be an issue on the application, and wanted a plan to show how the stormwater compliance would be achieved. Chairman Malone also noted that the traffic study was important, and that the Board would require that study before any action was taken. Mr. Kestner reiterated that he wanted revised plans to review that showed proposed locations for house, driveway, well, and septic for each residential lot, plus a stormwater plan. Mr. Dunn stated that he did not think State Regulations required a full Stormwater Pollution Prevention Plan. Attorney Gilchrist stated that he would look into that issue. Chairman Malone also reiterated the issue of the cemetery, and directed Mr. Dunn to coordinate with the Town Historian, Sharon Zankel, regarding the cemetery issues. Mr. Kestner also stated that the cul-de-sac expansion on Winfield Lane would need to meet Town Standards, and directed Mr. Dunn coordinate with the Town Highway Superintendent, Doug Eddy, concerning that issue. This matter has been placed on the June 15, 2006 agenda for further discussion.

The next item of business on the agenda was the major subdivision application of Brooks Heritage, LLC for property located off Dusenberry Lane. Chairman Malone inquired whether the applicant was bringing fill onto the site, and redirecting stormwater runoff so that it was impacting Dusenberry Lane. Jeff Brooks explained that he had demolished and removed a barn

and some outbuildings on the property, and that left a depression on the site. Mr. Brooks stated that he needed to fill in the depression, because water was pooling. Chairman Malone stated that Mr. Brooks should have notified the Town concerning this work, and also the residents as a matter of courtesy. Mr. Brooks stated if water was going onto Dusenberry Lane, he would have Mr. Calhoun immediately regrade the site so that the runoff returned to the creek. Mr. Brooks also stated that he had not finished work on the 3 lots directly off of Route 142, because National Grid had not yet made a determination on line relocation, so he is not able to finish grading the site at this point. Member Esser inquired whether a new drainage system had been put in on the major subdivision site in connection with the recent fill and grading. Mr. Brooks stated that during the demolition work, a number of drain tiles had been impacted, and that a lot of the existing drain lines had been replaced. Lansing Engineering then gave more detail regarding modification to the existing Dusenberry Lane. The existing Dusenberry Lane is within a 50 foot right-of-way, and the travel way varies in width but is within the 50 foot right-of-way except for a small portion near Route 142. The proposed modification to the existing Dusenberry Lane calls for two, 12 foot wide travel lanes plus 2 foot wing gutters on each side of the road, for a total paved area of 28 feet, with catch basins to connect to the drainage on Route 142. All grading for the modifications to existing Dusenberry Lane will occur within the public right-of-way. Member Czornyj noted that the proposed revisions showed blacktop very close to the 50 foot right-of-way boundary line. Lansing Engineering stated that there was a minimum 5 foot separation from the right-of-way boundary, which provided sufficient area for drainage and snow removal. Lansing Engineering stated that a full Stormwater Pollution Prevention Plan will be submitted, to address stormwater runoff both in terms of quantity and quality. The applicant stated in terms of public water, the extension would be provided to the existing residences at the

property line, not directly to their houses. Further, the applicant stated that public water would not be extended to Bald Mountain Road, and that the proposed lot directly off Bald Mountain Road will have a private well. The applicant stated that additional wetlands delineation was currently underway, and will be submitted to the Army Corps of Engineers, and the Planning Board for review. Chairman Malone asked why a private well was being used on the lot off Bald Mountain Road. Mr. Kestner stated that given elevations, it may be difficult to extend the water line to that lot and have adequate pressure, but the Planning Board did require Lansing Engineering to investigate elevations and pressure to determine if public water can be supplied to the proposed lot off Bald Mountain Road without the need of a booster pump. Chairman Malone also inquired as to the status of the wetlands delineation. The applicant stated that the wetlands were not on any NYSDEC Wetlands Maps, and that the field delineation was being completed for purposes of Army Corps jurisdiction. Mr. Brooks stated that the Army Corps would be considering only those areas where the septic will be placed. Attorney Gilchrist stated that the first step in the federal process was to have a full wetlands delineation prepared for the site, which is then submitted to the Army Corps for field confirmation and determination. Ultimately, the Army Corps will issue a jurisdictional determination, to determine those areas subject to Federal Wetland jurisdiction. At that point, the project will be reviewed for purposes of total impacts to Federal Wetlands. Member Wetmiller asked whether any of the stormwater runoff could potentially impact the Town reservoir. Mr. Kestner stated that under the current Stormwater Regulations, post-construction standards cannot increase water runoff from preconstruction standards, and that the Stormwater Pollution Prevention Plan would need to adequately address stormwater runoff both in terms of quantity and quality. Member Wetmiller asked whether the Town Regulation concerning placement of well and septic facilities within

300 feet of the shoreline of the Town reservoir had any implication. Mr. Kestner stated that the Town Ordinance spoke only to the placement of well or septic systems, and did not address stormwater runoff. Member Czornyj followed up on wetlands issues, and inquired whether the disturbed area on the project site would be considered part of the wetland delineation by the Army Corps of Engineers. Attorney Gilchrist stated that the Army Corps would investigate pre-disturbance conditions on the project site, and whether any Federal Wetlands had been impacted by the current site disturbance. Chairman Malone stated that the Planning Board needed a final wetlands delineation from the Army Corps before it could make any determination on the application. Member Tarbox stated that he did not feel the Planning Board should move forward on the application until the Federal jurisdictional determination on the wetlands was issued, and Chairman Malone concurred. Mr. Brooks stated that the Planning Board can move forward subject to a final wetlands determination by the Army Corps. Attorney Gilchrist stated that a critical issue confronting the Planning Board on this application is the need for a waiver from the Town standard of 12 lots off a cul-de-sac, and that under the Town Code, the Planning Board must make a factual determination and recommendation to the Town Board concerning the number of lots. In this case, the Planning Board must have factual information concerning the presence of Federal Wetlands in order to make any recommendation as to the number of lots for this site. Attorney Gilchrist further stated that absent this jurisdictional determination, any recommendation by the Planning Board concerning the proposed number of lots would not have a complete factual record, and it would be unlikely that the Town Board would act upon the matter until the factual record was complete. In this regard, the Planning Board determined that it would not make a recommendation to the Town Board on the number of lots off the cul-de-sac until such time as the Federal Wetlands determination had been made. This matter has been

adjourned until the Army Corps of Engineers issues a jurisdictional determination letter concerning the presence and location of Federal Wetlands on the site.

The next item of business on the agenda was the waiver of subdivision and site plan application of North Troy Congregation of Jehovah's Witnesses for property located off Cooksboro Road. Richard Bovee, P.E. appeared for the applicant. Mr. Bovee stated that complete stamped drawings had been submitted to the Town and Mr. Kestner for review and that Rensselaer County Health Department approval for water and septic had been obtained. Mr. Kestner did review the stamped drawings, and stated that the tree buffer on the west side of the parking lot near the Colleti property had been added, that the culvert size from the stormwater basin had been added, and that Rensselaer County Health Department approval had been obtained. Further, Mr. Kestner stated that the final stamped plan does not have a sidewalk in front of the proposed building, but that the pavement line has been moved away from the building. Mr. Kestner also stated that the light intensity data for the proposed fixtures has been submitted and reviewed, and that the information was acceptable. Mr. Kestner did state that the applicant should be required to submit actual light meter readings after the lights have been installed to confirm compliance with the data specifications. Mr. Kestner stated that the plans were acceptable, and all comments by the Planning Board have been incorporated. Mr. Bovee also explained that a Notice of Intent had been filed with the New York State Department of Environmental Conservation concerning construction activities for stormwater compliance, and that the full Stormwater Pollution Prevention Plan has been reviewed by NYSDEC. Therefore, Mr. Bovee stated that he has obtained Rensselaer County Highway Department approval for the entrance, Rensselaer County Health Department approval for water and septic, and NYSDEC has been put on notice concerning construction activities and the full SWPPP has been submitted.

Chairman Malone noted that the tree buffer on the Colleti property had been added to the map, but if Mr. Colleti had any complaint concerning the work or light intensity once installed, that the applicant must work with him. The applicant stated that it will work with Mr. Colleti and resolve any issues that Mr. Colleti may have. Member Oster asked whether any landscaping around the detention pond had been added to the plan. Mr. Bovee stated that the landscaping is now shown on the site plan. Mr. Kestner reminded the applicant that it still needed to comply with the Town Sign Ordinance concerning any signs to be installed on the site. Member Esser asked how much of the green area would be mowed, and if the grade of the property prohibited mowing. Mr. Bovee explained that an area would be mowed, but that certain areas would remain in a natural state given the grade of the property. Member Esser then asked whether the stormwater basins would be mowed. Mr. Bovee stated that while the stormwater basins would be maintained, given the grade within the basin itself, he was not sure whether the basin would be routinely mowed. Member Esser was concerned because the stormwater basin could become full of weeds and brush growing out of control. Member Wetmiller suggested that the applicant agree to bushhog the stormwater basin periodically, to keep the weed and brush under control. The applicant agreed to this, and Member Esser thought this was an acceptable resolution. Chairman Malone inquired whether the Board had any final questions concerning the applications. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 7/0, and a negative declaration was adopted. Member Czornyj then made a motion to approve the waiver of subdivision application, which motion was seconded by Member Oster. The motion was approved 7/0 and the waiver of subdivision application was approved. Member Czornyj then made a motion to approve the site plan subject to payment of all fees, including

engineering review fees, and upon the further condition that the applicant submit light meter readings after installation of the light fixtures, and upon the further condition that the stormwater detention basin be bushhogged periodically to keep the weeds and brush under control. Member Oster seconded the motion, subject to the stated conditions. The motion was approved 7/0, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the minor subdivision application of Kenneth Ray. This matter has been adjourned without date.

The next item of business on the agenda was the minor subdivision application of James Kennelly for property located on Bellview Road. Mr. Kennelly reported that the Town Board had granted a waiver concerning the number of lots on a dead-end road at its meeting held on May 11, 2006. Mr. Kestner confirmed that the waiver had been granted by the Town Board. Mr. Kestner also confirmed that he had spoken with the applicant's engineer, Harold Berger, P.E., and that sufficient detail will be provided on the outlet from the stormwater basin. Mr. Kennelly reported that the stormwater basin was now located entirely on Lot 2, and that the owner of Lot 2 would be required to maintain the basin. The Planning Board stated that the record should be clear that the owner of Lot 2 must continue to maintain the stormwater basin, and that the Town would not be responsible for such maintenance. The Planning Board required that a map note be added to a subdivision plat indicating that the owner of Lot 2 was required to maintain the stormwater detention basin on the lot, and that such obligation was of record and perpetual. Also, the Planning Board required Mr. Kennelly to provide an easement to the Town for purposes of access to the stormwater detention basin, but expressly not for maintenance purposes. Chairman Malone inquired whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA,

which motion was seconded by Member Esser. The motion was approved 7/0, and a negative declaration adopted. Thereupon, Member Mainello made a motion to approve the minor subdivision application subject to the following conditions:

- 1) Payment of all engineering review fees.
- 2) Payment of Park and Recreation fee in the amount of \$500.00 per lot.
- 3) Addition of a Map Note to the subdivision plat requiring the owner of Lot 2 to maintain the stormwater basin located on Lot 2.
- 4) The applicant must provide an easement to the Town for access to the stormwater detention basin located on Lot 2.
- 5) Submission of additional engineering detail concerning the outlet from the stormwater detention basin to be reviewed by the Town Engineer.

Member Tarbox seconded the motion subject to the stated conditions. The motion was approved 7/0 and conditional subdivision approval granted.

The next item of business on the agenda was the waiver of subdivision application by David Smith for property located off Derrick Avenue and Taft Avenue, and specifically off a gravel road identified by map as Mount Kenio Avenue, now also known as Smith Terrace. Mr. Smith handed up a revised plat showing a full 40 foot right-of-way plus turnaround at the end of Smith Terrace. However, the revised plat showed small portions of the right-of-way to be deeded to the Town, while the remainder of the right-of-way was subject to a public easement as Smith Terrace is a highway by use. The Board had concerns regarding the Town being fee owner of small slivers of land within the right-of-way, but not owners of the entire right-of-way. The complicating factor is that Smith Terrace is a highway by use, not a deeded roadway. Upon further discussion, the Planning Board determined that the subdivision map should be revised to show a full 40 foot right-of-way and easement granted to the Town for the entire 40 foot wide right-of-way, plus the construction of a turnaround at the end of Smith Terrace in coordination with the Town Highway Superintendent. Chairman Malone inquired whether there were any

further questions or comments on the application. Hearing none, Chairman Malone made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Czornyj. The motion was approved 7/0, and the negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision application subject to the submission of a new subdivision map showing the full 40 foot wide right-of-way subject to an easement in favor of the Town, plus the submission of an easement in favor of the Town over the 40 foot right-of-way. Member Wetmiller seconded the motion subject to the stated condition. The motion was approved 7/0, and the waiver application approved subject to the stated condition. Mr. Smith was directed to have his engineer coordinate with Mr. Kestner on the map specifics.

The next item of business on the agenda was the major subdivision application of Reiser Bros. Builders for the proposed Brook Hill Subdivision, located between Route 278 and Route 2, with proposed access off Long Hill Road and Buck Road. Henry Reiser and Harold Berger, P.E. appeared for the applicant. Mr. Berger handed up a long Environmental Assessment Form. The applicant generally reviewed the application, and with the submission of the long Environmental Assessment Form, requested that the Planning Board schedule the opening of the public hearing. Member Oster raised the issue of the road system, and whether the cul-de-sac should be eliminated. Mr. Berger stated that he did coordinate with Highway Superintendent Eddy on the road system, and that the applicant had investigated installing the road directly off of Langmore Lane, instead of Long Hill Road. Mr. Berger reported that an access directly off of Langmore Lane would require a substantial cut (27 feet or more) to meet the grade requirements under the Town Code, and that this was not a feasible alternative. Member Esser inquired whether the applicant had investigated an access directly off Route 2. Mr. Berger stated that while they did

not discuss the Route 2 entrance way, given the current topography that would require additional cut to meet the grade requirements. Chairman Malone asked whether the elimination of the cul-de-sacs and installing one through road had been examined. Mr. Berger stated that they had not discussed that issue with the Highway Superintendent. Mr. Reiser stated that the use of two cul-de-sacs was favored, that he had met with residents of both Buck Road and Langmore Lane, that the residents seemed to be in favor of the use of two cul-de-sacs and that while a cul-de-sac may require additional time for plowing, this was a relatively small project and relatively small impact in terms of snow removal. Chairman Malone noted that a letter had been received from the Tamarac Regional Homeowners Association, Inc. dated May 17, 2006 stating that the Association felt that the proposal for a through road would be detrimental to both the residents on Buck Road as well as the residents in the Langmore Lane area. Mr. Berger stated that he designed the project to achieve the least impact to the existing neighborhoods, and feels that the use of two cul-de-sacs achieves this goal. Mr. Kreiger noted that proposed Lot 1 on the cul-de-sac off Buck Road is directly behind the existing historic Old Brick School House, and that the impact on this must be examined. The Town Historian, Sharon Zankel, was in attendance, and spoke concerning this issue. Ms. Zankel stated that the Old Brick School House was an 1830 brick building, that it had been restored, and that the building was eligible for inclusion in the National Register of Historic Places. Ms. Zankel wanted to make sure that the Planning Board considered the impact of this project upon this historical structure, and offered her services to work directly with the applicant to eliminate or reduce to the maximum extent practicable the visual impact as well as other impacts to this historic structure. Also, Ms. Zankel stated that there are projects and programs for children held routinely at the historic school house, and that the issue of increased traffic upon the safety of these children should also be examined. Again,

Ms. Zankel offered her services to review the design of the project to reduce impacts upon this historic structure. Mr. Reiser stated that he did keep the school house in mind when designing the project. Chairman Malone suggested that Mr. Reiser meet with Ms. Zankel to review these issues prior to the public hearing for this project. Chairman Malone also asked Ms. Zankel whether this subdivision would impact any application for the historic school house to be included on the National Register of Historic Places. Ms. Zankel said she would investigate that issue. The Planning Board determined that the application was complete for purposes of opening the public hearing, and scheduled the public hearing for the June 1, 2006 meeting to commence at 6:30 p.m.

The next item of business on the agenda was the major subdivision application by Land Vantage, Inc. for property located off Old Siek Road, with a project site located both in the Town of Brunswick and Town of Grafton. Tom Foster of Land Vantage, Inc. appeared. Mr. Foster explained that the applicant sought approved for 4 residential lots, with 2 lots being approximately 5 acres in size, 1 lot approximately 7 acres in size, and 1 lot approximately 30 acres in size. Mr. Foster also stated that the applicant had installed a monitoring well and had obtained groundwater samples, to address the Board's concern regarding the proximity of the former Town Landfill. The Planning Board noted that the underlying property owner, Colehammer, owned 150 acres, but that a power line ran through and bisected the parcel. Mr. Foster explained that the Town of Grafton considered this to be one parcel totaling 150 acres, and considered the application to create 5 lots, which includes the 4 residential lots plus the remaining 100 acres owned by Colehammer on the east side of the power line. The Planning Board will further investigate this issue as well as to whether this application constitutes 4 or 5 lots. Member Czornyj inquired whether the homes proposed for the 4 residential lots would be

situated in the Town of Grafton or the Town of Brunswick. Mr. Foster stated that final house locations had not yet been determined, but that the topography of the property suggested homes on the 3 smaller lots to be located in the Town of Brunswick, and the home located on the larger residential lot to be located in the Town of Grafton. Chairman Malone inquired as to coordinated review with the Town of Grafton Planning Board. Attorney Gilchrist stated that this matter must be coordinated with the Grafton Planning Board, and that each Board would need to determine when a complete application had been submitted. Further, SEQRA Lead Agency coordination needed to be undertaken, with one of the Planning Boards acting as Lead Agency. Further, coordination on the actual subdivision review would need to be coordinated with the Grafton Planning Board as well. Mr. Kestner asked whether there were any issues concerning a turnaround on Old Siek Road. Highway Superintendent Eddy was in attendance, and stated that while the Town does not have any current problem with turning vehicles around at the end of Old Siek Road, he was not sure who owned the property, and any further development in this area might require upgrades to the existing road and turnaround area. As to the water quality issue, Mr. Foster stated that a 640 foot well had been installed, that they had not obtained adequate yield, that the well had been hydrofractured, and that 5 gallon per minute yield had been achieved after hydrofracturing. Groundwater samples had been obtained and submitted to Bender Labs. The results showed slightly elevated levels of arsenic and lead, plus high turbidity. The well was then retested, and the lead level had declined, but the arsenic level had remained elevated. The applicant was currently coordinating with the Rensselaer County Health Department and Culligan concerning groundwater treatment options. Mr. Kestner stated that a driveway and house location, plus proposed septic and well locations must be shown on a plan. Also, Mr. Kestner noted that this was a major subdivision application, and therefore all

requirements for the preliminary plat under the major subdivision regulations needed to be submitted to the Board for review. The Planning Board noted that the major subdivision application fee needed to be paid, and reminded the applicant that a Park and Recreation fee of \$500.00 per lot was required, plus an engineering escrow set up for review of the subdivision plat. This matter has been placed on the June 15 agenda for further discussion.

Several items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by J.P. and Sons, LLC for Lots 13 and 14 in the Sand Cherry Hill Subdivision. J.P. and Sons had acquired these lots for building purposes. The applicant seeks to have a lot line adjustment to work with the contours on these lots for new residential construction. Highway Superintendent Eddy stated that he would coordinate with J.P. and Sons concerning drainage and driveway locations. The application stated that the septic system locations were not going to be moved, and that all buildings would still be within the original building envelope. The applicant seeks to have a simple lot line adjustment to create appropriate yard areas. The Planning Board did not have any significant issues associated with the application, but did require the applicant to submit final stamped drawings for review. This matter will be on the June 1, 2006 agenda for further discussion.

Mr. Kreiger noted that he had been contacted by the applicant concerning the Welch major subdivision application for property located between Route 2 and Pinewoods Avenue, and that revised plans should be submitted within one week, and the applicant has requested that the application be placed on the June 1, 2006 agenda.

The Planning Board noted that the site plan review on the co-location by Verizon Wireless on the monopole located in the Callanan Quarry should reflect the fact that the Zoning

Board of Appeals condition concerning landscaping did not call for installation of the landscaping at the base of the tower, but rather at "strategic locations along the ridgeline on the quarry property on the Camel Hill roadside to help shield the tower and then antennas from view on Coons Road. The planting should be fast-growing, preferably evergreens, which can achieve a height of at least 75 feet". The Planning Board noted that this remains a condition of the ZBA approval, and that the applicant needed to comply with that condition as reviewed by the Zoning Board of Appeals.

Mr. Kreiger noted that the variance application concerning the proposed Walgreens site remained pending before the Zoning Board of Appeals.

Mr. Kreiger reviewed a waiver of subdivision application received from Richard Wallace concerning property located on East Road in Brunswick Hills. The applicant seeks to divide off .54 acre from an existing 1.95 acre site. The Planning Board generally discussed drainage issues in this area, together with Highway Superintendent Eddy. This matter will be on the June 1 agenda for further discussion.

The **index** for the May 18, 2006 Planning Board meeting is as follows:

1. Cobblestone Associates – major subdivision – public hearing closed, further discussion 6/15/06;
2. Brooks Heritage, LLC – major subdivision – public hearing closed, application adjourned without date pending wetland jurisdictional determination;
3. North Troy Congregation of Jehovah's Witnesses – waiver of subdivision and site plan – approved with conditions;
4. Kenneth Ray – minor subdivision – adjourned without date;
5. James Kennelly – minor subdivision – approved with conditions;

6. Smith – waiver of subdivision – approved with conditions;
7. Reiser Bros. Builders – major subdivision – public hearing scheduled 6/1/06 at 6:30 p.m.;
8. Land Vantage, Inc. – major subdivision – 6/15/06;
9. J.P. and Sons, LLC – waiver of subdivision – 6/1/06;
10. Welch – major subdivision – 6/1/06; and
11. Wallace – waiver of subdivision – 6/1/06.

The proposed agenda for the June 1, 2006 meeting is as follows:

1. Reiser Bros. Builders – major subdivision – public hearing at 6:30 p.m.;
2. J.P. and Sons, LLC – waiver of subdivision;
3. Welch – major subdivision;
4. Wallace – waiver of subdivision; and
5. Schuyler Companies – proposed Walgreens.

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Planning Board of the Town of Brunswick to be held on Thursday, June 1, 2006, at 6:30 p.m. at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the major subdivision application submitted by Reiser Bros. Builders for a proposed fourteen (14) lot subdivision located between NYS Route 2 and NYS Route 278, with proposed access off Buck Road and North Langmore Lane/Long Hill Road. Copies of the subdivision application are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the public hearing.

DATED: May 19, 2006
Brunswick, New York

THE PLANNING BOARD OF THE
TOWN OF BRUNSWICK
By: Shawn Malone, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD June 1, 2006

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, KEVIN MAINELLO, DAVID TARBOX, RUSSELL OSTER and JOSEPH WETMILLER.

ABSENT was FRANK ESSER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board opened a public hearing on the major subdivision application of Reiser Bros. Builders for property located between NYS Route 2 and NYS Route 278, with proposed access off North Langmore Lane/Long Hill Road and Buck Road. Chairman Malone opened the public hearing, and the Notice of Public Hearing was read into the record. The Applicant was represented by Harold Berger, P.E. and Henry Reiser of Reiser Bros. Builders. The Applicant presented the overview of the proposed subdivision. Chairman Malone opened the floor for receipt of public comment. Fred Lynch, 28 Langmore Lane, raised concern regarding a through road connecting Buck Road and North Langmore Lane, as he was concerned this would result in a short cut connecting Route 278 with Route 2. If such a through road were allowed, Mr. Lynch thought a full traffic study should be required. Mr. Kestner stated that the Planning Board could require a traffic study if a through road were included, but that the option of two cul-de-sacs was still on the board. Chairman Malone also stated that it would be difficult for a traffic study to forecast whether people would use such a through road as a short cut. Mr. Lynch opined that it was common sense that the road would be used as a short cut. Mr. Lynch

also stated that these proposed 14 homes, together with additional residential development going on in the Town, might result in a significant impact on the Tamarac School, and inquired whether the Town was considering school impacts for these projects. Chairman Malone stated that the impact to the Brittonkill Central School District has been investigated by the Town. Mr. Lynch next stated that the surfacewater runoff was a significant concern, since there was already an existing runoff problem at this property. In particular, Mr. Lynch stated that the construction on the Hart property resulted in significant problems, and that the situation is now worse than it was before the construction on the Hart property. Mr. Lynch wanted to make sure that there was appropriate Town oversight during construction, particularly with respect to the stormwater detention features. Mr. Reiser stated that his project is significantly different than the construction on the Hart property, and that his company would be doing all of the building activities, and that the road and stormwater infrastructure would be built according to Town specifications. Further, Harold Berger would be overseeing the construction activities, as well as the Town Building Department and Consulting Engineer. Mr. Reiser also stated that the Town road would be done according to Town specifications and ultimately turned over to the Town to become a public road, and that this presented a different situation than a private roadway. Mr. Reiser reiterated that he is a resident of the Town, and if there are any problems anyone can call him directly. Mr. Lynch was very concerned that stormwater runoff would be a continuing problem. Maureen Cox McLaughlin, 2 Long Hill Road, stated that she has resided in her house for 16 years, and that it is currently a quiet neighborhood with very little traffic. Ms. McLaughlin stated that she made a conscious decision to move to Long Hill Road because it was a quiet neighborhood. Ms. McLaughlin is concerned that the development and especially a through road connecting Buck Road with Long Hill/North Langmore would result in a

significant traffic and safety concern. Ms. McLaughlin stated that if a cul-de-sac off North Langmore were used, the impact would be less. Ms. McLaughlin stated that she understood the Town Master Plan to keep the Route 2 corridor less developed than the Route 7 corridor. Ms. McLaughlin also raised concern regarding stormwater runoff, and that her property was in a low spot directly across the street from the proposed development, that her driveway runs downhill toward her house, and that she is concerned regarding water and silt runoff impacting her house. Ms. McLaughlin also stated that the Town should limit the days and hours when construction activities can occur. Ms. McLaughlin also wanted to insure that the Town appropriately monitored construction activities. Ms. McLaughlin also wanted to insure that construction and demolition debris is handled properly on the site. Mr. Reiser stated that he tries to maintain his construction sites as clean as possible throughout construction. Mr. Reiser also stated that his general hours for construction activities are 7:00 a.m. to 5:00 p.m. In terms of silt runoff, Mr. Reiser stated that current Stormwater Regulations require the use of silt fences, hay bails, and other features to make sure that there is no silt runoff from construction sites. Wendy Terracone, 10 Woodcut Drive, stated that the neighborhood is currently quiet, safe for children, and that she made a conscious decision to move there because of those qualities. Ms. Terracone stated that the construction of the Hart property was right behind her house, and that with just the addition of 3 houses, traffic has increased on the neighborhood streets and cars are now speeding. Ms. Terracone was very concerned regarding the addition of 14 homes, particularly if a through road is used connecting to Buck Road. Ms. Terracone also raised concern regarding stormwater runoff, and that her property had experienced significant runoff and silt impact from the construction on the Hart property. Penny Wilcox, 67 North Langmore Lane, stated that she has resided at her house for 21 years, and wanted to maintain the quiet quality of the neighborhood.

Ms. Wilcox stated that there should not be any access off North Langmore Lane, but access should be directly off of Route 2 and Route 278. Mr. Reiser stated that he was not proposing the through road connecting Buck Road with North Langmore Lane, but wanted to install two cul-de-sacs to maintain a quiet nature to the neighborhood and create a safe neighborhood. Tim Renna, 33 Buck Road, stated he had a concern regarding drainage on the corner of his property on Buck Road, and that he had already discussed this issue with Mr. Reiser. Mr. Renna is against a through road, stating this raises a safety concern and will result in increased traffic. Mr. Renna stated he was generally in favor with a 7 lot subdivision with a cul-de-sac off Buck Road, but was against the construction of a through road. Paul Berringer, 4 Long Hill Road, also raised concerns regarding traffic and stormwater runoff. Mr. Berringer stated that a through road will increase cut through traffic, and that this was a significant concern. Mr. Berringer also stated that his house is at the corner of Long Hill and North Langmore, and at a low elevation, and therefore he was very concerned about stormwater runoff. Mr. Berringer was very concerned regarding any change in topography as increasing stormwater runoff. Mr. Berringer did note for the record that he had meet with Mr. Reiser, had reviewed the project and Stormwater Management Plan, and that Mr. Reiser stated the development would improve stormwater management. Mr. Berringer stated that while he took Mr. Reiser at his word, he wanted to make sure there was appropriate accountability and Town oversight. Mr. Berringer stated that the current proposal for 14 lots was much better than any of the prior proposals for the property, but that the key to the project was proper Town oversight and Applicant accountability. Kathy Murray, 69 North Langmore Lane, also opposed the concept of a through road. Ms. Murray stated that the construction of the Hart property has already increased traffic, and that a through road will increase traffic in the neighborhood at all hours. Ms. Murray also agreed that

construction oversight will be important. Ms. Murray questioned who would be responsible for future maintenance of the swales and detention basins. Ms. Murray also questioned the wetlands on the property, and who would take over ownership of the wetlands after the project is sold. Ms. Murray also stated that dirt being tracked onto the public roads by construction vehicles could be a problem, and who was responsible for this. Ms. Murray wanted the Applicant and construction contractors to be respectful of existing residents in the neighborhood. Ms. Murray thought that stop signs should be installed at the end of each cul-de-sac. Ms. Murray also said that the design of the cul-de-sac off North Langmore should insure that headlights at night are not shining into any of the existing homes. Ms. Murray asked whether any environmental assessment had been completed, and Mr. Berger handed her a copy of the Environmental Assessment Form which had been submitted with the application. Mr. Kreiger read a letter into the record from Pete Meskosky, which stated Mr. Meskosky was in favor of the project, that the 14 lot subdivision was compatible with the character of the area, and the Reiser Bros. Builders do construct a quality home. Mr. Berger stated for the record that concerning stormwater management, the public should be aware that the current Stormwater Regulations have become significantly stricter over the past two years, that current regulations require very strict erosion and sediment control measures during construction, and that a full Stormwater Pollution Prevention Plan must be in place to insure no increased runoff as a result of the project. Mr. Berger stated that there would be, at a minimum, weekly inspections on the erosion and sediment control measures during construction, and that additional inspections will be made after each rainfall event of ½ inch or greater. The Stormwater Management System for this project will be taken over by a Homeowners Association, and maintained in the future. Mr. Berringer then stated that while the regulations sound good, what happens if Reiser Bros. Builders do not finish

this job, and who takes over. Chairman Malone stated that there will be appropriate conditions in place to require performance bonds. Mr. Kestner reviewed the fact that the Town will perform regular construction inspections as well, that the Stormwater Management System will be required to be constructed in accordance with the plans and specifications, and that even though the Homeowners Association will own and maintain the detention facilities in the future, the Town will obtain an easement for access to these stormwater features. Attorney Gilchrist reviewed the creation of a Homeowners Association, and reiterated that the primary responsibility for future ownership and maintenance of the Stormwater Detention System will be with that Homeowners Association, with the Town having only an easement for access. Mr. Lynch asked whether the property owners will know of this responsibility. Attorney Gilchrist stated that the Homeowners Association will be of record in the Rensselaer County Clerk's Office, and all deeds to the subdivision will reference that the lot is subject to the covenants, restrictions and bylaws of the Homeowners Association. Larry Murray, 69 North Langmore Lane, asked how the septic systems would be designed for this project. Mr. Reiser and Mr. Berger stated that raised septic systems will be required for all of these lots, subject to the approval of the Rensselaer County Health Department. Further, Mr. Berger explained that the Rensselaer County Health Department will perform inspections during construction. Mr. Murray also reiterated that he was opposed to a through road. Chairman Malone inquired whether there any further public comments. Hearing none, Chairman Malone closed the public hearing with respect to the Reiser Bros. Builders major subdivision application.

Chairman Malone then opened the regular business meeting for the Planning Board.

The Planning Board first reviewed the draft minutes of the May 18, 2006 meeting. Upon motion of Member Czornyj, seconded by Member Tarbox the motion to approve the minutes as written was passed 6/0.

The first item of business on the agenda was the major subdivision application of Reiser Bros. Builders for property located between NYS Route 2 and NYS Route 278. Mr. Berger stated that he was anxious to finalize the proposed drawings, so that he could submit his water and septic plan to the Rensselaer County Health Department for review, stating that the Rensselaer County Health Department was very backed up. Chairman Malone noted the issue, but stated that the subdivision would be reviewed through normal process before the Planning Board. Mr. Berger did state that he will modify the plans to show the water line being connected to Route 2, to ultimately loop the water system. Mr. Reiser questioned whether the Town was committed to requiring a Homeowners Association for the Stormwater Detention System. Attorney Gilchrist stated that Homeowners Associations are required by the Town for stormwater management systems. Mr. Kestner stated that the Town felt that the property owners directly benefited from the stormwater detention system should be primarily responsible for the ownership and maintenance of that system. Mr. Kestner reviewed some of the comments received during the public hearing. These include eliminating tracking of dirt on the public roads during construction, and Mr. Kestner though construction entrances with stone should be installed; hours of construction operation should be imposed during build-out; appropriate construction oversight by the Town Building Department and Town Engineer should occur; stop signs were requested for the end of each cul-de-sac; additional detail needs to be provided on the water lines; the design should take into account headlights of cars off these new roads and impact on existing homes; the road design must include a back pitch so that drainage does not go onto

existing roadways within the neighborhood. Member Tarbox inquired whether the option of a cul-de-sac off North Langmore would need a waiver from the Town Board concerning the number of lots on a cul-de-sac or dead-end road. Member Tarbox stated that all 41 residences within the Langmore Lane neighborhood have only one point of access to Route 2, and that a cul-de-sac would add 7 additional lots on what constitutes a dead-end road system. Attorney Gilchrist stated that this situation is similar to the recent Kennelly subdivision on Bellview Road, and that a waiver from the Town Board would be required. Member Tarbox then reviewed the number of trucks which would be needed for construction activities for a cul-de-sac off North Langmore. Member Tarbox inquired of Mr. Berger as to how many truck loads of material would be needed for import for the construction of each raised bed septic system. Mr. Berger opined that approximately 40 truck loads of material would be required for each septic system. Member Tarbox inquired of Mr. Reiser as to how many concrete trucks would be needed for each house, including footings, foundation walls, and floors. Mr. Reiser stated approximately 5-6 concrete trucks would be needed per house. Member Tarbox also noted that trucks would be needed to import sub-base material for the road, as well as paving trucks for binder and top coat. Member Tarbox reviewed this information to raise the issue of the number of trucks that would be needed for build-out, and impact on the Langmore neighborhood, and that this was one of the reasons why he raised the option of having a through road connecting to Route 278, which could allow all construction vehicles to access the site off Route 278 and Buck Road. Mr. Reiser stated that a cul-de-sac off North Langmore Lane would include only 7 houses, and that construction would be spread out over two years so that the impact of construction trucks would not be significant. Member Czornyj noted that if all the construction vehicles came off of Route 278 onto Buck Road, no houses would be impacted since there are no homes on Buck Road off Route

278 to the proposed entrance road. Chairman Malone then suggested that a design which has one cul-de-sac road off Buck Road for all 14 lots should be considered. Mr. Reiser and Mr. Berger stated that this design was not preferable. Chairman Malone noted that the Planning Board needs to discuss the issue of the road system, in consultation with Highway Superintendent Eddy. Member Tarbox noted for the record that the Planning Board represents all the residents of the Town, and that he asked for consideration of a through road design for a number of reasons, including construction/build-out impacts, impact to the Highway Department in terms of plowing and future maintenance of the cul-de-sacs, and overall road layout in the Town. Member Tarbox noted that a number of new residential construction projects in other Towns require through roads, and that significant cut through traffic did not result. Member Tarbox also noted that the driveway on proposed lot 11 seemed very long and steep. Mr. Berger confirmed that the private road standards under the Town Code will be required, and that this driveway must meet a 12% grade. Member Tarbox stated that the wetlands on the property should not be set off on a separate lot, but should be added to lot 12. Mr. Reiser stated that he wanted to keep the wetland as forever wild on its own. Member Tarbox stated that it should be part of lot 12, and not be left in a separate lot for which future real property taxes might not be paid. Member Oster inquired whether the wetland could be part of the Homeowner Association property. Attorney Gilchrist stated that it could be part of the Homeowner Association property. Member Tarbox inquired whether the proposed roads met full Town Road Specifications. Mr. Berger stated that the road design proposed to 13 foot wide travel lanes with 4 foot shoulders on each side. Member Tarbox stated that a waiver from the Town Roadway Specifications would also be required from the Town Board. Mr. Berger stated that he would review the road design further with Highway Superintendent Eddy. Chairman Malone stated that the Planning Board

would further consult Highway Superintendent Eddy on the road issues in connection with this application. This matter has been placed on the June 15, 2006 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by J.P. and Sons, Inc. At the request of the Applicant, this matter has been adjourned to the June 15, 2006 meeting.

The next item of business on the agenda was the major subdivision application by Zouky for the Welch Farm property located between Pinewoods Avenue and Route 2. Mr. Zouky handed up to the Board a revised concept subdivision plat. Mr. Zouky reviewed a total of 31 lots, including the flat property located on the opposite side of Route 2 from the farm buildings. Mr. Zouky also generally reviewed the road system, proposing two entrance roads off Pinewoods Avenue, which combine on the project site to one road connecting with Route 2. The Board generally discussed the existing structures on the property, including the fact that barn structures would be the only structures existing on some of the lots, which is contrary to the Zoning Code, which allows accessory structures only to a principle residence. This may require the demolition of certain buildings on the site. Member Oster inquired as to the zoning district for this property. Mr. Kreiger stated that the property was located in a R-15 zone. Member Tarbox stated he was concerned with proposed lots directly off Pinewoods Avenue, since these driveways would be going up hill and connecting with Pinewoods Avenue at a significant grade, creating a safety concern. Mr. Zouky stated that some of these lots may have to be combined, and that further investigation was required in terms of septic system location. Member Czornyj asked when that further investigation would be completed, so that the Planning Board could look at a more accurate lot layout. Mr. Zouky stated that he could do this work now, which would include further soil work for septic systems. Chairman Malone noted that the property was at a very

steep slope off Pinewoods Avenue leading down to Route 2. Mr. Zouky stated that this was at a significant slope, but it was buildable. Mr. Zouky also stated that the grade of the property may necessitate combining some of the proposed lots. Member Oster was concerned regarding the grade of the proposed road system for the property, particularly in the area of proposed lot 7. Mr. Kestner stated that Mr. Zouky should have road profiles done as well as the additional test holes for septic so that the Planning Board can get a better map to review. Mr. Kestner also stated that in terms of the road profiles, the Town would want an area on the road connecting to Pinewoods Avenue that would allow the staging of at least two cars before they pulled out onto Pinewoods, and that calculation must be made as to the amount of fill that may be needed to meet that grade. Mr. Kestner stated that the road profiles would allow calculation of the amount of grading and filling that may be needed to get the road to Town standards. Member Tarbox noted a triangular piece of property located near lot 19, and inquired as to the purpose of that piece. Mr. Zouky thought it would be part of the roadway. Chairman Malone stated that the property seemed so steep, that the existing neighbors on the opposite side of Pinewoods Avenue would see only the roof tops of any buildings built. Mr. Zouky stated that the grade would dictate, but that it would allow for the continued view of the people living on the opposite side of Pinewoods. Chairman Malone asked whether lot 28, which is considerable in size, would be sold as one building lot. Mr. Zouky stated that it was the current plan to sell that parcel for one house, with a possible horse barn, rather than spending additional time and money investigating whether any further subdivision of that parcel could be achieved. Highway Superintendent Eddy inquired as to where the water runoff would go as it approaches Route 2. Mr. Zouky stated that there was an existing culvert which brought the water under Route 2, which then day-lighted several hundred feet to the flat lands, ultimately discharging to the creek. Highway

Superintendent Eddy thought that there would be a significant amount of water running off this road system. Chairman Malone wanted to look at the property again, and scheduled a site visit for June 6, 2006 at 9:00 a.m. This matter has been adjourned without date pending submission of additional information, including road profiles and additional soil testing.

The next item of business on the agenda was the waiver of subdivision application by Wallace for property located on East Road in Brunswick Hills. Mark Danskin appeared for the Applicant. The waiver application as filed seeks to add property to the north part of lot 5, creating a 3.54 acre parcel. Mr. Danskin also stated that the owner of lot 60 now also wants to add a portion of lot 5 to lot 60 as well. The Planning Board stated that the only application in front of it at present is the waiver application to expand the north part of lot 5 to create the 3.54 acre parcel, and that another application would need to be filed concerning expanding lot 60. Mr. Danskin handed up Rensselaer County Health Department approval for the expanded lot 5. Upon review of the survey maps by both the Planning Board, Mr. Kestner, and Highway Superintendent Eddy, the Planning Board determined that the waiver application concerning the expansion of lot 5 to a 3.54 acre parcel was complete. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6/0, and the negative declaration adopted. Thereupon, Member Oster made a motion to approve the waiver application subject to the condition that the parcels being added to the north part of lot 5 be merged into lot 5, with one metes and bounds description created for the 3.54 acre parcel, with a copy of the deed merging these parcels being submitted to the Town Building Department. Member Wetmiller seconded the motion subject to the stated condition. The motion was approved 6/0 and the waiver application concerning the expansion of

lot 5 was approved subject to the stated condition. Mr. Danskin will file a second waiver application concerning lot 60.

Mr. Danskin also handed up to the Board, a foundation and septic location map concerning the Behan subdivided lot near the Town reservoir, confirming that the septic area is beyond 300 feet from the shoreline of the Town reservoir. Mr. Kreiger will file this map in the Building Department files.

The next item of business on the agenda was the site plan application by Schuyler Companies for the proposed Walgreens at the corner of Hoosick Road and North Lake Avenue. Chairman Malone noted that the Zoning Board of Appeals had not acted on the application for an area variance concerning the building setback from the property line, and inquired of Attorney Gilchrist whether the Planning Board could act on this application. Attorney Gilchrist stated that the application currently pending before the Planning was not in compliance with the Town Zoning Code concerning setbacks, and that the issue of the area variance must be addressed by the Zoning Board of Appeals before the Planning Board could act. Attorney Gilchrist stated that the Planning Board did not have jurisdiction to act upon a site plan application which was not in conformance with the Town Zoning Code. Member Czornyj also stated that the Town had not yet received any response from NYSDOT concerning the access to the site off Hoosick Road. Mr. Kestner did state that the Board could allow the Applicant to come in to address any additional questions that the Planning Board may have concerning the site plan, but that the Planning Board could not act upon the application until the ZBA acts upon the variance application and NYSDOT addresses the access issue. On this issue, Mr. Kestner stated that the revised site plan should show the access on North Lake Avenue as being lined up directly from Conway Court, and that the Board should see a revised site plan to show that detail. Attorney

Gilchrist reviewed the status of the project in the City of Troy, which to the Planning Board's understanding includes a negative declaration adopted by the Troy Planning Board under SEQRA, Troy's ZBA approvals for the sign and lot size, and conceptual approval for the project by the Troy Planning Board pending NYSDOT response on the access issue. The Board inquired as to the status of the inquiry concerning underground storage tanks at the property. Mr. Kreiger noted that an affidavit had been submitted to the Zoning Board of Appeals stating that all underground storage tanks had been removed from the site. The Planning Board had determined that this matter will be placed on the June 15, 2006 agenda for discussion only, and directed Mr. Kreiger to inform the Applicant to submit a revised site plan showing the revised access on North Lake Avenue.

Harold Berger, P.E. presented to the Planning Board a road design modification for the Liberty Woods subdivision, which received Planning Board approval in the early 1990's. Mr. Berger explained that the Liberty Woods subdivision included 9 lots off Farrell Road, and 4 lots off Liberty Road. The 4 lots on Liberty Road had recently been purchased by a new builder, Ken Sherman, who had started initial site work on these 4 lots. A new road is included for access to the 4 lots. When Mr. Sherman started work on the road, it was determined that the topography noted on the original subdivision plat was not correct, and that the road needed to be redesigned. Mr. Berger has redesigned that road, and has reviewed the redesign with both Mr. Kestner and Highway Superintendent Eddy. Mr. Berger stated that the redesign of the road did not change any of the lot lines, and improved the drainage associated with the road. Mr. Kestner stated that he has reviewed the road redesign, that the road is in the same location, but the grade has been changed and the drainage changed as well. Mr. Kestner concurred that the road grades and catch basin locations on the original plat do not work in the field, and a redesign was necessary.

Further, Mr. Kestner stated that Mr. Sherman will be obtaining an easement from Cadman, an adjoining property owner, for drainage purposes, and that the drainage for the road will ultimately end up in the same detention area as under the original plan. Highway Superintendent Eddy also stated he had reviewed the road redesign, and was comfortable with it. The Planning Board inquired as to the appropriate procedure on this matter. Attorney Gilchrist stated that if the topography was included on the approved subdivision plat as recorded in the Rensselaer County Clerk's Office, modification to the approved subdivision plat would need to be applied for and acted upon by the Planning Board. However, since there is no change to the road location or lot lines, in the event the approved plat did not include topography, then the road redesign would not constitute an amendment to the approved plat, but merely a construction drawing modification which would need to be on file with the Town Building Department. Mr. Sherman will confirm whether the recorded subdivision plat included any topography. This matter has been placed on the June 15, 2006 agenda for further action.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application by Thomas Murley for property located off Liberty Road. Mr. Murley seeks to divide 3 ± acres off his 97.60 acre parcel for transfer to his son for the construction of a single family home. Upon review, the Planning Board wanted additional information concerning a proposed driveway location and sight line information on Liberty Road. This matter has been placed on the June 15, 2006 agenda for further discussion.

The second item of new business discussed was a waiver of subdivision application by Vincent Jodice, 228 Bellview Road, for property located on Bellview Road. Mr. Jodice seeks to

divide 11.05 acres from an existing 78 ± acre parcel at the end of Bellview Road, with road frontage on Sky Crest Drive. This matter has been placed on the June 15, 2006 agenda.

Chairman Malone noted two letters from the Town Historian, Sharon Zankel. The first letter concerns the Reiser Bros. Development. Here, Ms. Zankel notes that as indicated at the May 18th meeting, she had been informed by the NYS Office of Parks Recreation and Historic Preservation that the old school house building located at the corner of Route 278 and Buck Road is potentially eligible for listing on the National Historic Register. Ms. Zankel reports that she discussed this matter with OPRHP, and that it was that office's opinion that the proposed development would not negate the historic structure's eligibility for the National Register. Further, Ms. Zankel reports that she had met with Mr. Reiser, who assured her that the visual impact of his development will likely include the roof top of just one home on the old school house, and that he was also willing to lessen the visual impact of this one roof line by planting mature trees. Ms. Zankel also suggested that protection of the historic school house in future years should be recited in the Homeowners Association document for the project. Ms. Zankel expressed her appreciation to Mr. Reiser for considering her concerns. The next letter from Ms. Zankel concerned the Cobblestone Associates project on Tambul Road, with particular regard to the old cemetery known as the Jacob Cipperly burial ground. Ms. Zankel notes that she has contacted Julie Steitz, a decedent of the Cipperly family, concerning the preservation of the burial ground. Ms. Zankel notes that Mrs. Steitz wishes to see the Cipperly burial ground enclosed with appropriate fencing, and is willing to contribute to the cost of such fencing. Mrs. Steitz also requested the Planning Board provide for long term preservative of the Cipperly burial ground on any approval given on the project. Ms. Zankel notes that she did visit the Cipperly burial ground, and that the burial ground seems to occupy a raised mound. It appears

there are 7 marked graves, most dating to the early 1800's. However, Mrs. Steitz believes, based on family history records, that there may be more graves in this burial ground than those marked, and Ms. Zankel has asked Mrs. Steitz to provide additional information about the possible number of burials at this site. Ms. Zankel notes that the Jacob Cipperly burial ground is cited on a 1987-1989 Natural Resources Inventory published by Rensselaer County, and that such document was created to insure the graves of our area's founding families would be protected.

Chairman Malone then raised the issue of the road system in the Reiser Bros. development. Upon further discussion, it was determined that the Applicant should submit for consideration alternate road designs which include a through road from North Langmore to Buck Road, and also a design showing a cul-de-sac off Buck Road only for the proposed lots in the project. Mr. Kreiger will advise the Applicant that these alternate road designs must be submitted for review.

The **index** for the June 1, 2006 Planning Board meeting is as follows:

1. Reiser Bros. Builders – major subdivision – public hearing closed and matter placed on 6/15/06 agenda;
2. J.P. and Sons – waiver of subdivision – 6/15/06;
3. Zouky – major subdivision – adjourned without date;
4. Wallace – waiver of subdivision – approved with condition;
5. Schuyler Companies – proposed Walgreens – 6/15/06;
6. Sherman – Liberty Woods subdivision – 6/15/06 for further discussion;
7. Murley – waiver of subdivision – 6/15/06; and
8. Jodice – waiver of subdivision – 6/15/06.

The proposed agenda for the June 15, 2006 meeting is as follows:

1. Reiser Bros. Builders – major subdivision;
2. J.P. and Sons, LLC – waiver of subdivision;
3. Ryan – waiver of subdivision;
4. Schuyler Companies – proposed Walgreens site plan;
5. Sherman – Liberty Woods subdivision;
6. Murley – waiver of subdivision;
7. Jodice – waiver of subdivision; and
8. Cobblestone Associates – major subdivision.

Planning Board

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE PLANNING BOARD MEETING HELD June 15, 2006

PRESENT were CHAIRMAN SHAWN MALONE, MICHAEL CZORNYJ, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER and JOSEPH WETMILLER.

ABSENT was RUSSELL OSTER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board members reviewed the proposed minutes of the June 1, 2006 meeting. A typographical correction was made to Pages 4 and 5, changing Paul "Berringer" to "Barringer". Subject to the typographical correction, a motion was made by Member Czornyj to approve the minutes. That motion was seconded by Member Esser. The motion was approved 6/0 and the minutes adopted subject to the typographical correction.

The first item of business on the agenda was the major subdivision application of Reiser Bros. Builders for property located between NYS Route 2 and NYS Route 278, with proposed access off North Langmore Lane/Long Hill Road and Buck Road. Harold Berger, P.E. and Henry Reiser appeared on the application. Harold Berger stated that he had submitted, at the request of the Planning Board, drawings of both a through road for the project, as well as one cul-de-sac to be located off Buck Road. Mr. Berger stated that he did prepare these drawings rather quickly, and that he was not enamored by either design and really did not promote them. Mr. Berger and Mr. Reiser stated that the Applicant's intent was to continue with the two cul-de-sac design for the project. Chairman Malone noted that from his perspective, he does not promote the

construction of a through road, and the only options worth examining were one cul-de-sac off Buck Road and the original two cul-de-sac design. Mr. Berger stated that he was not sure the single cul-de-sac design off Buck Road would work, that it would result in a greater length of road at more cost, that he was concerned about how the water system would work, and also concerned about stormwater management. Mr. Berger stated that he felt the two cul-de-sac design was more efficient, and that the Stormwater Management Plan worked better under the two cul-de-sac design. Mr. Reiser also stated that both he and Mr. Berger did look at several options during the design phase, and felt that a two cul-de-sac approach was not only better for drainage but also splitting the traffic as well. Mr. Kestner stated that with a two cul-de-sac design, the stormwater will drain in three directions, including draining toward Buck Road, Long Hill Road and Route 2. Also, Mr. Kestner stated that Reiser would upgrade an existing retention area along Long Hill Road, and that the Stormwater Plan for the two cul-de-sac design would improve stormwater management in the area. Chairman Malone raised a question regarding the width of the proposed road. Mr. Berger stated that he understood he would need to get a Town Board waiver from the Town specification of 30 foot travel way. Mr. Kestner stated that the Applicant proposes two 13 foot wide travel lanes, plus 4 foot shoulders on each side of the road. Mr. Reiser stated that if the road was any wider off Long Hill Road, it would not fit given the width of Long Hill Road, and that he was trying to match the existing road system. Chairman Malone stated that the road would need to be wide enough to accommodate people parking on the road, since he views this as a recurring issue in many subdivisions. Mr. Berger responded in saying that if the road is too wide, on street parking is promoted. At this point, Mr. Berger stated that in discussions with Highway Superintendent Eddy, Mr. Eddy would like to see the entire center of the cul-de-sac paved so as to reduce problems plowing the cul-de-sac. Mr. Reiser

objected to this, stating that a full paved cul-de-sac does not look good, and that the Homeowners Association created for this project could be charged with maintaining any greenspace in the center of the cul-de-sac. Mr. Reiser stated that he would do whatever the Town required, but wanted to keep a green area in the center of the cul-de-sac. Highway Superintendent Eddy, who was present at the meeting, stated that plowing cul-de-sacs are difficult, and having the center of the cul-de-sac paved would alleviate some of the problem. Again, Mr. Reiser stated that the Homeowners Association would maintain the center of the cul-de-sac. Chairman Malone stated that it is not the maintenance of the greenspace that is the problem; it is the snowplowing in the winter and having room to put snow while plowing. Mr. Reiser stated that while it was not his choice, he would agree to pave the entire cul-de-sac if that is what the Town wanted. Highway Superintendent Eddy explained that he now has to plow cul-de-sacs with smaller trucks, and neighbors end up complaining about having either too much snow piled on their land or not enough plowing in front of their land. Member Wetmiller stated that given the expense and time for cul-de-sac plowing, the subdivision map should have a note concerning any detail on plowing of cul-de-sacs. The Planning Board thought that such a map note would not be proper, and how the cul-de-sacs were plowed should be discretionary with the Highway Superintendent. Chairman Malone stated that the Board must decide whether it wants to advance the one cul-de-sac or two cul-de-sac design. Member Esser stated that he had just received the drawing showing the alternate one cul-de-sac design, and wanted to put off any discussion until he had time to review the plan. Chairman Malone was not opposed to that, but did note for the record that he favored the two cul-de-sac design. Member Tarbox stated that he felt copies of the alternate road design should be made available to the current residents in the Langmore Lane neighborhood for their comment. Mr. Berger reiterated that he felt the one cul-de-sac design was

not preferable, since it was concentrating drainage in one direction, the aesthetics did not work, that the water system may not work, and that it was more expensive. Mr. Reiser also stated that during the public hearing on the project, the Langmore Lane residents promoted the two cul-de-sac design, and that he would like to continue with the two cul-de-sac design. Chairman Malone then raised the issue of whether the wetlands which were located on the property would be incorporated into proposed Lot 14. Mr. Reiser stated that since a Homeowners Association was being created, he thought that the wetlands could be set aside on its own lot to be owned by the Homeowners Association, and that this may become a park in lieu of the payment of the park and recreation fee. Member Czornyj stated that for a park to be in place of the fee, the park must be open to the public. Mr. Kestner concurred that for a park to be offered in lieu of payment of the fee, the park must be a public park. Member Esser also inquired how much land would be included in this proposed lot. Mr. Reiser stated that the wetland and the land around the wetland to be included as a separate lot totaled 2.6 acres, which was approximately 10% of the total land area for the project. Member Esser asked whether this lot would have access from a public road. Mr. Reiser stated that it would have approximately 500 feet of frontage off of Langmore Lane. However, Mr. Reiser stated that he was unaware the park would need to be open for the general public, and that he would not want that as part of this residential community. Mr. Kestner stated that with this type of park, many people from outside the neighborhood tend to congregate, and homeowners in the neighborhood cannot do anything to keep the people out since it constitutes a public park. Mr. Reiser stated that he did not want to incorporate a public park into the project, and therefore would add the wetland area to proposed Lot 14. Chairman Malone directed Mr. Kestner to review the plan for the one cul-de-sac design off Buck Road, and also requested the members of the Planning Board to do the same. It was noted that either design would need a

waiver from the Town Board in terms of the number of allowable lots on a cul-de-sac road. The one cul-de-sac design would have 14 lots on a cul-de-sac, in excess of the 12 lots allowable under the Code. With the two cul-de-sac design, 7 additional lots would be added to the Langmore neighborhood, which only has one access off of Route 2 at Langmore Lane. This would present a situation similar to the Kennelly subdivision on Bellview Road, which did require a Town Board waiver. Accordingly, Chairman Malone wanted to make sure the record was created to show that both designs were carefully considered and also that a record was created for purposes of findings of fact and recommendation to the Town Board. Chairman Malone also noted that a request for waiver from the highway specifications would also need to be made to the Town Board, in terms of two 13 foot wide travel lanes as opposed to 15 foot wide travel lanes. On this issue, Highway Superintendent Eddy also stated that he preferred 2 foot paved wing gutters on the road as opposed to 4 foot shoulders. This matter has been placed on the agenda for further discussion at the Board's July 6, 2006 meeting, in anticipation of a referral to the Town Board at its July 13, 2006 meeting concerning the waiver issues.

The second item of business on the agenda was the waiver of subdivision application by J.P. and Sons. At the request of the Applicant, this matter has been adjourned until the July 6, 2006 meeting.

The next item of business on the agenda was the waiver of subdivision application by Ryan. The Applicant is still completing its waiver application, and this matter has been adjourned without date subject to a full waiver application submittal.

The next item of business on the agenda was the road design modification for the Liberty Woods Subdivision located off Liberty Road. This matter had been brought to the Planning Board's attention at the June 1, 2006 meeting by Ken Sherman, who had purchased the

remaining lots for construction, and also by Harold Berger, P.E. As explained at the June 1, 2006 meeting, when Mr. Sherman started to work on the proposed road off Liberty Road, it was determined that the topography noted on the original subdivision plans was not correct, and that the road needed to be redesigned. In particular, the drainage needed to be corrected. Toward that end, plans had been prepared by Mr. Berger and submitted to Mr. Kestner for review. In addition, an issue arose at the June 1, 2006 meeting concerning whether topography had been placed on the approved subdivision plat, which was recorded in the Rensselaer County Clerk's Office. It has been confirmed that the topography was not present on the approved subdivision plat, so a formal modification to the filed subdivision plat was not necessary. The road location and lot lines are not changing. However, the Planning Board must review the revised topography in terms of drainage, so that corrected building plans are on file at the Brunswick Building Department. Mr. Kestner reviewed the revised topography and drainage plan, which shows an easement across the property of Cadman as well as proposed drainage features on the Sherman property. Mr. Kestner did request that a map be prepared by Mr. Sherman's engineer or surveyor, depicting all of the proposed drainage revisions. Chairman Malone asked whether the revised drainage plan addresses current drainage problems on the Cadman property. Mr. Sherman stated that the new design will address the existing drainage problem, by providing a more control path for surfacewater runoff. Mr. Kestner concurred that a directed drainage path between the lands of Sherman and Cadman will improve current runoff issues, but that he must review the construction of these features in the field with Highway Superintendent Eddy and Mr. Berger. Mr. Kestner reiterated that the original approval placed four conditions on the road construction in terms of sight distance, and that each condition must be adhered to. Mr. Sherman was unaware of this, and requested a copy of those conditions. Mr. Kestner again stated that

both he and Highway Superintendent Eddy should be involved in the construction of this road, particularly in terms of tree removal for requisite sight distance. On that issue, Mr. Sherman stated that he did not want to remove certain mature trees, which might impact his neighbors. Toward that end, the Planning Board noted that the current plan submitted by Mr. Sherman showed two 13 foot wide travel lanes for the new road, as opposed to the originally approved two 15 foot wide travel lanes. Mr. Sherman stated that the original plan showed 15 foot wide travel lanes, plus small drainage culverts on the shoulders, and that he now wants to install two 13 foot wide travel lanes with two foot wing gutters. Member Mainello stated that if the road design had been changed, and the new design did not comply with the Town Highway Specifications, the Planning Board could not approve this without a Town Board waiver. Chairman Malone noted that this matter had come to the Planning Board for a modification to the drainage only, and there now appears to be a request to change the road width as well. Mr. Sherman responded that he would do whatever the Town wanted, but that it was his understanding that Highway Superintendent Eddy would prefer the installation of wing gutters as opposed to a culvert. Upon further discussion, it was determined that additional measurements of road width for the existing roads in the Liberty Woods Subdivision would be done, to make this road consistent with the road widths in the remaining subdivision. In the event the remaining roads are two 15 foot wide travel lanes, then Mr. Sherman agrees to construct this new road with two 15 foot wide travel lanes with wing gutters. In the event the other roads in the subdivision are only 13 foot wide travel lanes, then Mr. Sherman understood that a request for modification would need to be made, which would include a request for waiver from the Town Board. Mr. Sherman understood this. Chairman Malone noted that the Planning Board could act upon the revised drainage plan tonight, but could not act upon any modification to the road width

absent Town Board action. Mr. Kestner recommended that the Planning Board act upon the revised drainage plan, subject to field verification by him and Highway Superintendent Eddy. The Planning Board agreed to this procedure, with the notation that additional road measurements would be undertaken, and that if a modification to the road width was sought by Mr. Sherman, a request for modification would need to be made to the Planning Board and Town Board with respect to waiver of Town Highway Specifications. With respect to the revised drainage plan, Member Czornyj made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6/0, and a Negative Declaration adopted. Thereupon, Member Tarbox made a motion to approve the revised drainage plan, subject to field verification by Mr. Kestner and Highway Superintendent Eddy. Chairman Malone seconded the motion. The motion was approved 6/0, and the revised drainage plan approved. Member Mainello wanted to make it clear that the revised drainage plans should be on file at the Town Building Department.

The next item of business on the agenda was the waiver of subdivision application by Thomas Murley for property located off Liberty Road. Mr. Murley seeks to divide 3± acres off his 97.60 acre parcel for transfer to his son for construction of a single family home. Mr. Murley explained that there would be private onsite well and septic. It was noted that the Planning Board had requested a proposed driveway location and site line information on Liberty Road. Mark Danskin had been retained for that purpose, and reported to the Board that he sited a proposed driveway location on Liberty Road. From that driveway location, there was 420 feet sight distance to the left, and 480 feet sight distance to the right. Given the posted speed limit of 30 miles per hour on Liberty Road, these sight distances are AASHTO compliant. Upon request of the Planning Board, Mr. Danskin will submit a drawing depicting the sight distance

information. The Planning Board also noted that there was a 75 foot strip of property owned by Mr. Murley that he was not including in the proposed subdivided lot. Mr. Murley stated that it was not part of the proposed 3± acre due to a title issue concerning the 75 foot strip. Chairman Malone 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 Tarbox. The motion was approved 6/0, and a Negative Declaration adopted. Thereupon, Member Esser made a motion to approve the waiver application subject to the condition that the Applicant file the map showing the sight distance information from the proposed driveway location. Member Wetmiller seconded the motion subject to the stated condition. The motion was approved 6/0, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was the waiver of subdivision application by Vincent Jodice, 228 Bellview Road, for property located at the end of Bellview Road. Mr. Jodice seeks to divide 11± acres from an existing 78± acre parcel at the end of Bellview Road, with road frontage on Skycrest Drive. Mark Danskin was representing Mr. Jodice. Mr. Danskin explained that the 11± acre parcel was to the left of a National Grid right-of-way, and that the subdivided parcel would have 84 feet of frontage on Skycrest Drive. Mr. Danskin did state that Mr. Jodice had no current plan for construction, and would need to perform additional soil tests to determine constructability. Mr. Danskin stated on the record that Mr. Jodice was not requesting a building lot. However, the Planning Board determined that an analysis of whether or not the lot is buildable should occur now, since the application would create an additional and separate parcel. The Planning Board wants to insure the lot is buildable before approving the lot creation. Additionally, Mr. Kestner noted that the driveway location looked very steep, and that

stormwater management could become an issue. Mr. Kestner noted that he did look at the land, and that there were two stakes on the property in an area where a road had begun to be rough cut. It did appear that the road was very steep, and that drainage onto Bellview Road could become an issue. Also, the Planning Board noted that an additional lot being created on Bellview Road, which is a deadend road, would require a waiver from the Town Board. In point of fact, Mr. Jodice had raised that as an issue during the review of the Kennelly Subdivision on Bellview Road. Upon further discussion, this matter was placed on the July 6, 2006 agenda for further discussion, and in the interim the Planning Board members would look at the site of the proposed lot.

The next item of business on the agenda was the major subdivision application of Cobblestone Associates for property located off Bulson Road and Tambul Lane. At the request of the Applicant, this matter has been adjourned until the July 6, 2006 meeting.

The next item of business discussed by the Planning Board was the subdivision application by Land Vantage, Inc. for property located off Old Siek Road, with the project site located both within the Town of Brunswick and Town of Grafton. Chairman Malone noted that the Grafton Planning Board Chair, Barbara Messenger, had called him and left a message, but that he had not been able to speak with her prior to this evening's meeting. The Applicant explained that the application has now been changed from a major subdivision to a waiver application, to create only two lots. Specifically, the Applicant owns 143 acres at this site. The property is split by a strip of land owned by National Grid. The Applicant now seeks to divide the parcel by the National Grid strip, creating two legal parcels. Thereafter, the Applicant is intent on dividing one of these lots into three residential lots, for a total of four lots being developed on the site. Upon discussion, the Planning Board determined that given the National

Grid strip already dividing the two properties, that the approach of first dividing the parcel into two lots was no less protective of the environment, and therefore was appropriate for this procedural review. Toward that end, Member Czornyj made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Chairman Malone. The motion was approved 6/0, and a Negative Declaration was adopted under SEQRA. Thereupon, Member Tarbox made a motion to approve the waiver application, which motion was seconded by Chairman Malone. The motion was approved 6/0, and the waiver application was approved. This approval is limited only to dividing the 143± acres into two lots, divided by the strip owned by National Grid. In the event any further subdivision of either of these lots is requested, that matter will be subject to Full Environmental Impact Review pursuant to SEQRA and full subdivision review.

Mr. Kreiger went over two items of new business.

The first item of new business is a waiver of subdivision application submitted by Jarem for property located on John Snyder Road. Jarem seeks to create a new 2.69 acre parcel. The Planning Board noted that the Jarem property had been subdivided through a waiver application in 2000. The Board had a discussion concerning the total number of lots which had been created from the Jarem property, and determined that this application needed to be submitted as a minor subdivision. Mr. Kreiger will contact Jarem's attorney concerning this matter, and make sure an appropriate minor subdivision application is submitted. Member Czornyj also noted that this property is in an agricultural district. Mr. Kreiger noted that Herrington Farms does farm property in close proximity. Accordingly, an Agricultural Data Statement will need to be filed, and notice to all owners of agricultural property within 500 feet of this site must be notified. This matter has been adjourned without date pending the submission of a proper application.

Mr. Kreiger also stated that a waiver of subdivision application had been received from Michael Hart, who seeks to break one more lot off his property at the end of Langmore Lane. Mr. Hart has filed a waiver of subdivision application for this additional lot. Again, the Planning Board noted that several lots had been created in conjunction with the prior Hart Subdivision, and that this application would at least need to be submitted in the form of a minor subdivision application. Mr. Kreiger will contact Mr. Hart concerning the application. This matter had been adjourned without date.

Mr. Kreiger also noted that an invoice had been received from Erdman Anthony concerning the consulting work in connection with the Kenneth Ray Subdivision application. The Planning Board noted that the Applicant must establish an escrow account to pay this outstanding invoice, plus escrow additional funds since there was still a limited amount of work remaining on the application. Mr. Kreiger will contact the Applicant in this regard.

Chairman Malone noted that a letter had been received from David Oster, Tambul Lane, concerning the Cobblestone Associates Subdivision. As this matter has been adjourned until the July 6, 2006 meeting, the Oster correspondence will be reviewed at that time.

The Planning Board then discussed the proposed Carriage Hill Planned Development District Application in terms of its review and recommendation. A draft recommendation has been prepared, and will be further discussed at the July 6, 2006 meeting.

The Planning Board entertained additional discussion concerning the Reiser Bros. Builders Application in terms of the proposed road system. Chairman Malone noted for the record that he felt the two cul-de-sac design was preferable. Member Tarbox also concurred that the two cul-de-sac design is preferable. Member Czornyj noted that he was opposed to a through road, but wanted the Planning Board to further investigate a single cul-de-sac off Buck Road.

Member Czornyj noted that there were already too many cul-de-sacs in the Town, to which Member Esser agreed. Member Czornyj also noted that he did not think paving the entire cul-de-sac was appropriate, that it did not look good in a residential subdivision, but did acknowledge the paving problem faced by the Town with a landscaped center to the cul-de-sac. Member Czornyj also wanted to have the Applicant spend more time on a revised drainage plan associated with the one cul-de-sac design, and that stormwater management should be able to be handled not only with the two cul-de-sac design but one cul-de-sac design as well. Member Wetmiller noted that a two cul-de-sac design may result in higher priced residential lots, but a one cul-de-sac design may work better in terms of impact surrounding properties. This matter will be further discussed at the July 6, 2006 meeting.

It was noted for the record that this meeting was the final meeting for Planning Board Chairman Malone, who is stepping down from the Planning Board. Planning Board Chairman Malone graciously stated that he had enjoyed his time working on the Planning Board, and especially working with the current members of the Planning Board. The Planning Board members wanted it noted for the record that Chairman Malone had performed his duties as Chairman of the Planning Board in a consistently professional manner, treating all applicants fairly while carefully considering comments from the public. The Planning Board members were uniform in stating that Chairman Malone's contribution to the Planning Board will be missed.

The **index** for the June 15, 2006 Planning Board meeting is as follows:

1. Reiser Bros. Builders – major subdivision – 7/6/06;
2. J.P. and Sons – waiver of subdivision – 7/6/06;
3. Ryan - waiver of subdivision – adjourned without date;

4. Sherman – modified drainage plan for Liberty Woods subdivision – approved subject to condition;
5. Murley – waiver of subdivision – approved with condition;
6. Jodice – waiver of subdivision – 7/6/06;
7. Cobblestone Associates – major subdivision – 7/6/06;
8. Land Vantage, Inc. – waiver of subdivision – approved;
9. Jarem – waiver of subdivision – adjourned without date pending receipt of minor subdivision application; and
10. Hart – waiver of subdivision – adjourned without date pending receipt of minor subdivision application.

The proposed agenda for the July 6, 2006 meeting is as follows:

1. Reiser Bros. Builders – major subdivision;
2. J.P. and Sons, LLC – waiver of subdivision;
3. Jodice – waiver of subdivision;
4. Cobblestone Associates – major subdivision;
5. Zouky – major subdivision; and
6. Schuyler Companies – proposed Walgreens site plan.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

June 15, 2006

**RESOLUTION ADOPTING A RECOMMENDATION
ON THE CARRIAGE HILL ESTATES
PLANNED DEVELOPMENT DISTRICT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board") has received an application by United Development Corporation for a Planned Development District ("PDD") called Carriage Hill Estates; and

WHEREAS, the Carriage Hill Estates PDD is a proposal for both single-family homes and senior apartments, consisting of eighty-seven (87) carriage homes, nineteen (19) estate homes, and one hundred seventy-eight (178) senior apartment units located in 9 two story buildings and 8 townhouses, and located on approximately 214 acres of land bounded by NYS Route 2 to the north, Pinewoods Avenue to the south, and the Country Club of Troy to the west; and

WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), required the preparation of an Environmental Impact Statement ("EIS") for the Carriage Hill Estates PDD Application; and

WHEREAS, the Applicant prepared a Draft Environmental Impact Statement ("DEIS") for the Carriage Hill Estates PDD, and the Town Board has accepted the DEIS as complete; and

WHEREAS, the Applicant has also submitted to the Town of Brunswick Planning Board ("Planning Board") an application for major subdivision and site plan pursuant to the subdivision and site plan regulations of the Town of Brunswick concerning the Carriage Hill Estates project; and

WHEREAS, the Town Board and Planning Board have held a Joint Public Hearing on the Carriage Hill Estates PDD Application, subdivision application, site plan application, and DEIS, occurring on December 12, 2005 and January 23, 2006; and

WHEREAS, the Town Board has referred the Carriage Hill Estates PDD Application to the Planning Board for its review and recommendation; and

WHEREAS, the Applicant has appeared before the Planning Board to review the PDD Application and to discuss the concept proposals for both subdivision and site plan; and

WHEREAS, the Planning Board members received and reviewed the PDD Application, major subdivision application, site plan application, and complete DEIS; and

WHEREAS, the Planning Board members have discussed the application documents and DEIS, and have duly deliberated thereon;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick as follows:

1. The Planning Board adopts the following recommendation on the Carriage Hill Estates PDD application, subject to the following considerations:
 - a. The preservation of green space and open space is an important consideration for the Town of Brunswick, and the Planning Board finds that the concept of mixed residential housing units in a clustered development plan is positive and provides for such preservation goals. The Planning Board finds that the total number of carriage home and estate home lots to be acceptable, and consistent with the preservation of green space and open space with the clustered residential layout.
 - b. The concept of a smaller residential lot with a carriage home design for the "empty nester" population is positive, and the Planning Board positively views the use of the clustered layout for smaller residential lots to meet the housing needs of the aging segments of the population.
 - c. The Planning Board recommends that all roads within the subdivision be a minimum 26 foot paved travel way with 2 foot wing gutters on each side. Due to the reduced width of the subdivision roads, the Planning Board recommends a prohibition on street parking of any vehicles or equipment.
 - d. The Planning Board finds that pedestrian movement throughout the project site would be enhanced through the installation of sidewalks on at least one side of all subdivision roads, including access roads and/or driveways to proposed senior apartments. The Planning Board recommends that all sidewalks within the subdivision be maintained by the proposed Homeowners Association.
 - e. Due to the presence of wetlands on the site, the recommendations of the United States Army Corps of Engineers and New York State Department of Environmental Conservation should be incorporated into the project design.

- f. The Planning Board finds that the proposed walking trails within the project site to be sufficient only if sidewalks are installed pursuant to Paragraph 1(d); otherwise, walking trails should be paved to allow free pedestrian movement throughout the project site.
- g. The Planning Board finds that since the on-site amenity recreation areas are to be privately owned and available for use only by residents of the Carriage Hill Estates project, the Planning Board recommends that the full park and recreation fee of \$500.00 per unit be imposed.
- h. The Planning Board notes that property owned by the Applicant on the north side of NYS Route 2 adjacent to the Poestenkill Creek is excluded from the PDD application. To further enhance open space within the Town of Brunswick, the Planning Board recommends that this property located north of NYS Route 2 and adjacent to the Poestenkill Creek be subject to a conservation easement, and maintained as open green space.
- i. The Planning Board finds that the proposed access road from NYS Route 2 into the project site to be in an area that is visually significant, and recommends that an appropriate landscaping plan be required by the Town Board to maintain a visual buffer between the project and the Route 2 corridor.
- j. The Planning Board finds that the proposal for five pump stations in connection with the proposed public sewer plan within the Carriage Hill Estates site to be excessive, and recommends that further engineering study be performed to investigate the feasibility of reducing the total number of pump stations. All pump station equipment must be subject to review and approval by the Town Building Department, Town Water Department, and Town Consulting Engineer, and pump stations must be fully enclosed and appropriately landscaped. Further, the Planning Board recommends that the Town Board insure that the future costs for maintenance of these pump stations be born by residents within the proposed sewer district, and not by any Town residents located outside the boundary of the proposed sewer district.
- k. The Planning Board recommends that the specifications for the sewer line proposed for Pinewoods Avenue, including pipe size, be subject to review and approval by the Town Building Department, Town Water Department, and Town Consulting Engineer.
- l. The Planning Board recommends that a 10 inch water line be extended to NYS Route 2, not the currently proposed 8 inch water line. The Planning Board also finds that the proposed water system should be looped as depicted on the sketch attached hereto as Appendix "A".

- m. The Planning Board is of the opinion that the use of cul-de-sacs in new road construction should be discouraged in the Town of Brunswick, as cul-de-sacs require greater cost for future maintenance and snowplowing. The Planning Board finds that the Carriage Hill Estates proposed road design includes too many cul-de-sacs, and recommends that some cul-de-sacs be eliminated to create through and connecting roads. On this issue, the proposed road design should be reviewed and considered by the Town Highway Department prior to any Town Board action. Specifically, the Planning Board finds that the Applicant should redesign proposed site roads D, E, and F to encourage the use of through and connecting roads, and elimination of cul-de-sacs. Further, the Planning Board recommends the investigation of connecting Carriage Hill Landing West and Carriage Hill Landing South with a connecting road for the elimination of cul-de-sacs. For those cul-de-sacs that are retained on the project design, the Planning Board recommends that the Homeowners Association be required to maintain all green areas proposed for areas within the cul-de-sacs.
- n. The Planning Board also finds that the project design locates carriage home lots in close proximity to Pinewoods Avenue in the area depicted as Carriage Hill Landing East. On this issue, the Planning Board recommends that the lots be further removed from the lot line in the area of Pinewoods Avenue and Carriage Hill Landing East, which may also require the elimination of the cul-de-sac on Carriage Hill Landing East, and the elimination of 2 carriage home lots.
- o. The Planning Board recommends that all proposed islands/boulevards located on public roads be eliminated from the project design, subject to final review and comment by the Town Highway Department.
- p. The Planning Board notes that fire lanes are proposed around the senior apartment buildings, but recommends that these fire lanes be a minimum of 16 foot wide, with a "T" turnaround put at the end of all fire lanes so that emergency equipment can turn around, without the need to back down the entire length of the fire lanes. The fire lane should either be paved or installed with pre-cast pavers. The Planning Board recommends that the Town Board receive input from the Eagle Mills Fire Department concerning this issue.
- q. The Planning Board also finds that appropriate management of stormwater on site must be achieved in compliance with current New York State Department of Environmental Conservation Stormwater Guidelines. In this regard, the Planning Board recommends that the Town Board insure that there is no off-site stormwater impact to properties along Shine Road, Damascus Road, and Heather Lane.
- r. This project must undergo Planning Board review pursuant to the standards set forth in the site plan and subdivision regulations of the Town of Brunswick.

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

CHAIRMAN MALONE	VOTING <u>Aye</u>
MEMBER CZORNYJ	VOTING <u>Aye</u>
MEMBER ESSER	VOTING <u>Aye</u>
MEMBER OSTER	VOTING <u>Absent</u>
MEMBER TARBOX	VOTING <u>Aye</u>
MEMBER WETMILLER	VOTING <u>Aye</u>
MEMBER MAINELLO	VOTING <u>Aye</u>

The foregoing Resolution was/~~was not~~ thereupon declared duly adopted.

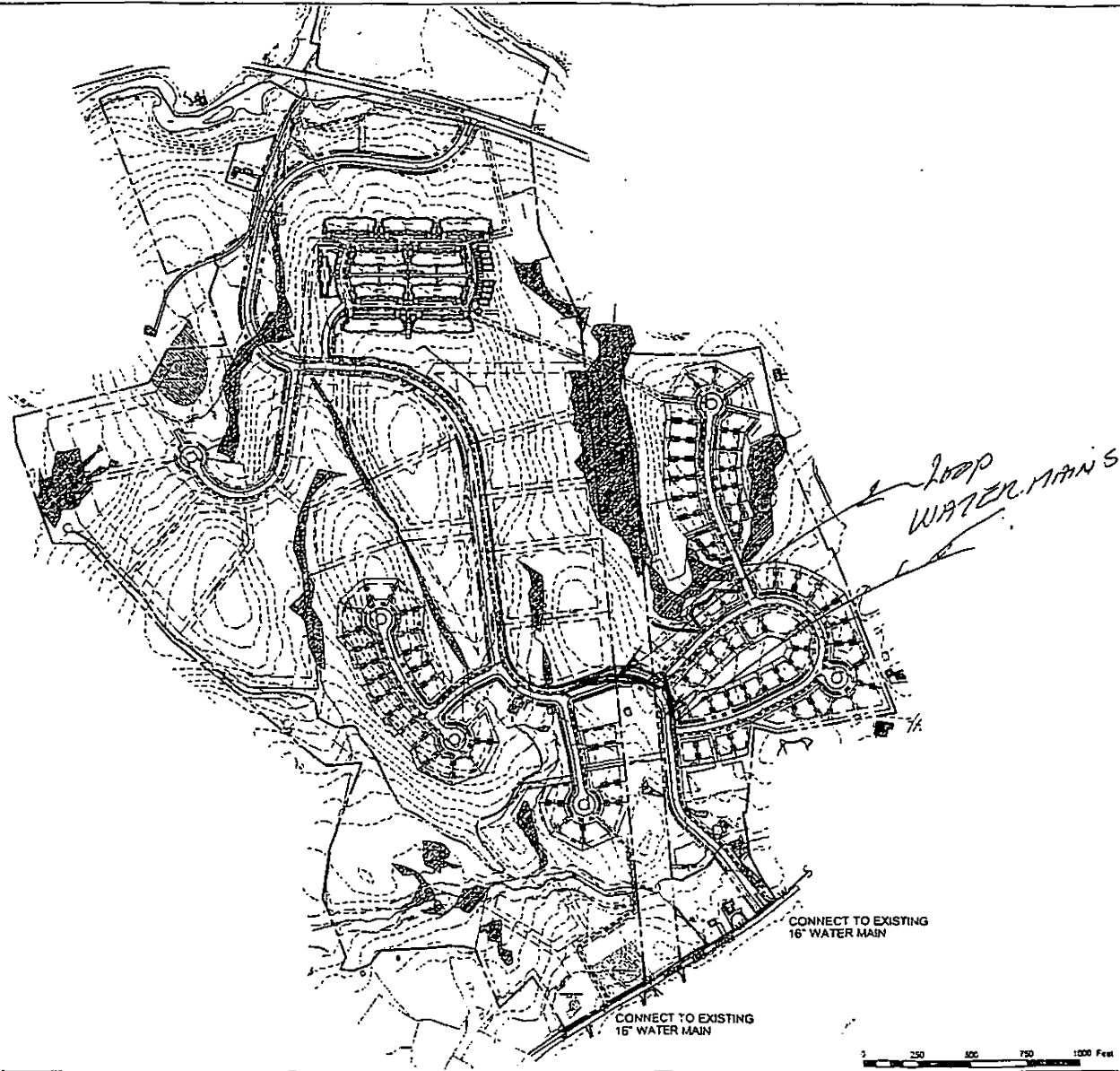
June 15, 2006

APPENDIX A

**ON-SITE WATER
DISTRIBUTION**

Figure 5A
Carnage Hill Estates
Preconstruction Notification
May 19, 2006

KEY
 - - - - - PROPOSED WATER MAIN
 W W EXISTING 16" WATER MAIN



PROJECT # 2004-035-204
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 This map is compiled from various data acquired by Saratoga Associates from various sources and is intended only for reference, conceptual planning and presentation purposes. The user is not intended for any project not be used to establish boundaries, property lines, location of lots or to provide any other information required for construction or any other purpose unless otherwise stated on this subject and signed.
 SARATOGA ASSOCIATES, LLC - 1000 Development - Saratoga, CA 95070

505241 11/17/05 SARATOGA SPRINGS

**UNITED
DEVELOPMENT CORP.**



Planning Board

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE PLANNING BOARD MEETING HELD July 6, 2006

PRESENT were CHAIRMAN RUSSELL OSTER, MICHAEL CZORNYJ, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR and JOSEPH WETMILLER.

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board members reviewed the draft minutes of the June 15, 2006 meeting. Upon motion of Member Czornyj to approve the minutes as drafted, seconded by Member Wetmiller, the minutes were adopted 6/0.

The first item of business on the agenda was the major subdivision application by Reiser Bros. Builders for the proposed Brook Hill Subdivision located between Route 2 and Route 278. Henry Reiser appeared for the Applicant. Mr. Kestner reviewed with the Board the three proposals for the road system for the proposed subdivision. These include two cul-de-sacs, one off North Langmore Lane and one off Buck Road; one cul-de-sac road for all subdivision lots, off Buck Road; a through road connecting Buck Road and North Langmore Lane. Mr. Kestner reviewed issues associated with each proposal, including the road lengths, the ability to loop the water system from Route 2 to Route 278, stormwater management with respect to each road design, potential for cut through traffic with a through road, and the comments of the residents in support of a two cul-de-sac design. Member Esser stated that if the one cul-de-sac design off

Buck Road were instituted with a no left turn, none of the traffic from the proposed subdivision would pass any houses on Buck Road and have direct access onto Route 278, and that the residents of Langmore might promote this option because no one would be using Langmore Lane. Member Esser stated that he would consider a one cul-de-sac design, and the Board should take into account that Highway Superintendent Eddy does not like the maintenance issues associated with cul-de-sacs. Chairman Oster inquired of Mr. Kestner as to issues associated with a one cul-de-sac design. Mr. Kestner reviewed the issue of the length of the cul-de-sac road, issues associated with looping the water system, issues associated with the stormwater management. Mr. Kestner stated that the project engineer, Harold Berger, P.E., promoted the two cul-de-sac design for several reasons, including splitting the traffic, safety, and the fact that homeowners like the quiet nature of cul-de-sacs. Henry Reiser reiterated that the road design had taken a lot of time during the design phase of the project, and that he would like to be able to spread out the traffic between two cul-de-sacs and have two quiet cul-de-sac roads for the homeowners. Mr. Reiser also raised concern regarding septic location with an alternate design, and that the current two cul-de-sac design provides for adequate septic areas. Chairman Oster did note that the Town has certain maintenance issues associated with cul-de-sacs. Member Jabour stated that if the entire cul-de-sac was paved, the maintenance issues should be easier. Chairman Oster stated that if cul-de-sacs were allowed, he would like to see the center remain green for aesthetic purposes. Member Tarbox stated that the cul-de-sac design may have maintenance issues, but a one cul-de-sac design would require easements over private property for stormwater management, in that drainage may be between houses. Member Tarbox noted that the two cul-de-sac design has all drainage in the public right-of-way. Mr. Reiser agreed with this issue, and concluded that the two cul-de-sac design is better for stormwater management.

Chairman Oster identified maintenance of the cul-de-sac an issue, and questioned whether there were any other issues concerning the Board Members. Member Jabour stated that he thought a two cul-de-sac design was appropriate with 7 houses on each, resulting in only a small number of lots effecting Buck Road and Langmore Lane. Member Czornyj asked whether there needed to be any public easements for the public water loop system on either design. Mr. Kestner stated that easements would be needed for either the one cul-de-sac or two cul-de-sac designs. Member Esser inquired as to the grades of the proposed roads. Mr. Kestner stated that with the two cul-de-sac design, the grade of the road off North Langmore Lane is at 8% at its maximum, and a cul-de-sac off Buck Road is 9.5% at its maximum. Mr. Reiser then stated that the area of the cul-de-sac itself would be level, and that the grades discussed were on the road itself. Member Jabour asked whether the total number of lots would change with a one cul-de-sac design. Mr. Reiser stated that both designs would have 14 lots. Chairman Oster inquired whether the retained commercial property adjacent to Route 7 would constitute a 15th lot. Attorney Gilchrist stated that a commercial area, even though retained by the land owner, may constitute a separate lot, and should be noted on the map. Chairman Oster noted that the Board had held a public hearing concerning these issues, had received the input from Highway Superintendent Eddy, and had thoroughly deliberated the issue concerning the road design. Chairman Oster noted for the record that he felt the project engineer, Harold Berger, P.E. was very conscientious and designed good projects in the Town, and that Mr. Berger promoted the two cul-de-sac design. Member Esser thought the one cul-de-sac design was preferable. Member Jabour stated that while cul-de-sacs could be a maintenance problem, he preferred the two cul-de-sac design for this project. Member Tarbox stated that he preferred the two cul-de-sac design for the project. Member Wetmiller stated that he also had concerns about the number of cul-de-sacs in Town, but that this

property promoted a two cul-de-sac design, and concurred with Chairman Oster that engineer Berger was conscientious and had designed several good projects in the Town. Member Czornyj inquired whether the Board had sufficiently examined the one cul-de-sac design. The Board determined that it had reviewed the one cul-de-sac design's major issues. Member Jabour reiterated that the cut through road was out of the question. Mr. Reiser stated that with the one cul-de-sac design, he had concerns regarding adding easements for water and drainage purposes, a one cul-de-sac design presents additional stormwater management issues, and also presents potential problems with septic layout. Chairman Oster suggested that the Board entertain a motion to accept one of the road designs. Chairman Oster thought that the two cul-de-sac design was preferable. The Board inquired of Attorney Gilchrist as to appropriate procedure, since the two cul-de-sac design would need a waiver from the Town Board for purposes of number of lots off a deadend road system as well as the waiver from the road design specifications. Attorney Gilchrist stated that the Board must make factual findings concerning these issues, and make a recommendation to the Town Board as to whether to grant a waiver on these issues. The Planning Board made a number of findings with respect to the number of lots on the Langmore Lane deadend road system:

1. The addition of seven residential lots to the existing 41 residential lots in the Langmore Lane neighborhood is not a significant increase over the existing neighborhood.
2. By utilizing the Hewitt property for single family residential use, the character of the Langmore Lane neighborhood is maintained.
3. The proposal for single family residential lots is a more appropriate use of the Hewitt property than prior proposals which were made to the Town Board, including apartments.
4. During a public hearing, the residents of the Langmore Lane neighborhood promoted the maintenance of the general character of the area, and discouraged

the construction of a through road connecting North Langmore Lane with Buck Road. To the contrary, the residents of the Langmore Lane neighborhood promoted the use of the cul-de-sac as eliminating potential cut-through traffic, and maintaining the character of the area.

5. The applicant has submitted a stormwater management plan, which is designed to result in a decrease in both the ten year and one hundred year stormwater runoff in the direction of North Langmore Lane, thereby improving existing stormwater runoff conditions in the area. Planning Board consulting engineer Mark Kestner has reviewed the stormwater report, and finds it is reliable and meets accepted engineering standards.
6. The applicant proposes to loop the proposed public water system from Route 2 to Route 278 in conjunction with the proposed Brook Hill subdivision, which will improve the overall public water supply system in the Town.
7. The original Langmore subdivision had envisioned additional homes to be constructed, which were never finished or built out. This additional seven lot subdivision is in keeping with the plan to use this general area for residential purposes.

The Planning Board also discussed the proposed road specifications for the project, which include a proposal for 26 foot wide travel lanes (two 13 foot wide travel lanes) plus 2 foot paved wing gutters. On this issue, the Planning Board made a number of fact findings:

1. The proposed grades for the road system meet Town specifications, and do not warrant the need for 30 foot travel ways as has been the case with newly constructed roads which are at a substantial grade (*i.e.* Settler's Lane).
2. 26 foot wide travel ways, consisting of two 13 foot wide travel lanes, have been approved on similar subdivision projects.
3. The Town Highway Superintendent has stated that two foot paved wing gutters are preferable, and supports the use of them on this project.
4. While North Langmore Lane is a 30 foot wide travel way, it does not have appropriate gutters for stormwater management, and the use of the two foot wing gutter on the proposed road system in the Brook Hill subdivision will improve stormwater runoff management.

On motion of Member Czornyj, seconded by Member Tarbox, the findings both with respect to the number of lots on the cul-de-sac and the road design specifications were adopted, and a recommendation to approve the waivers was adopted by a 6/0 vote. The Planning Board directed Attorney Gilchrist to forward the fact findings and recommendation to the Town Board for action. This matter has been tentatively placed on the July 20, 2006 agenda for further discussion.

The next item of business on the agenda was the waiver of subdivision application by JP & Sons, Inc. for a lot line adjustment in Lots 13 and 14 in the Sand Cherry Hill Subdivision. Joe Perez of JP & Sons, Inc. appeared on the application. Mr. Perez explained that he is seeking to make Lot 13 larger by adding a piece from Lot 14. Mr. Kestner noted that Highway Superintendent Eddy had an issue with a certain catch basin within the Sand Cherry Hill Subdivision road system. Mr. Perez stated that he was working with Highway Superintendent Eddy on this issue. Mr. Kestner stated that he had spoken with Highway Superintendent Eddy, but that the work on the catch basin had not yet been completed. Member Czornyj inquired whether the Planning Board should act upon this waiver application pending resolution of the catch basin issue. Mr. Perez noted that he had purchased these building lots, but not the Sand Cherry Hill Subdivision nor the road. Mr. Perez was willing to work on the catch basin to cooperate with the Town, but wanted to make it clear that he did not own the road, nor did he purchase anything in the Sand Cherry Hill Subdivision other than these two building lots. Mr. Perez did indicate though that he would agree to fix the catch basin on the road in the Sand Cherry Hill Subdivision, even though this was not part of the waiver application, nor part of any property that he owned. Chairman Oster stated that with the understanding on the record, he would entertain a motion on the waiver application. Member Tarbox made a motion to adopt a

negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6/0 and a negative declaration adopted. Thereupon, Member Esser made a motion to approve the waiver subdivision upon the stipulation agreed to above concerning the catch basin, which motion was seconded by Member Tarbox. The motion was approved 6/0, and the waiver application approved.

The next item of business on the agenda was the waiver of subdivision application by Jodice for property located off Bellview Road and Skycrest Drive. Vincent Jodice and Mark Danskin appeared on the application. Chairman Oster noted that he had met at the site with Mr. Kestner. Chairman Oster and Mr. Kestner reviewed certain drainage issues, including an existing drainage catch basin on Skycrest Drive. Both Chairman Oster and Mr. Kestner noted that the catch basin did not appear to be in good condition, and it was not clear as to who installed the catch basin. Mr. Kestner noted that an overall drainage plan for the Jodice property would need to be prepared. Mr. Danskin noted that the application did not seek approval for a building lot, but that Mr. Jodice simply wanted to divide his property by the National Grid right-of-way. However, the Planning Board wanted to ensure that if a lot was created, that all issues concerning buildability were addressed, including drainage. In particular, the Planning Board noted that drainage was a critical issue on the Bellview area. Member Czornyj reiterated that a drainage plan must be submitted for review, and further that a proposed driveway location on the 84 foot of frontage on Skycrest Drive should be identified and appropriate sight distances placed on the waiver map. Mr. Kestner concurred that a proposed house location and driveway location should be shown, and a drainage plan should be submitted, particularly in the area of the proposed driveway. This matter has been placed on the August 17, 2006 agenda for further discussion.

The next item of business on the agenda was the major subdivision application of Cobblestone Associates for property located off Tambul Lane and Bulson Road. James Dunn, Kevin Kronau, and Francis Bossolini, P.E. appeared for the Applicant. Mr. Dunn noted that additional information had been dropped off to the Town on Wednesday, July 5, 2006, and appreciated that the Planning Board needed time to review that information. Mr. Dunn explained that the additional information addressed comments which had previously been received at a public hearing, provided an updated traffic report, provided proposed house and septic locations, and presented a preliminary grading plan. Mr. Dunn also wanted to review procedure on well testing. Mr. Dunn explained that the Applicant will be performing additional pump tests to determine both groundwater availability and impact on existing off-site wells. The Applicant's proposal was to install a test well on proposed Lot 3, perform a pump test, and monitor the existing residential wells at the Oster and Kazunas wells. Chairman Oster seemed to indicate that proposed Lot 3 or proposed Lot 4 seemed to be the logical location for a test well. Mr. Kestner stated that he felt proposed Lot 4 would be a better location. Mr. Dunn was agreeable, and stated that the test well could be drilled on proposed Lot 4. Member Czornyj agreed with the location, but also suggested that in addition to the Oster and Kazunas wells, that the well of Perella also be tested. Mr. Dunn stated that he had not yet spoken directly with Mr. Perella, but would do so. Mr. Perella was in attendance at the meeting, and stated that he would be willing to participate in the monitoring test. The Board confirmed that the test well would be installed on proposed Lot 4, and that the Applicant would monitor impact to off-site wells at the Oster, Kazunas, and Perella residences. Mr. Kestner also thought the pump test should be a duration of at least 5 hours, possibly additional time if the test well has a low yield. Member Wetmiller suggested an 8 hour pump test. Following discussion, it was determined that a pump test would

be held for at least 5 hours, but would be extended in the event low yield was obtained from the test well. Mr. Dunn also raised the issue that the proposed lots on Winfield Lane would raise the number of lots over 12, which would require a waiver from the Town Board. Mr. Dunn requested that the request for waiver be immediately sent to the Town Board. Chairman Oster suggested that the result of the pump test, and that any impact on the Kazunas well in the Winfield Lane area, would impact any findings associated with the number of allowable lots on the cul-de-sac. Therefore, Chairman Oster stated that the Planning Board would wait for the result of the pump test, particularly the Kazunas well, before making any fact findings and recommendation to the Town Board on the number of lots on Winfield Lane. Chairman Oster also noted that an e-mail had been received from Town Historian Zankel concerning the project, with particular regard to the cemetery on Tambul Lane, and that the Planning Board would need time to review those comments. Mr. Kronau stated that the pump test should be completed anywhere between the next 2-4 weeks. Mr. Dunn did request that the matter be placed on the July 20, 2006 for further discussion concerning any issues other than groundwater, while the pump test was being performed. This matter has been placed on the July 20, 2006 for further discussion.

The next item of business on the agenda was the major subdivision application by Zouky for the Welch Farm property located between Route 2 and Pinewoods Avenue. Dave Dickinson appeared on the application. Mr. Dickinson had submitted a revised concept site plan for review. Mr. Dickinson reviewed the changes on the concept site plan, including a realigned road system in an easterly direction, submission of road profiles, and a revised number of lots. Chairman Oster noted that both he and Mr. Kestner reviewed the site, both from the Route 2 and Pinewoods entrances. Mr. Kestner reviewed with the Board that proposed road #1 is at a 10%

grade, and proposed road #2 required 10 feet of fill in the area of proposed residential lots, and stated that the Board would need to consider how this would effect grading within the residential lots. Chairman Oster also reviewed proposed driveway locations, and did raise some issues concerning road #2 as it intersected Pinewoods Avenue. Member Jabour noted that proposed Lots 10, 11, and 12 were flag lots, but noted that the topography appeared fairly steep. Mr. Dickinson stated the plan was preliminary in concept only, and that additional soil testing and site investigation needed to be completed to determine the final layout and number of lots. Mr. Kestner noted that the revised concept subdivision plat was an improvement over prior submittals, and that the Applicant was clearly heading in the right direction. Chairman Oster noted that road #1 did connect Route 2 with Pinewoods Avenue, and had the potential to become a cut-through road. Chairman Oster noted that because of this, the Town Highway standard of 30 foot wide travel way may need to be required. The Planning Board noted that conceptually, the subdivision plan is an improvement. Attorney Gilchrist reviewed the subdivision regulations, specifically a concept plat under the major subdivision standards. Under Article IV of the Subdivision Regulations, this application is at the pre-filing conference stage, and a review of sketch plans. The regulations state that the preliminary plan is to be discussed, and recommendations made to the Applicant for the preparation of the full preliminary subdivision plat submittal. The Board concurred that the sketch plan for the lot layout is moving in the right direction, and suggested that the full preliminary plat submittal be made based on the current sketch plan. Mr. Dickinson stated that the additional site investigation work will be completed, and all required submittals for the preliminary plat will be made. This matter has been adjourned without date pending the submittal of a full preliminary subdivision plat.

The next item of business on the agenda was the site plan application of Schuyler Companies for the proposed Walgreens at the intersection of Hoosick Street and North Lake Avenue. Appearing on the application was Bruce Secor, P.E. of Vollmer Associates. Mr. Secor handed up an updated drawing of the site plan, which has received site plan approval by the City of Troy Planning Board. Mr. Secor explained that with respect to the access off Hoosick Street, the Applicant had follow-up discussions with the New York State Department of Transportation. NYSDOT was requiring a study on the potential for stacking of traffic traveling eastbound on Hoosick Street as impairing the left turn westbound lane from Hoosick Street onto South Lake Avenue. Mr. Secor explained that the study had been completed, finding that there was no significant impact to traffic on that issue. The study concluded that there was available turn lane access even during peak hours. However, Mr. Secor stated that NYSDOT will not act upon the curb cut applications until the Brunswick Planning Board has acted on the site plan. Mr. Secor stated that the City of Troy Planning Board had granted final site plan approval, conditioned on the NYSDOT approvals. Member Czornyj still had questions concerning the proximity of entrance ways to the intersection of Hoosick and Lake. Mr. Kestner stated that he had spoken with NYSDOT directly, and that it was his understanding from NYSDOT that the Department was still waiting for the information on the stacking study. Mr. Secor stated that the data had already been completed, that the report was being finalized, and would be submitted to DOT shortly. Mr. Kestner stated that a copy of that report must be submitted to the Town of Brunswick as well. Mr. Secor stated that DOT was waiting for any comments Brunswick may have on the traffic issue. Chairman Oster inquired of Mr. Kestner whether the Town's transportation consultant had sent a letter to DOT. Mr. Kestner stated that Transportation Concepts had already sent a comment letter to DOT. Mr. Secor stated that the Applicant had

already responded to the comment letter of Transportation Concepts, and that DOT was waiting for the Brunswick Planning Board to act on the site plan before it acted on the curb cut applications. Mr. Secor reiterated that the City of Troy Planning Board had approved the site plan subject to DOT approvals, and requested that the Brunswick Planning Board also act upon the site plan. Chairman Oster again inquired as to the jurisdiction of the Brunswick Planning Board on the site plan. Attorney Gilchrist stated that the Brunswick Planning Board had jurisdiction only over that portion of the project situated in the Town of Brunswick, which on this site plan includes a portion of the building, a parking area, as well as one entrance way off Hoosick Street. Chairman Oster stated that while the stacking report was important, he also had a concern about traffic exiting Sycaway Avenue in westerly direction using the turn lane for South Lake Avenue as a "merge" lane. Mr. Secor stated that this had been addressed in the stacking report, and that there was not a significant impact. Member Tarbox wanted to confirm lighting issues on the building. Mr. Secor reiterated that the exterior lights installed on the building will all have down-lighting with cut off shields to prevent light spillage onto adjoining properties. Mr. Secor stated that the Brunswick Zoning Board of Appeals had already issued variances for lot area and building set back. Mr. Krieger confirmed this. A copy of the City of Troy Planning Board approval was distributed, and reviewed by the Planning Board. The Planning Board had further discussion with Mr. Secor regarding the exit onto North Lake Avenue, its proximity to Conway Court, and also the existence of walkways around the proposed building. The Planning Board noted that the City of Troy Planning Board had granted site plan approval with the following stipulations:

1. The Applicant must submit additional drawings, including a grading plan (existing and proposed contours), storm drainage plan, underground utility plan, landscape and lighting plan, building elevation drawings, typical

specification plans, and road construction/profile plan, all to be reviewed and approved by the City Engineer and Planning Department.

2. The Applicant must submit an underground utility plan, including location and size of water and sewer lines, site drainage, underground gas, and electric service locations for the proposed project.
3. Applicant must obtain final approval of traffic, site access and layout from the New York State Department of Transportation.

Chairman Oster stated he would entertain a motion to approve site plan subject to the same stipulations and conditions as imposed by the City of Troy Planning Board. Member Jabour made such motion, seconded by Chairman Oster. The motion was approved 6/0, and conditional final site plan approval was granted subject to the stated conditions contained in the City of Troy Planning Board approval. Member Czornyj wanted it noted for the record that the Brunswick Planning Board would recommend no exit from this site plan onto Hoosick Street, but conceded that the exit from the facility onto Hoosick Street is located in the City of Troy, and that the Brunswick Planning Board does not have jurisdiction over that part of the site plan. Nonetheless, Member Czornyj wanted it noted for the record that the Brunswick Planning Board did not feel that the exit from the facility in close proximity to the Hoosick/Lake intersection was proper. It was also noted for the record that the City of Troy Planning Board was SEQRA Lead Agency, and had previously issued a negative declaration. Bruce Ginsberg, of Schuyler Companies, requested that the Planning Board consider eliminating the recommendation regarding the exit onto Hoosick Street, as the extensive traffic study undertaken by Vollmer Associates showed there was no significant impact. The Planning Board stated that it would not eliminate that recommendation, and concurred that the same should be noted in our minutes.

The next item of business on the agenda was a site plan application by Cingular Wireless for co-location on the existing monopole located in the Callanan Industries quarry. Adam

Walters, Esq. and Chris Bevins appeared on the application. Attorney Walters explained that the co-location would utilize existing driveways, and all equipment would be located within the existing fence compound area at the base of the tower. Attorney Walters stated that the Brunswick Zoning Board of Appeals had already granted approval for the co-location. This was confirmed by Mr. Kreiger. Chairman Oster stated that he had visited the site with Mr. Kestner, and noted only for the record that there are certain power boxes located on the outside of the fenced compound area, and that this should be addressed by the owner. Chairman Oster inquired whether there were any questions or concerns by the Planning Board. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6/0, and a negative declaration adopted. Thereupon, Member Wetmiller made a motion to approve the site plan, which motion was seconded by Member Czornyj. The motion was approved 6/0, and the site plan approved.

The next item of business on the agenda was the Liberty Woods Subdivision Phase IV road construction issue. Ken Sherman has purchased Liberty Woods Subdivision Phase IV, which includes a new cul-de-sac road to be called Bells Lane. The original subdivision approval road design called for a 30 foot wide travel way with drainage culverts. Mr. Sherman seeks to revise that road design to include a 26 foot wide travel way with 2 foot paved wing gutters. Attorney Gilchrist reviewed the procedure on this matter, and stated that since this design change amended the original approval, a formal application to amend the prior subdivision approval must be made. In addition, since there is a deviation from the Town Highway Design Standards, a waiver from the Town Board must be obtained. The Planning Board then further discussed the issue, and made the following findings:

1. Patriot Lane, the road constructed to service the nine residential lots off Farrell Road, measures 26 foot wide travel way, and the proposed Bells Lane would be consistent with how Patriot Lane had been constructed.
2. The grade of the proposed Bells Lane is well within Town standards, and does not warrant a full 30 foot wide travel way for safety purposes as has been the case with other proposed roads in approved subdivisions (*i.e.* Settler's Lane).
3. The Town Highway Superintendent promotes the use of two foot winged gutters, and has reviewed this matter with Mr. Sherman and Planning Board Consulting Engineer Mark Kestner, and finds the use of two foot winged gutters to be appropriate in this case.

The Planning Board then concurred that it would recommend that the waiver from the Town Highway Design Standards be approved by the Town Board, and directed Attorney Gilchrist to forward that recommendation to the Town Board.

Two items of new business were discussed.

The first item of new business discussed was a subdivision application by Sean Gallivan, to create another lot off Deepkill Road. The Planning Board reviewed the prior subdivision approval granted to Gallivan for this property, and noted that the original proposal was for 4 lots, but was later reduced to 3 lots. Mr. Gallivan is now seeking approval for the 4th lot. The Planning Board members were extremely concerned regarding compliance issues by Mr. Gallivan concerning the build-out on the prior subdivision approval, and wanted to discuss these matters with Mr. Gallivan in connection with this application. These compliance issues include driveway location and construction, as well as compliance with sight distance requirements. This matter has been placed on the August 3, 2006 agenda for further discussion.

The second item of new business discussed was the waiver of subdivision application by Robert Alber, Jr. for property located at 688 Tamarac Road. Mr. Alber seeks to divide 3.1 acres out of an existing 25 acre tract. This matter has been placed on the July 20, 2006 agenda.

The Planning Board discussed revisions to the Carriage Hill PDD Recommendation, and finalized the language to that Recommendation. A copy of that Recommendation is attached to these minutes.

The **index** for the July 6, 2006 Planning Board meeting is as follows:

1. Reiser Bros. Builders – Brook Hill Subdivision – 7/20/06;
2. JP & Sons, Inc. – waiver of subdivision – approved;
3. Jodice – waiver of subdivision – 8/17/06;
4. Cobblestone Associates – major subdivision – 7/20/06;
5. Zouky – major subdivision – adjourned without date;
6. Schuyler Companies – Walgreens site plan – conditional final approval;
7. Cingular Wireless – site plan – approved;
8. Sherman – amendment to Liberty Woods Subdivision Phase IV – 7/20/06;
9. Gallivan – minor subdivision – 8/03/06; and
10. Alber – waiver of subdivision – 7/20/06.

The proposed agenda for the July 20, 2006 meeting is as follows:

1. Reiser Bros. Builders – Brook Hill Subdivision;
2. Cobblestone Associates – major subdivision;
3. Sherman – Liberty Woods Subdivision Phase IV modification; and
4. Alber – waiver of subdivision.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

June 15, 2006

**RESOLUTION ADOPTING A RECOMMENDATION
ON THE CARRIAGE HILL ESTATES
PLANNED DEVELOPMENT DISTRICT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board") has received an application by United Development Corporation for a Planned Development District ("PDD") called Carriage Hill Estates; and

WHEREAS, the Carriage Hill Estates PDD is a proposal for both single-family homes and senior apartments, consisting of eighty-seven (87) carriage homes, nineteen (19) estate homes, and one hundred seventy-eight (178) senior apartment units located in 9 two story buildings and 8 townhouses, and located on approximately 214 acres of land bounded by NYS Route 2 to the north, Pinewoods Avenue to the south, and the Country Club of Troy to the west; and

WHEREAS, the Town Board, acting as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), required the preparation of an Environmental Impact Statement ("EIS") for the Carriage Hill Estates PDD Application; and

WHEREAS, the Applicant prepared a Draft Environmental Impact Statement ("DEIS") for the Carriage Hill Estates PDD, and the Town Board has accepted the DEIS as complete; and

WHEREAS, the Applicant has also submitted to the Town of Brunswick Planning Board ("Planning Board") an application for major subdivision and site plan pursuant to the subdivision and site plan regulations of the Town of Brunswick concerning the Carriage Hill Estates project; and

WHEREAS, the Town Board and Planning Board have held a Joint Public Hearing on the Carriage Hill Estates PDD Application, subdivision application, site plan application, and DEIS, occurring on December 12, 2005 and January 23, 2006; and

WHEREAS, the Town Board has referred the Carriage Hill Estates PDD Application to the Planning Board for its review and recommendation; and

WHEREAS, the Applicant has appeared before the Planning Board to review the PDD Application and to discuss the concept proposals for both subdivision and site plan; and

WHEREAS, the Planning Board members received and reviewed the PDD Application, major subdivision application, site plan application, and complete DEIS; and

WHEREAS, the Planning Board members have discussed the application documents and DEIS, and have duly deliberated thereon;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick as follows:

1. The Planning Board adopts the following recommendation on the Carriage Hill Estates PDD application, subject to the following considerations:

- a. The preservation of green space and open space is an important consideration for the Town of Brunswick, and the Planning Board finds that the concept of mixed residential housing units in a clustered development plan is positive and provides for such preservation goals. The Planning Board finds that the total number of carriage home and estate home lots to be acceptable, and consistent with the preservation of green space and open space with the clustered residential layout.
- b. The concept of a smaller residential lot with a carriage home design for the "empty nester" population is positive, and the Planning Board positively views the use of the clustered layout for smaller residential lots to meet the housing needs of the aging segments of the population.
- c. The Planning Board recommends that all roads within the subdivision be a minimum 26 foot paved travel way with 2 foot wing gutters on each side. Due to the reduced width of the subdivision roads, the Planning Board recommends a prohibition on street parking of any vehicles or equipment.
- d. The Planning Board finds that pedestrian movement throughout the project site would be enhanced through the installation of sidewalks on at least one side of all subdivision roads, including access roads and/or driveways to proposed senior apartments. The Planning Board recommends that all sidewalks within the subdivision be maintained by the proposed Homeowners Association.
- e. Due to the presence of wetlands on the site, the recommendations of the United States Army Corps of Engineers and New York State Department of Environmental Conservation should be incorporated into the project design.

- f. The Planning Board finds that the proposed walking trails within the project site to be sufficient only if sidewalks are installed pursuant to Paragraph 1(d); otherwise, walking trails should be paved to allow free pedestrian movement throughout the project site.
- g. The Planning Board finds that since the on-site amenity recreation areas are to be privately owned and available for use only by residents of the Carriage Hill Estates project, the Planning Board recommends that the full park and recreation fee of \$500.00 per unit be imposed.
- h. The Planning Board notes that property owned by the Applicant on the north side of NYS Route 2 adjacent to the Poestenkill Creek is excluded from the PDD application. To further enhance open space within the Town of Brunswick, the Planning Board recommends that this property located north of NYS Route 2 and adjacent to the Poestenkill Creek be subject to a conservation easement, and maintained as open green space.
- i. The Planning Board finds that the proposed access road from NYS Route 2 into the project site to be in an area that is visually significant, and recommends that an appropriate landscaping plan be required by the Town Board to maintain a visual buffer between the project and the Route 2 corridor.
- j. The Planning Board finds that the proposal for five pump stations in connection with the proposed public sewer plan within the Carriage Hill Estates site to be excessive, and recommends that further engineering study be performed to investigate the feasibility of reducing the total number of pump stations. All pump station equipment must be subject to review and approval by the Town Building Department, Town Water Department, and Town Consulting Engineer, and pump stations must be fully enclosed and appropriately landscaped. Further, the Planning Board recommends that the Town Board insure that the future costs for maintenance of these pump stations be born by residents within the proposed sewer district, and not by any Town residents located outside the boundary of the proposed sewer district.
- k. The Planning Board recommends that the specifications for the sewer line proposed for Pinewoods Avenue, including pipe size, be subject to review and approval by the Town Building Department, Town Water Department, and Town Consulting Engineer.
- l. The Planning Board recommends that a 10 inch water line be extended to NYS Route 2, not the currently proposed 8 inch water line. The Planning Board also finds that the proposed water system should be looped as depicted on the sketch attached hereto as Appendix "A".

- m. The Planning Board is of the opinion that the use of cul-de-sacs in new road construction should be discouraged in the Town of Brunswick, as cul-de-sacs require greater cost for future maintenance and snowplowing. The Planning Board finds that the Carriage Hill Estates proposed road design includes too many cul-de-sacs, and recommends that some cul-de-sacs be eliminated to create through and connecting roads. On this issue, the proposed road design should be reviewed and considered by the Town Highway Department prior to any Town Board action. Specifically, the Planning Board finds that the Applicant should redesign proposed site roads D, E, and F to encourage the use of through and connecting roads, and elimination of cul-de-sacs. Further, the Planning Board recommends the investigation of connecting Carriage Hill Landing West and Carriage Hill Landing South with a connecting road for the elimination of cul-de-sacs. For those cul-de-sacs that are retained on the project design, the Planning Board recommends that the Homeowners Association be required to maintain all green areas proposed for areas within the cul-de-sacs.
- n. The Planning Board also finds that the project design locates carriage home lots in close proximity to Pinewoods Avenue in the area depicted as Carriage Hill Landing East. On this issue, the Planning Board recommends that the lots be further removed from the lot line in the area of Pinewoods Avenue and Carriage Hill Landing East, which may also require the elimination of the cul-de-sac on Carriage Hill Landing East, and the elimination of 2 carriage home lots.
- o. The Planning Board recommends that all proposed islands/boulevards located on public roads be eliminated from the project design, subject to final review and comment by the Town Highway Department.
- p. The Planning Board notes that fire lanes are proposed around the senior apartment buildings, but recommends that these fire lanes be a minimum of 16 foot wide, with a "T" turnaround put at the end of all fire lanes so that emergency equipment can turn around, without the need to back down the entire length of the fire lanes. The fire lane should either be paved or installed with pre-cast pavers. The Planning Board recommends that the Town Board receive input from the Eagle Mills Fire Department concerning this issue.
- q. The Planning Board also finds that appropriate management of stormwater on site must be achieved in compliance with current New York State Department of Environmental Conservation Stormwater Guidelines. In this regard, the Planning Board recommends that the Town Board insure that there is no off-site stormwater impact to properties along Shine Road, Damascus Road, and Heather Lane.
- r. This project must undergo Planning Board review pursuant to the standards set forth in the site plan and subdivision regulations of the Town of Brunswick.

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

CHAIRMAN MALONE	VOTING <u>Aye</u>
MEMBER CZORNYJ	VOTING <u>Aye</u>
MEMBER ESSER	VOTING <u>Aye</u>
MEMBER OSTER	VOTING <u>Absent</u>
MEMBER TARBOX	VOTING <u>Aye</u>
MEMBER WETMILLER	VOTING <u>Aye</u>
MEMBER MAINELLO	VOTING <u>Aye</u>

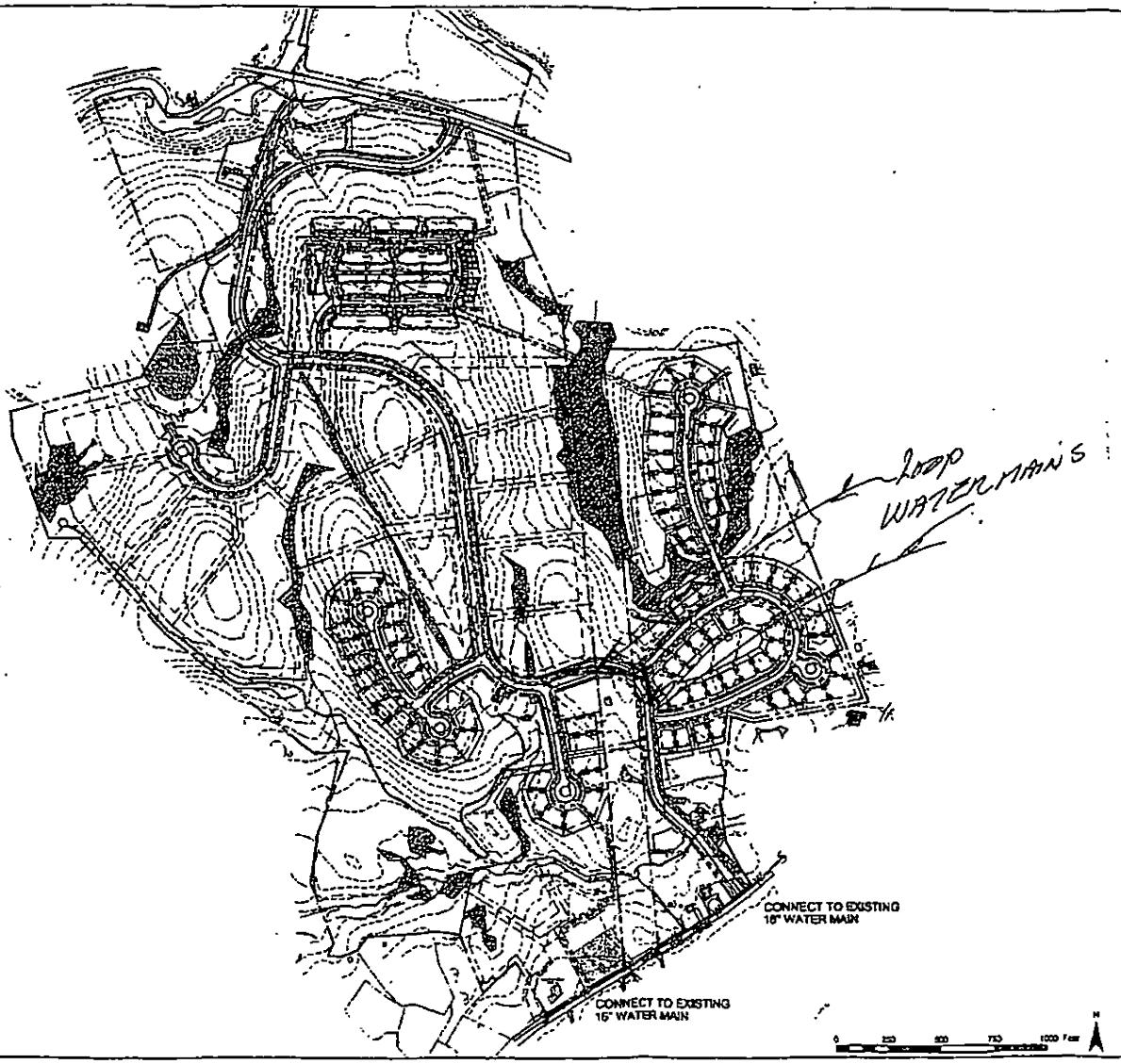
The foregoing Resolution was/~~was not~~ thereupon declared duly adopted.

June 15, 2006

APPENDIX A

**ON-SITE WATER
DISTRIBUTION**
Figure 5A
Carriage Hill Estates
Preconstruction Notification
May 19, 2006

KEY
 - - - - - PROPOSED WATER MAIN
 W — W — EXISTING 18" WATER MAIN



PROJECT # 2005-001-001
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ASSOCIATE:

5050 N. 15th St. Suite 200
 Denver, CO 80202

**UNITED
DEVELOPMENT CORP.**
United

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

MINUTES OF THE PLANNING BOARD MEETING HELD July 20, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Chairman Oster noted that the major subdivision application of Cobblestone Associates has been moved from the July 20, 2006 to the August 3, 2006 meeting.

Chairman Oster also reviewed the Planning Board Recommendation concerning the proposed Carriage Hill Estates Planned Development District. The Recommendation was initially reviewed and approved at the June 15, 2006 meeting subject to certain revisions to be made to the language of the Recommendation. These changes were reviewed at the July 6, 2006 meeting, and further revisions were required. The Planning Board members have now reviewed the final revisions at the July 20, 2006 meeting, and are now prepared to forward the Recommendation to the Town Board. Michael Uccellini of United Group was in attendance, and did request that the Planning Board schedule the Carriage Hill Estates matter for a Planning Board agenda so the applicant could again present the project to the Planning Board members. Chairman Oster stated that the Planning Board would wait until the Town Board acts upon the PDD Application before scheduling any further matters before the Planning Board.

The minutes of the July 6, 2006 meeting were reviewed. A correction was made to Page (6) of the minutes concerning the Reiser Bros. Builders/Brook Hill Subdivision matter. The correction will note that Member Esser did not vote in favor of the Recommendation to the Town Board, and that the vote was 5/1. Subject to that correction, the minutes were approved upon motion by a 7/0 vote.

The first item of business on the agenda was the major subdivision application by Reiser Bros. Builders for the proposed Brook Hill Subdivision. Henry Reiser of Reiser Bros. Builders and Harold Berger, P.E. appeared on the application. It was noted that the Town Board approved the waiver for the additional homes off Langmore Lane, constituting a dead-end road system. It was also noted that the Town Board approved the waiver from the Town Road Specifications, allowing a road design including a 26 foot wide travel way (two 13 foot wide travel lanes) and 2 foot wing gutters on each side. Mr. Berger noted that certain engineering changes required by Mr. Kestner had been made on the plans. Mr. Berger also stated that he had designed the water main and water system and had delivered those plans to Mr. Kestner. Mr. Berger noted that he did make the easements for these water infrastructure elements to be 30 feet wide. Mr. Berger also noted that since the project layout had now been reviewed, he had completed and submitted his drawings for water and septic to the Rensselaer County Health Department. Mr. Reiser also noted that a swale had been added to the property behind Paul Berringer. Mr. Kestner noted that the wetland which had previously been included in one of the subdivided lots now appeared to be a stand alone lot on the current plan. Mr. Reiser stated that he would prefer to have the wetlands be on a separate 2.5 acre lot, which he would retain. The Planning Board discussed this at length, including whether any stormwater runoff went into the wetland, and whether the wetlands should be allowed to remain on a separate subdivided lot or be incorporated into one of

the residential lots planned for the subdivision. Chairman Oster inquired why the wetlands were segregated off on a separate lot. Mr. Reiser stated that he simply wanted to keep that area, and could possibly develop it in the future. The Planning Board further discussed keeping the wetlands as a separate lot, and whether such lot is currently buildable. Mr. Berger responded that the subdivision plat will indicate that the wetlands lot is not a building lot, and therefore could not be built upon. The Planning Board stated that if a lot appeared on the subdivision plat, the Board wanted to ensure it was a legal, buildable lot. Member Czornyj also raised the point that if the additional wetlands lot were added to the plat, there were now 8 lots on the new proposed cul-de-sac road off Langmore Lane, and that the waiver from the Town Board included only 7 lots. This would necessitate an additional waiver from the Town Board. Upon further discussion, Mr. Reiser stated that he will not have the wetlands as a separate lot, and will make the wetlands part of proposed lot 12. Mr. Kestner provided some additional comments on the watersystem plan, which Mr. Berger will incorporate into the plans. Mr. Kestner inquired as to proposed upgrades on Buck Road from the proposed new road to Route 278. Mr. Reiser stated that he will coordinate with Highway Superintendent Eddy, and do whatever the Highway Superintendent required. Member Esser stated that he wanted detail on whatever upgrades would be made to Buck Road. Member Jabour suggested that the Planning Board simply condition any approval on upgrades to Buck Road that were acceptable to the Highway Superintendent. Mr. Reiser stated that in his discussions with Highway Superintendent Eddy, he did not anticipate making any widening to that portion of Buck Road, but had discussed certain vegetation removal or areas where snowplowing would be made easier. Mr. Reiser did indicate that he would coordinate and comply with the requirements of the Town Highway Superintendent. Chairman Oster inquired whether the Planning Board was comfortable with the

subdivision plat application, or wanted the revised plan submitted and a complete package to each Planning Board member prior to any action on the application. The Planning Board members determined that they would like to have a complete revised set of plans, plus a full drainage plan to review prior to any action on the application. Mr. Berger indicated that he would get a full set of plans to all Planning Board members prior to the next meeting. Chairman Oster reiterated that everything should be put on the plat, including all of Mr. Kestner's comments and recommendations, and to ensure the wetlands area was included as part of proposed Lot 12. This matter has been placed on the August 3, 2006 agenda for further discussion.

The next item of business on the agenda was the Liberty Woods Subdivision Phase IV, amendment to the approved subdivision plat concerning road design. Mr. Kestner confirmed that he had met at the site with Highway Superintendent Eddy and Dan Dougherty of the Highway Department, and that the road as graded was not in compliance with the revised road plan that Mr. Berger had put together. Mr. Kestner's opinion is that the road as constructed in the field is a superior design, but required the Applicant to prepare a new revised road plan to be consistent with the field work that has been completed to date. Further, Mr. Kestner stated that Highway Superintendent Eddy had certain comments regarding vegetation removal and grading of a steep embankment. Chairman Oster also noted that he was on the site, and that there was a fairly steep bank off the cul-de-sac, which either needed regrading or guardrails to be installed. It was noted that the Town Board had granted a waiver for this road from the Town Highway Specifications, permitting a 26 foot wide travel way (two 13 foot wide travel lanes) plus 2 foot wing gutters on each side of the road. Mr. Berger stated that he would submit revised road designs for review, and this matter has been placed on the August 3, 2006 agenda.

The next item of business on the agenda is the waiver of subdivision application by Alber for property located off Tamarac Road. Robert Alber appeared on the application. Mr. Alber seeks to divide 3.18 acres of land from his parcel to transfer to his neighbor, which will allow a separate driveway to be used for his neighbor's parcel. It was noted that a Driveway Permit had already been obtained for this matter. It was noted by Chairman Oster that the driveway installation must meet appropriate setback from the proposed new property line. The Planning Board generally discussed whether the 3.18 acre parcel would be considered a separate building lot, or would be merged into the neighbor's parcel. Also, Mr. Kestner noted that the waiver map identified additional lot line adjustments which the Applicant was seeking in terms of the new driveway installation. Upon further discussion, it was determined that the 3.18 acre parcel would be merged into the neighbor's lot, and that the additional lot line adjustments were not significant and raised no significant issues. Chairman Oster inquired whether there were any further questions concerning the application. Hearing none, a motion was made to adopt a negative declaration under SEQRA, which motion was seconded. The motion was approved 7/0, and a negative declaration adopted. Thereupon, a motion was made to approve the waiver application subject to the condition that the 3.18 acre parcel be transferred to the neighbor and merged into the neighbor's parcel, and that the additional lot line adjustments be made as depicted on the waiver map dated June 28, 2006 (prepared by William C. Darling). The motion was seconded. The motion was approved 7/0, and the waiver application approved subject to the stated conditions.

6 items of new business were discussed.

The first item of new business discussed was the minor subdivision application by Sean Gallivan for property located on Deepkill Road. Chairman Oster noted that he, Mr. Kestner, Mr.

Kreiger, and Highway Superintendent Eddy had met at the property with Sean Gallivan. Chairman Oster noted that Mr. Gallivan seeks to create a fourth lot on his property on Deepkill Road, but situate the lot such that a 60 foot strip is retained by Gallivan connecting to the balance of his property located to the rear of the existing subdivided residential lots. Mr. Gallivan owns 200± acres of additional property. It was noted that Mr. Gallivan had proposed a driveway for proposed Lot #4 over the 60 foot right-of-way, and provide an easement to the owner of Lot #4 over that portion of the driveway situated on the 60 foot strip. The Planning Board objected to this proposal, and will require Mr. Gallivan to have the driveway entirely on proposed Lot #4 connecting to Deepkill Road. Chairman Oster also reviewed with the Board the existing driveways from the residential lots onto Deepkill Road. Member Czornyj was concerned that Mr. Gallivan was dividing this land in a piecemeal fashion, and was concerned about an overall drainage plan and overall subdivision review for the property. In this regard, Mr. Kestner reviewed the existing approved subdivision plat for the existing residences on Deepkill Road on the Gallivan property. The prior approved subdivision plat shows three residences. Lots 1 and 2 on the approved plat were built as shown on the approved plat, including house location and driveway location. Lot 3 on the approved plat was the remaining land of Gallivan, but had showed a house location and driveway location on Lot 3 on the approved plat. Mr. Gallivan did not build the third residence in the location depicted on the approved plat, but had relocated that house on Lot 3 and used an existing driveway/access road as the driveway for the new house. Member Wetmiller stated that such driveway off Deepkill was not a driveway, but rather was a dirt road leading into an old gravel bank. Both Member Wetmiller and Member Czornyj inquired whether Mr. Gallivan should have returned to the Planning Board to seek an amendment to the approved plat, given his relocation of the home in a different area as depicted

on the approved plat. The Planning Board held a general discussion concerning the change Mr. Gallivan had made to the house and driveway location from the approved plat. Mr. Kestner reviewed Mr. Gallivan's current proposal, which was to create a new residential lot, Lot #4, in the general area where the house had originally been planned on Lot 3 on the original approved subdivision plat, but keeping a 60 foot strip open between proposed Lot #4 and existing Lots 1 and 2. Member Oster noted for the Board that during the site visit, it was noted that Mr. Gallivan had already put a culvert pipe in the area of the 60 foot strip, when he had built the earlier homes, suggesting that Mr. Gallivan knew that he wanted to create the additional residential lot when he built the earlier homes. The Planning Board held extended discussion concerning the sight distance issue on the current driveways, and the overall drainage issues for the property. Chairman Oster noted that several issues concerning the grading at the site and drainage had been discussed in the field, and that Mr. Gallivan had agreed to make certain corrections upon recommendations of Highway Superintendent Eddy and Mr. Kestner. Upon further discussion, it was determined that Mr. Gallivan should submit a revised subdivision plat showing all existing homes and driveways as built, including sight distances for all existing driveways onto Deepkill Road, and further to locate a proposed driveway for Lot #4 entirely within the proposed boundary for Lot #4, provide sight distance for the proposed driveway for Lot #4, plus prepare and submit an overall drainage and stormwater plan for all of the subdivided lots on the Gallivan property. It was determined that Mr. Kestner will contact Mr. Gallivan to have this information placed on the subdivision plat. This matter has been scheduled for further discussion at the August 3, 2006 meeting.

The second item of new business discussed was the site plan application submitted by Ginsberg concerning the Brunswick Harley Davidson site. The site plan was reviewed by the

Planning Board concerning a new storage building to the rear of the project area. Member Czornyj inquired whether the submitted site plan shows all the structures on the Harley Davidson site. Mr. Kestner stated that the site plan shows the area of the proposed "project" but does not show all the lands of Ginsberg and it is not clear whether it shows all of the structures on the Harley Davidson site. The Planning Board had a lengthy discussion concerning the location of the new storage building and the location of the septic system. This submitted site plan does not show any septic system or any underground utilities, particularly in relation to the new storage building. Mr. Kreiger noted that Ginsberg was told to take the existing site plan for the Brunswick Harley Davidson site and add the new garage building to it. In the event the Planning Board requires additional information, it can request that from the Applicant. The Planning Board raised concern whether the new storage building was built on the area of the existing septic system. Upon further discussion, the Planning Board stated that the site plan should have additional information, including the location of the existing septic system, and accurate survey showing all structures and all underground utilities, and an overall drainage plan for this site. This matter has been placed on the August 3, 2006 agenda for further discussion.

The third item of new business discussed was a waiver of subdivision application submitted by Hill for property located on the corner of Church Street and Spring Avenue Extension. Hill seeks to divide property off for transfer to a neighbor, constituting a lot line adjustment. This matter has been placed on the August 3, 2006 agenda.

The fourth item of new business discussed was the subdivision application by Landmark Development Group, LLC for the Highland Creek PDD. The Planning Board reviewed the concept subdivision plat submitted by the Applicant. The Planning Board noted that the subdivision plat showed an additional cul-de-sac, and the elimination of a loop road. Mr.

Kestner reviewed the plan approved by the Town Board as part of the PDD approval. The PDD map included 170 lots, and a road system which included 3 cul-de-sacs with a loop road as part of the road design. The subdivision plat now includes 166 lots, but has eliminated the loop road portion of the road system and added an additional cul-de-sac. Member Czornyj also noted that sidewalks had not been extended throughout the road system as recommended by the Planning Board. It was noted that the Applicant seeks to appear before the Planning Board to present the subdivision plat. Upon discussion of the agenda for the August 3, 2006 meeting, it was determined that the Highland Creek Subdivision Application will be placed on the August 3, 2006 agenda for preliminary discussion.

The fifth item of new business discussed was a waiver of subdivision application by Zagursky for property located on Town Office Road. This application has been placed on the August 3, 2006 agenda.

The last item of new business discussed was the subdivision application by Provost for property located on Norman Lane. This matter has previously been before the Planning Board. In the past, Provost has constructed three homes on his one parcel, and now currently seeks to subdivide that parcel into four total lots, three of which will include existing homes, and a fourth lot for building purposes. Upon investigation, the Planning Board determined that there is not any evidence of any Building Permits, Certificates of Occupancy, or Rensselaer County Health Department approvals for any of the existing homes on the Provost property. The Planning Board determined that Mr. Provost must provide information concerning compliance with Zoning requirements, including Building Permit and Certificate of Occupancy, plus Health Department approvals for the existing homes on his property, and that this information must be included in the application before the Board will consider approving a fourth residential lot. This

matter has not been placed on a Planning Board agenda, pending receipt of this additional information.

The **index** for the July 20, 2006 Planning Board meeting is as follows:

1. Reiser Bros. Builders – major subdivision – 8/03/06;
2. Sherman – Liberty Woods Subdivision Phase IV – 8/03/06;
3. Alber – waiver of subdivision – approved with conditions;
4. Gallivan – minor subdivision – 8/03/06;
5. Ginsberg – Brunswick Harley Davidson site plan – 8/03/06;
6. Hill – waiver of subdivision – 8/03/06;
7. Landmark Development Group – Highland Creek Subdivision – 8/03/06;
8. Zagursky – waiver of subdivision – 8/03/06; and
9. Provost – minor subdivision – adjourned without date.

The proposed agenda for the August 3, 2006 meeting is as follows:

1. Sherman – Liberty Woods Subdivision Phase IV;
2. Hill – waiver of subdivision;
3. Zagursky – waiver of subdivision;
4. Reiser Bros. Builders – major subdivision;
5. Cobblestone Associates – major subdivision;
6. Ginsberg – Harley Davidson site plan;
7. Gallivan – minor subdivision; and
8. Landmark Development Group – Highland Creek Subdivision.


Planning Board

TOWN OF BRUNSWICK

308 Town Office Road
Troy, New York 12180-8809

MEMORANDUM

TO: Town of Brunswick Town Board

FROM: Town of Brunswick Planning Board by Andrew W. Gilchrist, Esq., as Attorney 

RE: Referral of Cobblestone Associates Major Subdivision Application for Purpose of Waiver of Development, Design or Improvement Standard Pursuant to Section 135-27 of the Brunswick Code, Subdivision Regulations

DATE: August 4, 2006

Cobblestone Associates has submitted an application for major subdivision to the Brunswick Planning Board for a proposed nine (9) lot subdivision on property bordering Tambul Lane and Bulson Road. This application remains pending before the Planning Board.

In connection with the subdivision application, the Applicant seeks to add 3 residential lots to Winfield Lane, off Bulson Road. Winfield Lane is an existing deadend road, currently servicing 10 residential lots. The Applicant proposes to complete the cul-de-sac at the end of existing Winfield Lane, and add 3 residential lots. This will bring the total number of proposed residential lots on Winfield Lane to 13, which is in excess of the number of allowable on a cul-de-sac road under the Town Subdivision Regulations. The Town Subdivision Regulations prohibit more than 12 residential lots on a cul-de-sac or deadend road system. Accordingly, a waiver from this development standard is sought by the Applicant in order to allow the addition of 3 residential lots to the existing 10 lots on Winfield Lane. After extensive deliberation on this waiver application, the Brunswick Planning Board makes the following findings:

1. The completion of the cul-de-sac and addition of 3 residential lots at the end of Winfield Lane will complete the residential development off Winfield Lane.
2. The proposed size of the additional 3 residential lots are consistent with the existing residential lots on Winfield Lane.
3. The 3 additional residential lots will be consistent with the existing residential development on Winfield Lane, and consistent with the general character of the proximate area.

4. A total number of 13 residential lots on Winfield Lane is a reasonable number of residential units for that location.
5. Adding one residential lot above the regulatory limit of 12 is not deemed a substantial variance.
6. The proposed improvement to the end of Winfield Lane in terms of the cul-de-sac will benefit the Town.
7. The Applicant also proposes to upgrade existing erosion control measures in the area of the end of Winfield Lane, which will also benefit the Town.

Based on these findings, and after extensive deliberation, the Planning Board recommends that the Town Board grant a waiver from the 12 lot limitation for cul-de-sac or deadend roads as set forth in the Town Subdivision Regulations.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD August 3, 2006

PRESENT were CHAIRMAN RUSSELL OSTER, MICHAEL CZORNYJ, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR and JOSEPH WETMILLER.

ABSENT was KEVIN MAINELLO.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the July 20, 2006 meeting. Chairman Oster noted a correction at Page (5), Line 4 of the draft minutes, with respect to the Alber waiver of subdivision application. The minutes are amended to note that the driveway permit has been issued for a new driveway for access to the 15.56 acre parcel retained by Alber. Subject to the noted correction, Member Czornyj made a motion to approve the July 20 minutes, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and the minutes adopted as corrected.

The first item of business on the agenda was the application by Ken Sherman for final road design on the Liberty Woods Subdivision Phase IV. Harold Berger appeared on the application. Chairman Oster inquired concerning the road grade changes. Mr. Berger handed up a final drawing of the road profiles, which now reflect as built road grade conditions and are accurate with respect to the construction performed in the field. The road grade has been surveyed and is accurate on the submitted plan. Mr. Berger did note that a guide rail and other

adjustments need to be shown on the plan, and that those will be completed and forwarded to Mr. Kestner for review so that the map can be finalized. Mr. Kestner reviewed the history of the road design for this phase of the Liberty Woods Subdivision. The original redesign of the road would have put the road at an 8% grade. When actual construction was occurring in the field, it appeared that additional material was able to be graded, so that the actual road grade is now at 3.5% to 4%. Mr. Kestner said he would review this map with the Highway Department, and will also review and make any comments on the guide rail and other final adjustments to the map. Chairman Oster inquired whether the Board had any additional questions or comments. Member Esser inquired whether there was a drainage swale which led to the property of Cadman. Mr. Berger stated that the swale is included. Mr. Kestner stated there was an additional 15" drainage pipe shown on the map, and that an easement from Cadman will be obtained to complete appropriate drainage piping. This matter has been placed on the August 17th agenda for final review of the final road design map and plan.

The next item of business on the agenda was a waiver of subdivision application by Hill for property located on Spring Avenue and Church Street. Dave Dickinson appeared on the application. Chairman Oster noted that he and several of the Planning Board members visited this site, and noted that there was significant wet areas throughout the property. Mr. Dickinson concurred. Mr. Dickinson stated that this proposed waiver was as a result of an estate matter, and that this property had been granted to two members of the Hill family through an estate, and that the property was described in one deed and had one tax map number. Michael Hill and his uncle are now seeking to divide that parcel. Mr. Dickinson confirmed that proposed Lot B had been the location of the placement of fill in the past, and that a proposed house location was in the area of the fill. Member Czornyj asked whether the wet areas constituted regulated wetlands.

Mr. Dickinson stated that the wetlands were not mapped by NYSDEC, but were probably federally regulated wetlands. Mr. Kestner asked whether a home could be placed on each lot given the extent of the wetlands. Mr. Dickinson stated that proposed Lot B was buildable, but there was a question as to whether Lot A would be buildable absent a full wetlands delineation. Mr. Dickinson did state that Michael Hill owned adjacent land to proposed Lot A, and that he believed his client's intent was to provide access only through proposed Lot A to the remaining lands of Michael Hill. Member Czornyj asked whether proposed Lot A would be legally merged into the remaining lands of Hill, which would eliminate the question of whether Lot A was buildable due to wetlands. Mr. Dickinson stated that his client, Michael Hill, may be willing to do that, but he needed to check with him. The Board had further questions regarding well and septic location on adjacent parcels. After further discussion, the Board noted that the Applicant had two options with respect to proposed Lot A. First, that parcel could be merged with the remaining lands of Michael Hill. Second, in the event parcel A sought to be maintained as a separate building lot, a wetlands delineation would need to be performed, and a proposed house, driveway, well, and septic location placed on the lot to ensure buildability. Mr. Dickinson stated that he would review this with his client. This matter has been placed on the August 17th agenda for further discussion.

The next item of business on the agenda was a waiver of subdivision by J. Zagursky for property located on the Town Office Road. Mr. Zagursky seeks to divide off a 2 acre parcel to convey to his daughter for the construction of a home. Upon deliberation, the Planning Board noted that the final proposed lot lines had adequate sight distance on Town Office Road, and that the median width of the lot was compliant with Town Regulations. Chairman Oster inquired whether there were any further questions or comments regarding the application. Hearing none,

Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6/0, and a negative declaration adopted. Member Czornyj then made a motion to approve the waiver application subject to Rensselaer County Health Department approval. That motion was seconded by Member Esser subject to the stated condition. The motion was approved 6/0, and the waiver application granted subject to Rensselaer County Health Department approval.

The next item of business on the agenda was the major subdivision application by Reiser Bros. Builders for the proposed Brook Hill Subdivision bordering Route 2 and Route 278. Harold Berger and Henry Reiser appeared on the application. Chairman Oster noted that several sheets submitted with the plat application were not consistent, most particularly with respect to the wetlands on the property being part of one of the subdivided lots. Mr. Berger noted that the wetlands will be part of one of the subdivided lots, and will correct the submission to make sure all sheets are consistent. Mr. Kestner stated that all of the outstanding issues identified by the Planning Board had been addressed by the Applicant. Mr. Kestner noted that the Applicant will locate a fire hydrant on the high point of the proposed road, and will reposition the proposed hydrant location in consultation with Mr. Kestner. Mr. Kestner noted that Mr. Reiser had met with Highway Superintendent Eddy concerning upgrades to Buck Road from the entrance of the subdivision road to Route 278. The Applicant has agreed to clear the shoulders of this portion of Buck Road, ditch the area for drainage and gravel the area for future installation of a two lane road leading to Route 278. Mr. Kestner noted that as part of the stormwater plan, a sand filter has been added for the stormwater collection design leading to North Langmore Lane. Mr. Kestner also noted that the drainage from the proposed lots leading to Buck Road leads down Buck Road to Route 278, and is not discharged to the pond near Buck Road. Chairman Oster

inquired about a proposed swale on proposed Lot 11. Mr. Berger explained that the swale was added at the request of an adjoining property owner, Barringer, to address potential runoff to the Barringer property. Mr. Kestner also noted that the stormwater detention plan did address any stormwater runoff from the proposed lots to existing properties on North Langmore Lane, and that the addition of the swale on Lot 11 was part of that plan. Mr. Berger noted that the additional stormwater detention features not only addresses any additional stormwater runoff, but with the addition of the sand filter, potential silt runoff will be reduced. Mr. Kestner noted that the Brunswick Town Board had granted variances from the subdivision design standards and highway specifications concerning the number of lots on a cul-de-sac or deadend road system as well as the width of the road. Mr. Kestner reiterated that all outstanding technical issues had been adequately addressed on the application. Chairman Oster inquired whether there were any further questions or comments concerning this subdivision application. Hearing none, Chairman Oster also noted that this application had been the subject of several Planning Board meetings, public hearings, receipt of both verbal comments and written letters from surrounding property owners, and that all aspects of the project had been fully reviewed. It is also noted that the Applicant worked with the Town Historian to address the historic schoolhouse located off Buck Road. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6/0, and a negative declaration adopted. Thereupon, the Planning Board noted that during the review process on this major subdivision application, the Board had required all final technical information required on a final plat as part of its detailed review, most particularly due to concern regarding the Langmore Lane neighborhood as well as stormwater runoff issues. Due to this, and because several public meetings have been held concerning this project, it was determined that the Board

should consider the grant of both preliminary and final subdivision approval for the application. Mr. Kestner confirmed that all technical information required for final subdivision approval on this application has been submitted, and reviewed for compliance with the final subdivision requirements. It was noted that a public hearing on the final plat is optional, and the Planning Board felt that the number of public hearings already held had afforded the public sufficient opportunity for comment. Accordingly, Member Tarbox made a motion to grant both preliminary and final subdivision plat approval subject to the following standard conditions:

1. Rensselaer County Health Department approval.
2. Payment of Parks and Recreation fee of \$500.00 per lot.
3. Payment of all outstanding engineering review fees.
4. Completion of all required infrastructure prior to final plat stamp and signature, or in the alternative filing of a performance bond for all infrastructure improvements in an amount to be determined by the Town Engineer and Town Highway Department, which performance bond shall be reviewed as to form by the Planning Board Attorney prior to acceptance by the Town.
5. Until the roadways within the subdivision are completed, offered for dedication, and accepted by the Town Board, Reiser Bros. Builders shall be responsible for all subdivision roadway maintenance, including paving, repairing, and snowplowing, to ensure that all roadways are open, passable, and accessible to and by emergency vehicles.
6. A Homeowners Association must be created for the ownership and maintenance of all stormwater detention facilities within the subdivision. The Homeowners Association documents, including Covenants, Restrictions and By-laws, are subject to review by the Town Board, Town Attorney, Town of Brunswick Planning Board, and Town of Brunswick Planning Board Attorney, prior to filing with the Office of the New York State Attorney General. All stormwater management facilities shall be constructed in compliance with the approved Stormwater Pollution Prevention Plan.

Member Jabour seconded the motion subject to the stated conditions. The motion was approved 6/0, and the subdivision application granted final approval subject to the stated conditions.

These conditions must be satisfied prior to the final plat being stamped or signed by the Planning Board.

The next item of business on the agenda was the major subdivision application by Cobblestone Associates for property located off Bulson Road and Tambul Lane. Kevin Kronau and Francis Bossolini, P.E. appeared for the Applicant. Mr. Bossolini reviewed the proposed 9 lot subdivision, which proposes 8 residential building lots and one non-building lot constituting the remaining lands of the Applicant. A proposed house, driveway, well, and septic location has been set forth for the residential building lots. Mr. Bossolini reviewed the pump test which was completed in June on proposed Lot 4 off Tambul Lane. A 7 hour pump test was performed, at an average yield of 4 gallons per minute. Mr. Bossolini noted that this is approximately 4 times a normal residential use. Three existing residential wells were monitored for drawn down. The Kazunas well on Winfield Lane showed no impact during the pump test. The Perella well located on Tambul Lane showed an initial 2 foot drawn down, then immediate recovery to static level. The Oster well located on Tambul Lane showed a 4 foot drawn down during the pump test, but no recovery during the pump test. Mr. Bossolini explained that this drawn down did not deplete the water supply, and that the Oster well recovered to static level approximately one hour after the pump test was completed. Mr. Kestner noted his concern regarding the communication between the pump test well and the existing Oster well. Mr. Kestner also noted that there would be 4 additional residential wells drilled in proximity to the Oster well and therefore the drawn down was a concern. Mr. Kestner noted that there was no data provided on the Oster well in terms of depth or yield, and also noted that a full pump test report had not been submitted by the Applicant. Mr. Kestner wanted the full pump test report submitted, complete with any additional information available concerning the Oster well, for further review. Mr. Bossolini noted that the

well used for the pump test was drilled to 400 feet, and the pump installed to 380 feet within the well hole. According to his notes, Mr. Bossolini reported that the Oster well was 150 feet deep. Mr. Bossolini noted that there could have been several reasons for the drawn down in the Oster well, including the pump going on for use in the Oster home. Mrs. Oster was present, and noted that they did not use any water from the well during the period of time of the pump test, but used bottled water. Mr. Bossolini noted that there was probably a hydraulic connection between these wells, but that the primary issue is one of recharge. Mr. Bossolini noted that the pump test was at a rate 4 times the normal residential use, and that there was quick recharge in the Oster well after the pump test was concluded. Mr. Bossolini submitted that recharge within 24 hours is compliant with Health Department Regulations. Mr. Bossolini did note that additional residential wells were planned to be installed, but suggested that monitoring be required when the additional wells are installed. Chairman Oster asked whether the Planning Board would get a full pump test report for engineering review. Mr. Bossolini stated that he would supply that report to Mr. Kestner for review. Chairman Oster stated that the report should include all data collected, conclusions drawn from that data and a plan to monitor wells in the event of future drawn down. Chairman Oster inquired of Mr. Bossolini whether he thought there would be any adverse impact on existing wells due to the proposed subdivision wells. Mr. Kronau noted that he did not feel there was a significant drawn down on the existing residential wells. Chairman Oster asked what was considered a significant drawn down. Mr. Bossolini stated that monitoring hard rock aquifers is difficult, that the pump test did not pump the well dry, that a 4 foot drop in existing wells is not out of the ordinary, that other existing wells in the area could have influenced the Oster well during the period of the pump test, and that normal residential use of groundwater is significantly less than that drawn out during the pump test. Mr. Kestner stated

that the issue can be fully analyzed when he receives the full pump test report. Mr. Kestner did note that the installation of additional residential wells is a concern, given the drawn down in the Ulster well during the pump test. Member Tarbox asked why the well for the pump test was drilled to 400 feet. Mr. Bossolini stated that the well driller went to 400 feet to reach the yield required for the pump test. Mr. Kestner noted that he did talk with the Rensselaer County Health Department already concerning this, and that Mr. Bossolini should involve the Rensselaer County Health Department in this process. The Board also looked at the issue of traffic and noted that the updated traffic report had been reviewed. On this issue, Mr. Bossolini stated that the issue was not one of capacity at the intersection of Tambul Lane and Tamarac Road, but rather one of sight distance. Mr. Bossolini noted that the sight distance issue is a preexisting condition. Further, Mr. Bossolini said the Applicant may agree to whatever restrictions the Town may wish to impose, noting that there were two alternate means of ingress and egress on Bulson Road leading to Route 2, and Bulson Road leading to Camel Hill. Chairman Oster noted that the Planning Board now had the original traffic study in connection with the prior application for subdivision, and the updated traffic report in connection with the current 9 lot proposed subdivision, each report noting that there is a sight distance concern at the intersection of Tambul Lane and Tamarac Road. Chairman Oster identified that the possibility of a traffic accident increase due to additional residences on Tambul Lane, simply because more cars will be using that intersection. Chairman Oster wanted the record to reflect that the Planning Board was concerned regarding this subject intersection, and that some mitigation measure would need to be discussed for this intersection, which may include signage, flashing lights, or other potential traffic mitigation measures. Mr. Bossolini stated that he was looking into this, and that there were several factors which must be considered. Chairman Oster and Mr. Kestner suggested that

the Rensselaer County Highway Department should also be consulted, as Tamarac Road is a County Route. This issue necessarily impacts both the Town of Brunswick, as Tambul Lane is a public road and maintained by the Town of Brunswick as a highway by use, and Tamarac Road is a County Highway. Upon further discussion, it was suggested that a meeting be set up with the Applicant, the Town Engineer, Town Highway Department, and Rensselaer County Highway Department. The Planning Board also discussed drainage issues for the proposed lots on Tambul Lane. Member Wetmiller noted that any proposed swales or berms must be designed so that each proposed residential lot, particularly on Tambul Lane, can be built on its own without causing drainage issues. In other words, Member Wetmiller wanted to make sure that the drainage plan was planned in such a way that in the event all of these lots were not immediately built out, a runoff or drainage problem did not occur. The Planning Board next addressed the total number of lots proposed for Winfield Lane, and the upgrades to the end of Winfield. Mr. Bossolini stated that the Applicant would expand the turnaround at the end of Tambul Lane to meet Town Standards, and that the existing culvert system will be upgraded with better erosion control measures. Member Tarbox asked how the stormwater flow would be controlled, since there are fairly steep grades in the area. Mr. Bossolini responded that these are existing flows, and that the addition of pavement for the end of the cul-de-sac would not add significantly to stormwater runoff, but that the Applicant was offering to address an existing erosion problem at the end of Winfield Lane by upgrading that erosion control. Member Czornyj inquired whether the existing runoff and erosion problem occurs because the prior Winfield project was never completed. Mr. Kestner stated that this was in fact the cause, since the original design for Winfield Lane was to be extended to actually intersect with Tambul Lane, but that project was never completed. An issue arose whether the current NYSDEC Stormwater Regulations

required the Applicant to address the existing runoff problem on Winfield Lane. Attorney Gilchrist reviewed the current Stormwater Regulations, which generally require only that a construction project not increase stormwater runoff, both in terms of quantity and quality, from pre-construction conditions. The issue here is that the runoff on Winfield Lane is a preexisting condition, and that the Applicant is required only to address any additional stormwater runoff which is generated as a result of the construction project. Mr. Bossolini stated that an Erosion and Sediment Control Plan would be prepared, but had the opinion that the total disturbed area for the entire subdivision project would be under 5 acres, and therefore a full Stormwater Pollution Prevention Plan would not be required. Both Attorney Gilchrist and Mr. Kestner questioned whether the total land disturbance for the entire subdivision would be under 5 acres. Mr. Bossolini said he would further look into that issue. Member Tarbox noted that whether the Applicant is required to upgrade existing stormwater runoff on Winfield Lane or not, the Applicant should coordinate with Highway Superintendent Eddy to address this issue during the completion of a cul-de-sac at the end of Winfield Lane, rather than addressing it later after the final topcoat of pavement has been installed. The Applicant stated that he would coordinate with Highway Superintendent Eddy on that issue. Mr. Kestner noted that an easement would need to be granted to the Town for access to all drainage features. Chairman Oster noted that the issue of the number of lots on the Winfield Lane cul-de-sac would need to be addressed by the Town Board, since the proposed 3 residential lots would make a total of 13 on Winfield Lane, which is one lot above the regulatory limit of 12. The Planning Board thereupon deliberated on fact findings concerning the number of lots on Winfield Lane. The following fact findings were made:

1. The completion of the cul-de-sac and addition of 3 residential lots at the end of Winfield Lane will complete the residential development off Winfield Lane.
2. The proposed size of the additional 3 residential lots are consistent with the existing residential lots on Winfield Lane.
3. The 3 additional residential lots will be consistent with the existing residential development on Winfield Lane, and consistent with the general character of the proximate area.
4. A total number of 13 residential lots on Winfield Lane is a reasonable number of residential units for that location.
5. Adding one residential lot above the regulatory limit of 12 is not deemed a substantial variance.
6. The proposed improvement to the end of Winfield Lane in terms of the cul-de-sac will benefit the Town.
7. The Applicant also proposes to upgrade existing erosion control measures in the area of the end of Winfield Lane, which will also benefit the Town.

In light of these fact findings, a motion was made by Member Jabour, seconded by Member Czornyj to make a recommendation to the Town Board that a waiver be granted for the total number of lots on the cul-de-sac road. That motion was approved 6/0, and Attorney Gilchrist was directed to formalize these fact findings and recommendations in a memo to the Town Board. Chairman Oster noted that there still needed to be discussion concerning the cemetery issue on Tambul Lane, and that the Town Historian had supplied additional information on that issue. This matter has been placed on the August 17th agenda for further discussion.

The next item of business on the agenda was the site plan application of Ginsberg. This is adjourned to the August 17 meeting.

The next item of business on the agenda was the minor subdivision application by Sean Gallivan for property located on Deepkill Road. Chairman Oster initially clarified the record stating that an as built drawing depicting the changed location of the house and driveway on Lot

3 as part of the prior subdivision approval for this property had been submitted to the Town Building Department at the time of building permit application. Mr. Gallivan confirmed that the map depicting the changed location for the house and driveway on Lot 3 had been submitted to the Building Department at the time of building permit application. Mr. Gallivan reviewed the history of this site. In a prior subdivision approval, 3 residential lots were approved. Each residential lot on the approved plat showed a house and driveway location. The house and driveway location were built as depicted on the plat on Lots 1 and 2. With respect to Lot #3, Mr. Gallivan determined that the electrical hookup expense was significantly higher than initially anticipated, and therefore proposed the house relocation on Lot 3 due to that issue. Mr. Gallivan noted that he had met with the Town Building Department concerning the change in house location, submitted a revised plan showing the relocated house on Lot #3, provided sight distance information for the driveway, obtained new Rensselaer County Health Department approval for water and septic location, and did review the driveway location information with Superintendent Eddy. Mr. Gallivan explains that his current proposal is to add a fourth residential lot. The current plat shows the existing 3 residential lots in as built condition, together with the proposed Lot #4, including proposed house and driveway location. The plan notes both ditching and cross culverts for the new lot. Proposed Lot 4 totals 1.77 acres, with frontage directly on Deepkill Road. Mr. Gallivan explained that he was keeping a 60 foot strip of land between the existing residential Lots 1 and 2, and the proposed Lot 4. Mr. Gallivan proposes that the driveway to Lot #4 be over the strict 60 foot strip, which also connects to the balance of Mr. Gallivan's property. Mr. Gallivan noted that a separate driveway could be constructed for the house on proposed Lot 4, given the frontage directly onto Deepkill Road. However, he wanted to create a driveway over the 60 foot strip, and grant an easement of record. This location for the proposed driveway

for proposed Lot 4 was the original driveway location for Lot 3, and therefore the sight distance information had already been previously reviewed and approved. Mr. Gallivan noted that the sight distance was actually improved due to grading which had been performed in connection with the build-out of Lots 1 and 2. Mr. Gallivan also noted that the proposed septic, well, setbacks, driveway design, and landscaping are shown on the plat. Mr. Gallivan noted that Marini Builders will also build a home on proposed Lot 4, as it had done on Lots 1, 2 and 3. Member Czornyj wanted it noted on the record that the Planning Board was not approving a shared driveway for proposed Lot 4 through an easement, but was only approving the building lot, noting that there was adequate direct frontage on Deepkill Road for a separate driveway. Attorney Gilchrist noted that the minutes will reflect that the Planning Board is not approving a shared driveway through easement, but that Lot 4 independently has adequate frontage on Deepkill Road to construct its own separate driveway. Mr. Kestner noted that he, Chairman Oster, Highway Superintendent Eddy, Building Inspector Kreiger, and Mr. Gallivan were at the site, and reviewed the existing conditions. Mr. Kestner noted that Mr. Gallivan had put sight distances on his subdivision plat, provided the as built conditions for Lots 1-3, prepared a Stormwater Plan including all drainage pipes, that Mr. Gallivan had provided an adequate explanation for the relocation of the house on Lot #3, that Mr. Gallivan agreed to fix a drainage pipe issue on one of the existing driveways per Highway Superintendent Eddy and that Mr. Kestner saw no other outstanding issues on this application. Member Wetmiller wanted it noted that the driveways required a 2% back pitch for the first 10 feet off Deepkill Road, both as to the existing driveways as well as the new proposed driveways for Lot 4. Member Czornyj inquired whether a public hearing was necessary on this application. Attorney Gilchrist noted that the

Minor Subdivision Regulations require a public hearing on the application. Chairman Oster set a public hearing for this application for August 17 at 7:00 p.m.

The next item of business on the agenda was the preliminary subdivision application by Landmark Development Group for the Highland Creek Planned Development District. Lee Rosen, Esq., Bob Marini and Ivan Zdrahal appeared on the application. The Applicant handed up its Concept Development Plan for review by the Board. Attorney Rosen reviewed the PDD process which has already occurred in front of the Town Board, including the Full Environmental Impact Statement process, recommendations from the Planning Board and Zoning Board of Appeals, two public hearings, final Findings Statement, and approval of the PDD by the Town Board at its May meeting. This action is now in the subdivision review process before the Planning Board pursuant to the Planned Development District conditions. Attorney Rosen stated that the Concept Subdivision Plan previously submitted to the Planning Board substantially complied with the PDD approval, but had removed a leg of a proposed road and added a cul-de-sac. The Applicant had received feedback from the Planning Board regarding its concern for additional cul-de-sacs. Therefore, Attorney Rosen explained that the current Subdivision Plan removes this additional cul-de-sac and adds a loop road. The current Subdivision Plan is in substantial compliance with the road system as set forth on the PDD map. Attorney Rosen also explained that the sidewalks as shown on the Subdivision Plan are complete throughout the carriage home and traditional home sections, but is not extended to the area of the manor homes, nor extended all the way to McChesney Avenue Extension. Member Esser inquired why the Applicant could not eliminate all cul-de-sacs and simply loop the entire road system through both the traditional and manor home sections. Attorney Rosen explained that there were topography concern, as well as greenspace maintenance requirements under the PDD

approval. Member Jabour inquired whether any additional residential lots have been eliminated as a result of a more detailed Subdivision Plan. Attorney Rosen explained that the PDD approval included 170 residential lots, but the more detailed Subdivision Plan now provides for 160 residential lots. Member Tarbox asked what the total lot count had been on the original PDD application. Attorney Rosen stated that the original PDD application requested 206 residential lots, and that the project has now been scaled back to 160 residential lots. Chairman Oster noted that the Subdivision Plan has been improved by the elimination of a cul-de-sac, and that he felt the remaining cul-de-sacs on PDD approval were appropriate given the topographic concerns and the necessary greenspace maintenance. Member Czornyj asked about the extent of the sidewalks throughout the project, and suggested that the sidewalks should be extended to the area of the manor homes. Attorney Rosen stated that it has been his experience that people in the manor home section would not use the sidewalks. Mr. Marini explained that it has been his design approach to put sidewalks in the more dense residential areas, but not in the less dense areas because the houses are generally set further back on the lots, and that there is generally less pedestrian traffic in the less dense areas. Mr. Marini suggested that he would use the money which would be required for sidewalk installation in the manor home section to upgrade the trail system and connect that trail system to the end of the sidewalk area. Member Jabour thought that this was a good idea. Mr. Marini also stated that it was an expense of the Homeowners Association to maintain and repair sidewalks, but that this expense was unnecessary from a practical standpoint because the sidewalks are likely not to be used in the manor home section. Member Czornyj asked what specific improvements would be made to the trail system. Mr. Marini stated that there would be additional grading, removal of underbrush, and make that trail system easily accessible at the end of the sidewalk system. Member Jabour asked what the width

of the walking trail or path would be. Mr. Marini stated that the walking trail would be a minimum of 5-6 feet wide, but would not be paved. Further, the trail system would not be plowed in the winter time, but rather would be available for cross country skiing. Member Esser inquired as to the amount of greenspace on the property. Attorney Rosen stated that the amount of greenspace had been increased due to the final location of the cemetery on the site, which has been demarked in a 10x30 foot area, and has been added to the greenspace. Member Wetmiller asked whether there would be signage added to deter people from using the existing Bonesteel Lane as an access point. Attorney Rosen stated that the existing Bonesteel Lane was to be used for emergency access only, and appropriate signage would be installed. Member Esser asked as to the number of retention basins on the Stormwater Plan. Attorney Rosen stated that there were approximately 4 detention basins, but final engineering design for those basins was now being completed. Member Czornyj asked if there would be any improvements to the existing Bonesteel Lane. Attorney Rosen stated that improvements would be made, but the road is identified as emergency access only. Member Oster asked whether any of the greenspace would be developed in the future. Attorney Rosen stated that the greenspace could not be developed in the future, and it was restricted by the PDD approval. Mr. Marini noted that the greenspace would be owned by the Homeowners Association, and that deed restrictions will be enforced through the Homeowners Association. Member Czornyj asked whether the proposed build-out is to be phased. Attorney Rosen stated that the project will be built in phases, and that a final Phasing Plan was currently being prepared. Member Jabour asked what the anticipated build-out time was. Attorney Rosen stated that the proposed build-out was 5 years, but was market dependent. Mr. Marini reviewed the elevations for various housing types to be constructed in the Highland Creek project. The Planning Board discussed the need to hold a public hearing in

connection with the preliminary plat, and all necessary submissions with the preliminary plat. Attorney Gilchrist reviewed the fact that detailed engineering work had been completed in connection with the SEQRA process, and that the Applicant needed to combine that information into a preliminary subdivision plat submission pursuant to the Town Subdivision Regulations. This matter has been placed on the August 17th agenda for further discussion, and determination whether the preliminary plat submission is sufficient for the holding of a public hearing.

The next item of business on the agenda was the minor subdivision plat by Land Vantage, Inc. for property located on Old Siek Road. This property totals 150 acres, and has already received a waiver approval from the Brunswick Planning Board. The property is divided by lands of National Grid, resulting in approximately 100 acres and 50 acres parcels. The Brunswick Planning Board has approved the split of the 150 acres into one 100 acre parcel and one 50 acre parcel, but that this subdivision needs to be approved by the Town of Grafton Planning Board. The Applicant stated that the Grafton Planning Board will be conducting a hearing on that matter on August 21. The Applicant further explained that it was seeking to develop 3 residential lots on the 50 acre parcel, with these lots bordering the municipal line between Brunswick and Grafton. The proposed plat reviewed by the Planning Board showed proposed home locations all in the Town of Brunswick, but the Applicant stated that this was not a final house location at this time. Chairman Oster asked about the status of the groundwater investigation. The Applicant explained that when installing the monitoring well, both turbidity and arsenic were found. Also, the well initially tested high in lead levels. There is a letter in the file from Harold Berger, P.E. stating that this ground water can be treated for potable purposes. Further, the Rensselaer County Health Department has not yet been involved in the review process because the size of the lots result in a non-realty subdivision, which does not require

Health Department review. The Applicant did concede that these residential lots will need a water filtering system designed by a professional in order to achieve potable purposes. Chairman Oster asked the Applicant whether these existing groundwater conditions would affect marketability of lots. The Applicant conceded that it would affect marketability, but a groundwater system for potable purposes must be designed before the lots can go on sale. Concerning the monitoring well, the Applicant explained that the well was drilled to a depth of 640 feet, and that the pump was placed at 380 feet. Further, the well was required to be hydrofractured in order to gain 5 gallon per minute. The Applicant explained in the process of hydrofracturing the well, turbidity resulted. The Applicant further explained that while they have been trying to clean the well out, turbidity was still present. Member Jabour asked whether the yield issue as well as the quality issue would also happen on the other two residential wells. The Applicant stated that it was likely this condition would result on the other two residential lots as well. Member Jabour inquired of Mr. Kestner whether the application could move forward if an acceptable water treatment system was proposed. Mr. Kestner indicated that there were different treatment systems available, but that both he and the Rensselaer County Health Department should be involved in the review to determine the effectiveness of any treatment system and the potability of the groundwater. This matter has been adjourned without date subject to action by the Town of Grafton Planning Board on the initial subdivision of the 150 acres into 2 lots.

Two items of new business were discussed.

The first item of new business discussed was a site plan application for the Maselli's Deli on Route 7. The owner seeks to extend a roof structure, including the installation of footings and structure for that roof. Chairman Oster asked whether this raised setback violations with respect to the location of the proposed structure to the property line. Mr. Kreiger stated that he would

review the application for zoning compliance, but that it appeared an area variance would be required. In that event, the Applicant will be directed to the ZBA initially for the consideration of an area variance.

The second item of new business discussed was the subdivision application by Emil Kreiger for property located on Lockrow Road. This matter has been placed on the September 7 agenda for further discussion.

Mr. Kestner noted that he had been contacted by Mr. Provost for his property located on Norman Lane. Mr. Provost suggested that he had both Building Permits and Health Department approvals for two of the existing three homes on his property, and requested the opportunity to review this matter with the Planning Board at the August 17 meeting. Chairman Oster stated that the Board will consider this information at the August 17 meeting.

The **index** for the August 3, 2006 Planning Board meeting is as follows:

1. Sherman – Liberty Woods Subdivision Phase IV – 8/17/06;
2. Hill – waiver of subdivision – 8/17/06;
3. Zagursky – waiver of subdivision – approved;
4. Reiser Bros. Builders – major subdivision – final subdivision approval with conditions;
5. Cobblestone Associates – major subdivision – 8/17/06;
6. Ginsberg – site plan – 8/17/06;
7. Gallivan – minor subdivision – public hearing 8/17/06 at 7:00 p.m.;
8. Landmark Development Group – Highland Creek Subdivision/PDD – 8/17/06;
9. Land Vantage – minor subdivision – adjourned without date;
10. Maselli Deli – site plan – adjourned without date;

11. Kreiger – waiver of subdivision – 9/07/06; and

12. Provost – minor subdivision – 8/17/06.

The proposed agenda for the August 17, 2006 meeting is as follows:

1. Gullivan – minor subdivision – public hearing 7:00 p.m.;

2. Sherman – Liberty Woods Subdivision Phase IV;

3. Hill – waiver of subdivision;

4. Cobblestone Associates – major subdivision;

5. Ginsberg – site plan;

6. Landmark Development Group – Highland Creek major subdivision/PDD; and

7. Provost – minor subdivision.

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK,
Rensselaer County,
City of Troy.

ss:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Planning Board of the Town of Brunswick at 7:00 p.m. on Thursday, August 17, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the subdivision plat submitted by Sean Gallivan pursuant to the Subdivision Regulations of the Town of Brunswick relative to a proposed subdivision of property located on Deepkill Road. Copies of the subdivision plat and all application documents are available at the Brunswick Town Hall and are available for public inspection during regular business hours. All interested persons will be heard at the Public Hearing. DATED: August 9, 2006 Brunswick, New York THE PLANNING BOARD OF THE TOWN OF BRUNSWICK By: Russell Oster, Chairman 624427 8/12

R. Willett of the City of Troy, in the county of Rensselaer and State of New York, being duly sworn, deposes and says that she is the Principal Clerk of the Troy Publishing Company, a Corporation duly organized under the laws of the State of New York; that said Corporation is the publisher of The RECORD, a daily newspaper printed and published in the City of Troy and County of Rensselaer, and that the notice of which the annexed is a printed copy, has been regularly published in The RECORD.

ONCE DAILY for ONE DAY

to wit: on the 12th day of August, 2006

Sworn before me, this

14th day of August, 2006

Ruth Willett
Debra Beck

DEBRA A. BECK
Notary Public, State of New York
01BE607222

Qualified in Rensselaer County
Commission Expires April 01, 2010

Planning Board

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE PLANNING BOARD MEETING HELD August 17, 2006

PRESENT were CHAIRMAN RUSSELL OSTER, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR, and JOSEPH WETMILLER.

ABSENT were KEVIN MAINELLO and MICHAEL CZORNYJ.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board opened a public hearing at 7:00 p.m. concerning the proposed minor subdivision for Sean Gallivan for property located on Deepkill Road. The Notice of Public Hearing was read into the record, and the record should further reflect that the Notice of Public Hearing was published in The Record on August 12, 2006, posted at the Notice Board at Town Hall, placed on the Town website, and Notice of the Public Hearing was mailed to all adjacent property owners. Sean Gallivan was present. Chairman Oster requested Mr. Gallivan to make a presentation concerning the proposed subdivision. Mr. Gallivan reviewed the proposed subdivision, and informed the Board that since the August 3 meeting, he had obtained Rensselaer County Health Department approval for his water and septic plan for the proposed 4th subdivided lot. Chairman Oster then opened the meeting for receipt of public comment. Reid Bissell, 54 Deepkill Road, stated that he supported the application, and that he was "all for it". Chairman Oster inquired whether there were any further individuals seeking to place comment on the

record. Hearing none, Chairman Oster then closed the public hearing with respect to the Gallivan minor subdivision.

Chairman Oster then opened the regular business meeting of the Planning Board.

The Planning Board first reviewed the draft minutes of the August 3, 2006 meeting. Upon motion of Member Jabour, seconded by Member Tarbox, the minutes were approved as written by 5/0 vote.

The first item of business on the agenda was the minor subdivision application by Sean Gallivan for property located on Deepkill Road. Chairman Oster inquired of Mr. Kestner whether there were any outstanding engineering issues. Mr. Kestner stated that there were no outstanding engineering issues, that the Applicant had submitted an as-built drawing of the existing three subdivided lots, that stormwater drainage had been shown on the plat for all four lots, that the plat had been revised to show the driveway for Lot 4 will meet all Driveway Standards of the Town, and that the Applicant had agreed to grind the existing driveways for the three built subdivided lots to meet the necessary 2% back pitch prior to applying the final coat of pavement. Chairman Oster inquired whether any of the other Board members had any other questions or comments. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 5/0, and a negative declaration was adopted. Member Jabour then made a motion to approve the minor subdivision application subject to the following conditions:

1. Payment of the park and recreation fee for the additional fourth lot.
2. Payment of all outstanding fees for engineering review.
3. Grind the existing driveways on the three built subdivided lots to meet the necessary 2% back pitch per Town Standards, and that all four driveways must have the requisite 2% back pitch prior to final paving.

4. Rensselaer County Health Department approval (Applicant to show proof of approval to Building Department).

Member Tarbox seconded the motion subject to the stated conditions. The motion was approved 5/0, and the application approved subject to the stated conditions.

The next item of business on the agenda was the final road design for the Liberty Woods Subdivision Phase IV. Mr. Kestner reported that he and Highway Superintendent Eddy must still schedule a meeting in the field with Mr. Sherman and Harold Berger, P.E., and that this matter should be adjourned until the September 7 agenda.

The next item of business on the agenda was the waiver of subdivision application by Hill for property located on Spring Avenue and Church Street. Michael Hill appeared on the application. Mr. Hill reported that Dave Dickinson, who had appeared on the application at the August 3 meeting, had redrawn the map to show that proposed Lot A will be merged into the remaining lands of Michael Hill, such that Lot A will not be a separate building lot. Chairman Oster reviewed the issue of proposed Lot A, which appeared to have wetlands present on it. Chairman Oster had stated that the Planning Board would require a formal wetlands delineation in the event Lot A sought to be maintained as a separate building lot, or in the alternative, Lot A could be merged into the remaining lands of Michael Hill so that it did not constitute a separate building lot. Michael Hill stated on the record that he sought to have Lot A merged into his remaining lands. Chairman Oster inquired whether there were any further changes made to the map by Mr. Dickinson. Mr. Hill stated that there were no other changes, and that it was in the same format as has been reviewed at the August 3 meeting. Chairman Oster inquired whether any of the Board members had any questions or comments. Mr. Kestner reiterated on the record that Lot B is buildable, and has appropriate road frontage. Hearing no further questions or

comments, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 5/0, and a negative declaration adopted. Member Esser then made a motion to approve the waiver application, subject to the following conditions:

1. Rensselaer County Health Department approval for Lot B.
2. Filing of proof of merger of Lot A into the remaining lands of Michael Hill (to be filed with the Building Department).

Member Jabour seconded the motion subject to the stated conditions. The motion was approved 5/0, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the major subdivision application by Cobblestone Associates for property located on Tambul Lane and Bulson Road. Chairman Oster noted that upon request of the Applicant, this matter is adjourned until the September 7 meeting. Chairman Oster did note for the record, however, that a comment letter had been received by the Planning Board dated August 11, 2006 signed by Mr. and Mrs. William Smith, Mr. and Mrs. John Crook, Susan Miller, Mr. and Mrs. Duane Rifenburg, Tony and Barb Parella, and Steven and Elizabeth Reynolds. This comment letter states:

Please consider that any adoption of the 24 hour left turn restriction movement from Tambul Lane onto Tamarac Road would be a hardship for everyone residing on Tambul Lane and Rifenburg Road. This would be especially true in the winter months when traveling "up" Tambul Lane is definitely a "challenge".

Mr. Kestner also reported that he had a meeting in the field with Fred Howard of the Rensselaer County Public Works Department, and Jim Dunn representing the Applicant. Mr. Kestner noted that the Applicant's engineer, Francis Bossolini, P.E. was not in attendance. At the meeting, the issue of adding signage in the area of the Tambul Lane/Tamarac Road intersection was discussed. Mr. Kestner reported that in the event signage was installed, Rensselaer County

would consider agreeing to maintain it. Mr. Kestner provided Mr. Dunn and Rensselaer County literature concerning possible signage, which these parties will review. Mr. Kestner also reported that the full pump test report had not yet been submitted for his review concerning the pump test performed for this application. This matter has been adjourned for further discussion for the September 7 meeting.

The next item of business on the agenda was the site plan application of Ginsberg for the Harley Davidson site on Route 7. Alexander Bassey and Ray Darling, P.E. were present on the application. Chairman Oster reviewed the status of the site plan application. Chairman Oster also noted that Mr. Kestner had sent a letter requesting additional information to Ginsberg, and that Mr. Bassey had sent a response letter to address these issues. Chairman Oster asked Mr. Kestner to review the history of this site. Mr. Kestner reported that there existed a 1994 site plan prepared by Ingalls and Smart, which did include an overall map of the property owned by Ginsberg, which totals over 100 acres. The 1994 site plan had been submitted with respect to a structural addition to the property. Mr. Kestner then reported the existence of a 2004 site plan, which addressed the change of use of one of the buildings on the site from Smith Tire to general retail/office space. On the 2004 site plan, two additional electric light poles were to be installed, which have not yet been installed. Further, the 2004 site plan showed a row of pine trees to provide screening between the parking area and Route 7, which have not been installed. Mr. Kestner also reported that on the 2004 site plan, the approximate location of the septic system, including septic tank and 300 feet of laterals was depicted. Finally, the 2004 site plan showed the location of an existing well, which was identified to be abandoned, and also the location of a new well closer to Route 7 which was to be installed. Mr. Kestner provided the Board members

with an additional copy of the January 15, 2004 Planning Board minutes. These minutes provide, in part:

Mr. Kestner stated that the site plan does show a current well location that is not in compliance for set back from the septic leach field, that an alternate well location had been shown on the site plan, and that the site plan had been forwarded to the Rensselaer County Health Department for determination on abandonment of the existing well.

When the 2004 site plan was approved, that approval was subject to the following condition:

1. The Applicant must comply with the recommendation and/order of the Rensselaer County Health Department concerning the existing well location on the site.

Mr. Kestner then reviewed the current site plan dated 2006, which shows the location of the new storage building. When superimposing the location of the new storage building as depicted on the 2006 site plan upon the 2004 site plan, including the septic location, it appears that the building has been situated on top of the septic system and leach field. However, Mr. Kestner notes that on the 2006 site plan, the location of the septic and leach field has been changed. Further, Mr. Kestner notes that the 2006 site plan does not show a new well installed closer to Route 7, but shows that an extension to a building had been constructed in the area where the well was to be drilled. The 2006 site plan shows the former well location, which was to be abandoned, as the only water supply well on the site, and that the 2006 site plan identifies this as the existing well. Chairman Oster discussed the 2004 site plan approval, and the issue of the septic location and well abandonment. Chairman Oster noted that the new storage building appears to have been constructed where the septic location was previously shown on the 2004 site plan, and that this issue must be clarified and resolved. Chairman Oster stated that a definitive location for the septic system on this site must be determined. If the new storage building was constructed on the septic system and leach field, then the new building must be

moved, or a new septic system installed. Further, Chairman Oster noted that the Planning Board was very concerned about the location of the water supply well in relation to the location of the septic and leach field. Mr. Darling stated that he had prepared both the 2004 and 2006 site plan, and that he had used yet another site plan, dated 2001, for the location of the septic system as shown on the 2004 site plan. Mr. Darling stated that it was his understanding that the septic system consisted of a 1,500 gallon tank with five laterals in the general vicinity of the area of the new building, but its exact location was not known. Further, Mr. Darling stated that he had interpreted the 2004 Planning Board minutes and the condition attached to the 2004 site plan approval as not requiring the well to be abandoned, but merely to review the issue with the Rensselaer County Health Department. Mr. Darling was unaware whether Ginsberg had ever reviewed that issue with the Rensselaer County Health Department. Mr. Kestner asked whether Mr. Darling or Ginsberg had received anything from the Rensselaer County Health Department from 2004 to the present. Mr. Darling stated that he did not have anything from the Rensselaer County Health Department. Mr. Darling did acknowledge that there was an addition built on one of the existing buildings in the location where the new well was to be installed under the 2004 site plan. Mr. Darling stated that the septic and leach field could be located through a dye test or through excavation, but that he did not want to damage the existing system. Chairman Oster noted that the area in the back of the site where the septic system is purportedly located has been the subject of construction activities and truck traffic, and that it was likely that the leach field was probably already damaged. Mr. Darling noted that there has been a lot of equipment use in that area over a period of time, and did note for the record that when Mr. Bassey constructed the new storage building, there was excavation for the concrete slab and that no leach field system was encountered. Member Esser was adamant that the owner needs to identify where the septic

system is located on the site. Chairman Oster concurred that the location of the septic system must be determined. Mr. Bassegy did note for the record that when he was installing the concrete slab, there was excavation in a location, in part, to a depth of 4 feet, and that nothing had been encountered except electrical conduit. Chairman Oster inquired of Mr. Bassegy whether he knew of the 2004 site plan when he was constructing the new building. Mr. Bassegy stated that the owner told him that the septic laterals were located "tight" to the existing general retail/office building. Chairman Oster stated that if the septic system is located closer to that building, this presented a bigger problem since that is the location of the existing water supply well. Mr. Darling stated that he will go to the Rensselaer County Health Department regarding the septic location and separation from the water supply well. Chairman Oster stated that the owner had not done what was required in 2004 in terms of coordination with the Rensselaer County Health Department. Mr. Darling stated that the 2004 minutes were unclear, and that possibly the Planning Board was to forward the information to the Rensselaer County Health Department. Attorney Gilchrist stated that this responsibility was clearly on the part of the owner, and that the Planning Board does not forward any information on behalf of an Applicant to the Rensselaer County Health Department for review and approval. Mr. Darling stated that he will contact the Rensselaer County Health Department, and he will locate the septic system on the site. Chairman Oster inquired whether the location of the septic system could be determined prior to the next Planning Board meeting, which will be held on September 7. Mr. Darling stated that this work could be done within the next 3 weeks. Chairman Oster inquired of Mr. Kestner whether everything that the Planning Board is requiring has been placed on the 2006 site plan. Mr. Kestner stated that he will coordinate with Mr. Darling to make sure that all issues set forth in his July 28 letter are addressed. Member Esser had certain issues concerning the actual

building plan for the new warehouse building. Chairman Oster noted that these building issues are more appropriately dealt with in the Building Department, rather than as site plan issues on the site plan. Member Tarbox wanted to make sure that the site plan which will be resubmitted will show the location of the septic system, as well as the water supply well. Mr. Darling stated that such information will be on the site plan. Member Oster noted that since the location of the septic system will be done within the next 3 weeks, this matter should be placed on the September 7 agenda for further discussion. Member Jabour stated that the Applicant should submit the revised site plan as soon as it is available prior to the September 7 meeting for review by the members. Mr. Darling stated that while he should have the coordination with Rensselaer County Health Department and septic location completed by September 7, it was unlikely that he could have the site plan revised by that date. Chairman Oster stated that he would tentatively place this matter on the agenda for September 7, but that if Mr. Darling was unable to revise the site plan, this matter will be addressed at the September 21 meeting.

The next item of business on the agenda was the major subdivision application by Landmark Development Group for the proposed Highland Creek Planned Development District. Attorney Gilchrist noted that he had received communication from the project Attorney that the Applicant was still preparing the preliminary plat submission, and that the Applicant should have the full preliminary plat submission completed by the end of September, and requested to be placed on the first Planning Board meeting for October. Mr. Kestner also stated to the Planning Board that he had received communication from the project engineer, and was continuing to work with the project engineer concerning the full preliminary plat submission.

The next item of business on the agenda was the minor subdivision application by Provost for property located at the end of Norman Lane. Paul Engster, Esq. was present for the

Applicant. Mr. Engster noted that he had conversation with Mr. Kestner, Highway Superintendent Eddy, and also the Highway Supervisor for the Town of Pittstown concerning the cul-de-sac proposed for the end of Norman Lane. Mr. Engster first reviewed the permitting history for the existing structures on the Provost property. Mr. Engster stated that there are three homes on this one parcel, each of which had received a Building Permit from the Town. First, in 1978, a Building Permit was issued for the construction of a home at "70 Norman Lane", which is the current residence of Mr. and Mrs. Provost. In 1983, a Building Permit was issued for the construction of a 3-car garage at "68 Norman Lane". In 1986, a Building Permit was issued for the construction of a residence at "50 Norman Lane", to which a garage was added pursuant to Building Permit issued in 1988. Mr. Engster reviewed the documentary history for each of these events. In 1978, a Building Permit was issued for the construction of a residence at 70 Norman Lane, but that there is no record able to be obtained regarding a Certificate of Occupancy or Rensselaer County Health Department approval for this structure. In 1983, a Building Permit was issued for the construction of a 3-car garage at 68 Norman Lane, but that there are no other records available. Subsequent to the construction of the 3-car garage, the structure was converted to a residence. There is no evidence of a Certificate of Occupancy or Rensselaer County Health Department approval for this structure. In 1986, a Building Permit was issued for a residence at 50 Norman Lane. There is no evidence of a Certificate of Occupancy, but Mr. Engster was able to uncover a permit for the construction of a septic system, but not final inspection record from the Health Department. A garage was added to the residence at 50 Norman Lane in 1988 pursuant to a Building Permit. Mr. Engster noted that he has not been able to uncover any further records concerning these structures after diligent search. Member Tarbox asked whether there were three wells and three septic systems on this one parcel without

evidence of Rensselaer County Health Department approval. Mr. Engster stated that this was correct, other than the issuance of a permit from the Rensselaer County Health Department for the septic system construction at 50 Norman Lane. It is noted for the record that while these residences have different mailing addresses and tax parcel numbers, this property was never subdivided, and remains one legal parcel. Mr. Provost now seeks to subdivide the property for lots for these existing structures, plus add a fourth residential lot. Mr. Engster acknowledged that in order to obtain minor subdivision approval, the Applicant must show that what is currently on the property is legal and documented. Further, Mr. Engster reviewed with the Board that proposed Lot A and proposed Lot C are to continue as currently used as single family residences, and that proposed Lot B, which consists of the 3-car garage which had been converted into a residence, is proposed to be reconverted back to a 3-car garage, so that a new residence can be constructed on that lot. Proposed Lot D is currently vacant, and would be offered for a building lot. Chairman Oster inquired of Mr. Kreiger whether it was possible to inspect the finished structures for purposes of Certificate of Occupancy compliance. Mr. Kreiger stated that he was not able to do that, and that he could not certify compliance with the Building Code unless the structural elements were exposed. Chairman Oster asked Mr. Kestner whether the septic system could be inspected for construction compliance. Mr. Kestner stated that this could be done, that records could be reviewed concerning pump out of the septic tank, information concerning the distribution box, and viability of the leach field could be verified. Further, Mr. Kestner stated that well logs should be researched for the three drinking water wells. Member Esser stated that if these homes were to be sold, that home inspections would likely be required, and whether the information the Planning Board was now seeking could be obtained through a structural or home inspection. On this issue, Mr. Engster inquired whether a full structural and home inspection

report for each structure could be submitted to the Board for consideration in place of Certificates of Occupancy. Chairman Oster requested Attorney Gilchrist to look into this issue of obtaining structural and home inspection information for consideration by the Planning Board with respect to the subdivision application. Mr. Engster noted that the septic system is routinely part of the overall home inspection. With respect to the highway issue, Mr. Engster stated that the cul-de-sac proposed for the end of Norman Lane will be built according to Town Standards, and that when he inquired with the Pittstown Highway Department, he was informed that whatever was acceptable for the Town of Brunswick would be acceptable for Pittstown. Chairman Oster stated that when he reviewed the subdivision plat and the property, he thought that Mr. Provost should consider extending the cul-de-sac further into the parcel to avoid construction of long driveways. Thereupon, Mr. Provost, who was in attendance, and the Planning Board discussed the issue of driveway length and overall lot layout. Chairman Oster then stated this matter will be placed on the September 7 agenda for further discussion, and that Attorney Gilchrist will further research the issue of the structural/home inspection in lieu of Certificate of Occupancy.

Three items of new business were discussed.

The first item of new business discussed was the site plan application by Dominic Maselli for the roof installation over the cooler/freezer area on his property located on Route 7. Mr. Kreiger reported that he had researched the issue of the need for a variance for property line set back, and reported that on April 8, 1996, the Zoning Board of Appeals granted Mr. Maselli a variance for the installation of the walk-in cooler/freezer on the west side of the existing building for a location one foot from the property line. Mr. Kreiger handed a copy of the Zoning Board of Appeals variance decision to the Board members. Mr. Kreiger and Mr. Maselli explained that

the current site plan was limited to installing a roof over the walk way area and freezer cooler area. Attorney Gilchrist stated that he would review the 1996 area variance to determine whether it is applicable to the current application. Further, Mr. Kreiger will refer the site plan to the Rensselaer County Department of Economic Development and Planning for review and recommendation. This matter will be placed on the September 7 agenda for further discussion.

The next item of new business discussed was a site plan application by Steve Han for additional parking at the Plum Blossom Restaurant on Route 7. Mr. Kreiger reports that engineered plans have been submitted for the removal of the shale mountain behind the existing restaurant building for the installation of additional parking. This site plan will also be referred to the Rensselaer County Planning Department for review and recommendation. Attorney Gilchrist reviewed issues which the Planning Board should consider, including the tonnage of material to be removed, the method of extraction, the proposed hours of operation, the surrounding land uses, trucking the material from the site, and coordination with the New York State Department of Transportation with respect to the Route 7 corridor. The Planning Board inquired of Mr. Kreiger whether the commercial zoning extended to the rear of the property. Mr. Kreiger reported that the commercial zoning does extend to the rear of the property. This matter will be placed on the September 7 agenda for further discussion.

The third item of new business discussed was a waiver of subdivision application by Jim Schleicher for property located on Crescent Lane and Skyview Drive. Mr. Schleicher seeks to break off one lot on Skyview Drive for the construction of a single family home. The Planning Board initially noted that the area of the proposed building lot had a steep grade, and that this was part of the overall site which had been significantly cleared by Mr. Schleicher. The Planning Board was of the understanding that the New York State Department of Environmental

Conservation had investigated the clearing of this property for purposes of stormwater compliance, and wanted additional information on the compliance status before addressing a subdivision application. This matter has been tentatively placed on the September 7 agenda pending investigation of stormwater compliance status with NYSDEC.

Chairman Oster noted that James Kennelly had submitted a final plat for the subdivided lots on Bellview Road, and that a proposed easement for drainage facilities had also been prepared which was being reviewed by Attorney Gilchrist. This matter will be placed on the September 7 agenda for further discussion.

Chairman Oster also noted for the record that Mark Danskin of Danskin Land Surveying, LLC had submitted to the Board the required sight distance study for the single lot subdivision of Lands of Thomas Murley located on the westerly side of Liberty Road. This sight distance study is dated July 19, 2006 and is noted for the record.

Chairman Oster also noted for the record that the final plat which would be submitted for the Brook Hill Subdivision by Reiser Bros. Builders on property located between Route 2 and Route 278 must account for an appropriate vegetative buffer between the project site and the historic school building located on the corner of Route 278 and Buck Road. Sharon Zankel was present at the meeting, and reviewed with the Planning Board her memo dated June 1, 2006 and addressed to Shawn Malone as Chairman of the Planning Board. In her June 1 memo, Ms. Zankel discussed the historic importance of the school building, and reported that she had discussed with Mr. Reiser the potential impact of the project on the school building. Mr. Reiser had reported to Ms. Zankel that the visual impact of his project would likely include the rooftop of just one home, to be constructed on Lot 1. Mr. Reiser further informed Ms. Zankel that he was willing to decrease the visual impact of this one roofline on the school building with the

planting of mature trees. Ms. Zankel reported to the Planning Board that she felt the existence of the historic school building should be noted in the Homeowner Association documents to be prepared for the project, and that the historic building should be a consideration on any future out buildings or uses on the subdivided lots. Ms. Zankel reiterated the importance of the structure, which according to investigation shows that 50% of the existing structure is original and built prior to 1838. The Planning Board stated that upon review of the final plat and Homeowner Association documents, these issues will be considered.

Member Tarbox noted for the record a few questions he had concerning the proposed Cobblestone Subdivision. First, given that the test well was drilled to a depth of 400 feet, but the Oster well was reportedly at 150 feet, how was this information to be considered since four other wells will be drilled in this general area as well. Would all other wells to be drilled on the subdivided lots be required to a depth of 400 feet? How is the Planning Board to insure that the additional residential lots would not impact existing residential wells on Tambul Lane? Mr. Kestner stated that these issues should be fully addressed in the full pump test report to be prepared by the Applicant, which has yet to be submitted to him and the Planning Board for review. These issues should be considered when reviewing the full pump test report. Member Tarbox also stated that the drainage plan for the subdivided lots on Tambul Road must be carefully reviewed, and the record must reflect that regardless of who builds out these residential lots, the full drainage plan, and necessary drainage features, must be completed as a condition to Building Permits and/or Certificates of Occupancy. Further, the drainage plan must work regardless of which lots are built out first, or in the alternative, all drainage features for all of the subdivided lots must be constructed at once. This issue will be further reviewed by the Planning Board, and appropriate conditions placed on any action taken by the Planning Board. Also,

Member Tarbox inquired again about the existing drainage pipe at the end of Winfield Lane, and whether the Applicant should be required to further address this drainage pipe and erosion issue in connection with the cul-de-sac construction. The Planning Board generally discussed the cul-de-sac proposed upgrades, and further that the Town had title to Winfield Lane. It was determined that the deed description for Winfield Lane should be investigated to determine whether the drainage pipe and drainage area was currently owned by the Town or owned by the Applicant. These issues will be discussed at the September 7 meeting.

The **index** for the August 17, 2006 Planning Board meeting is as follows:

1. Gallivan – minor subdivision – approved subject to conditions;
2. Sherman – Liberty Woods Subdivision Phase IV – 9/07/06;
3. Hill – waiver of subdivision – approved with conditions;
4. Cobblestone Associates – major subdivision – 9/07/06;
5. Ginsberg – site plan – 9/07/06 (subject to receipt of supplemental site plan);
6. Landmark Development Group – Highland Creek Planned Development District Subdivision – 10/05/06;
7. Provost – minor subdivision – 9/07/06;
8. Maselli – site plan – 9/07/06;
9. Han – Plum Blossom site plan – 9/07/06; and
10. Schleicher – waiver of subdivision – 9/07/06 (pending stormwater compliance per NYSDEC).

The proposed agenda for the September 7, 2006 meeting is as follows:

1. Maselli – site plan;
2. Sherman – Liberty Woods Subdivision Phase IV;

3. Cobblestone Associates – major subdivision;
4. Ginsberg – site plan;
5. Provost – minor subdivision;
6. Han – Plum Blossom site plan;
7. Schleicher – waiver of subdivision;
8. Kreiger – waiver of subdivision;
9. Joduce – waiver of subdivision; and
10. Kennelly – minor subdivision final plat.

Planning Board

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE PLANNING BOARD MEETING HELD September 7, 2006

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

ABSENT was JOSEPH WETMILLER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the August 17, 2006 meeting. Two typographical corrections were noted. First, at Pages 16 and 17, the name "Han" is amended to "Chan". Second, the name "Joduce" is amended to "Jodice". Subject to the typographical corrections, the minutes were unanimously approved.

The first item of business on the agenda was the site plan application of Maselli for the installation of a roof over the freezer/cooler at Maselli's Deli on Route 7. The location of the freezer/cooler is approximately 1± foot from the property line. Several years ago, Maselli was granted an area variance from the Brunswick Zoning Board of Appeals for the installation of the freezer/cooler. The Planning Board requested Attorney Gilchrist to review the variance to determine whether it extended to the current site plan application. Upon review, Attorney Gilchrist stated that the variance was specific and limited to the installation of the freezer/cooler, and did not extent to any additional structures. Accordingly, the Planning Board directed the

Applicant to apply for an area variance prior to processing the current site plan application. This matter is adjourned without date pending action by the Zoning Board of Appeals.

The next item of business on the agenda was the amendment to the Liberty Woods Phase IV Subdivision Map in terms of road design and elevation. Mr. Kestner concurred that a field meeting had occurred concerning the road construction, which included Mr. Kestner, Doug Eddy and Dan Dougherty of the Town Highway Department, Mr. Sherman (owner), and Scott Reese of Erdman Anthony. Mr. Kestner reviewed the revised map for the road profile with the Planning Board. Mr. Kestner reported that Mr. Sherman agreed to remove certain trees, for the installation of a guide rail, and for a stormwater management system transmitting water from Bells Lane and through the property of Cadman. Mr. Kestner reported that stormwater calculations had been prepared by the Applicant concerning appropriate pipe size for the stormwater management system. Mr. Kestner reported that Mr. Sherman had addressed the outstanding issues which were of concern to the Planning Board. Member Oster inquired of Mr. Kestner whether he has had adequate time to review the Stormwater Calculations Report, and whether any final determination on pipe size had been made for the stormwater system. Mr. Kestner stated that he was completing his review of the Stormwater Report, and suggested that all final stormwater facilities should be subject to final engineering review and approval. Member Mainello asked whether the road elevation had been changed. Mr. Kestner explained that the road had been lowered, but that the overall road grade was improved. Mr. Kestner explained that through the process of lowering the road, steep banks were created which needed to be graded back and certain tree removal accomplished. Member Czornyj asked whether the current map of the road elevation constitutes an as-built drawing. Mr. Kestner stated that the map, since it is in compliance with the construction which has occurred in the field, can serve as

an as-built drawing. Mr. Kestner also said that the grading in the field had been completed, and that the only thing remaining was pavement installation. Member Esser asked whether the road grade issue had any direct relationship to the stormwater system, and in the event the stormwater system needed to be modified, would there be a change in the road grade. Mr. Kestner stated that the road grade issue was separate from the stormwater management issue. Following discussion, the Board determined to act upon the amendment to the Subdivision Plat in terms of road grade and alignment, subject to final engineering approval of the stormwater system. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was approved 6/0, and a negative declaration adopted. Thereupon, Member Tarbox made a motion to approve the modification to the Subdivision Plat concerning the road design subject to the condition of final review and approval of the stormwater management system by Mr. Kestner, and compliance by the owner with final requirements of Mr. Kestner. That motion was seconded by Member Czornyj. The motion was approved 6/0, and conditional approval granted.

The next item of business on the agenda was the major subdivision application of Cobblestone Associates for property located on Bulson Road and Tambul Lane. James Dunn and Kevin Kronau appeared on the application. Chairman Oster noted that a letter had been received by the Planning Board from David and Elizabeth Oster dated September 5, 2006. A copy of this letter was provided to the Applicant for review and response. Mr. Dunn reported that Cobblestone Associates had retained Spectra Environmental Group for the preparation of a report on the aquifer test data as a result of the pump tests performed at the project site. Spectra has prepared a report dated September 5, 2006, which was delivered to Mr. Kestner on September 6, 2006. Many of the Planning Board members received a copy of the Spectra report

on September 7, 2006. Mr. Dunn acknowledged that both Mr. Kestner and the Board members had not had adequate time to review the report, but generally discussed the content of the report. Mr. Kestner did state that he had initially reviewed the report, which addressed only the proposed well for Lot 4. Mr. Kestner has already spoken with Spectra, and requested that the report address the remaining four proposed residences near the pump test well. Spectra indicated that it would amend the aquifer test data report accordingly. Mr. Dunn also provided the Board and Mr. Kestner a copy of the proposed drainage swale along a proposed residential lot and the Oster lot. That drawing will be reviewed. Chairman Oster and members of the Planning Board indicated that the aquifer test data report will be reviewed, but it was a step in the right direction during the review of the application. Chairman Oster did inquire as to the procedure to address any future impacts to existing residential wells as a result of the project. Attorney Gilchrist discussed with the Board the option of creating a dispute resolution procedure, whereby data is collected on existing residential wells to create a baseline, which serves to address later complaints that this subdivision has caused a problem with existing residential wells. Mr. Kronau stated that this approach must be done carefully, since there are many factors which could impact existing residential wells, not simply the installation of new wells for a new subdivision. This issue will be discussed by the Planning Board. Chairman Oster requested an update on the traffic issue. Mr. Dunn reported that he had attended a meeting with Mr. Kestner and Fred Howard of the Rensselaer County Highway Department. At that meeting, a discussion of the installation of an electronic radar sign on Tamarac Road was held. Cobblestone Associates is agreeable to installing the electronic radar sign, with the County taking over ownership and future operation. Mr. Dunn reported that the sign could be paid for in whole by Cobblestone Associates, or at least in cooperation with the County, but at no financial impact to

the Town. Mr. Kestner reported that Mr. Howard had agreed to maintain and operate the electronic radar sign in the future, but had not committed to any initial installation costs. Chairman Oster noted that the electronic radar sign could be offered by the Applicant as a proposed mitigation measure to address the Tambul Lane-Tamarac Road intersection issue. Attorney Gilchrist stated that the Applicant should have its engineer provide a written opinion that the electronic radar sign provides adequate mitigation to the intersection concerns raised on the application. Chairman Oster inquired as to the status of the Cipperly Cemetery on Tambul Lane which sits on the Cobblestone Associates property. Chairman Oster stated that a note had been received dated September 7, 2006 from Sharon Zankel, Town Historian, which enclosed a letter from Mrs. George T. Steitz dated August 22, 2006 regarding cemetery maintenance issues. Mr. Dunn stated that it was the Applicant's intent to carve out the parcel on which the cemetery sits, and offer the cemetery to the Town. Mr. Dunn stated that he had researched the issue, and feels that an abandoned cemetery reverts to the Town. The Planning Board stated that the issue of the cemetery ownership must be raised by the Applicant with the Town Board, which would have jurisdiction over that issue. The Planning Board directed Mr. Dunn to coordinate with Town Historian Zankel as well as the Town Board on the issue of the Cipperly Cemetery. Mr. Dunn stated that he would raise the issue with the Town Board. Mr. Dunn also inquired whether Cobblestone Associates would be required to go to the Town Board now concerning dedication of the proposed extension on the Winfield Estates cul-de-sac. The Planning Board stated that dedication is premature, and that construction according to approved specifications must occur. Mr. Kestner raised the issue of the extent of Town ownership of the existing turn-around, and whether the proposed extension of the cul-de-sac is on lands currently owned by the Town or currently owned by Cobblestone Associates. Mr. Kestner asked that Mr. Dunn prepare a map

showing the property boundaries between Cobblestone Associates and the Town. Mr. Dunn stated that he would prepare that information, and that it was his current understanding that Cobblestone Associates owned the area on which the cul-de-sac would be extended, and that is why he raised the issue of dedication of that area to the Town. Chairman Oster asked about stormwater drainage off the extended cul-de-sac on Winfield Lane. Mr. Dunn stated that Cobblestone Associates proposed to improve the cul-de-sac outfall with a rip-rap diffuser to discharge to the existing drainage way, and that an easement would be provided to the Town for this drainage way. Mr. Kestner stated that as part of the cul-de-sac upgrade, and existing upgradient drainage pipe should be rehabilitated. Mr. Kronau stated that even though this was not on his property, that he was willing to upgrade that pipe. Mr. Kestner asked whether the Applicant's engineer had completed his assessment as to whether total land disturbance was over 5 acres, thus requiring a full Stormwater Pollution Prevention Plan. Mr. Dunn reported that those calculations had not yet been completed. This matter is placed on the September 21, 2006 agenda for further discussion.

The next item of business on the agenda was the site plan application of Ginsberg. There was no appearance on the application, and the matter was adjourned to the September 21, 2006 meeting. Mr. Kestner reported that he had not received any information on the septic location.

The next item of business on the agenda was the minor subdivision application of Provost for property located at the end of Norman Lane. Paul Engster, Esq. and John Steel, an architectural engineer, appeared on the application. Chairman Oster inquired of Attorney Gilchrist concerning the issue of Certificates of Occupancy. Attorney Gilchrist reported that his research determined that the Planning Board could not act upon the subdivision application until the property was in compliance with applicable zoning requirements, which include appropriate

Certificates of Occupancy for the residential structures. A structural engineering report cannot replace the requisite Certificate of Occupancy. However, the Building Department must determine whether it has sufficient information in a structural report to make a determination on Certificate of Occupancy issuance. Mr. Engster reported that the Applicant had contacted the New York State Department of State on this issue. The Department of State reported that while this occurrence is not common, when it does happen the Department of State relies on a home inspection by a certified professional engineer. Accordingly, Mr. Steel reported that he had inspected the three existing residential structures on the Provost property, and had prepared three structural reports. Mr. Steel generally reviewed the reports, which show only minor structural and electrical repairs that were required. These reports have been submitted to Mr. Kreiger for review. Attorney Gilchrist stated that the Applicant should submit a letter from the Department of State confirming that it is that Department's practice to utilize structural engineering reports for this situation. Chairman Oster asked that the structural reports be provided to Mr. Kreiger, Mr. Kestner, and one copy for the Planning Board. Chairman Oster inquired as to the status of Rensselaer County Health Department approval. It was discussed that the jurisdiction over the water and septic rest with the Rensselaer County Health Department, and that any action by the Planning Board would be subject to approval of water and septic systems by the Health Department. Accordingly, no subdivision plat could be stamped or signed unless or until Health Department approval was shown. Chairman Oster raised the issue of road location and cul-de-sac design. Mr. Engster stated that the Applicant had not pursued this issue yet, until the issue regarding Certificates of Occupancy had been resolved. This matter has been placed on the September 21, 2006 agenda for further discussion.

The next item of business on the agenda was the site plan application of Steve Chan for extension of the parking area at the Plum Blossom Restaurant on Route 7. Jerry Ryan, General Manager of Rifenberg Contractors, appeared on the application. Mr. Ryan explained that the site plan application sought to increase parking and traffic flow at the Plum Blossom Restaurant, which lost several parking spaces due to the Route 7 reconstruction project. The Applicant proposes to take out the rock hill on the east side behind the restaurant building in a sufficient amount to extend the parking lot. Mr. Ryan explained that the rock removal would be completed by mechanical means, either through ripping or through use of a pneumatic hammer. Mr. Ryan stated that there would be no blasting associated with the rock removal. Chairman Oster noted that he was on the site with Mr. Kestner to review the proposal. The Planning Board generally discussed several issues, including traffic flow and stormwater management. The Planning Board also raised the issue of green space, which will be below the 35% required under the Site Plan Regulations as a result of the parking lot extension. It was noted that the Planning Board has the jurisdiction to vary the green space requirements on a case by case basis. Member Tarbox also stated that the Applicant should check the Site Plan Regulations for minimum number of parking spaces to meet Town Code. Mr. Kreiger made a preliminary calculation showing that 32 parking spaces are required, and the proposal for the parking lot extension will result in 39 parking spaces. Member Czornyj wanted to confirm on the record that there would be no blasting associated with the rock removal. Member Mainello noted that the site plan showed the final slope in the area of the parking lot extension to be "as ordered by engineer". Mr. Ryan explained that the final slope could not be determined until the rock was actually being removed. The Planning Board continued to discuss appropriate stormwater flow on the site, and traffic flow onto Derrick Avenue. Mr. Kreiger noted that the application had already been

forwarded to the County Planning Department, which provided a response stating that local consideration shall prevail, but that the issue of stormwater management should be carefully reviewed. Mr. Kestner asked whether the new parking area would be lighted. Mr. Ryan stated that the current plan did not show any lighting, but clearly the parking lot would be lit. Member Esser asked whether fencing was proposed at the top of the slope, to avoid any dangerous condition after the rock removal. Member Tarbox stated that the fence should be shown on the plan, subject to determination by the Building Department and consulting engineer as to necessity and location following the rock removal. Chairman Oster also stated that the site plan should address lighting. Chairman Oster stated that the site plan should be amended to show stormwater management, and particularly existing and proposed flow direction from the parking lot, and also proposed fencing and lighting. Chairman Oster stated that the Planning Board will conduct a public hearing on the application, and scheduled the public hearing for the September 21, 2006 meeting at 7:00 p.m.

The next item of business on the agenda was the waiver of subdivision application by Jim Schleicher. Kyle Schleicher appeared on the application. Chairman Oster noted that he had reviewed this site with Mr. Kestner as well. Both Mr. Kestner and Chairman Oster had a concern regarding proposed driveway location, given the topography of the property. Member Czornyj inquired whether any additional lots would be sought by Schleicher on his remaining property. Kyle Schleicher stated that the application seeks only the one residential lot, and that his father has not made a final determination as to the balance of the property. Mr. Kestner stated that the waiver map should show proposed driveway location, house location, water and septic location, and also information concerning topography on the property site. Chairman Oster also stated that the entire Schleicher property had issues of stormwater management when

the trees and brush were cleared. Mr. Kreiger reported that the New York State Department of Environmental Conservation has informed him that the site has met current stormwater requirements, but that the Department will review any new development proposal. The Planning Board directed Mr. Kreiger to advise NYSDEC concerning the application. Chairman Oster reiterated that the waiver map needed to show proposed location of driveway, house, septic, and water, and also provide topography information. This matter has been placed on the September 21, 2006 agenda for further discussion.

The next item of business on the agenda was a waiver of subdivision application by Emil Kreiger. The application concerns 11 acres of vacant land sought to be divided into two lots. The map shows house and driveway location, and a water and septic plan has been submitted to the Rensselaer County Health Department. The Planning Board had determined that driveway locations were adequate for sight distance. Member Tarbox noted that the property was in proximity to an agricultural district, but that he farms the property, and that he has no problem with the application. Mr. Kestner reported that he had done a site inspection, and finds the waiver application to be compliant. Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 6/0, and a negative declaration adopted. Member Jabour then made a motion to approve the waiver application subject to Rensselaer County Health Department approval, which motion was seconded by Member Czornyj. The motion was approved 6/0, and the waiver application approved subject to the stated condition.

The next item of business on the agenda was the waiver of subdivision application by Jodice for property located off Bellview Road and Skycrest Drive. Mark Danskin appeared on the application, and handed up a map of the proposed residential lot. The application already

included a map of all the remaining lands of Jodice. The new map does show proposed driveway, house, water and septic location. Mr. Danskin reports that the Rensselaer County Health Department observed a perc test on site, and that application for water and septic approval would be filed with the Health Department shortly. Concerning the driveway, Mr. Danskin reported that he had coordinated with Highway Superintendent Eddy. Also, a drainage plan had been provided for review. Upon discussion, Mr. Kestner found that the drainage plan was satisfactory. Member Czornjy noted that there was an existing farm road running from the public road to barns located on the remaining lands of Jodice. The barn road is located in part on the new proposed lot, and that Jodice would retain an easement over the barn road to access his barns. Member Czornjy also noted that the driveway for the residential lot was not directly off the public road, but was off the private barn road located on the proposed residential lot. Member Czornjy raised concern regarding a potential shared driveway. Upon discussion, it was confirmed that the balance of the Jodice property has frontage on a public road, and that any private easement between these private parties is not subject to any jurisdiction of the Planning Board. The Planning Board notes that the record is to reflect the farm road is not approved by the Planning Board as a driveway to the remaining lands of Jodice, that the remaining lands of Jodice has adequate road frontage on a public road, and that any easement between Jodice and the residential lot owner is private and not within the jurisdiction of the Planning Board. After further discussion regarding stormwater drainage issues, it was determined that the Applicant must give notification and review by Mr. Kreiger and Mr. Kestner prior to construction. After further discussion, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Jabour. The motion was approved 6/0, and a negative declaration adopted. Member Esser then made a motion to approve the waiver

application subject to the stipulation concerning the barn road as noted in these minutes, also subject to Rensselaer County Health Department approval, and finally subject to a pre-work conference with the Building Department prior to construction. That motion was seconded by Member Czornyj. The motion was approved 6/0, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the Kennelly subdivision on Bellview Road, and compliance with all conditions attached to final site plan approval. Mr. Kestner reviewed his letter regarding outstanding construction issues, and responses by the Applicant. Mr. Kestner reported that catch basin which was proposed for the opposite side of Bellview Road on property which Kennelly owned is not shown on the final plat, and is not currently being proposed by Mr. Kennelly. Mr. Kennelly explained that his engineer, Harold Berger, stated that the property which Kennelly owned on the opposite side of Bellview Road was not buildable in that it could not meet Rensselaer County Health Department approval. Kennelly has already sold that property to the adjacent property owner, Plunkett, due to the fact that the property is not buildable. Mr. Kestner stated that due to the fact that there will be no construction on that lot, no stormwater runoff would be added to the opposite side of the road, and that the loss of the catch basin is not significant given the lack of construction activities on that parcel. Accordingly, the Planning Board found that the elimination of the catch basin on the opposite side of Bellview Road was not significant. The Planning Board further discussed compliance with the conditions on the final approval, which include payment of all application fees, payment of the park and recreation fee, payment of engineering review fees, the addition of a map note concerning private ownership and maintenance of the stormwater detention basin, and review of a proposed easement language for Town access to the stormwater detention basin, which has been reviewed

by Attorney Gilchrist. The Planning Board concurred that the final plat conditions had been satisfied by Kennelly.

Chairman Oster reported that he had coordinated with the Town of Grafton Planning Board Chair concerning the Land Vantage matter. The Grafton Planning Board held a public hearing on August 21, 2006 concerning a two lot subdivision of the property, which was approved. A copy of the minutes of that public hearing plus the Grafton Planning Board approval will be forwarded to the Brunswick Planning Board. Chairman Oster reminded the Board that the Applicant's proposed three lot subdivision for its property in Brunswick remains pending before the Board. This matter has been adjourned without date pending further submission by the Applicant.

One item of new business was discussed. A two lot minor subdivision application has been received from Tomhannock, LLC (Peter Gibson) for property located on Route 142 and Farrell Road. This matter has been placed on the September 21, 2006 agenda for discussion.

The index for the September 7, 2006 Planning Board meeting is as follows:

1. Maselli – site plan – adjourned without date;
2. Sherman – Liberty Woods Subdivision Phase IV – approved subject to conditions;
3. Cobblestone Associates – major subdivision – 9/21/06;
4. Ginsberg – site plan – 9/21/06;
5. Provost – minor subdivision – 9/21/06;
6. Chan – site plan – 9/21/06 (public hearing 7:00 p.m.);
7. Schleicher – waiver of subdivision – 9/21/06;
8. Kreiger – waiver of subdivision – approved subject to conditions;

9. Jodice – waiver of subdivision – approved subject to conditions;
10. Kennelly – final plat – satisfaction of conditions; and
11. Tomhannock, LLC – minor subdivision – 9/21/06.

The proposed agenda for the September 21, 2006 meeting is as follows:

1. Chan – site plan – public hearing at 7:00 p.m.;
2. Cobblestone Associates – major subdivision;
3. Ginsberg – site plan;
4. Provost – minor subdivision;
5. Schleicher – waiver of subdivision; and
6. Tomhannock, LLC – minor subdivision.

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Planning Board of the Town of Brunswick at 7:00 p.m. on Thursday, September 21, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the site plan application submitted by Steve Chan relative to the removal of shale by mechanical means behind the existing Plum Blossom Restaurant located on Route 7 for the installation of additional parking. Copies of the site plan and all application documents are available at the Brunswick Town Hall and are available for public inspection during regular business hours. All interested persons will be heard at the Public Hearing.

DATED: September 11, 2006
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD September 21, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

Chairman Oster opened a public hearing concerning the site plan of Steve Chan concerning rock removal for the creation of additional parking areas at the Plum Blossom Restaurant on Route 7. The Notice of Public Hearing was read into the record. It was noted that the Notice of Public Hearing was published in The Record, posted on the notice board at Town Hall, placed on the Town website, and notice was mailed to all adjoining property owners. Chairman Oster requested the representative of the owner to present an overview of the proposal. Jack Rifenburg, of Rifenburg Construction, presented the overview. The proposal is to remove the shale rock to the rear of the Plum Blossom Restaurant by means of a bulldozer. If the rock proves too difficult to remove, a hammer may be used to loosen the rock. The proposed hours of operation are 7:30 a.m. to 5:00 p.m. A stormwater plan has been prepared, showing stormwater flow direction on the site, all draining into the State Stormwater System along Route 7. A proposed lighting plan for the parking lot, plus fencing is shown on the site plan. Chairman Oster opened the floor for public comment. Pete Chiefari, on behalf of a family member who resides

on Derrick Avenue, indicated that he had a few questions, some of which have already been answered. First, Mr. Chiefari had a question on the hours of operation, which have been answered and limited to 7:30 a.m. to 5:00 p.m. Second, Mr. Chiefari had a question of the method of rock removal. That has been answered in that only mechanical means will be used, with no blasting allowed. Third, Mr. Chiefari had a question as to how long the total project would take. Mr. Rifenburg stated that he anticipated three to four weeks total to complete the project, working Monday through Friday, with no weekend work. Mr. Chiefari also had some questions regarding drainage and stormwater management, but was satisfied with the Town's review of the Stormwater Management Plan. Chairman Oster inquired as to any further public comment. Hearing none, Chairman Oster closed the public hearing.

Chairman Oster then opened the regular business meeting of the Planning Board. Chairman Oster noted two changes to the agenda. First, the Ginsberg site plan matter has been adjourned to the October 5 meeting. Second, the subdivision application of Schleicher has been withdrawn, and the Applicant may submit a new plan in the future.

The Planning Board reviewed the minutes of the September 7, 2006 meeting. Upon motion by Member Czornyj, seconded by Member Wetmiller, the minutes were approved as written by a 7/0 vote.

The first item of business on the agenda was the site plan applicant of Steve Chan for additional parking at the Plum Blossom Restaurant. The Board noted that the site plan now included proposed lighting for the additional parking area, with light pole detail; fencing; and pine trees added as a buffer. Also, the stormwater flow and drainage direction had been added to the site plan. The Board noted that the total greenspace on the project site after the rock removal project totals 33.5%, where the Town Code requires 35% greenspace. The Board inquired

whether a waiver can be granted for greenspace. Attorney Gilchrist noted that under the Town Site Plan Regulations, the Planning Board does have the discretion to waive the 35% minimum for greenspace when the Applicant establishes that the reduced greenspace area is necessary in order to avoid undue hardship or that the nature of the land and its location in relation to other properties is such as not to cause substantial damage to the character of the neighborhood. The Board noted that the project site did have the minimum 35% greenspace prior to the Route 7 reconstruction project, and that both greenspace and parking area was lost due to the Route 7 project. Chairman Oster inquired about the rear of the restaurant structure being situated where rock removal would be occurring. Mr. Rifenburg stated that the portion of the rear of the structure would be jacked and stabilized during the rock removal project. The Planning Board wanted this coordinated with the Building Department. Mr. Kestner inquired about the customer ramp and entry doors in the front of the restaurant, and whether there should be a railing separating that area from the new proposed travelway. Mr. Rifenburg explained that there was already a concrete curb in this location, and that there is a railing near the entrance ramps, which serve as handicap access as well. Mr. Kestner stated that this area would be subject to Building Code requirements and final review by the Building Department. Chairman Oster asked whether working through 5:00 p.m. on Monday through Friday may pose a problem for customers of the restaurant. Mr. Rifenburg stated that the project would start on the Derrick Avenue side, and work into the project site. During this time, the trucks removing the rock from the site would use Derrick Avenue. Mr. Rifenburg stated that there would only be a limited time when the rock removal would be in the area of the parking lot on the east side of the restaurant building. Member Czornyj noted that there had been discussion concerning a retaining wall in the rear area of the new parking lot. Mr. Rifenburg explained that the Applicant proposes an appropriate

grade for a rock wall, to be determined in the field given conditions during the rock removal. In addition, Mr. Rifenburg explained that a chain link fence had been proposed for the area between the rock wall and the parking lot. Chairman Oster inquired whether there were any further questions or comments regarding the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Jabour. The motion was approved 7/0, and a negative declaration adopted. The Planning Board next discussed the issue of waiver of minimum greenspace requirements for the project site. The Planning Board members noted that there was only a 1.5% reduction from the minimum 35% greenspace, and that this was necessitated as a result of the Route 7 reconstruction project. The Board found that this waiver was not significant, and did not result in a substantial change to the character of the area. Member Jabour made a motion to approve the waiver on minimum greenspace requirements, which motion was seconded by Member Wetmiller. The motion was approved 7/0, and a waiver from the greenspace requirements adopted. Member Jabour then made a motion to approve the site plan, subject to the following conditions:

1. Hours of operation are limited to 7:30 a.m. to 5:00 p.m.;
2. Days of operations are limited to Monday through Friday, with no construction activities on weekends;
3. The method of extraction is limited to mechanical means by use of a bulldozer to rip the rock; if this proves unsuccessful, the contractor is permitted to use a hammer to break and loosen the rock;
4. No blasting is permitted for rock removal;
5. Trucks removing the rock from the site are to exit primarily on Derrick Avenue, until such time as the work proceeds to the easterly section of the project site;
6. Strict compliance with final grades for stormwater management and stormwater flow direction;
7. Strict compliance with the site plan; and
8. Coordination with the Building Department on construction activities.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 7/0, and the site plan approved subject to the stated conditions.

The next item of business on the agenda was the major subdivision application by Cobblestone Associates for property located on Bulson Road and Tambul Lane. James Dunn and Kevin Kronau appeared on the application. The Planning Board noted that an updated groundwater report had been received, which had been supplemented by Spectra Environmental Engineering. Further, the Planning Board noted that it had received additional information from the project engineer, Francis Bossolini, P.E., concerning the radar speed indicator equipment proposed for Tamarac Road and a Stormwater Pollution Prevention Plan. Both the Planning Board and Mr. Kestner noted that it had only recently received this information, and required additional time for review. Chairman Oster noted that the additional information supplied was addressed to the traffic impact issue and groundwater impact issue, which were concerns of the Planning Board. Chairman Oster inquired of Attorney Gilchrist about impacts to existing residential wells on Tambul Lane and Winfield Lane, even in light of the groundwater report concluding that there are adequate groundwater resources for the proposed residential wells in addition to existing wells. Attorney Gilchrist reiterated that the Planning Board could consider a well dispute resolution mechanism, but that adequate baseline data of existing residential wells needs to be obtained in order to assess any future impacts that may arise. In addition, Attorney Gilchrist reiterated that such a procedure only provides a mechanism for future dispute resolution, and does not mandate any specific conclusion. In general, Attorney Gilchrist stated that a well dispute resolution mechanism merely provides the framework for resolving future disputes, but that the burden to show a connection between installation of a new well and effect upon an existing well would remain with the private property owner, which is why obtaining

current baseline data on existing residential wells is critical. Chairman Oster inquired whether such well dispute resolution procedures are common in residential settings. Attorney Gilchrist stated that he was not familiar with this option in a residential setting, and that it was much more common in a commercial or industrial setting. Mr. Kestner stated that the Board had required the Applicant to provide additional information concerning potential impact to existing residential wells, and that the Spectra report provided a technical response as to whether installation of additional wells would have any impact on existing residential wells. Mr. Dunn also stated that the Spectra report concludes more than adequate groundwater resources are available, and that this project does not result in a high density impact to groundwater resources. Member Wetmiller stated that the Spectra report addresses only the proposed number of lots, but if any additional residential lots or additional residential wells are proposed for the area, the availability of groundwater should be reexamined. Chairman Oster noted that the Applicant has addressed the Planning Board's inquiry concerning groundwater impacts, and that Mr. Kestner will review the supplemented Spectra Engineering report. Chairman Oster inquired as to the Applicant's proposal for the Cipperly Cemetery. Mr. Dunn reported that he had appeared at the Town Board meeting held on September 14, and that the Town Board was requiring the Applicant to further investigate as to whether the cemetery was public or private. Mr. Dunn reported that the Town Board's opinion is that if the Cipperly Cemetery was a public cemetery, conveyance of the cemetery to the Town is an option; however, if the Cipperly Cemetery was a private burial plot, the law does not allow a municipality to take title. In response, Mr. Dunn's proposal to the Planning Board is to leave the entirety of the Cipperly Cemetery within the boundary of proposed Lot 4, place a deed restriction in the deed to Lot 4, but continue to investigate as to the history of the Cipperly Cemetery, with the intent to convey that area to the

Town in the future if it is determined the cemetery was public. Chairman Oster inquired about the Applicant's response to an offer by a private individual to install fencing around the cemetery plot. Mr. Dunn stated that the Applicant did not want to pursue installing a fence, since the cemetery plot is in very close proximity to Tambul Lane and the public right of way. Instead, Mr. Dunn stated that the Applicant wanted to create an area of non-disturbance around the cemetery plot, and merely deed restrict that area. Chairman Oster suggested that the Applicant at least notify future owners of Lot 4 as to the offer for fence installation. The Planning Board also directed the Applicant to coordinate with Town Historian Zankel on this issue of the Cipperly Cemetery, and make sure that any proposal has been reviewed by the Town Historian prior to action by either the Planning Board or the Town Board. Mr. Dunn reported that the issue of stormwater drainage between Lot 4 and the lot owned by David Oster is now addressed on the subdivision plan, and a swale to carry stormwater has been shown. The Board inquired whether the swale drainage is directed to the area of an existing drainage area in the rear of the Oster parcel. Mr. Dunn provided further information on the swale, and that it was the Applicant's intent to take the drainage to a point farthest removed from the Oster house that existing topography would allow. Mr. Kestner suggested that Mr. Dunn place stakes in the field in the area proposed for the end of the drainage swale so that the Planning Board members and David Oster could better understand the plan. Mr. Dunn agreed to do so, and will advise the Board when the stakes were installed. Mr. Dunn noted that the development of Lot 4 would reduce the amount of water impacting the Oster parcel. Mr. Kestner stated that this matter would be subject to further review, including a field visit once the stakes had been installed. Mr. Kronau stated that he would use his best efforts to move the drainage farther back from the Oster house, and that he would discuss this matter directly with David Oster as well. Member Esser questioned

the total amount of disturbed area on the subdivision plan. Mr. Dunn discussed the Applicant's calculation as to the total disturbed areas, and that it was the Applicant's opinion that the total disturbed area is below 5 acres, and therefore does not need a full Stormwater Pollution Prevention Plan per NYSDEC regulations. The Planning Board requested additional mapping addressed to the issue of total land disturbance for review by the Planning Board and Mr. Kestner. Mr. Kestner noted that the subdivision plat must show finished contours, and that the grading associated with the finished contours will impact the total disturbed areas. This information must be provided to the Planning Board to address stormwater regulation compliance. Mr. Kronau noted that there needs to be some flexibility for final house placement, but that he understood that additional information needs to be supplied concerning grading elevations for water flow and septic. This information will be provided by the Applicant. Chairman Oster inquired as to the status of the proposal for the cul-de-sac at the end of Winfield Lane. Mr. Kestner noted that the cul-de-sac at the end of Winfield Lane must be in full compliance with the Town Specification, and that the Applicant has agreed to connect existing drainage pipes under Winfield Lane and upgrade the outfall for this drainage area with the installation of rip-rap. The Applicant has agreed to provide the Town with a drainage easement for access to these drainage areas on private property. Mr. Dunn noted that this will be reviewed with both Mr. Kestner and Highway Superintendent Eddy in the field. Mr. Dunn requested that this matter be placed on the October 5 agenda. The Planning Board noted that additional information was required from the Applicant, and that this information should be submitted to the Board at least one week before the October 5 meeting.

Chairman Oster noted that the site plan application of Ginsberg has been adjourned to the October 5 meeting.

The next item of business on the agenda was the minor subdivision application of Provost for property located on Norman Lane. It was reported that the Applicant is still waiting for a letter from the New York State Department of State concerning the Certificate of Occupancy issue. Highway Superintendent Eddy reported that he had met with Provost at the property concerning the proposed cul-de-sac location. Mr. Kestner also noted that during his review of the structural reports, the building that had initially been built as a three-car garage and reportedly converted into a single family house had actually been converted into a two-unit apartment house. Chairman Oster reiterated that the issues concerning the Certificate of Occupancy and Rensselaer County Health Department approval for the structures already on the property must be resolved before the Planning Board will proceed on the subdivision application. This matter has been adjourned without date, subject to further information provided by the Applicant.

Chairman noted that the subdivision application by Schleicher had been withdrawn.

The next item of business on the agenda was a minor subdivision application by Tomhannock, LLC for property located on Route 142 and Farrell Road. Peter Gibson of Tomhannock, LLC appeared on the application. Mr. Gibson explained that he had purchased this property from the Calhoun Estate in January of 2006. Mr. Gibson had previously applied and had been granted a waiver of subdivision for the existing house plus 10 acres of this property, which has subsequently been sold to a new owner. This resulted in 9.5± acres of vacant property. Mr. Gibson now seeks to divide this 9.5± acres into two lots, 5.04± acres and 4.34± acres. Mr. Gibson stated that perc tests had been performed on site, and that a full water and septic plan was being prepared. Mr. Gibson noted that sight distances had been provided for access onto Route 142, and that limited trimming of brush and vegetation is proposed within the

State right of way. Mr. Gibson did acknowledge that he would need to get driveway permits from NYSDOT. Mr. Kestner noted that his initial review of the subdivision plat showed driveway locations within 100 feet of what is identified as a classified stream, and that the driveway location may be an issue. Member Czornyj noted that this driveway must be 16 feet wide because it is proposed to be longer than 150 feet. Chairman Oster noted that proposed house and driveway locations, plus proposed water and septic locations should be shown on the subdivision plat. The Planning Board and Mr. Kestner reviewed the set back requirements for proposed septic systems from the Town reservoir, and that Mr. Kestner will review this requirement with Harold Berger, P.E., the project engineer. The Planning Board also reviewed a small, triangular piece of property noted on the subdivision plat as "title undetermined". Mr. Gibson explained that he has no claim to ownership to that parcel, but that his surveyor, Brian Holbriiter, could not connect the lines given the metes and bounds descriptions in the relevant deeds, and therefore left this area as "title undetermined" on the plat. Mr. Gibson made it very clear that he is not claiming any title to this parcel, and that it is not part of the application in front of the Planning Board. The Planning Board generally reviewed the requirements to be shown on the minor subdivision plat, and that the Planning Board was looking for the proposed house, driveway, water and septic locations, and topography. Mr. Gibson noted that he would pursue the driveway location and driveway permits with NYSDOT, and once that had been determined, would submit a subdivision plat for further review by the Planning Board. This matter has been adjourned without date, subject to the submission of additional information by the Applicant.

Chairman Oster noted that the Planning Board members received a letter from Barbara Rea dated September 11, 2006 concerning the Jodice waiver of subdivision approval granted by

the Planning Board on September 7, 2006. In her letter, Ms. Rea alleges that she owns a Life Estate on part of the property which was subject of the Jodice application, and principally effects the driveway and "farm road" off Skycrest Drive. Ms. Rea alleges that her Life Estate is recorded, and alleges that the subdivision survey presented to the Planning Board is inaccurate. The issues raised in the Rea letter could impact the Jodice waiver approval, both in terms of lot lines and driveway location. Given that the Rea letter raises allegations on the accuracy of the survey plat submitted to the Planning Board, the Planning Board requested Attorney Gilchrist to forward the Rea letter to Mr. Jodice and his surveyor for review and response.

Chairman Oster had reported at the September 7, 2006 meeting that he attended the regular meeting and public hearing held by the Grafton Planning Board on August 21, 2006 concerning the Land Vantage subdivision for property located on Old Siek Road. Chairman Oster now provided a copy of the minutes of the Grafton Planning Board August 21 meeting to the Board members, and for Brunswick's files. In this regard, Mr. Kreiger reported that Land Vantage, Inc. has submitted a new application for minor subdivision for this property located off Old Siek Road. Chairman Oster stated that this matter will be placed on the October 5 agenda for further discussion.

The Planning Board then moved to executive session to discuss a matter of pending litigation. The executive session was then concluded, and the regular business meeting reconvened.

A motion was then made to adjourn the meeting. The motion was approved 7/0, and the meeting adjourned.

The **index** for the September 21, 2006 Planning Board meeting is as follows:

1. Steve Chan/Plum Blossom Restaurant – site plan – approved subject to conditions;
2. Cobblestone Associates – major subdivision – 10/5/06;
3. Ginsberg – site plan – 10/5/06;
4. Provost – minor subdivision – adjourned without date;
5. Schleicher – waiver of subdivision – withdrawn; and
6. Tomhannock, LLC – minor subdivision – adjourned without date.

The proposed agenda for the October 5, 2006 meeting is as follows:

1. Cobblestone Associates – major subdivision;
2. Ginsberg – site plan; and
3. Land Vantage – minor subdivision.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 5, 2006

PRESENT were CHAIRMAN RUSSELL OSTER, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR and JOSEPH WETMILLER.

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the September 21, 2006 meeting. Upon motion of Member Mainello, seconded by Member Jabour, the minutes were approved as written by a 6/0 vote.

The first item of business on the agenda was the site plan application of Ginsberg for property located on Route 7. Appearing on the application were Stuart Ginsberg and Alexander Basse. Chairman Oster inquired as to the Applicant's investigation of septic tank and septic lateral location on the site. Mr. Ginsberg responded that the Harley Davidson site, including the additional commercial space, does not have a septic tank or septic laterals, but two holding tanks which are pumped out regularly. Mr. Ginsberg described the smaller tank as a "dry well", and the larger holding tank, situated in part under the Harley Davidson building, as having a capacity of 18,700 gallons. Mr. Kestner inquired whether the foundation of the Brunswick Harley Davidson building is on top of the holding tank. Mr. Ginsberg responded that the foundation of the original building was on the holding tank, and that this tank had been in place and used for

decades. Mr. Bassey stated that this is consistent with why he did not hit any septic laterals when his company was excavating to construct the new storage facility. Member Esser inquired how the holding tank was emptied or pumped out. Mr. Ginsberg stated that the tank access was from inside the Harley Davidson building, but that there was no odor in the building when the holding tank was being pumped out. Member Jabour inquired of Mr. Kestner as to whether this was an acceptable septic design. Mr. Kestner stated that this information was being presented for the first time, and that he had no idea what was present in the field or its exact location. Chairman Oster stated that this issue has become quite confusing, since the Applicant had previously presented site plans which showed a septic tank and leach field, and that both the Applicant and its representatives had previously discussed a septic tank and leach field on prior site plan reviews. Chairman Oster stated he had never heard the Applicant or any of its representatives mention that there was a holding tank for waste water on the property, or that it was being pumped out regularly. To the contrary, Chairman Oster recalled inquiring whether there were any holding tanks that were being pumped out on the site, and he was previously informed that there were no holding tanks that were being pumped out on the property. Mr. Kestner stated that a correct drawing prepared and stamped by a professional engineer which accurately shows a septic system for this property must be prepared and submitted to the Planning Board. The Board members were quite concerned about this issue, and were of the opinion that this matter should immediately be reviewed by the Rensselaer County Health Department. Chairman Oster stated that once an accurate drawing has been completed, this should be forwarded to the Rensselaer County Health Department for review. The Planning Board was also concerned about the proximity of any holding tank to the onsite water well. Member Esser was concerned that if the holding tank had been in place for decades, its structural

integrity may be in question, and if the tank is leaking and is close to the onsite water well, this should immediately be addressed and reviewed by the Rensselaer County Health Department. Chairman Oster noted that there is a public safety issue regarding waste water and the onsite water supply well. Mr. Ginsberg stated that the water supply well has been routinely tested, and that there are no contamination problems. Mr. Kestner asked Mr. Ginsberg to supply the results of such testing, and noted that there was a public water connection available at Route 7 which would resolve all water quality issues, if any. Member Esser also raised the possibility of having a camera inspection of the holding tank undertaken to determine structural integrity. Mr. Kestner also noted that once an accurate map depicting the septic system is prepared, that site plan map should also include all site information, including buildings, parking area, lighting, and landscaping. Mr. Kestner noted that certain landscaping and lighting features which were depicted on the last site plan approved by the Planning Board had not been completed. The Planning Board will review the requirements of the prior site plan in connection with review of the current site plan matter. Mr. Kestner reiterated that one of the conditions on the last site plan approval concerning the additional commercial space was review by the Rensselaer County Health Department, which the Applicant failed to do. Chairman Oster reiterated that everything must be placed on the current site plan. Mr. Bassey stated that if certain lighting or landscaping had not been installed to date, the new site plan would request that these not be installed. The Board generally discussed this issue, and made the Applicant aware that the Board would be reviewing the prior site plan approval with the new site plan submitted, and that prior requirements in terms of landscaping and lighting may still be required under the current site plan review. The Applicant requested that this matter be placed on the October 19 agenda.

This matter has been tentatively placed on the October 19 agenda, subject to timely filing of the site plan with all requested data.

The second item of business on the agenda was the minor subdivision application by Land Vantage, Inc. for a proposed three lot subdivision on Old Siek Road, on property both in the Town of Brunswick and Town of Grafton. The Applicant described the general layout of the proposed three lot subdivision, showing road frontage for lots in the Town of Brunswick totaling 895 feet. The Applicant has proposed driveway locations in the Town of Brunswick, and has confirmed that site distance has been measured and is compliant. The Applicant reviewed the well information from this site. A monitoring well has been installed and sampled. The well has been drilled to approximately 600 feet, with a pump located approximately 350 feet below grade. The depth of the well was required due to yield issues. The Applicant explained that on the first round of sampling of the ground water, both arsenic and lead levels were elevated. The Applicant further stated that the next sampling round indicated lead levels were not elevated, but arsenic levels remained elevated. The Applicant opined that this reduction in lead elevations was due to the fact that well had been flushed for a period of time prior to the second sampling event. The Applicant explained that the well still exhibits increased turbidity and elevated arsenic levels. However, the Applicant explained that the project engineer has noted that a filtering system on each proposed residential well is recommended, and that all such systems were subject to the review and approval by the Rensselaer County Health Department. The Applicant stated that a map note has been added to the subdivision plat providing that the Rensselaer County Health Department approval is required before the issuance of any certificate of occupancy, and that the owner is acknowledging any potential liability concerning groundwater impact issues. Member Tarbox inquired whether the tests performed on the well water were standard for

residential wells. Mr. Kestner stated that because this property is in close proximity to the Town landfill, he had requested that a complete laboratory analysis for both organic and inorganic compounds be run. The Applicant reiterated that he understood a filter system would be required for each residence, and that such filter system must be maintained. Chairman Oster stated that while the Planning Board was concerned about groundwater quality, the ultimate review and approval of the water supply systems is with the Rensselaer County Health Department. Attorney Gilchrist explained that since the property is both within the Town of Brunswick and the Town of Grafton, the Brunswick Planning Board must coordinate with the Grafton Planning Board for purposes of establishing SEQRA Lead Agency. Once the SEQRA Lead Agency has been established, and while the approval of the water supply system rests with the Rensselaer County Health Department, the issue of groundwater quality must be addressed as a SEQRA issue. The Applicant stated that it was not trying to hide the water quality issue, but was rather making note of it and addressing it through the proposed residential filter system. Chairman Oster inquired whether the proposed house locations on the subdivided lots were within the Town of Brunswick, given that the driveway locations were all within the Town of Brunswick. The Applicant stated that the current proposal was to locate the homes within the Town of Brunswick, but wanted some flexibility on this issue since the lots were very large and homes could be located in Grafton as well. The Applicant stated that final house location would be the decision of the lot owners. Chairman Oster noted that he had attended a prior meeting of the Grafton Planning Board concerning this property, and that the Grafton Planning Board was concerned about groundwater quality as well. On the issue of SEQRA Lead Agency, the Brunswick Planning Board directed that a Lead Agency Coordination Notice be sent to the Grafton Planning Board, noting that the Brunswick Planning Board would like to assume lead

agency status given that the road frontage, driveway location, and proposed house location were within the Town of Brunswick. Member Wetmiller inquired as to whether any residential lots could be sold without the groundwater well issue being resolved. Attorney Gilchrist reminded the Board that the subdivision plat would not be stamped or signed absent Rensselaer County Health Department approval, and that the final plat stamp and signature was required before the lots were to be sold. The Planning Board directed Mr. Kestner to review this matter with the Rensselaer County Health Department so that as much information as possible was available concerning the groundwater issue. The Applicant will attend the October Grafton Planning Board meeting concerning the project, and will contact the Planning Board as to when it sought to be placed on an upcoming Brunswick Planning Board agenda. The Planning Board reviewed with the Applicant the minor subdivision plat requirements, including water and septic location. The Planning Board explained to the Applicant that both a proposed well and proposed septic and leach field location for each subdivided lot must be placed on the plat for review in compliance with the Town Subdivision Regulations. The Applicant stated that this information would be placed on the subdivision plat. This matter has been adjourned without date pending further information from the Applicant.

The next item of business on the agenda was the minor subdivision application of Provost for property located off Norman Lane. Appearing for the Applicant was Attorney Paul Engster. Mr. Engster noted that the Applicant's engineer, John Steele, P.E., prepared a letter report dated October 4, 2006 regarding the structural inspections of the existing structures on the Provost property, as well as his communications with the New York State Department of State concerning the certificate of occupancy issue. Mr. Steele attached a copy of a memorandum from the New York State Department of State dated September 21, 2006 regarding the certificate

of occupancy issue. These reports have become part of the Planning Board's file on this application. Mr. Engster acknowledged the issue that there are several constructed and occupied residences on Provost's single lot off Norman Lane which do not have certificates of occupancy issued, but acknowledged that a certificate of occupancy could not be issued given the completion of the structures and inability to perform the necessary inspections for the issuance of the certificate of occupancy. Mr. Engster inquired how the Board wished to proceed. The Planning Board responded by stating it had sought a definitive position on the certificate of occupancy issue from the Department of State, but the NYSDOS memorandum is less than definitive. It is noted that Provost's engineer had stated that NYSDOS considered a structural report to be adequate in circumstances such as this, but the NYSDOS memorandum does not state this. The Planning Board further responded that the property and structures must be in compliance with the Zoning Code prior to review and action upon the submitted subdivision plat. Mr. Engster questioned the underlying premise that the Planning Board was not able to proceed with the subdivision plat review given the circumstances. Attorney Gilchrist stated that he would forward his research concerning this issue to Mr. Engster for review. Mr. Engster noted that there must be compromise on this issue, or that the existing structures would need to be demolished and a clean site presented to the Planning Board for subdivision. The Planning Board stated that such an extreme position was not required, but that further research must be done to determine the appropriate resolution. On the issue of zoning compliance, Attorney Gilchrist stated that he would further research the issue, and coordinate with the Building Department and Town Attorney on that issue. Mr. Provost stated on the record that if the Town was concerned about liability issues for these structures, he would not look to the Town if something were to go wrong with the structures in the future. The Planning Board stated that

potential liability issues as well as proper planning and zoning review will be researched. Mr. Provost was quite irritated, and stated he was a victim of circumstances. Mr. Provost stated that prior Building Inspector Austin, who issued the Building Permits for the structures, would not show up for scheduled inspections for certificates of occupancy, and that Mr. Provost became irritated and simply finished the structures. This matter had been adjourned subject to further research and coordination with counsel.

Chairman Oster inquired as to the status of any response from Vincent Jodice and/or Mark Danskin concerning the allegations made by Barbara Rae on the Jodice waiver of subdivision approval. Attorney Gilchrist stated that he had received a telephone call from Mr. Jodice, who stated that a written response was being prepared by Mr. Danskin and Mr. Jodice, and that the same would be submitted to the Planning Board prior to the October 19, 2006 meeting. The matter has been tentatively placed on the October 19 agenda.

Attorney Gilchrist and Mr. Kestner reviewed with the Planning Board the SEQRA Findings Statement adopted by the Town Board, as SEQRA Lead Agency, on the Carriage Hill Estates Planned Development District. Chairman Oster noted for the record that he had been contacted by Michael Uccellini, who had requested to meet directly with Chairman Oster to discuss the project. Chairman Oster responded that he would like counsel and Town engineers present for any such meeting or discussions, and that meetings with the full Planning Board were preferable. The Planning Board further discussed process on reviewing the site plan and subdivision applications on this Carriage Hill Estates PDD, and determined that scheduling workshop meetings devoted to the project would be a good idea. Mr. Kestner reviewed the conditions placed on the Planned Development District by the Town Board, with specific reference to the Planning Board recommendations which were included as conditions to the

approved Planned Development District. The Planning Board determined that once additional submissions were made by the Applicant concerning the site plan and subdivision, the Planning Board would schedule a workshop for the Carriage Hill Estates PDD.

Chairman Oster also noted that he had received a request from the Town Board that the Planning Board review and make a recommendation on the proposed Sugar Hill Apartments Planned Development District. Mr. Kestner reviewed the Sugar Hill Apartments PDD map, and distributed copies of the traffic report, water and sewer report, stormwater report, and photo-documentation of the project site to the Planning Board members. The Planning Board indicated that it would begin to discuss the Sugar Hill Apartment PDD application for recommendation at its October 19 meeting.

Three items of new business were discussed.

First, a concept site plan application has been submitted by Robert Gaston, Jr. ("Shed Man") for the construction of a car wash on property located on Route 2 where the "Shed Man" is displaying and selling sheds. The Applicant proposes to relocate the sheds on that parcel, and also install a car wash. This matter is placed on the October 19 agenda for discussion.

The second item of new business discussed is a waiver of subdivision application by Robert Garuias for property located at 382 Garfield Road. The Applicant seeks to divide a 6± acre parcel into two lots, one 2± acres in size and the second to be 4± acres in size. The proposed 2± acre parcel will have an existing house located on it, with the 4± acre parcel being vacant. This matter will be on the October 19 agenda for discussion.

The third item of new business discussed was a waiver of subdivision application by Bruce Moody for property located on Garfield Road. This matter has been tentatively placed on the October 19 agenda subject to supply of additional information by the Applicant.

The **index** for the October 5, 2006 Planning Board meeting is as follows:

1. Ginsberg – site plan – 10/19/06;
2. Land Vantage, Inc. – minor subdivision - adjourned without date;
3. Provost – minor subdivision – 10/19/06;
4. Carriage Hill Estates PDD – subdivision and site plan – adjourned without date;
5. Sugar Hill Apartments PDD – review and recommendation – 10/19/06;
6. Gaston – concept site plan – 10/19/06;
7. Garuias – waiver of subdivision – 10/19/06; and
8. Moody – waiver of subdivision – 10/19/06.

The proposed agenda for the October 19, 2006 meeting currently is as follows:

1. Cobblestone Associates – major subdivision;
2. Ginsberg – site plan;
3. Provost – minor subdivision;
4. Gaston – concept site plan;
5. Garuias – waiver of subdivision;
6. Moody – waiver of subdivision;
7. Jodice – response to issues raised on waiver of subdivision approval;
8. Sugar Hill Apartments PDD – review and recommendation.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD October 19, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The minutes of the October 5, 2006 meeting were reviewed. At Pages 9 and 10 of the draft minutes, the name "Garuias" was corrected to "Gervais". Subject to the typographical correction, the minutes were approved.

The first item of business on the agenda was the major subdivision application by Cobblestone Associates for property located off Tambul Lane and Bulson Road. Francis Bossolini, P.E. and Kevin Kronau appeared on the application. Mr. Bossolini indicated that he provided to the Board additional topographical and grading information. Mr. Bossolini also stated he had provided additional information regarding the total areas of disturbance for the proposed project, including driveways, septic, building envelopes, extension of the Winfield Lane cul-de-sac, and drainage improvements at such cul-de-sac. Mr. Bossolini stated that the total areas of disturbance were less than 5 acres, and therefore a full Stormwater Pollution Prevention Plan was not required on the application. Member Esser asked whether any fill systems would be required on the project for septic disposal. Mr. Bossolini stated that for

purposes of calculation of total disturbed areas, a conservative estimate for septic systems was used. Member Esser stated that there was no area around the perimeter of the septic systems for any construction equipment to be used to actually build the systems. Mr. Bossolini stated that the systems would need to be built by working from the interior of the system to the perimeter. Mr. Kestner noted that there were not any expansion areas for the proposed septic systems considered for total disturbed areas. Member Esser also stated that if fill systems were needed, a larger area would need to be disturbed. Mr. Bossolini stated that lot-by-lot septic designs would dictate the final calculation of total disturbed area, and if that amount exceeded 5 acres, than a full Stormwater Pollution Prevention Plan would be required. Mr. Bossolini stated that such detailed work would be completed after preliminary approval, but certainly prior to any final approval for the project or filing of plans with the clerk's office. Mr. Kestner and Member Czornyj reiterated that this information would be required for review by the Planning Board prior to any final approval on this project. Chairman Oster reviewed generally the new information received, which includes the topographical contours and grading, total disturbed area calculation, but inquired whether the location and operation of a drainage swale on proposed Lot 4 had been pursued by the Applicant. Mr. Kronau stated that some work had been completed in the field, but that coordination with David Oster and members of the Planning Board on that issue still needs to occur. Chairman Oster also inquired as to the status of the signage on Tamarac Road to address the traffic concerns at the intersection of Tambul Lane and Tamarac Road. Mr. Kronau stated that the conceptual agreement with Rensselaer County remains in place, such that an electronic sign would be installed by the Applicant indicating speed of oncoming cars as it approached the curve on Tamarac Road in proximity to Tambul Lane, and that the Applicant was still coordinating with Rensselaer County to work out details. Mr. Kronau stated that the

electronic speed sign is being proposed as a mitigation measure on traffic concerns at the Tambul Lane intersection. Member Czornyj inquired whether a "no left turn" sign at the end of Tambul Lane was no longer required, although the prior engineering reports on this application had suggested such a measure. Mr. Bossolini stated that Rensselaer County concurred that the accidents reported at the intersection of Tamarac Road and Tambul Lane were due to excessive speed, and were not necessarily an intersection issue. Mr. Bossolini stated that while sight distance issues are present, the County reports that accidents are not directly as a result of sight distance but from excessive speed as cars are unable to handle the curve on Tamarac Road. Mr. Bossolini said that the electronic speed sign was offered as a mitigation measure to address the speed concern, which in turn will address traffic safety concerns at the intersection of Tambul Lane and Tamarac Road. Chairman Oster made it clear that a speed sign must be installed as a mitigation measure on this application, and that the Planning Board still needed to discuss the timing of when that electronic speed sign installation would be required during buildout. Member Czornyj noted for the record that the Board and its consultants must be satisfied that the electronic speed sign is an adequate mitigation measure on the traffic issue, given the fact that two prior engineering reports recommended that no left hand turns be allowed out of Tambul Lane onto Tamarac Road. In this regard, Member Czornyj requested the Applicant to obtain a letter from Rensselaer County stating that accidents at this location were due primarily to speed concerns. On this point, Mr. Kronau stated that the traffic situation at Tambul Lane and Tamarac Road was an existing condition, and the Town should not hold his property and other properties on Tambul Lane hostage due to a preexisting road condition. Mr. Kronau stated that the Applicant was offering the electronic speed sign as an appropriate mitigation measure to address the traffic concern. Mr. Bossolini stated that with respect to the Cipperly Cemetery on Tambul

Lane, the Applicant's plan is to deed restrict the area around the cemetery as part of the deed to proposed Lot #4. The Town Historian has reviewed this proposal, which includes a 20 foot buffer around the apparent boundaries of the burial plots to ensure no disturbance to the burial ground. The Town Historian has concluded that Cobblestone Associates has demonstrated a sensitivity to the historical significance of the Cipperly Cemetery, and that an appropriate buffer around the cemetery, thus extending its boundaries around the area that visibly contains gravesites and tombstones, may protect any unmarked burial sites that may lie outside the visible raised mound presumed to be the cemetery boundaries. Chairman Oster noted that there had been a private offer to help pay for the installation of a fence. Mr. Kronau stated that the Applicant's position has been quite consistent, that a fence should not be installed given the proximity of the cemetery to Tambul Lane within the public right of way, and that the Applicant proposed the 20 foot buffer as a deed restriction to provide protection to the cemetery site. Mr. Kestner commented that in the absence of a fence, a monument in the field to demark the areas of the setback may be appropriate. The Applicant may consider this proposal. Further, the Applicant will submit proposed language for the deed restriction to the Planning Board for review. On the issue of the upgrade to the Winfield Lane cul-de-sac, Mr. Kestner reiterated that the upgrade must be consistent with the Town Highway Specifications, and attention must be made to drainage detail on the plan, including drain pipes and discharge areas. Members Esser and Tarbox discussed the issue of drainage, drain pipes, outlet pipes off the cul-de-sac, and making sure the Applicant located all of the appropriate drain lines and culverts to make sure that they are functioning properly. The Applicant requested a SEQRA determination on the revised subdivision plat and for preliminary approval on the project design. The Applicant stated that the requested additional information would all be provided following preliminary approval, to be

considered by the Planning Board prior to any final approval. Mr. Kestner stated that this information, including the drainage at Winfield Lane as well as the drainage swale at proposed Lot #4 should be considered now, as it may impact the project design and layout. Following discussion, the issues requiring additional information included drainage at the Winfield Lane cul-de-sac, proposed drainage swale at Lot #4, as well as information from Rensselaer County on the electronic speed sign for Tamarac Road. It was determined that the Applicant would coordinate a meeting in the field with Planning Board members and engineer to discuss these issues. Member Tarbox also noted that a significant 4 foot - 5 foot culvert had been created in the woods beyond Lots 7 and 8 from drainage, and that this should be addressed as well. Mr. Bossolini said he would further investigate that issue. This matter had been placed on the November 2, 2006 for further discussion.

The next item of business on the agenda was the site plan application of Ginsberg. No further site plan data has been submitted by Ginsberg, and this matter has been adjourned to the November 2, 2006 agenda.

The next item of business on the agenda was the subdivision application of Provost for property located off Norman Lane. This application has been adjourned to the November 2, 2006 meeting subject to consultation with the Town Attorney and Building Department.

The next item of business on the agenda was the concept site plan application by Gaston for property located on Route 2. This matter has been adjourned without date, pending submission of further information by the Applicant.

The next item of business on the agenda was the waiver of subdivision application by Robert Gervais for property located on Garfield Road. Mr. Gervais appeared on the application. Mr. Gervais currently has a 6± acre parcel, which he seeks to subdivide into a 2± acre parcel

with an existing house, leaving a 4± acre parcel of vacant land. Chairman Oster noted that both he and Mr. Kestner had visited the property, and noted that there were certain sight distance issues on Garfield Road. Since the application sought to create a 4± acre parcel, which technically could constitute a building lot, the Planning Board was seeking a proposed driveway location with sight distance to ensure that a safe driveway could be installed to the 4± acre parcel. The Applicant noted that he may wish to further divide the 4± acre parcel in the future, although he has no current plans to do so. Chairman Oster responded that a proposed driveway location could be modified in the future, in the event Mr. Gervais did seek to further subdivide the 4± acre parcel. On that issue, however, the Planning Board entertained discussion regarding the ability to further subdivide the 4± acre parcel pursuant to a waiver application, as opposed to a full minor subdivision application. The Planning Board noted that the subdivision regulations provide that a consideration of the Planning Board to entertain a waiver application is whether a prior waiver had been granted on the subject property within the last 7 years. The Planning Board instructed Mr. Gervais that if a waiver of application were entertained now, a minor subdivision application would be required to further subdivide the 4± acre parcel for commercial purposes. Mr. Gervais understood this. It would be noted that Mr. Gervais has executed an Agricultural Data Statement for the application since the application seeks a non-agricultural use within an agricultural district in which current farming operations are taking place. The Planning Board will forward the Agricultural Data Statement to the relevant parties. This matter has been placed on the November 2, 2006 agenda for further discussion, pending submission of the proposed driveway location and sight distance information for the proposed 4± acre parcel.

The next item of business on the agenda was a waiver of subdivision application by Moody for property located on Garfield Road. It was noted that Moody had received a waiver

approval for the subject property approximately two years ago, and therefore the Planning Board entertained discussion of whether this current application should be considered as a waiver or minor subdivision application. Member Tarbox noted that he had spoken with Moody prior to the meeting, and that Moody was seeking to cut off a small 3± acre parcel for his daughter to build a house, leaving remaining property of 100± acres. Upon further review of the Subdivision Regulations and input from the Building Department, the Planning Board determined it had discretion as to whether to accept a waiver application or require a minor subdivision application in the event the property had obtained a waiver approval within the last 7 years. Factors to be determined by the Planning Board include the number of years between applications, whether the application sought a building lot for a family member, the size of the proposed lot, and the size of the remaining land. Mr. Kreiger noted that the Planning Board has entertained successive waiver applications in the past, but has been done so on a case-by-case basis. Member Czornyj stated that he was not comfortable entertaining an additional waiver application in light of the discussion just held with respect to the Gervais application. Member Tarbox noted that if a small parcel was being divided off for a family member, the costs associated with developing a full preliminary subdivision plat and payment of all filing and Town fees would add a lot of expense to the project. Member Wetmiller thought that since a very large lot would be remaining, that the project was for a family member, and that this was not a commercial venture would tend to support the consideration of the waiver application. After further discussion by the Board members, Member Tarbox made a formal motion to allow the Planning Board to entertain the Moody application as a waiver of subdivision rather than full minor subdivision, particularly in light of the fact that this was a small lot being carved out of a large parcel, and that it was for a family member. Member Wetmiller seconded that motion. A formal vote was taken on the

motion, which was carried by a vote of 4-3. Therefore, the Planning Board will entertain the Moody application as a waiver application, rather than as a full minor subdivision application. Chairman Oster stated that regardless of entertaining the application as a waiver, additional information was required, including a proposed driveway location with sight distances provided, and a more detailed drawing of the proposed lot. Further, the Planning Board requested that Moody stake the proposed corners of the lot, so that the Planning Board members could visit the site. This matter has been placed on the November 2, 2006 agenda for discussion.

The next item of business on the agenda was the Jodice waiver of subdivision approval, and the written allegations by Barbara Rae concerning the submitted subdivision map. The Planning Board noted that a formal written response had been received from Mr. Jodice and Mr. Danskin, and that the matter has been referred to counsel for further review.

The next item of business added to the agenda was the site plan application of Maselli for the installation of a roof over a walkway leading from the commercial building to an outside freezer/cooler. Mr. Kreiger noted that an area variance had been obtained by Mr. Maselli from the Zoning Board of Appeals, allowing the construction of the subject roof structure. In light of the area variance, the site plan application may proceed before the Planning Board. The Planning Board reviewed the new drawing, which showed that the proposed roof over the walkway would correspond with the existing roof line of the commercial building. The Board further confirmed that there were no sides or walls to the structure, and that it was merely a roof over the walkway. Mr. Kestner inquired where the drainage would go from the walkway roof area. Mr. Maselli stated that the drainage would sheet flow to a greenspace area where there was a flowerbed. Chairman Oster noted that the new site plan had not been stamped by a P.E., but that the prior site plan had been stamped by a P.E. Mr. Maselli stated he would have the new

plan stamped by the P.E. Mr. Kreiger noted that the referral to the Rensselaer County Planning Department had been completed. Mr. Kreiger further reported that a Negative Declaration under SEQRA had been adopted by the Zoning Board of Appeals with respect to the variance. Upon further discussion, Member Czornyj made a motion to approve the site plan, subject to submission by Mr. Maselli of the site plan stamped by a P.E. Member Jabour seconded the motion. The motion was approved 7/0, and the site plan was approved subject to the stated condition.

The Planning Board entertained a presentation by Michael Uccellini with respect to the Carriage Hill Estates PDD site plan and subdivision. Mr. Uccellini reviewed the current site plan and subdivision plat, which has incorporated conditions required by the Town Board in its PDD approval and SEQRA Findings Statement. The Planning Board determined that it would hold a separate workshop meeting to review the site plan and subdivision plat in detail, and tentatively scheduled the workshop meeting for either October 26, 2006 or October 30, 2006.

The Planning Board also began deliberations concerning the proposed Sugar Hill Apartments PDD application. It was initially noted that full sets of plans and supplementary information had not yet been received by each Planning Board member, and that each member should have full sets of plans and information. Several issues were initially discussed by the Planning Board, including the location of the parking lot area, lighting, dumpster location and noise, visual impacts, necessary vegetative buffers, greenspace requirements, traffic, and school district impacts. The Planning Board determined to hold a separate workshop meeting to discuss the proposed Sugar Hill Apartments PDD, and make appropriate recommendations to the Town Board. The workshop to discuss the Sugar Hill Apartments PDD application was tentatively set for October 30, 2006.

Mr. Kreiger and Mr. Kestner reported that they have been contacted by Jeff Brooks concerning the proposed Brooks Heritage, LLC Subdivision on Dusenberry Lane. Mr. Brooks reported that he had spoken with the U.S. Army Corps of Engineers concerning the wetlands delineation, but have been informed by the Corps that it was currently not issuing any formal writings concerning delineations. Mr. Brooks reports, however, that the Corps is willing to speak directly with the Planning Board concerning the delineation, but that the Corps is not at this time putting anything in writing. Further discussion with Mr. Brooks will be entertained, to determine whether sufficient information has been submitted to place this matter back on the agenda for further discussion.

The **index** for the October 19, 2006 Planning Board meeting is as follows:

1. Cobblestone Associates – major subdivision – 11/2/06;
2. Ginsberg – site plan – 11/2/06;
3. Provost – major subdivision – 11/2/06;
4. Gaston – concept site plan – adjourned without date;
5. Gervais – waiver of subdivision – 11/2/06;
6. Moody – waiver of subdivision – 11/2/06;
7. Jodice – waiver of subdivision – 11/2/06;
8. Maselli – site plan – approved subject to condition;
9. Carriage Hill Estates PDD site plan and subdivision – workshop meeting 10/26/06 or 10/30/06 (subject to notice);
10. Sugar Hill Apartments PDD application – workshop meeting 10/30/06; and
11. Brooks Heritage, LLC – major subdivision – adjourned without date.

The proposed agenda for the November 2, 2006 meeting currently is as follows:

1. Cobblestone Associates – major subdivision;
2. Ginsberg – site plan;
3. Provost – major subdivision;
4. Gervais – waiver of subdivision;
5. Moody – waiver of subdivision; and
6. Jodice – waiver of subdivision.

Planning Board

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE PLANNING BOARD MEETING HELD November 2, 2006

PRESENT were MICHAEL CZORNYJ, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR and JOSEPH WETMILLER.

ABSENT was CHAIRMAN RUSSELL OSTER.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The minutes of the October 19, 2006 meeting were reviewed. Upon motion of Member Jabour, seconded by Member Tarbox, the minutes were approved as written.

The first item of business on the agenda was the major subdivision application by Cobblestone Associates for property located on Tambul Lane and Bulson Road. At the request of the Applicant, this matter has been adjourned to the November 16, 2006 meeting. It was noted that the Applicant, Kevin Kronau, had requested a date for a meeting in the field to review the swale issue off Tambul Lane in proximity to proposed Lot #4, and drainage issues and cul-de-sac construction on Winfield Lane.

The next item of business on the agenda was the site plan by Ginsberg in connection with the garage/storage building at the Harley Davidson location. Mr. Kestner noted that Mr. Ginsberg had submitted information concerning a septic inspection and laboratory results, which he will need to review. Also, Mr. Ginsberg stated that a new site plan will be submitted to the

Planning Board within one week. This matter has been adjourned to the November 16, 2006 meeting for further discussion.

The next item of business on the agenda was the major subdivision application by Provost for property located on Norman Lane. It was noted that this matter still resides for determination with the Brunswick Building Department, and has been adjourned without date pending such determination.

The next item of business on the agenda was the waiver of subdivision application by Gervais for property located on Garfield Road. Mr. Gervais appeared on the application. Mr. Gervais currently has a 6± acre parcel, which he seeks to divide into a 2± acre parcel with an existing house, leaving a 4± acre parcel of vacant land. At its previous meeting, the Planning Board had requested information concerning sight distances for a proposed driveway location for the 4± acre remaining parcel. The Applicant has submitted a plan showing two driveway locations for the 4± acre remaining parcel, and supplied sight distance information for each. However, the Planning Board noted that the Applicant's surveyor had included two proposed driveways, although the remaining 4± acre lot is not being proposed for subdivision. Mr. Gervais confirmed that he was not seeking any subdivision of the remaining 4± remaining parcel. The Planning Board requested that the submitted subdivision drawing eliminate any reference to two lots on the remaining 4± acre parcel, and submit a map indicating only the 4± remaining parcel. Mr. Kestner stated that the remaining 4± acre parcel had sufficient area for installation of well and septic, with adequate separation distance from the well and septic location on the 2± acre parcel with the house. Member Czornyj noted that the grades from the remaining 4± acre parcel onto Garfield Road appeared very steep when he visited the site with Mr. Kestner. The Applicant indicated that while the grades are steep, a driveway can be installed

that meets Town Specifications, similar to the design and layout of the driveway already existing for the 2± acre parcel and existing house. Member Czornyj inquired whether there were any further questions or comments regarding the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and a negative declaration adopted. Member Wetmiller then made a motion to approve the waiver application subject to the following conditions:

1. Rensselaer County Health Department approval for the remaining 4± acre parcel.
2. A Rensselaer County driveway permit must be obtained for the 4± acre parcel prior to any Building Permit being issued for construction on the 4± acre parcel.
3. Applicant must submit a revised subdivision map eliminating any reference to division of the 4± acre remaining parcel.

Member Jabour seconded the motion subject to the stated conditions. The motion was approved 6/0, and conditional final approval was granted.

The next item of business on the agenda was the waiver of subdivision application by Moody for property located on Garfield Road. Upon request of the Applicant, this matter has been adjourned without date.

The next item of business on the agenda was the waiver of subdivision approval granted to Vincent Jodice for property located off Bellview Road. After approval of this waiver application, the Planning Board was in receipt of written communication from Barbara Rae, alleging certain errors on the subdivision map concerning a private life estate. The Planning Board had forwarded such letter to Mr. Jodice and his surveyor for review and response. The Planning Board acknowledged receipt of a written response from Vincent Jodice and from Mark Danskin, both disputing the allegations interposed by Ms. Rae. Attorney Gilchrist has reviewed this matter, and advised the Planning Board that the issue as and between Ms. Rae and Mr.

Jodice was a private land dispute, and that the record in front of the Planning Board was adequate and complete in terms of the information contained on the subdivision map as acted upon by the Planning Board. With particular regard to the issue of the driveway on the Jodice map, the Planning Board reiterated its position that it had not approved any common driveway or easement for common use of such driveway, that the prior Planning Board minutes are clear on this issue, that adequate road frontage existed for the remaining lands of Jodice, and that therefore any dispute as and between Jodice and Rae concerning this matter constitutes a private dispute. The Planning Board does not make any finding or opinion with respect to private claims between Rae and Jodice, and this matter is closed from the perspective of the Planning Board.

One item of new business was discussed. An application by Witbeck for property located on Kreiger Lane will be submitted for review by the Planning Board. On this matter, it appears from the prior record that an application for subdivision approval was made to the Planning Board for this property in or about 2000, but the minutes reflect that a further submission was to be made by the Applicant, and that such further submission was never made, and the Applicant failed to re-appear before the Planning Board. However, the record also discloses that a map for this property was prepared in or about 2002 showing the subdivision. The Building Department has researched this matter, and there is no evidence in the public record that the subdivision was ever approved. Accordingly, a new application for subdivision for the subject property will be made, and this matter has been placed on the November 16, 2006 agenda for further discussion.

An inquiry was made as to the status of the Brooks Heritage, LLC proposed major subdivision on Dusenberry Lane. Mr. Kestner and Attorney Gilchrist reported that the Applicant, Jeff Brooks, had stated that a full wetlands delineation report had been prepared and submitted to the U.S. Army Corps of Engineers. Mr. Brooks reports that the Army Corps of

Engineers has reviewed the wetlands delineation report, but is presently not issuing any final jurisdictional determination or delineation letters. However, Mr. Brooks reports that the Army Corps of Engineers is not disputing the wetlands delineation report, and further that the Army Corps of Engineers agrees that the project would qualify for a nationwide permit for utility and road crossings, rather than the need for an individual permit. Upon discussion, the Planning Board is requiring some writing out of the Army Corps of Engineers to confirm these issues, and this matter remains adjourned without date.

The Planning Board entertained discussion concerning the Carriage Hill Planned Development District subdivision and site plan. The issues discussed include the type of sewer main to be installed, whether that be HDPE or ductile iron. Further, the Planning Board also discussed the requisite number of parking spaces for the proposed senior apartments, and whether the proposal by the Applicant of .75 space per unit was adequate. The Planning Board was looking at the parking issue not limited to the senior units, but also the clubhouse, which would be available for use for all of the residents of the Carriage Hill project. The Planning Board reviewed the Findings Statement and approval for the ROUSE senior apartment complex, which required 1.25 parking spaces per unit. The Planning Board will further research this issue directly with representatives of ROUSE concerning adequacy of parking at that facility.

The Planning Board also entertained discussion concerning the proposed Sugar Hill Apartments Planned Development District application, including issues concerning building location, parking location, lighting, and vegetative buffers to surrounding properties. This matter will be further discussed by the Planning Board at its November 16, 2006 meeting, for preparation of a recommendation to the Town Board. It was noted that a Public Hearing will be

held by the Town Board on the Sugar Hill Apartment PDD application on November 9, 2006 at 6:00 p.m. and the Planning Board members were encouraged to attend.

The **index** for the November 2, 2006 Planning Board meeting is as follows:

1. Cobblestone Associates – major subdivision – 11/16/06;
2. Ginsberg – site plan – 11/16/06;
3. Provost – major subdivision – adjourned without date;
4. Gervais – waiver of subdivision – conditional final approval;
5. Moody – waiver of subdivision – adjourned without date;
6. Jodice – waiver of subdivision – matter closed;
7. Witbeck – minor subdivision – 11/16/06;
8. Brooks Heritage, LLC – major subdivision – adjourned without date;
9. Carriage Hill Estates PDD – site plan and subdivision – 11/16/06; and
10. Sugar Hill Apartments PDD application – review and recommendation – 11/16/06.

The proposed agenda for the November 16, 2006 meeting is as follows:

1. Cobblestone Associates – major subdivision;
2. Ginsberg – site plan;
3. Witbeck – minor subdivision;
4. Carriage Hill Estates PDD – site plan and subdivision; and
5. Sugar Hill Apartments PDD application – review and recommendation.

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD November 16, 2006

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

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Board reviewed the draft minutes of the November 2, 2006 meeting. Upon motion of Member Jabour, seconded by Member Czornyj, the minutes were adopted as written.

The first item of business on the agenda was the major subdivision application by Cobblestone Associates for property located on Tambul Lane and Bulson Road. Kevin Kronau appeared on behalf of the Applicant. Mr. Kronau reviewed several issues with the Board. First, with respect to the upgrade of the cul-de-sac on Winfield Lane, Mr. Kronau reported that a site inspection had occurred with Mr. Kestner and several Planning Board members, and that Kronau had excavated and located an existing discharge pipe, catch basins, and determined that a current discharge pipe went approximately 200 feet into the subdivision site and then day-lighted. It appeared that the discharge pipe length was installed due to the original Winfield proposal to extend the road and ultimately connect it with Tambul Lane. That project was never completed. Now, under the current proposal by Cobblestone Associates to merely upgrade the cul-de-sac, the proposal is to install a catch basin near the expanded cul-de-sac, and have it discharge out of

the catch basin rather than through 200 feet of pipe. There is an existing grass swale which could handle the projected stormwater runoff from the catch basin. Chairman Oster noted that he and Mr. Kestner had re-visited the site, and that the Applicant's proposal for the new catch basin discharge makes sense. Mr. Kestner stated that he wanted to make sure that the discharge from the catch basin is beyond all proposed driveways off the cul-de-sac, and that appropriate easements were in place for the drainage from the catch basin. Further, Mr. Kestner stated that the existing 200 feet of drainage pipe should be plugged. Next, Mr. Kronau reviewed the proposed swale in the area of Lot 4 off Tambul Lane. Mr. Kronau stated that stakes had been placed in the field showing the swale location, and that this was in an area of a natural swale and that the proposed upgrade would help to dissipate the existing flow, and possibly improve drainage from existing conditions. Again, Chairman Oster noted that he and Mr. Kestner had re-visited the site, and had reviewed the swale issue with David Oster. Chairman Oster noted that there was a small drainage pipe currently under Tambul Lane, and that the Applicant should maintain that drainage swale along Tambul Road so that existing runoff crosses the road through that drainage pipe and ultimately into the existing drainage area. Mr. Kestner stated that this swale could be upgraded to work more effectively. Member Esser stated that the Board should consider requiring an interceptor or flare end to better catch the stormwater runoff and discharge it through the pipe to the existing drainage area on the opposite side of Tambul Lane. Chairman Oster and Mr. Kronau stated that the upper swale on Tambul Lane near proposed Lot 4 does look feasible. Mr. Kestner requested that additional stakes be placed in the field so that he could review the location of a swale in the rear of proposed Lot 3. Chairman Oster stated the Board realized that these proposed swales would not eliminate stormwater runoff to existing properties, but that the proposal could not create more runoff onto those existing lots. Mr. Kronau then

handed up a proposed deed restriction with respect to the cemetery adjacent to Tambul Lane. Attorney Gilchrist will review the language of the proposed deed restriction. Mr. Kestner stated that with respect to the Stormwater Pollution Prevention Plan (SWPPP), which is required for total disturbance of 5 acres or more on a residential subdivision, it was his opinion that a full SWPPP will likely be required. Mr. Kestner noted that the current proposal approaches 4.9 acres of disturbance, but limits the area of disturbance for septic systems. Mr. Kronau stated that given the soil testing on the site, the lower lots are probably okay for existing soil septic systems, but that the upper lots will likely require fill systems. Mr. Kronau proposed that the ultimate decision on the stormwater regulatory compliance will be with NYSDEC, and made the argument that given the size of the project and the distance between the upper and lower lots, this could almost be viewed as two separate subdivisions. Mr. Kestner stated that this was in fact one project, that NYSDEC will review all stormwater plans, including the total acreage to be disturbed. Mr. Kestner stated that in his experience, NYSDEC will likely require a full SWPPP if the total area of disturbance is that close to 5 acres. Attorney Gilchrist stated that the issue of State stormwater regulatory compliance will rest with NYSDEC, but it would be appropriate for the Planning Board to condition any action on this preliminary subdivision plat upon full review and sign-off by NYSDEC on the stormwater plan. Next, with respect to the electronic traffic sign on Tamarac Road, Mr. Kronau noted that he had forwarded a letter outlining the proposal to Fred Howard at the Rensselaer County Highway Department, including sign selection and proposal for location. Mr. Kronau noted that he had requested a meeting with Mr. Howard, but that meeting had not occurred as of the date of this Planning Board meeting. Mr. Kronau is hopeful that the meeting with Mr. Howard will occur prior to the next Planning Board meeting. Mr. Kronau further suggested that the electronic traffic sign should be required to be in place at a

certain time, such as prior to issuance of a Certificate of Occupancy or prior to the sale of any lots. Chairman Oster opined that the traffic sign should be installed prior to the issuance of any Building Permits, since contractors and other construction vehicles may be using the intersection of Tambul Lane and Tamarac Road as well. Mr. Kronau was agreeable to this. Member Czornyj asked whether there would be any grading or other work on Tamarac Road for the installation of the sign. Mr. Kronau stated that he would need to work this out with Rensselaer County. Member Tarbox stated that he felt the timing of the traffic sign installation should also be contingent on the sale of a lot, since these lots may be sold prior to any actual construction activities. Mr. Kronau reiterated his position that the timing should be prior to any Building Permit issuance. Mr. Kestner stated that he would contact Fred Howard at Rensselaer County Highway Department to resolve these issues prior to the next Planning Board meeting. Mr. Kronau requests that a determination under SEQRA on this revised application be made. Attorney Gilchrist reviewed the procedural options with the Planning Board, including both under SEQRA and the Town Subdivision Regulations. The Public Hearing on this revised application was held in May, 2006. A SEQRA determination has not been made on this revised application, and the application remains at the preliminary plat stage before the Planning Board. Attorney Gilchrist stated that the Board could move forward and act under SEQRA at this time, or could require all issues be resolved prior to acting under SEQRA, including the issue of the electronic traffic sign installation. Members of the Board, including Members Esser, Mainello, and Czornyj, would rather wait to make any SEQRA determination on the application until the meeting with the Rensselaer County Highway Department, since traffic was a critical issue. Attorney Gilchrist stated that once the County meeting was held and the sign installation resolved, the record would be complete before the Planning Board for a determination under

SEQRA and action on the preliminary subdivision plat. Mr. Kronau requested that this matter be placed on the December 7 agenda for further discussion. Chairman Oster stated it would be on the December 7 agenda. Mr. Kronau will set up the meeting with Rensselaer County Highway Department and install additional stakes in the field to identify the location for the swale on proposed Lot 3.

The next item of business on the agenda was the Carriage Hill Estates PDD subdivision and site plan. Michael Uccellini, Gregg Ursprung, P.E., and Phil Dixon, Esq., appeared for the Applicant. Also in attendance was Chief Robert Welch and other representatives of the Eagle Mills Fire Department. Chairman Oster requested Chief Welch to review issues concerning emergency access and compliance. Chief Welch stated that the fire department's initial concern were fire lanes and height of the building when the proposed senior apartments were three-stories, but with the change of the proposal to two-story apartment buildings and further site revisions, the fire department was now agreeable to the installation of three fire hydrants in the area of the senior apartments. Chief Welch stated that the concern of the department was life safety in the area of the senior apartments. In this regard, Chief Welch noted that sprinklers were to be installed in the senior apartments, which will raise water pressure beyond the 750 GPM requirement for fire flow. To achieve that necessary fire flow, a 10 inch water line was required in the area of the senior apartments, which has been agreed to by the Applicant. Further, Chief Welch noted that there was adequate access to the senior apartment buildings outside the collapse zone area, and that the installation of three additional fire hydrants was adequate for fire protection. Member Czornyj inquired as to the turning radius for the internal roads at the apartment units. Mr. Ursprung stated that the turning radius at all intersections were compliant for fire fighting vehicles. The members of the Board, Mr. Ursprung, Mr. Uccellini, and Chief

Welch discussed the turning radius of all intersections in the senior apartment area. The Applicant was proposing the installation of an island at the intersection of the senior apartment access road and parking area, and Chief Welch recommended that it be removed in order to allow easier access for fire fighting equipment. Member Wetmiller inquired whether the fire hydrants were accessible for the fire department. Chief Welch stated that the hydrants were accessible, and that a total of eight hydrants were available on the project. Member Jabour asked whether the fire department was comfortable in terms of truck access to the senior apartment location. Chief Welch stated that the current layout was an acceptable solution, and that the access and fire flow/pressure were acceptable from the fire department's perspective. Member Wetmiller asked whether there was adequate access to the rear of the apartments for emergency rescue. Chief Welch stated that the access for emergency rescue was acceptable. Chief Welch noted that the best case scenario would be flat topography behind all of the apartment buildings, but with the topography of the site, the current plan was acceptable. Chairman Oster asked whether there were any access or other fire department issues on the subdivided lots within the project. Chief Welch stated that the remaining subdivided lots were acceptable, and that there were not any steep driveways and that grades were acceptable. Mr. Kestner raised the issue of necessary parking on the site, and asked whether any proposed parking on the access road into the senior apartment area would pose a problem for the fire department. Mr. Uccellini stated that this road, denominated as Site Road G, was modified per the Planning Board recommendation to 26 feet wide, including two 13 foot wide travel lanes, with 2 foot wide paved shoulders. Mr. Uccellini presented a proposal for additional parking, which showed an area for 8 additional parking spaces along Site Road G. Chief Welch's preliminary comments were that the additional parking would not produce access issues, but pedestrian safety issues since the parking

area was on the opposite side of the road from the sidewalk. Also, Chief Welch would not want a situation where cars would double park on this access road, which would have an impact on emergency vehicle access. Chief Welch reiterated that the proposed island at the end of Site Road G as it intersects the parking area should be removed. Member Czornyj asked whether one site access road to the senior apartments was acceptable. Chief Welch stated that this was not a huge issue with the anticipated number of cars, and that while in general two access roads are preferable, this plan was acceptable after review of the traffic report. In general, Chief Welch also requested notice from the Planning Board of projects which included cul-de-sacs, which could have an impact on ease of emergency access vehicle and response time. The Planning Board noted this request, and stated it would send notice to the fire department for such projects. Thereupon, the fire department left the meeting. Chairman Oster continued the discussion on the Carriage Hill site plan and subdivision. Chairman Oster focused on the issue of parking spaces for the senior apartments and clubhouse. Chairman Oster asked Mr. Uccellini to review the current proposal. Mr. Uccellini stated that there were 178 apartment units in total, and that a total of 216 parking spaces were proposed. This includes 172 surface spaces, plus 44 garages to be built in connection with the apartments. Chairman Oster asked whether this included parking for the clubhouse. Mr. Uccellini stated that the 216 total spaces were for both apartment and clubhouse use. Chairman Oster asked whether there was the ability to stack one car in front of the garages, in the nature of parking a car in a driveway. Mr. Uccellini stated that there was the ability to put one car in front of each garage without blocking any sidewalk or walking area. Mr. Uccellini then stated that he was proposing a total of 23 additional spots, which include 8 along Site Road G, plus another 15 (in groupings of 6, 6, and 3) in the apartment and clubhouse area. Chairman Oster stated that given the fire department's concerns, which the

Planning Board agreed with, the 8 parking spaces along Site Road G should not be included as it raised a safety issue. At this point, Member Jabour circulated a memorandum which he had obtained from Marlene Papa, Director at the ROUSE Senior Project. In that memo, dated November 13, 2006, Ms. Papa states that 1.25 parking spaces were required for each unit at ROUSE, and that this is especially important when there is a very aged person on the property as these persons usually require more outside services. Mr. Uccellini disputed this conclusion, and stated that in his company's experience, .75 parking spaces per residential unit was the average. Chairman Oster noted that at 216 parking spaces for the senior apartments alone, this average 1.21 parking spaces per senior apartment. When adding 15 additional parking spaces (not including the 8 proposed for Site Road G), this placed the ratio at more than 1.25 parking spaces per senior apartment. However, there were still parking that would be required for the clubhouse. Mr. Uccellini reiterated that his company's experience was .75 parking spaces per unit, and that in the Environmental Impact Statement for this project, the data from the National Home Builders also supported the .75 parking spaces per unit. Member Jabour noted that there was no public transportation available at ROUSE, and this probably added to the total number of cars parking there. In his experience, Member Jabour stated that the parking lot at ROUSE seems always to be full. Chairman Oster reiterated that the Board should consider the 44 spaces that are available for parking a car in front of the garages, and that this number should be factored into the equation. Member Czornyj asked how many of the parking spots were located in front of or near the clubhouse. Mr. Uccellini stated that there were 28 total spots near the clubhouse, and that 9 of the proposed additional parking spots were in close proximity to the clubhouse. Member Mainello inquired how many parking spots were required for the clubhouse. Mr. Uccellini argued that no parking spots were required, since this was a private club available

only to the project residents. Member Tarbox stated that only the senior apartments were in close proximity to the clubhouse, and that the other subdivided lot owners may likely drive to the clubhouse if they were going to use it. Mr. Uccellini stated that the walking paths were also available. Member Wetmiller asked whether there were any delineated bus location for senior trips or services. Mr. Uccellini stated that any function like that would probably load and unload the bus in front of the clubhouse. Chairman Oster concluded that an acceptable number of parking spots for both the senior apartments and the clubhouse must be achieved. In this regard, Chairman Oster asked whether the Applicant had yet calculated the total occupancy per State code for the clubhouse, which needs to be considered by the Planning Board in determining the total number of parking spaces. Mr. Uccellini stated that he was still working on that information. Chairman Oster noted that the Planning Board would require that information, and consider the original proposed 216 spaces, plus the proposed additional 15 spaces (not including the 8 along Site Road G, which the Planning Board determined created a safety issue), plus the 44 spaces which were available for parking in front of the garages. The Board inquired of Attorney Gilchrist whether the ROUSE figure of 1.25 parking spaces per residential unit was binding. Attorney Gilchrist stated that this figure was not binding on the Carriage Hill Project, but was one factor which needed to be considered by the Planning Board. Attorney Gilchrist stated that the factors which the Board should consider include what is required under the Brunswick Town Code, what was required at the ROUSE Project, the information included the Environmental Impact Statement for this Project, the total square footage for the clubhouse, as well as the ability to stack cars in front of the garages for any overflow or guest parking. It was noted that the Brunswick Code requires one parking space per residential unit. The discussion on the project continued on the issue of the water and sewer lines. Mr. Kestner reported that the

Town Water Department had determined that the use of HDPE pipe for sewer was acceptable, but that the issue of the diameter of the pipe was still being considered. The Applicant proposed a 4 inch sewer line, and the Town Board recommended an 8 inch line be installed. Mr. Kestner and the Town Water Department are continuing to investigate that issue. Mr. Uccellini presented Steven Smith of VeriTech, which responded to questions the Board had concerning HDPE sewer pipe and installation, including directional drilling. Mr. Kestner reiterated that ductile iron would still be required for the water lines. Following further discussion, the Planning Board placed this matter on the December 7 agenda for further discussion, most particularly with respect to the parking issue.

The next item of business on the agenda was the site plan application of Ginsberg for the Harley Davidson facility on Route 7. Stewart Ginsberg appeared on the application. Mr. Ginsberg briefly reviewed a revised site plan which had been submitted to the Planning Board. Chairman Oster inquired whether information on water sampling or sewer disposal had been forwarded to Mr. Kestner. Mr. Kestner stated that one water sample has been provided for his review, which showed no fecal coliform. Mr. Kestner also noted that public water was being supplied to the "hog pen", and that a meter was now being installed. With respect to the existing groundwater supply well for the remainder of the facility, Mr. Kestner inquired whether a new well was proposed to be drilled or whether the remainder of the facility would be connected to Town water. Mr. Ginsberg responded that in order to connect the remainder of the facility to public water, a 350 foot cut would need to be made through the parking area. Mr. Ginsberg stated that a new well can be drilled to the rear of the facility, which will be easier to connect to the existing water supply for the balance of the facility. Therefore, Ginsberg seeks to drill the new well, rather than connecting the balance of the facility to public water. Mr. Ginsberg stated

that he has been in contact with the Rensselaer County Health Department, and that he is working on a specific location for the new well. The Board generally discussed the location for a new well, and the need to coordinate with the Rensselaer County Health Department. Member Czornyj noted that the current site plan does not show the "hog pen", and that this must be added in order to have a complete site plan on file with the Town. Mr. Ginsberg stated that he would have the site plan revised accordingly. Member Esser stated that he wanted the Rensselaer County Health Department to review the entire septic plan and holding tank currently in place at the facility. Mr. Ginsberg stated that he has generally discussed this with the Rensselaer County Health Department, and that the Health Department has said it was "okay". The Planning Board directed Mr. Kestner to discuss that issue directly with the Rensselaer County Health Department. Further, the Planning Board directed Mr. Ginsberg to show the location of the new proposed well directly on the site plan. Chairman Oster noted that the 2004 site plan showed a location for a new well, but that such well was never installed. Mr. Ginsberg confirmed that the well noted on the 2004 site plan was not installed, but stated that it was not an appropriate location given the building layout. Mr. Ginsberg stated that he would depict the location of the new well once he had reviewed that with the Rensselaer County Health Department. Member Czornyj also was concerned regarding drainage from the new storage building discharging to the creek. Chairman Oster reiterated that there were several items on the 2004 site plan which had not been installed, including lighting and landscaping. The current site plan shows only the additional building, and does not include those items which Ginsberg failed to install under the 2004 site plan. Chairman Oster stated that the Board would review the re-submitted site plan, but also compare that site plan with the 2004 approved site plan, as well as prior site plans on file with the Town for this location. In its review of the current site plan, the Planning Board will

determine what items must be installed on the site, and have one final site plan which will be binding upon Ginsberg. Chairman Oster requested that copies of the re-submitted site plan and all prior site plans on file be distributed to each Planning Board member for review and consideration. Further, Chairman Oster stated that both he and other members of the Planning Board, and Mr. Kestner, would perform one additional site inspection, and provide a series of recommendations to Mr. Ginsberg for inclusion on the current, re-submitted site plan. The Planning Board determined that Mr. Kestner would provide a written list of recommendations to Mr. Ginsberg for inclusion on the current site plan. This matter has been placed on the agenda for further discussion for the December 7 meeting, and that Mr. Kestner would send written recommendations to Mr. Ginsberg prior to that date.

The next item of business on the agenda was the minor subdivision application by Jackie Witbeck for property located on Kreiger Lane. The history of this matter shows that in 2000, an application had been made by Witbeck to the Planning Board requesting the creation of two additional residential lots on Kreiger Lane. This application was presented; however, the minutes reflect that an additional submission was required by Witbeck which was never filed. The minutes do not reflect any final action on the prior subdivision application. It was Witbeck's understanding that the application had been acted upon, subject to the submission of a final survey map. Witbeck is now interested in selling these lots, and had submitted a survey map to the Building Department. The Board directed Attorney Gilchrist to investigate this matter with Witbeck's attorney who handled the prior application, to determine whether any official action had been taken by the Planning Board with respect to the 2000 application. In the event the 2000 application was acted upon, a new application may not be required. However, in the event Witbeck did not submit required information and the Planning Board did not act upon

the 2000 application, then a new subdivision application will be required. The Planning Board also generally discussed the loop road at the end of Kreiger Lane near the Witbeck home. However, this loop is not located near the two residential lots, and is not part of the current subdivision matter. Attorney Gilchrist will review this matter with Witbeck's counsel, and report back to the Planning Board at the December 7 meeting. This matter is placed on the December 7 agenda for further discussion.

The next item of business on the agenda was the review of the Sugar Hill Apartments Planned Development District application, for purpose of making a recommendation to the Town Board. Member Czornyj inquired whether the Planning Board was required to adopt a recommendation now, or after the second public hearing scheduled for this project which will occur on December 14. Attorney Gilchrist stated that the Board could proceed under either option. Tim Owens was present on behalf of the Applicant. Mr. Owens reviewed several items of information on the application. First, a visual representation of the buildings superimposed on site photographs is being prepared by a landscape architect retained by the Applicant, and that this information will be available and supplied to both the Planning Board and Town Board prior to the December 14 continuation of the public hearing. Second, an additional evergreen buffer will be proposed between this site and the Heather Ridge homes, and that this will be added to the visual presentation being prepared by the landscape architect. Third, the owner has already modified the waste pickup time at the apartment complex, and dumpsters will be emptied no earlier than 7:15 a.m. at the site, and that the owner's waste contractor will pick up the dumpsters at between 7:15 a.m. and 7:30 a.m. Fourth, the owner had investigated the comment regarding a traffic cut through between Heather Ridge and the Sugar Hill Apartments parking area. The owner's investigation showed that this may mostly be ATV's, but if there may be other vehicles

using that as well. The owner has contacted the New York State Police to look into the issue. Chairman Oster inquired whether this traffic was originating from the Sugar Hill Apartment complex, or from the Heather Ridge Road. The owner stated that its investigation showed the traffic was coming from Heather Ridge, and that the owner was looking into ways to try to eliminate the possibility of traffic cut through. Member Czornyj noted that the current PDD application showed a driveway leading from the existing apartment complex to service the proposed additional buildings. Member Czornyj noted that this driveway would need to traverse the conservation area of the existing apartment complex PDD approval, and inquired whether this was an issue for the Planning Board or the Town Board. Attorney Gilchrist stated that this issue should be noted by the Planning Board in its recommendation, but the final determination concerning the impact to the conservation area on the existing apartment complex PDD was one for the Town Board. Member Czornyj asked whether the owner designed its current PDD application for the four additional apartment buildings in such a way as to allow additional buildings to be installed in the future. Mr. Owens stated that the owner had no current plans for additional buildings, and was seeking approval only for the four buildings as shown on the application. Member Czornyj stated that the Planning Board should consider requiring a conservation easement being placed on the balance of this 12 acre parcel so that no additional buildings could be installed, and greenspace could be maintained. Mr. Owens stated that he would discuss this directly with the owner. With respect to the driveway connecting the parking for the proposed buildings to the existing Sugar Hill complex, Mr. Owens stated that the area for the driveway over the existing conservation area is 24' x 100'. In the design for the current PDD, Mr. Owens stated the owner looked at utilizing the existing second entrance for the Sugar Hill complex, rather than adding a third curb cut onto McChesney Avenue Extension. Mr.

Owens stated that this 12 acre parcel does have adequate road frontage on McChesney Avenue Extension to allow an additional third entrance, but that the owner wanted to limit the number of curb cuts and utilize the existing second entrance. Further, Mr. Owens noted that the traffic study prepared for the current application noted that the second entrance was adequate for the projected traffic from the additional buildings, with the recommendation that a stop sign be placed at the second entrance leading onto McChesney Avenue Extension. Mr. Owens noted that the owner had already installed this stop sign. Mr. Owens also noted there had been a comment raised regarding lighting impacts. The owner did not wish to install light poles in the parking area, but rather light the parking areas similar to the existing Sugar Hill complex from lights located on the apartment buildings. A comment had been made that the lights on the existing buildings at the apartment complex resulted in light glare and a visual impact. In response, the owner is offering to move the light boxes down from the roofline approximately 18 feet, which will still be adequate to provide safe lighting to the parking area without creating a visual impact. Chairman Oster stated that the biggest issue for consideration was the placement of a conservation easement on the remainder of the land, and limit the build-out on the 12 acre parcel to four buildings. Member Czornyj noted there was a concern that additional buildings would be proposed on the site, and that a third curb cut to handle this traffic directly onto McChesney Avenue might result anyway. Mr. Owens responded that the history of the build-out for this complex was a slow one based on occupancy, and that the owner just completed the build-out on the existing apartment buildings only last year. Mr. Owens also stated that he would discuss this issue directly with the owner. Chairman Oster and other Planning Board members stated that whatever was required on the existing Sugar Hill PDD approval in terms of density calculation should be applied to this parcel as well. Member Tarbox stated that his

recollection was a factor of 9,000 square feet per apartment unit, and that the same calculation should be applied to the current application. Member Tarbox also inquired whether the owner had any plans for the barn buildings located on the 12 acre parcel. Mr. Owens stated that the owner initially investigated restoration of the silo on the site, and that he knows the intent of the owner is to seek to restore and maintain those buildings. This will be further discussed with the owner. The Planning Board also stated that there appeared to be fill placed behind the storage units constructed on the existing apartment complex, and directed Mr. Owens to investigate that with the owner. It was noted for the record that the public hearing on the Sugar Hill Apartment PDD will be continued before the Town Board at its December 14 meeting.

The next item of business discussed by the Planning Board was the minor subdivision application by Tomhannock, LLC for property located on Route 142 and Farrell Road. This matter had been previously reviewed by the Planning Board at its September 21 meeting, at which time the Applicant was directed to discuss driveway permit issues with NYSDOT. The Applicant has now obtained driveway permits for these lots off Route 142. Further, the Applicant has modified the driveway location to create additional distance between the driveways and the wetland/stream area. The Planning Board determined that the application was now complete for purposes of scheduling the public hearing. The public hearing for this application will be scheduled for 7:00 p.m. at the December 7 meeting.

The next item discussed by the Planning Board was the Highland Creek PDD subdivision plat. Lee Rosen, Esq., Robert Marini, and Matthew Brobston of Ivan Zdhral Engineering were present for the Applicant. Mr. Rosen and Mr. Marini presented the detailed subdivision plat to the Planning Board. The current plat has 8 fewer residential parcels than the prior concept plan, resulting from detailed subdivision plat preparation and the elimination of a cul-de-sac at the

recommendation of the Planning Board. Chairman Oster inquired whether the current litigation concerning the PDD approval on this project impacted the Planning Board action. Attorney Gilchrist stated that while the litigation remains pending, there is no statutory stay or injunction in place, and that the Planning Board may continue its review of the subdivision plan. The Planning Board inquired as to the stormwater detention basins on the subdivision plat. Mr. Brobston reviewed the stormwater plan in general. The Planning Board requested additional stormwater information to be submitted within one week for review. Upon further discussion, the Planning Board determined that the subdivision plat materials and additional stormwater information was sufficient for purposes of opening the public hearing on the subdivision plat, and scheduled that public hearing for the December 7 meeting to commence at 6:30 p.m. The Planning Board inquired of Attorney Gilchrist as to the scope of the public hearing before the Planning Board. Mr. Gilchrist stated that a public hearing had already been held by the Town Board concerning the concept plan and PDD, and that the public hearing to be held by the Planning Board will be for the purpose of review of the detailed subdivision plat. Attorney Gilchrist reminded the Board that SEQRA has been completed on this application, and that the Town Board made its SEQRA determination. The public hearing on the subdivision plat is to receive public comment on the subdivision details, not SEQRA or concept design issues. This matter will be scheduled for public hearing for December 7 commencing at 6:30 p.m.

Two items of new business were discussed.

First, Mr. Kreiger stated that he had been contacted by the engineer for Brooks Heritage, LLC, and requested that the Brooks Heritage, LLC subdivision application be placed on the December 7 agenda. The Planning Board inquired whether any information from the Army Corps of Engineers concerning the wetlands delineation had yet been received by the Planning

Board, Mr. Kreiger, Mr. Kestner, or Attorney Gilchrist. No further information from the Army Corps of Engineers has yet been received. Chairman Oster stated that this matter will not be placed on the December 7 agenda, but may be placed on the December 21 agenda if additional information from the Army Corps of Engineers is received. This matter is tentatively placed on the December 21 agenda for further discussion, pending receipt of additional information from the Army Corps of Engineers concerning wetlands delineation. This matter should be updated at the December 7 meeting to determine whether the additional information from the Army Corps of Engineers has been received, and whether this matter will go forward at the December 21 meeting.

Mr. Kreiger reported that he had been contacted by Gendron concerning a minor subdivision concept for property located on Route 278. Gendron owns a total parcel of 70± acres, and is seeking to create two lots for residential purposes with driveways directly off Route 278. These lots are designed for Gendron's children, are located in a spot that does not land lock any of the balance of Gendron's property. Upon discussion, the Planning Board determined that it did not have any problem with the proposal in concept, but that a full minor subdivision plat application would need to be made, and an agricultural data statement supplied as well. Mr. Kreiger will report this information to Gendron, and this matter has been adjourned without date pending receipt of a full minor subdivision plat application.

The **index** for the November 16, 2006 Planning Board meeting is as follows:

1. Cobblestone Associates – major subdivision – 12/7/06;
2. Carriage Hill PDD site plan and subdivision – 12/7/06;
3. Ginsberg – site plan – 12/7/06;
4. Witbeck – minor subdivision – 12/7/06;

5. Sugar Hill Apartments Planned Development District application – 12/7/06
(discussion on recommendation);
6. Tomhannock LLC, - minor subdivision – 12/7/06 (public hearing at 7:00 p.m.);
7. Highland Creek PDD subdivision – 12/7/06 (public hearing at 6:30 p.m.);
8. Brooks Heritage, LLC – major subdivision – 12/21/06 (tentative); and
9. Gendron – minor subdivision – adjourned without date.

The proposed agenda for the December 7, 2006 meeting is as follows:

1. Highland Creek PDD subdivision plat – public hearing at 6:30 p.m.;
2. Tomhannock LLC – minor subdivision – public hearing at 7:00 p.m.;
3. Cobblestone Associates – major subdivision;
4. Carriage Hill Estates PDD subdivision and site plan;
5. Ginsberg – site plan;
6. Witbeck – minor subdivision; and
7. Sugar Hill Apartments PDD application – discussion of recommendation.

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Planning Board of the Town of Brunswick at 7:00 p.m. on Thursday, December 7, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the minor subdivision plat application submitted by Tomhannock, LLC relative to property located on Route 142 and Farrell Road. Copies of the subdivision plat and all application documents are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the Public Hearing.

DATED: November 22, 2006
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Planning Board of the Town of Brunswick at 6:30 p.m. on Thursday, December 7, 2006, at the Brunswick Town Hall, 336 Town Office Road, Brunswick, New York, to review the preliminary subdivision plat submitted by Landmark Development Group, LLC for the Highland Creek Planned Development District, which currently proposes 162 residential lots on 210.13 acres of land situated on the Northeast side of McChesney Avenue Extension, south of its intersection with McChesney Avenue. The Brunswick Town Board has approved the Planned Development District, and SEQRA has been completed on this action. Copies of the subdivision plat and detailed plan documents are available at the Brunswick Town Hall, and are available for public inspection during regular business hours. All interested persons will be heard at the Public Hearing with respect to the preliminary plat and detailed plan documents.

DATED: November 22, 2006
Brunswick, New York

THE PLANNING BOARD OF THE TOWN OF BRUNSWICK
By: Russell Oster, Chairman

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 7, 2006

PRESENT were CHAIRMAN RUSSELL OSTER, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR and JOSEPH WETMILLER.

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The first item scheduled on the agenda was the opening of a public hearing on the Highland Creek Planned Development District subdivision plat scheduled to open at 6:30 p.m. The Planning Board has been contacted by the Applicant, which has indicated that it is preparing additional information concerning the subdivision plat and stormwater plan, and requested that the public hearing be adjourned pending submission and review of such additional information. Accordingly, the Planning Board adjourned the Public Hearing on the Highland Creek Planned Development District subdivision plat without date, pending receipt of additional information. The public hearing will be re-noticed following receipt and review of the additional information from the Applicant.

The next item scheduled on the agenda was a public hearing concerning the minor subdivision application by Tomhannock, LLC for property located on Route 142 and Farrell Road. The Notice of Public Hearing was read into the record. Chairman Oster requested that the Applicant, appearing by Peter Gibson, present an overview of the subdivision application. Mr.

Gibson generally reviewed the two lot subdivision, including driveway location. Additionally, Mr. Gibson informed the Board that he has received driveway permits from the New York State Department of Transportation, as well as approval from the Rensselaer County Health Department for water and septic. Chairman Oster then opened the public hearing for receipt of public comment. Arnold Fowler, 11 Bellview Road, stated that he was a resident of the Town of Brunswick for 65 years, and that the Town does not need any more subdivisions. Mr. Fowler stated that there are now 250 cars speeding on Bald Mountain Road. Mr. Fowler further stated that he is still using a private well and private septic for his house, and that the Town still has not provided public water or sewer to his property. Mr. Fowler stated that these subdivisions only raise his taxes, and that he is unhappy with the development in Town. Donna Forster, McChesney Avenue Extension, inquired as to how many homes were proposed for this subdivision. Mr. Gibson stated that he acquired the old Calhoun property totaling 20 acres, and that he previously had divided off 10 acres plus the existing house, and that this application covered the remaining 10 acres of property and proposed a total of two residential lots. Chairman Oster inquired as to whether there were any additional comments. Hearing none, Chairman Oster closed the public hearing on the Tomhannock, LLC minor subdivision application.

Chairman Oster then opened the regular business meeting of the Planning Board.

The Planning Board reviewed the minutes of the November 16, 2006 meeting. Upon motion of Member Jabour, seconded by Member Tarbox, the minutes were unanimously approved as written.

The first item of business on the agenda was the minor subdivision application of Tomhannock, LLC for property located on Route 142 and Farrell Road. Chairman Oster

reviewed the information concerning driveway location, wetland areas, driveway permits, Rensselaer County Health Department approvals, and inquired of Mr. Kestner as to whether there were any outstanding engineering issues. Mr. Kestner stated that he had reviewed the water and septic plan, and that they are acceptable, and that there are no other outstanding engineering issues on the application. Thereupon, Member Mainello made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Esser. The motion was approved 6/0, and a Negative Declaration adopted. Member Tarbox then made a motion to approve the minor subdivision application subject to the condition of payment of all fees, including application and park and recreation fees. That motion was seconded by Member Wetmiller. The motion was approved 6/0, and final subdivision approval granted subject to the payment of all applicable fees.

The next item of business on the agenda was the major subdivision application of Cobblestone Associates for property located on Tambul Lane and Bulson Road. James Dunn and Kevin Kronau appeared on the application. The project engineer had forwarded a letter to the Planning Board by the Rensselaer County Highway Department, per Frederick Howard, P.E. concerning the proposed speed indicator signal on Tamarac Road. The Planning Board reviewed the letter from the County Highway Department. In that letter, Mr. Howard states that the County is in agreement with the concept that is being proposed to mitigate a safety concern at the intersection of Tambul Lane and Tamarac Road through the installation of the proposed speed indicator sign. Further, the County stated that if the Applicant completes the installation of the speed indicator sign, and turn ownership of that sign over the County, the County will take possession of the offered equipment and provide for its future operation and maintenance. Mr. Howard concluded that for purposes of the Brunswick Planning Board's consideration, the

proposal to install the speed indicator sign is acceptable to the County. Mr. Kronau reviewed certain updates to the subdivision plat, including information on the catch basin at the end of Winfield Lane and soil testing data for the proposed septic systems. Chairman Oster reviewed his notes on outstanding issues. First, Chairman Oster addressed the catch basin on the Winfield cul-de-sac, including the diversion of stormwater drainage past proposed driveways, and also the discontinuance of the 200 feet of drainage pipe currently in the field. Chairman Oster also reviewed the drainage swale proposed for Lot No. 4 on Tambul Lane, and that a flare would be added to the drainage culvert that goes under Tambul Lane so as to improve its effectiveness of carrying drainage under Tambul Lane. Chairman Oster noted that the swale previously proposed for Lot No. 3 has been eliminated, and Mr. Kronau described that the topography in the area will divert stormwater off of proposed Lot No. 3 and back onto his remaining property. There was general discussion concerning drainage between Lots 3 and 5 being diverted to the remaining Lands of Kronau. Member Tarbox inquired as to the grades of the proposed driveways on the Winfield Lane cul-de-sac. The specific grades have not been calculated yet, but Mr. Dunn generally described the topography in the area, and Mr. Kronau opined that the new driveways would be at a lower grade than the existing driveways on Tambul Lane. The Town Driveway Standards were reviewed, which set a maximum grade of 15% for driveways under 150 feet, and a maximum grade of 12% for driveways over 150 feet. Mr. Dunn stated that the driveways will be over 150 feet, and the Applicant will insure that the driveway grades are below 12%. The final driveway grades and profiles will be a requirement on the final plat submission. Chairman Oster reviewed the letter from the Rensselaer County Highway Department. The Board inquired of Attorney Gilchrist whether the Board can rely on this letter for purposes of a mitigation measure to address traffic and safety concerns at the intersection of Tambul Lane and Tamarac

Road. Attorney Gilchrist stated that while the issue of traffic safety at the intersection of Tambul Lane and Winfield Road had been raised on this record, the proposed mitigation measure offered by the Applicant of a radar speed sign has been reviewed by the Rensselaer County Highway Department, and that the County, which owns and maintains Tamarac Road, views the offered mitigation measure as acceptable, and that the Planning Board may rely on the County's letter. Mr. Kestner stated that an open issue remains as to when the radar speed sign must be installed. Chairman Oster noted that the timing of the installation had not yet been resolved, but one option discussed had been requiring the installation of the sign at the time of an application for a Building Permit. Mr. Kronau stated that such a condition was acceptable. Other members of the Board stated that the timing of the sign installation was still an open issue, and required further discussion. Mr. Dunn stated that it was the intent of the Applicant to install the sign right away, and that the sign generally has a 4 week delivery time from the date of order. Mr. Kronau reiterated that it was his intent to install the sign as soon as possible. Member Wetmiller asked whether this condition can be added as a map note on the final plat. Mr. Kronau stated that he would not only put it as a map note on the final plat, but put it in as a condition on all Contracts of Sale that no Building Permits would be issued until such time as the radar speed sign was installed on Tamarac Road. Again, other members of the Planning Board stated that the timing of the sign installation requirement was still open for discussion. Member Jabour asked whether the traffic report by the Applicant's engineer, which included a no left turn recommendation on Tambul Lane, had been adequately addressed. Mr. Kestner stated that the radar speed sign had been offered as a mitigation measure to address the safety issue at the intersection of Tambul Lane and Tamarac Road, and that the Planning Board could rely upon the Rensselaer County Highway Department's determination. Attorney Gilchrist reviewed the procedural status of the

application. The public hearing on this proposed 9 lot subdivision has been held, and the Planning Board needed to make a determination under SEQRA as well as action on the preliminary plat. Member Mainello asked whether the public comments received on the application had been fully addressed. Mr. Kestner stated that public comments concerning traffic, impacts to groundwater resources, stormwater management, driveway locations, cul-de-sac upgrades, and number of lots on the cul-de-sac had all been addressed by the Applicant on this record. Mr. Kestner also noted that several meetings in the field had been held by the Applicant, engineers, and Planning Board members, that discussion with adjacent property owners had been held, that full hydrogeologic and traffic studies had been prepared, and that an appropriate mitigation measure had been offered concerning the traffic issues. Member Jabour then made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was approved 6/0, and a Negative Declaration adopted. The Planning Board then turned to the preliminary subdivision plat, as amended. The Planning Board noted that the submitted plans have not been stamped by a professional engineer, and that the Planning Board was not prepared to act upon a subdivision plat that has not been properly stamped and sealed. The Planning Board indicated that there were no outstanding issues concerning the preliminary plat, other than having it properly stamped and signed by a professional engineer. The Planning Board did discuss certain conditions that would be appropriate to attach to a preliminary approval. These conditions include the installation of the radar speed control sign on Tamarac Road, with further discussion as to the timing of that installation. A further condition would be compliance with the memos and comments of the Town Historian regarding the private cemetery on the property. A further condition would include final engineering review and acceptance of all drainage facilities, including those off the

Winfield Estates cul-de-sac as well as Tambul Lane. A further condition would be to forward the proposed stormwater report and all plans to the New York State Department of Environmental Conservation for review and comment. On this issue, the Planning Board remains concerned that the total disturbed area as calculated by the Applicant's engineer is 4.97 acres, while State Regulation requires a full Stormwater Pollution Prevention Plan for disturbance of 5 acres or greater on a residential subdivision. The Planning Board will require that the full stormwater management report and plans, and not simply the NYSDEC Notice of Intent, be sent by the Applicant to NYSDEC Region 4 for review and comment. A further condition will be approval of Rensselaer County Health Department for water and septic. Additionally, a condition that all stormwater management facilities be privately owned and maintained, subject to an easement for emergency access in favor of the Town. On this issue, the Planning Board discussed the SWPPP requirement in the event NYSDEC Region 4 requires a full Stormwater Pollution Prevention Plan. In the event additional stormwater facilities, including but not limited to detention basins and swales, are to be required under a full SWPPP, then a Homeowner Association will be required to be created to own, maintain and repair those facilities in the future. The Applicant understood this requirement, but maintained the fact that these facilities are not required since the total disturbance is under 5 acres. The Planning Board will reserve on this issue, pending comment from NYSDEC Region 4. The Planning Board requested an electronic copy of the calculations resulting in the 4.97 acres of disturbance, so that Mr. Kestner can review them. This matter has been placed on the December 21 agenda for consideration of preliminary plat approval.

The next item of business on the agenda was the Carriage Hill Estates Planned Development District site plan and subdivision. Michael Uccellini of United Development

Group and George Ursprung, P.E. appeared on the application. Chairman Oster reviewed the fact that the Eagle Mills Fire Department was present at the last Planning Board meeting, and had reviewed all fire department issues on the subdivision plat and site plan. Chairman Oster turned to the issue of number of parking spaces for the senior apartments and clubhouse. Mr. Uccellini presented a revised parking plan, which totals 275 spaces as follows. First, a total of 231 parking spaces have been provided, inclusive of both surface spaces and garages. In addition, area depicted on the site plan in front of the garages is available for additional parking, and that these additional spaces total 44. Accordingly, between the surface spaces, garages, and allotted areas in front of the garages, a total of 275 parking spaces are proposed. Mr. Uccellini stated that there are 178 senior apartment units proposed, and that the Town Code requires 1 space per unit, or a total of 178 spaces for the senior apartments. Mr. Uccellini noted the Planning Board's concern regarding the total parking spaces available for the clubhouse. Mr. Uccellini stated that pursuant to the Town Code, for a private membership club, 1 space is required for every 2 members. Mr. Uccellini is using the total units in the project as "members" of the private "membership club" for his calculation. There are 105 single-family detached homes in addition to the 178 apartment units. Since the apartment units already have 178 spaces allocated to them, Mr. Uccellini is focusing on the additional 105 units. Using the calculation of one space per every two units/members, an additional 53 parking spaces would be required. Mr. Uccellini argues that adding the 53 spaces to the 178 spaces allocated for the senior apartments requires a total of 231 spaces pursuant to Town Code. Mr. Uccellini stated that 231 parking spaces have been provided in terms of the surface spaces and garages, and that the Applicant has also provided the additional 44 spaces in the areas in front of the garages. Mr. Uccellini concluded that the current plan provides adequate parking for both the senior apartments and the

clubhouse. Mr. Kestner asked whether Mr. Uccellini had prepared the calculation on total building occupancy for the clubhouse based on square footage and occupancy code standards. Mr. Uccellini stated that he had not performed that calculation, since the Town Code requirements for parking spaces for membership clubs is based not on square footage of structures but on one parking space for every two members. Chairman Oster stated that the Planning Board had expressly requested a calculation for total occupancy of the clubhouse based on square footage. Mr. Uccellini argued that the Town Code provisions prevail. Chairman Oster stated that the Board had expressly requested the calculation based on square footage, and that Mr. Uccellini had not supplied that information to the Board. In terms of the Town Code, Chairman Oster inquired whether Mr. Uccellini's statement concerning parking spaces for membership clubs is correct. Mr. Kreiger stated that Town Code does provide one parking space for every two members if the structure is properly classified as a membership club. Member Esser stated that the proposed parking areas in front of the garages should not be allowed, since this raises an issue concerning handicap access to the senior units. Mr. Uccellini stated that the project's onsite manager would properly supervise any parking in front of the garages. Chairman Oster returned to the parking issue for the clubhouse. At least as to the calculation of parking spaces pursuant to Town Code, the Planning Board must properly classify the clubhouse under the Town Code. Member Esser stated that the Planning Board should instead be focusing on the square footage of the clubhouse. Member Mainello stated that even presuming Mr. Uccellini's calculation of 53 spaces for the clubhouse, a review of the site plan noted that only 33 spaces are located in front of the clubhouse. Member Wetmiller thought that if the project could be designed to provide more parking spaces directly in front of the clubhouse, that the total of 231 spaces for the project may be acceptable. Member Wetmiller was also concerned about the

stacking of a car in front of the garage areas as being an impact to handicap accessibility. Chairman Oster also felt that the 44 stacking spaces should not be included in the calculation because of the potential impact to handicap access, but that the remaining 231 parking spaces should be considered alone. Member Jabour felt that he needed further clarification regarding clubhouse square footage and activities. In this regard, Member Jabour stated that if the 53 spaces allocated for the clubhouse were being used entirely by the owners of the single-family detached units, and that all 178 spaces for the senior apartments were being used by the apartment renters, there are no available spaces left for visitors. The Planning Board held additional discussion as to classification of the clubhouse under the Town Code. Member Jabour noted that the data obtained regarding the ROUSE facility required 1.25 spaces per unit, and that this project could not meet this standard. Mr. Uccellini stated that based on his company's experience, as well as national data as set forth in the DEIS, .75 parking spaces per senior unit was the appropriate standard, but that he had now designed the project to allow for one space per senior unit. Mr. Uccellini argued that the 1.25 parking space per unit standard for ROUSE is not controlling. Chairman Oster noted that Mr. Uccellini's data supports .75 parking spaces per unit, whereas the ROUSE standard is 1.25 spaces per unit, and that a compromise would result in one parking space per senior unit. Chairman Oster noted also that the issue on parking is highlighted because the clubhouse is directly next to the senior units, and potential overlapping of parking for the senior units and the clubhouse is a problem. Member Wetmiller stated that the projected number of parking spaces seems adequate for regular use, but probably not adequate for special functions which may be held at the clubhouse. Chairman Oster concurred, stating that the private membership club classification under the Town Code may be adequate for the clubhouse, but special events will present a parking problem. The proximity of the clubhouse to the senior

apartments exaggerates the potential for parking problems. Member Tarbox asked whether Mr. Uccellini's other projects have included a clubhouse. Mr. Uccellini stated that his other facilities do have clubhouses, and that he has not experienced any particular parking problems. Member Jabour had a discussion with Mr. Uccellini concerning the Beltrone Living Center in Colonie, which Mr. Uccellini's company manages. Member Jabour noted that in his experience, the parking at the Beltrone facility is usually full, even given the availability of public transportation. Member Jabour was concerned that there was no public transportation available for this project, and that all traffic will be by cars. Mr. Uccellini commented that CDTA does run a bus down Pinewoods Avenue, but this was discounted by Member Jabour. Chairman Oster polled the Board as to whether the private membership club classification for the clubhouse is appropriate in terms of Town Code application. The Planning Board members generally concurred that this classification was appropriate. Chairman Oster then reviewed the specific parking question, and the issue of overlapping this calculation for both the senior apartment units and the clubhouse. Specifically, Chairman Oster stated that when looking solely at the senior apartments, a total of 178 parking spaces may be appropriate based on the one parking space per unit calculation. Chairman Oster then stated that when looking at the clubhouse alone, and looking at the total membership of the Homeowners Association which includes all senior apartments and the single-family detached lots, a total number of 283 members exist, which would require 142 spaces based on the one space per two calculation. However, Chairman Oster noted that given the proximity of the senior apartments to the clubhouse, the Applicant is utilizing the parking spaces designated for the senior apartments as counting for both the apartment unit and the clubhouse. When eliminating the 178 units from the total "membership", only 105 additional members are left, rendering only 53 additional parking spaces for the clubhouse. Thus, the

Applicant is double counting the 178 spaces for both the senior apartments and the clubhouse. Chairman Oster again polled the Board as to its opinion on this parking issue. Member Esser stated that he would like to see more parking, but does believe that Uccellini's company will build and operate a good project. Member Mainello stated that the project could be redesigned to move the total of 53 spaces required for the clubhouse closer to the clubhouse itself, but that overall he would like to see additional parking provided for the project. Member Jabour stated that he felt a one parking spot per senior unit calculation was not adequate, that stacking cars in front of the parking garages was not feasible, and that he would rather err on the cautious side and require additional parking. Member Wetmiller stated that he felt 53 spaces for the clubhouse was adequate, but that one parking space per senior may be inadequate, and felt that the 1.25 calculation per unit was more realistic. Member Tarbox stated that he felt he would like to see some additional parking added to the project, because people must use cars to get anywhere outside the project, since no public transportation is available. Chairman Oster stated that he agrees with the 53 spaces for the clubhouse, and generally agrees that the one space per unit is on the low side, but does respect the Applicant's data concerning the .75 space per senior unit. Upon further deliberation, the Planning Board directed the Applicant to relocate more parking spaces directly in front of the clubhouse so that the total of 53 spaces is easily accessible to the clubhouse, and use every effort to place additional parking on the site in the case of any special events. Mr. Uccellini understood the direction of the Planning Board, and stated that he would submit a redesign for the parking. Member Wetmiller thought that the senior unit parking spaces could be numbered and assigned to a specific unit. Mr. Uccellini stated that in his experience this approach does not work. Member Tarbox also noted that if people are not parking in their appropriately numbered parking space, he can see how this would lead to problems. Mr.

Uccellini then reviewed three additional matters on the project. First, a 60 degree turning radius for fire trucks has been added to the access road to the senior apartment units. In this regard, the Applicant has maintained the island, but has increased the turning radius to meet the fire department's recommendation. Second, Mr. Uccellini inquired of Mr. Kestner as to whether there is any resolution regarding the sewer pipe size on the project. Mr. Kestner stated that this was still under review, and that he would coordinate with Mr. Ursprung. Mr. Uccellini also stated that proposed street names will shortly be submitted to the Town for review. This matter will be placed on the January 4, 2007 agenda for further discussion.

The next item of business on the agenda was the minor subdivision application by Jackie Witbeck for property located on Kreiger Lane. Attorney Gilchrist updated the Board as to his investigation of the matter with Ms. Witbeck's counsel, and it has been determined that the Planning Board did not take any formal action on the prior subdivision application submitted by Witbeck in or about 2000, and therefore a new minor subdivision application will need to be filed and reviewed by the Planning Board. Ms. Witbeck stated that the minor subdivision application form had been submitted, and that the current survey and proposed lots likewise have been submitted for Planning Board review. Chairman Oster generally had reviewed the subdivision plat, which seeks approval for two 2.4± lots off Kreiger Lane. Mr. Oster noted for the record that he had visited the site with Mr. Kestner, and that there do not appear to be any topography or sight line problems, nor any driveway access issue problems. The Board stated that proposed driveway and house locations, as well as well and septic locations, should be added to the plat. Mr. Kestner noted that there is a utility line right-of-way, and that this should be added to the plat. Chairman Oster noted that Ms. Witbeck's engineers should review the application with Mr. Kestner, and that an Environmental Assessment Form and Agricultural Data

Statement should likewise be submitted. This matter had tentatively placed on the Board's December 21 agenda, pending receipt of an updated subdivision plat and application forms.

The next item of business on the agenda was the Sugar Hill Apartments Planned Development District application, referred by the Town Board for review and recommendation. Tim Owens and Paul Goldman, Esq. appeared on the application. Mr. Owens reviewed the visual assessment plan that had been prepared by a landscape architect, depicting views from the Heather Ridge Subdivision. The Planning Board noted that the plan showed vegetation between the project site and Heather Ridge, and asked whether this depicts the existing hedgerow. Mr. Owens stated that the plan did depict the existing hedgerow. The Planning Board asked whether additional evergreen plantings were proposed to ensure an appropriate vegetative buffer between this project and Heather Ridge. Mr. Owens stated on the record that an additional vegetative buffer would be installed. The Planning Board generally agreed that the visual assessment report was adequate. Mr. Owens then reviewed the issue of any additional development of the project site. In particular, Mr. Owens reviewed the issue of placing a conservation easement on the balance of the Applicant's property. Mr. Owens stated that the Planning Board's discussion concerning the application of the 9,000 square foot per unit calculation, which had been applied in the original Sugar Hill Apartment PDD project, should be applied to this application as well. When applying this calculation, one additional building with 12 units can be situated on the project site. In this regard, the Applicant would seek to reserve the area for one additional building in the future, although the current application remains at only four buildings and a total of 48 units. Chairman Oster asked where the location for a future fifth building would be on the map. Mr. Owens stated that given topographic constraints, the fifth building would likely be contiguous to the building directly behind the Bonesteel property. The Planning Board and

Applicant generally discussed the issue of any future fifth building and the restriction of the balance of the property under a conservation easement. Thereupon, the Planning Board reviewed its draft recommendation on the current Sugar Hill Apartments PDD application. The following resolution was discussed:

WHEREAS, the Town Board of the Town of Brunswick ("Town Board"), has received an application by Brunswick Associates of Albany, LP for a Planned Development District ("PDD") for additional apartment buildings in connection with the existing Sugar Hill Apartments located on McChesney Avenue Extension; and

WHEREAS, the Sugar Hill Apartments PDD is a proposal for 48 apartment units located in 4 apartment buildings, 12 units per building, located on 12.7± acres, with parking and sewer and water connections to the existing Sugar Hill Apartments infrastructure; and

WHEREAS, the Brunswick Town Board has referred the Sugar Hill Apartments PDD application to the Planning Board of the Town of Brunswick ("Planning Board") for its review and recommendation; and

WHEREAS, the Applicant has appeared before the Planning Board to review the PDD application and to discuss the proposed project with the Planning Board members; and

WHEREAS, the Planning Board members received and reviewed the PDD application, Full Environmental Assessment Form, and supporting technical reports; and

WHEREAS, the Planning Board members discussed the application documents and plans, and having duly deliberated thereon;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick as follows:

1. The Planning Board adopts a positive recommendation on the Sugar Hill Apartments PDD application, subject to the following considerations:

- a. This application includes a limited number of additional apartment buildings to the existing Sugar Hill Apartments complex. The Town Board, in its previous approval of the Sugar Hill Apartments Planned Development District for the existing complex, determined that apartments are an appropriate land use for this area of McChesney Avenue Extension. This 12.7± acre parcel is directly adjacent to the existing apartment complex, and should also be considered an appropriate land use for this area.

- b. The calculation used by the Town Board in its previous approval of the Sugar Hill Apartments Planned Development District for the existing apartment complex, used to calculate the total number of allowable apartment units, should be applied to this PDD application for this 12.7± acre parcel. The Town Board should cap the total number of allowable apartment units and/or apartment buildings according to this calculation. The remaining land on this 12.7± acre parcel should be subject to a conservation easement, with no additional development allowed. This approach is consistent with the Town Board's prior action on the existing apartment complex.
- c. This 12.7± acre parcel has frontage on McChesney Avenue Extension. However, the current proposal for the additional apartment units utilizes an access to the existing Sugar Hill Apartments complex off McChesney Avenue Extension, rather than constructing an additional driveway onto McChesney Avenue Extension. While limiting the number of driveways on McChesney Avenue Extension is positive, the use of the existing access way will require construction of a driveway over the existing conservation easement area on the existing Sugar Hill Apartments Planned Development District. The area of the driveway over this conservation easement will be approximately 24' x 100'. The Planning Board recommends that this amendment to the conservation easement area on the existing Sugar Hill Apartments Planned Development District be approved to allow the current driveway design on this PDD application. This is preferable to a third driveway being constructed on McChesney Avenue Extension for the Sugar Hill Apartments complex. However, this recommendation is conditioned on a conservation easement being required on the remainder of the 12.7± acre parcel, to ensure that no further development and no additional driveways for this apartment complex are constructed onto McChesney Avenue Extension in the future.
- d. An appropriate vegetative buffer/screening should be required between the proposed buildings/parking lot area and the Bonesteel property on McChesney Avenue Extension, and between this 12.7± acre parcel and the homes located in Heather Ridge. The Planning Board received and reviewed a visual analysis prepared by Charles J. Sableski, Registered Landscape Architect, dated November 30, 2006. This analysis plots an existing hedgerow between the project site and Heather Ridge. The existing hedgerow should be supplemented with additional vegetation to create an adequate visual barrier between the project and Heather Ridge.
- e. The driveway and parking lot plan should include appropriate turnarounds for fire trucks or other emergency vehicles.
- f. The barn and silo currently located on the 12.7± acre parcel should be maintained (not including the two outbuildings in the same location, which are in disrepair).

After discussion, the Board voted upon the recommendation. Upon motion of Member Tarbox, and seconded by Member Wetmiller, the recommendation was approved 5/0 (Member Jabour having excused himself from the meeting).

The next item of business on the agenda was the site plan application of Ginsburg concerning the Harley Davidson facility on Route 7. There was no appearance by the Applicant. Chairman Oster discussed with the Board a meeting which had been held with the Applicant on December 6, 2006 to resolve issues as to what was required on the current site plan. The Planning Board discussed this issue, and determined that the site plan must show everything on the site, including the entire septic/holding tank system, well location, all buildings including the "hog pen" and new storage building. The issue of inspection of the existing septic system by the Rensselaer County Health Department was discussed. It appears that the Rensselaer County Health Department will perform a site inspection only upon new construction, or in the event an existing system fails and is in need of replacement. Given that there is no direct evidence of failure of the current Ginsburg system, it did not appear that the Rensselaer County Health Department desired to do a site inspection. Member Tarbox asked whether this means the Rensselaer County Health Department is approving the system. Mr. Kreiger stated that the Department is not saying it is approving the system; but is stating that the Department will not inspect the system unless there is evidence of failure. It was noted that there is no record of approval from the Rensselaer County Health Department for this septic system, since this system predates Health Department Regulation. Member Wetmiller stated that the prior site plans reviewed and approved by the Planning Board showed a standard septic system in compliance with current Health Department Regulations, and that all prior site plans were subject to review and approval by the Health Department. However, Ginsburg never went to the Health

Department for a review of those plans. Mr. Kestner stated that the current site plan should show the current septic system, and that these entire plans should be sent to the Rensselaer County Health Department for review. At a minimum, Mr. Kestner stated that a condition to any action on the final site plan should be Rensselaer County Health Department review and approval of the existing septic system, and that the site plan should not be stamped or signed until the Health Department has made such review. Chairman Oster noted that Member Czornyj had some issues concerning stormwater runoff from the new storage building, so that there could be further issues to review on the site plan as well. The Planning Board discussed issues that needed to be added to the site plan, including the "hog pen", the overhang that had been constructed in the front of the "hog pen", proposed well location, topography, pine trees or other vegetative screening as depicted on prior site plans, and information on lighting as depicted on prior site plans. Member Mainello asked whether a public hearing would be required on the site plan. Attorney Gilchrist stated that the Town Code provides the Planning Board with discretion as to whether to hold a public hearing, but that public hearings are not mandatory on site plan applications. At that point, copies of a 1994 site plan, 2004 site plan, and a current 2006 site plan were handed out for review. The members determined that they will take time to review these site plans, and further discuss current requirements on the site plan at their December 21 meeting.

Mr. Kreiger discussed five items of business.

First, Brooks Heritage, LLC contacted Mr. Kreiger and requested that the Brooks Heritage, LLC major subdivision be placed on the December 21 agenda. Attorney Gilchrist asked whether any writing or other communication had been received from the Army Corps of Engineers concerning the wetlands delineation. Neither Mr. Kreiger, Mr. Kestner, nor any member of the Planning Board received any letter from the Army Corps of Engineers to confirm

the wetlands delineation prepared by Brooks. The Planning Board determined that it would not place this matter on a Planning Board agenda until confirmation had been received from the Army Corps of Engineers concerning the wetlands delineation prepared by Brooks. The Board directed Attorney Gilchrist to send a letter to the Army Corps of Engineers regarding that issue.

Second, Mr. Kreiger noted a site plan application had been submitted by Robert Chartier, who owns and operates the car detail shop on Route 7 adjacent to Maselli's. Mr. Chartier has submitted a site plan application requesting permission for retail sales in the front of his shop on Route 7. This was generally discussed by the Planning Board, which recalled that it had conditioned the site plan approval for the car detailing operation on no retail sales in front of the store given the limited area and grade. The Planning Board will review the submitted site plan application, as well as the conditions attached to the existing site plan approval for this location. This matter will be discussed at the December 21 meeting.

Third, Mr. Kreiger noted that updated information had been received from Moody concerning his waiver of subdivision application for property located on Garfield Road. This matter will be placed on the December 21 agenda for further discussion.

Fourth, a waiver of subdivision application has been received from Edwin Schudt for property located on Bald Mountain Road. Upon review, the Planning Board determined that additional information must be added to the submitted map prior to being placed on an agenda.

Fifth, Mr. Kreiger noted that the road installation at the Bailey Point Subdivision/Bouchard had been completed through the binder course, including utility installation, and that Mr. Bouchard was seeking to have his subdivision plat stamped and signed. Attorney Gilchrist inquired whether the escrow had been established for the installation of the topcoat of pavement. Mr. Kreiger was not sure whether the escrow had been established,

although it was his understanding that an escrow amount had been determined by the Town Highway Superintendent. The issue of the amount for an escrow for the topcoat, as well as insuring that the escrow is established at the Town Hall, must be resolved prior to having the plat stamped and signed. Further, Mr. Kestner is to review the final plat conditions to ensure compliance prior to stamp and signature.

The **index** for the December 7, 2006 Planning Board meeting is as follows:

1. Highland Creek Planned Development District Subdivision – public hearing – adjourned without date;
2. Tomhannock, LLC – minor subdivision – approved;
3. Cobblestone Associates – major subdivision – 12/21/06;
4. Carriage Hill Estates Planned Development District site plan and subdivision – 1/4/07;
5. Witbeck – minor subdivision – 12/21/06;
6. Sugar Hill Apartments Planned Development District application – recommendation;
7. Ginsburg – site plan – 12/21/06;
8. Brooks Heritage, LLC – major subdivision – adjourned without date;
9. Chartier – site plan – 12/21/06;
10. Moody – waiver of subdivision – 12/21/06;
11. Schudt – waiver of subdivision – adjourned without date; and
12. Bouchard – Bailey Point Subdivision – adjourned without date.

The proposed agenda for the December 21, 2006 meeting is as follows:

1. Cobblestone Associates – major subdivision;

2. Witbeck – minor subdivision;
3. Ginsburg – site plan;
4. Moody – waiver of subdivision; and
5. Chartier – site plan.

**TOWN OF BRUNSWICK
PLANNING BOARD
REGULAR MEETING**

December 7, 2006

**RESOLUTION ADOPTING A RECOMMENDATION ON
THE SUGAR HILL APARTMENTS PLANNED DEVELOPMENT
DISTRICT APPLICATION**

WHEREAS, the Town Board of the Town of Brunswick ("Town Board"), has received an application by Brunswick Associates of Albany, LP for a Planned Development District ("PDD") for additional apartment buildings in connection with the existing Sugar Hill Apartments located on McChesney Avenue Extension; and

WHEREAS, the Sugar Hill Apartments PDD is a proposal for 48 apartment units located in 4 apartment buildings, 12 units per building, located on 12.7± acres, with parking and sewer and water connections to the existing Sugar Hill Apartments infrastructure; and

WHEREAS, the Brunswick Town Board has referred the Sugar Hill Apartments PDD application to the Planning Board of the Town of Brunswick ("Planning Board") for its review and recommendation; and

WHEREAS, the Applicant has appeared before the Planning Board to review the PDD application and to discuss the proposed project with the Planning Board members; and

WHEREAS, the Planning Board members received and reviewed the PDD application, Full Environmental Assessment Form, and supporting technical reports; and

WHEREAS, the Planning Board members discussed the application documents and plans, and having duly deliberated thereon;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick as follows:

1. The Planning Board adopts a positive recommendation on the Sugar Hill Apartments PDD application, subject to the following considerations:

- a. This application includes a limited number of additional apartment buildings to the existing Sugar Hill Apartments complex. The Town Board, in its previous approval of the Sugar Hill Apartments Planned Development District for the existing complex, determined that apartments are an appropriate land use for this area of McChesney Avenue Extension. This 12.7± acre parcel is directly adjacent to the existing apartment complex, and should also be considered an appropriate land use for this area.
- b. The calculation used by the Town Board in its previous approval of the Sugar Hill Apartments Planned Development District for the existing apartment complex, used to calculate the total number of allowable apartment units, should be applied to this PDD application for this 12.7± acre parcel. The Town Board should cap the total number of allowable apartment units and/or apartment buildings according to this calculation. The remaining land on this 12.7± acre parcel should be subject to a conservation easement, with no additional development allowed. This approach is consistent with the Town Board's prior action on the existing apartment complex.
- c. This 12.7± acre parcel has frontage on McChesney Avenue Extension. However, the current proposal for the additional apartment units utilizes an access to the existing Sugar Hill Apartments complex off McChesney Avenue Extension, rather than constructing an additional driveway onto McChesney Avenue Extension. While limiting the number of driveways on McChesney Avenue Extension is positive, the use of the existing access way will require construction of a driveway over the existing conservation easement area on the existing Sugar Hill Apartments Planned Development District. The area of the driveway over this conservation easement will be approximately 24' x 100'. The Planning Board recommends that this amendment to the conservation easement area on the existing Sugar Hill Apartments Planned Development District be approved to allow the current driveway design on this PDD application. This is preferable to a third driveway being constructed on McChesney Avenue Extension for the Sugar Hill Apartments complex. However, this recommendation is conditioned on a conservation easement being required on the remainder of the 12.7± acre parcel, to ensure that no further development and no additional driveways for this apartment complex are constructed onto McChesney Avenue Extension in the future.

- d. An appropriate vegetative buffer/screening should be required between the proposed buildings/parking lot area and the Bonesteel property on McChesney Avenue Extension, and between this 12.7± acre parcel and the homes located in Heather Ridge. The Planning Board received and reviewed a visual analysis prepared by Charles J. Sableski, Registered Landscape Architect, dated November 30, 2006. This analysis plots an existing hedgerow between the project site and Heather Ridge. The existing hedgerow should be supplemented with additional vegetation to create an adequate visual barrier between the project and Heather Ridge.
- e. The driveway and parking lot plan should include appropriate turnarounds for fire trucks or other emergency vehicles.
- f. The barn and silo currently located on the 12.7± acre parcel should be maintained (not including the two outbuildings in the same location, which are in disrepair).

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

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

The foregoing Resolution was/~~was not~~ thereupon declared duly adopted.

December 7, 2006

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 21, 2006

PRESENT were CHAIRMAN RUSSELL OSTER, KEVIN MAINELLO, DAVID TARBOX, FRANK ESSER, JOSEPH JABOUR and JOSEPH WETMILLER.

ABSENT was MICHAEL CZORNYJ.

ALSO PRESENT were JOHN KREIGER, Superintendent of Utilities and Inspections and MARK KESTNER, consulting engineer to the Planning Board.

The Planning Board reviewed the draft minutes of the December 7, 2006 meeting. Upon motion of Member Jabour, seconded by Member Esser, the minutes were unanimously approved as written.

The first item of business on the agenda was the minor subdivision application of Witbeck for property located on Kreiger Lane. Chairman Oster reviewed the history of this matter. Witbeck had made an application for waiver of subdivision in or about 2000, but upon further research, the Planning Board did not take any action upon that waiver application at that time. Accordingly, the current application for a two (2) lot subdivision did require to be submitted as a full minor subdivision application. That application has now been fully submitted. Witbeck seeks to divide two lots from her property located on Kreiger Lane, each lot being approximately 3.4 acres. Chairman Oster noted that he had visited the site with Mr. Kestner, and that there are no significant issues concerning this application in terms of topography, road access, or sight lines. At the Planning Board's request, Witbeck has placed

proposed house, driveway, septic, and well location on the subdivision plat for each proposed lot. Further, detail has been provided concerning the proposed raised septic systems. Chairman Oster noted that the actual sight distances onto Kreiger Lane had not been placed on the plat, and that this information should be placed on the plat. Mr. Kestner concurred, noting that there did not appear to be any sight distance issues, but that the actual sight distance measurements should be placed on the plat. Mr. Kestner also noted that a Niagara Mohawk (National Grid) easement crosses these two proposed lots. Witbeck indicated that it was her intent to have these utility lines buried on the property. Mr. Kestner noted that the proposed driveways are compliant with Town Standards. Chairman Oster noted that this property is in an agricultural district, and that the Applicant still needs to file an Agricultural Data Statement. Chairman Oster noted that a Public Hearing is required on this minor subdivision application. The Planning Board determined that the subdivision plat was complete for purposes of scheduling the Public Hearing, although the Planning Board requested that the actual sight distances, and the width of the National Grid easement be placed on the plat and filed with the Town prior to the Public Hearing. Also, the Planning Board required the Applicant to file the Agricultural Data Statement. The Planning Board determined that the Public Hearing on this application would be held on January 4, 2007 at 7:00 p.m. Member Mainello inquired whether burying the utility lines would interfere with any proposed septic locations. Mr. Kestner stated that in all likelihood, the utility lines, if they were to be buried, would be buried at or around the proposed property line, and therefore would not interfere with any septic locations. This matter is placed on the agenda for the January 4, 2007 meeting for purposes of public hearing.

The next item of business on the agenda was the waiver of subdivision application by Moody for property located on Garfield Road. Mr. Moody reviewed the revised map showing

the proposed lot. Mr. Moody explained that the lot was for transfer to his daughter for the construction of her home. Mr. Moody described the revised lot location, which has now created a 3.3± acre lot. The Planning Board discussed the driveway locations, and determined that adequate area and sight distance for a driveway to this lot exists on Garfield Road. Chairman Oster inquired whether there was any further question or comment by members of the Board. Hearing none, Member Jabour made a motion to adopt a Negative Declaration under SEQRA, which motion was seconded by Member Mainello. The motion was approved 6/0, and a Negative Declaration was adopted. Thereupon, Member Jabour made a motion to approve the waiver application subject to the following conditions:

1. Rensselaer County Health Department approval for water and septic.
2. Rensselaer County Highway Department driveway permit.
3. Payment of all application fees.

The motion was seconded by Member Esser. The motion was carried 6/0, and the waiver application approved subject to the stated conditions.

The next item of business on the agenda was the major subdivision application by Cobblestone Associates for property located on Tambul Lane and Bulson Road. Kevin Kronau and James Dunn appeared on the application. Chairman Oster noted that the preliminary subdivision plat had now been stamped and signed by a licensed professional engineer. Chairman Oster noted that the matter is before the Planning Board for consideration of preliminary plat approval. Chairman Oster reviewed the conditions which the Planning Board discussed at its December 7, 2006 meeting. Mr. Kestner also stated that he had received CAD files from the project engineer, Francis Bossolini, P.E. for the stormwater calculations resulting in a total disturbance of 4.97 acres. Mr. Kestner stated that he had received these CAD files by

e-mail on December 20, 2006 at 6:00 p.m., and did not have a full opportunity to review them prior to the December 21, 2006 meeting. Mr. Kestner also stated that the information received from Mr. Bossolini stated that the NYSDEC General Permit Notice of Intent had been filed by the Applicant, but it was unclear whether the full set of drawings for the project had been submitted to NYSDEC for review. Mr. Dunn stated that the full set of drawings had been submitted to NYSDEC. Chairman Oster also noted that Mr. Kronau had agreed to place a note on the final plat and place a condition in all contracts of sale that no Building Permits would be issued until the radar speed sign had been installed on Tamarac Road. Chairman Oster inquired as to the procedural status of the application. Attorney Gilchrist stated that the Planning Board had conducted a Public Hearing concerning the current proposed residential lot layout, and that that public hearing had been closed. The Planning Board and Applicant had been addressing issues concerning the preliminary plat, both raised by the public during the public hearing as well as by the Planning Board itself. At the December 7 meeting, the Planning Board had reviewed the information concerning potential adverse environmental impacts, and adopted a Negative Declaration under SEQRA. Procedurally, the matter is before the Planning Board for consideration of action on the preliminary subdivision plat. Chairman Oster stated that he would entertain a motion for action on the preliminary plat. Member Esser made a motion to approve the preliminary subdivision plat, subject to the following conditions:

1. Installation of the radar speed control sign on Tamarac Road.
2. A note must be placed on the final subdivision plat and a condition placed on all contracts of sale that no Building Permits will be issued by the Town of Brunswick until the radar speed control sign is installed and operational on Tamarac Road.
3. Compliance with the memoranda and comments of the Town Historian regarding the private cemetery on the property.

4. Final engineering review and acceptance of all drainage facilities, including those off the Winfield Estates cul-de-sac as well as Tambul Lane.
5. Final engineering review and acceptance of the CAD file calculations for stormwater and total disturbed areas.
6. NYSDEC review and acceptance of the Notice of Intent plus all application plans with respect to stormwater management facilities.
7. Rensselaer County Health Department review for water and septic.
8. Review of language of proposed deed restriction with respect to the cemetery on the project site.
9. Submission of a final subdivision plat in compliance with the Town Subdivision Regulations.

Member Wetmiller seconded the motion subject to the stated conditions. The motion was approved 6/0, and conditional preliminary subdivision plat approval granted. This matter has been placed on the January 18, 2007 agenda for review of the final subdivision plat. Submission of the final subdivision plat must be complete at least one week ahead of the meeting.

The next item of business on the agenda was the site plan application of Chartier for the car detailing commercial operation located adjacent to Maselli's Deli on Route 7. Mr. Chartier reviewed his proposal. Mr. Chartier seeks to add a fifth parking spot to the paved area in front of the building, and use two of the parking spaces at this location for the retail sale of cars. Mr. Chartier would have three additional parking spots in connection with his car detailing business. Member Jabour asked whether one of the proposed parking spaces is located right in front of one of the overhead doors on the building. Mr. Chartier stated that the parking spot is in front of the overhead door, about ten feet away from the building. Chairman Oster reviewed the history of this location. Chairman Oster noted that this building had been used as the Sycaway Body Shop

for years. When that business went out, the Planning Board received an application from Mr. Maselli, now the owner of that building, to lease the building for use as a carpet cleaning business. That site plan was reviewed by the Planning Board, and ultimately approved. However, during those discussions, it was noted that the building would be used only for equipment storage, and that no retail sales would be occurring at the site. After the carpet cleaning business left that building, Mr. Chartier made an application on November 17, 2005 for site plan approval for his detailing and custom car cleaning business. Mr. Chartier had stipulated in that application that there would be no retail sales out of the facility, and it was noted by Chairman Oster that the Planning Board had concerns regarding the grade and area of the parking in front of the building. In response to those comments, Mr. Chartier had submitted a revised site plan on or about December 1, 2005 showing three parking spaces. At that time, Member Czornyj and other members of the Planning Board commented in very strong terms that no retail sales should occur at this location due to its limited area, and that there should be no storage of cars outside the three designated parking spaces. Mr. Chartier then submitted a further revised site plan on or about December 15, 2005 showing five parking spaces, and no other changes to the exterior of the site. Again, the Planning Board stated that no retail sales would be allowed at this location. The site plan was approved with these conditions. Now, Mr. Chartier has submitted a site plan showing a total of six parking spaces, four spaces for customer use, and two spaces for retail sale of cars. However, Chairman Oster noted that the reason for the condition on the prior site plan approval as to no retail sales was due to the significant grade of this property, its close proximity to Route 7, and that the site was very tight. Also, Chairman Oster noted that Mr. Chartier had stated that he would not be doing any car washing on the outside of the building, but that he would be using the Hoffman Car Wash and then bringing the

cars inside his building for the detail work. However, Chairman Oster noted that he had gone by this site on several occasions and seen cars being washed on the outside of the building and other cars being stored in or around the building. Chairman Oster then reviewed a letter he had received from Chief Steve Willson of the Brunswick Fire Company No. 1, dated December 18, 2006. In that letter from Brunswick No. 1 Fire Company, Chief Willson stated that the Chartier site plan "is not very safe and has many problems". Chief Willson noted that the site has a very steep grade to it, and is not very visible from Hoosick Road until you are right on top of it. Chief Willson went on to state that with winter fast approaching, having a hill full of vehicles for sale on a potentially icy slope spells problems. Chief Willson also questioned whether there would be any handicapped parking, and parking for employees. Chief Willson noted that Tarbell Lane should not be an overflow for parking from this business either. Chief Willson concluded that the fire department will comment on site plans where they see concerns with safety issues for the general public. Chairman Oster noted that he had spoken with Chief Willson concerning this letter, and that the fire department had serious concerns regarding any expansion of the business at this location. Mr. Chartier stated that he would keep the driveway clear of ice and snow. Chairman Oster responded that the site has significant limitations, due to the steepness of the driveway and the proximity to Route 7, and that Mr. Chartier was well aware of these issues during the prior site plan review and approval. Member Jabour concurred, stating that this site is very steep, and that there is not enough room to move cars around, that there would not be adequate room for people to park to look at the cars for sale, and that the site was simply too small and steep for retail car sales. Member Esser agreed with these comments. Member Wetmiller also stated that the site does not lend itself to retail sales, particularly with ingress and egress for customers. Member Esser also stated that Mr. Chartier has not complied with

conditions on his prior site plan approval. Chairman Oster concluded by stating that the Planning Board had made it quite clear on its prior site plan approval that no retail sales would be allowed at this location, a condition to which Mr. Chartier agreed. The Planning Board was very concerned concerning the public safety concerns of the fire department, and creating an unsafe situation. Chairman Oster then polled the Board as to whether the project should be denied based on the significant safety and site limitation concerns. Upon motion of Member Jabour, seconded by Member Wetmiller, the Planning Board unanimously denied the site plan application.

The Planning Board generally discussed the rock removal work done at the Plum Blossom Restaurant. Mr. Kestner noted that the rock face created by the rock removal was very steep, and that a guardrail should be installed. Mr. Kreiger stated that it was his understanding that forms had been put in place to pour concrete in front of the rock wall, and that a fence would be put on top of the concrete wall. Member Tarbox remembered that one of the conditions to site plan approval was installing a railing for safety purposes following the rock removal. Mr. Kreiger stated he would follow-up on this point. The Planning Board also generally discussed compliance issues on the approved site plan, including traffic flow pattern and parking areas. Mr. Kreiger will also check compliance on this issue.

The next item of business on the agenda was the Ginsburg site plan. Chairman Oster noted that Stewart Ginsburg was not in attendance. Mr. Kreiger reported that Mr. Ginsburg had told him that he might be out of Town on December 21, 2006, and was not sure if he could make it to the meeting. Mr. Kestner also reported such a discussion. Chairman Oster reviewed issues concerning the site plan. The current 2006 site plan does show the "hog pen", including the overhang that was built onto the "hog pen". The 2006 site plan does depict the existing

wastewater disposal system, which is different from the septic system and leach field depicted on the 2004 site plan. The 2006 site plan shows the existing well location, but needs to include a proposed location for a new well. The 2006 site plan does not include the vegetative screening and lighting which had been depicted on the 2004 site plan. The 2006 site plan does not address stormwater runoff from the new storage building to the rear of the property. The 2006 site plan does not indicate handicap parking areas near the new "Curves" section, which had been depicted on the 2004 site plan. Chairman Oster also noted that the 2006 site plan includes a garage building which was not on the 2004 site plan, which appears to have been built over a gas and electric line. Chairman Oster noted that this garage extension appears to have been added sometime after 2004, but without any Town review or permitting. Mr. Kestner noted that this building was not depicted on the 2004 site plan, and should not have been constructed over any utility line. Mr. Kestner also noted that the waste water tank located under the building presented a safety issue, including the generation of methane gas and an explosion potential. Also, Mr. Kestner questioned how this tank had historically pumped out, and whether there was an access hatch located inside the building in order to pump out this tank. The Board was very concerned regarding the differences in the various site plans for this property which Ginsburg had filed with the Town over the years. The Board generally determined that Ginsburg should put together a site plan which depicts all current structures on the site, including the new storage building to the rear of the property which prompted the current site plan issues. Further, Ginsburg should provide a narrative concerning compliance with all prior approved site plans, and if certain items were not completed, and to the extent that Ginsburg does not want previously required improvements on its current site plan, Ginsburg must provide an explanation as to why these items should not be required. These items principally include vegetative buffer and

lighting. Finally, the Board was very concerned regarding the wastewater disposal system on this site, and wanted to ensure this matter was promptly and thoroughly reviewed by the Rensselaer County Health Department. Toward that end, the Planning Board directed Mr. Kestner to forward a letter to the Rensselaer County Health Department concerning the wastewater disposal system on the site, principally the holding tank with access hatch located under the building. Mr. Kestner noted that Rensselaer County Health Department review had been a condition to the approved site plan in 2004, but that Ginsburg had failed to follow up and review this matter with the Rensselaer County Health Department. Further, the Board noted that the 2004 site plan showed a septic tank and leach field, which is now different from the wastewater disposal system depicted on their 2006 site plan. The Board again inquired of Attorney Gilchrist as to jurisdiction on this wastewater disposal system. Attorney Gilchrist noted that primary jurisdiction on the wastewater disposal system is with the Rensselaer County Health Department, but requiring the Health Department to act now to review the current wastewater disposal system is at the Board's discretion, rather than simply conditioning any action on the site plan to subsequent review and approval by the County Health Department. Attorney Gilchrist noted that this was particularly the case here, since the 2004 site plan had been conditioned on Rensselaer County Health Department approval, but that Ginsburg had failed to follow up on the matter with the Health Department. Chairman Oster also noted for the record that if Ginsburg wanted certain required items from previously approved site plans deleted from the current site plan, a full narrative explanation would need to be submitted as to why those items were no longer required for this site. Member Mainello stated that Ginsburg should take its 2004 approved site plan footprint, and make an overlay of all changes to this site which have occurred since the 2004 approved site plan. With that submission, Member Mainello stated that

the Board could review and focus on all the changes that have been made to this property since the 2004 site plan, both as to additions as well as items required under the 2004 site plan which had not been installed. Chairman Oster noted for the record that he and Mr. Kestner, as well as other Town officials, had met with the Applicant to discuss requirements on the site plan, but had made it clear at that meeting that final resolution of required site plan items was subject to discussion of the entire Planning Board. The Planning Board determined that Ginsburg should take the 2004 site plan, and use that as the existing footprint for improvements to the property. Then, Ginsburg must show all changes that have been made to the property since the approved 2004 site plan through an overlay. Finally, for items which had been required under previously approved site plans but which had not been installed, a narrative explanation must be submitted by Ginsburg as to why these items should no longer be required for this site. The Planning Board determined that it would not further review or act upon the site plan, or put this matter on another Planning Board agenda, until a submission had been made in compliance with these requirements. Further, the Planning Board directed Attorney Gilchrist to forward a letter to Stuart Ginsburg reviewing this requirement. The Planning Board did direct Mr. Kestner to send a letter to the Rensselaer County Health Department. This matter is adjourned without date pending further submission in compliance with Planning Board requirements.

Three items of new business were discussed.

First, a site plan application has been submitted by ITZ Security, Inc. for its offices located at 891 Hoosick Road (the old Trooper Barracks on Route 7). ITZ seeks to use a small office to receive payments for Time Warner, which will be staffed by the ITZ secretary. Upon discussion, the Planning Board placed this matter on the January 4, 2007 agenda for further discussion.

Mr. Kreiger noted that a request had been received from the North Troy Congregation of Jehovah's Witnesses for a receipt concerning the escrow which it had established for engineering review for their approved site plan. Mr. Kestner stated that he would promptly address this matter.

Third, Mr. Kreiger alerted the Planning Board that he had been contacted by CDTA, which is looking to expand services and is interested in constructing a bus shelter at the Wal-Mart Plaza. Mr. Kreiger informed CDTA that it would need to submit a full site plan, which would then be forwarded to the Planning Board for review. Mr. Kreiger merely wanted to alert the Planning Board that this will be forthcoming, but that no site plan had yet been submitted.

Chairman Oster noted that he had been copied on a letter from Chazen Engineering concerning a proposed hotel on a 1.9 acre parcel located off McChesney Avenue. Chairman Oster reviewed the letter with the Board. Mr. Kreiger noted that he had informed the Applicant that a formal application must be made, and that it appeared either a use variance or zone change would be required. This matter is not presently before the Planning Board, and no further discussion was held.

Chairman Oster reminded the Planning Board that the Carriage Hill Estates PDD site plan was on the January 4, 2007 agenda for further discussion concerning the parking requirements. Chairman Oster also noted for the record that he had made inquiries with a health care entity, and that parking for senior units was a critical issue, and that in most cases, additional parking was needed for people with advancing age, in terms of home healthcare needs. This matter will be further discussed at the January 4, 2007 meeting.

Chairman Oster inquired into the status of the Brooks Heritage, LLC Subdivision on Dusenberry Lane. Attorney Gilchrist noted that he had forwarded a letter to the Army Corps of

Engineers, but that a formal written response had not yet been received from the Army Corps concerning the wetland delineation issue. Attorney Gilchrist and Mr. Kestner explained that they had occasion to meet with the Army Corps of Engineers on another project, and had inquired with the Corps as to the Brooks Subdivision. Mr. Kestner reported that the Corps stated it in fact had completed the site walk through, but the Corps was not currently issuing jurisdictional determination letters given a recent United States Supreme Court holding concerning Corps jurisdiction over wetlands. Nonetheless, the Corps indicated that a letter may be forthcoming concerning the Corps concurrence with the wetlands delineation map prepared by the consultants for Brooks, or in the alternative, Brooks could always file a wetlands application with the Corps which would then be processed in due course. Attorney Gilchrist reviewed the issue facing the Planning Board on this application. Specifically, given the determination on this application that a cul-de-sac road would be constructed rather than a through road, the issue of the allowable number of lots on a cul-de-sac is presented. Given the Town Code's limitation of 12 lots on a cul-de-sac or dead-end road, this application will require a referral to the Town Board for consideration of lots in excess of 12 on a cul-de-sac road. Attorney Gilchrist stated that under the Town Code, the Planning Board was required to make fact findings and a formal recommendation to the Town Board concerning the proposed number of lots on the cul-de-sac road. The problem facing the Planning Board was making those fact findings and recommendation without a determination by the Army Corps of Engineers as to location and extent of federal wetlands, which may impact the lot layout and total number of approvable lots on this site. The Planning Board should not make any formal fact findings or recommendation until this wetlands delineation has met with Corps approval. Accordingly, it was the recommendation of Attorney Gilchrist that some writing be received from the Army

Corps of Engineers concerning the wetlands delineation, even if it falls short of a formal jurisdictional determination letter. Absent something in the record concerning Corps concurrence with the wetlands delineation, the record will not be complete for purposes of a fact finding and referral to the Town Board on the recommended number of lots on this cul-de-sac road. The Planning Board concurred with this approach, and directed Mr. Kestner to review this matter with Mr. Brooks.

Mr. Kestner updated the Planning Board on the Wal-Mart Planned Development District application, including a recent meeting with the U.S. Army Corps of Engineers on wetland impacts from the proposed project.

The **index** for the December 21, 2006 Planning Board meeting is as follows:

1. Witbeck – minor subdivision – 1/04/07 public hearing;
2. Moody – waiver of subdivision – approved with conditions;
3. Cobblestone Associates – major subdivision – conditional preliminary subdivision approval/final plat consideration 1/18/07;
4. Chartier – site plan – denied;
5. Ginsburg – site plan – adjourned without date;
6. ITZ Security, Inc. – site plan – 1/04/07;
7. CDTA – site plan – adjourned without date;
8. Carriage Hill Estates PDD site plan and subdivision – 1/04/07; and
9. Brooks Heritage, LLC – major subdivision – 1/04/07 (pending receipt of letter from U.S. Army Corps of Engineers).

The proposed agenda for the January 4, 2007 meeting is as follows:

1. Witbeck – minor subdivision – public hearing at 7:00 p.m.;

2. ITZ Security, Inc. – site plan;
3. Carriage Hill Estates PDD site plan and subdivision; and
4. Brooks Heritage, LLC – major subdivision.