

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 21, 2019

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, DONALD HENDERSON, J. EMIL KREIGER, KEVIN MAINELLO and ANDREW PETERSEN.

ABSENT was LINDA STANCLIFFE

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

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

The draft minutes of the February 7, 2019 meeting were reviewed. Upon motion of Member Henderson, seconded by Member Tarbox, the minutes of the February 7, 2019 meeting were unanimously approved.

The first item of business on the agenda was the Sharpe Road Development LLC major subdivision for property located on Sharpe Road. The applicant seeks approval for a 17-lot subdivision located on 17.95 acres along Sharpe Road, with the project site being located both in the Town of Brunswick and the Town of North Greenbush, including a proposed new town road to be located in the Town of Brunswick. Eric Redding, P.E. of Bergmann Associates was present for the applicant. Mr. Redding reviewed the updated subdivision plan, which has added back into the proposal three building lots, two of which are located directly off Sharpe Road and one of which is located off the cul-de-sac road. Mr. Redding also reviewed the addition of septic locations for each of the proposed building lots. Mr. Redding also confirmed that he had discussed the

proposed subdivision road width with Mr. Bonesteel, and that the current proposal is to have 27 feet edge-to-edge of pavement, including a 24-foot wide travel way with 1.5-foot gutters with stormwater catch basins on each side. Mr. Bonesteel confirmed that he had reviewed this proposed road layout with the Brunswick Highway Superintendent Hill, and that the Highway Superintendent is satisfied with this road design. Mr. Redding also reviewed the proposed public water service for the subdivision, and stated that he had met with Mr. Bonesteel on behalf of the Town of Brunswick, and also with representatives of the Town of North Greenbush, including Michael Minor and Rich Laberge, P.E. Mr. Redding stated that Mr. Bradley of the Brunswick Water Department had been invited to the meeting, but was not able to attend, but that Mr. Redding had provided Mr. Bradley with meeting notes. As a result of that meeting, the current proposal for water service to this project is to have the four lots located in the Town of North Greenbush serviced by the North Greenbush water district, and the remaining lots located in the Town of Brunswick to be serviced by a Brunswick water district. Mr. Redding stated that the Town of North Greenbush has requested that an easement be provided through the project site for water utility installation to Sharpe Road, and that the project applicant consents to that easement. It is noted that part of this easement is located in the Town of Brunswick, and the issue of North Greenbush owning a water line easement in property located in the Town of Brunswick must be investigated. The Planning Board then reviewed its recommendation on the requested waiver of the number of lots on a cul-de-sac road, and the written referral and recommendation to send to the Brunswick Town Board. Following review of a draft written recommendation, and limited amendment thereto, the Planning Board unanimously approved a positive recommendation on the requested road waiver and referral of the matter to the Town of Brunswick Town Board for consideration. A copy of such written recommendation on the requested subdivision road waiver

is attached to these minutes. The project schedule was discussed. It is noted that the next Brunswick Town Board meeting is scheduled for March 14, and that the earliest this matter could be further discussed by the Planning Board was its March 21 meeting. The Planning Board further stated that in the event the road waiver is granted by the Brunswick Town Board, and further considering the completeness of the remaining subdivision application documents, the Planning Board could be in a position to schedule the public hearing for the second meeting in April to be held on April 18. This schedule is subject to action by the Brunswick Town Board on the road waiver referral, and also the completeness of the subdivision application. The Planning Board directed the applicant to coordinate with Mr. Bradley of the Brunswick Water Department on water supply issues, and to coordinate with the applicable fire districts for purpose of emergency vehicle access. The coordination between the Brunswick Planning Board and the North Greenbush Planning Board was discussed. The issues of public water supply, stormwater, water utility easement, and Planning Board public hearings on this application must be coordinated between the Town of Brunswick Planning Board and the Town of North Greenbush Planning Board. Mr. Bonesteel confirmed with Mr. Redding that the subdivision plat submittal will be updated concerning the reduced road width, and that Bergmann Associates will be responding to his application review comment letter. This matter is tentatively placed on the March 21, 2019 agenda for further discussion, contingent on Brunswick Town Board action on the road waiver referral.

The next item of business on the agenda was the major subdivision application submitted by Robert Irwin for property located on Menemsha Lane. The applicant proposes a six-lot major subdivision. Rod Michael of RDM Surveying was present for the applicant. Mr. Michael reviewed the proposed major subdivision, which includes land on both the north side and the south side of Menemsha Lane. Mr. Michael reviewed the two proposed lots on the north side of Menemsha

Lane, identified on the subdivision plat as lots 5 and 6. Lot 5 is 24.18± acres in size, and is located on both sides of a power line corridor toward the rear of the lot. Mr. Michael stated that there was a wetland near the National Grid utility corridor regulated by the Army Corps of Engineers, but there is no plan for any work in the wetland area or impact to the wetland. Mr. Michael stated that lot 5 will have 386 feet of road frontage on Menemsha Lane. Lot 6 is 12.92 acres in size, and has 314 feet of road frontage. Mr. Michael did confirm that regarding lot 5, this area has been identified as having potential historic significance, as being a potential Native American encampment. Mr. Michael discussed that matter with Tim Lloyd of OPHRP, and reports that it is Mr. Lloyd's opinion that there is no historical significance to the property. Mr. Michael next reviewed the four proposed lots on the south side of Menemsha Lane, which will include a lot for the existing home and existing property owner. Mr. Michael also confirmed that there is a proposed lot line adjustment on the south side of Menemsha Lane, through which approximately 1 acre will be transferred from Mr. Irwin to the adjoining property owner, Mr. Stasack. Mr. Michael reviewed the four proposed lots on the south side of Menemsha Lane, identified as lots 1, 2, 3, and 4. Lot 1 is 12.93 acres in size with the existing residential home, and will have road frontage on both Menemsha Lane and Pleasant View. Lot 2 is 5 acres in size, and will have 411 feet of road frontage on Menemsha Lane. Lot 3 is 5.58 acres, and includes an access way to an area on this lot reputed to have had a cemetery. Mr. Michael stated that a prior owner of the property (Cranston) may have removed headstones from this location, but there is currently no evidence of any cemetery. Chairman Oster stated he had familiarity with the property, and did recall a cemetery in that location. Lot 4 is 6.97 acres, and this is the area of the proposed lot line adjustment to transfer approximately 1 acre to the adjoining property owner, Stasack, who will annex that land into his existing lot. It is noted for the record that Mr. Stasack was in attendance,

and did confirm that it is his plan to annex that 1 acre into his existing lot to provide additional buffer area. The applicant proposes to handle the lot line adjustment through a waiver of subdivision, and have the subdivision go through the standard subdivision review process. The Planning Board discussed the procedural option of considering a lot line adjustment as separate waiver application, or review the entire project through the major subdivision review process including the lot line adjustment. Attorney Gilchrist reviewed the considerations for the Planning Board in determining whether to handle the application as a waiver of subdivision, including the potential for successive waiver applications to avoid applicable subdivision review processes, and whether the waiver was intended for creation of a building lot for sale. In this case, Mr. Stasack confirmed that it was his intention to acquire this additional 1 acre through the lot line adjustment for purpose of merging into his existing parcel and create additional buffer area to this proposed subdivision. Chairman Oster noted that it was significant that the proposal was not to create another building lot through the waiver of subdivision, and that in concept he would not have any issue with dealing with the lot line adjustment through the waiver process. Attorney Gilchrist stated that he did have concern regarding splitting this action between two applications, and implications under the State Environmental Quality Review Act in terms of illegal segmentation. Member Tarbox asked Mr. Stasack whether he would continue to seek the 1 acre for merger into his existing property even if the major subdivision was not approved. Mr. Stasack stated that he did want to acquire the additional 1 acre from Mr. Irwin, and intended on completing that transaction even if the major subdivision was not approved. Mr. Stasack stated that he was not in a hurry to have the lot line adjustment completed, and in light of that statement, the Planning Board ultimately determined to handle the lot line adjustment as part of the major subdivision review, and complete one SEQRA review and one SEQRA determination for the entire action. Member

Tarbox asked whether this proposed major subdivision constituted a non-realty subdivision. Attorney Gilchrist stated that subject to confirmation, it did appear that the application will constitute a non-realty subdivision. Member Tarbox then asked whether topographic information was required if this was a non-realty subdivision. Mr. Bonesteel stated that topographic information would not be required for the non-realty subdivision, unless the Planning Board members felt it was required to determine whether the resulting lots were buildable. Member Tarbox stated that the property on the south side of Menemsha Lane is fairly flat, but the property on the north side is fairly steep. It was determined that topographic information should be supplied for the lots on the north side of Menemsha Lane to determine whether the lots were buildable, and Mr. Michael stated that topographic information will be supplied. Member Tarbox asked whether an agricultural data statement was required for the application. Attorney Gilchrist noted that an agricultural data statement had been submitted by the applicant. Chairman Oster inquired whether the additional topographic information would be required before the Planning Board could schedule a public hearing. Attorney Gilchrist stated that in his opinion, the topographic information was important for a determination of completeness on the application, and allow members of the public to comment on the subdivision. Chairman Oster confirmed with Mr. Bonesteel that he will further review the application for any additional engineering information required. Member Tarbox inquired whether sight distances should be provided for the proposed driveways. Mr. Bonesteel stated that if sight distances for the proposed driveways looked to be an issue, the Planning Board can request sight distance information. Chairman Oster and Mr. Bonesteel both commented that the road frontage looked fairly straight without any anticipated sight distance issues, but that Mr. Bonesteel would review that matter. Attorney Gilchrist and Mr. Bonesteel noted that a Short Environmental Assessment Form had been filed with the application,

and noted that a Full Environmental Assessment Form may be required. This matter is placed on the March 7, 2019 agenda for further discussion.

One item of new business was discussed.

A pre-application sketch plan had been submitted by Brian Holbriiter, Land Surveyor, for property owned by Reynolds located at 241 Bulson Road. Mr. Holbriiter had requested the opportunity to review the sketch plan in concept so that he could get initial reaction from the Planning Board members and be able to meet with his client to determine future action. Mr. Holbriiter stated that the property is located at the intersection of Bulson Road and Tambul Lane, and that Mrs. Reynolds lives in the house at the corner of Bulson Road and Tambul Lane. Mr. Holbriiter reviewed the Reynolds property, which is located on both the east side and west side of Bulson Road. On the east of Bulson Road, a lot of approximately 55.87 acres would be proposed, which currently includes hay fields and woodlands. This property would remain as one parcel. Mr. Holbriiter reviewed the property on the west side of Bulson Road, including the existing house lot to be retained by Reynolds which would include property on both sides of Tambul Lane. A proposal would include a new 2.54-acre building lot located on the southwest side of Tambul Lane, with a remainder lot of 9.47 acres to be retained by Mrs. Reynolds that would have frontage on both Tambul Lane and Bulson Road. The Planning Board considered the proposed number of lots, and would consider this proposal to be creating four lots and would be required to be reviewed as a major subdivision. There was discussion regarding the option of creating two building lots in the 9.47-acre remainder lot, since the project would need to be reviewed as a major subdivision. Mr. Holbriiter stated that he would review that option with his client. Member Mainello noted that there was a "no build zone" depicted on the 55.87-acre lot on the east side of Bulson Road. Mr. Holbriiter explained that this was an area where there was an existing barn, and that his client did

not want any future owner of this large lot to be building directly across the street from her existing home. The issue as to the existence of an accessory barn structure on a lot without a principle structure was discussed. The issue of required park and recreation fees per lot was also discussed. Following further concept discussion on number of lots, lot layout potential, as well as procedural issues, Mr. Holbriiter stated that he would review all of these issues with his client to determine how she wished to proceed. This matter is adjourned without date.

Chairman Oster noted for the record that he would not be in attendance at the March 7 meeting, and that an acting chair for that meeting would need to be identified.

The index for the February 21, 2019 meeting is as follows:

1. Sharpe Road Development LLC - Major subdivision - 3/21/2019 (tentative);
2. Irwin - Major subdivision - 3/7/2019;
3. Reynolds - Concept subdivision plan - adjourned without date.

The proposed agenda for the meeting to be held March 7, 2019 at 7:00pm currently is as follows:

1. Irwin - Major subdivision.

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

Memo

To: Town of Brunswick Town Board

From: Town of Brunswick Planning Board

Date: March 1, 2019

Re: Sharpe Road Development LLC Major Subdivision
Referral for Purpose of Waiver of Development, Design or Improvement Standard
Pursuant to §135-27 of the Brunswick Code

Sharpe Road Development LLC has submitted an application to the Town of Brunswick Planning Board for a major subdivision for property located on Sharpe Road. The applicant is seeking to divide 17.95± acres located on Sharpe Road into 17 building lots, including the construction of a new subdivision road to service 15 lots (two lots are proposed to have access directly onto Sharpe Road). A copy of the proposed subdivision plat depicting the proposed subdivision road and lot layout is attached.

The project site is located predominantly in the Town of Brunswick, but also includes an area located in the Town of North Greenbush, on which 4 of the proposed subdivision lots will be located. However, the proposed cul-de-sac road is located entirely within the Town of Brunswick, and the applicant proposes road construction in compliance with the Town of Brunswick road standards, and projected dedication of such road to become a Town of Brunswick roadway.

Brunswick Code §135-29 (A)(5)(c) limits the number of building lots on a cul-de-sac or dead-end road system to a total of 12 lots. As shown on the attached preliminary subdivision plat, a total of 15 lots is proposed to be serviced by the cul-de-sac road. The applicant has requested a waiver from this development standard in order to allow the review of the subdivision to proceed, and allow a total of 15 building lots to be serviced by the proposed cul-de-sac road. After deliberation, the Brunswick Planning Board makes the following findings:

1. The proposed subdivision road specifications have been reviewed by the Town of Brunswick Highway Superintendent, who has reported to the Planning Board

Engineer that the proposed 27 feet of paved surface width, including 1.5-foot gutters with stormwater catch basins and 24-foot travel lane area, is acceptable.

2. The proposed subdivision layout utilizes all remaining land of the applicant, and no additional land has been reserved for future subdivision. Accordingly, a total of 15 lots will be the final development of this property, and no additional lots are proposed in the future.
3. The Planning Board may consider a condition of any action on this proposed major subdivision to include no further re-subdivision of any of the proposed lots, and no further building lots are allowed on the cul-de-sac road.
4. A total of 15 building lots being serviced by the cul-de-sac road is not a significant increase over the 12 lots allowable under the Brunswick Town Code.
5. The proposed design of the road, including two cul-de-sac “legs”, mitigates safety concerns which arise with one single lane road design.
6. The proposed road design provides adequate area and turning radius for emergency vehicle ingress and egress.

After deliberation, the Planning Board finds that the proposed total of 15 building lots to be serviced by the proposed cul-de-sac road will not result in a significant waiver from Town Code standards, and based on the findings listed above, the issuance of a waiver in this case would be warranted. Accordingly, the Planning Board recommends that the Town Board grant a waiver from the 12-lot limitation for a cul-de-sac/dead-end road system as set forth in the Town Code for this action.