

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 2, 2022

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

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

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the May 19, 2022 joint meeting with the Zoning Board of Appeals and regular meeting of the Planning Board were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the May 19, 2022 joint meeting with the Zoning Board of Appeals and regular meeting of the Planning Board were unanimously approved without amendment.

The first item of business on the agenda was a major subdivision application submitted by Jim Cillis of JJ Cillis Builders, Inc. for property located at the east end of Cole Lane. This matter was tabled prior to the meeting and is placed on the July 7, 2022 agenda for further discussion.

The second item of business on the agenda was a waiver of subdivision application submitted by Coopers Trail Corporation for property located at 32 Indian Creek Road. Charles Bulson was present to review the application. Mr. Golden reviewed the status of the application, detailing a procedural issue concerning a Stop Work Order previously issued on the property and

stated that the application could not move forward until that Stop Work Order issue had been resolved. Mr. Bulson stated that he was contacted that afternoon by Mr. Golden concerning the procedural issue, and asked that the Planning Board consider to review the application despite the issue. Attorney Gilchrist explained the procedural issue in more detail, citing Section 160-8 of the Brunswick Zoning Law, which states that no subdivision application can be acted upon while the property seeking to be subdivided has an active violation of the Town Code on it. Mr. Bulson asked if the action he is proposing is actually a subdivision, as no subdividing is proposed to be done and he considered the action more of a lot line adjustment. Attorney Gilchrist reviewed the Town of Brunswick Subdivision Regulations, specifically Article 3, Section 1, Subsection 1A, stating that such section identifies Mr. Bulson's application as a subdivision. Mr. Bulson asked what would be the harm if the Planning Board proceeded with its review. Attorney Gilchrist advised the Planning Board that if the Planning Board acted on the application despite the Stop Work Order on the property, the Board would be violating an applicable provision of the Town Zoning Law. The Planning Board determined that this matter is adjourned without date pending the violation resulting in the Stop Work Order being addressed.

The third item of business on the agenda was a waiver of subdivision application submitted by Mark Schifano for property located at 445 Hoosick Road. Paul Engster, Esq., was present to review the application. Mr. Engster stated that he represented Dominick Maselli, owner of 445 Hoosick Road, who had entered into a contract with Mark Schifano to purchase part of the adjacent parcel at 5 Tarbell Avenue, which is owned by Mr. Schifano. Mr. Engster stated that Mr. Schifano's parcel is an existing non-conforming lot under the Brunswick Zoning Law, that Mr. Maselli is looking to buy approximately 2,600 square feet of Mr. Schifano's lot, and that the transaction will result in the existing non-conforming lot decreasing in size. Mr. Engster stated that

there is a conflict between the deeds to the parcels owned by Mr. Maselli and Mr. Schifano, and that the transaction would correct the conflicting deeds. Mr. Engster stated that an area variance was granted to the applicant at the Zoning Board's May 16 meeting, and that he is pursuing the waiver of subdivision in order for the transfer of property to be completed. Mr. Engster also stated that Mr. Maselli has no intended plans for the acquired property and is only looking to increase the size of his lot. Mr. Bonesteel asked what the size of Mr. Maselli's lot was. Mr. Engster reviewed the size of the lot, and stated that the Mr. Maselli's lot is also a pre-existing non-conforming lot that will remain non-conforming after the transaction, but it will be increasing in size while Mr. Schifano's lot will decrease in size. Mr. Bonesteel had no further questions. Attorney Gilchrist confirmed that the Zoning Board had granted an area variance to the applicant at its May 16, 2022 meeting for reducing an already substandard lot. Chairman Oster asked the Planning Board if there were any further questions, and there were not. Member Mainello made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked Attorney Gilchrist if there should be any conditions on the application, and Attorney Gilchrist stated that a condition to consider would be that the approximately 2,600 square feet be merged into the lot at 445 Hoosick Road and that the merger deed be filed with the Brunswick Building Department. Member Tarbox made a motion to grant the waiver of subdivision subject to the stated condition, which was seconded by Member Stancliffe. The Planning Board voted unanimously to grant the waiver of subdivision subject to the stated condition.

One item of old business was discussed. The one item of old business was a waiver of subdivision application submitted by Vincent Santoro for property located at 182 Bald Mountain Road. Chairman Oster noted that the application had been first presented to the Planning Board at

its previous meeting on May 19, and that a question had been raised as to the number of subdivisions on the property. Chairman Oster stated that after researching the issue, it has been determined that the Planning Board cannot accept the application as a waiver of subdivision as a waiver was previously approved by the Planning Board within the last 7 years. Chairman Oster stated that the issue currently before the Planning Board is whether a minor or major subdivision application would be required in this case. Chairman Oster noted that the application would be for a sixth lot on the property, but that Mr. Santoro is the new owner of the large remainder lot from a prior subdivision, that he is only looking to create one new building lot, and that he was not involved in the prior subdivision process. Attorney Gilchrist noted that the prior subdivisions do count toward the total lot count, but that the current applicant was a new owner of a large remainder lot out of the parent parcel, and that it was in the discretion of the Planning Board as to whether the application is a minor or major subdivision. Chairman Oster noted that there is a significant difference between a minor and major subdivision application, for both the procedure that the Planning Board would need to follow, and the time and money the applicant would have to spend. The Planning Board discussed the total number of lots on the property, determining that there were currently five lots, and that Mr. Santoro was looking to subdivide one of the five lots into two lots, resulting in six total lots. Attorney Gilchrist asked about the size of the lot Mr. Santoro owned and the size of the proposed new building lot. Mr. Bonesteel stated that Mr. Santoro's lot was approximately 99.5 acres, and that Mr. Santoro was seeking to subdivide approximately 5 acres to create the new building lot, leading to two lots of approximately 94.5 acres and 5 acres. The Planning Board continued to deliberate, and determined to treat the application as a minor subdivision for the proposed 5-acre lot, but noted that any further subdivision of the remaining 94.5-acre lot would be treated as a major subdivision.

There were two additional items discussed. The first item discussed was that there were likely to be three new solar facilities proposed in Brunswick, but that applications had not yet been filed for any of them. The three projects were proposed to be located on McChesney Avenue, Town Office Road, and NYS Route 2 near Hakes Road. Attorney Gilchrist noted that the three new projects means that there were eleven total solar projects approved or in the application process in Brunswick. Attorney Gilchrist also noted that the Borrego Solar project proposed for Brick Church Road had been withdrawn. The Planning Board asked if the Atlas Renewables project proposed for the former incinerator site had been withdrawn since no action had been taken on it and no further filings had been made by the applicant regarding that project, and Attorney Gilchrist stated that the application had not yet been formally withdrawn. Attorney Gilchrist also noted that the Atlas Renewables solar project proposed for Oakwood Avenue and Farrell Road would be before the Planning Board again at its next meeting on June 16, and that a joint public hearing with the Zoning Board on the applications before both Boards is contemplated for July 7.

The second item discussed was a referral from the Town Board concerning amendments to the Town Zoning Law. Attorney Gilchrist briefly reviewed the referral, stating that there would be a full review of the proposed amendments at the Planning Board's next meeting on June 16. Attorney Gilchrist provided the Planning Board members with a memo from Laberge Group, who is the planning consultant to the Town Board on this matter, as well as an Environmental Assessment Form (EAF), a redline version of the current Brunswick Zoning Law detailing all proposed changes to the Zoning Law, and a clean version of the proposed new Zoning Law with all amendments made to it. Attorney Gilchrist stated that the Town Board is planning to repeal the current Zoning Law passed in 2017 in its entirety, and replace it with the amended version for the sake of simplicity. Attorney Gilchrist briefly discussed two significant amendments being

proposed, including eliminating Overlay Districts, and making changes to where multi-family housing can be located, which includes adding density calculation to the process.

The index for the June 2, 2022 regular meeting is as follows:

1. Cillis – major subdivision (July 7, 2022).
2. Coopers Trail – waiver of subdivision (adjourned without date).
3. Schifano – waiver of subdivision (approved subject to condition).
4. Santoro – application to be submitted.
5. Three new solar projects – discussion item only.
6. Zoning Law Referral from Town Board.

The proposed agenda for the June 16, 2022 regular meeting is currently as follows:

1. Leon – site plan amendment (public hearing to commence at 7:00pm).
2. Witbeck – minor subdivision.
3. Atlas Renewables – special use permit and site plan.
4. Discussion of proposed Brunswick Zoning Law amendments.

The proposed agenda for the July 7, 2022 regular meeting is currently as follows:

1. Atlas Renewables – special use permit and site plan (public hearing to commence at 7:00pm).
2. Cillis – major subdivision.