

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 4, 2022

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

ABSENT was J. EMIL KREIGER.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the July 21, 2022 regular meeting were reviewed. Mr. Golden noted one correction: on the bottom of page 2 and top of page 3, “utility poles” should be changed to “light poles”. Mr. Golden also noted that on the last line of page 2, “lower than” should be eliminated. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the July 21, 2022 regular meeting were unanimously approved subject to the noted corrections.

The seventh item of business on the agenda, the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC, was moved to the beginning of the agenda before the meeting. Ronald Laberge, P.E., of Laberge Group, the Review Engineer to the Planning Board on this project, was present to review the application. Mr. Laberge reviewed the potential “phasing” plan for the subdivisions which had been discussed at the Planning Board’s July 7 meeting, stating that it was proposed due to the significant grading of 13 of the 24 proposed lots that is required before the Rensselaer County Health Department will complete its review of the project’s proposed septic design. Mr. Laberge also noted that full site

grading under a conditional approval had also been discussed with the Planning Board. Mr. Laberge then reviewed the comment letter dated July 6 that his office had submitted, stated that the applicant had replied to his July 6 letter, and then reviewed a subsequent review letter dated August 4 that his office had sent, which stated that the applicant had principally addressed all of his review comments. Mr. Laberge stated that the project's plans are now mostly in final form and are in good shape. Attorney Gilchrist then reviewed the procedural history of the project, and also reviewed a proposed Resolution granting final conditional subdivision approval for the Planning Board's consideration, reading over all conditions within the Resolution in detail. Chairman Oster noted conditions 10, 11, and 13 listed a "Planning Board review engineer" and asked if that should be changed to a "Town-designated review engineer". Attorney Gilchrist noted that this change would be made. Chairman Oster also noted condition 5, which listed geotechnical reports on the project to be submitted "on a bi-weekly basis", and asked if bi-weekly review of such a project was normal, and whether data collected over a two-week period would be excessive in one report due to the large size of the project. Mr. Laberge stated that a bi-weekly report should be adequate. This matter is placed on the August 18, 2022 agenda for further deliberation.

The Planning Board then returned to its regularly scheduled agenda. The first item of business on the agenda was a special use permit and site plan application submitted by Atlas Renewables, LLC for property located off Oakwood Avenue and Farrell Road. No one was present for the Applicant. Attorney Gilchrist stated that the Applicant had submitted written responses to public comments made at the July 7 public hearing, and all subsequent written comments. The Planning Board adjourned the project, agreeing to consider the application should representatives for the applicant arrive later in the meeting, and otherwise placed it on the August 18, 2022 agenda for further consideration.

The second item of business on the agenda was a minor subdivision application submitted by Richard Witbeck and Jacquelyn Witbeck for property located at 131 Kreiger Lane. Brian Holbriiter was present for the applicants. Mr. Holbriiter stated that he had responded all public comments made at the July 7 public hearing in a letter submitted to the Planning Board, and he reviewed those responses. Chairman Oster noted that multiple comments had been made at the public hearing about the road itself, and noted for the record that the Planning Board had requested information on the width and condition of Kreiger Lane, which had been submitted by the applicants and which the Planning Board found satisfactory. Chairman Oster asked if there had been any formal request for additional signage on Kreiger Lane for safety, which had been proposed by multiple neighbors at the public hearing. Mr. Golden stated that the issue had only been brought up at the public hearing and that no formal request had been made, but that he would still look into it with the Brunswick Highway Department. Attorney Gilchrist then reviewed the procedural status of the application. There were no further questions or comments from the Planning Board, and the Planning Board determined that the record was complete and all issues had been adequately addressed. Member Tarbox made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Petersen. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked if there should be any conditions on the application. Attorney Gilchrist stated that three conditions for the Planning Board to consider were: obtaining Rensselaer County Health Department approval for water and septic prior to issuing a building permit, as this is a non-realty subdivision; obtaining Brunswick Highway Department approval for driveway permits for each parcel; and payment of the Brunswick park and recreation fee. Member Mainello made a motion to approve the minor subdivision application subject to the stated conditions, which was seconded by Member Petersen.

The Planning Board voted unanimously to approve the minor subdivision application subject to the stated conditions.

The third item of business on the agenda was a site plan application submitted by Paulsen Development of Albany, LLC for property located at 112 McChesney Avenue. Greg Beswick, P.E., of Creighton Manning Engineering, LLP, was present for the applicant. Mr. Beswick stated that he would submit an updated Environmental Assessment Form (EAF) and site plan for SEQRA lead agency coordination. Attorney Gilchrist confirmed that once the updated EAF and site plan were submitted, the Planning Board would begin lead agency coordination. Chairman Oster stated that Mr. Bonesteel, who was not present, had questions concerning the project's grading plan, specifically the cut and fill analysis. Mr. Beswick stated that he had submitted documents with that information to Mr. Bonesteel. Mr. Golden asked that those documents be sent to him as well, and Mr. Beswick stated that he would do so. Chairman Oster stated that the applicant had brought up the possibility of a joint public hearing with the Zoning Board concerning the applications before both Boards at a prior meeting, but that the Planning Board does not think this is necessary. Attorney Gilchrist agreed that a joint public hearing was not necessary and that the both Boards should conduct their reviews of the applications before them concurrently, but separately. Mr. Beswick stated that the applicant will be conducting its sewer investigation on August 17, which Bill Bradley, Brunswick Water Superintendent, would be attending. Mr. Beswick stated that the applicant had submitted a curb cut application to Rensselaer County. Mr. Beswick stated that a question had been raised at a prior meeting about banked parking spots, and noted that banked parking was included in the Brunswick Zoning Law, which stated that the Planning Board could allow banked parking. Mr. Golden agreed. Mr. Beswick also stated that the applicant wanted to be on the agenda for the next Planning Board meeting, at which the applicant would be requesting a

public hearing at the Board's first September meeting. The Planning Board discussed the required ten days' notice for a public hearing, and that the date for a public hearing on the application would be decided at a future meeting. This matter is placed on the August 18, 2022 agenda for further deliberation.

The fourth item of business on the agenda was a waiver of subdivision application submitted by Paul Brunina for property located at 137 Tamarac Road. Paul Brunina was present to review the application. Mr. Brunina stated that he was proposing to purchase land from his adjacent neighbor for use as a buffer for his property, and that he was not currently planning to build on the additional property. Chairman Oster noted that the applicant had submitted a letter from his adjacent neighbor Dennis Hotaling with the application consenting to Mr. Brunina handling all paperwork for the project. Member Tarbox asked if the applicant was planning to merge the additional land into his existing lot or create a new parcel. Mr. Brunina stated that he was planning to create a new parcel from the land he was purchasing from his neighbor. Attorney Gilchrist noted that if the new parcel were to be a building lot, then the site map should show the driveway location, house location, building envelope, and topography. Mr. Brunina stated that he is not currently planning to build on the new lot, that he is planning to build an extension on his existing home, and that he does not want to merge the purchased land into his parcel due to his concern over an increase in real property tax. Member Tarbox noted that if the Planning Board is to review the application as a waiver of subdivision, then driveway location and sight distances must be added to the site map. Chairman Oster agreed. The Planning Board, Attorney Gilchrist, and Mr. Brunina discussed the issues associated with the new parcel potentially being a building lot, and that if it was, then a driveway with sight distances, proposed house, and well and septic locations must be added to the site map. Member Mainello stated that the existing well and septic

systems on both Mr. Brunina's lot and his neighbor's lot must be identified so that the available area for well and septic systems on the proposed new lot can be identified. The Planning Board stated that if Mr. Brunina had any further questions on what is necessary for the updated site map, he could contact the Brunswick Building Department. This matter is placed on the August 18, 2022 agenda for further deliberation.

The fifth item of business on the agenda was a waiver of subdivision application submitted by Tim D'Allaird and Christine D'Allaird for property located at 103 Hickory Court. Tim D'Allaird and Christine D'Allaird were present to review the application. Mr. D'Allaird stated that they were proposing to turn three adjacent lots that they owned into two lots. Chairman Oster noted that the action was more in the nature of a lot line adjustment. Mr. D'Allaird stated that they have a house on one of the lots, and that the two other lots are currently vacant. Mr. D'Allaird stated that they are proposing to split the middle parcel and add the divided land between the parcels on either side. Member Stancliffe asked if the lots use public water. Mrs. D'Allaird confirmed that they do. There were no further questions or comments from the Planning Board. Member Tarbox made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Stancliffe. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked if there should be any conditions on the application. Attorney Gilchrist stated that the only condition for the Planning Board to consider was that the land be merged into the two adjacent lot deeds and that the two merger deeds be filed with the Brunswick Building Department. Member Mainello made a motion to approve the waiver of subdivision application subject to the stated condition, which was seconded by Member Petersen. The Planning Board voted unanimously to approve the waiver of subdivision application subject to the stated condition.

The sixth item of business on the agenda was a minor subdivision application submitted by Vincent Santoro for property located at 182 Bald Mountain Road. Vincent Santoro was present to review the application. Chairman Oster noted that an updated site map had been requested by the Planning Board at its last meeting. Mr. Santoro stated that a new map had not been submitted, but that the earlier map had been resubmitted with topography added. Attorney Gilchrist stated that Mr. Bonesteel, who was not present, should review the completeness of the minor subdivision requirements, and the Planning Board members agreed. Member Stancliffe noted that the resubmitted map was not stamped or sealed. This matter is placed on the August 18, 2022 agenda for further deliberation.

It was noted that the Applicant for the Atlas Renewables, LLC project did not attend the meeting. That matter is placed on the August 18, 2022 agenda for further deliberation.

The Planning Board then briefly discussed the Brunswick Acres Planned Development District major subdivision application again, making sure all members had the most recent set of plans and submitted documents. The Planning Board also stated that geotechnical inspections and reporting requirements should be reviewed, and that Mr. Golden would coordinate with Bill Bradley from the Water Department on the issue.

There was no new business to discuss.

The index for the August 4, 2022 regular meeting is as follows:

1. Brunswick Acres – major subdivision (August 18, 2022).
2. Atlas Renewables (North Troy Solar) – special use permit and site plan (August 18, 2022).
3. Witbeck – minor subdivision (approved with conditions).
4. Paulsen Development – site plan (August 18, 2022).
5. Brunina – waiver of subdivision (August 18, 2022).
6. D’Allaird – waiver of subdivision (approved with condition).
7. Santoro – minor subdivision (August 18, 2022).

The proposed agenda for the August 18, 2022 regular meeting is currently as follows:

1. Brunswick Acres – major subdivision.
2. Paulsen Development – site plan.
3. Brunina – waiver of subdivision.
4. Santoro – minor subdivision.
5. Atlas Renewables (North Troy Solar) – special use permit and site plan.