

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 16, 2023

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

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

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

Due to Chairman Oster's absence, Member Tarbox volunteered to be Acting Chairman for the meeting. Attorney Jon Tingley stated a motion should be made to appoint Member Tarbox as Acting Chairman for the record. Member Mainello made a motion to appoint Member Tarbox Acting Chairman, which was seconded by Member Kreiger. The motion was unanimously approved, and Member Tarbox was appointed Acting Chairman.

Acting Chairman Tarbox reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The draft minutes of the March 2, 2023 regular meeting were reviewed. Upon motion of Member Mainello, seconded by Member Kreiger, the draft minutes of the March 2, 2023 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a waiver of subdivision application submitted by Stefan Rau for property located at 14 Ridge Road. Daniel Peeters, PLS, Land Surveyor at

Capital District Land Surveying, and Stefan Rau were present. Mr. Golden briefly reviewed the history of lots on Ridge Road and Fox Hollow Road, the widths of both roads, and stated that he had determined that Ridge Road is not currently over the number of allowable lots on a cul-de-sac or dead-end road. Attorney Tingley stated that based on that determination, the applicant would not be required to apply for a waiver for the number of lots on a dead-end road from the Town Board. Acting Chairman Tarbox stated that he had visited the project site earlier that day and noted that Ridge Road is initially a two-lane road, but it narrows to a one-lane road at the location of the proposed new building lot, and that there is no turn-around at the end of this roadway. Acting Chairman Tarbox also stated that he had met Town Highway Superintendent Michael Bayly when he visited the project site earlier that day, and that Mr. Bayly has reported that during the snowstorm earlier that week, it was very messy and difficult to navigate Ridge Road due to the narrowing width of the road. Acting Chairman Tarbox stated that he would like to see a turnaround installed on Ridge Road to mitigate safety concerns. The Planning Board discussed where on Ridge Road would be the best place for a turnaround. Attorney Tingley asked if the turnaround issue was related to the current application before the Planning Board, which seeks the creation of one new building lot. Acting Chairman Tarbox stated that if a house was to be built on the new subdivided lot, then it would make snowplowing in the winter, which is already difficult for the Town, more difficult and dangerous. The applicant stated that two existing neighbors are likely to purchase the subdivided lot, and that one of the two has stated that they do not plan to build on the lot. Acting Chairman Tarbox stated that even though the applicant is only seeking a waiver of subdivision here, the Planning Board has usually required applicants to include a house on the site map, noting setbacks and septic system locations, in case one is built in the future. Attorney Tingley, Mr. Bonesteel, and Mr. Golden all noted that there is no rule that a house be shown on a site map, just

that a potential subdivided lot is buildable. Mr. Bonesteel and Mr. Peeters discussed the topography of the lot and where a house could be built on the lot. The Planning Board further discussed the turnaround issue. Mr. Bonesteel stated that the safety of the road and potential construction of a turnaround should be an issue to be handled by the Town Highway and Building Department. After further discussion on the turnaround issue, Attorney Tingley stated that even though only four of the seven members of the Planning Board were present, meaning there was a quorum and a meeting could be held, any vote taken would still require four votes to pass; therefore, a vote would have to be 4-0 to pass, and that a 3-1 vote would mean an application was denied. Attorney Tingley also stated that the applicant had the option of requesting that the matter be delayed to the next Planning Board meeting. Mr. Peeters consulted with the applicant, and stated that the applicant requested that the matter be delayed to the next meeting. This matter is placed on the April 6, 2023 agenda for further deliberation.

The second item of business on the agenda was a waiver of subdivision application submitted by Henry Reiser for property located at 10 Plante Lane. The applicant was not present. Attorney Tingley asked that this matter be pushed to the end of the meeting so he could review some issues concerning the application with the Planning Board.

The third item of business on the agenda was a minor subdivision application submitted by Anthony Grab for property located on Lockrow Road. Anthony Grab was present to review the application. Acting Chairman Tarbox stated that there had been a request at the previous Planning Board meeting on March 2 for further information and asked if that information had been provided. Mr. Grab confirmed that he had submitted a new site map with the requested information added to it. The Planning Board reviewed the new site map. Mr. Bonesteel stated that he was satisfied with the additional information on the submitted subdivision plat. Mr. Bonesteel asked what the speed

limit was on Lockrow Road near the project site. Mr. Grab stated that it was 30 mile per hour. Mr. Bonesteel noted that sight distances were not provided. Mr. Golden noted that the property is in an A-40 zoning district. Mr. Bonesteel stated that the sight distances for this lot were likely in excess of what is required, but that he would still like to see it on the subdivision plat. Acting Chairman Tarbox asked if the application was complete for the purpose of holding a public hearing. Mr. Bonesteel stated that as long as the applicant resubmitted the plat with the sight distances from a proposed driveway location on the property, it would be complete for a public hearing. Attorney Tingley asked the applicant to submit a new subdivision plat with the additional requested information on or before March 28, 2023 so the Planning Board and Mr. Bonesteel would have adequate time to review it before the public hearing at the first meeting in April. A public hearing on this application is scheduled for April 6, 2023 at 7:00pm.

The Planning Board then returned to the waiver of subdivision application submitted by Henry Reiser for property located at 10 Plante Lane. Attorney Tingley stated that since the Planning Board's last meeting on March 2, it had been discovered that the parcel is part of ongoing litigation, that the Planning Board should not take action at this time on an application on land involved in ongoing litigation, and that the Planning Board should inform all other parties involved in the litigation that the application has been submitted. Member Stancliffe made a motion to inform all other parties to the litigation of the application submitted by Mr. Reiser, which was seconded by Member Mainello. The motion was unanimously approved, and Attorney Tingley stated that he and Attorney Gilchrist would draft a letter to be sent to the other parties to the litigation informing them of the application submitted by Mr. Reiser.

The Planning Board then discussed the application for an amendment to a site plan and special use permit submitted by Blue Sky Towers for property off Creek Road, which had been

introduced at the last meeting on March 2. Attorney Tingley stated that he and Attorney Gilchrist had reviewed the amendment and initial applications and all supporting documents in order to determine if the cell tower qualified as an eligible facility under the Spectrum Act of 2012. Attorney Tingley stated that he and Attorney Gilchrist needed more information in order to make that determination, and that a request for more information would be made to the applicant shortly in writing. Attorney Tingley then discussed the issue of timeliness, as action must be taken on the application within 60 days of receipt of the application. Attorney Tingley stated that holding a special meeting of the Planning Board on March 23 or March 30 in order to confirm the receipt of and review the additional information and schedule a public hearing, which would then be held at the Planning Board's April 20, 2023 meeting, was the only way to complete the process within 60 days. The Planning Board deliberated and determined that March 30 would be better for the special meeting. Member Mainello made a motion to hold a special meeting of the Planning Board on March 30, 2023 at 7:00pm, which was seconded by Member Kreiger. The motion was unanimously approved, and a special meeting of the Planning Board was scheduled for March 30, 2023 at 7:00pm.

The Planning Board discussed one item of new business.

The one item of new business was a special use permit application submitted by James Gardner for property located at 168 Smith Hill Road. Mr. Golden reviewed the application, stating that the property owner was looking to install ground-mounted solar panels on his property. The Planning Board asked if these would be the first solar panels on the property, or if there were already solar panels installed, and that this information will be required. The Planning Board also asked about the rear setback, and Mr. Golden stated that he would research what setback was

required and if the project met that setback. This matter is placed on the April 6, 2023 agenda for further deliberation.

The index for the March 20, 2023 regular meeting is as follows:

1. Rau – waiver of subdivision (April 6, 2023).
2. Grab – minor subdivision (April 6, 2023).
3. Reiser – waiver of subdivision (adjourned).
4. Blue Sky Towers – amendment to site plan and special use permit (March 30, 2023).
5. Gardner – special use permit (April 6, 2023).

The proposed agenda for the March 30, 2023 special meeting is currently as follows:

1. Blue Sky Towers – amendment to site plan and special use permit.

The proposed agenda for the April 6, 2023 regular meeting is currently as follows:

1. Grab – minor subdivision (public hearing to commence at 7:00pm).
2. Rau – waiver of subdivision.
3. Gardner – special use permit.