

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 6, 2023**

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

ABSENT was DONALD HENDERSON.

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 Planning Board opened a public hearing on a minor subdivision application submitted by Anthony Grab for property located on Lockrow Road. Anthony Grab was present to review the application. Attorney Gilchrist read the Notice of Public Hearing into the record, with the Notice having been published in the Eastwick Press, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties within 300 feet of the project site. Chairman Oster stated that the applicant had submitted a new subdivision plat since the last Planning Board meeting with a driveway location and sight distances shown, which had been requested by Mr. Bonesteel. Chairman Oster asked Mr. Grab to briefly review the project. Mr. Grab stated that he was looking to subdivide 11 acres from a 57-acre parcel, then reviewed the general lot layout and other information on the new subdivision plat. Chairman Oster then opened the public hearing on the application. There were no public comments on the application. Chairman Oster made a motion

to close the public hearing, which was seconded by Member Mainello. The motion was unanimously approved, and the public hearing was closed. Chairman Oster stated that the applicant would not be required to respond to public comments in writing as there had not been any comments received by the Planning Board.

The draft minutes of the March 16, 2023 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the March 16, 2023 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a minor subdivision application submitted by Anthony Grab for property located on Lockrow Road. Chairman Oster reiterated that a new plat had been submitted since the last Planning Board meeting, and asked Mr. Bonesteel if he had any further comments on the plat. Mr. Bonesteel stated that all of his prior comments had been addressed, and that the plat was in conformance with all Town requirements for a minor subdivision. Chairman Oster stated that an Agricultural Data Statement and Environmental Assessment Form (EAF) had been submitted and reviewed. Attorney Gilchrist stated that the application was for a non-realty subdivision, meaning that Rensselaer County Health Department approval was not necessary at this point. Mr. Bonesteel noted that approval from the Town Highway Department would be required before a driveway could be built. There were no further questions from the Planning Board. Member Kreiger 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 to be considered by the Planning Board on subdivision approval. Attorney Gilchrist stated that two conditions for the Planning Board to consider were: that the applicant obtain Rensselaer County Health Department approval before a building permit can be

issued, and that the applicant obtain a Town driveway permit prior to driveway construction. Member Mainello made a motion to approve the minor subdivision 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 second 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, was present to review the application. Chairman Oster stated that the Town Building Department had made a determination that a waiver from the Town Board would not be necessary for exceeding the allowable number of lots on a cul-de-sac or dead-end road. Chairman Oster also stated that there had been discussion at the previous meeting on March 16 concerning whether a construction of a cul-de-sac should be required as part of the application. Mr. Peeters stated that the proposed new lot would not be at the end of Ridge Road, meaning that a cul-de-sac or turnaround at that location would not be relevant to the location of the new proposed building lot. Mr. Peeters also stated that it was established at the March 16 meeting that Ridge Road has the infrastructure to support another driveway. Chairman Oster asked if the new lot would have a shared driveway with the adjacent lot, and Mr. Peeters stated that it would not. Mr. Peeters also stated that the existing driveway at the end of Ridge Road would continue to service the remaining land of the applicant. Member Tarbox stated that the Rau driveway is not at the end of Ridge Road, and that there was a house beyond the Rau property. Mr. Peeters stated that the turnaround issue should not impact the application for a waiver of subdivision currently before the Planning Board. Member Tarbox stated that he brought up the turnaround issue at the last meeting due to having coincidentally met the Town Highway Superintendent at the project site when he visited it the day of the last meeting, that the Town

Highway Superintendent had told him about the road maintenance issues on Ridge Road without a turnaround, and noted that the issue may not be pertinent at this point, but would likely be brought up by the Town Highway Department when the applicant applied for a driveway permit for the new lot. Mr. Peeters stated that one of the possible buyers of the proposed new lot does not plan to build on the lot, and that the applicant is willing to work with the Town in the future if the Town wants to build a turnaround on Ridge Road, but reiterated that a turnaround is not pertinent to the current application. The Planning Board then further discussed the turnaround issue, concluding that it would be addressed by the Town Highway Department either at the time of issuing a driveway permit or sooner if deemed necessary by the Highway Department. There were no further questions 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 for the Planning Board to consider. Attorney Gilchrist stated that like the previous application, two conditions for the Planning Board to consider were: that the applicant obtain Rensselaer County Health Department approval before a building permit can be issued, and that the applicant obtain a Town driveway permit prior to driveway construction. Member Tarbox made a motion to approve the waiver of subdivision subject to the stated conditions, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the waiver of subdivision application subject to the stated conditions.

The third item of business on the agenda was a special use permit application submitted by James Gardner for property located at 168 Smith Hill Road. James Gardner, of Kasselmann Solar, was present to review the application. Chairman Oster asked if the project met all of the Town's

setback requires, and Mr. Gardner stated that it did. Member Stancliffe asked if there was an existing solar system already on the property. Mr. Gardner confirmed that there was an existing solar system on the property, that it was very old and did not work, and that the old system would need to be removed as the new solar system will be built in the same location on the property. Member Stancliffe asked if new service lines would be used by the new solar system, and Mr. Gardner confirmed that new service lines would be used. Chairman Oster asked for confirmation that the existing solar system on the property was not functioning. Mr. Gardner stated that while he was unsure if the solar panels themselves did not work, the inverter for the system did not work, meaning that the system could not operate. Chairman Oster asked how the old system would be removed. Mr. Gardner stated that the old system would be removed in compliance with all laws and regulations. Mr. Gardner also stated that the components of the new solar system would be entirely above-ground. Attorney Gilchrist stated that a condition for the Planning Board to consider in this matter would be the removal and disposal of all existing above-ground solar equipment in compliance with all applicable laws, rules, and regulations. Chairman Oster asked if the new solar system would be visible from the road. Mr. Gardner stated that it would likely not be due to being far enough from the road and being screened by woods. Member Tarbox stated that he knew the property and that the new solar system would not be visible from the road if it was to be built in the same location as the old system. Chairman Oster told Mr. Gardner that a public hearing is required for all special use permit applications, that visibility of the solar system may be an issue for neighbors, and that some photos would be helpful for the record, noting that this was a suggestion, not a requirement. Mr. Bonesteel stated that he had no questions or comments from an engineering point of view. Mr. Golden confirmed that all setbacks were met and that the proposed

location was the only possible location for the solar system due to shade created by the surrounding woods. A public hearing on this application is scheduled for May 4, 2023 at 7:00pm.

The fourth item of business on the agenda was a waiver of subdivision application submitted by Henry Reiser for property located at 10 Plante Lane. Henry Reiser was present to review the application. Mr. Reiser handed out a new site map to the Planning Board, noting that his surveyor, William Glasser of RDM Surveying Consultants, had coordinated with Mr. Bonesteel as to all the required and requested information. Mr. Bonesteel stated that while he had originally requested that the entire subdivision be shown on the site map, Mr. Glasser had pointed out that the previously-approved subdivision had been filed in the County Clerk's office, making this a standalone lot, meaning that it was not necessary to show the entire subdivision. Mr. Bonesteel also stated he concurred with that position. Chairman Oster noted that a legal issue had been raised concerning the property at the March 16 meeting and asked Attorney Gilchrist to review that issue. Attorney Gilchrist stated that the property subject to the current application had been involved in a foreclosure proceeding, that his office had informed all parties involved in the foreclosure proceeding of the application, and that there had been no comments or objection received from those parties. Chairman Oster stated that the Planning Board could move forward with the application. Member Petersen made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Tarbox. 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 for the Planning Board to consider. Attorney Gilchrist stated that a condition for the Planning Board to consider was that the approximately 50 acres to be divided off the residential parcel (Lot 12) be merged into the remaining lands owned by the applicant. 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 Planning Board discussed two items of new business.

The first item of new business was a site plan application and special use permit application submitted by Lynn Currier for property located at 215 Oakwood Avenue. Lynn Currier was present to review the application. Ms. Currier stated that she wanted to remodel the property and open a daycare center there. Chairman Oster asked if she would be purchasing the property. Ms. Currier stated that she would be leasing it. Chairman Oster asked what the size of the parcel was. Ms. Currier stated that it was about 3.9 acres and had previously been an auto service station. The Planning Board discussed the location, noting that it was near the apartments to be built at the Oakwood Property Management Planned Development District. Mr. Golden stated that once the apartments were built, the property would have public water and sewer. Ms. Currier stated that the property owner was currently investigating the current well and septic system for the property. Member Mainello asked whether the area proposed for recreation behind the building was already cleared. Ms. Currier stated that it was not. Chairman Oster asked if the area behind the building was wooded. Ms. Currier stated that it was not wooded, but that there was brush and it was wet. Member Mainello asked if there were wetlands on the property. Ms. Currier stated that she did not believe the land was technically wetlands, but needed to confirm. Chairman Oster asked if a daycare was an allowable use in the property's zoning district. Mr. Golden stated that the property is located in a Business Light Overlay district, where a daycare is an allowable use. Mr. Bonesteel asked if the site plan and special use permit applications should be reviewed together. Attorney Gilchrist stated that it would be best for the applications to be reviewed together. Attorney Gilchrist asked if a short EAF was adequate for the project. Mr. Bonesteel stated that he would prefer a full

EAF be completed and submitted based on the information provided in the short EAF. This matter is placed on the April 20, 2023 agenda for further deliberation.

The second item of new business was a waiver of subdivision application submitted by Tammy Otis and Richard Otis for property located at 10 Charl Lane. Mr. Golden reviewed the application, stating that the applicants were seeking to transfer approximately 0.33 acres to the adjacent parcel so it would have more frontage along Charl Road. This matter is placed on the April 20, 2023 agenda for further deliberation.

The index for the April 6, 2023 regular meeting is as follows:

1. Grab – minor subdivision (approved with conditions).
2. Rau – waiver of subdivision (approved with conditions).
3. Gardner – special use permit (May 4, 2023).
4. Reiser – waiver of subdivision (approved with condition).
5. Currier – site plan and special use permit (April 20, 2023).
6. Otis – waiver of subdivision (April 20, 2023).

The proposed agenda for the April 20, 2023 regular meeting is currently as follows:

1. Blue Sky Towers – amendment to site plan and special use permit  
(public hearing to commence at 7:00pm).
2. Currier – site plan and special use permit.
3. Otis – waiver of subdivision.

The proposed agenda for the May 4, 2023 regular meeting is currently as follows:

1. Gardner – special use permit (public hearing to commence at 7:00pm).