

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 1, 2024

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 January 18, 2024 regular meeting were reviewed. Upon motion of Member Henderson, seconded by Member Petersen, the draft minutes of the January 18, 2024 regular meeting were unanimously approved without amendment.

There were no items of business on the agenda.

The Planning Board discussed a waiver of subdivision application submitted by Henry Reiser for property located at 10 Plante Lane, which the Planning Board approved at its last meeting on January 18. Mr. Reiser was present. Chairman Oster stated that since the approval of the waiver at the last meeting, it had been determined that the map submitted with the application was incorrect, and that the applicant was not the owner of Lot 12 as shown on the site map. Mr. Reiser confirmed that he did not own Lot 12 on the site map; that he had recently deeded Lot 12 to another party; that the parcel was deeded after the application was submitted, but before it was

approved; and that the new owners of Lot 12 had authorized Mr. Reiser to pursue the subdivision. It is noted that written authorization is now on file at the Town. Chairman Oster noted that a new site map would need to be submitted showing the correct owners of Lot 12, a revised title block, and a corrected notes section listing the deeds to the parcels on the map. Mr. Reiser stated that while he always intended to sell Lot 12, he intended to do so after the waiver had been approved and that the closing had been unexpectedly moved up. Member Stancliffe noted that Note #1 on the site map stated that Lot 12 was “for exclusive use of Henry Reiser”, and that it would also need to be changed. Attorney Gilchrist requested confirmation that there were no changes proposed for the amended lot lines approved by the Planning Board at its January 18 meeting. Mr. Reiser confirmed there were no changes proposed for the map. Attorney Gilchrist noted that a corrected map will need to be prepared and submitted to the Town before any map could be stamped or signed. Member Tarbox noted that the remaining lands immediately next to Lots 1-4 on the site map could only be subdivided into building lots if a very long driveway were built around the pond on the site so that the driveway connected to a public road, and if not, these lands would not have frontage on a public road, which is required for building lots. Member Tarbox stated that there is no problem with the current waiver map, but that a problem could arise if the owner wanted to further subdivide the remaining lands. Attorney Gilchrist noted the issue, but stated that the lot identified on the site map as “remaining lands of Reiser” did have frontage on a public road and that the current plan is compliant with the frontage requirements. Mr. Bonesteel noted a further edit to be map to the site map: the last name of the owners of the lot across Penny Royal Lane was “Isager” and should be corrected. Chairman Oster asked if any further action was needed from the Planning Board. Attorney Gilchrist stated that no further action was required as the Planning Board had approved the waiver at the last meeting and that it has been confirmed by the applicant that

nothing on the waiver map had changed, only an updated site map and title notes were required, which would be reviewed by the Building Department and Planning Board Chairman prior to stamp and signature.

The Planning Board then discussed one item of new business.

The one item of new business was a presentation by Henry Reiser on behalf of John Tybush. Mr. Reiser stated that Mr. Tybush was preparing an application to be submitted to the Town and was seeking guidance on what type of application should be submitted. Mr. Reiser stated that the application would concern land on Tybush Lane, and that in 2020, Frank Tybush, the previous owner, had applied for and been granted a waiver of subdivision for a lot line adjustment on the property. Mr. Reiser stated that John Tybush, the current owner of the property, sought a further subdivision, and asked if another waiver of subdivision application would be acceptable, or if a minor subdivision application would be more appropriate. Chairman Oster asked if John Tybush was proposing a second lot line adjustment on the property. Mr. Reiser stated that he was, and that the previous waiver was submitted by the previous owner, not by John Tybush. Mr. Reiser handed out a site map to the Planning Board and reviewed it. Chairman Oster asked if the waiver of subdivision approved in 2020 had created a new lot. The Planning Board determined that the waiver of subdivision that was approved in 2020 had not created a new lot, but that John Tybush was proposing to create a new lot now, and that the current action should be considered a minor subdivision due to the seven-year limit on subdivisions on a parcel. Mr. Reiser reiterated that a different owner had applied for and received the 2020 waiver. Attorney Gilchrist stated that approvals stayed with the land, not the owner. The Planning Board determined that a minor subdivision application would be required.

The Planning Board then discussed two items of old business.

The first item of old business was a site plan application submitted by Justin Haas for property located at NYS Route 7 and Carroll's Grove Road. Mr. Golden stated that no new documents had been submitted by the applicant, that a survey of the site was still being completed by the applicant, and that the applicant was waiting for responses from the NYS Department of Transportation (DOT). This matter is adjourned until the applicant submits further documents requested by the Planning Board.

The second item of old business was an amendment to a previously-approved special use permit proposed by Zachary Froio for property located at 502 Pinewoods Avenue. Chairman Oster stated that the Town had received a letter from Mr. Froio, dated November 14, 2023, requesting the special use permit be amended to allow on-site sale of firearms from his residence. Chairman Oster stated that while an application for the amendment had not yet been filed by Mr. Froio, one was expected soon. The Planning Board discussed the previously-approved special use permit application and the amendment Mr. Froio was seeking.

The index for the February 1, 2024 regular meeting is as follows:

1. Reiser – waiver of subdivision (updated and corrected site map required).
2. Tybush – preliminary presentation (adjourned without date).
3. Haas – site plan (adjourned without date).
4. Froio – amendment to special use permit (adjourned without date).

The proposed agenda for the February 15, 2024 regular meeting is as follows:

1. Cillis (tentative).