

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 17, 2024

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

ALSO PRESENT were MICHAEL McDONALD, 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 first item of business on the agenda was a public hearing concerning the applications for a waiver of subdivision and minor subdivision submitted by Henry Reiser for property located off Penny Royal Lane and Plante Lane. Henry Reiser and Jessica Tenczar were present to review the applications. Chairman Oster read the procedure for a public hearing held by the Planning Board. Chairman Oster 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 asked Mr. Reiser to briefly review the project for the public. Mr. Reiser stated that the entire project site was approximately 300 acres, that the Planning Board had approved a waiver of subdivision in April 2024 to create an 8-acre lot on the site, that he was currently proposing to create four building lots on the site, each of which he described, and that he was simultaneously proposing a lot line

adjustment for another existing lot on the site. Mr. Reiser stated that all the remaining lands would be combined onto one deed, that there would be new deeds for the four new lots, and that there would be a shared road agreement for the site. Chairman Oster opened the public hearing on the application. Charles Meyer, of 53 Penny Royal Lane, asked if all proposed lots would be off NYS Route 351. Mr. Reiser confirmed that the parcels would be off NYS Route 351, then reviewed the existing roadways and proposed driveway on the site. Mr. Meyer stated that a culvert was being installed on the site near NYS Route 351 and could be an issue. Mr. Reiser stated that the area where the culvert was being installed was not near the proposed lots. There were no further comments from the public. There were no questions or comments from the Planning Board members. Chairman Oster asked if there should be a written comment period established for the submission of comments by written letter or email on the applications, and the Planning Board members decided that there should not be in this case. Following a request for any further public comments, and hearing none, Chairman Oster made a motion to close the public hearing, which was seconded by Member Petersen. The motion was unanimously approved, and the public hearing was closed.

The draft minutes of the October 3, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the October 3, 2024 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was the applications for a waiver of subdivision and minor subdivision submitted by Henry Reiser for property located off Penny Royal Lane and Plante Lane. Henry Reiser and Jessica Tenczar were present to review the applications. Chairman Oster stated that there had only been one question at the public hearing, which had been responded to by the applicant, and that the Planning Board did not require a written comment period. For the

record, Member Henderson made a motion determining that a written comment period was not required for the applications, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the motion. Mr. Bonesteel stated that a State Environmental Quality Review Act (SEQRA) determination was needed for both applications. Member Stancliffe made a motion for a negative declaration on the waiver of subdivision under SEQRA, which was seconded by Member Petersen. The Planning Board voted unanimously to declare a negative declaration on the waiver of subdivision under SEQRA. Member Stancliffe made a motion for a negative declaration on the minor subdivision under SEQRA, which was seconded by Member Mainello. The Planning Board voted unanimously to declare a negative declaration on the minor subdivision under SEQRA. Chairman Oster asked if there should be any conditions on the waiver of subdivision, and the Planning Board determined that there should not be. Member Tarbox made a motion to approve the waiver of subdivision application, which was seconded by Member Petersen. The Planning Board voted unanimously to approve the waiver of subdivision application. Mr. Bonesteel stated that there were conditions for the Planning Board to consider for the minor subdivision application: that the applicant submit proof that an executed Private Road Maintenance Agreement be filed prior to the issuance of any building permit; that Rensselaer County Health Department approval be obtained for water and septic on the new lots prior to the issuance of any building permit; and that the applicant must submit proof that the remaining lands had been merged onto one deed. Chairman Oster asked if there were any further comments or questions on the minor subdivision application. Member Stancliffe stated that the Private Road Maintenance Agreement should provide cross-easements and asked to verify that a note shown on a previous version of the site map had been removed. Member Stancliffe also stated that driveway permits being obtained prior to construction of houses on the new lots should be an additional condition. Chairman Oster

listed the four conditions on the minor subdivision application: that the applicant submit proof that an executed Private Road Maintenance Agreement had been filed prior to the issuance of any building permit, that Rensselaer County Health Department approval be obtained for water and septic on the new lots prior to the issuance of any building permit, that the applicant must submit proof that the remaining lands had been merged onto one deed, and that driveway permits be obtained prior to the issuance of any building permit. Chairman Oster made a motion to approve the minor subdivision application subject to the stated conditions, which was seconded by Member Mainello. The Planning Board voted unanimously to approve minor subdivision application subject to the stated conditions.

The second item of business on the agenda was the applications for a waiver of subdivision, site plan, and a special use permit submitted by CVE North America, Inc. for property located at 511 McChesney Avenue Extension. Carrie Cosentino, Project Developer with CVE North America, was present to review the applications. Chairman Oster state that the SEQRA Lead Agency Notice had been sent out 30 days prior, meaning that it was the last day for involved or interested agencies to respond and that SEQRA Lead Agency could not be established at the current meeting. Ms. Cosentino stated that the applicant had taken additional video for visual analysis since the last meeting, which she would submit by email. Mr. Bonesteel stated that he had reviewed the applicant's stormwater pollution prevention plan (SWPPP) and that he would submit comments on it the following week. Mr. Bonesteel asked if there had been any changes made to the SWPPP since the last meeting, and Ms. Consentino stated that there had not been. Mr. Bonesteel stated that he would like the solar panels to be shown on the visual renderings submitted by the applicant. Ms. Cosentino stated that the panels were shown on the renderings, but were difficult to see and that they would be clarified. Mr. Bonesteel asked if the applications had been

sent to the State Historic Preservation Office (SHPO). Ms. Cosentino confirmed that the applications had been sent to SHPO, but that there had been no response. Ms. Cosentino also stated that the applications had been sent back in 2022, before the Town's moratorium on community solar projects, and that she thought it would appropriate to submit the applications again. Mr. Bonesteel stated that visual analysis should also be done at the Garfield School, in part due to its historic significance. Ms. Cosentino stated that visual analysis would be done from the Garfield School. Mr. Bonesteel also stated that the applicant should clarify on the site map where tree-clearing would be done and where the new treeline would be. Ms. Cosentino stated that those clarifications would be made. Chairman Oster asked if the Planning Board should visit the project site, and asked if that would be an issue due to the applicant not owning the land yet. Ms. Cosentino stated that she would contact the site owner to coordinate a site visit by the Planning Board. This matter is placed on the November 7, 2024 agenda for further deliberation.

The third item of business on the agenda was the Colton Ridge major subdivision application submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue Extension and Creek Road. Matt Bond, P.E., of Hart Engineering, was present to review the application. Chairman Oster stated that there had been a question raised at the last two Planning Board meetings concerning the number of houses proposed for a cul-de-sac road, and if houses with frontage on a public road should be counted toward that number. Chairman Oster stated that since the last Planning Board meeting, the Building Department had determined that 17 residences were proposed for the cul-de-sac road on the site, and that the 17 lots should be considered for the requested waiver of the limit of 12 lots serviced by a cul-de-sac road. Chairman Oster stated that the applicant would be applying to the Town Board for a waiver for the number of homes allowed on a cul-de-sac road and that the Planning Board needed to make a

recommendation to the Town Board on that waiver. Chairman Oster also stated that Attorney Gilchrist had suggested that a condition for the recommendation be that the waiver specifically be for the number of lots and lot layout as currently proposed. Also, if the driveway locations change for any of these lots so that the driveway would connect to an existing public road, and an additional lot or lots are proposed to connect to the cul-de-sac road, the applicant would need to come back before the Planning Board for further review and recommendation. Member Tarbox asked if the applicant had considered a through-road to Spring Avenue, which would negate the need for the cul-de-sac road. Mr. Bond stated that it had been considered, but that the Department of Public Works (DPW) had recommended against it. Chairman Oster asked if the proposed cul-de-sac road met all required Town standards. Mr. Bond confirmed that it did, as he met with the Town Highway Department to make sure. Member Stancliffe asked if any alternatives to the proposed waterline to the site had been considered. Mr. Bond stated that any alternatives would require looping into another Town water line, which would not be as feasible as the proposed water plan. Chairman Oster asked if the other Planning Board members objected to 17 lots on the cul-de-sac road. Member Stancliffe stated that normally she would, but based on the proposal, she did not in this case, and the other Planning Board members agreed. Mr. Bonesteel asked if the application had been sent to the Rensselaer County Health Department. Mr. Bond stated that it had not been. Mr. Bonesteel stated that the Rensselaer County Health Department needed to review the application. Chairman Oster stated that Attorney Gilchrist would prepare a draft recommendation to the Town Board for the Planning Board to review at its next meeting. Chairman Oster asked when the next Town Board meeting was. Member Tarbox stated that it would be the week after the next Planning Board meeting, so the applicant could present the waiver to the Town Board at its next meeting if the Planning Board adopted its recommendation at its next meeting.

Mr. Bonesteel asked if a full Environmental Assessment Form (EAF) had been submitted. Mr. Bond stated that he believed so, but would confirm. This matter is placed on the November 7, 2024 agenda for further deliberation.

The Planning Board discussed two items of new business.

The first item of new business was a waiver of subdivision application submitted by Jeff Sullivan and Sydney Sullivan for property located behind 10 Charl Lane. No one was present for the applicant. Chairman Oster stated that the applicant was proposing to subdivide a 12.47-acre parcel, creating a 5.69-acre building lot and a 6.79-acre remainder lot. Mr. Bonesteel noted that there was a previous lot line adjustment on the site in March 2023. Chairman Oster asked if that previous lot line adjustment created a new lot, and that that must be determined before the Planning Board moved forward with the current application. Chairman Oster asked if the other Planning Board members were comfortable treating the application as a waiver. Member Tarbox stated that further legal review was required. Chairman Oster noted that the previous lot line adjustment had been done through Rensselaer County, that the applicant had not come before the Town for the action, and asked if the Planning Board could request information on the previous lot line adjustment from Rensselaer County. The Planning Board determined that additional information was required. This matter is placed on the November 7, 2024 agenda for further deliberation.

The second item of new business was a waiver of subdivision application submitted by National Grid for property located at 155 Menemsha Lane. Allyson Phillips, Esq., attorney for National Grid, was present to review the application. Ms. Phillips stated that the application was for a lot line adjustment, and that the applicant was proposing to add 0.577 acres of land to an existing corridor of land owned by National Grid. Chairman Oster asked if there were any plans for the land being added to the corridor. Ms. Phillips stated that there were no plans for that land,

the applicant was just seeking to simplify the parcels and site map. Member Stancliffe had a question regarding the proposed boundary line. Ms. Phillips reviewed the site map, showing the land currently owned by National Grid and what land National Grid was seeking to add. Chairman Oster noted that there was a parcel adjacent to National Grid's land with a house, pool, deck, and shed that appeared to encroach onto the National Grid land, and that while this land would not be affected by the lot line adjustment, Chairman Oster wanted to make sure the applicant was aware of it. Ms. Phillips stated that she believed National Grid was already aware and that it had not been an issue. This matter is placed on the November 7, 2024 agenda for further deliberation.

There was no old business to discuss.

The index for the October 17, 2024 regular meeting is as follows:

1. Reiser – waiver of subdivision and minor subdivision (approved with conditions).
2. CVE North America – waiver of subdivision, site plan, and special use permit (November 7, 2024).
3. Paramount Building Group – major subdivision (November 7, 2024).
4. Sullivan – waiver of subdivision (November 7, 2024).
5. National Grid – waiver of subdivision (November 7, 2024).

The proposed agenda for the November 7, 2024 regular meeting is currently as follows:

1. CVE North America – waiver of subdivision, site plan, and special use permit.
2. Paramount Building Group – major subdivision.
3. Sullivan – waiver of subdivision.
4. National Grid – waiver of subdivision.