

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 7, 2024

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

ABSENT was ANDREW PETERSEN.

ALSO PRESENT were WENDY KNEER, 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 October 17, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the October 17, 2024 regular meeting were unanimously approved without amendment.

The first 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. David Froelich, Director of Development at CVE North America, was present to review the applications. Mr. Froelich stated that comments had been received on the project from Mr. Bonesteel and that the applicant was currently working on responses to those comments. Mr. Froelich stated that the applicant was looking for a State Environmental Quality Review Act (SEQRA) determination to be made on the project. Mr. Bonesteel stated that the Planning Board needed to see the responses to his comments from the

applicant prior to making a SEQRA determination as the responses could indicate how significant the environmental impacts from the project could be, and that SEQRA Lead Agency needed to be declared first before a SEQRA determination could be made. Chairman Oster stated that the Town Zoning Law allowed the Planning Board to hire its own visual consultants and charge the applicant, for which an escrow account needed to be set up, then reviewed the Zoning Law requirements for consultant review costs. Mr. Bonesteel stated that if review beyond the ordinary course was required for the project, then an escrow needed to be set up by the applicant to pay for it. Mr. Bonesteel stated that he would put together an estimate for consulting services to be reviewed by the Planning Board and applicant, and reiterated that the applicant needed to set up the escrow. Mr. Froelich again asked if a SEQRA determination could be made at the current meeting. Mr. Bonesteel reiterated that he wanted to see the applicant's responses to his comments to be certain whether there would be significant environmental impacts. Mr. Froelich asked what the next step of the process was then since SEQRA Lead Agency had been declared, but a SEQRA determination could not be made. Attorney Gilchrist stated that SEQRA Lead Agency had not been declared, as October 17, the date of the last Planning Board meeting, had been the last day for involved or interested agencies to respond to the Notice of Intent to establish Lead Agency sent out by the Planning Board. Attorney Gilchrist asked if any responses had been received since the last Planning Board meeting, and Ms. Kneer stated that no responses had been received. Attorney Gilchrist stated that SEQRA Lead Agency needed to be established at a Planning Board meeting, and that Lead Agency could be established at the current meeting. Member Henderson made a motion to declare the Planning Board Lead Agency under SEQRA for this project, which was seconded by member Tarbox. The Planning Board voted unanimously to declare the Planning Board Lead Agency under SEQRA for this project. Member Stancliffe asked how the wetlands on

the site would be delineated and mapped. Mr. Froelich stated that he would supply information on the delineation of the wetlands on the site. Chairman Oster stated that there had been a discussion about a possible site visit at the last Planning Board meeting, but wanted to clarify that the Planning Board members were not currently ready for a site visit at this time. Chairman Oster stated that the Planning Board and applicant needed to be aware of the NYS Open Meetings Law, which states that if there is a quorum of the Planning Board present and the application is discussed, then the site visit must be officially noticed and the public be allowed to attend. Chairman Oster stated that the Planning Board was not planning to have a quorum at the site visit and was not planning to discuss or deliberate on the project, only visually observe the site. Mr. Bonesteel stated that there were federal wetlands on the project site and that a delineation map of those wetlands had been included with the application materials. Member Stancliffe stated that she brought up the delineation of wetlands to confirm that the U.S. Army Corps of Engineers had reviewed the application, and also noted that a road on the site appeared to cross a wetland area. Chairman Oster asked if there were any NYS wetlands on the project site. Mr. Bonesteel stated that there were only federal wetlands on the site. Member Stancliffe noted that 16,000 solar panels were proposed for the project, but that the applicant had mentioned potentially using panels with a higher wattage, and asked if that would result in fewer panels. Mr. Froelich stated that if larger panels with a higher wattage were used, it would result in fewer panels, but the same amount of ground would be covered by panels. Mr. Bonesteel stated that he had no further comments and would wait for the applicant's responses to his comments. Attorney Gilchrist reviewed the procedure for a SEQRA determination and public hearing, and stated that the Zoning Board had expressed interest in holding a joint public hearing with the Planning Board concerning the applications before both Boards. Chairman Oster asked about the status of the application before the Zoning Board.

Attorney Gilchrist stated that the applicant had submitted an area variance application to the Zoning Board for four above-ground utility poles associated with the project, and that the Zoning Board was waiting for the Planning Board to make a SEQRA determination before it could act. This matter is placed on the November 21, 2024 agenda for further deliberation.

The second 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. Mr. Bond stated that there had been no changes to the plat since the last meeting, and that he was present for the Planning Board recommendation on the 12-lot waiver. Attorney Gilchrist handed out a draft recommendation and Resolution to the Planning Board members and Mr. Bond. Member Henderson asked about the long common driveway on the site and the locations of fire hydrants. Chairman Oster asked if the application had been sent to the fire department. Mr. Bond stated that he would confirm that it had been. Attorney Gilchrist reviewed the draft recommendation to the Town Board on the waiver, and the Resolution adopting the recommendation. The Planning Board had no comments or questions on the draft recommendation or Resolution adopting that recommendation. The foregoing Resolution, offered by Member Tarbox and seconded by Member Stancliffe, was duly put to a rollcall vote. The Planning Board voted unanimously to adopt the Resolution and the Resolution was thereupon duly adopted. A copy of the Resolution is attached to these minutes. Attorney Gilchrist stated that he would send the Resolution to the Town Board. Chairman Oster asked when the next Town Board meeting would be. Mr. Bond stated that it would be the following week and that he would be present at that meeting. This matter is tentatively placed on the November 21, 2024 agenda for further deliberation.

The third item of business on the agenda was a waiver of subdivision application submitted by Jeff Sullivan and Sydney Sullivan for property located behind 10 Charl Lane. Jacob Keasbey, from Holbriiter Land Surveying, was present to review the application. Mr. Keasbey stated that the applicants were seeking to subdivide an approximately 12.5-acre lot into a 5.69-acre building lot and a 6.79-acre remainder lot. Mr. Keasbey stated that the applicant planned to build a house on the 5.69-acre lot, and reviewed the location of the proposed house on the plat. Mr. Keasbey also stated that there had been a previous lot line adjustment approved by the Planning Board for the property in April 2023, which had provided frontage for the two proposed lots. Chairman Oster stated that under the Town Zoning Law, there must be seven years between approved waivers of subdivision. Chairman Oster noted that the waiver of subdivision approved in April 2023, which was more in the nature of a lot line adjustment, did not create a new lot, and that the Planning Board must consider whether to allow another waiver within the seven-year time period under these circumstances. The Planning Board members agreed to consider the action as a waiver of subdivision. The Planning Board had no further comments on the application. Mr. Bonesteel had no questions or comments on the application. Member Tarbox made a motion for a negative declaration on the application under SEQRA, which was seconded by Member Henderson. The Planning Board voted unanimously to declare a negative declaration on the application under SEQRA. Chairman Oster asked if there should be any conditions on the application. Attorney Gilchrist stated that the applicant receiving Rensselaer County Health Department approval for water and septic should be a condition. Member Mainello made a motion to approve the application subject to the stated condition, which was seconded by Member Stancliffe. The Planning Board voted unanimously to approve the application subject to the stated condition.

The fourth item of business on the agenda 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 applicant was proposing to merge a 0.577-acre parcel with the existing National Grid corridor, and that the 0.577-acre parcel currently bisects the corridor. Member Henderson asked about an existing encroachment issue on the property. Ms. Phillips stated that National Grid was aware of the issue, that it was being handled internally, and that it would not impact the proposed lot line adjustment. Chairman Oster asked if the 0.577-acre parcel was buildable. Ms. Phillips stated that she was not sure, but that National Grid was not proposing to build on it. Chairman Oster asked if there should be a note on the map to state that approval was for the lot line adjustment only and did not address the existing encroachment. Ms. Phillips stated that she was willing to add that to the map. Attorney Gilchrist stated that he would review draft language for the map note that Ms. Phillips should draft. There were no further questions or comments from the Planning Board. Member Stancliffe made a motion for a negative declaration on the application under SEQRA, which was seconded by Member Henderson. The Planning Board voted unanimously to declare a negative declaration on the application under SEQRA. Chairman Oster asked if there should be any conditions on the application. Attorney Gilchrist suggested two conditions for consideration: the addition of the aforementioned map note, and that the 0.577-acre parcel be merged into the existing utility corridor. Member Henderson made a motion to approve the application subject to the stated conditions, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the application subject to the stated conditions.

There was no new business to discuss.

The Planning Board discussed one item of old business.

The one item of old business was the applications for site plan and minor subdivision submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Chairman Oster stated that the applicant had contacted the Town asking to be placed on the agenda for the next Planning Board meeting. This matter is placed on the November 21, 2024 agenda for further deliberation.

The index for the November 7, 2024 regular meeting is as follows:

1. CVE North America – waiver of subdivision, site plan, and special use permit (November 21, 2024).
2. Paramount Building Group – major subdivision (November 21, 2024).
3. Sullivan – waiver of subdivision (approved with condition).
4. National Grid – waiver of subdivision (approved with conditions).

The proposed agenda for the November 21, 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 (tentative).
3. Maries Muse, LLC – site plan and minor subdivision.

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

November 7, 2024

**RESOLUTION ADOPTING RECOMMENDATION ON WAIVER
APPLICATION: PARAMOUNT BUILDING GROUP MAJOR SUBDIVISION**

WHEREAS, on April 17, 2024, a major subdivision application was submitted to the Town of Brunswick Planning Board (hereinafter “Planning Board”) by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue Extension and Creek Road; and

WHEREAS, such application proposed construction of a 17-lot subdivision on a 33.57-acre parcel, as well as construction of a new road with a cul-de-sac and a water line extension; and

WHEREAS, the application was introduced to the Planning Board at its May 16, 2024 meeting; and

WHEREAS, the Town of Brunswick subdivision regulations prohibit greater than 12 lots serviced by a dead-end road or cul-de-sac road; and

WHEREAS, the Applicant has requested a waiver from this provision of the subdivision regulations to allow 17 lots on the proposed cul-de-sac road; and

WHEREAS, the Planning Board further reviewed the application at the June 6, June 20, September 19, October 3, and October 17, 2024 meetings; and

WHEREAS, the Planning Board has duly considered the information contained in the major subdivision application submittals;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Town of Brunswick Planning Board hereby adopts the recommendation attached hereto on the requested waiver by Paramount Building Group of NY with regard to the proposal to allow 17 lots to be serviced by a cul-de-sac road as part of its application for major subdivision as herein described.

The foregoing Resolution, offered by Member Tarbox and seconded by Member Stancliffe was duly put to a roll call vote as follows:

CHAIRMAN OSTER	VOTING	AYE
MEMBER HENDERSON	VOTING	AYE
MEMBER KREIGER	VOTING	AYE
MEMBER PETERSEN	VOTING	ABSENT
MEMBER TARBOX	VOTING	AYE
MEMBER STANCLIFFE	VOTING	AYE
MEMBER MAINELLO	VOTING	AYE

The foregoing Resolution was thereupon declared duly adopted.

November 7, 2024

**TOWN OF BRUNSWICK PLANNING BOARD
PARAMOUNT BUILDING GROUP – MAJOR SUBDIVISION
FACT FINDINGS AND RECOMMENDATION ON WAIVER
APPLICATION**

PROPOSAL: Major subdivision proposing seventeen (17) lots on property located at northeast corner of Spring Avenue Extension and Creek Road; all seventeen (17) lots are proposed to have access to a new cul-de-sac road off Creek Road; such new cul-de-sac road will provide only one point of access to Creek Road, and constitutes a dead-end road system without through-road access.

TOWN SUBDIVISION

REGULATIONS: Prohibit greater than twelve (12) residential lots serviced by a cul-de-sac or dead-end road system.

- REQUESTED WAIVER:**
1. Approve a total of seventeen (17) lots on the proposed cul-de-sac road.
 - The Planning Board finds that the major subdivision proposed design and lot layout do not raise concern regarding emergency vehicle access or other public health or safety concern. However, the Planning Board does note that two (2) lots are proposed to share a common driveway that is several hundred feet in length, and that the proposed house location on these lots are in close proximity to Spring Avenue Extension and that each lot has frontage along Spring Avenue Extension. While the applicant has stated that it seeks to have these lots access the cul-de-sac road to be made part of the neighborhood, the Planning Board recognizes the potential for these lots to construct driveways directly onto Spring Avenue Extension. In light of this, and given the request for a waiver allowing seventeen (17) lots to access the cul-de-sac road, the Planning Board's recommendation is expressly limited to the current proposed lot layout and proposed driveway locations.

RECOMMENDATION: The Planning Board has no objection to the Town Board approving a waiver on the 12-lot limitation on this application.