

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 3, 2019

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

ABSENT was J. EMIL KREIGER.

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

Chairman Oster reviewed the agenda as posted on the Town signboard and the Town website.

The Planning Board opened a public hearing on the minor subdivision application submitted by Robert Talham for property located at 18 Miller Lane. The applicant seeks approval for a three-lot subdivision of a 20.77-acre parcel located at 18 Miller Lane. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Rodney Michael, LLS, was present for the applicant. Mr. Michael presented an overview of the proposed minor subdivision, located on the east side of Miller Lane, south of Farrell Road. Mr. Michael explained that three lots are proposed, with proposed lot 1 being 5.03 acres in size showing a proposed driveway location; proposed lot 2 being 6.2 acres in size with 480 feet of road frontage with a driveway location identified; and proposed lot 3 being 9.54 acres in size with 281 feet of road frontage, with a driveway located and

with information showing that the driveway location is less than 10% grade. Mr. Michael also stated that the Planning Board had requested written confirmation from the State Historic Preservation Office that there was no impact to archeological or historic resources, and that SHPO issued such a letter and is part of the record. Mr. Michael stated that proposed lot 3 will be transferred to Mr. Talham's daughter for construction of a single-family home. Chairman Oster opened the floor for the receipt of public comment. Bill Maloney identified himself as the fire chief for the Speigletown Fire Company; Mr. Maloney stated that he has received calls concerning this project, and does have comments concerning the proposed lot number 3, and in particular the ingress/egress location; that he does have concern as the fire chief for the length of the proposed driveway, which is well over 500 feet in length, and stated that the driveway must meet residential building code and fire code requirements for emergency vehicle access; that this driveway will be difficult to access with firefighting equipment; that the current fire code requirements do require a pull-off to be constructed if the driveway is in excess of 500 feet; and that the driveway must meet the Town grade requirement of 10% or less in order to provide safe emergency vehicle access. Katie Talham, prospective owner of lot 3, asked whether the fire code requirements for the driveway construction are applicable if sprinklers are installed in the house. Chairman Oster stated that the driveway must meet the Town private road standards, which require all driveways in excess of 150 feet to be a minimum of 16 feet wide travel way, 3-foot shoulders, and a maximum 10% grade. Mr. Maloney further commented that if the driveway cannot be constructed in accordance with Town specifications and other applicable fire code requirements, then the consideration of sprinklers as an alternative could be entertained. Mr. Maloney also stated that an appropriate turnaround at the top of the driveway, either a T turnaround or a hammerhead, should be installed as well. Chairman Oster requested any further public comment on this application.

Hearing no further public comment, Chairman Oster closed the public hearing on the Talham minor subdivision application.

The Planning Board opened a public hearing on the special use permit application submitted by Seed Solar for property located at 4 Windfield Lane. The applicant seeks approval for the installation of a small-scale, ground-mounted solar collector system for on-site residential energy consumption at 4 Windfield Lane. The notice of public hearing was read into the record, noting that the public hearing notice was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chris Schrader of Seed Solar was present for the applicant. Mr. Schrader presented a brief overview of the proposal, stating that the property owners seek to install a ground-mounted solar system for on-site energy supply, that the proposed location meets with all the required setbacks, that the application is fairly straightforward and similar to others in terms of installation of a residential solar unit to supply energy to the home on the parcel. The Planning Board opened the floor for the receipt of public comment. James Sponable, 166 Bulson Road, stated that he owns the property directly across the street from this site; inquired how high the proposed solar unit would be, and Mr. Schrader confirmed that the unit would be 11 feet at its highest point; Mr. Sponable stated that he could already see the stakes that had been installed at the proposed location that were at ground level, and that he would certainly be able to see the solar equipment at 11 feet in height; that the Bulson Road area was open, beautiful, attractive to bikers and walkers; that a ground solar system located so close to Bulson Road was not appropriate; presented pictures to the Planning Board members depicting the proposed location and general area; stated that the proposed solar equipment location is very visible and would stick out like a sore thumb; that he proposes that the property owner consider a roof solar system, or relocate the

ground-mounted solar system so that it is further away from Bulson Road; that the proposed location puts the burden of this ground solar system directly on neighboring properties and not on the lot owner; that this proposal will impact the aesthetics of the area; that he had reviewed the subdivision plat for Windfield Estates, including the as-built septic system locations, and it appears that the solar equipment is proposed on part of the curtain drain for the septic system on this lot; that the environmental assessment form completed for this action indicated that the adjoining property was residential, but that it is in fact agricultural with a lot of open farmland; that this proposal would have a detrimental effect on the community; and inquired why the solar system could not be placed on the roof of this house at 4 Windfield Lane. Mr. Schrader stated that the age of the roof presented a problem for the solar equipment installation, and also that it was not at the best directional orientation for maximum energy production, and that a ground-mounted solar system provides more energy. Mr. Schrader also stated that he had a concern regarding locating the solar equipment further up the hill closer toward the house at 4 Windfield Lane due to the septic system, but that he would review alternate locations with the homeowner. Chairman Oster inquired whether there was any further public comment. Hearing none, the Planning Board closed the public hearing on the Seed Solar special use permit application.

The Planning Board then opened its regular meeting.

The draft minutes of the September 19, 2019 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the September 19, 2019 meeting were unanimously approved (Member Stancliffe abstaining) without amendment.

The first item of business on the agenda was the minor subdivision application submitted by Robert Talham for property located at 18 Miller Lane. Rodney Michael, LLS, was present for the applicant. Chairman Oster noted that there was public comment concerning the proposed

driveway for lot 3, that the driveway length was over 150 feet, and that the driveway for lot 3 would need to comply with the Town road standards for private roads. Mr. Michael confirmed that the driveway for lot 3 is designed to be 16 feet wide, with 3-foot shoulders, and that it would be compliant with the Town's private road standards. Mr. Michael also stated that a hammerhead turnaround is constructed at the top of the driveway. Chairman Oster inquired as to whether there would be a pull-off during the course of the driveway for lot 3 for emergency vehicles. Mr. Michael again inquired whether there would be the need for the pull-off on the driveway if the home at lot 3 included sprinklers. At this point, Bill Maloney, the fire chief for the Speigletown Fire Department, stated that a 16-foot wide driveway with a hammerhead turnaround would be adequate specification for emergency vehicle access. Mr. Golden stated that he was not aware of any exception for the fire code access lane requirements when sprinklers are installed. Mr. Maloney stated that it was his understanding of the international code that any access road greater in length than 300 feet needed to meet applicable municipal requirements, and if those requirements could not be met, then the consideration for an exemption could be made in the event sprinklers were installed. At this point, Mr. Michael stated that the issue of the pull-off is moot, as the pull-off had already been constructed. Chairman Oster inquired whether the pull-off needed to be paved. Fire Chief Maloney stated that the driveway and pull-off area do not necessarily need to be paved, but they do need to be properly compacted if it was to be a gravel driveway, so that there was adequate compaction to support the weight of emergency vehicles. Chairman Oster noted that comments from area fire departments on prior applications raised a concern about taking fire trucks and other heavy equipment off a paved surface. Fire Chief Maloney stated that in this case, the Town should require that the driveway be adequately constructed and compacted so that it could support fire trucks and other heavy equipment. Chairman Oster confirmed with Mr.

Michael that the driveway must be built according to Town specifications. Chairman Oster inquired as to the length of the driveway for lot 3. Mr. Michael confirmed that the driveway was in excess of 700 feet. Member Henderson asked what the maximum grade of the driveway would be. Mr. Michael stated that the driveway for lot 3 would be no more than 10% grade to comply with Town specifications. Mr. Michael also stated that he had reviewed the driveway specifications for lot 3 with Mr. Golden and also with Mr. Bradley of the Town Water Department. Chairman Oster inquired whether Mr. Bonesteel had any further comments or questions. Mr. Bonesteel confirmed that this application was for a non-realty subdivision as the size of the lots exceeded 5 acres, and therefore there were no current septic plans prepared; that the Planning Board should consider a condition requiring Rensselaer County Health Department approval for water and septic prior to issuance of building permits; that as part of the SEQRA review, the Planning Board has received a letter from the State Historic Preservation Office that this action will not have any impact on historic or archeological resources; and that the application does meet the requirements for a minor subdivision. Mr. Golden inquired of Katie Talham whether there was already a well drilled for lot 3. Ms. Talham confirmed that a well was drilled for lot 3. Mr. Golden then inquired whether the flow from this well was adequate for the proposed sprinkler system for the house. Ms. Talham stated that a separate water tank is required in connection with the sprinkler system for the house. Chairman Oster inquired whether there were any further questions or comments from the Planning Board members. Hearing none, Chairman Oster stated that he would consider a motion under SEQRA. Thereupon, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Stancliffe. The motion was unanimously approved, and a SEQRA negative declaration adopted. The Planning Board then

considered appropriate conditions for approval of the minor subdivision. Member Stancliffe made a motion to approve the minor subdivision application subject to the following conditions:

1. Rensselaer County Department of Health approval for water and septic prior to the issuance of a building permit for any lot.
2. The driveway for lot 3 must meet Town specifications for a private road, including a 16-foot wide travel way, 3-foot shoulders; and must also include a hammerhead at its end and also a pull-off area for fire trucks and other heavy emergency apparatus; and that the pull-off must be constructed in the same manner as the rest of the driveway; and that the entire length of the driveway, hammerhead, and pull-off must be constructed with proper compaction for fire trucks and other heavy emergency apparatus.
3. Driveway permits issued by the Town Highway Department for the driveway on each lot.

Member Petersen seconded the motion subject to the stated conditions. The motion was unanimously approved, and the minor subdivision application approved subject to the stated conditions.

The next item of business on the agenda was the special use permit application by Seed Solar for property located at 4 Windfield Lane. Chris Schrader of Seed Solar was present for the applicant. Chairman Oster noted that the public hearing had raised comments concerning impacts of the location of this proposed ground-mount solar equipment, and inquired whether the applicant and property owner would consider any alternative locations on the lot for the ground-mount solar

equipment. Mr. Schrader stated that he could look at potential alternatives, and propose to move the solar equipment a little bit up the hill on this lot. Chairman Oster noted that there was concern regarding the aesthetic impact of the solar equipment on neighbors and the general area, and that the owner of 4 Windfield Lane should consider alternative locations for the solar equipment on his property, so that neighbors are not directly impacted. Chairman Oster inquired whether the Planning Board members had any further questions or comments. Member Mainello asked whether the solar equipment could be screened. Mr. Schrader stated that it could be screened with trees or vegetation, but that the vegetation could not impede the solar access and function of the solar equipment. The Planning Board entertained a comment from Mr. Sponable, 166 Bulson Road, who offered the opinion that the height of any trees that would offer the necessary screening from his property would need to be at least 20 feet high. Chairman Oster inquired of Attorney Gilchrist as to procedural issues. Attorney Gilchrist stated that the Planning Board had held and closed the public hearing on this special use permit application, and now had a period of up to 62 days to deliberate and render a determination on the application. Chairman Oster suggested to the applicant that prior to any Planning Board action, Seed Solar should consult with the owner of 4 Windfield Lane to discuss alternative locations for the solar equipment on the property, and also to consult with his neighbors. Chairman Oster also stated that if alternate locations were not available, that vegetative screening should be considered as well. Mr. Schrader stated that he would discuss the issue of alternative locations with the owner of 4 Windfield Lane, and will also consult with neighbors. This matter is placed on the October 17 agenda for further discussion.

The next item of business on the agenda was the application for site plan amendment submitted by Carbone Auto Group for property located at 800 Hoosick Road. Eric Masterson of BBL Construction Services was present for the applicant. Mr. Masterson reviewed updates to the

site plan, and reviewed two maps which have been filed on the application; the first map shows the original approved area of asphalt on the site for parking, also depicting what was actually constructed; and the second map shows the locations within the original approved parking area that are currently being proposed for additional parking spaces, leaving the remainder of the previously-approved parking area as grass. Mr. Masterson also stated that oil/water separator specifications for the car wash had been provided to the Town. Mr. Masterson stated that he is also reviewing the matter with the Rensselaer County Sewer District, which has requested additional information from Mr. Masterson on the proposed discharge to the County sewer system. Mr. Masterson confirmed that the carwash being proposed was “basic function”, including just soap and wax, and that this information will be provided to the Rensselaer County Sewer District. Mr. Masterson stated that the second map which he had reviewed with the Planning Board showing the locations of proposed additional parking to be constructed within the previously-approved parking area provides for 56 parking spaces, which in his opinion is light for the overall site use, and that 125 additional parking spaces would be more realistic for this site for future needs. Mr. Masterson then raised the option of allowing an oil/stone surface for the additional parking rather than full asphalt pavement, as the required additional parking spaces may prove cost-prohibitive for the overall action. Chairman Oster asked how many parking spaces were provided under the originally-approved parking plan for this area of the site. Mr. Masterson looked at the original-approved area, and calculated that approximately 200 parking spaces had been original proposed for this area of the site. Chairman Oster stated that he understood the expense to Carbone Subaru, but current photographs of the site show a significant parking problem on the site, with many vehicles parked in areas not approved for parking, and that in his opinion he concurs that 56 additional parking spaces will not be sufficient, and the applicant needs to be realistic regarding

future parking needs, and that probably 125–150 additional parking spaces would be needed. Mr. Masterson concurred with that assessment. Chairman Oster then inquired of Mr. Bonesteel as to the alternative oil/stone surface for parking. Mr. Bonesteel inquired as to the foundation for this additional parking area. Mr. Masterson stated that he believed that 6 inches of crusher run/type 2 material had been compacted as a subbase, but that he would need to confirm the exact area where the compacted subbase had been installed. Mr. Bonesteel stated that without an adequate subbase, the oil/stone parking surface would last only five years or less, and further stated that even if asphalt pavement was required, an adequate subbase was still needed in order to ensure longevity for the paved area. Chairman Oster stated that Mr. Masterson should review this information with Carbone Subaru, that a realistic parking layout needs to be presented to the Planning Board for current and future needs, and that if an alternative parking surface is being proposed, that specifications regarding that proposed alternative surface, whether it is oil/stone or any other surface, must be presented to the Planning Board for review. Chairman Oster also asked about the carwash building, and whether a discharge permit is required. Mr. Masterson stated that it is his understanding that a SPDES permit had been obtained for this facility, that it may still be open and a notice of termination had never been submitted. Upon further discussion, Mr. Bonesteel stated that if a SPDES permit had been opened, that permit was for stormwater compliance during construction activities, and was not relevant to whether a discharge permit was required in connection with the carwash wastewater discharge to the County sewer system. Mr. Masterson stated that a discharge permit for the carwash to the County sewer system was not required. Mr. Bonesteel asked whether Mr. Masterson had reviewed this plan with the fire department, which should provide its opinion on required vehicle circulation around the building, and whether there was adequate emergency vehicle circulation provided with the new proposed car wash building

being constructed. Mr. Masterson stated that he would review the plan with the fire department. Chairman Oster again confirmed that the Planning Board needed to see a realistic parking plan for this site, and that the applicant will need to review the plan with the fire department. Mr. Masterson stated he understood the additional information that the Planning Board is requiring, and will review that with his client. This matter is placed on the October 17 agenda for further discussion.

The next item of business on the agenda was the special use permit and site plan applications submitted by Borrego Solar for a proposed community solar facility to be located on property at the end of Dusenberry Lane in proximity to Bald Mountain Road. Member Stancliffe and Planning Board review engineer Bonesteel recused themselves from this application. Ronald Laberge, P.E., of Laberge Group, is the review engineer for this project, and was present at this meeting. Gregory Gibbons, P.E. and Emilie Flanagan of Borrego Solar were present for the applicant. Chairman Oster noted that the public hearing on this action had been held on September 19, which was a joint public hearing with the Zoning Board of Appeals, and also noted that an extensive written submittal had been made by Jason Wheeler of 24 Dusenberry Lane. Chairman Oster confirmed for the record that a written response to public comments had been prepared by Borrego Solar dated September 30, and that the Planning Board was also in receipt of an additional review letter prepared by Laberge Group dated October 1. Mr. Laberge reviewed the comments set forth in his October 1 review letter, focusing primarily on stormwater compliance. Mr. Gibbons confirmed that his office had submitted a written response to public comments dated September 30, including responses to the comments submitted by Mr. Wheeler concerning impacts to Dusenberry Lane, stormwater impacts, environmental impacts, property value impacts, and vegetative screening. Mr. Gibbons confirmed that Borrego Solar will provide additional vegetative screening in the area of Mr. Wheeler's lot line, and that Borrego Solar will work with

the Brunswick Building Department on the required type of vegetation. Chairman Oster noted that Mr. Wheeler had raised issues concerning the glass component of solar panels, raising issues concerning lead, cadmium, and chromium components to glass. Mr. Gibbons stated that his written response dated September 30 confirms that the solar panels utilized by Borrego Solar do not include these constituents, and are silicon-based materials only, and reviewed the written response submitted by Borrego Solar on that issue. In terms of disposal of solar panels, Mr. Gibbons stated that there is currently not a large need for solar panel recycling because most of the solar panels in use currently have not reached the end of their useful life, although Mr. Gibbons did note that there is a company which will accept solar panels for recycling at this time. Emilie Flanagan also stated that all elements of the solar systems installed by Borrego Solar are recyclable, and that the solar panels used do not contain any heavy metals or other contaminants. Mr. Gibbons stated that he would review the Laberge letter dated October 1, and will respond in writing. Chairman Oster inquired of Attorney Gilchrist regarding procedure. Attorney Gilchrist stated that the Planning Board had completed its public hearing on the special use permit and site plan application, and now had a period of 62 days following the close of the public hearing for deliberation and action. Attorney Gilchrist also stated that he needs the opportunity to review the full record with Mr. Laberge, and that he and Mr. Laberge would present a draft SEQRA determination as well as proposed conditions for any action by the Planning Board prior to the next meeting, so that this information could be discussed and deliberated by the Planning Board. This matter is placed on the October 17 agenda for further discussion.

Member Stancliffe and Planning Board review engineer Bonesteel then returned to the meeting.

The next item of business on the agenda was the major subdivision application submitted by Sharpe Road Development LLC for property located on Sharpe Road. The applicant seeks approval of a 17-lot subdivision located on 17.95 acres along Sharpe Road. Eric Redding, P.E., of Bergmann Associates, was present for the applicant. Chairman Oster confirmed that the public hearing on this major subdivision application had been closed at the September 19 meeting. Chairman Oster noted that during the public hearing on September 19, a neighboring property owner, Donna Holcomb, had provided the Planning Board with information concerning traffic which she indicated had been received from the Rensselaer County Highway Department. Mr. Redding stated that he had been in contact with the Rensselaer County Highway Department but had not received any information directly from the County, despite his request. Chairman Oster noted that the comment concerning information from the Rensselaer County Highway Department had been made during the public hearing, and that the applicant must address that public comment on the record. Mr. Bonesteel stated that Sharpe Road is a County road, and that the County would require information regarding driveway location, sight distances, and drainage. Mr. Redding confirmed that he had requested information from the County, but that no response had yet been provided. Chairman Oster stated that it was not proper for Rensselaer County to have made comments to neighboring property owners, but had not yet responded to a direct request for information by the applicant. Mr. Bonesteel suggested that the Planning Board should consider reaching out directly to the Rensselaer County Highway Department as well, and that Chairman Oster should be the person to do so. Attorney Gilchrist stated that the record in front of the Planning Board on this action needs to be complete before any action is considered, and that information directly from Rensselaer County is necessary, since a neighboring property owner had submitted a comment during the public hearing that Rensselaer County had provided information

concerning traffic, and that the neighboring property owner had made certain representations to the Planning Board concerning the County statements. Attorney Gilchrist stated that the County should respond directly to the Planning Board on these issues. Chairman Oster noted that the Planning Board is in receipt of an updated environmental assessment form from the applicant. Mr. Redding stated that the environmental assessment form had been resubmitted, but that when he reviewed the environmental assessment form, the wetlands information and the soils information that had been previously provided was accurate. Mr. Bonesteel asked whether copies of the septic test pit results had been provided. Mr. Redding stated that the information concerning the test pit results were directly on the project plans. Chairman Oster asked whether all public comments had been responded to by the applicant in writing. Mr. Redding stated that he had submitted his written response dated July 30, and that no new comments had been raised requiring written response. Attorney Gilchrist stated that his review of the minutes indicated that the applicant would be responding to comments made by the public subsequent to July 30, and directed Mr. Redding to review those minutes to ensure that the written record was complete on this action. Member Tarbox stated he still had a concern regarding the slope on proposed lot 1, noting that significant site grading appeared to be required and asked whether a retaining wall would be installed. Mr. Redding confirmed that the site would include a retaining wall, but that the lot would provide adequate area for residential construction. Member Tarbox thought that the lot was very steep, that the applicant was proposing to do a lot of construction in a very small area, and again wanted to see information concerning sight distance measurements for those driveways being proposed directly onto Sharpe Road. Following discussion concerning timeframes, particularly with regard to receipt of information from Rensselaer County, it was determined that this matter is placed on the November 7 agenda for further discussion.

The next item of business on the agenda was proposed to be a minor subdivision application submitted by Broderick for property located at 528 Garfield Road, but that the matter had been tentatively placed on the agenda. Mr. Golden confirmed that the applicant was still preparing the minor subdivision application materials. This matter is tentatively placed on the October 17 agenda (*application subsequently withdrawn*).

The next item of business on the agenda was the site plan application submitted by Dan Levesque for property located at 853 Hoosick Road. The applicant proposes to operate an awning and gutter business in the existing building at this location. Dan Levesque was present on the application. Mr. Levesque reviewed the materials he had submitted in support of his site plan application, including an original survey on the property, a copy of the survey and site plan prepared for the Marshall Auto Body Shop at this location (with the consent of the surveyor to submit this application by Mr. Levesque), and also the site plan for this site in connection with the prior Amerit heavy equipment use at this location (with the consent of the design firm which had prepared the Amerit site plan). Mr. Levesque stated that he was not changing a thing on the site, not adding any additional structures, and that the only thing he would be doing was painting the building. The Planning Board confirmed that the site plan was in front of the Planning Board because of the proposed change in use for this location, even though there were no additional structures or physical alterations being proposed. Member Stancliffe asked whether there was any outdoor display of materials being proposed. Mr. Levesque stated that there would be no outdoor display of any materials, and that the only thing he might propose is to install a retractable awning on the front of the existing building. Mr. Levesque confirmed that he would be using the existing building for his showroom and storage of materials, and would be parking trucks on the site. Mr. Bonesteel stated that the Planning Board will need to see a site plan with a title block showing Mr.

Levesque's business, and that the new site plan needed to be stamped by a professional engineer. Mr. Levesque understood, and will have the new site plan prepared. Chairman Oster inquired as to procedure on this application. Attorney Gilchrist stated that a public hearing on a site plan application is discretionary with the Planning Board, and that while the Planning Board has previously required public hearings on commercial uses on the Hoosick Road corridor, several factors should be considered by the Planning Board, including whether any new buildings or significant physical expansions were proposed, whether there was a significant change in site operations being proposed, and whether the impact of any proposed new use was significant. The Planning Board discussed whether it would require a public hearing on this site plan application, and determined in its discretion that a public hearing would not be required in connection with Mr. Levesque's proposed site use. This matter is placed on the October 17 agenda for further discussion.

One item of new business was discussed.

An application for waiver of subdivision was submitted by Charles Ciaccia for property located at 165 Tamarac Road. Mr. Ciaccia, together with Brian Holbriiter, LLS, were present on the application. Mr. Holbriiter explained that the septic system on the Ciaccia lot had failed, that a new septic system needed to be installed, that Mr. Ciaccia had retained an engineer who was working with the Rensselaer County Health Department on an appropriate septic design, but that there was inadequate area on the existing Ciaccia lot to site a new septic system, and that the current waiver of subdivision proposal was to divide approximately 70 feet from the rear of the adjacent lot owned by Eileen Miller (167 Tamarac Road) to add to the Ciaccia lot for purposes of septic system construction. Mr. Holbriiter stated the application was in the nature of a lot line adjustment, and no new lots are being proposed. The Planning Board generally discussed

separation distances between existing wells and proposed septic locations, and Mr. Holbitter stated that it was his understanding that there was more than adequate separation distances between these utilities, and that these separation distances will be required in connection with Rensselaer County Health Department review of the proposal. Chairman Oster asked whether the Planning Board had any further questions or comments. Hearing none, Chairman Oster inquired whether the Planning Board was prepared to proceed with action. The Planning Board concurred that the application should be acted upon. Thereupon, Member Tarbox made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Henderson. The motion was unanimously approved, and a SEQRA negative declaration adopted. Chairman Oster then made a motion to approve the waiver of subdivision to allow for the lot line change, with the condition that the applicant merge the area divided from the Miller lot into the existing Ciaccia lot so that no new lot was created, and that proof of this merger be filed with the Brunswick Building Department. Member Henderson seconded the motion subject to the stated condition. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated requirement.

The index for the October 3, 2019 meeting is as follows:

1. Talham - Minor subdivision - Approved with conditions;
2. Seed Solar - Special use permit - October 17, 2019;
3. Carbone Auto Group - Site plan amendment - October 17, 2019;
4. Borrego Solar - Special use permit and site plan - October 17, 2019;
5. Sharpe Road Development LLC - Major subdivision - November 7, 2019;
6. Broderick - Minor subdivision - October 17, 2019 (tentative) (*subsequently withdrawn*);
7. Levesque - Site plan - October 17, 2019;

8. Ciaccia - Waiver of subdivision - Approved.

The proposed agenda for the meeting to be held October 17, 2019 currently is as follows:

1. Seed Solar - Special use permit;
2. Carbone Auto Group - Site plan amendment;
3. Borrego Solar - Special use permit and site plan;
4. Levesque - Site plan.