

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

MINUTES OF THE PLANNING BOARD MEETING HELD December 4, 2014

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, TIMOTHY CASEY, DAVID TARBOX, FRANK ESSER and VINCE WETMILLER.

ABSENT was KEVIN MAINELLO.

ALSO PRESENT was JOHN KREIGER, Code Enforcement Officer, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

It is noted for the record that due to the lack of any agenda items, the Planning Board meeting scheduled for November 20, 2014 was canceled, and no meeting was held.

Chairman Oster reviewed the agenda for the December 4 meeting as posted on the Town sign board.

The draft minutes of the November 6, 2014 Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Wetmiller, the draft minutes of the November 6, 2014 were unanimously approved without amendment.

The first item of business on the agenda was a waiver of subdivision application submitted by Gary Lucier for property located at 75 Colehammer Avenue. Rod Michael, licensed land surveyor, was present for the applicant. Mr. Michael stated that Mr. Lucier was not available to attend the meeting due to poor health. Mr. Michael explained that this existing parcel totals 5.36 acres and is located at the end of Colehammer Avenue. Mr. Michael stated that the owner seeks to divide the parcel into two lots, one lot which would retain the existing house with a shed totaling 2.76± acres, and a new lot for residential purposes on which a garage

currently is located, totaling approximately 2.6± acres. Chairman Oster noted that there does not appear to be any substantive questions regarding the waiver in terms of lot size, road frontage and location for a driveway. Member Czornyj inquired where the Town of Brunswick currently plows snow at the end of Colehammer Avenue, and does the Town use any portion of the Lucier property to store snow or use as a turn around. Mr. Kreiger stated that it is his understanding the Highway Department does turn around the plow trucks in the area of the existing garage. Member Czornyj asked whether the Planning Board should consider a turnaround area on the Lucier property, while the applicant still owns the property and before any new lot is sold to a third party. Member Tarbox stated that the survey map shows a full 50 foot Town right-of-way, and that there appeared to be ample area on the north side of Colehammer Avenue within the Town right-of-way for a turn-around area if the Town chooses to construct one. Mr. Michaels proposed that Mr. Lucier could include an easement along the north side of the Town right-of-way on the Lucier property for the purpose of placement of snow that is plowed during the winter months. Chairman Oster raised the issue of the current garage being located on the new lot without any principle structure. Attorney Gilchrist stated that the Planning Board had previously addressed this issue concerning a lot at the end of Bonesteel Lane, and that the Planning Board in that case had allowed the garage to remain in place for a period of time in anticipation of a sale and construction of a new home, but also created a deadline after the date of approval for demolition and removal of the structure in the event the new lot was not sold or new home was not constructed. The Planning Board members generally concurred that the same conditions should be applied in this case. Chairman Oster inquired whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member

Czornyj then made a motion to approve the waiver of subdivision application subject to the following conditions:

1. The existing garage structure located on the new building lot must be demolished or removed within:
 - (a) One year of the transfer in title to the new building lot unless a building permit application for the construction of a house on such new building lot has been filed by such new owner with the Town of Brunswick Building Department; or
 - (b) Within one year of the date of subdivision approval, whichever is later.
2. A 100 foot by 30 foot easement is to be located on the north side of the Colehammer Avenue right-of-way on the retained land of Lucier for the storage of snow resulting from the plowing of Colehammer Avenue, with final location of the easement to be reviewed by the Town of Brunswick Highway Department.
3. Proof of approval of potable water supply and septic from the Rensselaer County Department of Health must be filed with the Town of Brunswick Building Department prior to the issuance of any building permit for the new building lot.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the waiver of subdivision application submitted by Gary Lucier for property located at 75 Colehammer Avenue was approved subject to the stated conditions.

The next item of business on the agenda was a waiver of subdivision application submitted by Sean Gallivan for property located at 158 Deepkill Road. The applicant was represented by Brian Holbritter, licensed land surveyor. Mr. Holbritter explained that the property owner is seeking approval to divide 1.47 acres from the lot located at 158 Deepkill Road (Tax Map No. 72-9-39.1), a parcel totaling 53 acres, for transfer to the adjacent property owners, Mike and Sheri Lewis, for merger into the Lewis parcel. The Planning Board generally viewed this as a boundary line adjustment, with no new building lots being created. Chairman Oster inquired whether there was any questions or comments on the application. Hearing none, Member Tarbox made a motion to adopt a negative declaration pursuant SEQRA, which motion was seconded by Member Wetmiller. The motion was unanimously approved, and a negative

declaration adopted. Thereupon, Member Wetmiller made a motion to approve the waiver of subdivision application, subject to the condition that the 1.47 acre divided from 158 Deepkill Road is to be transferred to and merged into legal title to the Lewis parcel, with proof of final merger of title to be filed with the Brunswick Building Department within 30 days of the title transfer. Member Casey seconded the motion subject to the stated condition. The motion was unanimously approved, and the Gallivan waiver of subdivision approved subject to the stated condition.

The next item of business on the agenda was a waiver of subdivision submitted by Robert Fletcher for property located at 1928 NY Route 7. The applicant was represented by Brian Holbriiter, licensed land surveyor. Mr. Holbriiter presented an updated waiver map showing a proposed house and proposed driveway location for the new lot. The original size of the Fletcher parcel is 13.76 acres and the waiver application seeks approval to divide off a 2.67 acre parcel for purposes of a new residential building lot for Mr. Fletcher's daughter. Mr. Holbriiter stated that the new proposed driveway location shows that a driveway can be constructed for the new residential building lot that meets Town specifications, but that it was likely that Mr. Fletcher's daughter will access the new lot from the existing Fletcher driveway. The Planning Board generally stated that it must be shown that a driveway is capable of being constructed for the new residential lot, which has been shown on the updated waiver map. Mr. Bonesteel stated that the proposed new driveway location and layout may need to be reconfigured in the future as he questions whether NYSDOT would approve this specific layout, but that there was ample room on the new residential lot for relocation of the driveway. Member Czornyj noted that there was excellent visibility on this on this portion of NY Route 7. Chairman Oster inquired whether there were any further questions or comments on this application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was

seconded by Member Esser. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the Fletcher waiver of subdivision application subject to the condition that Rensselaer County Health Department approval for potable water supply and septic must be submitted to the Town of Brunswick Building Department prior to the issuance of any building permit for the new lot. Member Wetmiller seconded the motion subject to the stated condition. The motion was unanimously approved, and the Fletcher waiver of subdivision application was approved subject to the stated condition.

Mr. Kreiger reported that there were no items of new business.

Chairman Oster noted that the only outstanding application is the waiver of subdivision application by Barber for property located at 121 Brunswick Road. Mr. Kreiger reported that he had been contacted by the project engineer, Tom Murley, and that the applicant was still researching additional information for the application. There are no items of business for the December 18, 2014 meeting subject to confirmation from Mr. Murley as to whether the Barber waiver of subdivision application is ready for further consideration and subject to any items of new business received. Chairman Oster will coordinate with Mr. Kreiger prior to the December 18 meeting to confirm whether there is any business to conduct the meeting.

The index for the December 4, 2014 meeting is as follows:

1. Lucier – waiver of subdivision – approved with conditions.
2. Gallivan – waiver of subdivision – approved with condition.
3. Fletcher – waiver of subdivision – approved with condition.

There are currently no agenda items for the December 18, 2014 meeting date.