# Planning Board

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

**MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 1, 2026**

PRESENT were DAVID TARBOX, ACTING CHAIRMAN, LINDA STANCLIFFE, MICHAEL CZORNYJ and JOHN MAINELLO III.

ABSENT were RUSSELL OSTER, DONALD HENDERSON and J. EMIL KREIGER

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, CHRISTOPHER LANGLOIS, ESQ., Attorney to the Planning Board, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Acting Chairman Tarbox 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 minor subdivision application submitted by Rebecca Fischer for property located at 842 Tamarac Road. Paul Engster, Esq., Mark Danskin and Rebecca Fischer were present to review the application. Attorney Langlois stated that he had drafted two Resolutions concerning the application: the first to declare a negative declaration on the project under SEQRA, and the second to approve the application. Attorney Langlois asked the Planning Board members if they had any questions or comments on either Resolution, and the Board members did not. The Resolution declaring a negative declaration on the project under SEQRA was offered by Member Czornyj, and seconded by Member John Mainello. The Planning Board voted unanimously to adopt the Resolution declaring a negative declaration on the project under SEQRA. The Resolution granting minor subdivision approval was offered by Member

Czornyj and seconded by Member John Mainello. The Planning Board voted unanimously to adopt the Resolution approving the minor subdivision. Copies of both Resolutions are attached hereto, and made a part of these minutes.

The Planning Board discussed two items of new business.

The first item of new business was a waiver of subdivision application submitted by David Tarbox for property located at 1533 NYS Route 7. Attorney Langlois stated that Acting Chairman Tarbox was the applicant and owner of the project site, and that while he could remain as the application was being introduced, he would have to recuse himself during any future meeting where the application was discussed by the Planning Board. Abbie Tarbox was present to review the application. Ms. Tarbox stated that the applicant was seeking to subdivide land from an existing parcel to create two new lots. Ms. Tarbox stated that a new survey was currently being prepared that showed the new lot lines, and that that new survey would be finished and submitted to the Planning Board before its next meeting. Ms. Tarbox stated that the application was only being pursued for estate-planning purposes, and that no new construction or additional utilities were proposed. Ms. Tarbox stated that the existing lot at 1533 NYS Route 7 was approximately 167 acres and that approximately 100 acres from that lot would be subdivided to create the two new lots. Ms. Tarbox also stated that both new lots would have road frontage along NYS Route 7. Member Czornyj asked where the larger of the two new parcels would have road frontage, and Ms. Tarbox reviewed the road frontage on the site map. Attorney Langlois asked to confirm that the new survey would be ready by the Planning Board's next meeting in two weeks, and Ms. Tarbox reiterated that it would be. This matter was placed on the October 15, 2026 agenda for further deliberation.

The second item of new business was a change of tenant notice from Paul Engster, Esq., on behalf of Johnston Associates, LLC, for the Walmart Plaza located at 740 Hoosick Road. Kevin Mainello stated that Mr. Engster needed to notify the Planning Board when there was a change of tenant at the Walmart Plaza, and that he wanted to do so at this time. Mr. Engster stated that O'Reilly Auto Parts had been approved as a new tenant for the Walmart Plaza. Kevin Mainello stated that he wanted to review the "change of use" terms concerning the Planning Board's initial approval of the Walmart Plaza Planned Development District (PDD). Mr. Engster stated that the space that O'Reilly Auto Parts would be taking had previously been retail and would remain retail. Mr. Engster also stated that he would be dedicating some spots in the parking lot for truck deliveries to the store, but that the deliveries would be for retail purposes. Kevin Mainello stated that he still wanted to review the terms to be certain. Acting Chairman Tarbox asked where in the Plaza the new tenant would be located. Mr. Engster stated that the new tenant would take up multiple storefronts on the right side of the Plaza. Member Czornyj asked why truck deliveries would not be made around the back of the Plaza. Mr. Engster stated some deliveries would be made through the front of the store, and others through the back of the store.

There were no items of old business to discuss.

The index for the October 1, 2026 regular meeting is as follows:

1. Fischer – minor subdivision (approved).

2. Tarbox – waiver of subdivision (October 15, 2026).

3. Engster – change of tenant.

The proposed agenda for the October 15, 2026 regular meeting is currently as follows:

1. 810 Hoosick Road – site plan (public hearing to commence at 7:00pm).

2. Cillis – major subdivision (tentative).

3. Tarbox – waiver of subdivision.

# BRUNSWICK PLANNING BOARD
# REGULAR MEETING

## OCTOBER 1, 2026

## RESOLUTION ADOPTING NEGATIVE DECLATION PURSUANT TO SEQRA

## (FISCHER – 842 TAMARAC ROAD – 73.-1-28.31)

**WHEREAS**, on November 20, 2025, a minor subdivision application was submitted to the Town of Brunswick Planning Board ("Planning Board") by Applicant Rebecca Fischer ("Applicant") with respect to a parcel of property designated as Tax Map No. 73.-1-28.31, consisting of +/- 82.17 acres and located at 842 Tamarac Road ("the Property"); and

**WHEREAS**, such application proposes to subdivide the Property into three (3) separate lots, with Lot 1 consisting of +/- 70.84 acres; Lot 2 consisting of +/- 5.74 acres; and Lot 3 consisting of +/- 5.59 acres, with single-family residences to be constructed on Lot 2 and Lot 3; and

**WHEREAS**, such application proposes that public road access to Lot 1, Lot 2, and Lot 3 be provided via the Property's 60.03 feet of frontage on Tamarac Road, with each lot allocated 20.01 feet of said frontage; and

**WHEREAS**, such application proposes that access to Lot 1, Lot 2, and Lot 3 from Tamarac Road be provided via a shared private driveway measuring 16 feet in width, with 8-foot shoulders/swales on each side, and running approximately 3,650 feet in length, with such shared private driveway subject to a Private Road Maintenance Agreement to be entered into by the owners of each lot; and

**WHEREAS**, the proposed action is classified as an Unlisted Action under the State Environmental Quality Review Act as to which a determination of significance must be made; and

**WHEREAS**, the Planning Board having reviewed and duly considered the Short Environmental Assessment Form prepared with respect to the proposed project; the reports, assessments, and studies submitted; and all other information received; and the criteria set forth in 6 NYCRR § 617.7(c).

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board, acting as lead agency, hereby finds and determines that the proposed action will not have any significant adverse impact on the environment and, therefore, issues a negative declaration for the reasons set forth in the attached Notice of Determination of Non-Significance.

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

| | | |
|---|---|---|
| **CHAIRMAN OSTER** | **VOTING:** | **NOT PRESENT** |
| **MEMBER HENDERSON** | **VOTING:** | **NOT PRESENT** |
| **MEMBER KRIEGER** | **VOTING:** | **NOT PRESENT** |
| **MEMBER STANCLIFFE** | **VOTING:** | **AYE** |
| **MEMBER TARBOX** | **VOTING:** | **AYE** |
| **MEMBER CZORNYJ** | **VOTING:** | **AYE** |
| **MEMBER MAINELLO** | **VOTING:** | **AYE** |

The foregoing Resolution was thereupon declared duly adopted.

October 1, 2026

Exhibit A

Town of Brunswick
Rensselaer County, New York

Fischer 3-Lot Minor Subdivision

State Environmental Quality Review
**NEGATIVE DECLARATION**
Notice of Determination of Significance

Date: October 1, 2026

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively referred to as "SEQRA").

The Town of Brunswick Planning Board, as lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** **Fischer 3-Lot Minor Subdivision**

**Applicant:** **Rebecca Fischer**

**SEQR Status:** **Unlisted**

**Description of Action:**

The proposed project is three (3) lot minor subdivision of a parcel of property designated as, consisting of +/- 82.17 acres and located at 842 Tamarac Road ("the Property"). The property is to be subdivided into three (3) separate lots, with Lot 1 consisting of +/- 70.84 acres; Lot 2 consisting of +/- 5.74 acres; and Lot 3 consisting of +/- 5.59 acres, with single-family residences to be constructed on Lot 2 and Lot 3. Public road access to Lot 1, Lot 2, and Lot 3 is be provided via the Property's 60.03 feet of frontage on Tamarac Road, with each lot allocated 20.01 feet of said frontage. Access to Lot 1, Lot 2, and Lot 3 from Tamarac Road be provided via a shared private driveway measuring 16 feet in width, with 8-foot shoulders/swales on each side, and running approximately 3,650 feet in length, with such shared private driveway subject to a Private Road Maintenance Agreement to be entered into by the owners of each lot.

**Location:**

The project is located at located at 842 Tamarac Road (Tax Map No. 73.-1-28.31), Town of Brunswick, Rensselaer. County, New York

**SEQRA Classification:**

The Planning Board has identified the action as an Unlisted Action under SEQRA based on its review of the thresholds set forth in 6 NYCRR §§ 617.4 and 617.5.

**Reasons Supporting this Determination:**

SEQRA regulations provide that for all Type 1 and Unlisted actions the lead agency making a determination of significance must:

1. consider the action as defined in sections 617.2(b) and 617.3(g) of this Part;

2. review the EAF, the criteria contained in subdivision (c) of this section and any other supporting information to identify the relevant areas of environmental concern;

3. thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and

4. set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.

SEQRA regulations further provide that to determine whether a proposed Type 1 or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria set forth in 6 NYCRR § 617.7(c).

For the reasons discussed below, and based upon its review of the Short Environmental Assessment Form prepared with respect to the proposed project; the reports, assessments, and studies submitted; and all other information received; the Planning Board concludes that the project will not result in significant adverse environmental impacts.

1. **A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.**

The proposed project is a three (3) lot subdivision by which the existing +/- 82.17 acre lot will be subdivided into separate lots, with Lot 1 consisting of +/- 70.84 acres; Lot 2 consisting of +/- 5.74 acres; and Lot 3 consisting of +/- 5.59 acres, with single-family residences to be constructed on Lot 2 and Lot 3. The subdivision and the development of single-family residences on Lot 2 and Lot 3 is not reasonably expected to result in any adverse changes to existing air quality, traffic levels, noise levels, or to result in a substantial increase in solid waste production. Based on the Letter Report of Wetland Delineation Services dated June 16, 2026, and submitted by the Applicant, neither the proposed subdivision, the proposed development of Lot 2 and Lot 3

as single-family residences, nor the proposed shared private driveway are reasonably expected to result in any impacts to on-site or off-site wetlands, ponds, or other ground or surface water resources. Based on the Stormwater Pollution Prevention Plan and erosion and sediment control plan submitted by the Applicant, which has been reviewed and deemed acceptable by the Planning Board's reviewing engineer, neither the proposed subdivision, the proposed development of Lot 2 and Lot 3 as single-family residences, nor the proposed shared private driveway are reasonably expected to result in any impacts associated with erosion, flooding, leaching, and/or drainage problems.

2. **The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.**

The proposed project includes minor tree clearing associated with the development of single-family residences on Lot 2 and Lot 3, which is estimated to be less than one (1) acre in total, and therefore will not result in the removal or destruction of large quantities of vegetation or fauna; result not in any substantial interference with the movement of any resident or migratory fish or wildlife species; result in impacts to any significant habitat area; or result in other significant adverse impacts to natural resources. Although the area is generally noted for the potential presence of the Northern Long-Eared Bat, an endangered species, and the Monarch butterfly, a proposed threatened species, neither species has been identified as present in the areas which comprise Lot 2 and Lot 3, and it is not reasonably expected that the development of Lot 2 and Lot 3 as single-family residences, or the development of the proposed shared private driveway, will result in any substantial adverse impacts to these species.

3. **The impairment of the environmental characteristics of a designated critical environmental area.**

The project is not located in a designated environmental area.

4. **The creation of a material conflict with a community's current plans or goals as officially approved or adopted**

The proposed subdivision and the development of single-family residences on Lot 2 and Lot 3 is an allowed use within the applicable zoning district and will not create a material conflict with the Town of Brunswick's current plans or goals as officially approved or adopted.

**5. The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.**

No known important historic, archeological, architectural, or aesthetic resources are located within the project area or vicinity. The proposed subdivision, the development of single-family residences on Lot 2 and Lot 3, and the development of the proposed shared private driveway is consistent with, and will not create an impairment to, the existing community and/or neighborhood character.

**6. A major change in the use of either the quantity or type of energy.**

The proposed project does not involve, and therefore will not result in, a major change in the use of either the quantity or type of energy.

**7. The creation of a hazard to human health.**

The proposed subdivision, the development of single-family residences on Lot 2 and Lot 3, and the development of the proposed shared private driveway are not reasonably expected to result in any hazards to human health.

**8. A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.**

The proposed subdivision, the development of single-family residences on Lot 2 and Lot 3, and the development of the proposed shared private driveway do not involve, and is not reasonably expected to result in, any substantial change in the use, or intensity of use, of land including on-site and/or neighboring agricultural, open space or recreational resources, or in its capacity to support existing uses.

**9. The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.**

The proposed subdivision, the development of single-family residences on Lot 2 and Lot 3, and the development of the proposed shared private driveway are not reasonably expected to encourage or attract a large number of people to the project area as compared to the number of people who would come to the project area absent the action.

**10. The creation of a material demand for other actions that would result in one of the above consequences.**

The proposed project is not reasonably expected to create a material demand for other actions that would result in any of the potential adverse impacts addressed above.

**11. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.**

The proposed project will not result in changes to two or more elements of the environment which, when considered together, would reasonably be expected to result in a substantial adverse impact on the environment.

**12. Two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.**

The proposed project does not involve two or more related actions which, if considered cumulatively would meet one or more of the criteria set forth in 6 NYCRR § 617.7(C)(1) or otherwise result in a significant impact on the environment.

**13. An action that may cause or increase a disproportionate pollution burden on a disadvantaged community.**

The proposed project will not result in a disproportionate pollution burden on a disadvantaged community.

**Conclusion**

For all of the reasons set forth above, the Planning Board finds and determines that the project, as described above will not have any significant adverse impact on the environment and, therefore, the issuance of this negative declaration is warranted.

**For Further Information Contact:**

Russell Oster. Chairman
Brunswick Planning Board
Brunswick Town Hall
336 Town Office Road
Troy, New York 12180
Phone 518-279-3461

# BRUNSWICK PLANNING BOARD
# REGULAR MEETING

## OCTOBER 1, 2026

## RESOLUTION GRANTING MINOR SUBDIVISIONAPPROVAL

## (FISCHER – 842 TAMARAC ROAD – 73.-1-28.31)

**WHEREAS**, on November 20, 2025, a minor subdivision application was submitted to the Town of Brunswick Planning Board ("Planning Board") by Applicant Rebecca Fischer ("Applicant") with respect to a parcel of property designated as Tax Map No. 73.-1-28.31, consisting of +/- 82.17 acres and located at 842 Tamarac Road ("the Property"); and

**WHEREAS**, such application proposed to subdivide the Property into three (3) separate lots, with Lot 1 consisting of +/- 70.84 acres; Lot 2 consisting of +/- 5.74 acres; and Lot 3 consisting of +/- 5.59 acres, with single-family residences to be constructed on Lot 2 and Lot 3; and

**WHEREAS**, such application proposed that public road access to Lot 1, Lot 2, and Lot 3 be provided via the Property's 60.03 feet of frontage on Tamarac Road, with each lot allocated 20.01 feet of said frontage; and

**WHEREAS**, such application proposed that access to Lot 1, Lot 2, and Lot 3 from Tamarac Road be provided via a shared private driveway measuring 16 feet in width, with 8-foot shoulders/swales on each side, and running approximately 3,650 feet in length, with such shared private driveway subject to a Private Road Maintenance Agreement to be entered into by the owners of each lot; and

**WHEREAS**, the application was first presented to the Planning Board as an item of new business at its meeting held on December 4, 2025, at which time and among other things the Applicant's surveyor presented an overview of the proposed subdivision and proposed shared private driveway, and confirmed that the driveway would remain privately owned and would not be offered for dedication to the Town; and

**WHEREAS**, the Planning Board reviewed and discussed the application at its December 18, 2025 meeting, at which time and among other things the Applicant's attorney and surveyor indicated in response to questions from Planning Board members that the proposed shared private driveway would be designed in accordance with the Town's private road standards; that the shared private driveway would incorporate turn-outs and a turnaround area in accordance with New York State Fire Code requirements; that grading at the site would be minimal insofar as the site generally reflected an 8% pitch throughout; and that electric service to the proposed residences would likely be provided via connection to an existing utility pole on Indian Creek Road; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its January 16, 2026 meeting, at which time and among other things it was noted that turn-outs and a turnaround area had been added to the site map; that a proposed Private Road Maintenance Agreement had been submitted by the Applicant and reviewed and approved by the Planning Board Attorney; and that the Planning Board's reviewing engineer would review New York stormwater regulations to determine the requirements applicable to the project; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its February 5, 2026 meeting, at which time and among other things it was noted by the Planning Board's reviewing engineer that the Applicant would need to submit a Stormwater Pollution Prevention Plan (SWPPP) which included erosion and sediment control information; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its February 19, 2026 meeting, at which time and among other things it was noted that following the prior meeting the Applicant had submitted a SWPPP and erosion and sediment control plan, and that the materials were under review by the Planning Board's reviewing engineer; and

**WHEREAS**, at the February 19, 2026 meeting, the Planning Board further determined that the application was complete for purposes of opening a public hearing, and scheduled a public hearing on the application to be held on March 19, 2026 at 7:00 p.m.; and

**WHEREAS**, the Planning Board, upon due notice, opened and held a public hearing with respect to the application on March 19, 2026, and received public comment; and

**WHEREAS**, after affording all interested persons the opportunity to be heard, the Planning Board opted to adjourn and to continue the public hearing on the application to the Planning Board's next meeting on April 2, 2026; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its March 19, 2026 meeting following the adjournment and continuation of the public hearing, at which time and among other things it was noted that the Applicant had received and was reviewing comments offered by the Planning Board's reviewing engineer regarding the submitted erosion and sediment control plan, and that the Applicant would prepare and submit written responses to the comments made at the public hearing; and

**WHEREAS**, the Planning Board continued the public hearing on the application at its April 2, 2026 meeting, and received public comment; and

**WHEREAS**, after affording all interested persons the opportunity to be heard, the Planning Board adopted a motion to close the public hearing opened on March 19, 2026 and continued at the April 2, 2026 meeting; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its April 2, 2026 meeting following the closing of the public hearing, at which time and among other things the Planning Board received and reviewed written responses submitted by the Applicant to the comments made at the March 19, 2026 public hearing; requested that the Applicant obtain and

submit a Wetland Delineation Report; and noted that the Planning Board's reviewing engineer was awaiting responses from the Applicant to his comments on the erosion and sediment control plan; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its May 7, 2026 meeting, at which time and among other things it was noted that the Applicant was continuing to evaluate potential wetlands in the project area, and at which time additional written public comment on the application, in the form of a letter dated May 7, 2026 and submitted on behalf of neighboring property owner Charles Bulson, was offered to and accepted by the Planning Board; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its May 21, 2026 meeting, at which time and among other things the Applicant's attorney reviewed and addressed certain of the comments offered in the May 7, 2026 letter to the Planning Board; the Planning Board's reviewing engineer confirmed that a roadway improvement plan had been received, reviewed, and deemed acceptable; and the Planning Board agreed to re-open the public hearing on a future date so as to allow further public comment relating to additional information submitted by the Applicant in connection with the application; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its July 2, 2026 meeting, at which time and among other things it was noted that the Applicant had submitted a Wetland Delineation Report indicating no wetlands present on the subject Property and indicating no hydrologic connection to wetlands or water bodies located on adjacent properties; that an updated erosion and sediment control plan had been submitted by the Applicant; that the Applicant had submitted updated maps confirming a separation of at least 1,000 feet between the perimeter of Lots 2 and 3 and the neighboring property owned by Charles Bulson, which area consisted of woodlands; and that all required engineering reports and documents requested of the Applicant had been submitted; and

**WHEREAS**, at the July 2, 2026 meeting, the Planning Board determined to re-open the public hearing so as to allow further public comment relating to additional information submitted by the Applicant in connection with the application, and scheduled the re-opened public hearing to be held on August 6, 2026 at 7:00 p.m.; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its July 16, 2026 meeting, at which time it was noted that the Applicant had submitted a new map of the project site containing the notes and additional information requested by the Planning Board at its prior meeting; and

**WHEREAS**, the Planning Board, upon due notice, re-opened and held a public hearing with respect to the application on August 6, 2026, and received public comment, including but not limited to written public comment submitted in the form of a letter dated August 6, 2026 and submitted on behalf of neighboring property owner Charles Bulson; and

**WHEREAS**, after affording all interested persons the opportunity to be heard, the Planning Board adopted a motion to close the August 6, 2026 public hearing but to hold the record open for

a period of fourteen (14) days for the submission of any additional written comment from the public; and

**WHEREAS**, the Planning Board accepted all written public comments concerning the application received as of August 20, 2026, including but not limited to comment received in the form of a letter dated August 20, 2026 and submitted on behalf of neighboring property owner Charles Bulson; and

**WHEREAS**, the Planning Board further reviewed and considered the application at its September 3, 2026 meeting, at which time and among other things, the Applicant and the Applicant's attorney submitted written responses to the comments made both at the public hearings and in the written comments submitted to the Planning Board; and

**WHEREAS**, the Planning Board has fully reviewed and duly considered among other things all maps, materials, reports, and other information submitted in support of the application; all public comments made; the Applicant's responses to the public comments; and all other relevant information; and finds that all subdivision review standards and substantive comments have been considered; and

**WHEREAS**, the Planning Board has completed its environmental impact review under SEQRA through the adoption of a negative declaration for this action on October 1, 2026; and

**WHEREAS**, the Planning Board, having duly considered all information of record and upon due deliberation, is prepared to act on the subdivision application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby makes the following findings and determinations in connection with the application:

1. The application has been properly presented as an application for approval of a Minor Subdivision under Article V of the Town of Brunswick Land Subdivision Regulations ("Subdivision Regulations").

2. A "minor subdivision" is defined in Article IX of the Subdivision Regulations as "any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road, or extension of municipal facilities."

3. The Applicant's proposed subdivision is properly classified as a minor subdivision, insofar as it contains "not more than four lots" and does not involve "any new street or road, or extension of municipal facilities." The proposed means of access between Tamarac Road and the three proposed lots – that is, the proposed shared private driveway measuring 16 feet in width, with 8-foot shoulders/swales on each side, and running approximately 3,650 feet in length – is neither a new street nor a new road within the meaning of the Subdivision Regulations because it will remain privately owned, will not be dedicated to the Town of Brunswick as a public road, will be the subject of a Private Road Maintenance Agreement between the owners of three proposed lots, and is not to be laid between any right-of-way lines. The design of the proposed shared private

driveway meets the requirements of the Town of Brunswick Recommended Standards for Residential Driveways and Private Roads.

4. The requirements of Town Code § 160-31(D) – to the extent that they apply – have been satisfied. Town Code § 160-31(D) provides:

> D. Buffers to agriculture required. The policy of the Town of Brunswick is to encourage agriculture, so wherever agricultural uses and proposed nonagricultural uses adjoin, the applicant for the nonagricultural use shall provide buffers to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances associated with the agricultural operation. Said buffer strips may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and, when required, shall be no less than 100 feet in width and may be required up to a width of 300 feet, depending upon the type of adjoining agriculture and farm use, the topography and the proposed design and planting of such buffer. In the event that an application requires approval of the Town Board, Zoning Board of Appeals, or the Planning Board, it shall be the responsibility of the respective Board to provide an effective buffer that will reasonably protect adjacent residential living areas from agriculture practices and to protect the agricultural use from nuisance complaints and nuisance lawsuits, from the non-farm neighbors, as a result of normal farm operations.

5. The stated purpose and intent of Section 160-31(D) is to protect "adjacent residential living areas" from odors, noise, and other potential nuisances associated with neighboring agricultural operations (and thereby project the agricultural use from nuisance complaints and/or lawsuits) – not to protect agricultural uses from impacts, if any, associated with the residential use of property.

6. There is insufficient information in the record to establish that the requirements of Section 160-31(D) apply in connection with this application. While the Applicant is proposing a non-agricultural, residential use for Lot 2 and Lot 3, insufficient information has been submitted to demonstrate that those non-agricultural uses will "adjoin" any qualifying "agriculture" use as defined in Town Code § 160-12, including with respect to any property owned by Mr. Bulson, or that any such agricultural uses produce "odors, noise, and other potential nuisances" for which a buffer is necessary in order to "protect adjacent residential living areas."

7. Even if the requirements of Section 160-31(D) apply in connection with this application, a sufficient "buffer" nevertheless exists between the residential living areas proposed for Lot 2 and Lot 3 and the property owned by Mr. Bulson in the form of approximately 1,000 feet of heavily wooded land.

8. Based on the Letter Report of Wetland Delineation Services dated June 16, 2026, and submitted by the Applicant, neither the proposed subdivision, the proposed development of Lot 2 and Lot 3 as single-family residences, nor the proposed shared private driveway will result in any impacts to on-site or off-site wetlands, ponds, or other water resources, and the record contains no competent evidence to the contrary. The Applicant has further prepared and submitted

a Stormwater Pollution Prevention Plan in accordance with applicable requirements of the New York State Department of Environmental Conservation, which has been reviewed and deemed acceptable by the Planning Board's reviewing engineer.

9. All other public comments and/or objections received with respect to the application, to the extent not specifically addressed herein, have been duly considered and determined to be insufficient to warrant denial of the application.

and it is further,

**RESOLVED**, by the Planning Board of the Town of Brunswick that final subdivision approval is hereby **GRANTED** with respect to the application submitted by Applicant Rebecca Fischer with respect to the parcel of property designated as Tax Map No. 73.-1-28.31, consisting of +/- 82.17 acres and located at 842 Tamarac Road.

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

| | | |
|---|---|---|
| **CHAIRMAN OSTER** | **VOTING:** | **NOT PRESENT** |
| **MEMBER HENDERSON** | **VOTING:** | **NOT PRESENT** |
| **MEMBER KRIEGER** | **VOTING:** | **NOT PRESENT** |
| **MEMBER STANCLIFFE** | **VOTING:** | **AYE** |
| **MEMBER TARBOX** | **VOTING:** | **AYE** |
| **MEMBER CZORNYJ** | **VOTING:** | **AYE** |
| **MEMBER MAINELLO** | **VOTING:** | **AYE** |

The foregoing Resolution was thereupon declared duly adopted.

October 1, 2026