

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 20, 2020

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

ABSENT was DONALD HENDERSON.

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

Chairman Oster reviewed the agenda. Chairman Oster noted that both items of existing business on the agenda had been adjourned to the March 5, 2020 regular Planning Board meeting. Chairman Oster noted that with respect to the Blue Sky Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless special use permit and site plan application, the Planning Board was awaiting receipt of the applicant's response to public comments. Chairman Oster noted that with respect to the Brunswick Road Development LLC major subdivision application for the Brunswick Acres Planned Development District, the Planning Board was awaiting review by the Planning Board's consulting engineers, Laberge Engineers, on the application.

The draft minutes of the February 6, 2020 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Kreiger, the minutes of the February 6, 2020 meeting were unanimously approved without amendment.

Due to the adjournments referenced by Chairman Oster, there were no items of existing business discussed.

The first item of new business discussed was the application for waiver of subdivision submitted by Anthony and Nathan Grab for property located on Lockrow Road owned by Mickel Hill Properties, LLC. Member Tarbox stated that he was a member of the LLC and therefore he recused himself and stepped down from the dais. Members Stancliffe and Kreiger both disclosed that they own property located on the opposite side of Lockrow Road from the project site. Both Members Stancliffe and Kreiger stated that they had not prejudged the application and that they believed that they could act objectively on the application despite their ownership of property nearby. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter explained that the parcel had previously been the subject of a waiver application that was approved in 2016 to create a 5-acre parcel, which included the buildings that are located on the site. Mr. Holbriiter further explained that in 2018, the 5-acre parcel was amended by a lot line adjustment to add an additional 7-acre parcel, resulting in a total lot size of 12 acres. Mr. Holbriiter explained that the prior waiver was obtained to convey a lot to Matthew Grab, and the current proposal seeks to create a 3-acre lot on the opposite side of the parcel to convey to another member of the Grab family. The Board then discussed whether in light of the prior waiver applications for the property, the applicant must submit a minor subdivision application. The Board discussed that it has a policy that it has consistently followed which requires a minor subdivision application where a prior waiver application was approved for the same parent parcel within the prior seven years. The Board and Mr. Bonesteel discussed that the application was similar to the application previously made by Broderick, which was a minor subdivision application in light of the direction that Broderick had received from the Town that a waiver application would not be the appropriate application in light of the prior waiver approval. Attorney Tingley stated that the subdivision regulations do not prohibit approval of a waiver where a prior waiver had been approved within the prior seven years,

but that the submission requirements on a waiver application require the applicant to disclose whether any other lots have been conveyed from the parent parcel within the prior seven years. The Board then discussed that it had routinely applied a policy that successive waiver applications within a seven-year period would require minor subdivision review and approval. Member Kreiger stated that he was concerned that deviating from prior practice would set a precedent that would allow successive waiver applications where a minor subdivision application should be required. Member Mainello agreed, and further stated that the Board should be consistent in applying the procedure that it has applied to date, and further stated that if the Board wanted to apply a different procedure, it should consider amending its policy. Member Petersen and Member Stancliffe both agreed. Chairman Oster stated that the applicant could ask for a decision on the application, or that it could withdraw the waiver application in light of the discussion that a minor subdivision application is the appropriate application to be made. The applicant withdrew the waiver application on the record, and Mr. Holbriiter stated that he would discuss the prospect of filing a minor subdivision application with the applicant.

The next item of new business discussed was the minor subdivision application filed by Sean Gallivan for property located on the northerly and easterly side of Deepkill Road. Member Stancliffe disclosed that her husband works for Gallivan and she accordingly recused herself and stepped down from the dais. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter stated that a subdivision plat had been approved in 2015 creating three lots. Mr. Holbriiter further stated that in 2020, the applicant had added additional property to lot 1 and that the current application seeks approval to create lots 4, 5, and 6, along with adjusting the original lot line of lot 3. Mr. Holbriiter stated that the parcel on the opposite side of Deepkill Road is part of the original parcel and will be included as part of lot 3, as shown by the land hook on the submitted subdivision

plat. Member Tarbox stated that there may be wetlands on the site, particularly in the area of lots 4 and 5. He stated that the applicant should review those potential wet areas with the engineer to determine whether or not the house locations and septic locations on those lots are sufficient. The Board asked Mr. Holbriiter how long the access way from Deepkill Road to lot 6 would be. Mr. Holbriiter stated that it would likely be approximately 500 feet. The Board then discussed whether or not this application should be considered a major subdivision application in light of the prior minor subdivision application that had been approved in 2015 creating the initial three lots and the remainder parcel. The Board then asked Attorney Tingley whether there was any provision in the subdivision regulations that required the Planning Board to treat the current application as a major subdivision application in light of the prior subdivision history. Attorney Tingley reviewed the subdivision regulations and stated that he did not see any provision requiring them to treat the current application as a major subdivision application, but that his office would review it more closely and would advise. Chairman Oster stated that all seven lots at issue will have adequate frontage on a public road and therefore the need to require a major subdivision application may not be as pressing in this particular instance. He stated that the proposal does not include the construction of any additional roadways or extension of any utilities at least as shown on the current concept. The Planning Board asked Attorney Tingley to research whether or not the project must be considered a major subdivision application in light of the prior subdivision history, or rather whether it could be reviewed as a minor subdivision application. The matter was placed on the agenda for the March 5, 2020 meeting for further discussion.

The index for the February 20, 2020 meeting is as follows:

1. Blue Sky Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - Adjourned to March 5, 2020;

2. Brunswick Road Development LLC - Major subdivision (Brunswick Acres PDD)
- Adjourned to March 5, 2020;
3. Grab/Mickel Hill Properties, LLC - Waiver of subdivision - Withdrawn;
4. Gallivan - Minor subdivision (Deepkill Road) - March 5, 2020.

The proposed agenda for the meeting to be held March 5, 2020 currently is as follows:

1. Shudt - Minor subdivision - Public hearing to commence at 7:00pm;
2. Blue Sky Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan (tentative; subject to receipt of applicant responses to public comments);
3. Brunswick Road Development LLC - Major subdivision (Brunswick Acres PDD)
(tentative; subject to TDE review);
4. Leon - Site plan sketch presentation;
5. Gallivan - Minor subdivision (Deepkill Road).