

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 4, 2018

PRESENT were RUSSELL OSTER, CHAIRMAN, TIMOTHY CASEY, DONALD HENDERSON, MICHAEL CZORNYJ, KEVIN MAINELLO, LINDA STANCLIFFE, and DAVID TARBOX.

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

Chairman Oster reviewed the agenda for the meeting. Chairman Oster also noted for the record that, after the Town of Brunswick Town Board reorganization meeting, he has been reappointed as Chairman for the Planning Board and that Member Mainello has been reappointed to another term on the Planning Board.

The draft minutes of the December 21, 2017 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the minutes of the December 21, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the applications submitted by High Peaks Solar for special use permit, site plan, and subdivision, in connection with the proposed installation of the utility-scale commercial solar facility on property located at 566 Brunswick Road. Kevin Bailey of High Peaks Solar was present for the applicant. Mr. Bailey stated that he last appeared before the Planning Board on this application in early December, at which time the Planning Board had indicated that Borrego Solar had completed its review and approval process for a utility-scale solar facility located off Brick Church Road, and Mr. Bailey stated that he had reviewed the

minutes of the review of that application for information. Based upon his review of the Borrego Solar review process, Mr. Bailey submitted an amended site plan to the Planning Board for review. Mr. Bailey also provided additional photographs from different viewpoints on Dater Hill Road (identified as photographs 18, 19, 20, and 21), and stated that the panels would not be visible from any of these viewpoints. Mr. Bailey also provided photographs of other projects that High Peaks Solar has completed, which include a residential ground-mount array as well as a commercial array. Mr. Bailey then reviewed the changes to the site plan. Mr. Bailey stated that the electric utility brought into the site for connection to the solar panels would now be underground, with only limited overhead utilities in the area of the High Peaks equipment. Mr. Bailey did indicate that High Peaks will need an area variance for these above-ground utility poles in the proximate location of the High Peaks equipment, and also an area variance for setback from the property line on the south side of the project site. Member Mainello asked how National Grid was bringing the electric utility into the site from the public road by all underground installation, where Borrego Solar had indicated that National Grid required poles on the surface to be brought into the site. Mr. Bailey stated that there would be only one pole located at Garfield Road, and then the electric utility would be immediately put underground until the location of the High Peaks equipment, at which four more poles on the interior of the site will be required for National Grid equipment. Mr. Bailey stated that National Grid would own the poles and the equipment on the interior of the site, until the connection to the High Peaks equipment in the field. Chairman Oster asked Attorney Gilchrist about application procedure. Attorney Gilchrist stated that the Planning Board should consider the same procedure used for the Borrego Solar application, in which the first step will be SEQRA lead agency coordination, and thereafter coordination with the Brunswick Zoning Board of Appeals on the required variances, with the option of conducting a joint public hearing on these applications. Member Tarbox asked about the extent of the requested variance from the property

line on the south side of the project site. Mr. Bailey stated that a 100-foot setback is required, and he will be requesting a 40-foot setback on the south side of the project site. Mr. Bonesteel stated that he had a chance to review the application materials and that they are complete for purposes of a public hearing except for the requirement that High Peaks update the environmental assessment form and provide a visual assessment addendum. Mr. Bonesteel also stated that a photosimulation should be provided to the Planning Board, which superimposes the proposed utility-scale solar array in the photographs previously provided by High Peaks Solar to the Planning Board. The required photosimulation was discussed by the Planning Board members and Mr. Bailey. Attorney Gilchrist stated that, upon submission of the updated Environmental Assessment Form with the visual addendum completed, a lead agency coordination notice will be circulated. The Planning Board then discussed lead agency designation, and determined that the Brunswick Planning Board should serve as SEQRA lead agency on this application similar to its role on the Borrego Solar application. Member Czornyj then made a motion to indicate that the Planning Board sought to assume lead agency status when the lead agency coordination notice was circulated, which motion was seconded by Member Casey. The motion was unanimously approved. The Planning Board directed Attorney Gilchrist to prepare the notice of lead agency coordination, indicating that the Brunswick Planning Board sought to assume lead agency status on this application. Further procedure was discussed, noting that the variance applications for this project will be before the Brunswick Zoning Board of Appeals at its meeting to be held January 22, 2018. At that meeting, the Brunswick Zoning Board of Appeals could consider the option of a joint public hearing on the High Peaks Solar application, similar to the procedure utilized on the Borrego Solar application. In light of this schedule, the Planning Board determined to put this matter on its February 1, 2018 agenda for further discussion.

The second item of business on the agenda was the sketch plan/special use permit application submitted by MJ Engineering on behalf of David Leon for property located at 1 Valley Avenue, located to the rear of the existing Planet Fitness building off Hoosick Road. The purpose of this discussion was to review and finalize a letter to the Town Board for consideration of the issues of multi-family dwellings and density under the Town of Brunswick Zoning Law. The Planning Board reviewed a final proposed letter, and upon motion of Member Czornyj, seconded by Member Stancliffe, the Planning Board unanimously approved the submission of a letter to the Town Board in this regard. The Planning Board directed Attorney Gilchrist to forward the letter to the Brunswick Town Board.

The next item of business on the agenda was a sketch plan submission by Ace Hardware for its facility located at 631 Hoosick Road, with the applicant seeking to add a 3,000 square foot addition to the existing Ace Hardware building, and also to demolish the existing building located on the west side of the parcel and replace that with a two-story mixed use building. Beau Mitchell, project architect, was present for the applicant. Mr. Mitchell reviewed the proposed concept plan, which includes the proposed 3,000 square foot addition to the rear of the existing Ace Hardware building to consolidate the rental center, and the construction of a new 4,000 square foot, two-story building on the west side of the parcel. Mr. Mitchell stated that the primary issue on the sketch plan review was parking requirements. The applicant is proposing to maintain the existing parking for the existing Ace Hardware retail use, which is not proposed to be changed, and to apply the off-street parking standards listed in the new Town of Brunswick Zoning Law for the 3,000 square foot proposed addition as well as the new proposed 4,000 square foot, two-story building on the west side of the parcel site. Chairman Oster noted that both he and Member Henderson visited the site to review the proposed addition to the rear of the Ace Hardware store and to review the existing and proposed parking on the site. The Planning Board members and Mr. Mitchell then

had an extended discussion regarding existing and proposed parking. This discussion included the number of parking spaces, alignment of parking spaces, and proximity of parking to Hoosick Road. Mr. Mitchell explained that the 3,000 square foot addition to the rear of the existing Ace Hardware store is for storage as well as consolidating the rental center operations within the hardware store, but that all customers would access the rental operations through the front door, and that no retail entrance is proposed for the rear of the site. The Planning Board also reviewed greenspace for the site. Member Czornyj raised questions regarding the access road now being located around the entire building, as well as concern regarding proximity of parking spaces to Hoosick Road. Member Mainello inquired whether the proposed building on the western portion of the project site would be associated with Ace Hardware, and Mr. Mitchell stated that it would not be, but that it would be a separate retail/office space. Member Tarbox and the Board also discussed whether the project site constituted one lot or two separate lots, and also operation of the rental equipment within the existing Ace Hardware store. The Planning Board then reviewed the off-street parking requirements under the new Brunswick Zoning Law in relation to the proposed 3,000 square foot addition and the proposed new 4,000 square foot, two-story building, and whether the overall parking for the site was sufficient. Attorney Gilchrist stated that applying the Brunswick Zoning Law off-street parking standards to the proposed addition as well as the new proposed building on the west side of the project site was appropriate and, before rendering any final determination regarding conceptual parking plans, the Building Department and the Planning Board should review the minutes of the underlying site plan review, as the Planning Board had taken extensive time to review parking requirements on the project site when the building was converted to the Ace Hardware as well as the adjacent building on the western project site converted to the equipment rental facility. This matter is placed on the October 18 agenda for further discussion regarding the concept parking plan.

The next item of business on the agenda was the waiver of subdivision application submitted by Nick Snyder for property located at 196 Town Office Road. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter reviewed the proposed waiver of subdivision, which proposes to divide a 9.42-acre parcel from the existing 110.5-acre parcel located at 196 Town Office Road. Mr. Holbriiter explained that this was the former Misty Hills Farm, which is now known as the Placid Hills Farm, and that the 9.42-acre parcel is located on the opposite side of Town Office Road from the farm, and is being proposed for a residential development. The Planning Board noted that the record owner of the property has consented in writing to the application. Member Henderson raised an issue concerning driveway location and sight lines, and Mr. Holbriiter reviewed the road frontage and indicated that a driveway permit would be required from Rensselaer County. Member Henderson asked whether there were any wetlands on the proposed residential lot. Mr. Holbriiter stated that there was approximately 0.3 acre of wetlands in one corner of the lot, but that the balance of the lot is buildable. Chairman Oster asked whether there were any further questions or comments. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Casey. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision subject to the condition that a driveway permit is required from Rensselaer County. The motion was seconded by Member Mainello. The motion was unanimously approved, and the waiver of subdivision application approved subject to the stated condition. It is noted for the record that this application constitutes a non-realty subdivision, for which Rensselaer County Health Department approval is not immediately required. It is noted for the record that approval of the Rensselaer County Health Department will be required prior to the issuance of any building permit.

There were no new items of business to discuss.

Chairman Oster did raise the issue of Planning Board members visiting project sites, and that the Planning Board should consider revision to application documents to provide clear written consent of the property owners for Planning Board member access, confirm owner consent on the record when the applicant is before the Planning Board, and contacting the property owner as to the actual date the Planning Board member wished to access the site. The Planning Board also discussed the option of having identification cards prepared by the Town, which would provide appropriate identification for the Planning Board members as they access the private property. These matters will be further discussed at the January 18 meeting.

The index for the January 4, 2018 meeting is as follows:

1. High Peaks Solar - Special use permit/site plan/subdivision - 2/1/2018;
2. MJ Engineering/David Leon - Sketch plan/special use permit - Approval of letter to Town Board;
3. Ace Hardware - Concept site plan - January 18, 2018;
4. Snyder - Waiver of subdivision - Approved with condition.

The proposed agenda for the January 18, 2018 meeting currently is as follows:

1. Ace Hardware - Concept site plan.