

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

Zoning Board of Appeals
TOWN OF BRUNSWICK
336 Town Office Road
Troy, New York 12180

**MINUTES OF THE REGULAR PLANNING BOARD MEETING AND JOINT SPECIAL
ZONING BOARD OF APPEALS MEETING HELD MARCH 15, 2018**

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

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

The Brunswick Zoning Board of Appeals, pursuant to notice of special meeting, is joining the Planning Board meeting for purposes of conducting a joint public hearing on the application for a commercial solar collector system filed by High Peaks Solar and Hope United Methodist Church. PRESENT were ANN CLEMENTE, E. JOHN SCHMIDT, and WILLIAM SHOVER. ABSENT were MARTIN STEINBACH, CHAIRMAN, and CANDACE SCLAFANI.

Chairman Oster reviewed the agenda for the Planning Board meeting, noting that the public hearing on the High Peaks Solar/Hope United Methodist Church application will be a joint public hearing with the Brunswick Zoning Board of Appeals.

Both the Planning Board and the Zoning Board of Appeals opened their respective meetings. Both the Planning Board and Zoning Board of Appeals thereupon opened a joint public hearing on the applications submitted by High Peaks Solar and Hope United Methodist Church for property located at 566 Brunswick Road. The pending applications for this project include site

plan, special use permit, and subdivision pending before the Planning Board, and area variances with respect to setback requirements and underground utility requirements pending before the Zoning Board of Appeals. The joint public hearing is being opened by the Planning Board and Zoning Board of Appeals with respect to their respective pending permit applications. Chairman Oster and Member Clemente directed that the notice of public hearing be read into the record. The notice of joint public hearing was read, with the joint public hearing notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 3,000 feet of the project site. The Boards requested that the applicant make a presentation concerning the proposed project. Kevin Bailey of High Peaks Solar stated that he had submitted an updated site plan for consideration by the Boards, which include minor modifications for the proposed layout of the solar panels on the property, indicating that rows of proposed solar panel tables have either been reduced or moved to the east to be further away from the creek, and that the fence line located on the east side of the project will now completely encompass the old farm road due to the relocation of proposed panels. Mr. Bailey stated that this proposed project is a community solar project, where homeowners, businesses, and non-profits can participate in the project. Mr. Bailey explained that a community solar project allows property owners to get the benefit of solar power where their individual properties may not be able to include solar due to grades or other factors, but are able to economically participate in this large-scale utility facility. Mr. Bailey then generally reviewed the benefits of community solar. Mr. Bailey also generally reviewed the proposed site plan, as well as a number of photographs and photosimulations of the project site with panels installed. Chairman Oster then opened the floor for the receipt of public comment before the Boards. First, Chairman Oster noted that an email has been received from Caroline M. Abrams, dated March 12, 2018, indicating that

her family is unable to attend the public hearing but submitted the email for entry into the record in support of the proposed solar farm. In that email, Caroline and Pat Abrams fully support the construction and use of the proposed solar farm for an alternate source of energy for their home and for the community in general. The Abrams state they have considered solar energy for some time but this seems like a more user friendly way of purchasing solar energy for home use and is good for the environment. The floor was then opened for receipt of public comment. Derrick DeGuile, 549 Brunswick Road, stated that most solar farms are located in more rural areas, and expressed concerns regarding surface water runoff to both the creek and any surrounding ground water wells; noted that he had concern regarding impact on the voltage of any surrounding homes; asked what the long term plan was for the solar panels, and whether these panels become obsolete in five or ten years; and also questioned the proposed disposal of the solar panels, stating it was his understanding there was no way to recycle the solar panels. John Hussen, 599 Plank Road, stated that solar energy is a benign source of energy; that he is not able to have solar panels installed at his home; that he liked the idea of community solar as an alternate way of providing solar power to homes; and that he thought this application was a good idea. Joanne Coons, 4 Ballston Lake, Clifton Park, stated that she teaches at HVCC; that solar panels do not become obsolete in five to ten years, but rather have a guaranteed life of at least 25 years; that solar panels can be recycled into new panels; that there have been no documented issues regarding surface or ground water impacts from solar projects; that she fully supports this proposed project; that Kevin Bailey went through rigorous reviews from a number of agencies on this project; that community solar is a great idea and is financially advantageous to homeowners; and that it is a good idea to have a central solar location to provide solar power to a number of homes in the community. Chairman Oster noted that, regarding the solar panel decommissioning, the Town of Brunswick Zoning Law

does require a performance bond or other security to remain on file with the Town during the project life for decommissioning the facility. Joseph Pikal, SUNY Albany, presented comments concerning the economics of utility costs for the homeowner and community solar; discussed the NYSERDA SUN program; and stated that he fully supported the proposed project. Vincent Lepera, 494 Brunswick Road, stated that his concern was viewshed and how this project would look from surrounding properties; that he feels the project is well thought out and will have minimal visual impact; that he had a question concerning the visual impact from Creek Road when turning off of Route 2, and asked whether there were any photographs depicting this viewshed. Mr. Bailey reviewed the photograph showing the view into the project site from the corner of Creek Road and Route 2, identified as photograph #14, and stated that there would be minimal visual impact from that location. Mr. Lepera stated that, based on this photosimulation, even in the winter time there will not be significant visual impact of this project on surrounding properties. Mr. Lepera also said that he did significant research on solar panels before putting panels on his home, and that it is his understanding that there is no measurable runoff pollution from solar panels, and that he was concerned about this issue because his property is on its own well, and that he feels that this large-scale community solar project will be beneficial to the community and particularly to those people who cannot put panels on their homes for any number of reasons. Ian Preston, 97 Rogers Lane, Saratoga, stated that even though he lives in Saratoga County, this project will give him the opportunity to participate as he is a National Grid customer, and he fully supports the project as it is a good land use for Brunswick. John Seppi, 4 Rosemary Drive, Albany, stated that he came to the meeting to support the project; that the media had only recently reported that the largest community solar project in New York State was opening in Sullivan County, and that was a 2.7 megawatt project, and that this project would only be slightly smaller; and that this is an

opportunity for this facility and the Town of Brunswick to be among the first projects in New York State for large-scale community solar. Chuck Watson, 936 Hoosick Road, stated that he is a member of the Hope United Methodist Church and a member of its Board of Trustees; that the church has been working three years on this project; that he feels this is a good site for a solar farm with minimal visual impact; that he feels he is dealing with an excellent installer in High Peaks Solar, and that working with a local company will also benefit the project in terms of continuing service; and that he will also be benefitted personally with utility costs as being a participant in this community solar project, similar to other National Grid customers. John DeCurtis, 6 Moonlawn Road, had certain questions regarding the community solar process, and how National Grid billing works in a community solar situation. Mr. Bailey provided information on billing in community solar projects. No additional members of the public wished to provide comment at this time. Both the Planning Board and the Zoning Board of Appeals discussed procedure, with options including keeping the public hearing open and continuing a joint public hearing for the April 5 Planning Board meeting. Chairman Oster stated that the applicant will be required to respond to public comments in writing, with those responses submitted to both the Planning Board and Zoning Board of Appeals. Chairman Oster stated that he felt the Planning Board public hearing should be adjourned and reconvened at the Planning Board April 5 meeting. The members of the Planning Board concurred. Member Clemente also stated that the Zoning Board participation in the joint public hearing should be adjourned and continued with the Planning Board at the Planning Board April 5 meeting. The Zoning Board members concurred, stating that the Zoning Board will also require an additional special meeting for April 5 to participate in the continued joint public hearing on this project. Thereupon, the Zoning Board closed its special meeting.

The Planning Board continued its regular business meeting.

The Planning Board members reviewed the draft minutes of the March 1, 2018 meeting. Chairman Oster noted one typographical correction on page 1, correcting the spelling of “Russel” to “Russell”. Subject to that one typographical correction, Member Czornyj made a motion to approve the draft minutes of the March 1, 2018 meeting, which motion was seconded by Member Casey. The motion was unanimously approved, and the March 1, 2018 meeting minutes approved subject to the typographical correction.

The first item of business on the agenda was the pending applications for the utility-scale solar facility submitted by High Peaks Solar and Hope United Methodist Church. Chairman Oster noted that there was general support for the project at the public hearing, but that comments were raised which required response in writing from the applicant. Mr. Bailey indicated he would prepare the written responses. Member Stancliffe had a question regarding the community solar operation, and whether High Peaks Solar would subcontract with another company to obtain customers. Mr. Bailey stated that High Peaks Solar will be the entity seeking customers, and that High Peaks Solar is pursuing the project at its risk, and does not require a minimum percentage of customer sign up before starting the project. Member Mainello had a question regarding the height of the proposed solar panels, and particularly the project plans indicating that the lowest point of the solar panel equipment is 6–8 feet above grade. Mr. Bailey stated that was an error, and that the lowest point of the solar facility equipment will be only 30–36 inches at the lowest point to finished grade. Member Mainello asked about the maximum height of the solar equipment. Mr. Bailey stated that the maximum height is approximately 10 feet. Member Mainello asked how a visual assessment of the project could be completed if the specific height of the panels is not determined. Mr. Bailey stated that the maximum height of the panels will be only between 9.5

feet and 10.5 feet, so a 10-foot average height is appropriate for analysis, and that the height will not significantly change. Mr. Bailey also stated that the photosimulations were prepared with a proposed panel being 36 inches at its lowest point above finished grade, and its highest point being 10 feet above finished grade. Member Mainello asked Mr. Bailey to verify this information, as visual impact will be a significant issue. Member Henderson asked about economic saving to customers as part of the community solar project, and Mr. Bailey reviewed economic issues with the Board. Member Mainello asked about the geographic limit for National Grid customers for this facility. Mr. Bailey stated that there is a geographic limit, but it is based on load zones with National Grid, and that this project could service National Grid customers in approximately 13 counties but that the project will prefer local customers. Member Tarbox asked about customer participation in the community solar project, and Mr. Bailey explained how customers participate in the project based upon the customer's projected energy need. Chairman Oster noted that the updated site plan had been submitted, which depicts relocation of the solar panel arrays and also added topographic information. Mr. Bonesteel stated that he had not yet had an opportunity to review the updated site plan. Member Stancliffe inquired about the status of the archeological assessment of the project site. Mr. Bailey stated that the consultant had completed the testing of the site and no artifacts of any archeological or historic significance were identified, and the results of the archeological assessment would be available shortly. The Planning Board discussed the issue of the height of the solar equipment at its lowest and highest point, with particular regard to sheet C-1.1 of the project plans. The applicant will revise that sheet of the project plans to address the panel height issue, with either a specific height denoted or a "not to exceed" height noted. Member Mainello stated that Mr. Bailey should make sure the visual screening is adequate for the projected maximum height of the solar equipment. Member Casey asked whether the Hope United

Methodist Church planned on retaining ownership for the duration of the community solar facility. Mr. Bailey confirmed that the church does intend to retain ownership. The Planning Board stated that this matter is placed on the April 5 meeting agenda for purposes of reconvening the joint public hearing with the Zoning Board of Appeals, and further deliberation on the application documents. Attorney Gilchrist stated that the Planning Board was in a position to act upon lead agency designation through the coordinated SEQRA review, noting that no other involved agency had objected to the Planning Board assuming lead agency status. Following discussion, Member Stancliff made a motion to establish the Brunswick Planning Board as SEQRA lead agency on this action, which motion was seconded by Member Mainello. The motion was unanimously approved, and the Planning Board has been designated as lead agency for the SEQRA review of this action. This matter is placed on the April 5 agenda for reconvening the joint public hearing at 7:00pm with the Zoning Board of Appeals, and further review of application documents.

The next item of business on the agenda was the site plan application submitted by Ace Hardware regarding property located at 831 Hoosick Road. Bo Michael of Michael Architectural Services P.C. was present for the applicant. Mr. Michael stated that he had provided a written response to the comments of the Brunswick No. 1 Fire Department, had added contours to the site plan, had added details regarding erosion control to the site plan, and had amended the site plan in terms of parking space size which in turn increased green space on the project site. The Planning Board entertained comments from Steve Wilson, of the Brunswick No. 1 Fire Department, who reviewed the comments of the fire department. In particular, Mr. Wilson reviewed comments regarding sprinkler systems, installation of knox box, and the remaining comments set forth in the fire department's February 28, 2018 written memo, which is included as part of the application record. Chairman Oster asked Mr. Bonesteel whether he had a chance to review the updated site

plan. Mr. Bonesteel stated that he had reviewed the contours and proposed grading, and finds them to be acceptable. Mr. Bonesteel also stated that he had reviewed the added erosion control and stormwater details, indicating that all stormwater basins have been shown to be connected with piping. Mr. Bonesteel stated that he did review the current proposed site plan with the original drainage plan for the Ace Hardware facility, and does find them to be consistent. Mr. Bonesteel stated that he felt the project was adjacent to wetlands on the west side of the project site, but that the wetlands would not be impacted from this proposed project, that there was no wetland disturbance proposed, and that drainage would not impair the wetland. Mr. Bonesteel also noted that the footprint of the proposed new building on the west side of the project site is smaller than the existing footprint, and is proposed to be raised through site grading to address flooding issues. Mr. Bonesteel stated that he felt the application documents were complete for purpose of scheduling a public hearing on the site plan application. Member Stancliffe noted that the photosimulation submitted with the application documents showed landscaping and planting, and that these should be shown on the site plan as well. Member Mainello then raised the issue concerning greenspace on the project site, and the Planning Board members then had a detailed discussion concerning greenspace on the project site, including greenspace as calculated during the original site plan review for the Ace Hardware store, as well as subsequent site plan amendments, and the current proposed site plan. Based upon a review of the site plans on file, it appears that the current site has 20.25% greenspace, and that the current proposed site plan including the reduced parking space size would result in 21.8% greenspace, which would result in an increase in greenspace on the project site over current conditions. Mr. Michael stated that his office calculates the current greenspace at 25.2%, but that the Planning Board also has information that the greenspace on the current site is 20.25%. The Planning Board directed the Building

Department to confirm the greenspace percentage both existing and on the proposed site plan for consideration by the Planning Board. It is noted that the Planning Board does have the jurisdiction under the site plan regulations to reduce the required percentage of greenspace on a case by case basis. The Planning Board determined to open the public hearing on this site plan application at its April 5 meeting, with the public hearing to commence at 7:15pm or as soon thereafter as the continuation of the High Peaks Solar joint public hearing. This matter is placed on the April 5 agenda for public hearing.

There was one item of new business discussed.

A waiver of subdivision application has been submitted by James Toomajian for property located at 499 and 495 Brunswick Road. The application is in the nature of a lot line adjustment between the two parcels. However, the Planning Board felt the application documents were not clear, appeared to be based on a 2014 plan, and the existing and proposed lot line was not clear on the application documents. It is noted that there was no representative of the applicant at the meeting when the Planning Board discussed this agenda item. The Planning Board did not further proceed on this application, and placed the matter on the April 5 agenda for further discussion, including the requirement that the applicant appear for the application.

The index for the March 15, 2018 meeting is as follows:

1. High Peaks Solar - Special use permit/site plan/subdivision - April 5, 2018 (joint public hearing with Zoning Board of Appeals to continue at 7:00pm).
2. Ace Hardware - Site plan - April 5, 2018 (public hearing to commence at 7:15pm, or as soon thereafter as may be heard).
3. Toomajian - Waiver of subdivision - April 5, 2018.

The proposed agenda for the April 5, 2018 meeting currently is as follows:

1. High Peaks Solar - Special use permit/site plan/subdivision - Joint public hearing with Zoning Board of Appeals to continue at 7:00pm.
2. Ace Hardware - Site plan - Public hearing to commence at 7:15pm, or as soon thereafter as may be heard.
3. Toomajian - Waiver of subdivision.