

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 15, 2019

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

ABSENT was ANDREW PETERSEN.

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 as posted on the Town signboard and on the Town website.

The Planning Board members reviewed the draft minutes of the August 1, 2019 meeting. Chairman Oster indicated that a corrected page one had been provided to the Planning Board members noting the correct date of the meeting. Upon motion of Member Henderson, seconded Member Stancliffe, the minutes of the August 1, 2019 meeting with the corrected first page were unanimously approved.

The first item of business on the agenda was the waiver of subdivision application submitted by Oakwood Property Management LLC for property located at 215 Oakwood Avenue. Brian Holbriiter appeared on behalf of the applicant. Mr. Holbriiter described the proposed waiver of subdivision, noting that approximately 5.99 acres of property owned by Oakwood Property Management LLC would be merged into the property owned by Empire Land Holdings LLC, consisting of approximately five of the buildings on the project site. Mr. Holbriiter explained that

there would be cross easements for access. The Board noted that the site plan amendment approval as well as the PDD approvals included conditions requiring cross easements for access and utilities, among other things. Attorney Tingley explained that the SEQRA process had already been completed in conjunction with the project review, and that the conditions attached to the site plan amendment approval and the PDD approvals would be sufficient to address any issues arising from the waiver of subdivision application. Member Mainello made a motion to approve the waiver of subdivision application, which was seconded by Member Henderson, and was unanimously approved.

The next item of business on the agenda was the special use permit and site plan application submitted by Borrego Solar for a community solar facility proposed for property located at the end of Dusenberry Lane in proximity to Bald Mountain Road. Greg Gibbons and Emilie Flanagan appeared on behalf of the applicant. Mr. Gibbons reviewed the updated site plan submitted previously, noting that the original size of the facility had been reduced from 50 acres to approximately 27 acres with a reduction in tree clearing from approximately 30 acres to approximately 9 acres. Mr. Gibbons indicated that there would be no wetland or stream disturbance, and that the applicant had been on site with the United States Army Corps of Engineers in conjunction with finalizing a wetland delineation. Mr. Gibbons indicated that sight line profiles had been added to the plan, as well as stormwater features. Mr. Gibbons also indicated that an updated environmental assessment form had been provided. Chairman Oster indicated that the Board had just recently received the August 14, 2019 responses to the comments of Laberge Engineers, which is acting as the review engineer on behalf of the Planning Board. Mr. Gibbons discussed the response to comments, and also noted that the applicant was seeking lead agency declaration from the Planning Board and scheduling of a public hearing. Mr. Gibbons indicated

that visual simulations have been ordered and that the applicant expects to have them within a week and will submit them upon receipt. Mr. Gibbons reviewed the visual sight line profiles, and explained any potential views of the project. Mr. Golden asked whether the nine locations for the visual simulations are included within the required area for notices of the public hearing. Mr. Gibbons indicated that some of them would be, but that a couple may be outside the area. Mr. Golden asked what the trees currently consisted of. Mr. Gibbons indicated that it was a mix of deciduous and coniferous trees. Chairman Oster asked whether there would be clearing involved with the project, and Mr. Gibbons responded that very little clearing was actually needed in light of the project modifications. Mr. Gibbons indicated that there would be no clearing in the south side of the site, some clearing in the east part of the site, and very little clearing on the west part of the site, but that none of the clearing would be near the visual receptors. The applicant indicated that the original proposal would have provided for 23,500 solar modules, and the revised proposal would now be for approximately 20,000 solar modules. Chairman Oster noted that he would prefer to see the visual simulations prior to scheduling a public hearing, and that the Planning Board attorney would need to make sure that the Planning Board was in a position to declare lead agency. Attorney Tingley indicated that his office would determine the status of the circulation of the lead agency coordination notice. Mr. Golden indicated that the public hearing notification list had been prepared and was ready. After substantial discussion concerning the scheduling of a public hearing, the Board decided to tentatively schedule the public hearing for September 19, 2019, with an invitation to the Zoning Board of Appeals to attend the public hearing so that it would be a joint public hearing between the two Boards. Chairman Oster indicated that the visual simulations should be submitted as soon as possible, and certainly before the September 5, 2019 meeting. The applicant inquired whether the agricultural data statement notifications had been mailed. Attorney

Tingley indicated that his office would determine the status of that. The Board then discussed with the applicant the power generating capacity of the project. Mr. Gibbons indicated that the project could produce 5 megawatts AC, which would produce between 6.5 and 7.0 megawatts DC. Mr. Tarbox asked where the project would interconnect with the electrical grid. Mr. Gibbons indicated that the interconnection would occur near Dusenberry Lane, which would give rise to the installation of above-ground poles. The applicant indicated that it was seeking a variance from the Zoning Board of Appeals to allow for six above-ground utility poles. The Board placed the matter on the agenda for the September 5, 2019 meeting for an update and to confirm that all materials were submitted and to confirm the status of the lead agency coordination notice and the mailing of the agricultural data statements. The matter was also placed on the agenda for the September 19, 2019 meeting for a public hearing with the Zoning Board of Appeals being invited to attend.

The next item of business on the agenda was the special use permit and site plan application of Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless proposing a 150-foot tall major wireless telecommunications facility to be located off Creek Road on the lands of Zouky located between Creek Road and Menemsha Lane. The purpose of the matter being on the agenda was to provide any additional information for the public concerning the balloon test which was scheduled for Saturday August 24, with a wind date of Sunday August 25. Chairman Oster indicated that this was not a public hearing, but an opportunity for the public to learn more about the scheduled balloon test. David Brennan from the law firm of Young Sommer appeared on behalf of the applicant. Mr. Brennan indicated that notices had been sent out previously concerning the balloon test, and that the purpose of appearing at tonight's meeting and at the Zoning Board meeting on Monday, August 19, 2019 was to address any questions concerning the balloon test that the public may have. Mr. Brennan indicated that the notice had been sent out to

the property owners in the surrounding community and had been posted in the newspaper. Mr. Brennan reviewed the three different options available to the applicant for the tower, including the three different possible locations and their respective tower heights. Mr. Brennan indicated that the balloon test would involve flying a balloon at the relevant heights at each location with each balloon being of a different color to ascertain which location would be most preferable from a visual perspective. Mr. Brennan indicated that the applicant expected to have its viewshed report following the balloon test on or about Friday, September 6, 2019, at which point it would be reviewed and submitted the following week to the Planning Board. Mr. Brennan indicated that he anticipated being in a position to address and review the viewshed report at the September 16, 2019 meeting of the Zoning Board of Appeals as well as the September 19, 2019 meeting of the Planning Board. Chairman Oster then asked whether any members of the public had questions concerning the balloon test. Mary Jane O'Brien, 10 Sandcherry Hill Lane asked whether drones would be used to photograph the balloons. Mr. Brennan responded that photographs would be taken at the street level. Ms. O'Brien asked whether the applicant would take photographs from her property. Mr. Brennan responded that he would take her name and address and if she was providing permission would coordinate photographs from her property. Ms. O'Brien indicated that she had previously offered to allow access for photographs in connection with the prior application, but the photographer refused to do so. Mr. Brennan indicated that he would address that and would work to have photographs taken from Ms. O'Brien's property. Christopher O'Brien, also of 10 Sandcherry Hill Lane, asked whether the balloons would be tethered. Mr. Brennan responded that the balloons would be tethered and that they would be tethered with a heavy duty fishing line-type line to allow the balloons to fly to their maximum height. Alex Duggan, of 70 Colehamer Avenue, asked whether the balloon test was purely for visual aspects of

the tower. Mr. Brennan indicated that this particular test would be just for visual aspects, but that the potential sites of the towers and their heights were determined based on a number of factors including analysis by the RF engineer, the fall zone setbacks required, and the required setbacks from residential buildings provided in the Code. Ms. Duggan indicated that the tallest tower option would be located right behind her property and Mr. Brennan agreed to check the setback of that proposal. Mr. Brennan then discussed the history of the site selection including the prior zoning changes. Mr. Brennan also indicated that although this a Verizon application, AT&T has committed to also placing an antennae on the tower, which would provide service for both Verizon and AT&T customers that currently was not adequate in the area. Mark Collins, of 44 Colehamer Lane indicated that he was appearing on behalf of his father, John Collins, the homeowner, who lived out of town. Mr. Collins indicated that he likewise would offer access for the photographer to take photos from his property. Mr. Collins also stated that the balloon test should be done during both the summer and the winter, in order to show what the visual impacts of the tower would be in leaves-off conditions. Chairman Oster asked whether or not the applicant had materials concerning whether the tower would have an impact surrounding property values. Mr. Brennan indicated that there's a substantial body of evidence that indicates that there is no effect on property values and that he would be prepared to submit evidence to that effect. Ms. Duggan then asked whether the access road would be gated and whether or not it would be paved. Mr. Brennan indicated that the access road would be a gravel road, and that although no gate is currently located down by its access to Creek Road, a gate was proposed. Mr. Brennan also indicated that the rest of the site could still be used for farming. Chairman Oster asked Mr. Brennan about the frequency of the maintenance of the tower. Mr. Brennan indicated that each provider would likely access the site for maintenance three or four times per year. The Board asked Mr. Brennan to remind the

public when the balloon test would be. Mr. Brennan indicated that the balloon test was scheduled for Saturday, August 24 from 9:00 until 12:00pm, and if there was too much wind expected, the balloon test would be rescheduled for Sunday, August 25. Mr. Brennan indicated that the decision to reschedule the balloon test is usually made the day before if possible, but in some situations the decision to cancel the test doesn't take place in enough time to notify the Building Department. He indicated that if the balloons are not flying at the scheduled time on Saturday, it was because there was a decision made that the weather was not adequate for the balloon test. He also indicated that if the weather is not adequate for the balloon test on both Saturday and Sunday, August 24 and 25, then because of notice requirements, the balloon test would have to be scheduled for later in September. Mary Jane O'Brien asked whether the applicant would be reviewing the same items at the Zoning Board of Appeals meeting on Monday, August 19, 2019. Mr. Brennan indicated that he expected a similar discussion, as the purpose of appearing on the Zoning Board agenda was the same as the purpose for appearing at the Planning Board meeting this evening. The Planning Board placed the application on its agenda for September 19, 2019.

Two items of new business were discussed.

A waiver of subdivision application submitted by Barry Thompson for property located at 117 Woodlawn Court was reviewed. Mark Danskin, Licensed Land Surveyor, appeared on behalf of the applicant. Mr. Danskin indicated that a waiver of subdivision approval had been granted on November 15, 2018 creating the subject lot which is located at the corner of North Lake Avenue and Woodlawn Court. Mr. Danskin explained that the purpose of this application was to add an additional 16-foot strip that was 140 feet long to one side of the property to accommodate the proposed residence on the lot and to comply with applicable setbacks. Chairman Oster asked whether the original waiver application had intended that the driveway be located on Woodlawn

Court. Mr. Danskin indicated that the driveway was intended to be located on Woodlawn Court. Mr. Danskin indicated that the prior waiver of subdivision had not been filed with the County. Mr. Tingley indicated that this application could be viewed as a modification of the prior waiver of subdivision approval. Attorney Tingley stated that no SEQRA was required because it was a modification of the previous application approval, which would have had SEQRA completed. The Planning Board then discussed what conditions were imposed upon the prior approval, and Mr. Danskin indicated that the conditions included obtaining County Health Department approval and locating the driveway for this building lot on Woodlawn Court. Member Tarbox then made a motion to approve the modification of the prior waiver of subdivision approval, subject to the same conditions imposed on the prior approval, which motion was seconded by Member Henderson and was unanimously approved.

The next item of new business discussed was the site plan amendment application submitted by Carbone Auto Group for property located at 795 Hoosick Road. Eric Masterson, Senior Project Manager for BBL Construction Services, LLC appeared on behalf of the applicant. Mr. Masterson indicated that the site plan amendment sought approval for construction of a detached carwash and detail building adjacent to the existing structure. Mr. Masterson indicated that the proposed building was not an addition to the existing building, but would be a detached building. The building would be approximately 45 feet by 65 feet, with a 25-foot by 65-foot carwash tunnel. The remaining 20 feet of the building would consist of detail bays. Mr. Masterson indicated that there would be no variances required. Mr. Masterson further stated that the site had been redeveloped in 2013 or 2014, with construction of a new sanitary sewer line, and that the proposed carwash building would be tied into the existing sanitary system. Mr. Masterson then presented the building elevations for the Board's review. Mr. Masterson indicated that a short

environmental assessment form had been filed with the application materials. Chairman Oster asked whether or not the carwash building would be used at night and whether there would be any additional lighting required. Mr. Masterson responded that the carwash may be used during nighttime hours during the winter, but that it was not a public carwash. The purpose of the carwash was for washing and detailing new cars prior to delivery and for washing cars that were serviced. The applicant indicated that there would be no need for additional pole lighting, and that there may be limited security lighting on the building itself. Member Henderson asked what the slope of the property was in the rear. The applicant indicated that there was a substantial increase in the elevation in the rear of the site with a large rock wall constructed as part of the redevelopment of the site. Mr. Bonesteel asked whether the only disturbance would be in the area of the footprint of the building. Mr. Masterson responded that there would be additional disturbance to install underground electric lines and to tie the building to the existing sewer system. The applicant indicated that all of the disturbance would take place within the existing asphalt and noted that there would be no impact on the greenspace. Member Stancliffe asked whether or not there would be an oil/water separator. The applicant responded that there would be a new oil/water separator installed for the carwash building because the existing oil/water separator located near the showroom and service building was not sufficient to handle the flows from the carwash. Member Tarbox noted that the site plan amendment presented to the Board showed pavement where there was not actually pavement existing. The applicant indicated that it would submit a revised plan showing the full extent of the pavement. Member Tarbox asked whether or not there were cars parking on grass on the site. The applicant indicated that there were cars parking on grass. Chairman Oster asked whether the construction of the carwash would impact available parking on the site and traffic circulation. The applicant responded that the construction of the building would

result in a loss of about 20 parking spaces, which were used for service vehicles. Chairman Oster noted that this may result in more parking on the grass. Chairman Oster then asked whether Carbone uses any other lots in the vicinity to store vehicles. The applicant responded that it did not. Chairman Oster would like clarification from the applicant on whether or not it intends to pave the area where cars are currently being parked on the grass. Member Mainello indicated that the fire department should be advised of the proposal and should review the location of the building. Mr. Bonesteel asked whether or not the water from the carwash would be recycled. The applicant responded that there is no plan to recycle the water and that it will all be discharged. Mr. Bonesteel indicated that he would need an engineering report on the flows out of the carwash. Member Henderson asked how many cars per day the car wash would wash. The applicant indicated that the equipment could accommodate up to 200 cars per day during the open hours, but it is very likely that the actual number of cars that would be run through the carwash on a daily basis would be far less. Member Henderson indicated that the projection of the number of cars going through the carwash would likely be needed in conjunction with preparation of engineering report concerning the flows being discharged from the carwash. Member Tarbox indicated that the application would need to be sent to the County. The matter was placed on the agenda for September 5, 2019 for further discussion.

The index for the August 15, 2019 meeting is as follows:

1. Oakwood Property Management LLC - Waiver of subdivision - Approved;
2. Borrego Solar - Special use permit and site plan - 9/5/2019 (joint public hearing with Zoning Board of Appeals tentatively scheduled for 9/19/2019);

3. Blue Sky Towers II, LLC and Cellco Partnership d/b/a Verizon Wireless - Special use permit and site plan - Balloon test scheduled for August 24, 2019, 9:00am–12:00pm (bad weather date of Sunday, August 25, 2019) - 9/19/2019;
4. Thompson - Waiver of subdivision amendment - Approved with conditions;
5. Carbone Auto Group - Site plan amendment application - 9/5/2019.

The proposed agenda for the meeting to be held September 5, 2019 currently is as follows:

1. Sharpe Road Development LLC - Major subdivision - public hearing to continue at 7:00pm;
2. Talham - Minor subdivision;
3. Borrego Solar - Special use permit and site plan;
4. Carbone Auto Group - Site plan amendment application.