

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 19, 2017**

PRESENT were RUSSELL OSTER, CHAIRMAN, FRANK ESSER, LINDA STANCLIFFE, TIMOTHY CASEY, and DAVID TARBOX.

ABSENT were MICHAEL CZORNYJ and KEVIN MAINELLO.

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

Chairman Oster reviewed the agenda for the meeting. Chairman Oster noted that, at the request of the applicant, the Stewart's Shops site plan/special use permit application is removed from the agenda and adjourned without date pending receipt of comments from the New York State Department of Transportation on the proposed revised traffic improvement plan.

The draft minutes of the October 5, 2017 meeting were reviewed. Upon motion of Member Casey, seconded by Member Tarbox, the minutes of the October 5, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the application submitted by Borrego Solar for a utility-scale solar farm proposed for property located at 138 Brick Church Road. Applications for special use permit, site plan, and subdivision are pending with the Planning Board. Initially, Attorney Gilchrist noted that responses to the SEQRA lead agency coordination notice sent out by the Planning Board for this action had been received from the New York State Department of Environmental Conservation and the US Army Corps of Engineers, neither agency objecting to

the Brunswick Planning Board's serving as SEQRA lead agency. In addition, Attorney Gilchrist noted that the Brunswick Zoning Board of Appeals likewise raised no objection to the Brunswick Planning Board serving as SEQRA lead agency on this action. Attorney Gilchrist further noted that no other involved agencies had submitted a written response objecting to the Brunswick Planning Board serving as SEQRA lead agency on this action, and the 30-day period in which to do so has now expired under the SEQRA regulations. Upon deliberation, the Planning Board indicated it sought to move forward and declare the Brunswick Planning Board as SEQRA lead agency. Member Stancliffe made a motion to designate the Town of Brunswick Planning Board as SEQRA lead agency for this action, which motion was seconded by Member Esser. The motion was unanimously approved, and the Brunswick Planning Board designated as SEQRA lead agency for this action. Dean Smith, P.E. and Rob Garrity were present for the applicant. Chairman Oster noted that the Planning Board was in receipt of the written response to public comments prepared by PV Engineers on behalf of Borrego Solar. This response letter is dated October 19, 2017, and is made part of the record. Chairman Oster requested Mr. Smith to generally review the written response to comments. Mr. Smith reviewed the October 19 letter, addressing issues concerning the extent of clearing near neighboring properties, potential for trash/debris from construction, size of modules, proposed road location, wetland impacts, and size and location of the security fence. Mr. Smith stated that he had discussions with Mrs. Buck following the public hearing regarding vegetation removal along the common property line. In terms of trash/debris, Mr. Smith stated that there was only minimal construction debris generated and limited to packaging for the solar modules, and that there will be an on-site supervisor to maintain good housekeeping. Mr. Smith stated that the security fence will be constructed so that any debris that does get picked up in the breeze will be captured on site within the security fence. Mr. Smith stated that a total of 888 racks

are being proposed for this project, each being approximately 8–9 feet high and 30 feet long. Mr. Smith explained that the location of the old Town road is not being utilized, and that the access driveway off of Brick Church Road is being proposed to minimize wetland impacts. Mr. Smith also reviewed general wetland impact issues, discussing road construction under the Army Corps of Engineers nationwide permit program. Mr. Smith also reviewed the specifications for the security fence, which is proposed to be an 8-foot high chain link fence. Chairman Oster inquired whether there were any further public comments that had not yet been addressed by Borrego Solar, either at the public hearing or through the written response to comments. The Planning Board members concurred that all of the public comments had been addressed. Mr. Smith did confirm that Borrego Solar had submitted revised information to National Grid for the current project plan for bringing the utility into the project site, and that Borrego Solar is working with National Grid to receive final approval. The Planning Board discussed procedure, noting that a SEQRA determination must be made on this action, and then the Planning Board could proceed to make a determination of the pending land use applications, including the special use permit, site plan, and subdivision applications. The Planning Board would also deliberate on any proposed mitigation measures or conditions to land use action. Mr. Smith stated that impact to wetlands was under the jurisdiction of the Army Corps of Engineers. Attorney Gilchrist stated that the Planning Board will serve as SEQRA lead agency, and must make a determination regarding all potential significant adverse environmental impacts of the action, which will include consideration of impacts to surface water and ground water. The Planning Board directed Attorney Gilchrist to work with Planning Board Engineer Bonesteel on review of the environmental assessment form and be prepared to review that document with the Planning Board at the November 2 meeting. Mr. Garrity stated that Borrego is seeking a determination on the application by November, as Borrego

Solar is required to make a significant additional payment to National Grid in connection with this project during December. Member Stancliffe inquired whether a permit application had been made to NYSDOT for the curb cut on Brick Church Road. Mr. Smith stated that an application to NYSDOT had not been submitted yet, and will routinely be submitted at the time of preparation of detailed construction plans and building permit applications. Mr. Smith did note that there was an existing curb cut and that there is very little projected traffic from this action. Chairman Oster asked whether there would be tractor trailer deliveries during construction of the solar energy system. Mr. Smith stated that there would be tractor trailer deliveries, but likely less than 10 truckloads in total, and generally only one per day, with a maximum of two per day. Member Tarbox asked how far into the site the tractor trailers would be going to deliver the materials. Mr. Smith stated that an agreement would be reached with the owner as to the location of a staging area. Mr. Smith stated that details can be ironed out regarding the staging area prior to Planning Board action. Chairman Oster asked whether potential environmental impacts of the staging area needed to be considered. Attorney Gilchrist stated that, in general, construction-related impacts are considered but are usually determined to be temporary impacts only. This matter is placed on the November 2 agenda for further discussion.

The next item of business on the agenda was the Stewart's Shops special use permit/site plan application, which had been adjourned without date at request of the applicant. It is also noted for the record that the applicant has consented in writing to the extension of the time period in which the Planning Board must act upon these applications following close of the public hearing.

The next item of business on the agenda was the site plan application submitted by Christine Hadsell for property located at 377 Tamarac Road. Chairman Oster noted that a revised site plan had been received on October 19, which does include topography of the project site.

Chairman Oster requested Mr. Bonesteel to provide an update. Mr. Bonesteel stated that sight distances for the proposed driveway had been reviewed, and that he had a chance to discuss the County driveway permit application process with the applicant. Mr. Bonesteel then reviewed intersection sight distance criteria, noting that his analysis is based on the posted speed limit of 35mph on Tamarac Road. Mr. Bonesteel generally reviewed the ASHTO recommended sight distances for turning into and out of the proposed driveway for this project, and also noted that ASHTO does not have specific distinction between residential and commercial driveways, and that commercial driveway intersection sight distance was used. Mr. Bonesteel noted that all turning directions were compliant with ASHTO standards except for making a left turn out of the proposed driveway onto Tamarac Road, with ASHTO recommending an intersection turning distance of 390 feet, whereas this project provides only 315 feet. Mr. Bonesteel stated that the Planning Board could work with the applicant for acceptable mitigation to address the deficiency in the intersection sight distance. Mr. Bonesteel noted that the sight distance requirement is 75-feet short, and there is not enough physical room on the applicant's property to relocate the driveway to meet 75 feet additional distance. Mr. Bonesteel noted that the Planning Board could consider the potential volume of traffic in terms of acceptable mitigation measures. Chairman Oster inquired about the location of the existing electronic traffic speed signal on Tamarac Road. Mr. Bonesteel stated that the electronic signal is located immediately adjacent to the driveway, and would need to be relocated if the driveway were moved in an easterly direction to achieve greater sight distance. Mr. Bonesteel also noted that even if the driveway were relocated on the applicant's property to the maximum distance from the curve on Tamarac Road, the additional 75 feet required for ASHTO compliance could not be achieved. Chairman Oster noted that in his opinion, only one horse is being proposed for this equine operation, and there would be limited

horse trailer traffic going into and out of the property. Member Tarbox asked about the amount of work and money needed to relocate the existing electronic traffic sign. Mr. Bonesteel reviewed the mechanics of moving the electronic sign, but again noted that not that much sight distance would be gained in that effort. Mr. Bonesteel noted that the electronic traffic sign on Tamarac Road is solar, so a utility connection was not a concern. Member Stancliffe suggested that additional signage be placed on Tamarac Road, noting that farm trailer or farm implement was approaching. Mr. Bonesteel noted that this could be appropriate mitigation, but noted that this stretch of road is already very busy with existing signs, and the impact of additional signage might be minimal. Member Casey asked about removal of vegetation, or whether the issue was distance to the curve on Tamarac Road near Tambul Lane. Mr. Bonesteel stated that vegetation removal would not gain that much, and the real issue was distance to the curve on Tamarac Road. The Planning Board members and Mr. Bonesteel and the applicant then generally discussed proposed mitigation measures for improving the existing driveway to a commercial driveway in connection with the proposed equine operation. Attorney Gilchrist noted that the Planning Board must consider appropriate mitigation measures if the ASHTO standards are not met. The Planning Board members also wanted to see confirmation from the land surveyor for this project as to how the sight distances were calculated. The Planning Board also wanted to review the record for the Kronau subdivision on Tambul Lane which gave rise to the requirement for the installation of the electronic sign on Tamarac Road, and whether the specific location of the electronic sign was required as part of the Kronau subdivision approval. The Planning Board members then reviewed specific mitigation measure proposals, including moving the driveway to the east; relocation of the existing electronic sign on Tamarac Road; adding additional signage on Tamarac Road; mandating a no left-turn out of the commercial driveway onto Tamarac Road; and concluded that

additional consideration of these mitigation measures was required. Chairman Oster allowed a member of the public, Walter Baskin, to make a comment concerning traffic on Tamarac Road and safety issues, including accidents. Member Tarbox suggested that the Planning Board members go and take a look at the project site, including driving into the existing driveway and view the distance to the curve on Tamarac Road. The Planning Board also requested the applicant to have her land surveyor prepare a memorandum on calculation of the sight distance for review by the Planning Board. The applicant consented to the Planning Board members visiting the property, driving into the driveway, and looking at the project site in relation to the curve on Tamarac Road. This matter is placed on the November 2 agenda for further deliberation.

One item of new business was discussed.

A waiver of subdivision application has been submitted by Jennifer Adams for property located at 4277 NY Route 2. Ms. Adams was present, and explained that she purchased the property in December of 2016, that the property had been advertised as multi-family and she purchased it to pursue multi-family opportunities at this location. Ms. Adams explained that, after closing on the property, she realized the property had not obtained necessary local approvals to operate as a multi-family, and that in consultation with the Building Department, she is presenting a proposal to subdivide the property between the existing two-story, owner-occupied home with one apartment, with a separate detached structure on a separate lot to be used as a two-family residence. Attorney Gilchrist explained that he had reviewed this matter with the Brunswick Building Department, and that by subdividing the property, the proposed uses would be in compliance with the underlying Zoning District, including the owner-occupied structure with one accessory apartment, and also the separate structure on a separate lot to be used as a two-family structure. However, the Planning Board noted that the existing leach-field on the property for

sanitary waste disposal is a combined system serving all existing structures, and that the leach field would be located on a separate lot for the existing owner-occupied structure with the accessory apartment in the event the subdivision was approved. Given this issue, the Planning Board directed the Brunswick Building Department to forward the proposed project plans, including the proposed subdivision, to the Rensselaer County Health Department for review and comment. This matter is placed on the November 2 agenda for further discussion.

One item of old business was discussed.

A waiver of subdivision application submitted by Jeffrey Stannard for property located at 303/307 Town Office Road was discussed. Mr. Stannard was present, and explained that the Brunswick Zoning Board of Appeals had granted area variances for both the size of a proposed subdivided lot as well as the width of a proposed subdivided lot. Ms. Guastella confirmed that the Zoning Board of Appeals had granted the variances described by Mr. Stannard. Mr. Stannard stated that there were two existing homes on the property identified as 303/307 Town Office Road, that historically the houses were on separate lots but had been merged together into one lot prior to the adoption of zoning by the Town of Brunswick, and that he is now seeking to utilize one of the original parcel boundary lines to divide the properties. Mr. Stannard confirmed that no new construction is being proposed, merely to separate existing structures on separate lots. Mr. Stannard confirmed that public water served both of the proposed lots and the existing homes, and that separate septic systems existed to serve each residence, and that the septic systems would be on each separate lot. Chairman Oster asked whether there were any questions or comments by the Planning Board members. Hearing none, Member Casey made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Member Casey then made a



motion to approve the waiver of subdivision, noting that no conditions needed to be imposed since existing public water and septic serve the site, and no additional structures are being proposed for construction. Member Tarbox seconded the motion. The motion was unanimously approved, and the waiver of subdivision approved.

The index for the October 19, 2017 meeting is as follows:

1. Borrego Solar - Utility-scale solar farm - 11/2/2017;
2. Stewart's Shops - Site plan/special use permit - Adjourned without date;
3. Hadsell - Site plan - 11/2/2017;
4. Adams - Waiver of subdivision - 11/2/2017;
5. Stannard - Waiver of subdivision - Approved.

The proposed agenda for the November 2, 2017 meeting currently is as follows:

1. Borrego Solar - Utility-scale solar farm;
2. Hadsell - Site plan;
3. Adams - Waiver of subdivision.