

# Planning Board

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

## MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 7, 2017

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

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 waiver of subdivision application submitted by Jennifer Adams is adjourned to the December 21 meeting.

The draft minutes of the November 16, 2017 meeting Planning Board meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Mainello, the draft minutes of the November 16, 2017 meeting were unanimously approved without amendment.

Having no further agenda items, the Planning Board moved into consideration of new business.

The first item of new business discussed was a special use permit application submitted by Gary Joy for property located at 51 Joy Lane. Gary Joy was present, together with a representative of Hudson Solar. Mr. Joy explained that he is seeking to install a small scale residential ground-mounted solar system at his property located at 51 Joy Lane. Attorney Gilchrist reviewed the procedure for the special use permit, noting that a public hearing is mandatory under the Brunswick Zoning Law. Attorney Gilchrist also noted that upon review with the Brunswick Building Department, it is determined that site plan review is not required for this matter. Chairman Oster

reviewed the special use permit application materials, and requested Mr. Joy to briefly explain the proposal. Mr. Joy stated that he apologizes for the short notice, but that in order to obtain beneficial tax treatment, the small scale ground-mounted solar system on his property must be installed no later than December 31, 2017. Mr. Joy stated that he had reviewed the proposal with residents living on Joy Lane, and all are in support of the application. Mr. Joy explained that the ground-mounted solar panel equipment will be located approximately 25 feet off the corner of his residence, and will be approximately 50 feet in length. Mr. Joy confirmed that this is to be used for residential purposes only. Mr. Joy explained that his property is 55 acres, and that his house is located on the back corner of the lot. Ms. Guastella asked about location of septic and well on the property, and whether the equipment would interfere with either the septic or the well. Mr. Joy identified those locations, and stated that the solar system would not impact neither the septic nor the well. Chairman Oster asked whether any of Mr. Joy's neighbors would be able to see the ground-mounted solar panel equipment. Mr. Joy stated that one neighbor would be able to see the solar energy system, but stated that he was in support of the proposal. The members discussed the lot layout and the proposed location of the solar energy equipment. Chairman Oster asked whether the equipment could be installed by the end of the year if the Planning Board did proceed to act on the application at the December 21 meeting. The representative of Hudson Solar stated that this timeframe would be adequate to have the system installed. The Planning Board members confirmed that the application materials were complete, and agreed to set a public hearing date in this matter for the December 21 meeting to commence at 7:00pm. Chairman Oster noted that this was not standard procedure for the Planning Board, and that the Planning Board was seeking to accommodate the applicant in this case due to the expiration of tax treatment for the solar energy system installation. Mr. Joy acknowledged that courtesy, and again apologized for the time

constraint on the application. This matter is set for the December 21 meeting, with a public hearing to commence at 7:00pm.

The second item of new business discussed was a sketch plan application and special use permit application submitted for property owned by David Leon located at 1 Valley Avenue. James Easton, P.E. of MJ Engineering was present for the applicant. Mr. Easton generally reviewed the proposal, which seeks approval for the construction of multi-family housing units on the property located at 1 Valley Avenue. Mr. Easton reviewed the concept plan, identifying the location of the parcel as directly behind the existing Planet Fitness commercial building on Hoosick Road, with Valley Avenue connecting the parcel to Hillcrest Avenue. Mr. Easton reviewed the fact that Valley Avenue is a paper street, and does not currently exist on the ground. Mr. Easton stated that multi-family dwellings are allowable in the R-25 Zoning District, and that this property is located in the R-25 Zoning District. Mr. Easton generally reviewed the proposal, which identifies five building locations, each building being two-story in height. Mr. Easton explained that with the grade of the property, some of the buildings would qualify as a three-story building on one side, and therefore a height variance may be needed from the Zoning Board of Appeals. Mr. Easton generally reviewed proposed parking areas, as well as green areas and stormwater pond locations. Mr. Easton then reviewed the proposed transportation routes, which include a proposed one way in connection from Hillcrest Avenue, which would allow property owners on Hillcrest Avenue to exit onto Hoosick Street through the proposed road system, but would not allow persons living in the apartments to exit onto Hillcrest Avenue. Mr. Easton explained that this proposal includes a proposed road through the area between the existing Planet Fitness facility and the approved Aldi grocery store location, connecting to Hoosick Road, and that Mr. Leon will be pursuing the installation of a traffic signal at this proposed road intersection with Hoosick Road from NYSDOT. Mr. Easton reviewed the wetlands on the site, indicating that

buildings have been located on the site to avoid wetlands and that only small wetland impacts are anticipated. Mr. Easton explained that the concept plan is being presented to the Planning Board for comments, and to determine whether the Planning Board was in support of the concept plan. Mr. Easton again stated that multi-family dwellings is an allowable use in the R-25 Zoning District, but that it is a special use permit project, and that the Planning Board will have discretion in approving or denying the special use permit. Mr. Easton stated that he was seeking initial input to get feedback from the Planning Board on the concept plan. Chairman Oster stated that when this property was subdivided from the commercial properties adjacent to Hoosick Road, Chairman Oster had stated that the Planning Board had a concern regarding the number of apartment units in the Town of Brunswick, including the fact that the Planning Board had sent a letter to the Town Board regarding its concern with the number of rental units in the Town of Brunswick and whether the Town had reached a saturation point of apartments. Chairman Oster stated that he had reviewed the Planning Board's concern with Mr. Easton during the subdivision review, and that the position of the Planning Board should not be a surprise to Mr. Easton. Chairman Oster suggested that the Planning Board should send a request to the Town Board that it consider whether multi-family dwellings, with the proposed density presented by this project, is appropriate at this location in the Town of Brunswick, and further whether additional apartments should be allowed in the Town given the number of apartments already constructed or approved for construction. Chairman Oster noted that this will generate a significant amount of traffic, and stated that he presumes this proposal was intended to have NYSDOT approve a traffic light at the proposed road intersection with Hoosick Road. Mr. Easton stated that NYSDOT did state that more traffic was needed at this location to approve the installation of a traffic light, and also that NYSDOT promoted interconnectivity which is presented by this application in terms of the internal access road proposal. Mr. Easton again stated that multi-family dwellings are allowed at this location

under the Brunswick Zoning Law. Chairman Oster stated for the record that the Planning Board is concerned regarding the number of multi-family/apartments in the Town, and had raised that concern with the Town Board prior to the adoption of the current Brunswick Zoning Law, and that this concern remains on the part of the Planning Board. Attorney Gilchrist then reviewed the procedure for the review of the special use permit and site plan, stating that the Brunswick Zoning Law promotes concurrent review of both applications; that multi-family dwellings is an allowable use in the R-25 Zoning District with approval of a special use permit and site plan; that review of both detailed applications should proceed concurrently before the Planning Board; and that the Planning Board has the discretion to request that the Town Board review the issue of the number of apartments and multi-family dwellings in the Town of Brunswick under the Brunswick Zoning Law. Member Mainello had a question regarding special use permit review and standards. Attorney Gilchrist reviewed the special use permit review process, including review standards. Member Stancliffe inquired whether the proposed internal road system would remain private or become public roads. Mr. Easton stated that the internal road system is proposed to remain private. Chairman Oster asked about Valley Avenue, and whether the Town of Brunswick owns title to this paper street. Mr. Easton confirmed that the Town does own the roadbed of Valley Avenue, that it is a paper street, and that this issue will need to be further discussed if the application review continues. Chairman Oster had concern about the internal road system remaining private, and whether the private owner could close it off in the future. Mr. Easton stated that the issue of the internal road system, as well as Valley Avenue title, would have to be further investigated. Mr. Easton stated that according to a 1996 NYSDOT study, a traffic light at the proposed location on Hoosick Road would be approvable if there was adequate traffic count, and that the same study did promote interconnectivity for interior lots that would bring all the traffic to a signalized intersection on Hoosick Road. Member Mainello noted that the Planning Board would need to

review the Aldi site plan, to confirm whether any changes to that site plan would be necessitated by the current proposal. Member Mainello then discussed traffic circulation issues, most particularly on the proposed internal road system which includes constructing roads over what are currently paper streets. Member Casey asked whether the applicant had determined the size of the apartment units or number of bedrooms, and what the price point for these units would be. Mr. Easton stated that the project was still in design, but these units would generally be 1–2 bedrooms with a price point between \$1,300 and \$1,800 per month. Member Mainello discussed lighting issues. Mr. Easton reviewed general site grading requirements, noting that the project would require a number of cuts and terracing. Mr. Easton stated that if the Planning Board was not supportive of the apartment use in this location, the applicant would want to know that up front without expending considerable resources and preparing a full application package. Member Stancliffe asked about sewer connections, and whether there was adequate capacity for the proposed project. Mr. Easton stated that there was capacity at the Rensselaer County treatment plant, but that this was a connection through a CSO system, and that the issue would need to be further addressed. Member Mainello asked whether the applicant was working on updating any traffic reports. Mr. Easton stated that traffic reports were being updated, and would be advanced if the overall project review continues. The Planning Board members directed Attorney Gilchrist to draft a letter on behalf of the Planning Board to the Town Board, which raises the Planning Board’s concern regarding the number of apartments in the Town of Brunswick and whether this type of high-density residential use was appropriate at this location. The proposed letter would be reviewed at the December 21 meeting. Mr. Easton commented that both single-family and duplex-type housing at this location was not economically viable, particularly with respect to the applicable school district. Mr. Easton stated that he understood the letter would be forwarded to the Town Board for consideration and requested that, if the Town Board were to consider the issue

of number of apartments in the Town of Brunswick or high-density residential use at this location, that he be allowed to present the project and discuss the proposal with the Town Board members. This matter is placed on the December 21 agenda for purposes of reviewing a letter to be transmitted to the Town Board.

The third item of new business discussed was an application submitted by High Peaks Solar for property located at 566 Brunswick Road. The applicant seeks approvals for installation of a utility-scale commercial solar facility, and has submitted applications for special use permit, site plan, and subdivision. The applicant has also submitted a full Environmental Assessment Form. Kevin Bailey of High Peaks Solar was present for the applicant. Mr. Bailey stated that the application does not require any variances, and that no services will be required from the Town of Brunswick. Mr. Bailey generally reviewed the proposed site plan, including the location and layout of proposed solar panels. Mr. Bailey stated that power would be brought in off Garfield Road, along the west side of the parcel and into the proposed solar panel field. Mr. Bailey said that the field was historically used for corn production. Mr. Bailey stated that a gravel road would be installed for access to the solar panel location, and would be used only for service vehicles and utility access. Mr. Bailey had taken a series of photographs from several vantage points at and around the solar panel field location, and handed up a series of photographs to the Planning Board members. Mr. Bailey proceeded to review a series of numbered photographs (1–17), which are part of the application record. Mr. Bailey stated that power would be brought into the site by use of above-ground power poles off of Garfield Road. Ms. Guastella stated that the installation of above-ground poles in connection with a commercial solar facility proposal will require an area variance from the Zoning Board of Appeals. Mr. Bailey discussed the impact of the commercial solar energy system on one neighbor in particular (Clemente) and discussed the issue of removal of existing vegetation and visual impact. Mr. Bailey stated that the Clemente home is

approximately 25 feet higher than the proposed solar panel field, and therefore vegetative screening will be difficult at this location. Mr. Bailey stated that the panels are 8.5 feet high and will be angled at 30°; that the proposed layout meets maximum lot coverage allowable under the Brunswick Zoning Law; that there will be no lighting installed; that there will be an 8-foot security fence around the solar panel facility; and that several above-ground utility poles will be installed on the proposed access road. Mr. Bailey stated that the installation of the solar panel equipment will be low impact; that the posts will be pounded into the ground; and that there should be approximately two weeks of pounding during construction. Mr. Bailey stated that maintenance of the equipment is generally two times per year. Chairman Oster inquired as to the total number of panels being proposed. Mr. Bailey stated that 9,000 panels are proposed, and that the equipment is approximately 60 feet long and 8.5 feet tall per installation. Member Czornyj asked whether any photos were taken from Garfield Road. The off-site photo locations were discussed. Member Stancliffe asked about proposed tree clearing for the solar panel installations. Mr. Bailey stated that on the east side of the property, approximately 30 feet to 100 feet of tree area will be cleared, and that on the southwest corner, approximately 60 feet to 100 feet of tree removal is proposed, for a total tree removal area of approximately 2 acres. Mr. Bailey stated that the project would comply with the 100-foot setback requirement from the property line. Ms. Guastella reiterated that an area variance would be required for the proposed above-ground utility poles off Garfield Road into the solar panel location. Mr. Bailey stated that little noise would be generated from the project, with an average decibel level of 51 decibels at the inverters. Mr. Bailey stated that he is advancing the project with National Grid. Chairman Oster stated that a commercial solar facility had just been reviewed by the Planning Board, which had been proposed by Borrego Solar on Brick Church Road, and that Mr. Bailey should familiarize himself both with the issues discussed as well as the conditions attached to the Planning Board approval for that project. Member Czornyj



asked whether there were any other projects in the area constructed by High Peaks Solar. Mr. Bailey stated that there were no other projects in the area, and that this will be the largest project proposed for High Peaks Solar. This matter is placed on the December 21 agenda for further discussion, and the Planning Board members and Mr. Bonesteel will further review the application materials. The issue of SEQRA lead agency coordination will be addressed at the December 21 meeting.

The next item of new business discussed was a proposed lot line adjustment in connection with the Oakwood Property Management Planned Development District. Brian Holbriiter, Licensed Land Surveyor, was present for the applicant. Mr. Holbriiter explained that the proposed lot line adjustment is to conform the existing lot lines to the approved PDD map and site plan. Mr. Holbriiter reviewed the proposed lot line adjustments, and reiterated that the proposed lot line adjustments do not in any way alter the approved PDD or approved site plan, but merely conforms the lot lines to the approved maps. Mr. Holbriiter stated that this should have been included in the site plan review, but that it was not and the applicant is merely seeking to have the lot lines made consistent with the approved PDD and site plan maps. The Planning Board members stated that they would review the plans for consistency with the PDD approved map and the approved site plan, and that this matter will be placed on the December 21 agenda.

Ms. Guastella stated that she had been contacted by an architect on behalf of Ace Hardware, indicating that Ace Hardware is seeking to add a 3,000 square foot addition to the existing building, to be located to the rear of the building, and to demolish the existing building located on the west side of the parcel and replace that with a two-story mixed use building. A rough sketch plan had been submitted, which Ms. Guastella reviewed with the Planning Board members. The Planning Board members immediately identified the issue of on-site parking, which will need to be further

reviewed before this proposal proceeds. Mr. Guastella will report back to the architect with whom she spoke concerning this project.

The index for the December 7, 2017 meeting is as follows:

1. Adams - Waiver of subdivision - 12/21/2017;
2. Joy - Special use permit - 12/21/2017 (public hearing to commence at 7:00pm);
3. MJ Engineering/Leon - Sketch plan/special use permit - 12/21/2017 (discussion of letter to Town Board);
4. High Peaks Solar - Special use permit/site plan/subdivision - 12/21/2017;
5. Oakwood Property Management Planned Development District - Lot line adjustment - 12/21/2017.

The proposed agenda for the December 21, 2017 meeting currently is as follows:

1. Joy - Special use permit (public hearing to commence at 7:00pm);
2. Adams - Waiver of subdivision;
3. High Peaks Solar - Special use permit/site plan/subdivision;
4. Oakwood Property Management Planned Development District - Lot line change;
5. MJ Engineering/Leon - Review of proposed letter to Town Board.