

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 6, 2021

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

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department and WAYNE BONESTEEL, P.E.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the April 15, 2021 meeting were reviewed. Upon motion of Member Stancliffe, seconded by Member Henderson, the draft minutes of the April 1, 2021 meeting were unanimously approved without amendment.

The first item of business on the agenda was a special use permit and site plan application submitted by Tamarac Solar, LLC for property located at 126 Brick Church Road. Travis Mitchell, P.E., from Environmental Design Partnership, LLP, and Gillian Black, Director of Project Development for Eden Renewables, were present to review the project. Mr. Mitchell stated that at the joint public hearing on Tamarac Solar's applications in front of the Planning and Zoning Boards held April 1, 2021, two public comments had been made. The first had been made by an adjacent landowner and had been addressed at the public hearing by clarifying the location of the project. The second had been made by a resident living on Winfield Lane, and the applicant had met with this resident after the public hearing, analyzing visibility of the project site and glare

issues, and submitted these findings to the Planning Board. Mr. Mitchell stated that at the last Planning Board meeting on April 15, the Planning Board had raised an issue with glare at 210 Bulson Road, and while the applicant had completed visual analysis on Bulson Road, it had not included that location on Bulson Road. Mr. Mitchell stated that since that meeting, the applicant had gone to that area of Bulson Road and done visual analysis, which showed no visual impact from the project, and submitted these findings to the Planning Board. Mr. Mitchell also stated that there had been no changes to the plans since the last meeting and that the applicant had addressed all comments submitted by Mr. Bonesteel. Mr. Bonesteel stated that he had reviewed the project's stormwater pollution prevention plan (SWPPP) and overall design and submitted comments to the applicant, the applicant had addressed all comments, and he now finds the SWPPP adequate and has no further questions concerning the project. Mr. Bonesteel also confirmed that the applicant had responded to all remaining public comments. Chairman Oster stated that a State Environmental Quality Review Act (SEQRA) determination by the Planning Board is currently subject to deliberation and that the project's Environmental Assessment Form (EAF) needs to be reviewed in order to make that determination. Mr. Bonesteel then reviewed Part 2 of the Full EAF. Mr. Bonesteel began by listing the items identified as having no impact as a result of the project: geological features; groundwater; flooding; air; plants and animals; historic or archeological resources, which SHPO has signed off on; open space and recreation; critical environmental areas; transportation; energy; noise, odor, and outdoor lighting; human health; consistency with the community plan and zoning; and consistency with community character. Mr. Bonesteel did point out that there is an existing solar field adjacent to the project site, but that this is allowed under the Town's zoning law. Mr. Black also stated that there have been no sightings of two endangered bat species, the Indiana bat and Northern Long-Eared bat, on the project site, and that the project will

have no impact on bats or bat habitats. Mr. Bonesteel then stated that surface water was an item identified as having small or no impact as a result of the project. He clarified that there are wetlands on the site, but that the impacts are very small (less than 1/10 of an acre) and the US Army Corps of Engineers is not requiring a permit for the project. Mr. Bonesteel also stated that a stormwater pond will be created, but the impact from that pond will be small. Mr. Bonesteel also stated that there will be a small impact regarding turbidity in the water body during construction, but that will be mitigated by an erosion and sediment control plan. Mr. Bonesteel also stated that there will be a small impact to soil erosion, but that was addressed by the erosion and sediment control plan, as well as the SWPPP. Chairman Oster asked if there would be any issue regarding content of the runoff or discharge from the solar panels that could soak into the ground. Mr. Black said there would not be. Mr. Bonesteel asked how the panels will be cleaned. Mr. Black stated that they will be cleaned with regular water, and that rain water does most of the cleaning of the panels. Mr. Bonesteel then reviewed the impacts to agricultural resources on the site. Mr. Bonesteel stated that the site was active farmland, but the project would not irreversibly change the land as no soil removal is proposed and if the panels were to be discontinued, the site could revert back to farmland. Mr. Bonesteel also stated that the project will disturb more than 2.5 acres, but that this disturbance is not irreversible. Mr. Bonesteel then reviewed the impacts to aesthetic resources on the site. Mr. Bonesteel stated that there is a potential visual impact, but that is analyzed more in depth in the visual impact assessment. Mr. Bonesteel stated that the project will be visible from public vantage points, but based on the visual assessment, the impact will be small, and the visual impact will also be seasonal, as the project will be visible with leaf-off conditions, but screened with leaf-on conditions. Attorney Gilchrist then reviewed Part 3 of the Full EAF, which stated that the project will result in no significant adverse impacts on the environment. Attorney Gilchrist

then reviewed the options for moving forward with the application. Chairman Oster asked if the Planning Board had any further questions or comments on the EAF as reviewed by Mr. Bonesteel and Attorney Gilchrist, and they did not. Member Mainello made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare the negative declaration under SEQRA concerning the Tamarac Solar project. This matter is tentatively placed on the May 20 agenda for further deliberation.

The second item of business on the agenda was a site plan application submitted by David Leon for property located at 660 Hoosick Road. The proposed project is building two fast food restaurants with drive-thrus and a grocery store. Jamie Easton, P.E., was present to review the project and stated that SEQRA has been completed, the Zoning Board of Appeals has granted variances on the project, and draft conditions were discussed at the last Planning Board meeting. Mr. Bonesteel stated that the applicant still has permits to obtain, that the work permit process with NYS DOT has been started, that the street light installation location has been approved, that the process for the street light installation will take several months, that comments on the project's SWPPP have been addressed, and that the project's NOI must be submitted. Attorney Gilchrist then reviewed the updated Resolution on the project. Member Stancliffe asked if the Town of Brunswick Water Department would be in charge of handling fire hydrants on the project site. Mr. Bonesteel confirmed they would. Member Tarbox noted that there were no conditions concerning blasting. Mr. Easton stated that blasting could occur on-site if needed, but removing material by mechanical means is preferred. Attorney Gilchrist stated that a condition should be added providing for compliance with the Town's general standards for blasting activities. Mr. Easton also stated that it had been brought up at a previous meeting that the proposed access road and improvement of Ferdinand Avenue should not be required to be built if NYS DOT determines it

is not necessary due to the proposed Hannaford project on Lord Avenue. However, Attorney Gilchrist and Mr. Bonesteel both stated that they were uncomfortable including a condition that connected two different projects from two different applicants. It was determined to add a condition that Leon could apply in the future for a site plan amendment to eliminate the access road construction, subject to Planning Board review. Chairman Oster asked if the Planning Board had any further questions or comments on the project or the resolution in front of them, and they did not. Member Tarbox offered the resolution, which was seconded by Member Mainello. The Planning Board voted unanimously in a roll call vote to approve the resolution. Member Stancliffe made a motion to approve the subdivision plat in connection with this project, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the subdivision application. The site plan was approved, subject to conditions set forth in the resolution.

The third item of business on the agenda was a major subdivision application submitted by Jim Cillis for property located off Cole Lane. The owner of the property is Jim Cillis. This matter was tabled prior to the Planning Board meeting and is placed on the May 20 agenda for further deliberation.

The fourth item of business on the agenda was a site plan application submitted by Lord Avenue Property, LLC for property located on Lord Avenue. Walter Lippmann, a Project Manager with MJ Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann stated that the applicant had submitted revised plans since the last meeting. Mr. Lippmann also stated that the applicant had received a first set of comments from Mr. Bonesteel and had submitted responses to those comments, and that the applicant had also received a second set of comments from Mr. Bonesteel and that responses to those comments, which are not anticipated to substantially affect the site plan, will be submitted shortly. Mr. Lippmann stated that the project's

map, plan and report (MPR) had been submitted to Bill Bradley, head of the Town of Brunswick Water Department, for a sewer district extension. Mr. Lippmann stated that the US Army of Corps of Engineers has made a determination of non-jurisdiction over the wetlands on the project site. Chairman Oster stated that comments have been received by the Planning Board from local residents regarding the traffic impact of the project on the Genesee Street neighborhood due to the expected increase in traffic along North Lake Avenue. Chairman Oster noted that the traffic study addressed traffic along the Hoosick Road corridor, but not along Genesee Street. Chairman Oster also noted that there is a concern over the potential traffic increase from Frear Park Road onto Genesee Street, as well as from Genesee Street over Duncan Lane onto Lord Avenue in order to get to the proposed Hannaford, and from the intersection created by the proposed traffic signal at the intersection of Lord Avenue and Hoosick Street. Mr. Bonesteel detailed the potential traffic impact of the project on the Genesee Street neighborhood and asked Mr. Lippmann how that could be addressed. Mr. Lippmann stated that he can look into that issue further, and that the project's traffic engineer stated that there could be a potential traffic impact, but believed it would be a small impact. Mr. Bonesteel asked if there was existing data concerning traffic over Lord Avenue, Duncan Lane, and onto Genesee Street. Mr. Lippmann stated that he was not sure. Mr. Bonesteel noted that Rensselaer County did a traffic study of that area about six months ago and asked if the applicant could review and supplement that report. Mr. Lippmann stated that it would be difficult to quantify a potential traffic increase as it can be difficult to predict exactly how people will react to such a project. Mr. Bonesteel stated that this can be discussed in a supplemental submission to the County's report. Member Henderson stated that the roads through the Genesee Street neighborhood are narrow residential streets, with cars parked along the streets, which would make an increase in traffic even more of an issue. Mr. Bonesteel stated that this can be studied and after

the findings have been submitted, the Planning Board can make a determination as to whether or not the traffic increase is reasonable. Chairman Oster noted that the increased traffic along the Genesee Street neighborhoods is likely to be a main issue at the project's public hearing. Chairman Oster stated that the site plan application documents are complete for purposes of holding a public hearing, except for data on traffic impacts to the Genesee Street neighborhoods. Chairman Oster stated that the Planning Board could tentatively set a June 3 public hearing date, subject to receipt of the supplemental traffic data. Chairman Oster also noted that this could be a potential joint public hearing with the Zoning Board of Appeals, as the applicant has an application in front of the Zoning Board as well. This matter is placed on the May 20 agenda for further deliberation.

Three new items of business were discussed.

The first item of new business was a waiver of subdivision application submitted by Charles Farrell for property located at the Doubleday Estates at 4 Line Drive. Mr. Golden reviewed the application for the Planning Board, stating that the project is a lot line adjustment, annexing 0.187 acres from Lot 19 into Lot 20, and annexing 0.216 acres from Lot 20 into Lot 21. The project is strictly a lot line adjustment and will result in no new lots being created. This matter is placed on the May 20 agenda for further deliberation.

The second item of new business was a waiver of subdivision application submitted by Jeffrey Geene for property located on South Road. Mr. Golden reviewed the application for the Planning Board, stating that the project is a lot line adjustment, dividing 5,029 square feet from 3 South Road and transferring it to the adjacent parcel at 19 South Road in order to adjust the boundary line. Chairman Oster asked if adjusting the boundary line would affect the water and septic on either property. Mr. Golden said water/septic is not shown on the map submitted by the applicant and must be added. Chairman Oster asked if the new lot lines would create a setback

issue. Mr. Golden stated that it would not. This matter is placed on the May 20 agenda for further deliberation.

The third item of new business was a site plan application submitted by Harbor Freight Tools for property located at 845 Hoosick Road. Joseph Dannible, R.L.A., from Environmental Design Partnership, LLP was present for the applicant and presented an overview of the project, stating that the applicant is looking to construct a 15,000-16,000 square foot building with a parking lot on the project site. Member Stancliffe asked if the wetlands on the project site were flagged. Mr. Danible stated that they had been, that the wetlands were reviewed as part of the Planned Development District (PDD) on the site, and had been recently confirmed in the field. Member Tarbox asked about site layout, access to the site off Hoosick Road, potential development to the rear of the site, and asked if there was shale on the site. These issues were discussed by Mr. Dannible and the Planning Board members. Chairman Oster asked if there would be lot line adjustments made as part of the project. Mr. Dannible confirmed there would be, but wanted initial Planning Board feedback before confirming the lot line adjustment. Member Tarbox stated that he wanted to see a map showing all seven acres of the project site and the wetlands on the site. Mr. Dannible said he would submit such a map. Chairman Oster stated that there were aesthetic issues with the building, but they could be addressed later. Chairman Oster also stated that a Full EAF had been submitted. Member Stancliffe asked if the entrance to the proposed structure would require an overhang. Mr. Dannible stated that it would, which has already been addressed by having a canopy over the entrance. This matter is placed on the June 3 agenda for further deliberation.

The Planning Board then returned to one item of old business, which was the major subdivision application submitted by Brunswick Acres PDD. The Planning Board discussed that

the applicant has eliminated two lots at the center of the project site on the west side. There was a question as to whether there was a requirement to go to the Town Board for a PDD amendment due to eliminating two lots. Attorney Gilchrist stated that it was his opinion that an amendment to the PDD is not required, based on the PDD approval stating that the project would include “up to” 26 lots, so decreasing the number of lots would be allowed. Chairman Oster stated that the original subdivision plan was to remove 90,000 yards of material from the site, and that the updated plan includes an amended grading plan, but the total material being removed is not clear. Chairman Oster stated that the updated plan is subject to review, but that additional information is needed on the numbers regarding cuts and fills. Attorney Gilchrist stated that this information should be requested directly from the applicant. This matter is placed on the May 20 agenda for further deliberation.

The index for the May 6, 2021 meeting is as follows:

1. Tamarac Solar, LLC – special use permit and site plan (May 20, 2021).
2. Leon – site plan and minor subdivision (approved with conditions).
3. Cillis – major subdivision (May 20, 2021).
4. Lord Avenue Property, LLC – site plan (May 20, 2021).
5. Farrell – waiver of subdivision (May 20, 2021).
6. Geene – waiver of subdivision (May 20, 2021).
7. Harbor Freight Tools – site plan (June 3, 2021).
8. Brunswick Acres Planned Development District – major subdivision (May 20, 2021).

The proposed agenda for the May 20, 2021 meeting is currently as follows:

1. Tamarac Solar, LLC – special use permit and site plan (tentative).
2. Cillis – major subdivision.

3. Lord Avenue Property, LLC – site plan.
4. Farrell – waiver of subdivision.
5. Geene – waiver of subdivision.
6. Brunswick Acres Planned Development District – major subdivision.