

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 PLANNING BOARD REGULAR MEETING AND
ZONING BOARD OF APPEALS SPECIAL MEETING HELD APRIL 7, 2022**

PRESENT for the Planning Board were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, J. EMIL KREIGER, LINDA STANCLIFFE, DAVID TARBOX, KEVIN MAINELLO, and ANDREW PETERSEN.

PRESENT for the Zoning Board of Appeals were ANN CLEMENTE, CHAIRPERSON, PATRICIA CURRAN, E. JOHN SCHMIDT and JOHN MAINELLO III.

ABSENT was DARYL LOCKROW.

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

The Town of Brunswick Zoning Board of Appeals, pursuant to Notice of Special Meeting, joined the Planning Board meeting for purpose of conducting a joint public hearing on the applications for special use permit and site plan submitted to the Planning Board and applications for area variances submitted to the Zoning Board of Appeals by CVE North America, Inc. for the construction of a community solar energy farm consisting of solar panels, associated equipment and a grass-surfaced access road on property located off Belair Lane.

Chairman Oster reviewed the agenda for the Planning Board meeting, noting that the public hearing would be a joint public hearing with the Zoning Board of Appeals. Chairman Oster opened the public hearing of the Planning Board on the special use permit and site plan submitted by CVE

North America, Inc. Chairperson Clemente opened the public hearing of the Zoning Board of Appeals on the applications for area variances submitted by CVE North America, Inc. Attorney Gilchrist read the Notice of Joint Public Hearing into the record, with the Notice having been published in the Eastwick Press, placed on the Town sign board, placed on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Chairman Oster reviewed the rules of the public hearing. Carson Weinand, Senior Project Developer for Changing Visions of Energy, and Lou Greco, P.E., engineer for Changing Visions of Energy, were present for the applicant. Both Boards requested that the applicant make a brief presentation concerning the applications. Mr. Weinand stated that the project is a 4 MW community solar project to be located across two parcels at the end of Belair Lane. Mr. Weinand stated that the applicant already had approval for an interconnection to National Grid's power lines, and that the project was part of the community solar program with the New York State Energy Research and Development Authority (NYSERDA). Mr. Weinand stated that the Town of Brunswick Town Board made a Negative Declaration under SEQRA on the project at a special meeting held February 17, 2022. Mr. Weinand stated that the applicant is currently drafting the project's decommissioning plan, and is working with Mr. Bonesteel to address all stormwater comments on the application. Chairman Oster then opened the floor for the receipt of public comment. Jim Bowles, of 1 Belair Lane, asked what the specific location of the project was, how many total panels would be on the project site, if it was true that the panels would be on the site for 25 years, what would be the impact on local traffic from the project, would there be a storage facility on the site, would an electromagnetic field be generated by the project, would he be able to see the project from his house, what would be the overall visual impact of the project, how would the project affect the property value of his house, would there be any tax incentives for the project, how would the site

be maintained, and what would be the benefit to the Town. Mr. Weinand stated that the project will be in an isolated area on the two parcels, as shown in the project's visual assessment submitted to the Town, and that it will not be visible by neighboring properties, including Mr. Bowles' property at 1 Belair Lane. Mr. Weinand confirmed that the solar panels would be on the site for 25-35 years, after which the project would be decommissioned, and reiterated that the applicant was still drafting the project's decommissioning plan. Mr. Weinand stated that the traffic impact on the area once construction was completed would be low, with 1-2 trips made to the site per month for maintenance, and 1-2 trips made to the site per year for landscaping. Mr. Weinand stated that there would be no energy storage, such as batteries, on the project site. Mr. Weinand stated that the benefit to the Town would be 800-1,000 residents in the Town of Brunswick and Rensselaer County that would be able to participate in the community solar project. Mr. Weinand stated that the applicant would execute a PILOT agreement, which the applicant was currently working on with Bill Film, Director of Rensselaer County Real Property Tax Services, which would create an economic benefit to Rensselaer County, the Town of Brunswick, and local schools. Chairman Oster asked Mr. Weinand to explain to those present what a PILOT Agreement is. Mr. Weinand explained that it stands for Payment in Lieu of Taxes, meaning that the applicant would make lump sum annual payments rather than real property taxes, though the applicant would still pay special district taxes to the Town on the parcels every year. Mr. Weinand also stated that the project would not be a strain on any public services. Michael Casey, of 50 Woodhill Lane, asked what the plan was for decommissioning panels at the end of the life of the project. Mr. Weinand stated that the applicant would try to recycle the parts of the panels as best as possible at the time of the decommissioning. Jim Tkacik, of 387 Brunswick Road, asked if herbicides would be used for project site maintenance. Mr. Weinand confirmed that herbicides would be used. Mr.

Tkacik asked which specific herbicides would be used. Mr. Weinand stated that he did not know offhand, but could provide that information to the Town, which will also be included in the project's operation and maintenance plan. Chairman Oster stated that he did not believe there were any properties with private wells on Belair Lane. Mr. Bowles and Mr. Casey stated that they did have private wells on their properties. Chairman Oster noted that the herbicide information will be important due to the private wells along Belair Lane. Mr. Weinand stated that there are no toxic chemicals in the panels, which are mostly made from glass and aluminum, with less than 1% of each panel consisting of lead, and that further information on the components of the panels could be provided as well. Mr. Weinand also stated that the applicant is open to discussing the best practices for site maintenance. Chairman Oster noted that Mr. Bowles had asked about electromagnetic fields. Mr. Weinand stated that solar panels do not create an electromagnetic field, which has been proven in numerous studies. Mr. Casey spoke again, asking if the project would go to and cross North Lake Avenue. Mr. Weinand stated that it would not, and that the project would not touch the woods or stream near North Lake Avenue either. Mr. Weinand stated that the project would tie into National Grid's power lines at Belair Lane using existing utility poles. Mr. Weinand and Mr. Lusk then reviewed on a site map where specifically the solar panels and utility poles would be located. Jason Stowell, of 2 Belair Lane, asked if the driveway for the project would be on his property, as there had previously been a question regarding the location of his and his neighbor's property lines. Mr. Weinand stated that the applicant had the property surveyed independently already and that if there is an impact to Mr. Stowell's property, the applicant will work to address it. Mr. Stowell also asked if the area where the project is to be built is the same area where a lot of fill had been deposited years before. Mr. Weinand stated that he was unsure, noting that the applicant was told by the landowner that the land was farmland until 6 or 7 years

ago. Chairman Oster asked if there were any further public comments and there were not. Chairperson Clemente polled the Zoning Board members, then stated that the Zoning Board of Appeals did not see the need for a written comment period. Chairman Oster polled the Planning Board members, then stated that that the Planning Board also did not see the need for a written comment period. Chairman Oster closed the Planning Board's public hearing, then Chairperson Clemente closed the Zoning Board's public hearing. Chairperson Clemente made a motion to close the Zoning Board's special meeting, which was seconded by Member Schmidt. The Zoning Board voted unanimously to close the special meeting.

The draft minutes of the March 17, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the March 17, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a site plan and special use permit application submitted by CVE North America, Inc. for property located off Belair Lane. Carson Weinand, Senior Project Developer for Changing Visions of Energy, and Lou Greco, P.E., engineer for Changing Visions of Energy, were present for the applicant. Chairman Oster stated that written responses to the comments made at the public hearing must be submitted to the Town. Mr. Weinand stated that written responses would be submitted. Chairman Oster brought up the use of herbicides on the project site and asked the applicant to consider using livestock, such as goats, for maintenance purposes on the project site due to properties on Belair Lane having private wells. Mr. Weinand stated that he would like into using livestock instead of herbicides on the site. Chairman Oster asked if the applicant was aware of there being any prior issues when the fields were farmed years ago in terms of fertilizers. Mr. Weinand stated that he did not know. Mr. Greco pointed out 1 Belair Lane and 2 Belair Lane, which have private wells, on a site map and noted

that the properties were approximately 200 feet from the project site and at a higher elevation, meaning that there would likely not be any impact. Chairman Oster asked if any Planning Board members had any questions or comments. Member Henderson asked if the applicant would investigate whether or not to use herbicides, and Chairman Oster confirmed that the applicant would. Member Henderson stated that if the applicant decides to still use herbicides, an SDS (Safety Data Sheet) should be submitted. Member Henderson stated that a comment had been made during the public hearing about traffic impacts, and asked how long construction would take. Mr. Weinand stated that construction would last about six months, and that the applicant would submit a construction schedule with a complete breakdown. Member Stancliffe asked where fencing would be located on the site. Mr. Greco stated that fencing would be located around the solar panels and identified where specifically the fencing would be on the site map. Member Stancliffe asked if chain-link fencing would be used. Mr. Greco confirmed that 8-foot-high chain-link fencing would be used. Member Tarbox asked where trucks would be staged during construction. Mr. Weinand stated that he was not sure, but that he would find out from the contractor, and noted that there would be adequate room on the site for truck staging, and that the applicant planned to build-out the project only 5 acres at a time. Member Tarbox asked for clarification on recycling the panels when the life of the project ends, specifically asking what solar panel recycling technology is currently available. Mr. Weinand stated that solar panel recycling technology is currently very expensive, but it is expected that there will be different kinds of recycling technology within the next 25 years and that it will be cheaper by then. Member Stancliffe asked if new panels would be introduced to the site after 25 years. Mr. Weinand stated that if the applicant wished to do that, further economic analysis would be required, and the action would require further review by the Town. Chairman Oster noted that a recommendation letter had

been received by the Rensselaer County Bureau of Economic Development and Planning, stating that the project will not have a major impact on County plans and that local consideration shall prevail. Mr. Bonesteel asked if there were any potential changes to the access road. Mr. Greco stated that the road specifications comply with NYS DEC requirements, but the applicant is planning to add topsoil to make it green. Mr. Greco also stated that the wet areas on the site and construction access would be addressed in a further submission. Mr. Bonesteel stated that there was an issue earlier regarding the running of construction trucks over the access road, which he reviewed with Bill Bradley from the Town of Brunswick Water Department, but that this issue has been adequately addressed by the applicant. Mr. Bonesteel reiterated Member Tarbox's question on where the staging area for construction vehicles would be and that further information on the issue was required. Mr. Greco stated that it would be addressed in the revised set of plans. Chairman Oster asked Attorney Gilchrist if he had any questions or comments, and he did not. Mr. Weinand asked what the next steps of the process would be, and Attorney Gilchrist and Mr. Bonesteel discussed the next steps, reiterating Chairman Oster's point that written responses to comments would need to be submitted before any further action could be taken. This matter is placed on the April 21, 2022 agenda for further deliberation.

The second item of business on the agenda was a minor subdivision application submitted by Richard Witbeck and Jacquelyn Witbeck for property located at 131 Kreiger Lane. Brian Holbitter was present to review the application. Mr. Holbitter stated that there had been no changes to the plans since the last Planning Board meeting. Member Stancliffe discussed the dead end on Krieger Lane, noted that Krieger Lane goes around the Witbeck parcel, that the tax map shows Krieger Lane at a "Y", but that the Town has maintained the entirety of the road around the Witbeck parcel for more than 10 years. Mr. Bonesteel stated that the plat complies with minor

subdivision requirements, that it is a non-realty subdivision, and that the plat is complete. Chairman Oster stated that the Planning Board must make a recommendation to the Town Board on the waiver of the number of lots on a cul-de-sac above the allowed number of 12. Chairman Oster stated that Kreiger Lane has an adequate road surface and turn-around, and that the number of additional lots being proposed is not significant. Member Tarbox asked how many new lots were being proposed. Mr. Holbriiter reviewed the tax map and stated that there are 11 lots with homes on them and 4 vacant lots, meaning the Witbeck subdivision would add 3 lots, resulting in 16 total lots. Chairman Oster stated that the total number of existing lots must be confirmed, as well as the number of lots accessed by a private easement. Attorney Gilchrist and Mr. Golden stated that they would review the issue. Mr. Bonesteel asked how wide Krieger Lane is, as it should be included in the recommendation letter, as well as that it is blacktop. Mr. Holbriiter stated that it was about 16 feet wide, but Member Stancliffe noted that the map states that it is 15 feet wide. Mr. Holbriiter also stated that the Witbeck subdivision would not result in any additional traffic on the road. Mr. Bonesteel stated that the issue would be with the width of Kreiger Lane, not any additional traffic. Chairman Oster stated that the Planning Board must have accurate information on the width of the road and Mr. Holbriiter stated that he would get that information. Attorney Gilchrist stated that the Planning Board should have the additional information on the road specifications for its deliberation, and that after the Planning Board completes its deliberation, he would draft a recommendation letter to the Town Board for the Planning Board's review. This matter is placed on the April 21, 2022 agenda for further deliberation.

Five items of new business were discussed. The first new item of business was a special use permit submitted by Thomas Wagner for property located 66 Weyrick Road. Thomas Wagner was present to review the application. Mr. Wagner stated that he is looking to build a secondary

structure on his property that will include a workshop and living space. Mr. Wagner stated that he needs also needs an area variance due to secondary structures being limited to 1,500 square feet, and the structure he is proposing is approximately 3,500 square feet. Mr. Wagner then described the structure, stating that it would be two stories with a basement, and include a workshop, kitchen, and bedroom on the first floor. Member Henderson asked if the structure would be an apartment. Mr. Wagner reiterated that it would have a bedroom, kitchen, and bathroom, and that family members would stay there once in a while, but that the structure is not intended for rental. Member Henderson stated that he still believed the structure met the definition of an accessory apartment, which would require a separate special use permit. Member Henderson asked if the secondary structure would use the existing septic system on the property. Mr. Wagner stated that it would not, and would use a separate well and septic system as he did not want to overload the existing septic system. Chairman Oster asked Mr. Wagner if his property was visible from Weyrick Road. Mr. Wagner confirmed that his house is slightly visible from the road, and the secondary structure would be slightly visible as well. Mr. Bonesteel asked if there would be enough space on the property for the required separation distances between two septic systems. Mr. Wagner confirmed that there would be as his property is 52 total acres. Mr. Bonesteel asked if there would be adequate space for additional parking due to the secondary structure. Mr. Wagner confirmed that there would be. This matter is placed on the April 21, 2022 agenda for further deliberation.

The second item of new business was a waiver of subdivision submitted by Mark Schifano for property located at 5 Tarbell Avenue. No one was present for the applicant. Mr. Golden reviewed the application, stating that it was a lot line adjustment and that the applicant was looking to take approximately 2,604 square feet from 5 Tarbell Avenue and transfer it to the neighboring property at 445 Hoosick Road. Attorney Gilchrist noted that the applicant would also require an

area variance from the Zoning Board of Appeals due to the size of the lot at 5 Tarbell Avenue. This matter is adjourned without date pending action from the Zoning Board of Appeals.

The third item of new business was a major subdivision application submitted by Jim Cillis of JJ Cillis Builders, Inc. for property located at the east end of Cole Lane. No one was present for the applicant. Mr. Golden reviewed the application, stating that it is the next phase of the Stonehearst Subdivision project that was previously in front of the Planning Board. Due to the size of the Stonehearst Subdivision project and the number of materials that will be required for the next phase of the project that have not yet been submitted, this will be discussed again under new business at the May 5, 2022 meeting.

The fourth item of new business was a sketch plan submitted by Sagebrook Associates, Inc. for property located on Spring Landing Boulevard. Matt Barber, of Barber Engineering, PLLC, was present for the applicant. Mr. Barber stated that the applicant is looking to add three lots to the subdivision project on Spring Landing Boulevard. Mr. Barber reviewed the current and proposed layout of the site, stated that the proposed lots will have private septic systems and private wells. Mr. Barber stated that two of the proposed lots would be 10 acres, while the third would be 3-4 acres. Mr. Barber also stated that a full application has not been submitted yet as the applicant wanted to get initial thoughts from the Planning Board before completing and submitting the full application. The Planning Board had no comments. This matter is not placed on any future agendas pending a full application submittal.

The fifth item of new business was a sketch plan for a major subdivision submitted by Paramount Building Group of New York, Inc. for property located at the intersection of Creek Road and Spring Avenue. Matt Barber, of Barber Engineering, PLLC, was present for the applicant. Mr. Barber stated that the subdivision would use public water and each lot would have

a private septic system, would be in an R-40 residential district with a 40,000 square foot minimum lot size, that a public road will be proposed on the site, and that there will be 18 total building lots. Mr. Barber and the Planning Board discussed drainage and stormwater on the site, as well as a drainage district. Mr. Barber stated that it is likely that material would need to be removed from the site as there is currently a “large knob” of material forming a hill on the site that is planned to be removed. Mr. Barber also stated that it is one large parcel with a portion on the west side of Creek Road and the south side of Spring Avenue. Attorney Gilchrist noted that if the applicant plans to divide out these areas, then that should be included in the application when it is filed. Mr. Barber stated that like the Spring Landing Boulevard project, a full application has not been submitted yet as the applicant wanted to get initial thoughts from the Planning Board before completing and submitting the full application. The Planning Board had no comments. This matter is not placed on any future agendas pending a full application submittal.

One item of old business was discussed, which was an amendment to a site plan submitted by David Leon for property located on Hoosick Road. Walter Lippmann, Project Manager with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann stated that there were multiple changes to the site plan and would review them individually. Mr. Lippmann stated that the first change was to the Wendy’s restaurant on the site, specifically that the configuration of the Wendy’s standard building design has changed since the site plan was approved and that the change is due to Wendy’s current operational requirements, and that the applicant is proposing a shorter but wider drive-thru, increasing the total size of the drive-thru by approximately 86 square feet, and that the drive-thru would no longer feature dual lanes, just one single lane going around the restaurant. Mr. Lippmann stated that the next change was to the Aldi’s grocery store, specifically that there would be no changes to the building itself, but that while there

were two shopping cart corrals on the initial site plan, the applicant is now proposing one cart corral, with the space for the second cart corral to be taken up by 4 additional parking spots. Chairman Oster asked if the four additional parking spots would be for handicapped parking. Mr. Lippmann confirmed that the four handicapped parking spots would be moved up to be closer to the building and that four additional regular parking spots would be added behind the handicapped spots. Mr. Lippmann stated that the next changes were to the Planet Fitness gym, that the site plan originally had a certain parking space layout, but that relocating an existing National Grid utility pole on the site has become an issue, and now the applicant is proposing to slightly reconfigure the angle of certain parking spaces, which will result in three fewer parking spots and not having to relocate the existing National Grid utility pole. Mr. Lippmann also stated that the applicant has obtained title to an adjacent property since the site plan was approved and now proposes 22 additional parking spots for the Planet Fitness gym on the adjacent property. Mr. Lippmann stated that the additional parking spots would not affect the amount of greenspace on the site, that the adjacent property is located in an R-9 residential district, which will require a use variance, and that some of the additional parking will be on the parcel for the KFC restaurant, which KFC has already consented to. Mr. Lippmann stated that the last changes were the biggest, stating that the applicant is proposing a new building on the site, a drive-thru only coffee shop what would be 1,300 square feet and have only two employees inside at a time. Chairman Oster stated that the new building may possibly make the site plan amendment a major amendment requiring a public hearing. Mr. Bonesteel asked if the applicant was proposing an amendment to the project's Stormwater Pollution Prevention Plan (SWPPP). Mr. Lippmann stated that he would provide that information to Mr. Bonesteel. Mr. Golden asked how customers would drive to the coffee shop, and Mr. Lippmann reviewed the traffic pattern on the site map. Member Mainello asked if the

coffee shop would reduce the amount of greenspace on the project site. Mr. Lippmann stated that he was unsure and would look into it, but that if it did, it would be minimal. Member Henderson asked what the estimated traffic was for the coffee shop. Mr. Lippmann stated that he was unsure and would look into it. This matter is placed on the April 21, 2022 agenda for further deliberation.

The index for the April 7, 2022 regular meeting is as follows:

1. Changing Visions of Energy – special use permit and site plan (joint public hearing with Zoning Board of Appeals) (April 21, 2022).
2. Witbeck – minor subdivision (April 21, 2022).
3. Wagner – special use permit (April 21, 2022).
4. Schifano – waiver of subdivision (adjourned without date).
5. Cillis – major subdivision (May 5, 2022).
6. Sagebrook Associates – sketch plan.
7. Paramount Building Group – sketch plan.
8. Leon – site plan amendment (April 21, 2022).

The proposed agenda for the April 21, 2022 regular meeting is currently as follows:

1. Changing Visions of Energy – special use permit and site plan.
2. Witbeck – minor subdivision.
3. Brooks Heritage – waiver of subdivision (tentative).
4. Wagner – special use permit.
5. Leon – site plan amendment.
6. Paulsen Development – site plan.