

Planning Board

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

Zoning Board of Appeals

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MINUTES OF THE PLANNING BOARD REGULAR MEETING AND ZONING BOARD OF APPEALS SPECIAL MEETING HELD APRIL 1, 2021

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

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

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

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 area variance submitted to the Zoning Board of Appeals by Tamarac Solar, LLC to develop a 7.5 MW (DC) commercial solar collection system on property located at 126 Brick Church Road. Attorney Gilchrist read the Notice of Special Meeting of the Zoning Board of Appeals into the record.

Acting Chairperson Curran opened the special meeting of 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 Tamarac Solar, LLC. Acting Chairperson Curran opened the public hearing of

the Zoning Board of Appeals on the area variance submitted by Tamarac Solar, LLC. Attorney Gilchrist read the notice of joint public hearing into the record, with the joint public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Travis Mitchell, P.E., from Environmental Design Partnership, LLP, and Gillian Black, Director of Project Development for Eden Renewables, were present for the applicant and presented a PowerPoint presentation reviewing the project. Mr. Black discussed Eden Renewables, specifically that they are a community solar company with 20 projects in the Capital District (10 approved and 10 pending), and receive support from New York State on solar projects. Mr. Black then generally described community solar projects before detailing the current solar project in front of the Planning Board and Zoning Board of Appeals: it is a 7.5 MW (DC), 5 MW (AC) project; will tie directly into National Grid's system; will offset 3,000 lbs. of carbon per year; priority subscriptions will be offered to local owners; the applicant will be able to sell the power they collect in National Grid territory; support a pollinator-friendly habitat; will feature biodiversity enhancements such as sheep, bird boxes, bat boxes, and pollinators; and will be available as an educational resource for the school district in the community. Mr. Black also stated that Eden Renewables does community engagement early in all of their projects including this one, though the outreach for this project had to be done remotely due to COVID-19 protocols. Mr. Travis gave additional details about the project site, including the location of the project and access to the site along Brick Church Road, and that the project is located in an A-40 agricultural zone, which allows commercial solar projects with a special use permit and site plan approval. Mr. Travis gave an overview of the site plan, and also that Eden Renewables is seeking a variance for a 20-foot setback, when a 100-foot setback is required, along the common line with Borrego Solar's solar

project and along the parcel owned by Dewey DelSignore. Mr. Travis stated that the project had been reviewed by the Eagle Mills Fire Department for emergency access and the turnaround on the site. Mr. Travis stated that the site will have 2 poles and 2 transformer pads, as opposed to 6+ poles. Mr. Travis also stated that the New York State Office of Parks, Recreation and Historical Preservation and the Town of Brunswick Planning and Zoning Boards will review the visual impact assessment which Eden Renewables has prepared regarding the visibility of the project from various locations around the site. Mr. Travis reviewed certain vantage points addressed in the visual impact assessment report. Mr. Black then reviewed Eden Renewables' virtual community outreach, which was a virtual open house where Eden Renewables educated the public on the project and community solar in general and got public feedback. Mr. Travis reviewed the procedural status for the applications before the Planning Board and Zoning Board of Appeals. Chairman Oster opened the floor for public comment. Matt May, of 20 Windfield Lane, stated that he can see the Borrego Solar project from his property and does not want to see Eden Renewables' project too. Mr. May also said he is very concerned about glare from the solar panels being visible on his property as well. Daniel Thompson, of 122 Brick Church Road, said he lives directly in front of the project site and said that decreasing the distance to the property line from 100 feet to just 20 feet would be right on the back of his property line. Mr. Travis clarified the location of the area variance requests on the site, and Mr. Thompson confirmed the variance request was not along his property line. There were no further public comments. Chairman Oster asked the Planning Board if there was any need to keep the public hearing open or establish a written comment period. The Planning Board members said there was not. Acting Chairperson Curran stated that the Zoning Board of Appeals wanted to close their public hearing and also have no written comment period. Acting Chairperson Curran made a motion to close the Zoning Board's public hearing, which

Member Schmidt seconded. The Zoning Board voted unanimously to close the public hearing. Acting Chairperson then made a motion to close the Zoning Board's special meeting, which Member Schmidt seconded. The Zoning Board voted unanimously to close the special meeting. Chairman Oster made a motion to close the Planning Board's public hearing, which Member Stancliffe seconded. The Planning Board voted unanimously to close the public hearing.

The draft minutes of the March 18, 2021 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the March 18, 2021 meeting were unanimously approved without amendment.

The first item of business on the agenda was a special use permit and site plan review 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. Chairman Oster stated that the public hearing has been closed and that the applicant must respond to all public comments in writing. Mr. Black stated that the panels on Borrego Solar's project are set to the south, while Eden Renewables' will be east to west, meaning that glare will not be an issue. Should the panels still be visible, Eden would be open to an agreement to provide a vegetative screen with the affected landowner, which they have done in the past. This matter is placed on the April 15 agenda for further deliberation.

The second 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. No one was present for this project. Chairman Oster stated that the applicant had requested the project be placed on the agenda for the Planning Board's next meeting. Mr. Bonesteel stated that since the project was last in front of the Planning Board, that he, Mr. Golden, Bill Bradley from the Town

Water Department, and Terry Scriven, the Town Highway Superintendent, had met with the applicant to discuss the project's current stormwater requirements and that the applicant was currently designing the project's stormwater plan. Mr. Bonesteel also stated that they discussed other issues raised by Mr. Scriven, that the applicant has preliminary comments and direction for the project, that Mr. Bonesteel recommended going back in front of the Planning Board for additional comments, and that the Town Board waiver for the number of lots on Cole Lane must be reviewed. This matter is tentatively placed on the April 15 agenda for further deliberation.

The third 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 30-day SEQRA lead agency period expired on March 20 and that the applicant was requesting a SEQRA lead agency designation. Mr. Lippmann stated that the applicant had received comments on the application from Mr. Bonesteel and is in the process of responding to them. Mr. Lippmann responded to the issue raised at the last Planning Board meeting about truck traffic leaving the site, saying that trucks will enter Lord Avenue by a right-hand turn and also exit Lord Avenue by a right-hand turn toward Schaghticoke, meaning trucks will turn right going both in and out of the site so traffic will not need to be stopped. Attorney Gilchrist reviewed the SEQRA lead agency designation record, that the Zoning Board of Appeals had been included in the lead agency designation notice due to the area variance on the project in front of the Zoning Board of Appeals, then generally discussed the road realignment proposal and the project's procedural status. Chairman Oster entertained a question from a member of the public, stating that any and all questions can be made at a public hearing on the project, which will happen in the future. Chairman Oster asked the Planning Board if there were any objections to the Planning Board serving as

SEQRA lead agency on the project and there were none. Member Tarbox made a motion to declare the Planning Board as the lead agency on the project under SEQRA. The motion was seconded by Member Mainello. The Planning Board voted to unanimously approve the motion, and the Planning Board is declared to be the lead agency on the project under SEQRA. This matter is adjourned without date.

There was no new business to discuss.

In terms of old business, Attorney Gilchrist asked if there had been any update or further action on the Brunswick Acres PDD application. Mr. Bonesteel and Mr. Golden said there was nothing new to report on the project. Attorney Gilchrist stated that there had been several extensions for making a determination on the project and that the latest deadline for making a determination on the project was April 17, meaning the Planning Board needed a further extension. Attorney Gilchrist stated that the project must be put on the agenda for the Planning Board's next meeting and that the Town Building Department should contact the applicant so they will be present at that meeting. This matter is placed on the April 15 agenda for further deliberation.

The index for the April 15, 2021 meeting is as follows:

1. Tamarac Solar, LLC – special use permit and site plan (joint public hearing with Zoning Board of Appeals) (April 15, 2021).
2. Cillis – major subdivision (April 15, 2021).
3. Lord Avenue Property, LLC – site plan (adjourned without date).
4. Brunswick Acres Planned Development District – major subdivision (April 15, 2021).

The proposed agenda for the April 15, 2021 meeting currently is as follows:

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

3. Brunswick Acres Planned Development District – major subdivision (tentative).
4. Leon – site plan.