

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MAY 20, 2021

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

ABSENT was LINDA STANCLIFFE.

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 May 6, 2021 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the May 6, 2021 meeting were unanimously approved without amendment.

As Attorney Gilchrist was not yet present, Chairman Oster stated that the Planning Board would be delaying the first item on the agenda until he arrived. 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. This matter was tabled prior to the Planning Board meeting and is tentatively placed on the June 3 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. Alanna Moran, Senior Traffic Designer at Vanasse Hangen Brustlin, Inc. was also present. Ms. Moran began by

reviewing a traffic study done in March 2020, which was completed before the COVID-19 pandemic. Ms. Moran stated that this study looked at daily traffic in the area of Lord Avenue, including the then-proposed Leon commercial project on Hoosick Road. Ms. Moran described the average amount of traffic on Lord Avenue, both during weekdays and weekends, and during peak hours and at other times. Chairman Oster asked what traffic data was available for the Genesee Street neighborhood, stating that residents of that neighborhood have expressed concerns over the increased traffic resulting from this project and that he knows traffic in that neighborhood will be a major topic of discussion when this project has a public hearing. Ms. Moran stated that Rensselaer County recently did a traffic study near that area, specifically through Frear Park onto Genesee Street. Ms. Moran stated that in her opinion, the maximum increase in traffic in the Genesee Street area from this project will be 20-30 additional vehicles during peak hours. Ms. Moran also stated that she is aware that Genesee Street has narrow roads and is not an easy route to drive through due to being very circuitous. Member Henderson stated that that's the concern, that the project will lead to increased traffic on already narrow streets due to the easy access to the project site from Genesee Street. Ms. Moran stated that even though it would be quicker to cut across Genesee Street to get to the project site, it is likely that people will still travel along Hoosick Street to the site because even though it will be slower, it will be more convenient for people just going to the new Hannaford supermarket. Ms. Moran also pointed out that the supermarket is a benefit to the Genesee Street neighborhood since they will have close access to the new supermarket, which could be seen as a trade-off with the increase in outside traffic. Chairman Oster stated that he has received comments from residents suggesting alternate traffic routes, possibly closing Duncan Lane, but understands there are difficult legal issues with the proposed alternate routes. Chairman Oster also stated that the Planning Board may consider mitigating the

increased traffic by adding signage to Genesee Street, but admitted that will only do so much. Ms. Moran agreed that the Genesee Street neighborhood would be most impacted by any potential road closure. Mr. Bonesteel asked what the levels of traffic are currently on Genesee Street and Ms. Moran reviewed the data. Attorney Gilchrist, who had joined the meeting, asked for a copy of the traffic report Ms. Moran was citing for the record and Mr. Bonesteel added that he would like some form of written correspondence of what Ms. Moran stated, also for the record. Ms. Moran stated that she could provide both. Mr. Lippmann stated that he attended the last Zoning Board of Appeals meeting on May 17, at which a joint public hearing with the Planning Board concerning the Lord Avenue Property applications in front of both boards was discussed. Attorney Gilchrist stated that the logistics of holding the joint public hearing on June 3 would be difficult, as he could not guarantee the hearing would be legally publicly noticed in time for June 3. Attorney Gilchrist said that holding the joint public hearing at the following Planning Board meeting on June 17 would be better and that he would reach out to Zoning Board Chairperson Ann Clemente to ask her if the Zoning Board members were available on that date. Mr. Bonesteel asked about the project's stormwater design. Mr. Lippmann stated that that plan would be submitted next week. This matter is placed on the June 17 agenda for a public hearing and further deliberation.

As Attorney Gilchrist was now present at the meeting, the Planning Board returned to the first item on the agenda, which was a special use permit and site plan application submitted by Tamarac Solar, LLC for property located at 126 Brick Church Road. Gillian Black, Director of Project Development from Eden Renewables, and Anna Rehder, Project Engineer from Environmental Design Partnership, LLP, were present to review the application. Attorney Gilchrist stated that the Planning Board adopted a Negative Declaration under the State Environmental Quality Review Act (SEQRA) at its May 6 meeting, and the Zoning Board approved two area

variances for the project site at its meeting on May 17. Attorney Gilchrist then reviewed a Resolution pertaining to the special use permit and site plan applications, including discussion on proposed conditions. Attorney Gilchrist also stated that the Resolution would be updated the following day to reflect the most recent site plan. Chairman Oster stated that all public comments on the project have been addressed. The Planning Board and Mr. Bonesteel had no further questions or comments on the project, and the proposed conditions on approvals for special use permit and site plan were finalized. Chairman Oster asked if a Planning Board member would offer up the Resolution. Member Henderson offered the Resolution, which was seconded by Member Petersen. The Planning Board voted unanimously to approve the Resolution and the Resolution granting the special use permit and site plan was adopted.

The fourth item of business on the agenda was a waiver of subdivision application submitted by Charles Farrell for property located at the Doubleday Estates at 4 Line Drive. Brian Holbriiter was present to review the application, stating that it was a lot line adjustment to annex 0.187 acres from Lot 19 into Lot 20, and annex 0.216 acres from Lot 20 into Lot 21. The project is strictly a lot line adjustment that will result in no new lots being created. Mr. Holbriiter also stated that the action will have no issues concerning setbacks for well or septic. The Planning Board and Mr. Bonesteel had no questions or comments on the application. Member Tarbox made a motion for a negative declaration on the project, which was seconded by Member Mainello. The Planning Board voted unanimously to declare the negative declaration under SEQRA. Member Tarbox made a motion to approve the waiver of subdivision application, which was seconded by Member Henderson. The Planning Board voted unanimously to approve the waiver of subdivision. Mr. Holbriiter was directed to file a copy of the recorded map with the Building Department.

The fifth item of business on the agenda was a waiver of subdivision application submitted by Jeffrey Geene for property located on South Road. Jeffrey Geene was present to review the application, stating that it was a lot line adjustment to divide 5,029 square feet from 3 South Road and transfer it to the adjacent parcel at 19 South Road in order to adjust the boundary line. Chairman Oster stated that at the previous meeting, there was a question regarding the well and septic lines and whether or not this action would affect them. Mr. Geene stated that the septic system for the 3 South Road parcel is located in between the driveway and NYS Route 2, and the septic system in the back corner of the lot for 19 South Road, then pointed out these locations on a map of the properties. Mr. Bonesteel stated that the well and septic systems were nowhere near the property line and would not cause a setback problem. The Planning Board and Mr. Bonesteel had no further questions or comments on the application. Member Kreiger made a motion for a negative declaration on the project, which was seconded by Member Petersen. The Planning Board voted unanimously to declare the negative declaration under SEQRA. Member Henderson made a motion to approve the waiver of subdivision application, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the waiver of subdivision. Mr. Geene was directed to file the recorded map with the Building Department.

The sixth item of business on the agenda was the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC. Chairman Oster stated that the applicant had requested the matter be moved to the next meeting as Ronald Laberge, P.E., the Town's review engineer on this project, has not finished his review of the updated plan. This matter is placed on the June 3 agenda for further deliberation.

The seventh item of business on the agenda was a site plan and special use permit application submitted by Atlas Renewables, LLC. Melissa Currier, Project Engineer from C.T.

Male Associates, was present to review the application. Ms. Currier stated that she recently participated in a conference call with Attorney Gilchrist, Mr. Bonesteel, and officials from NYS DEC discussing the project, during which DEC stated that its review of this matter under the NYS DEC brownfield program is exempt from a SEQRA review. Mr. Bonesteel confirmed that NYS DEC would not be doing a SEQRA review on the project and that the brownfield remedial plan is exempt from SEQRA. Attorney Gilchrist reviewed the SEQRA process for this project in light of NYS DEC's position, saying that NYS DEC has made it clear that its brownfield program is exempt from SEQRA; however, the Planning Board review of the site plan and special use permit application is still subject to SEQRA review since the brownfield cleanup is not complete, so the Planning Board must analyze this commercial solar project under the presumption that the project site is a Class 3 Hazardous Waste Site. Attorney Gilchrist also stated that the Planning Board will need additional details to be presented, which will depend on the final remedial plan approved by NYS DEC. Mr. Bonesteel concurred with the procedure explained by Attorney Gilchrist. Mr. Bonesteel also stated that he will review the full Environmental Assessment Form (EAF) and that he has already investigated the methodology on installing solar panels on a hazardous waste site. Chairman Oster stated that the Planning Board will commence lead agency proceeding and that the Planning Board will seek to be declared lead agency. Attorney Gilchrist stated that the Planning Board will send out a lead coordination notice to all other involved agencies. Chairman Oster asked Ms. Currier if the applicant would like to be on the agenda for the Planning Board's next meeting. Ms. Currier stated that that they will be in front of the Zoning Board at its next meeting on June 21 on variances for the project site, so it would be best to be on the agenda for the Planning Board's second June meeting, which is closer to the Zoning Board meeting. This matter is placed on the June 17 agenda for further deliberation.

One new item of business was discussed.

The first item of new business was a waiver of subdivision application submitted by Gary Warrington for property located on Pinewoods Avenue. Mr. Golden reviewed the application for the Planning Board, stating that the project is to transfer 7,945 square feet from 684 Pinewoods Avenue to 687 Pinewoods Avenue. Member Tarbox asked where the leachfield on the property is located. Mr. Golden couldn't tell from the map filed with the application. Chairman Oster stated that this information is important and must be provided. This matter is placed on the June 3 agenda for further discussion.

The Planning Board then returned to one item of old business, which was a sketch plan submitted by Changing Visions of Energy (CVE) for a commercial solar facility on property located at 4 Belair Lane. Carson Weinand, a Solar Developer, Cristina Tapia, a Solar Developer, and Lou Greco, P.E., all with CVE, and Ashley Champion, an attorney with Nixon Peabody LLP, were all present for the applicant. Chairman Oster asked if rezoning the project site was part of the application. Ms. Champion confirmed that it was, but clarified that only a small section of the site, which is a separate parcel that the applicant is leasing in order to avoid wetlands on the main parcel, that needs to be rezoned. Member Tarbox asked what the smaller parcel is currently zoned. Ms. Champion stated that it is partly R-25 and partly R-40, both residential. Member Tarbox asked if there is any access to the site from North Lake Avenue. Ms. Champion stated that there is not and that the only access to the site is from Lord Avenue onto Belair Lane. Chairman Oster asked if there was any need to clear vegetation on the site. Ms. Champion stated that there is, but only a little bit near the entrance to the site as the rest of the property is an open field. Mr. Weinard stated that the project is a 6 MW community solar project affecting 1,000 residents and that 6 poles are proposed for the site. Chairman Oster asked if visual assessment had been performed on the site.

Mr. Weinard stated that visual assessment is currently being done. Mr. Weinard stated that the project will use fixed-tilt solar panels, not rotating panels. Mr. Golden asked if the panel structures would be connected to the ground by ground screws, and Mr. Weinard stated that the panel structures would be installed through a pile driver. Chairman Oster asked what the security would be on the site. Mr. Weinard stated that the site would be fenced in and have a Knox box. Mr. Weinard also stated that the project was designed to avoid the wetlands and slopes on the site. Chairman Oster asked if there were agricultural soils on the site. Member Tarbox stated that he was not sure and that it was his understanding that the site was just used for hay. Mr. Bonesteel asked what the length of the road that needs to be constructed will be. Mr. Weinard stated that it would be more than 1,000 feet long, 20 feet wide, and have a hammerhead turnaround. Mr. Weinard also stated that the site would have 19.1 acres of disturbance, but that work on the site would be done phases so that no more than 5 acres would be open at a time. Member Henderson asked how many panels would be used. Mr. Weinard stated that 12,000-13,000 panels would be used and that they would be anti-reflective panels. Chairman Oster asked if the applicant will still be able to get panels due to changing economic conditions. Ms. Tapia confirmed that the applicant can still get the panels, though she admitted the price of the panels has gone up a little bit recently. Member Henderson asked if the solar energy would be collected on both sides of the panels. Mr. Weinard confirmed that they would as the panels are “bifacial panels” which is good in the winter as the backs of the panels collect additional sunlight reflected off snow. This matter was adjourned without date.

The index for the May 20, 2021 meeting is as follows:

1. Cillis – major subdivision (June 3, 2021).
2. Lord Avenue Property, LLC – site plan (June 17, 2021; joint public hearing with the Zoning Board of Appeals).
3. Tamarac Solar, LLC – special use permit and site plan (approved).
4. Farrell – waiver of subdivision (approved).
5. Geene – waiver of subdivision (approved).
6. Brunswick Acres Planned Development District – major subdivision (June 3, 2021).
7. Atlas Renewables, LLC – site plan and special use permit (June 17, 2021).
8. Warrington – waiver of subdivision (June 3, 2021).
9. Changing Visions of Energy – special use permit and site plan (adjourned without date).

The proposed agenda for the June 3, 2021 meeting is currently as follows:

1. Cillis – major subdivision.
2. Brunswick Acres Planned Development District – major subdivision.
3. Warrington – waiver of subdivision.
4. Harbor Freight Tools – site plan.