

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 16, 2021**

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

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

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The Planning Board opened a public hearing on the Sean Gallivan minor subdivision application. Member Stancliffe recused herself. Attorney Gilchrist read the notice of public hearing into the record, with the notice of public hearing having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Brian Holbritter was present to review the application. Mr. Holbritter reviewed the project and plat, stating that the applicant was proposing to subdivide the parcel into three new parcels: Lot 1 would be 14.05 acres and have frontage on Deepkill Road, Lot 2 would be 12.43 acres and have frontage on Deepkill Road, plus 50-foot access on an existing driveway; and Lot 3 would be 1.00 acre and have frontage on Deepkill Road. Mr. Holbritter also stated that the applicant had received a letter from the Rensselaer County Department of Health-giving preliminary approval for well and septic on all three proposed lots. Chairman Oster then

opened the floor for the receipt of public comment. Melissa Charest, of 21 Meyer Lane, stated that she had lived at her home on Meyer Lane for 31 years and that the property the applicant is looking to subdivide had previously been a dairy farm. Ms. Charest asked what the classification of the stream that runs through the front of the property is, and noted that she had previously had issues with NYS agencies when attempting to get across the stream. Ms. Charest asked for clarification on the highway sight distances for the property and noted that the property is highly erodible with lots of wetlands, making her concerned for the wildlife on the property. There were no further public comments on the application. Chairman Oster asked Mr. Golden if there had been any written comments on the application and he stated that there had been none, either by written letter or email. Chairman Oster made a motion to close the public hearing, which was seconded by Member Tarbox. The Planning Board voted unanimously to close the public hearing.

Member Stancliffe returned to the meeting.

The Planning Board opened a public hearing on the Tilson Technology Management, Inc. special use permit and site plan application. Member Kreiger recused himself. Attorney Gilchrist read the notice of public hearing into the record, with the notice of public hearing having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Heather Carlisle, Senior Counsel of Siting & Real Estate at Tilson Technology, was present for the applicant. Ms. Carlisle reviewed the project, stating that Tilson Technology was representing Dish Wireless, who was building out their network in order to offer 5G services to customers in the near future. Ms. Carlisle stated that two carriers are currently on the cell tower, Sprint and T-Mobile, and that the proposed antennae for Dish Wireless will be painted to match the color of the church, just like the other antennae. Ms. Carlisle stated that the ground equipment for the new antennae will match the

existing ground equipment and that there will be nine feet of separation between the existing and new ground equipment to allow space for potential future expansion. Ms. Carlisle also stated that the project is consistent with Town regulations and promotes co-location on existing structures. Chairman Oster then opened the floor for the receipt of public comment. There were no public comments on the application. Chairman Oster asked Mr. Golden if there had been any written comments on the application and he stated that there had been none, either by written letter or email. Chairman Oster made a motion to close the public hearing, which was seconded by Member Henderson. The Planning Board voted unanimously to close the public hearing.

Member Kreiger returned to the meeting.

The draft minutes of the December 2, 2021 regular meeting were reviewed. Chairman Oster noted that in the first paragraph, “the October 2, 2021 regular meeting” in the third sentence should be changed to “the October 21, 2021 regular meeting.” Upon motion of Member Henderson, seconded by Member Stancliffe, the draft minutes of the December 2, 2021 regular meeting were unanimously approved subject to the noted correction.

The first item of business on the agenda was a minor subdivision application submitted by Sean Gallivan for property located at 159 Deepkill Road. Member Stancliffe recused herself. Brian Holbriiter was present to review the application. Mr. Holbriiter addressed the comments made at the public hearing and stated that he would respond to them in writing. Member Henderson asked where the stream on the property that had been discussed during the public comment period was on the plat, and Mr. Holbriiter pointed it out. Mr. Holbriiter then pointed out where Ms. Charest’s parcel and Meyer Lane were on the plat. Chairman Oster asked Mr. Bonesteel if he had any questions or comments, and he said that he did not, and that his prior comments had been adequately addressed. Mr. Golden stated that the wetlands on the project site were under the

jurisdiction of the U.S. Army Corps of Engineers. This matter is placed on the January 6, 2022 agenda for further deliberation.

Member Stancliffe returned to the meeting.

The second item of business on the agenda was a special use permit and site plan application submitted by Tilson Technology Management, Inc. for property located at 308 Brick Church Road. Member Kreiger recused himself. Heather Carlisle, Senior Counsel of Siting & Real Estate at Tilson Technology, was present for the applicant. Chairman Oster stated that even though there were no public comments at the public hearing, the applicant should still submit a letter confirming that there were no public comments. Ms. Carlisle stated that she would submit such a letter. Ms. Carlisle briefly reviewed the project again, stating that Sprint and T-Mobile already had antennae on the steeple, confirmed that the Dish Wireless antennae would be for 5G coverage, and that the separation of the ground equipment was to allow for further development in the future. Chairman Oster asked if there were any further comments or questions from the Planning Board and there were not. Mr. Bonesteel stated that the application was comprehensive, that the structural report that was submitted which concluded that the structure can support additional antennae, and that the setup of the ground equipment was acceptable. Member Stancliffe asked how the electric current would travel from the ground equipment to the antennae. Ms. Carlisle stated that the electric cable would be underground from the equipment pad to the building, and then run internally up to the steeple. Attorney Gilchrist stated that a letter had been received from the Rensselaer County Planning Department stating that the project was not in conflict with County plans and that local consideration shall prevail. There were no further questions from the Planning Board members. Member Tarbox made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Petersen. The Planning Board voted unanimously to

declare a negative declaration on the project under SEQRA (Member Kreiger recused). Mr. Bonesteel stated that there was no need for any conditions to mitigate structural issues as the structural report addressed all potential issues. Member Stancliffe made a motion to grant the special use permit, which was seconded by Member Petersen. The motion was unanimously approved and the special use permit was granted (Member Kreiger recused). Member Tarbox made a motion to approve the site plan, which was seconded by Member Henderson. The Planning Board voted unanimously to approve the site plan (Member Kreiger recused).

Member Kreiger returned to the meeting.

The third item of business on the agenda was a special use permit and site plan application submitted by Borrego Solar for property located at 308 Brick Church Road. Member Kreiger and Member Stancliffe recused themselves. Travis Rosencranse, Project Engineer at Creighton Manning Engineering, LLP, was present to review the application. Mr. Rosencranse stated that the representative from Borrego Solar was not present because he had placed himself in Covid-19 health and safety protocols earlier that day. Mr. Rosencranse reviewed the project, stating that it was a 5 MW AC solar project and that while the parcel on which the project would be located is zoned both Business Light and Agricultural Overlay, the section of the parcel where the solar project would be located is zoned entirely Agricultural Overlay. Mr. Rosencranse stated that the applicant had submitted a full site plan and special use permit application, a glare study, and a visual impact study. Mr. Rosencranse noted that there had been two changes to the application since he had last been before the Planning Board: first, screening would be added to the site due to the results of the glare study, and second, vegetation would also be added due to glare after a discussion with the NYS Trooper Barracks. Member Tarbox asked about the results of the glare study for the house located west of the Trooper Barracks. Mr. Rosencranse stated that visual

mitigation measures at that location would not be required based on the results of the glare study. Member Tarbox stated that he is familiar with that property and that the house at that location looks directly into the corn field where the solar project is proposed, so glare will likely be an issue there. Chairman Oster asked about the viewshed of the field from NYS Route 7, and asked if there would be glare on Route 7 from the solar panels. Mr. Rosencranse reviewed the glare study since there had been multiple questions about glare and stated that the study determined that existing vegetation on the parcel would screen the solar array from Route 7. Chairman Oster noted that the project is the first solar project that can easily be seen from a public road. Chairman Oster stated that the project's visual impact will be a major area of concern and is very likely to generate public comments, and that Borrego Solar had two previous projects in Brunswick, but both were screened well, whereas this project will be easily seen from surrounding roads and properties. Mr. Rosencranse stated that the applicant was aware that screening was going to be a concern, and that he would take the Planning Board's comments back to Borrego Solar. Mr. Golden stated that the amount of glare would depend on the time of day, specifically at sunrise and sundown, and the seasonal adjustment of the sun in the sky. Chairman Oster asked if the glare study had taken aircraft above the site into account. Mr. Rosencranse stated that the study had taken aircraft into account, and had adhered to FAA solar policy. Member Henderson stated that page 4 of the glare study said that the solar array will face south, and that it was his opinion that the majority of the glare would be in the afternoon. Member Henderson also noted that the glare study had 5 feet listed as the elevation for cars and trucks, but noted that a person's line of sight is lower when they are driving or riding in a car, then asked if the study was accurate based on this discrepancy. The Planning Board then reviewed some of the diagrams in the glare study and found them unclear, requesting clarification on the diagrams from the applicant. Mr. Rosencranse stated that he would have

Borrego Solar follow-up and provide clarification and also additional information to respond to Planning Board comments. Chairman Oster asked Mr. Bonesteel if he had any questions or comments. Mr. Bonesteel stated that he was currently reviewing the plans and noted that the application did not include the visual addendum to the Environmental Assessment Form (EAF). Mr. Rosencranse stated that the applicant had submitted the visual impact study to the Planning Board that evening. Mr. Bonesteel explained that the visual addendum to the EAF still needed to be completed and submitted. Mr. Rosencranse stated that the full grading plan and stormwater pollution prevention plan (SWPPP) would be submitted after initial comments from the Planning Board on the plans were received. Mr. Bonesteel asked if there would be significant clearing and grubbing. Mr. Rosencranse stated that all clearing and grubbing would be internal on the site. Chairman Oster asked if all the clearing and grubbing meant that the woods on the site would be gone. Mr. Rosencranse confirmed the woods would be removed, and that the project is proposed to be on a steep slope. Chairman Oster asked how the applicant could have done glare analysis without consideration of the extensive tree removal. Mr. Bonesteel stated that applicants use topography for glare and visual assessment, and that trees do not factor into that analysis. Mr. Bonesteel noted that the road on the site was also at a steep slope. Mr. Rosencranse confirmed that it was and that it would require significant grading. Mr. Bonesteel stated that the applicant needed to submit a grading plan, proposed contours, a SWPPP, a drainage plan, and details on the access road to the project. Mr. Rosencranse stated that the applicant would provide all of those documents, as well as soil testing. Mr. Bonesteel asked if there would be overhead light poles into the site. Mr. Rosencranse confirmed that there would be. Attorney Gilchrist stated that a variance from the Zoning Board of Appeals would be required for the light poles based on what was proposed in the plans. Mr. Rosencranse stated that the applicant would file the application with the Zoning Board

for the light pole variance. Mr. Bonesteel stated that he presently had no further questions or comments. Mr. Rosencranse briefly discussed the status of the project's review by National Grid. Chairman Oster stated that the Planning Board members needed time to review the materials and that Mr. Bonesteel would need time to continue his technical review. Member Mainello asked if grading would be needed for the access road only, not the area where the panels would be located. Mr. Rosencranse confirmed that was correct. Mr. Bonesteel stated that he would like the full set of plans, including the SWPPP, at least two weeks before the applicant came back before the Planning Board in order to review the plans and prepare comments. Mr. Rosencranse stated that applicant was unlikely to have the full plans ready two weeks before the Planning Board's first January 2022 meeting, so he asked that the project be placed on the Planning Board's second January meeting. Attorney Gilchrist noted that the full plans would need to be submitted by the first week of January to allow for Mr. Bonesteel adequate time to review them and prepare comments. Mr. Rosencranse stated that the plans would be submitted by then. This matter is placed on the January 20, 2022 agenda for further deliberation.

Member Kreiger and Member Stancliffe returned to the meeting.

The fourth item of business on the agenda was a waiver of subdivision application submitted by Todd McClurg for property located at 206 South Road. No one was present for the applicant. Chairman Oster noted that the Planning Board had not yet received a letter of consent from Mr. McClurg's neighbor at 232 South Road, and that the letter was necessary before action could be taken. This matter is adjourned without date pending the submittal of the letter of consent.

The fifth item of business on the agenda was a waiver of subdivision application submitted by Kerry Armstrong for property located off Plank Road. Kerry Armstrong was present to review the application. Mr. Armstrong stated that he had submitted a new plat showing the lot's frontage



directly onto Wagar Lane. Mr. Armstrong stated that the size of the lot had increased from 2.19 acres to 2.29 acres since the last Planning Board meeting, and handed out an additional owner consent form to the Planning Board members. Mr. Armstrong also stated that the frontage of his property on Wagar Lane was at least 15 feet and likely closer to 20 feet. Mr. Bonesteel stated that he had reviewed the site since the last Planning Board meeting and confirmed that the section of Wagar Lane on which Mr. Armstrong's proposed lot has frontage is maintained by the Town of Brunswick. Attorney Gilchrist noted for the record that the plat was changed in response to comments from the Planning Board, and that the size of the lot had increased from 2.19 acres to 2.29 acres. The Planning Board members had no further comments. Member Henderson made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Mainello. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked if there should be any conditions placed on the application. Attorney Gilchrist listed two conditions for consideration by the Planning Board: that the 2.29 acres be merged with the remaining lands owned by Mr. Armstrong, and that the merger deed be filed with the Brunswick Building Department. Member Tarbox made a motion to grant the waiver of subdivision subject to the stated conditions, which was seconded by Member Stancliffe. The motion was unanimously approved and the waiver of subdivision was granted subject to the stated conditions.

The sixth item of business on the agenda was a waiver of subdivision application submitted by Charles Tangredi for property located at 210 Menemsha Lane. This application was adjourned before the meeting at the request of the applicant. This matter is adjourned without date.

The seventh item of business on the agenda was a waiver of subdivision submitted by Michael Vickers for property located on Kreiger Lane. No one was present for the applicant. Mr.

Golden reviewed the history of the project. Attorney Gilchrist stated that he would review the record of the project before the Planning Board's next meeting. This matter is placed on the January 6, 2022 agenda for further deliberation.

Two items of new business were discussed.

The first item of new business was a waiver of subdivision application submitted by Thomas Casey and Elizabeth Casey for property at 461 North Lake Avenue. Mr. Golden reviewed the application for the Planning Board, stating that the applicants were looking to divide off 2.08 acres from an 8.61-acre parcel. The Planning Board discussed the location of the septic system and proposed lot line on the site. This matter is placed on the January 6, 2022 agenda for further deliberation.

The second item of new business on the agenda was a site plan application submitted by Dish Wireless for property at 809 Hoosick Road. Mr. Golden reviewed the application for the Planning Board, stating that the applicant was proposing to add three antennae to an existing cell tower on the property. Mr. Golden stated that Dish Wireless would be either the fifth or sixth carrier on the cell tower. Mr. Bonesteel stated that he would have to recuse himself from engineering review on the project, and Attorney Gilchrist advised the Planning Board that they had the option of retaining another engineer. Chairman Oster made a motion to retain Laberge Group as review engineer on the project, which was seconded by Member Tarbox. The Planning Board voted unanimously to retain Laberge Group as review engineer on the project. This matter is adjourned without date pending escrow for the engineering review.

The index for the December 16, 2021 regular meeting is as follows:

1. Gallivan – minor subdivision (January 6, 2022).
2. Tilson Technology – special use permit and site plan (approved).
3. Borrego Solar – special use permit and site plan (January 20, 2022).
4. McClurg – waiver of subdivision (adjourned without date).
5. Armstrong – waiver of subdivision (approved subject to conditions).
6. Tangredi – waiver of subdivision (adjourned without date).
7. Vickers – waiver of subdivision (January 6, 2022).
8. Casey – waiver of subdivision (January 6, 2022).
9. Dish Wireless – site plan (adjourned without date).

The proposed agenda for the January 6, 2022 regular meeting is currently as follows:

1. Gallivan – minor subdivision.
2. Vickers – waiver of subdivision.
3. Casey – waiver of subdivision.

Proposed agenda items for the January 20, 2022 regular meeting currently are as follows:

1. Borrego Solar – special use permit and site plan.