

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD FEBRUARY 17, 2022

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 draft minutes of the February 3, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the February 3, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was an application to amend a site plan submitted by Dish Wireless for property located at 809 Hoosick Road. Mr. Bonesteel recused himself due to his engineering firm having done survey work on the project. No one was present representing the applicant. Chairman Oster stated that at the last Planning Board meeting, it was established that since the project site is within 500 feet of a New York State highway, that the application would need to be sent to the Rensselaer County Planning Department for comment. Chairman Oster stated that following the last meeting, the application was sent to the Rensselaer County Planning Department, who had responded via letter and stated that the project will not have a major impact on County plans and that local consideration shall prevail. Chairman Oster also stated that Laberge

Group, who had been retained as review engineer for the Planning Board on the project, had completed its engineering review. There were no further questions or comments from the Planning Board. Member Tarbox 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 Attorney Gilchrist if there should be any conditions on the application, and Attorney Gilchrist stated that no conditions should be proposed. Member Stancliffe made a motion to approve the application to amend the site plan, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the site plan amendment.

The second item of business on the agenda was a waiver of subdivision application submitted by Edward Welch for property located at 1113 Spring Avenue. Jacob Keasbey, from Holbriiter Land Surveying, was present to review the application. Mr. Keasbey stated that the applicant seeks to subdivide 3.39 acres from his property to create a new lot, with a one-family residential home proposed for the new lot. Mr. Keasbey stated that the project's engineering report for water and septic had been completed, that the report had been submitted to Rensselaer County for comments on the parcel's septic system, that the County had responded with comments, and that the applicant had addressed all comments. Mr. Keasbey also stated that the applicant is waiting for a construction permit from Rensselaer County. Chairman Oster asked if the property has access to public water. Mr. Keasbey confirmed that it does, and that the applicant will also be installing a well on the property. Member Henderson asked Mr. Keasbey if the applicant was aware that if he has other plans for the property, that he would have to wait seven years before applying for another waiver of subdivision, according to the Brunswick Zoning Law. Mr. Keasbey stated that the applicant was aware and is not planning any further subdivisions. Member Stancliffe stated

that the proposed driveway for the new parcel will need to meet Town standards, then asked if the remaining land on the parcel is accessed through only a farm road. Mr. Keasbey stated that there is adequate access for the property, and that there is an existing culvert on the property for further driveway use on the remainder of the land. Member Tarbox asked if there were wetlands on the property. Mr. Keasbey stated that there are, but that the wetlands are not located on the lot being subdivided. Mr. Bonesteel asked if there was a pond on the property. Mr. Keasbey stated that there is, but that it is not located on the lot being subdivided, then pointed out the pond on the site map. Chairman Oster asked about the sight distance for the driveway. Mr. Bonesteel stated that it was adequate based on the speed limit on Spring Avenue. There were no further questions or comments from the Planning Board. Member Mainello made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster asked Attorney Gilchrist if there should be any conditions on the application, and Attorney Gilchrist stated that one condition should be that the project receive approval from the Rensselaer County Health Department. Member Henderson made a motion to approve the waiver of subdivision subject to the stated condition, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the waiver of subdivision subject to the stated condition.

The third item of business on the agenda was a special use permit and site plan application submitted by Changing Visions of Energy (CVE North America, Inc.) for property located off Belair Lane. Jared Lusk, an attorney from Nixon Peabody LLP, was present for the applicant. Attorney Gilchrist reviewed the Town Board special meeting held February 17, 2022, immediately before the current Planning Board meeting, where the Town Board reviewed and deliberated the zone change petition, made a negative declaration under SEQRA on the project, and approved the

petition. Mr. Bonesteel asked if the application documents dated December 2021 were the most recent submissions. Mr. Lusk confirmed that they were, and that only the Environmental Assessment Form (EAF) had been updated through the December 2021 submission. Mr. Bonesteel asked about the project's Stormwater Pollution Prevention Plan (SWPPP) and site plan. Mr. Lusk stated that there had been no changes to either since they were originally submitted in May 2021. Mr. Bonesteel had no further questions or comments, and stated that he would complete the technical review of the project. Chairman Oster reviewed the status of the project and asked if the technical review could be completed for the Planning Board's next meeting. Mr. Bonesteel stated that he would try to have the technical review done by then. Chairman Oster and Attorney Gilchrist then discussed the procedure for the project moving forward. This matter is placed on the March 3, 2022 agenda for further deliberation.

Two items of new business were discussed. The first item of new business was a special use permit and site plan application submitted by Atlas Renewables, LLC for property located off Oakwood Avenue and Farrell Road. Lluís Torrent of Atlas Renewables was present to review the application. Mr. Torrent stated that Atlas Renewables had previously introduced a solar project in early 2021 to be located on a former incinerator site that had been designated a brownfield site. Mr. Torrent stated that Atlas Renewables had done initial project review with NYS DEC and was coordinating with the Town of Brunswick, but subsequent requirements from DEC concerning remediation of the brownfield site made the project not economically viable at that location. Mr. Torrent stated that the current proposal is a new solar project, not the same project from 2021, and is proposed for an adjacent parcel in Brunswick, which is also owned by the same owner. Mr. Torrent then reviewed a site map of the project site, stating that the parcel is zoned Light Industrial, that the project would be for a 5 MW solar farm, and that the project would have the same

interconnection point as the previous project proposed in 2021. Mr. Torrent stated that National Grid will keep the project in the same position in the queue that the project from 2021 was in. Mr. Torrent stated that Atlas Renewables has contacted DEC to discuss the best possible area to cross the parcel where the project from 2021 was proposed (the brownfield site), and that DEC has conceptually approved crossing the brownfield site for an interconnection. Mr. Torrent stated that the applicant is expecting wetland delineation to be done in March or April, and that the applicant will adjust the proposal and complete a SWPPP due to the results of the wetland delineation. Mr. Torrent then reviewed the application materials, including the project's EAF and site plan, and the materials submitted to DEC and National Grid. Mr. Torrent stated that the project site would be accessed from Farrell Road, and that the road on the site currently connects to a paintball facility, which would be extended to the solar project. Chairman Oster asked about the orientation of the parcel, and where the self-storage facility on an adjacent parcel is located. Mr. Torrent reviewed the site map. Member Stancliffe asked about the location of the interconnection with the National Grid power line. Mr. Torrent explained, then showed where the interconnection would be on the site map. Mr. Bonesteel requested a full-size copy of the site map, and Mr. Torrent stated that he would provide it. Mr. Golden then stated that four copies of the full-size map would be needed, not just one, and Mr. Torrent stated that he would provide four copies. Chairman Oster stated that visual assessment of the project site needs to be done, specifically from Oakwood Avenue. Mr. Torrent stated that the applicant is planning to screen the site from surrounding properties, including using existing trees on the site, and that a full visual assessment report would be completed and submitted. Chairman Oster asked if the owner of the parcel was still interested in pursuing residential development on the residential-zoned section of the parcel. Mr. Torrent stated that the owner is aware of the layout of the proposed solar project and has signed the application

documents, but that he is not sure of what the owner intends to do with the remainder of the parcel. Member Henderson noted that the project site has an elevation change and asked if the elevation change would make the project more visible to surrounding properties, specifically to the west of the project site. Mr. Torrent stated that the elevation change would affect the visibility of the site, but that existing trees will screen the site, and that the elevation change would be addressed in the visual assessment report. Member Henderson asked if the project would impact residences to the east of the project site. Mr. Torrent stated that it would be addressed in the visual assessment report, and that visual impact to the east could be impacted by the results of the wetland delineation for the final proposed layout. This matter is placed on the March 3, 2022 agenda for further deliberation.

The second item of new business was an application to amend the special use permit and site plan regarding a cell tower submitted by Blue Sky Towers III for property located on Creek Road. Mr. Golden stated that the applicant is looking to increase the height of the previously approved cell tower on the site by 20 feet. The Planning Board discussed the application, stating that additional information will be required from the applicant. This matter is placed on the March 3, 2022 agenda for further deliberation.

The index for the February 17, 2022 regular meeting is as follows:

1. Dish Wireless – site plan amendment (approved).
2. Welch – waiver of subdivision (approved subject to condition).
3. Changing Visions of Energy – special use permit and site plan (March 3, 2022).
4. Atlas Renewables – special use permit and site plan (March 3, 2022).
5. Blue Sky Towers – special use permit and site plan amendment (March 3, 2022).

The proposed agenda for the March 3, 2022 regular meeting is currently as follows:

1. Changing Visions of Energy – special use permit and site plan.
2. Atlas Renewables – special use permit and site plan.
3. Blue Sky Towers – special use permit and site plan amendment.