

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 6, 2022

PRESENT were LINDA STANCLIFFE, J. EMIL KREIGER, DAVID TARBOX, KEVIN MAINELLO and ANDREW PETERSEN.

ABSENT were RUSSELL OSTER, CHAIRMAN and DONALD HENDERSON.

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

Acting Chairperson Stancliffe reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The Planning Board opened a public hearing on a special use permit application submitted by Kevin Bailey for property located at 197 Bulson Road. Richard Glynn, the property owner, was present to review the application. Mr. Glynn stated that Mr. Bailey was unavailable, but could answer any questions via phone call. Acting Chairperson Stancliffe stated that that would not be necessary. Attorney Gilchrist read the Notice of 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 all properties within 300 feet of the project site. Acting Chairperson Stancliffe asked Mr. Glynn to briefly review the project. Mr. Glynn stated that he was looking to install three freestanding solar arrays, consisting of 12 solar panels each, on the south side of his property, that the panels would be visible from Bulson Road, but that the panels would not be as close to and visible from Bulson Road as another solar project on that road. Mr. Glynn also stated

that the solar energy produced by the panels would provide energy for his house. Acting Chairperson Stancliffe opened the public hearing on the application. There were no public comments on the application. Acting Chairperson Stancliffe asked the Planning Board members if there were any questions for the applicant, and there were none. Member Tarbox made a motion to close the public hearing, which was seconded by Member Kreiger. The motion was unanimously approved, and the public hearing was closed.

The draft minutes of the September 15, 2022 regular meeting were reviewed. Upon motion of Member Mainello, seconded by Member Petersen, the draft minutes of the September 15, 2022 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a special use permit application submitted by Kevin Bailey for property located at 197 Bulson Road. Richard Glynn, the property owner, was present to review the application. Acting Chairperson Stancliffe asked Mr. Bonesteel if he had any questions or comments on the application. Mr. Bonesteel stated that he had reviewed the application and had no issues with it from a technical standpoint. Mr. Bonesteel also stated that the cut sheets for the project, which he had previously requested, had been provided, that the project was a straightforward solar project and installation, that there would be no impact to any well or septic systems on the property, and that the proposed location for the solar panels was on the best location on the property. Acting Chairperson Stancliffe commented on the setback of the solar arrays from Mr. Glynn's property line, asking if the setback was measured from the center pole or corner of the panels in the solar facility. Mr. Bonesteel agreed that the setback measurement needed to be determined. Attorney Gilchrist stated that the Building Department should confirm the setback measurement. Mr. Golden stated that the setback is measured from the closest point of the structure to the property line, not the center pole of the solar facility. Mr. Golden also stated

that a ground-mounted solar facility qualifies as an accessory structure under the Brunswick Zoning Law, and that since the property is located in an A-40 Agricultural zoning district, the solar facility requires 75 feet of front setback and 25 feet of side setback. After reviewing the project map, it was determined that the solar arrays were much more than 75 feet from the front lot line, but only 20 feet from the side lot line. Mr. Glynn stated that he had no problem moving the solar arrays five feet north in order to come into compliance with the side yard setback requirement under the Brunswick Zoning Law. Acting Chairperson Stancliffe asked if Mr. Glynn's property had frontage on Bulson Road or Windfield Lane. Mr. Glynn stated that his property had frontage on Bulson Road. Attorney Gilchrist noted that the required public hearing had been held, and since the project does not trigger NYS General Municipal Law 239-m, there was no need for a referral from Rensselaer County. 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 Petersen. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Acting Chairperson Stancliffe asked if there should be any conditions on the application. Attorney Gilchrist stated that the only condition for the Planning Board to consider would be that the solar arrays be moved five feet to the north to comply with the side yard setback requirement. Member Petersen made a motion to approve the special use permit subject to the stated condition, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the special use permit subject to the stated condition.

The second item of business on the agenda was a site plan application submitted by Paulsen Development of Albany, LLC for property located at 112 McChesney Avenue. Greg Beswick, P.E., of Creighton Manning Engineering, LLP, Eric Green, Property Manager at BBL Construction Services, and Rich Paulsen, the applicant, were present to review the application. Mr. Beswick

stated that some minor changes had been made to the application based on technical comments from Mr. Bonesteel, specifically a stop sign being installed at the driveway entrance, and rip rap being installed at the drainage area. Mr. Beswick stated that Rensselaer County had a minor comment on traffic safety on the site, but that the issue would be worked out during the permit stage. Mr. Beswick stated that the applicant had a site meeting on September 26 with Bill Bradley from the Brunswick Water Department regarding sewer, where it was determined that the applicant would relocate a portion of the existing sewer as part of the project. Mr. Beswick stated that responses to comments made at the public hearing had been submitted to the Town. Mr. Beswick also requested that a SEQRA determination be made on the project, as the only outstanding item preventing a SEQRA determination, traffic issues, had been addressed. Acting Chairperson Stancliffe asked where specifically the existing sewer line would be upgraded and relocated. Mr. Beswick pointed out the location of the sewer upgrades and what part of the existing sewer would be relocated on the site map. Mr. Bonesteel asked if that was a private sewer line. Mr. Beswick confirmed that it was, but that the Town would take over part of that sewer line as part of the project. Mr. Beswick also stated that the sewer line runs through the adjacent parcel owned by Nigro Group. Mr. Bonesteel stated that he had reviewed the traffic study, had no objections to its conclusions, and stated that the study's recommendations were reasonable. Member Tarbox stated that the applicant's response to the sidewalk issue was adequate. Attorney Gilchrist stated that since the sewer work would be going over land owned by Nigro Group, written consent to the work from Nigro Group should be provided to the Planning Board, and that Mr. Bonesteel should coordinate with Bill Bradley on the proposed sewer work so that the record is clear as to the sewer line location and what infrastructure, if any, was proposed to be taken by the Town. Mr. Bonesteel stated that he had reviewed the project's Environmental Assessment Form (EAF), that he had

minor comments which had all been addressed by the applicant, and that there were no issues on the EAF under SEQRA. Attorney Gilchrist also confirmed for the record that the Planning Board was acting as lead agency under SEQRA for the project following the SEQRA lead agency coordination process. Member Mainello asked if there should be any conditions or mitigation measures required for the project. Mr. Bonesteel stated that the applicant had adequately addressed all technical issues, which is what is required for a SEQRA determination. Attorney Gilchrist stated that conditions should be considered as part of any action taken on the site plan, but the SEQRA determination would not have conditions. Attorney Gilchrist noted that environmental impact issues may be mitigated as noted in the EAF and technical review. Member Mainello then made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Tarbox. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Attorney Gilchrist stated that the Planning Board could take no further action until the Zoning Board acted on the area variance application for the height of the medical building. This matter is tentatively placed on the October 20, 2022 agenda for further deliberation, subject to action by the Zoning Board on the area variance application.

The third item of business on the agenda was a special use permit and site plan application submitted by Atlas Renewables, LLC for property located off Oakwood Avenue and Farrell Road. John Watson, of Atlas Renewables, was present for the applicant. Attorney Gilchrist reviewed the status of the SEQRA lead agency coordination process for the project. Attorney Gilchrist reviewed the lead agency coordination response received from NYS DEC, which included comments, specifically regarding the project crossing a hazardous waste site, and that the project was within the proximity of a historical site. Mr. Bonesteel stated that the applicant had noted that the project site was near a historical site in the application, that an expert had been hired to conduct a study

on the site, that the expert had concluded that the project would have no effect on archeological resources, and that the New York State Historical Preservation Office (SHPO) had signed off on the action. Member Tarbox made a motion to declare the Planning Board lead agency under SEQRA for this project, which was seconded by Member Petersen. The Planning Board voted unanimously to declare itself lead agency under SEQRA for the project. Mr. Bonesteel stated that he had prepared proposed responses to Parts 2 and 3 of the project's EAF, which he then reviewed. Mr. Bonesteel stated that based on the responses in the EAF, a negative declaration on the project would be appropriate. Attorney Gilchrist briefly discussed Part 3 of the EAF and the narrative description to Part 3. The Planning Board had no questions or comments on the EAF. Member Mainello made a motion for a negative declaration under SEQRA on the project based on the responses discussed on EAF Parts 2 and 3, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Acting Chairperson Stancliffe noted that the applicant had an area variance application before the Zoning Board for utility poles on the project site and that the Planning Board could take no further action until that had been acted upon. This matter is tentatively placed on the October 20, 2022 agenda for further deliberation, subject to action by the Zoning Board on the area variance application.

The fourth item of business on the agenda was a minor subdivision application submitted by Sagebrook Associates, Inc. for property located at 48 Spring Landing Boulevard. Kevin Kronau, of Sagebrook Associates, was present to review the application. Mr. Kronau reviewed the project, stating that it was brought up at the last Planning Board meeting on September 15 that an existing driveway for the adjacent lot was located in the area where a section of one of the three proposed driveways was located, that his attorney had prepared a shared driveway "affidavit" which stated that both property owners could use the land, but that the adjacent owners had to

remove their driveway if Mr. Kronau requested it, and that the affidavit should be adequate for this application. Attorney Gilchrist reviewed the document submitted by the applicant, stating that it was actually an “encroachment agreement”, not an affidavit, and that it does not actually require the owners of the adjacent parcel to remove their driveway if Mr. Kronau requests that they do so. Attorney Gilchrist stated that, in fact, the document grants a license in real property, and that the applicant has actually granted property rights to the owners of the adjacent parcel. Mr. Kronau stated that he and the adjacent parcel owners are friendly and that the encroachment agreement should be adequate if an issue were to arise between them in the future. Mr. Bonesteel pointed out that the owners of the adjacent parcel and their successors were included in the agreement, but that only Sagebrook Associates was listed as the other party, not its successors, meaning that whoever Mr. Kronau sells the lot to would not be covered by the encroachment agreement. The Planning Board discussed the driveway locations for each lot and the adjacent parcel owners’ use of the Sagebrook property. Mr. Bonesteel also stated that it was not just a section of a driveway in question as the adjacent parcel owners have been maintaining trees and grass on the Sagebrook property as well. There was then an extended discussion regarding the encroachment as shown on the subdivision plat, including the driveway, vegetation, and lawn. The Planning Board then discussed options on how to address the encroachment issue. One option was a lot line adjustment giving the owners of the adjacent parcel the small section of land they are currently encroaching on, with Mr. Kronau maintaining 15 feet of frontage on Sagebrook Avenue for each of the proposed three lots. Another option was Mr. Kronau’s attorney preparing a plat note to address the driveway encroachment issue for review by Attorney Gilchrist. However, Attorney Gilchrist stated that he was not sure if he would find a plat note an acceptable mitigation and that he was not sure that he could advise the Planning Board to accept the application with a plat containing such a

note, though the decision of whether or not to accept the application was ultimately up to the Planning Board. Attorney Gilchrist also discussed the widths of the three driveways, stating that he would need to review the driveway width standards under the Brunswick Zoning Law. Mr. Bonesteel stated that for driveways of the length being proposed, they would need to be 16 feet wide under the Town's driveway standards. Attorney Gilchrist stated that he would review the driveway specifications with the definition of a buildable lot under the New York State Town Law. Mr. Bonesteel stated that he had recently done a site visit to the property, noting that there was good drainage across the site, that there was a good gravel road through the site, and that most of the clearing of the area where the three new homes are proposed to be had already been done. Mr. Bonesteel stated that the existing vegetation on slopes on the site should be maintained, and that the plat submitted by the applicant complies with all requirements for a minor subdivision under the Brunswick Zoning Law. Mr. Bonesteel also stated that he had reviewed the project's stormwater pollution prevention plan (SWPPP), that it was complete and approvable, and that there was a greater than one-acre, but less than five-acre, disturbance. Member Tarbox asked if paving the proposed driveways would affect the SWPPP at all, and Mr. Bonesteel stated that it would not. This matter is placed on the October 20, 2022 agenda for further deliberation.

One item of new business was discussed. The one item of new business was a waiver of subdivision application submitted by Fred Metzger for property located at 10 Naples Court. Fred Metzger was present to review the application. Mr. Metzger stated that he was the surveyor on the project, which was more in line with a lot line adjustment, and that Kellyanne Murray was the property owner. The Planning Board and Mr. Bonesteel reviewed and discussed the application. This matter is placed on the October 20, 2022 agenda for further deliberation.

The index for the October 6, 2022 regular meeting is as follows:

1. Bailey – special use permit (approved with condition).
2. Paulsen Development – site plan (October 20, 2022).
3. Atlas Renewables (North Troy Solar) – special use permit and site plan (October 20, 2022).
4. Sagebrook Associates – minor subdivision (October 20, 2022).
5. Metzger – waiver of subdivision (October 20, 2022).

The proposed agenda for the October 20, 2022 regular meeting is currently as follows:

1. Paulsen Development – site plan (tentative).
2. Atlas Renewables (North Troy Solar) – special use permit and site plan (tentative).
3. Sagebrook Associates – minor subdivision.
4. Metzger – waiver of subdivision.