

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 17, 2022

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

ABSENT was KEVIN MAINELLO.

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 a minor subdivision application submitted by Sagebrook Associates, Inc. for property located at 48 Spring Landing Boulevard. Matt Bond, from Barber Engineering, PLLC, was present for the applicant. 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, posted on the Town website, and mailed to the owners of all properties within 300 feet of the project site. Chairman Oster asked Mr. Bond to briefly review the project. Mr. Bond stated that the applicant is proposing a three lot subdivision on a 22.7-acre parcel, that all three lots meet the Town's size and setback requirements, all three lots will have on-site well and septic, area has been provided to allow driveways to be built for all three lots, there will be no disturbance to the on-site wetlands, and that there have been no updates to the application since the applicant was last before the Planning Board at its October 20 meeting. Mr.

Bond also stated that a note had been added to the plat concerning the encroachment issue for the driveway of an adjacent parcel. Chairman Oster then opened the public hearing on the application. Diane McGuirk, of 95 Menemsha Lane, noted that the project seemed to be being added to the Spring Landing subdivision, and asked why the application was considered a minor subdivision and not an addition to the Spring Landing major subdivision project. Mr. Bond stated that although the project was near the Spring Landing subdivision, it was on a separate parcel and not a part of that project. Steven Shephard, of 23 Cricket Court, stated that several lots in the Spring Landing subdivision currently have well problems and asked if the three new wells for this project would make those problems worse. Mr. Shephard also asked if the applicant was proposing three separate driveways for the three lots, or one driveway that branched off for the three lots. Mr. Bond stated that the three wells for the three new lots would be hundreds of feet away from the existing wells, so it would not put any additional burden on them. Mr. Bond also stated that three driveways are shown on the plat to comply with town requirements, but that the goal is to have one shared driveway that branches off to each individual lot, with a turn-off for emergency vehicles. Thomas Kiehl, of 43 Spring Landing Boulevard, asked for clarification on the encroachment issue regarding the driveway of an adjacent parcel that had been mentioned earlier. Attorney Gilchrist stated that an existing driveway for the adjacent parcel encroaches onto the project site, and that a note had been added to the plat indicating that this driveway is subject to a revocable license agreement. There were no further public comments on the application. Chairman Oster asked the Planning Board members if there were any questions for the applicant, and there were none. Chairman Oster made a motion to close the public hearing, which was seconded by Member Henderson. The motion was unanimously approved, and the public hearing was closed.

The draft minutes of the October 20, 2022 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the October 20, 2022 regular meeting were unanimously approved without amendment. Chairman Oster also noted that there were no minutes for the November 3, 2022 regular meeting as it had been cancelled.

The first item of business on the agenda was a minor subdivision application submitted by Sagebrook Associates, Inc. for property located at 48 Spring Landing Boulevard. Matt Bond, from Barber Engineering, PLLC, was present for the applicant. Chairman Oster stated that even though most comments had been addressed at the public hearing, written responses to all comments at the public hearing would still be required from the applicant. Mr. Bond stated that he would provide written responses to the Planning Board. Chairman Oster asked Mr. Bonesteel if he had any outstanding questions or comments. Mr. Bonesteel stated that he had reviewed the plans and made minor comments, and that the applicant had addressed those comments. Mr. Bonesteel stated that the project's stormwater plan was in compliance with the applicable standards, and that the project required an MS4 acceptance by the Town. Mr. Bonesteel asked about the status of the project's septic review by Rensselaer County. Mr. Bond stated that Rensselaer County had responded with a few comments, and that the applicant was in the process of responding to those comments. Mr. Bonesteel discussed the driveways for the three proposed lots, stating that turn-outs have been provided, that all three meet the minimum standard for grades, and that all three look to be in good shape from a technical standpoint. Attorney Gilchrist stated that all legal issues have been addressed, including that the plat note concerning the driveway encroachment issue had been added, which will become public record when the plat is recorded. This matter is placed on the December 1, 2022 agenda for further deliberation.

The second item of business on the agenda was reviewing proposed amendments to the Brunswick Zoning Law. Attorney Gilchrist reviewed the history of the zoning amendment process, and that the Planning Board had previously discussed the zoning law amendments at multiple meetings. Attorney Gilchrist then explained that a revised local law had been introduced by the Town Board addressing two-family and multi-family units and a density cap, and that this revised local law has been referred to the Planning Board for review and recommendation. Attorney Gilchrist noted that procedurally, the Town Board cannot act on the zoning law amendments until it receives a written recommendation from the Planning Board. Attorney Gilchrist then briefly reviewed the proposed zoning law amendments. Chairman Oster asked how Planned Development Districts would be affected by the zoning amendments. Attorney Gilchrist noted that the density cap will be used in connection with Planned Development Districts, and that the density calculations for Planned Development Districts will include consideration of availability of public water and public sewer. Chairman Oster stated that since the next Town Board meeting was not until mid-December, the Planning Board members could review the proposed zoning amendments on their own and discuss the matter at its next meeting. This matter is placed on the December 1, 2022 agenda for further deliberation.

Two items of new business were discussed.

The first item of new business was a site plan application submitted by CVE North America, Inc. for property located at 511 McChesney Avenue. Carson Weinand, Senior Project Developer for CVE, was present to review the application. Chairman Oster noted that the Town Board had held a public hearing on a proposed twelve-month solar moratorium at its meeting earlier that week and would likely make a determination on the moratorium at its next meeting on December 8, meaning that there could be a moratorium prohibiting the review of the applicant's

project in less than one month. Mr. Weinand stated that he attended that public hearing, was aware of the potential moratorium, and wanted to present the project anyway. Mr. Weinand briefly reviewed that CVE was a solar company based in New York City that has many solar projects throughout the northeast United States, including over a dozen projects in various stages of development in upstate New York. Mr. Weinand stated that the proposed project was a community solar project, which would offer discounts to low-to-moderate income families on their electricity bills, and that the program targeting middle to lower income families was under new federal incentives. Chairman Oster asked if people in Brunswick could benefit from the project if it only benefits low-to-moderate income families. Mr. Weinand confirmed that Brunswick residents would benefit from the project. Member Henderson asked specifically how the new federal incentives defined low-to-moderate income. Mr. Weinand stated that the federal program defined low-to-moderate income as 80% of the New York average household income, and since the average household income in New York is currently \$80,000 annually, low-to-moderate income would be \$64,000 a year or less. Chairman Oster asked who in Brunswick could benefit from the program. Mr. Weinand stated that anyone who is a National Grid customer could apply for the program. Chairman Oster asked if the previously-approved CVE project off Belair Lane was targeted toward low-to-moderate income families. Mr. Weinand stated that it was not, as the federal incentive for the program had only very recently become available. Member Henderson asked how CVE determined who specifically could benefit from the program and how they were contacted. Mr. Weinand stated that CVE hired an outside firm to research the area and mail flyers to people who were eligible to benefit from the project. Chairman Oster asked if contacting potential customers directly was done regularly in the solar industry, as there have been several solar projects in Brunswick, but he had only received information in the mail from one of them.

Mr. Weinand stated that using a third party to contact potential customers was CVE's method, and that he was not sure what other companies do. Chairman Oster asked Mr. Weinand to explain how the solar project's interconnection with National Grid works. Mr. Weinand stated that there is limited infrastructure for solar project interconnection in the area, and that not every parcel has access to a feeder line or is located where there are feeder lines or a substation capable of distributing the power generated by solar projects. Mr. Weinand also stated that all available space in the National Grid queue for solar projects has been taken and that there is no capacity left for solar projects in Brunswick. Chairman Oster asked what companies were in the National Grid queue for solar. Mr. Weinand stated that there is a publicly-available list of all companies in the National Grid queue for Brunswick and that he could provide that list to the Planning Board. Member Tarbox asked which National Grid substation the applicant would use for the project. Mr. Weinand stated that the substation in Sycaway would be used. Chairman Oster asked if National Grid was planning to build any new substations or expand any current substations in the area. Mr. Weinand stated that he was not aware of any new or expanded substations, and stated that expansion would be expensive as power lines would need to be expanded as well. Member Kreiger noted that the National Grid queue for Brunswick is full, yet the Town keeps receiving applications for new solar projects, and asked how long a solar company can stay in the National Grid queue without starting the application process. Mr. Weinand stated that he was not sure, but it could be a few years as long as payments to National Grid keep being made to reserve the spot in the queue. Chairman Oster asked if the applicant has already secured the land on which it plans to build the project. Mr. Weinand stated that the applicant had signed an option with the current landowner to buy the property. Mr. Golden reviewed several other CVE solar projects in New York and Massachusetts, citing total subscribers from the CVE website, and asked if other CVE solar

projects had obtained any sales tax or mortgage tax abatement through IDA benefits. Mr. Weinand stated that 12 of the 13 solar projects CVE has in New York used IDA benefits, and that the CVE project off Belair Lane was the only New York project by CVE that was not IDA-approved for tax breaks. Mr. Golden also noted that it would be hard to find low-income subscribers in Brunswick, or anywhere in Rensselaer County due to income levels, so the power generated by this project would likely provide power to customers outside the area. Mr. Weinand then presented the solar project, stating that it was at 511 McChesney Avenue. Member Tarbox asked if the project was to be located at 511 McChesney Avenue or at 511 McChesney Avenue Extension, as McChesney Avenue and McChesney Avenue Extension are very different. Mr. Weinand clarified that the project is to be located at 511 McChesney Avenue Extension. Mr. Weinand stated that the project is to be located on a 100-acre parcel that will be subdivided into a 75-acre parcel and a 25-acre parcel. The solar project on the 75-acre parcel will be 4.95 MW, and the project on the 25-acre parcel will be 2 MW. Mr. Weinand stated that the 100-acre parcel is zoned A-40 with an Agricultural Overlay, where solar is an allowable use. Mr. Weinand generally reviewed the conditions of the site, stated that both solar projects comply with all setback requirements, that the site will be accessed by an existing access road, and that an area variance will be sought for on-site utility poles. Mr. Weinand stated that no trees would be cut down for the project, that additional buffering would be planted to serve as visual screening, and showed on the site map where that additional planting would be located. Chairman Oster noted that there is a house on the property and asked if the applicant would be demolishing it. Mr. Weinand confirmed that the existing house would be demolished. Chairman Oster also noted that some work was being done on the house and asked if the applicant had already begun work. Mr. Weinand stated that the applicant had not started any work on the site, including not starting any demolition work on the house. Mr. Golden

stated that the applicant would need to apply for a demolition permit, and all related permits, to take down the house. Mr. Weinand stated that the applicant was aware and planned to apply for all necessary permits. The Planning Board then discussed the visibility of the project. Member Henderson stated that the project is to be located on a hill that will make the project very visible, and that when a public hearing is held on the project, the notice should be sent to more than just property owners within 300 feet of the project site as is normally done. Attorney Gilchrist stated that he would look into options to expand the public hearing notice. Mr. Weinand stated that the project would have approximately 15,000 tracker panels, which would slowly follow the sun throughout the day and reset at night. Member Henderson asked how much noise the panels would make. Mr. Weinand stated that they would make no noise as the tracker panels move extremely slowly both during the day and at night. Mr. Weinand stated that the applicant would be pursuing a Payment in Lieu of Taxes (PILOT) agreement for the project. Mr. Golden stated that when researching other CVE projects, he learned that several CVE projects in Massachusetts had PILOT agreements were almost double what the PILOT agreement had been for the previous CVE project off Belair Lane. Mr. Weinand stated that he was not involved with any CVE projects in Massachusetts, so he could not speak to them directly, but did note that PILOT agreements in different states could not be directly compared. Member Stancliffe asked what the applicant planned to do with the rest of the land not used for the solar project. Mr. Weinand stated that the remaining land would remain vacant and forested. Mr. Bonesteel asked if the applicant would be seeking a subdivision waiver. Mr. Weinand confirmed that a subdivision waiver would be sought. Mr. Weinand concluded by stating that he was at the Town Board public hearing on the proposed solar moratorium earlier in the week, where he opposed the adoption of the moratorium, that he wanted the Planning Board to also know that he opposed the solar moratorium, but that he was

aware that it could be adopted. This matter is placed on the December 1, 2022 agenda for further deliberation.

The second item of new business was a special use permit application submitted by Paul Brunina for 125 Tamarac Road. Mr. Golden briefly reviewed the application, stating that it was for an accessory apartment inside a single-family home. This matter is placed on the December 1, 2022 agenda for further deliberation.

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

1. Sagebrook Associates – minor subdivision (December 1, 2022).
2. Discussion of Brunswick Zoning Law Amendments (December 1, 2022).
3. Changing Visions of Energy – special use permit and site plan (December 1, 2022).
4. Brunina – special use permit (December 1, 2022).

The proposed agenda for the December 1, 2022 regular meeting is currently as follows:

1. Sagebrook Associates – minor subdivision.
2. Discussion of Brunswick Zoning Law Amendments.
3. Paulsen Development – site plan (tentative).
4. Changing Visions of Energy – special use permit and site plan.
5. Brunina – special use permit.