

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 1, 2024

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

ABSENT was J. EMIL KREIGER.

ALSO PRESENT were MICHAEL McDONALD, 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 June 20, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the June 20, 2024 regular meeting were unanimously approved without amendment.

The draft minutes of the July 18, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the July 18, 2024 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC for property located along NYS Route 2. R.J. Casale was present to review the application. Ron Laberge, P.E., of Laberge Group, the Town-designated review engineer for this project, was also present. Chairman Oster stated that written responses to comments made at the July 18 public

hearing on the application had been received by the Town. The Planning Board members had no questions or comments on the applicant's written responses. Chairman Oster stated that Mr. Laberge had reviewed the applicant's written responses, submitted written comments to those responses, and asked Mr. Laberge to review his comments. Mr. Laberge stated that he had reviewed the written responses and submitted written comments to those responses via letter dated August 1. Mr. Laberge stated that he suggested one clarification for the retaining walls on the site: that the walls must be designed by a professional engineer regardless of height, which should be added as a note on the site map. Chairman Oster asked if fences would be needed for retaining walls at a certain height. Mr. Laberge stated that a four-foot-high fence should be required for any retaining wall over 30 inches in height, which he suggested should also be added as a note on the site map. Mr. Laberge stated that the remaining responses to public comment were adequate. Chairman Oster asked Mr. Laberge to review his letter for the Planning Board and applicant. Mr. Laberge stated that his letter stated that additional information would be required pertaining to soil stability on the site, listed several notes that should be added to the plat, reviewed specifications for driveways within the subdivision, that a Water District and Drainage District must be formed by the Town Board before the plat is signed, listed several easements that the applicant must obtain, and listed several permits and approvals that the applicant must obtain from Rensselaer County and NYS. Chairman Oster noted that the speed limit and passing lanes on NYS Route 2 near the project site had been brought up as concerns at the public hearing on the application held July 18, and stated that both issues were under the jurisdiction of NYS Department of Transportation (DOT). Chairman Oster asked if sight distances were shown on the site plan. Mr. Laberge stated that site distances were not shown, but that the sight distances were approximately 700 feet for the proposed entrance to the subdivision, which was adequate for a road with a 55 mile-per-hour speed

limit. Mr. Bonesteel stated that the Planning Board usually requires that sight distances be shown on a plat. Attorney Gilchrist noted that there is a process for changing the speed limit of a road, stating that the Town Board could petition Rensselaer County, the County would review the request, the County would send the request and a recommendation to NYS DOT, and NYS DOT would review this issue and decide if changing the speed limit would be appropriate. Attorney Gilchrist reiterated that the process needed to be started by the Town Board, not Planning Board. Member Stancliffe asked if driveway entrance road specifications should be added to the plat. Mr. Laberge stated that only sight distances were required, but that NYS DOT could require more detail for a work permit. Attorney Gilchrist requested time to further review the prior approval of the project with Mr. Laberge in order to prepare draft conditions for consideration by the Planning Board. Mr. Laberge also stated that he wanted to further review the prior application documents to determine whether any further action was needed under the State Environmental Quality Review Act (SEQRA). This matter is placed on the August 15, 2024 agenda for further deliberation.

The second item of business on the agenda was a recommendation to the Town Board concerning an amendment to the Brunswick Square Planned Development District (Walmart). Attorney Gilchrist stated that he had drafted a recommendation based on deliberation by the Planning Board members at its July 18 meeting, then reviewed the recommendation for the Planning Board members. The recommendation stated that the Planning Board did not recommend approval of the application as currently proposed, and advised the applicant to consider alternate locations for seasonal lawn and garden sales. Mr. Laberge stated that he had also reviewed the draft recommendation and had no comments on it. Member Mainello stated that Recommendation #2 should be edited from seeking alternate locations in the parking lot, to seeking alternate location “within the project site.” The Planning Board members agreed on that edit. The Resolution was

offered as amended by Member Stancliffe, and seconded by Member Mainello. The Planning Board voted unanimously to adopt the Resolution as amended. A copy of the Resolution is attached hereto.

The third item of business on the agenda was applications for a waiver of subdivision, site plan, and a special use permit submitted by CVE North America, Inc. for property located at 511 McChesney Avenue Extension. Carrie Cosentino, Project Developer with CVE North America, was present to review the application. Ms. Cosentino stated that the application materials needed to be amended as they listed “511 McChesney Avenue” as the address of the site, and that the correct address is 511 McChesney Avenue Extension. Chairman Oster noted that the application materials would be amended. Ms. Cosentino stated that the applicant was proposing two community solar projects, of 5 MW and 2 MW, due to the capacity at the nearest substation, which had been determined by National Grid. Ms. Cosentino stated that the applicant had initially proposed two 5 MW projects at the site, but National Grid stated that it did not have the capacity for 10 total MW at the nearest substation, so the project had been changed to one 5 MW project and one 2 MW project. Ms. Cosentino stated that the applicant had an agreement with National Grid for projects with 7 MW capacity at the site. Chairman Oster noted that the applicant was proposing approximately 16,000 solar panels between the two projects. Ms. Cosentino stated that the number of panels could be reduced slightly if requested by the Planning Board. Chairman Oster stated that the applicant had chosen a controversial site for the projects due to the potential major visual impacts of the projects, due to the location and topography of the site. Chairman Oster asked if the applicant also needed variances from the Zoning Board of Appeals. Attorney Gilchrist confirmed that the applicant would need an area variance from the Zoning Board for the proposed above-ground utility poles on the site. Chairman Oster stated that previously when an applicant

has a solar project before both the Planning Board and Zoning Board of Appeals, a joint public hearing was held, and that a joint public hearing could be held again for this application. Chairman Oster asked if the nearest substation would now be at capacity if the current projects were approved, would this be the last solar project in the area of McChesney Avenue. Ms. Cosentino confirmed that it would be, then reviewed the most recent substation capacity map, stating that the Sycaway, Brunswick, and North Troy substations were now at capacity. Ms. Cosentino stated that any upgrades to a substation would need to be done at the developer's cost, not National Grid's, meaning that community solar projects would not be economically viable near these substations. Ms. Cosentino also stated that there were projects in the National Grid queue, including the current projects, and that while the National Grid queue for solar projects is not publicly available, the current projects should be the last community solar projects in the Town of Brunswick. Chairman Oster asked if the applicant would be purchasing or leasing the project site. Ms. Cosentino stated that the applicant would be purchasing the land. Chairman Oster asked if there were no other viable sites available in Brunswick for the projects. Ms. Cosentino stated that sites for community solar projects are difficult to find, due to environmental limitations and lack of willing landowners. Member Tarbox asked if the projects would connect directly to high-tension, three-phase power lines. Ms. Cosentino stated that the projects would directly connect to the substation. Member Tarbox asked how enough electricity would be generated to meet the renewable energy demands of New York State, since all nearby substations are at capacity. Mr. Bonesteel stated that it was possible to have a larger solar project proposed that would support the economics of an applicant paying for upgrades at a substation. Member Stancliffe asked what the applicant would be doing for those areas on the project site that would not have solar panels. Ms. Cosentino stated that the rest of the land had tough topography, and would likely remain wooded and untouched. Member

Mainello asked Ms. Cosentino to submit a copy of the substation maps she had reviewed earlier in the meeting to the Planning Board. Ms. Cosentino stated that she would. Mr. Bonesteel asked if the applicant was working on visual analysis of the site. Ms. Cosentino stated that visual analysis would be done, and that the applicant would work with the Town on that analysis as the applicant understood it was a difficult site. Mr. Bonesteel asked what the total area of disturbance would be. Ms. Cosentino stated that the applicant was currently working on a grading plan, which would have that information. Member Henderson stated that there were already several community solar projects in Brunswick, and asked why another was needed. Ms. Cosentino stated that the applicant would not be proposing the projects if there was not a market demand for them. Member Petersen noted that energy generated by community solar projects in Brunswick might not be staying in Brunswick, as people living in surrounding areas could apply for rebates on their energy bills due to energy generated from the projects. Chairman Oster agreed, noting that previous community solar projects had people from outside of Brunswick attending the public hearings on them. Chairman Oster asked if the applicant would be doing an outreach program, in such places as schools, for community benefit. Ms. Cosentino stated that the applicant planned to make a donation to local schools as part of the project, such as possibly donating one dollar for every solar panel on the project site. Chairman Oster noted that the applicant was planning a Payment In Lieu Of Taxes (PILOT) program for the projects, meaning that a PILOT payment would be paid to the Town instead of paying taxes on the property every year, and stated that houses that could have been built on the land would have generated much more property tax revenue over the duration of the projects. Ms. Cosentino stated that unlike homes, the community solar projects would not be using any Town services or utilities, that no children would be attending local schools, and that there would be no traffic after construction. Member Stancliffe noted that a tracker system,

allowing the panels to slowly move throughout the day, was being proposed, and asked if the projects would use a similar tracking system as the last CVE project on Belair Lane. Ms. Cosentino confirmed that it would. Member Stancliffe asked if the Planning Board members could visit the Belair Lane site to view the equipment, and Ms. Cosentino confirmed that they could. Chairman Oster noted that people with solar panels already on their homes would be ineligible to sign up for community solar. Ms. Cosentino confirmed that was correct. Ms. Cosentino stated that the applicant was currently preparing the project's Stormwater Pollution Prevention Plan (SWPPP). Mr. Bonesteel stated that visual analysis and a grading plan would also be needed. Chairman Oster asked what type of visual assessment the applicant should submit. Mr. Bonesteel stated that he would need to review the methodology. Ms. Cosentino stated that the applicant would also be presenting the project to the Zoning Board of Appeals at its August meeting. This matter is tentatively placed on the September 5, 2024 agenda for further deliberation.

The Planning Board discussed one item of new business.

The one item of new business was an application for a waiver of subdivision submitted by Henry Reiser for property located at 25 Penny Royal Lane. The Planning Board reviewed the application, which was to create a new building lot on Penny Royal Lane. Chairman Oster asked if the application should be a waiver of subdivision or a minor subdivision. The Planning Board had questions concerning the application materials, and stated that the applicant should be present to answer their questions. This matter is placed on the August 15, 2024 agenda for further deliberation.

The Planning Board discussed one item of old business.

The one item of old business was a site plan application submitted by Justin Haas for property located at the corner of NYS Route 7 and Carrolls Grove Road. Matt Bond, P.E., of Hart

Engineering, was present to review the application. Mr. Bond stated that the Zoning Board had approved two area variances, for front setback and rear setback, with conditions at a special meeting held June 3. Mr. Bond stated that he was currently preparing a SWPPP and detailed site plan for the project, and that there was no significant change to the site plan, he was just advancing the plan for review before the Planning Board. Member Henderson asked what the color of the proposed storage units would be. Mr. Bond stated that the units would be earth-toned, a black and dark brown, and stated that pictures of what the units would look like had been presented to the Zoning Board. Attorney Gilchrist stated that the pictures of the what the units would look like should also be submitted to the Planning Board, as well as the list of conditions on the Zoning Board approvals. Mr. Bonesteel stated that stormwater had been a major issue for the site when the project was before the Zoning Board, and would be here as well. Mr. Bond stated that the stormwater plan was currently being worked on. This matter is placed on the August 15, 2024 agenda for further deliberation.

The index for the August 1, 2024 regular meeting is as follows:

1. Brunswick Acres – major subdivision (August 15, 2024).
2. Walmart – recommendation to Town Board (Resolution adopted).
3. CVE North America – waiver of subdivision, site plan, and special use permit (September 5, 2024).
4. Reiser – waiver of subdivision (August 15, 2024).
5. Haas – site plan (August 15, 2024).

The proposed agenda for August 15, 2024 regular meeting is as follows:

1. Maries Muse, LLC – site plan and minor subdivision.
2. Brunswick Acres – major subdivision.
3. Reiser – waiver of subdivision.
4. Haas – site plan.
5. Sol Source Power – site plan (tentative).

The proposed agenda for the September 5, 2024 regular meeting is currently as follows:

1. CVE North America – waiver of subdivision, site plan, and special use permit (tentative).

**TOWN OF BRUNSWICK PLANNING BOARD
REGULAR MEETING**

AUGUST 1, 2024

**RESOLUTION ADOPTING RECOMMENDATION ON APPLICATION TO AMEND
BRUNSWICK SQUARE PLANNED DEVELOPMENT DISTRICT**

WHEREAS, Walmart Stores Inc. has submitted an application to the Town of Brunswick Town Board (“Town Board”) seeking amendment to the Brunswick Square Planned Development District to allow storage of seasonal lawn and garden supplies from March to July annually in the northerly end of the existing parking lot area of the Brunswick Square Planned Development District in proximity to Hoosick Road (NYS Route 7) and the existing Walmart Garden Center; and

WHEREAS, the Town Board has referred such application to the Town of Brunswick Planning Board (“Planning Board”) for review and recommendation pursuant to Brunswick Zoning Law Section 160-99(B)(2)(c); and

WHEREAS, the Planning Board reviewed such application at its meeting held July 18, 2024, and duly deliberated thereon; and

WHEREAS, based on such deliberation, the Planning Board makes the following findings:

1. That the area proposed to be designated for storage of seasonal lawn and garden supplies had previously been designated for grocery pickup, but that such grocery pickup area has been relocated to the side of the Walmart building, returning this area to parking spaces available to Walmart customers.
2. That 16 parking spaces in close proximity to the Walmart store would be lost during the period of March to July annually due to the proposed outdoor storage area.
3. That the area proposed for outdoor storage of seasonal lawn and garden supplies is in close proximity to the Hoosick Road corridor, and easily viewed from the Hoosick Road corridor.
4. That Walmart has historically represented to the Town of Brunswick that it needed a significant amount of parking at its stores.
5. That the parking spots located in the area proposed for storage of seasonal lawn and garden supplies, and which would be lost for a significant period of time each year, are in close proximity to the Walmart building and are generally in use by customers when the Walmart store is open.

6. That outdoor storage and sales of seasonal lawn and garden supplies in the parking lot has the potential to be difficult to maintain and keep secure.

7. That the outdoor storage and sales of seasonal lawn and garden supplies in the parking lot has the potential to be difficult to keep contained to that specific area, and could impact other parking spots in that general location of the parking lot.

8. That the outdoor storage and sales of seasonal law and garden supplies also has the potential to present a safety risk to customers walking to the store from exterior parking spots; and

WHEREAS, based on such deliberations and findings, the Planning Board hereby completes its recommendation on such application for consideration by the Town Board;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick in regular session duly convened as follows:

1. The Planning Board does not recommend approval of the amendment to the Brunswick Square Planned Development District as currently proposed.
2. The Planning Board recommends that the Town Board consider alternate locations within the project site for storage of seasonal lawn and garden supplies which would reduce visual impact from the Hoosick Road corridor, maintain parking spots in close proximity to the Walmart store for customer parking and use, and reduce potential security and safety impacts.

The foregoing Resolution, offered by Member Stancliffe and seconded by Member Mainello, was duly put to a roll call vote as follows:

CHAIRMAN OSTER	VOTING aye
MEMBER HENDERSON	VOTING aye
MEMBER KREIGER	VOTING absent
MEMBER STANCLIFFE	VOTING aye
MEMBER TARBOX	VOTING aye
MEMBER MAINELLO	VOTING aye
MEMBER PETERSEN	VOTING aye

The foregoing Resolution was thereupon declared duly adopted.

August 1, 2024