

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD OCTOBER 3, 2024**

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

ABSENT were J. EMIL KREIGER and ANDREW PETERSEN.

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 September 19, 2024 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the September 19, 2024 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was the applications for site plan and special use permit 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 applications. Chairman Oster stated that the applicant had submitted an updated site plan and an updated stormwater pollution prevention plan (SWPPP) since the last meeting. Mr. Bonesteel stated that he had reviewed the updated SWPPP, that he had minor comments on the SWPPP, and that the applicant had no objections to his minor comments. Chairman Oster asked Mr. Bonesteel to review his minor comments for the Planning Board members. Mr. Bonesteel stated that he had suggested

shifting the fencing on the west side of the site slightly to the east to eliminate interference with the swale on the site; adding detail to the location where the fence crossed the swale; that a detailed engineering plan for the retaining wall be submitted at the time a building permit for that retaining wall was submitted; that spot elevations at the retaining wall location be submitted; that spillway detail be added; that the berm at the top of the pocket pond be widened to three feet wide; that the overflow weir detail be clarified; that the stormwater pipe size calculations be submitted for review; and that the existing drainage conditions map be included in the SWPPP. Mr. Bonesteel stated that all remaining comments he had on the application had been addressed. Chairman Oster stated that a public hearing had been held on the application on September 5, that the Planning Board had received written responses to comments made at the public hearing via letter dated September 24, and that the public hearing comments had been adequately addressed. Mr. Bonesteel agreed that the public hearing comments had been adequately addressed. Chairman Oster asked if Mr. Bonesteel's minor comments on the SWPPP would require a new SWPPP be submitted. Attorney Gilchrist stated that the Planning Board could consider that a condition on the application be imposed requiring response to and compliance with the final engineering comments. Member Stancliffe asked if comments made by the Fire Department had been addressed and/or added to the plans, specifically if a knox box had been added to the site. Mr. Bond confirmed that a knox box was included in the newest plans. Attorney Gilchrist stated that the applicant must coordinate with the Fire Department on the final location of the knox box. There were no further questions or comments from the Planning Board. Member Tarbox made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Mainello. The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairman Oster stated that compliance with all outstanding engineering comments and that the final plans

be subject to final review by Mr. Bonesteel be considered as conditions on the application. Member Stancliffe made a motion to approve the site plan and special use permit applications subject to the stated conditions, which was seconded by Member Henderson. The Planning Board voted unanimously to approve the site plan and special use permit applications subject to the stated conditions.

The second item of business on the agenda was the 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, and David Froelich, Director of Development at CVE North America, were present to review the applications. Chairman Oster stated that updated visual analysis had been submitted since the applicant was last before the Planning Board on September 5, and asked the applicant's representatives to review that analysis. Ms. Cosentino stated that the project site was approximately 99 acres and that only the lower 35 acres would be used for the community solar project, with the remaining 64 acres remaining untouched. The representatives then showed a PowerPoint presentation about the project. Ms. Cosentino briefly gave details on CVE as a company, then stated that the applicant was proposing two solar projects on the site totaling 8.6 MW of power. Ms. Cosentino stated that the applicant would be purchasing the land, not leasing it, and that approximately 16,000 solar panels on a tracker system was proposed. Ms. Cosentino stated that construction would take approximately six months working Monday through Friday, 8:00 AM to 6:00 PM. Ms. Cosentino stated that stated that a decommissioning bond would be filed with the Town, and that the applicant was proposing a Payment in Lieu of Taxes (PILOT) program for the project. Ms. Cosentino reviewed the economic and environmental benefits of the project, stating that the applicant would make a \$1.00 donation for every panel to an environmental

organization in the Town, and that subscriptions would be offered to Town residents to apply to the project. Ms. Cosentino then reviewed operation and maintenance of the site, stating that the applicant had their own operations and maintenance staff to maintain the site. Chairman Oster stated that Ms. Cosentino had stated that the site would be mowed and that no pesticides would be used, and asked to confirm that that was still planned. Ms. Cosentino confirmed that the site would be mowed and that no pesticides or herbicides would be used on the site. Ms. Cosentino stated that there had been a question at the September 5 meeting as to whether the panels were made of or produced any toxic materials, and stated that the panels were made of silicone with metal frames, and that they were not toxic and did not produce any toxic materials. Ms. Cosentino stated that the panels would be recycled after the life of the project, and that recycling solar panels was already a growing industry, and would be much bigger when the proposed project ends. Ms. Cosentino stated that stated that no dangerous electromagnetic waves would be produced by the panels, and that a cell phone produces more electromagnetic waves than the panels would. Ms. Cosentino stated that the project would not permanently affect the land, and that the land could be used for farming again after the life of the project and removal of the solar panels and equipment. Ms. Cosentino stated that the panels were designed to be non-reflective and not cause glare, noting that approximately 2% of sunlight hitting the panels would be reflected back and that windows in homes produce more glare. Ms. Cosentino stated that the project would not affect birds, and that some studies showed that solar projects actually led to increases in local bird populations. Chairman Oster asked when the decommissioning point for the project was determined. Ms. Cosentino stated that the project owner decides when to decommission the project, that the applicant would monitor the project to make sure it was producing as much power as expected, that the applicant could either replace or retire panels when they stopped being efficient, and that

the applicant was planning for the project to last 35-40 years. Member Mainello asked who the PILOT payment for the project would be made to. Ms. Cosentino stated that the PILOT payment would be split between the Town, Rensselaer County, and local schools. Member Henderson asked what the approximate amount of the PILOT payment would be. Ms. Cosentino stated that it would be \$6,000.00 per MW. Member Henderson stated that 50 lots could be built on the site, bringing in approximately \$8,000.00 per lot in taxes annually, as opposed to the PILOT payment, and asked if the project would be good for the Town financially. The Planning Board discussed the economics of the project. The applicant's representatives then showed drone footage from the sites requested for visual analysis by the Planning Board, showing the visual impact of the project at varying heights. Ms. Cosentino stated that the maximum height of the panels was 9-9.5 feet, but that the drone footage went much higher than that. The drone footage showed the visual impact of the project from the project site to Moonlawn Road, from Moonlawn Road to the project site, at Dater Hill Road, at McChesney Avenue Extension, at Menemsha Lane, at Maple Avenue and NYS Route 2, and from NYS Route 351. Ms. Cosentino noted that the panels would be visible from McChesney Avenue Extension, and that the drone footage would be submitted to the Town. Member Mainello asked if the drone footage included simulations of where the solar panels would be, and Ms. Cosentino stated that it did not. Member Mainello asked if simulations of the solar panels could be added to the drone footage, and Ms. Cosentino stated that they could be. Chairman Oster asked if the house currently on the project site would be torn down, and Ms. Cosentino confirmed that it would be. Member Mainello asked if the tracker system for the panels produced any noise, and Ms. Cosentino stated that it did not. Member Henderson asked if the panels would be more visible during the winter, when leaves were not on the trees. Ms. Cosentino stated that the panels would be more visible during leaf-off conditions. Mr. Froelich stated that for some of the

locations, there were areas on the roads where the panels would not be visible and other locations where the panels would be visible, and that the applicant had shown the locations where the panels would be most visible, if at all, from the roads. Ms. Cosentino then reviewed the three substations in Brunswick and their capacities, noting that two are already at capacity, and the third has some capacity left, but would require significant upgrades costing \$4 million. Ms. Cosentino stated that the project was initially proposed to be larger, but that the applicant was unwilling to pay for the required upgrades, so the project was revised to be 8.6 MW. Ms. Cosentino asked if there had been any update on the SEQRA Lead Agency coordination. Attorney Gilchrist stated that the coordination notice had been sent out to all involved or interested agencies, but that it was still within the 30-day period to respond. Attorney Gilchrist stated that a SEQRA determination was required before a public hearing on the project, as a subdivision was sought. Attorney Gilchrist reviewed the NYS Town Law requirements for site plan, special use permit, and subdivision procedure and the scheduling of a public hearing. Mr. Bonesteel stated that he would review the project's SWPPP and visual analysis data and send comments to the applicant. Member Stancliffe had a question on the site map submitted with the application, stating that it could be confusing for members of the public at a public hearing. The applicant will address that matter. This matter is placed on the October 17, 2024 agenda for further deliberation.

The third item of business on the agenda was the Colton Ridge major subdivision application submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue Extension and Creek Road. Matt Bond, P.E., of Hart Engineering, was present to review the application. Chairman Oster stated that a question had been raised at the last Planning Board meeting on September 19 concerning the access of lots to Spring Avenue Extension and Creek Road despite a cul-de-sac road and driveways being proposed for the site.

Attorney Gilchrist stated that 12 lots are allowed on a cul-de-sac road under the Town subdivision regulations, and that the applicant was proposing 17 lots for the project site. Attorney Gilchrist stated that the number of lots on the cul-de-sac road must be determined by the Building Department, and that whether a lot should be included in that determination if it also has frontage on an existing public road was the issue. Member Tarbox stated that he was concerned with the length of the driveways on two of the proposed lots, noting that there was a 20-foot-wide shared driveway located over a lot line between two of the proposed lots and that if the owners of those adjacent lots were not cooperative with each other in the future, there would be a problem. The Planning Board discussed the shared driveway Member Tarbox had brought up, including proposed house locations on those lots being much closer to Spring Avenue Extension than the cul-de-sac road. The Planning Board then further discussed the need for a determination by the Building Department as to the lots to be included in the calculation for the number of lots on a cul-de-sac road. This matter is placed on the October 17, 2024 agenda for further deliberation.

There was no new business to discuss.

The Planning Board discussed one item of old business.

The one item of old business was the applications for site plan and minor subdivision submitted by Maries Muse, LLC for property located at 727-737 Hoosick Road and 4 Mohawk Avenue. Mr. Bonesteel stated that additional testing had been done on the site for the SWPPP, that test pits and infiltration tests had been done earlier that day, and that it would be some time before the applicant incorporated that data in the plans. Chairman Oster asked if the applicant would be ready to present new information by the next meeting. Mr. Bonesteel stated that it was unlikely that the applicant would be ready for the next meeting. This matter is adjourned without date.

The index for the October 3, 2024 regular meeting is as follows:

1. Haas – site plan and special use permit (approved with conditions).
2. CVE North America – waiver of subdivision, site plan, and special use permit (October 17, 2024).
3. Paramount Building Group – major subdivision (October 17, 2024).
4. Maries Muse, LLC – site plan and minor subdivision (adjourned without date).

The proposed agenda for the October 17, 2024 regular meeting is as follows:

1. Reiser – waiver of subdivision and minor subdivision (public hearing to commence at 7:00pm).
2. CVE North America – waiver of subdivision, site plan, and special use permit.
3. Paramount Building Group – major subdivision.