

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 3, 2022**

PRESENT were LINDA STANCLIFFE, DONALD HENDERSON, J. EMIL KREIGER, DAVID TARBOX, and KEVIN MAINELLO.

ABSENT were RUSSELL OSTER, CHAIRMAN, and ANDREW PETERSEN.

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 draft minutes of the February 17, 2022 regular meeting were reviewed. Member Tarbox noted one correction: on page 3, line 13 “of” should be changed to “if.” Upon motion of Member Henderson, seconded by Member Mainello, the draft minutes of the February 17, 2022 regular meeting were unanimously approved subject to the noted correction.

The first 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. Lluís Torrent of Atlas Renewables was present to review the application. Thomas Murley, the owner of the land the project is proposed to be built on, was also present. Mr. Torrent reviewed another proposed project by Atlas Renewables on the site of a former incinerator site, which is adjacent to the location of this new proposal for a solar farm; that updated remedial requirements for the former incinerator site from NYS DEC made the project economically unfeasible; and that the previous project on the former incinerator site has not been withdrawn, but is being looked at

for other options. Mr. Torrent stated that the current application is on a new site on an adjacent property which is also owned by Topatoma, LLC and Matopato, LLC, both of which are owned by Mr. Murley. Mr. Torrent stated that the project will have the same interconnection point to National Grid's power lines, that the project will have the same position in the National Grid queue for interconnection, and that NYS DEC consulted on the location of utility poles for the interconnection point, stating that the northern portion of the former incinerator site was preferred. Mr. Torrent stated that NYS DEC conceptually approved of the location of the proposed utility poles. Mr. Torrent stated that the project would have underground utility lines near the panels, as well as 7 above-ground utility poles for the interconnection to National Grid's power lines. Mr. Torrent stated that survey work had begun, and that wetlands and stormwater delineation would begin in the Spring. Mr. Murley then stated that he was in full support of the project. Acting Chairperson Stancliffe asked for details concerning the access road on the site. Mr. Torrent stated that the access road used to get to a paintball facility on the parcel would also be used for access, and that the applicant will obtain an easement over the access road. Acting Chairperson Stancliffe asked if the applicant would be purchasing or leasing the land on which the panels would be located from Mr. Murley. Mr. Torrent stated that the applicant would be leasing the land. Acting Chairperson Stancliffe asked if the applicant would need to go before the Zoning Board for a variance. Mr. Torrent confirmed that they had presented the project to the Zoning Board at its February 28 meeting, and that area variances will be needed. Member Tarbox asked if that was the first time the current project had been presented to the Zoning Board, and Mr. Torrent confirmed that it was. Acting Chairperson Stancliffe asked if the site might change after the wetlands delineation was done, and Mr. Torrent confirmed that it was possible. Mr. Torrent also stated that the entire parcel is part of a Planned Development District (PDD) for the paintball facility, that the

parcel is partially zoned residential and partially light industrial, and that the solar facility would be restricted to the section zoned light industrial. Member Henderson asked if the panels would be three feet off the ground as the panels from the previous project were, and Mr. Torrent confirmed that they were. Member Henderson asked what the height of the top of the panels would be, and Mr. Torrent stated that the top of the panels would be 12 feet high. Member Henderson asked if the project would be visible from surrounding properties, and Mr. Torrent stated that it would not be and described the parcel and surrounding properties in more detail. Mr. Bonesteel asked if the applicant would be doing a visual impact assessment on the property, and Mr. Torrent confirmed that they would. Mr. Bonesteel asked what the visibility points were that the applicant would use. Mr. Torrent stated that the applicant would be putting together a simulation of the complete project site and surrounding area so that any location on or near the site could be visually assessed for the Planning Board. Acting Chairperson Stancliffe asked if the previous application for a solar facility on the adjacent site was still pending. Attorney Gilchrist confirmed that it was and stated that all environmental impact assessments for the new project must take the first application into account and be a cumulative assessment. Mr. Bonesteel stated that he was still reviewing the project's Stormwater Pollution Prevention Plan (SWPPP), and noted that the project's wetlands delineation and visual assessment should be submitted before a public hearing on the application. Mr. Golden requested a copy of the letter from DEC conceptually approving the utility pole locations for the interconnection to National Grid's power lines, and Mr. Torrent stated that he would provide it. Mr. Torrent also noted that data on soils on the project site was included in the application materials. Member Mainello asked where the utility poles would be located on the project site. Mr. Torrent pointed out specifically where the poles would go on a map of the site, stating that the location is where the National Grid power lines are located. Mr. Murley then clarified that the

utility poles will be located at the north end of the property, near the Diamond Rock Plaza that he also owns. Mr. Bonesteel asked Mr. Murley if was still planning to develop the property, specifically with a residential project. Mr. Murley confirmed that he was still planning to develop the property, stating that he had put together a subdivision layout containing 137 lots, but that no developers had expressed interest, and that he was instead considering a multi-family condominium project on the site. Member Mainello asked if residents living on Liberty Road would be visually impacted by the project. The Planning Board the discussed the topography of the site, the amount of vegetation between residences on Liberty Road and the project location, and that it was about 800 feet from the proposed project location to Liberty Road. Member Henderson asked if the project was necessary, stating that there were already several solar projects approved in Brunswick and that any Town residents could have already signed up for those projects. Mr. Golden noted that there were so many solar projects coming to Brunswick due to New York State's mandate that 70% of all energy produced within the state be renewable energy by 2030. Attorney Gilchrist stated that the need for a solar project was not something for the Planning Board to consider, only whether or not the project was allowable under the Brunswick Zoning Law. Attorney Gilchrist also stated that he and Mr. Bonesteel will need to review the issue of whether or not the access road for the project is considered part of the project site and whether or not the access road is zoned for solar farm use. Acting Chairperson Stancliffe asked if the applicant would like to be on the agenda for the Planning Board's next meeting or the first meeting in April. Mr. Torrent stated that if the visual simulations are ready, he would prefer to be on the agenda for the next meeting. This matter is tentatively placed on the March 17, 2022 agenda for further deliberation.

The second item of business on the agenda was an application to amend the special use permit and site plan regarding a cell tower submitted by Blue Sky Towers III or property located on Creek Road. No one was present for the applicant. Mr. Golden stated that there had no submissions from the applicant since the previous meeting. Attorney Gilchrist briefly explained the background on the submissions and that he and Mr. Bonesteel would review the submissions to determine what other documents needed to be submitted for the application to be considered complete. Attorney Gilchrist also reviewed the Federal Telecommunications Law and the regulations and timeframes of review defined within it. This matter is placed on the March 17, 2022 agenda for further deliberation.

One item of new business was discussed: a minor subdivision application submitted by Richard Witbeck and Jacquelyn Witbeck for property located at 131 Kreiger Lane. Mr. Golden reviewed the application, stating that the applicants were proposing to add four lots on Kreiger Lane, all of which would have frontage on Kreiger Lane. Attorney Gilchrist noted that the application would require a referral to the Town Board for a waiver on the total number of lots on a dead-end road. Mr. Bonesteel asked if the application was for a non-realty subdivision. Attorney Gilchrist stated that he would research that before the next Planning Board meeting. Member Kreiger asked if Michael Vickers, who had also proposed a subdivision on Kreiger Lane, had needed to get Town Board approval. Attorney Gilchrist stated that Mr. Vickers was not required to get Town Board approval at that time because he had previously proposed one new lot and that the Town Board had previously approved the Vickers waiver. Member Tarbox asked when the last lot was sold off from the Witbeck parcel. Attorney Gilchrist stated that this date must be checked as it could determine whether or not this application becomes a major subdivision. Acting Chairperson Stancliffe asked if a power line crossed one of the proposed lots, and the Planning

Board reviewed the site map. Member Krieger asked if there was a gravel road on Lot 2 that led to other land. The Planning Board continued reviewing the site map and discussed the lot layouts. Attorney Gilchrist stated that further information will be needed from the applicant. This matter is placed on the March 17, 2022 agenda for further deliberation.

One item of old business was discussed: a major subdivision application submitted by Brunswick Road Development LLC for the Brunswick Acres Planned Development District located along the north side of Brunswick Road (NYS Route 2) just west of Heather Ridge Road. Acting Chairperson Stancliffe stated that the Town had received a letter from Laberge Group, acknowledging the receipt of a slope stability analysis report on the project. Attorney Gilchrist stated that an extension on the determination on the project had previously been extended by the applicant, and that he would confirm the exact date before the next Planning Board meeting. The matter is adjourned without date.

The index for the March 3, 2022 regular meeting is as follows:

1. Atlas Renewables – special use permit and site plan (March 17, 2022).
2. Blue Sky Towers – special use permit and site plan amendment (March 17, 2022).
3. Witbeck – minor subdivision (March 17, 2022).
4. Brunswick Acres – major subdivision (adjourned without date).

The proposed agenda for the March 17, 2022 regular meeting is currently as follows:

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