

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD JULY 19, 2018

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

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

Chairman Oster reviewed the agenda as posted on the Town signboard and Town website.

The draft minutes of the July 5, 2018 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Henderson, the minutes of the July 5, 2018 meeting were unanimously approved without amendment.

The first item of business on the agenda was the waiver of subdivision application submitted by Eric Davidson and Lacey Davidson for property located at 100 Cole Lane. The applicants seek to divide an existing 4.13-acre parcel into two parcels, including a new 1.36-acre building lot, and the remaining lot of 2.77 acres with the existing homestead. It is noted for the record that this application required the approval of the Brunswick Town Board for the number of lots on a cul-de-sac or dead end road, and that the Brunswick Town Board did grant a waiver of the limitation on total lots on a dead end or cul-de-sac road for this application at its meeting held July 12, 2018. The Planning Board inquired about the applicant's intent regarding the shed which will be located on the new building lot. Ms. Davidson stated that the shed would be removed

within one year of approval or upon the sale of the building lot, whichever occurred earlier, and stated that this was noted on the subdivision plan. Member Tarbox inquired about the status of this project as a non-realty subdivision, and Attorney Gilchrist stated that this project does constitute a non-realty subdivision. Chairman Oster inquired whether there were any further questions or comments on the application. Hearing none, Member Czornyj made a motion to approve a negative declaration under SEQRA, which motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a motion to approve the waiver of subdivision subject to the following conditions:

1. Rensselaer County Health Department approval is required prior to the issuance of any building permit for the 1.36-acre building lot;
2. The existing shed located on the 1.36-acre building lot must be removed within one year of the date of the approval or upon the sale of the building lot, whichever occurs earlier; and
3. A driveway permit from the Brunswick Highway Department is required for driveway construction on the 1.36-acre building lot.

Member Casey seconded the motion subject to the stated conditions. The motion was unanimously approved, and the subdivision approved subject to the stated conditions.

The next item of business on the agenda was the application submitted by Borrego Solar to amend the subdivision, special use permit, and site plan in connection with the previously-approved commercial solar energy system located at 138 Brick Church Road. Dean Smith, P.E. was present for the applicant. It is noted that Member Stancliffe recused herself from consideration of this application. Mr. Smith reviewed the proposal to amend the project, stating that Borrego

Solar was looking to combine the previously subdivided two parcels for the commercial solar project and combine them into one parcel, and have one commercial solar system located on the singular parcel; that the total number of solar modules is reduced as a result of the amendment, and also reduces the total coverage of solar racks and modules on the property; a singular perimeter fence will be installed, rather than having two fence enclosures around two separate commercial solar facilities; the access road alignment and length is the same and will be unchanged as a result of the project amendment, and the access road will meet Town private road standards for width; with the project amendment, half of the previously-approved above-ground utility poles will be eliminated, and also reduce the pad-mounted equipment for the project, further reducing any visual impact; the amendment will increase setbacks of the solar equipment from exterior property lines, including those areas previously approved through area variance; and that all external impacts, although minimum, are further reduced as a result of the project amendment. Chairman Oster asked whether there were any changes to wetland impacts on the site. Mr. Smith stated that there would be no change to wetland impacts, as the access roadway and trenching for electric utility installation were the only wetland impacts, and those features are not changed in connection with the proposed amendment. Mr. Smith stated that the previously-approved plan had a total of 15,984 solar panels, and the amended plan will reduce that number to 14,229 solar panels. Mr. Bonesteel asked whether the total area designated for panel installation will change as a result of the amendment. Mr. Smith stated that there will be a proportional reduction to total area of solar equipment, but that the reduction will be probably in the nature of ½-acre since the amended plan will provide for more room between the solar panel rows. Chairman Oster inquired about procedure on the plan amendment. Attorney Gilchrist stated that a public hearing had previously been held in conjunction with the site plan and special use permit, and the applicant now seeks a

modification to those approved plans. Attorney Gilchrist stated that the issue for the Planning Board members to consider is whether the Board deems the proposed amendments to be substantial. If the proposed amendments are deemed substantial then an additional public hearing will be required, but if the Planning Board members deem the proposed amendment to be non-substantial then an additional public hearing is not required. Chairman Oster stated that, in his opinion, the proposed changes are not substantial and actually result in a reduction in overall project size and impacts. The remaining Planning Board members concurred, and a determination was made that an additional public hearing on the proposed amendment is not required. Chairman Oster asked whether the Planning Board is in receipt of the recommendation from the Rensselaer County Planning Department. Ms. Guastella stated that the recommendation from the County had not yet been received, and was only referred to the County following the Planning Board's July 5 meeting. Attorney Gilchrist stated that the Planning Board could not act on the proposed amendment until the recommendation from the County Planning Department is received. This matter is placed on the August 2 agenda for further consideration, pending receipt of the recommendation from the Rensselaer County Planning Department.

The next item of business on the agenda was the special use permit application submitted by David Leon for property located at 1 Valley Avenue. Member Stancliffe returned to the Board deliberation. Chairman Oster noted that a public hearing on this application has been scheduled for the August 2 meeting, and that the public hearing notices had already been prepared and published. The Planning Board members had no further comments on the application, and will open the public hearing on this application at the August 2 meeting.

The next item of business on the agenda was a special use permit application submitted by William Lyons and Deborah Lyons for property located at 149 Moonlawn Road. The applicants

seek approval of a special use permit in conjunction with an accessory apartment located at the property. Chairman Oster requested Attorney Gilchrist to review the special use permit review standards and procedure. The special use permit review standards and procedure on special use permits were reviewed. Member Henderson had a question regarding the specific location of this house on Moonlawn Road. William Lyons was present, and explained that his house is located on the Route 2 end of Moonlawn Road just past Hakes Road. Mr. Lyons explained the application, including the accessory apartment in an addition on the back of the house, and stated that the house had a long driveway and is basically located in woods, on the west side of Moonlawn Road. The location of the accessory apartment as well as the size of the accessory apartment, including number of bedrooms and bathrooms, was discussed. Member Czornyj wanted to confirm that the Planning Board members would have access to the property to review the site. Mr. Lyons stated that access was granted. Member Czornyj also had a question regarding septic system capacity, and it is determined that any action on the special use permit will also require confirmation from the Rensselaer County Health Department that the existing septic system is adequate. The Planning Board members deemed the application complete for purposes of scheduling a public hearing. A public hearing on this special use permit application is scheduled for the August 16 meeting to commence at 7:00pm.

The next item of business on the agenda was a special use permit application submitted by James Winckler and Carolanne Winckler for property located at 50 Colehamer Avenue. The applicants seek approval for accessory apartment use at this location. The applicants explained that the accessory apartment use was present when they purchased the house back in the 1990's, that no new construction is planned, and that they are seeking a special use permit to put the property into compliance with the Brunswick Zoning Law. Upon discussion, the Planning Board

members deemed the special use permit application to be complete, and scheduled a public hearing on this application for the August 16 meeting to commence at 7:15pm.

The next item of business on the agenda was the waiver of subdivision application submitted by Robert Talham for property located at 2 Genesee Street. The applicant was not present. This matter is placed on the August 2 agenda for further discussion.

The next item of business on the agenda was the site plan amendment application submitted by Simply Better Auto Center/Andy James for property located at 805 Hoosick Road. The applicant seeks to allow for the sale of small mobile home-type units at that location. Michael Smith was present, representing the applicant. Mr. Smith stated that he had submitted an updated site plan schematic which moves the proposed mobile home-type units further away from the building; that electricity for these units would be obtained from the existing utility poles on the site; and that while the site plan sheet shows a total of six mobile home-type units to be displayed, the applicant is only planning to display four but wanted to have the ability to have up to a total of six displayed on the site. Chairman Oster stated that there are a significant number of cars being stored on the site in the location where the residential units are proposed for display, and inquired where these cars would be stored in the future. Mr. Smith stated that Rensselaer Honda was seeking to reduce inventory, and while that was occurring cars would be stored on the adjacent McDermott Gun Shop site. The Planning Board members questioned whether this was in compliance with the McDermott site plan approval for the gun shop, and suggested that the Brunswick Building Department look into that matter. Member Czornyj asked whether the site plan amendment had been provided to the Brunswick No. 1 Fire Department. Mr. Smith stated that Andy James did send a copy of the plan to the fire department. Member Henderson asked about the total space between the display units. Mr. Smith stated that there would be about 10–15

feet between the units displayed, when only four units were on the site. Chairman Oster also asked about car storage adjacent to the access road leading up to the McDermott Gun Shop. Mr. Smith stated again that Rensselaer Honda was looking to reduce total inventory, and stated that Rensselaer Honda would not be accepting certain car allocations in the future to allow for the area needed for the mobile home-type unit display. Member Czornyj stated that the plan submitted was not stamped, and that a site plan stamped by a professional needed to be submitted. Mr. Bonesteel also stated that the plan looks to be in the nature of a concept plan, and that the Planning Board will require a site plan amendment meeting the site plan standards, stamped by a professional. The Planning Board also noted that once the site plan has been submitted, it will need to be referred to the Rensselaer County Planning Department for recommendation. The Planning Board also discussed the procedure on the site plan amendment, which may include the need for a public hearing upon review of the stamped site plan. Member Casey asked whether the mobile home-type units sold at this location would be able to be sited in Brunswick. Ms. Guastella stated that the Brunswick Zoning Law does not allow mobile homes to be located in Brunswick outside a mobile home park, and while these units could be displayed for sale at this location, units on individual lots outside a mobile home park are not allowed under the Brunswick Zoning Law. Mr. Smith stated that while these units are currently classified as mobile homes in New York, other states are starting to change the classification of these units to a modular home, but this has not yet occurred in New York. Member Casey asked about security in connection with the display of these units. Mr. Smith stated that security systems similar to a home security system would be utilized. There was general discussion regarding security and recent thefts at this location and the Rensselaer Honda location. Mr. Bonesteel also stated that the Short Environmental Assessment

Form needed to be corrected and resubmitted. This matter is placed on the August 2 agenda for further discussion.

There were no new items of business.

The index for the July 19, 2018 meeting is as follows:

1. Davidson - Waiver of subdivision - Approved with conditions;
2. Borrego Solar - Waiver of subdivision/special use permit/site plan - August 2, 2018;
3. Leon - Special use permit - August 2, 2018 (public hearing to commence at 7:00pm);
4. Lyons - Special use permit - August 16, 2018 (public hearing to commence at 7:00pm);
5. Winckler - Special use permit - August 16, 2018 (public hearing to commence at 7:15pm);
6. Talham - Waiver of subdivision - August 2, 2018;
7. Simply Better Auto Center - Amendment to site plan - August 2, 2018.

The proposed agenda for the August 2, 2018 meeting currently is as follows:

1. Leon - Special use permit (public hearing to commence at 7:00pm);
2. Borrego Solar - Waiver of subdivision/special use permit/site plan;
3. Talham - Waiver of subdivision;
4. Simply Better Auto Center - Amended site plan.