

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 19, 2020

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

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department and WAYNE BONESTEEL, P.E.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and website.

The draft minutes of the November 5, 2020 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the November 5, 2020 meeting were unanimously approved without amendment (Member Stancliffe abstaining).

The first item of business on the agenda was a sketch plan conference concerning the proposal by Atlas Renewables, LLC to develop a commercial solar facility on Oakwood Avenue. The owner of the property of the proposed project is Matopato, LLC. The proposed project size is approximately 28 acres, and proposing an approximate 5 megawatt project, including 14,840 solar panels. Member Stancliffe recused herself from consideration of this application, noting that Atlas Renewables is a subsidiary to an existing client. Member Stancliffe is recused from further consideration and participation in the review of this project. John Watson, Chief Operating Officer

for Atlas Renewables, was in attendance to present the project proposal. Mr. Watson explained that Atlas Renewables is a subsidiary of a Swiss company, which provides alternative energy production facilities throughout the world, including solar, wind, and hydro projects; that Atlas Renewables is now focusing on New York State, and is intent on siting community solar facilities in the approximate 5 megawatt size; that this proposed project seeks to redevelop the old City of Troy municipal incinerator and landfill site on Oakwood Avenue; that this is an appropriate use of that land for clean energy production; that Atlas Renewables is now coordinating with the New York State Department of Environmental Conservation on a proposed brownfield cleanup program for this site, and anticipates that process in determining what needs to be done on this property should be completed in or about January 2021; and welcomes any questions that the Board members may have. Mr. Golden stated that the application included only a Short Environmental Assessment Form, and asked whether the applicant will be submitting a Long Environmental Assessment Form. Mr. Watson confirmed that a Long Environmental Assessment form is currently being prepared. Mr. Golden also inquired whether an environmental assessment of the project site has been undertaken for purposes of the NYSDEC brownfield program. Mr. Watson stated that an environmental assessment had been completed, but that NYSDEC has not yet visited the project site. Member Henderson inquired about the potential visual impact of the project. Mr. Watson stated that the Highpointe residential community on the opposite side of Oakwood Avenue is screened by existing vegetation adjacent to Oakwood Avenue, and that the project site would be hidden from the Oakwood Avenue corridor with existing vegetative screening. Chairman Oster confirmed that a full site plan and special use permit application would be required for this proposal. The applicant also stated that an area variance may be required for this project, and that the need for a variance would need to be reviewed. Mr. Golden inquired whether there were any

wetlands on the site. Mr. Watson said there were wetlands, but that no panels are being proposed within the wetland area. Chairman Oster noted that Matopato, LLC is the owner of the property, and it was his understanding that the owner is also proposing some residential development that would be located to the rear of this proposed solar facility, and inquired whether Atlas Renewables had had a discussion with the owner of the property on potential future residential development. Mr. Watson said that he had this discussion with the principal of Matopato, LLC. Chairman Oster confirmed that the number of panels proposed for the project is 14, 840 panels. The Board generally discussed the agencies that would be involved in the review of this proposed project, which include the Planning Board and the Brunswick Zoning Board of Appeals, and also NYSDEC. A complete analysis of all interested and involved agencies for this project need to be undertaken. The proposed power connection from the solar facility to the existing power grid was discussed, including a proposed overhead transmission behind the existing Diamond Rock Plaza. Mr. Bonesteel asked about proposed access to the solar facility. Mr. Watson stated that the access would be through the Diamond Rock Plaza location on an existing roadway, which would be improved to approximately 20 feet wide and have a gravel surface. Chairman Oster asked whether the proposed solar project would encompass the entire incinerator and landfill area. Mr. Watson stated it would not encompass the entire site, but would be approximately 60% of the former incinerator and landfill area. Member Tarbox requested that a map be provided showing the complete incinerator and landfill area in relation to the proposed solar project. Mr. Bonesteel also requested that a broad location map on a 200 or 500 scale be provided, and that topography be provided on the project site. The Planning Board inquired whether there would be any required remediation of the site prior to the solar project construction, and Mr. Watson stated that it was currently being determined by NYSDEC. A timeline on project review was discussed. It was

noted that the proposed project site currently has mature forest, and asked whether the entire lot would need to be cleared. Mr. Watson stated that the project site of approximately 28 acres would need to be cleared, and the stumps are proposed to be ground on site. Mr. Bonesteel noted that this may give rise to commercial timbering regulations as well as additional stormwater requirements. Mr. Bonesteel did state that the applicant should review the Town Site Plan Regulations, and have all regulatory requirements included on the site plan and in the application documents. Attorney Gilchrist noted that the NYSDEC brownfield review would be relevant for the Planning Board, as NYSDEC regulatory requirements could impact the project layout and project development requirements. Chairman Oster also requested Attorney Gilchrist to review the additional agreements associated with commercial solar projects, and Attorney Gilchrist noted that a Stormwater Management Agreement and PILOT Agreement would be required, and also a decommissioning estimate be prepared and decommissioning security will be required as well. This matter has been adjourned without date pending the submission of additional information by the applicant as well as status on the NYSDEC brownfield program.

Member Stancliffe returned to the meeting.

Two items of new business were discussed.

The first item of new business to discuss was a Special Use Permit application submitted by Suncommon/Laughing Earth Farm for a ground mount solar facility for power generation associated with agricultural activity at the Laughing Earth Farm located on Route 2 in Cropseyville. The applicant had contacted the Building Department, requesting that the matter be adjourned and placed on the December 3 agenda.

The second item of new business discussed was a minor subdivision application submitted by James Gagnon for property located at 67 Sweetmilk Creek Road. James Gagnon and Christine

Gagnon were present. Mr. Gagnon generally reviewed the proposed three lot subdivision, which includes proposed Lot No. 1 of 4.53 acres in size with frontage on Darling Lane, proposed Lot 2 of 1.1 acres in size is with frontage on Sweetmilk Creek Road, and a remaining lot of 9.5 acres with his existing home located on the remainder lot. Mr. Gagnon confirmed that perc tests for the two new proposed building lots were completed, and applications for septic approval are pending at the Rensselaer County Health Department. Member Stancliffe inquired whether the proposed Lot 2 with frontage on Sweetmilk Creek Road will have municipal water. Mr. Gagnon stated that the proposed Lot 2 with frontage on Sweetmilk Creek Road will have connection to municipal water, as does his existing home, but that the proposed Lot No. 1 with frontage on Darling Lane will not have a public water connection but will have a private well. Mr. Bonesteel inquired about proposed driveway locations for the two new building lots, as well as topography for the proposed new building lots. Mr. Gagnon responded concerning proposed driveway locations, also indicating that the proposed building lots will have both hills and flat areas for construction. Member Tarbox inquired how many houses were currently located on Darling Lane. Mr. Gagnon stated that there was only one house on Darling Lane, at the end of Darling Lane, and that the Town of Brunswick maintains Darling Lane until about 200 feet from that existing home, and that the proposed building lot had frontage on Darling Lane within the area that the Town of Brunswick maintains. The Planning Board reviewed additional information that would be required for the subdivision plat, including contours (Mr. Bonesteel deemed 10 foot contours to be acceptable), proposed driveway locations, clearing limits, sight distances for proposed driveway locations, wood lines, stream lines, and also information on erosion and sediment control practices. This matter is placed on the December 3 agenda for further discussion.

The Planning Board members discussed trending numbers on the coronavirus pandemic in the Capital Region, and potential impact on the ability to have meetings in the Brunswick Town Hall, or at least impact the number of persons who will be able to be in the meeting room. This issue will continue to be monitored in regard to upcoming Planning Board meetings.

The index for the November 19, 2020 meeting is as follows:

1. Atlas Renewables – sketch plan conference – adjourned without date;
2. Suncommon/Laughing Earth Farm – special use permit – 12/3/2020;
3. Gagnon – minor subdivision – 12/3/2020.

The proposed agenda for the December 3, 2020 meeting currently is as follows:

1. Gallivan – minor subdivision;
2. Farrell Homes – minor subdivision;
3. Farrell Homes – minor subdivision;
4. Gagnon – minor subdivision;
5. Suncommon/Laughing Earth Farm – special use permit;
6. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan;
7. Brunswick Acres Planned Development District – major subdivision (tentative);
8. Leon – site plan (tentative).