

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD DECEMBER 3, 2020

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

ABSENT were ANDREW PETERSEN, J. EMIL KREIGER, 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 19, 2020 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Henderson, the draft minutes of the November 19, 2020 meeting were unanimously approved without amendment.

The first item of business on the agenda was a minor subdivision application submitted by Sean Gallivan for property located on the northerly and easterly side of Deepkill Road. The owner of the property of the proposed project is Sean Gallivan. The proposed project size is approximately 18.94 acres, and proposing a subdivision that would result in three new lots on the property and lot line adjustments to two existing lots. Member Stancliffe recused herself from consideration on this application, which meant there were not enough members for a quorum, meaning that no action could be taken on the project. Brian Holbritter, the surveyor on the project,

was in attendance to present the project proposal. Mr. Holbriiter explained that he is currently waiting for the New York State Department of Environmental Conservation to review the wetlands permit he has submitted for driveways on the property, and that the Rensselaer County Department of Health has approved the plan for septic systems on the property. Mr. Bonesteel stated that he has reviewed the applicant's responses to comments on the project and that all items have been addressed. Chairman Oster stated that the Planning Board cannot take action on this project due to not having a quorum and needing to wait for DEC to take action first. This matter is placed on the December 17 agenda for further discussion.

Member Stancliffe returned to the meeting.

The second item of business on the agenda was a minor subdivision application submitted by Farrell Homes for property located at 467 McChesney Road. The owner of the property is Charles Farrell. The proposed project size is approximately 11.75 acres, and proposing a subdivision that would result in three new lots built on 2.5 acres of the project site. Brian Holbriiter, the surveyor on the project, was in attendance to present the project proposal. Mr. Holbriiter explained that soil testing had been done on the project site, and that the project septic systems are currently in design, and that he is putting together the project's plan set, the latter of which he will present to the Planning Board once it is complete. Mr. Holbriiter also stated that he is working with Rensselaer County on driveway locations on the project site. Chairman Oster asked if the Planning Board has enough information in front of it to schedule a public hearing on the project. Mr. Bonesteel said there is not adequate information, and a public hearing would be premature. Mr. Holbriiter requested that the project be placed on the agenda for the Planning Board's next meeting for further review of the project. This matter is placed on the December 17 agenda for further discussion.

The third item of business on the agenda was a minor subdivision application submitted by Farrell Homes for property located at 4 and 16 Line Drive. The owner of the property is Charles Farrell. The proposed project size is approximately 8.97 acres, and proposing a subdivision of two lots into four lots, one of which would involve annexing a small portion of a neighboring lot also owned by the property owner. Brian Holbriiter, the surveyor on the project, was in attendance to present the project proposal. Mr. Holbriiter explained that, like the project proposed for 467 McChesney Avenue, designing the project septic systems is underway, and that he is putting together the project's plan set, the latter of which should be ready to present to the Planning Board at its December 17 meeting. Mr. Bonesteel asked if he could get a copy of the stormwater pollution prevention plan (SWPPP) for the Doubleday Estates project, so that he can assess the current proposal in relation to the overall SWPPP. Mr. Holbriiter said he would provide a copy of the project's SWPPP to Mr. Bonesteel. This matter is placed on the December 17 agenda for further discussion.

The fourth item of business on the agenda was a minor subdivision application submitted by James Gagnon. No one representing the project was present and the application was adjourned.

The fifth item of business on the agenda was a special use permit application submitted by Suncommon/Laughing Earth Farm for property located at 3842 Route 2. The owner of the property is Zachary and Ann Metzger. The proposed project size is approximately 175.36 acres, and is proposing the installation of a 24.18-kilowatt ground-mounted fixed-tilt solar array. The solar array will be located in a field and be used for on-farm energy use. Sam Wilo was in attendance to present the project. Chairman Oster asked how visible the project would be from Route 2. Mr. Wilo said that it will not be very visible as existing trees on the property, which are 270 feet from the road, will serve as a screen and these trees cannot be touched due at an agricultural easement

on the property. Mr. Bonesteel asked about the topography of the site. Mr. Wilo said that the site is mostly flat and that the array will be placed just before a hillside on the property, specifying that the array will not be placed on the hill itself. This site for the project was selected because it is as close to the agricultural easement as possible. Member Stancliffe asked whether the project would have an inverter and if so, if it would be mounted to a building on the property. Mr. Wilo said that there would be an inverter and that it would be mounted on the house on the property. Member Stancliffe asked what the threshold was for a solar array being considered commercial. Mr. Wilo stated that the threshold is 50 kilowatts and that while this threshold is considered commercial for regulatory purposes, there is a different threshold for each permitting agency. Furthermore, the 24 kilowatts for this project is considered small, even though it will be used for a farm. Mr. Golden asked how the array would be installed on the property. Mr. Wilo said that ground screws would be used. Member Stancliffe asked for clarification on the map submitted by the applicant, specifically if the array was going to be located on a different tax parcel. Mr. Wilo said that it would be on the same lot, and that the confusion may be from the agricultural district boundary line that was added to the site plan map. Chairman Oster asked if the application was complete enough for a public hearing and Mr. Bonesteel stated that the application was complete for scheduling a public hearing. A public hearing on this application was scheduled for January 7, 2021 at 7:00 PM.

The sixth item of business on the agenda was a special use permit and site plan application submitted by Blue Sky Towers III/Cellco Verizon Partnership d/b/a Verizon Wireless for property located on Creek Road. The proposed project is for the construction of a wireless communications facility. Alison Phillips from Young Sommer was in attendance to answer any questions concerning the project. Ronald Laberge, P.E., the Town designated engineer, was also in

attendance to review the project. Mr. Laberge noted that the applicant had made a further submittal dated October 21, 2020, which had been reviewed by his office. Mr. Laberge also noted that two items remain outstanding, including the final SWPPP and estimate for decommissioning. Mr. Laberge then reviewed the November 4 letter submitted to the Planning Board by his office. Mr. Laberge then reviewed Part 2 of the project's Environmental Assessment Form (EAF). Proposed responses to all sections of Part 2 had been prepared by Mr. Laberge's office, based on the record of proceedings. Mr. Laberge reviewed all sections of Part 2 with the Planning Board, addressing comments raised by the Planning Board members. Mr. Gilchrist stated for the record that studies have found that no adverse health effects arise from cell towers. Chairman Oster asked about sound from the generators on-site. Mr. Laberge said that this had been addressed in the letter the applicant sent to the Planning Board on October 21, and that based on the technical analysis presented, the noise generated would not be significant. Mr. Laberge also noted that the sound analysis was completed without taking into account topography or vegetation, which would act to further reduce sound impacts. Member Henderson noted that the generators on-site would only be run once a week, then asked at what time of day the generators would run. Mr. Laberge said it had yet to be determined. Member Henderson said that the generators should not be run early in the morning or late in the day. Mr. Laberge stated that the Planning Board could make that a condition of the project. Member Stancliffe asked if item 10 in the EAF Part 2, concerning impacts on Historic and Archeological Resources, should be checked "yes". Mr. Laberge stated that he initially thought Item 10 should be checked "no", but could see how it could be considered "yes" and he was willing to amend Item 10 if the Planning Board requested it. Mr. Gilchrist stated that this project will be undergoing federal review, which will include an historic and archeological impact assessment. Chairman Oster asked how many generators would be on the site. Mr. Laberge stated that 2

generators will be built and that there is space in the site plan for a third generator, which isn't expected to be used. Chairman Oster repeated Member Henderson's question about when the generators would be run and asked if the two generators would be run together. Mr. Laberge again stated that the Planning Board could make the schedule of when the generators run a condition for approval of the project and also noted that the Planning Board wanted the generators to run from 9:00-4:00 on weekdays only. Mr. Gilchrist noted that a use variance is required for this project, but that courts consider cell towers to be a utility. Member Henderson noted that the tower is to be located 500 feet away from the nearest residence, and sound impacts will not be significant. Chairman Oster wondered how this tower would compare to other towers in the area, such as those put up by National Grid, in terms of height. Mr. Laberge noted that other utility towers already exist in this general location. Mr. Gilchrist said that the edits to Part 2 of the EAF will be made to reflect the Planning Board comments during its review of the draft, and Part 3 will be completed. Chairman Oster said that the Planning Board cannot act on the application until the State Environmental Quality Review Act (SEQRA) determination is made. This matter is placed on the December 17 agenda for further discussion.

The seventh item of business on the agenda was a major subdivision application submitted by Brunswick Road Development, LLC. This application was adjourned.

The eighth item of business on the agenda was a site plan application submitted by David Leon. This application was adjourned.

Two items of new business were discussed.

The first item of new business discussed was a waiver of subdivision application submitted by Frank Tybush IV for property located at 40 Tybush Lane. The owner of the property is the Estate of Frank L. Tybush III. This proposed project size is approximately 6.42 acres, and is

proposing to combine two parcels into one and combine a third parcel with a neighboring parcel owned by the applicant, all by lot line adjustment. The property currently consists of a road (Tybush Lane), house, garage, and house lot and this application is to combine the house and road, and the garage and house lot in order to settle the estate. Brian Holbriiter was in attendance to present the project. Member Tarbox recused himself due to being an adjacent landowner. Member Stancliffe asked how the parcels access Route 7. Mr. Holbriiter said that the parcels access Route 7 by rights of way written into the deeds and that while there is no need to amend any deeds due to this proposed action, any new deeds will need to reference the right of way. Mr. Bonesteel asked if all of the property owned by the estate needed to be shown on the application. Mr. Holbriiter said that legally it does not. Due to Member Tarbox recusing himself, there was no quorum, so this matter is placed on the December 17 agenda for further discussion.

Member Tarbox returned to the meeting.

The second item of new business discussed was a waiver of subdivision application submitted by Charles Golden for property located at 340 Pinewoods Avenue. The proposed project is to convey 0.39-acres from a 53-acre parcel owned by James Sullivan to Mr. Golden. Mark Danskin was in attendance to present the project. Mr. Golden left the meeting room. Mr. Danskin explained that James Sullivan is conveying the 0.39 acres to Mr. Golden, which will be merged into 318 Pinewoods Avenue, which is owned by Mr. Golden and his wife, and that it includes 148 feet of road frontage. This land is subject to a reserved 10-foot easement for agricultural access. Mr. Danskin also stated that no new lot is being created by this application, meaning that no new tax map ID number will be generated. The Planning Board had no questions. Member Tarbox made a motion for a negative declaration on the project, which was seconded by Member Stancliffe. The Planning Board voted unanimously to approve the motion, and a SEQRA negative

declaration was adopted. Member Stancliffe made a motion to approve the waiver of subdivision subject to the condition that the 0.39-acre area be merged into the 318 Pinewoods lot and proof of merger filed with the Building Department. The motion was seconded by Member Henderson. The Planning Board voted unanimously to approve the motion, and the waiver of subdivision was approved subject to the stated condition.

The index for the December 3, 2020 meeting is as follows:

1. Gallivan – minor subdivision (12/17/20, tentative);
2. Farrell Homes – minor subdivision (12/17/20);
3. Farrell Homes – minor subdivision (12/17/20);
4. Suncommon/Laughing Earth Farm – special use permit (1/7/21);
5. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan (12/17/20);
6. Tybush – waiver of subdivision (12/17/20);
7. Golden – waiver of subdivision (approved with condition).

The proposed agenda for the December 17, 2020 meeting currently is as follows:

1. Gallivan – minor subdivision (tentative);
2. Farrell Homes – minor subdivision;
3. Farrell Homes – minor subdivision;
4. Gagnon – minor subdivision (tentative);
5. Tybush – waiver of subdivision;
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).