

# **Planning Board**

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

## **MINUTES OF THE PLANNING BOARD MEETING HELD JANUARY 21, 2021**

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

ABSENT was LINDA STANCLIFFE.

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 Planning Board opened a public hearing on the Gagnon minor subdivision located at 67 Sweetmilk Creek Road. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. James Gagnon was present for the applicant. He made a brief presentation concerning the project, stating that since the project had last been in front of the Planning Board, he had added water retention plans to a new map of the project site, which he had filed with the Town earlier that day. There were no public comments made. Chairman Oster asked Mr. Golden if there had been any written comments received by the Town concerning the project. Mr. Golden said there had not been. Member Tarbox made a motion to close the public hearing, which was seconded by Member Mainello. The Planning Board voted unanimously to close the public hearing.

The Planning Board opened a public hearing on the Zugalla special use permit for 3 Clinton Place. The notice of public hearing was read into the record, with the public hearing notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site. Anne Zugalla was present for the application. She made a brief presentation concerning the project and stated that nothing had changed with the application since the last Planning Board meeting. There were no public comments made. Chairman Oster stated that the Town had received two written comments concerning the project. The first written comment was from the Herzog Law Firm representing Marcia Handelman, who lives at 6 Clinton Place, stating that Ms. Handelman has no problem with the project, but did have some questions about the parking on the property, specifically if there would be enough parking and what the parking situation would be during the winter. The second written comment was an email from Judy Maloney, who also lives on Clinton Place, which Chairman Oster read into the record in its entirety. Ms. Maloney wrote that she protested the project as Clinton Place is a short dead-end street, the same type of application was denied in the area back in 2006, and the project could result in transients coming to Clinton Place. Member Kreiger made a motion to close the public hearing, which was seconded by Member Tarbox. The Planning Board voted unanimously to close the public hearing.

The draft minutes of the December 29, 2020 special meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Mainello, the draft minutes of the December 29, 2020 special meeting were unanimously approved without amendment.

The draft minutes of the January 7, 2021 regular meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Tarbox, the draft minutes of the January 7, 2021 regular meeting were unanimously approved without amendment.

The first item of business on the agenda was a minor subdivision application submitted by James Gagnon for property located at 67 Sweetmilk Creek Road. The owners of the property are James and Christine Gagnon. The owners are proposing splitting one parcel into three, which would create two new lots. James and Christine Gagnon were present to review the application. Mr. Gagnon stated that since the application had last been in front of the Planning Board, he had submitted a new map of the project site addressing questions and comments made by the Planning Board. Mr. Bonesteel stated that information on soil erosion and sediment control had been added to the new map and that the new map shows that the driveways on the project site are an acceptable distance. Mr. Gagnon stated that there was a question at the previous meeting about the speed limit on the project site and said that the speed limit is 30 miles per hour, with a sign posted stating so. Mr. Gagnon also stated that he had all necessary permits and approvals to move ahead with the project, except approval from the Rensselaer County Health Department, which he needs the Planning Board's approval to obtain. Mr. Bonesteel stated that the updated map addressed all of his concerns. Member Tarbox made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the motion, and a SEQRA negative declaration was adopted. Chairman Oster asked if there was anything in the application that would warrant conditions being placed on the project and Attorney Tingley stated that getting approval from the Rensselaer County Health Department should be made a condition. Member Tarbox made a motion to approve the minor subdivision application subject to the condition stated by Attorney Tingley, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the motion with the stated condition, and the minor subdivision application was approved.

The second item on the agenda was a special use permit application submitted by Anne Zugalla for property located at 3 Clinton Place. The owner of the property is Anne Zugalla and she is seeking approval to convert a section of her home into an accessory apartment. Chairman Oster stated that earlier that day, the application had been sent to Rensselaer County for review due to the project being less than 500 feet from a county-owned road and that the Planning Board cannot act on the application until the County makes its recommendation. Chairman Oster asked Ms. Zugalla if she would address the public comments from the public hearing. Ms. Zugalla stated that there will be no problems due to additional parking as there will be a maximum of one additional car due to having a tenant. Ms. Zugalla stated that the project will not result in transients as she will only be renting the apartment to travelling nurses for a maximum of three months at a time and she will do thorough background checks on all possible tenants before renting to them. Chairman Oster asked Ms. Zugalla if travelling nurses often travel with their families and if so, if she would rent to a nurse travelling with their family. Ms. Zugalla stated that she will only rent the accessory apartment to single nurses and that no children or pets will be allowed in the apartment. Ms. Zugalla stated that an engineer took a look at the space the previous week in order to assess how much work would need to be done and approximately how much that work would cost, and that she is aware that there is work to be done on the space before it can be inspected. Mr. Golden stated that he had spoken to that engineer and reviewed the work that needed to be done on the space in order to confirm that the apartment complies with all code requirements. Chairman Oster reiterated that the Planning Board cannot act on the application until Rensselaer County completes its recommendation. Ms. Zugalla asked what specifically the County is looking at. Chairman Oster stated that the County is not looking at any specific part of the application, but the application as a whole. Attorney Tingley stated that the County must be made aware of all projects near County-

owned properties and highways, that if the County has no comment on the application, then “local interest shall prevail” and the Planning Board may make a determination. Attorney Tingley stated that the County has 30 days from receiving the application to respond to it. This matter is placed on the February 4 agenda for further discussion.

The third item 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 applicant was not present and the matter was adjourned without date.

The fourth item on the agenda was a waiver of subdivision application submitted by Michael Blair, Jr. for property located at 390 Moonlawn Road. The owner of the property is Michael Blair, Jr. and he is seeking approval to convey a section of his parcel to his neighbor. Mr. Danskin noted that the primary issue that the Planning Board has been discussing has been the paper street in relation to the property looking to be conveyed. Attorney Tingley stated that after examining the history of the parcel and the law in New York regarding paper streets, no rights are being obstructed by conveying a parcel with a paper street on it. Attorney Tingley also stated that a condition providing that no rights over the paper street are to be obstructed should be considered in approving the application. Mr. Danskin stated that this is simply conveying land from one parcel to another and that no new parcel will be created by this action. Attorney Tingley stated that a copy of the map needed to be provided to the Town and Mr. Danskin stated that he would provide a copy. Member Tarbox made a motion for a negative declaration on the project, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the motion, and a SEQRA negative declaration was adopted. Chairman Oster stated that a condition should be required providing that no rights over the paper street are to be obstructed as a result of the property being conveyed. Chairman Oster made a motion to approve the waiver of subdivision application

with the stated condition, which was seconded by Member Kreiger. The Planning Board voted unanimously to approve the motion with the stated condition and the minor subdivision application was approved.

The Planning Board proceeded to the first item of new business, which was a waiver of subdivision application submitted by Rosa Parra for property located at 295 Brunswick Road. The applicant is selling two lots on the property and seeks to transfer a 40-foot by 50-foot section from one lot and transfer it to the other lot, which is vacant. Mark Danskin was present representing the applicant and reviewed the application. Mr. Danskin stated that he believed both lots to be located in an R-40 zoning district. Attorney Tingley stated that since the non-conforming lot is the one getting smaller, the applicant will likely need an area variance from the Town of Brunswick Zoning Board of Appeals, but that it would be Mr. Golden's final decision. Mr. Golden went to his office and brought back a copy of the Town zoning map. After examining it, he determined that the parcel getting smaller is actually located in an R-25 zoning district. Attorney Tingley stated that there is no area variance required. Mr. Bonesteel said he would like time to look over the project documents, but also had a question about the frontage on the project site, specifically whether having only 10 feet of frontage is acceptable. This matter is placed on the February 4 agenda for further discussion.

The Planning Board then returned to its scheduled agenda. The fifth item on the agenda was a site plan application submitted by David Leon for property located at 660 Hoosick Road. The applicant was not present. Chairman Oster stated that the Planning Board is unable to act and make a SEQRA determination on the application until the Town Board addresses the application first. The Town is currently reviewing an issue regarding a paper street, specifically that the Town owns all paper streets and the applicant needs approval to build on Town property. Chairman Oster

stated that the Planning Board has urged the applicant to go before the Town Board to deal with this issue directly. Mr. Bonesteel noted that he has read the 99-page comment response letter submitted by the applicant and that the applicant responds to many repeat questions. Mr. Bonesteel stated that most of the questions focus on Ferdinand Avenue, the paper street. He also noted that many comments noted how many more cars will drive through the parking lot at the Cumberland Farms on Hoosick Street as a result of the project. This matter is placed on the February 18 agenda for further discussion.

The Planning Board returned to new business. The second item of new business was a major subdivision application submitted by Jim Cillis for property located off Cole Lane. The owner of the property is Jim Cillis. Russ Reeves was present for the applicant. Mr. Reeves stated that the project began in 2004 and was approved for 15 residential lots on the parcel, which is located in an R-25 zoning district. The project was put on hold due to personal reasons, but the applicant is resurrecting the project now. Mr. Reeves stated that the 15 residential lots will be approximately one acre per lot and that it will be located at the site of a former gravel mine. Mr. Reeves also stated that a new roadway onto the project site will be built. Mr. Reeves stated that an Environmental Assessment Form had been submitted, but there had been computer issues during submission resulting in sections of the form not being filled out when submitted, so the applicant will resubmit the fully completed form. Chairman Oster asked if the application had also been resubmitted in 2007. Mr. Reeves said it had been, but the project also did not move forward at that time. Chairman Oster stated that there were turning radius issues on the roads on the project site, which would be a problem for fire and EMS vehicles. Mr. Reeves said that would be addressed. Chairman Oster asked to confirm that construction had not yet begun on the site. Mr. Reeves confirmed that construction had not yet begun. Jim Cillis, the property owner, then stated that the

project actually goes back to the 1990s, that the property site was an empty cratered lot at that time, and that five houses were on the site at that time. Mr. Cillis stated that he is currently in the process of putting together a stormwater pollution prevention plan for the site. Chairman Oster asked if the Planning Board members had permission to visit the site and Mr. Cillis said that they did. This matter is placed on the February 18 agenda for further discussion.

The third item of new business was a site plan review application submitted by Tamarac Solar, LLC. Travis Mitchell, Environmental Design Partner for Eden Renewables, and Gillian Black, Director of Project Development for Eden Renewables, were present and gave a brief PowerPoint presentation on the project. During the presentation, Mr. Black stated that Eden Renewables is a company based in the UK with 20 projects currently in development in New York, with 10 projects already approved in the state. The project will consist of a 7.5-megawatt DC and 2.5-megawatt AC unit and allow people connected to the project to save approximately 10% on their electric bills. Eden Renewables will plant wildflower beds on the project site to offset the visual impact of the solar array. Sheep and livestock will be brought onto the project site and eat the grass there, helping with maintenance on the site. Eden Renewables will introduce bees onto the site and work with local beekeepers to help maintain the bees. Eden Renewables will also use the site as an educational resource, allowing the site to be visited on field trips by local schools. Mr. Black also stated that Eden Renewables always reaches out to the local community near their project sites and takes feedback from the community. Chairman Oster asked how many people can buy in to and be involved with the project, and if Eden Renewables has ever had a problem with people from outside the area buying in to the project, since anyone connected to National Grid will be able to buy in. Mr. Black said it usually is not an issue, but it is something they can keep an eye on. Mr. Mitchell stated that the project would be built on 25 acres of a 58-acre parcel located in an

A-40 zoning district that Eden Renewables will be purchasing from Wenonah Buck, the current property owner. Mr. Mitchell also stated that the solar panels will face north/south and will track the sun throughout the day taking in as much solar energy as possible, then move back to their original position through the night. Member Mainello asked if the panels will track the sun in unison. Mr. Black said they would. Member Mainello asked if the panels make noise. Mr. Black said that they would make noise, but that the noise would be minimal, only coming from an internal motor on the panels that will not result in much noise. Mr. Black stated that the panels are moving too slow to make much noise and that they reset just as slowly through the night. Chairman Oster expressed concern about complaints from people living at houses facing the project site. Member Tarbox noted that people living on NYS Route 278 and Bulson Road will be able to partially see the project. Chairman Oster stated the people coming west on NYS Route 2 will also be able to see the project. Mr. Mitchell noted that the project does meet all height requirements, but not the 20-foot setback requirement. Mr. Black asked the Planning Board to repeat what locations the project site would be visible from so Eden Renewables could research those areas, and include those vantage points in a complete visual assessment of the project. The Planning Board stated that the project would be visible from Bulson Road, specifically the Winfield Estates, NYS Route 278, and NYS Route 2. Chairman Oster then discussed the review and approval process for a solar project like this one, stating that a public hearing will ultimately be held on the project, which will provide further input from the community. Member Tarbox made a motion to undertake lead agency coordination, stating that the Planning Board seeks to be the lead agency on the project under SEQRA. The motion was seconded by Member Mainello. The Planning Board voted to unanimously approve the motion, and undertake lead agency coordination on the project under SEQRA. This matter is placed on the February 4 agenda for further discussion.

The index for the January 21, 2021 meeting is as follows:

1. Gagnon – minor subdivision (approved with condition).
2. Zugalla – special use permit (February 4, 2021).
3. Blair – waiver of subdivision (approved with condition).
4. Parra – waiver of subdivision (February 4, 2021).
5. Leon – site plan (February 18, 2021).
6. Cillis – waiver of major subdivision (February 18, 2021).
7. Tamarac Solar – special use permit and site plan review (February 4, 2021).

The proposed agenda for the February 4, 2021 meeting is currently as follows:

1. Zugalla – special use permit.
2. Parra – waiver of subdivision.
3. Tamarac Solar – special use permit and site plan review.