

Zoning Board of Appeals

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

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS REGULAR MEETING HELD JULY 19, 2021

PRESENT were ANN CLEMENTE, CHAIRPERSON, E. JOHN SCHMIDT, PATRICIA CURRAN, and JOHN MAINELLO III.

ABSENT was ADRIAN MORIN.

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

The draft minutes of the June 17, 2021 special meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the June 17, 2021 special meeting without correction, which motion was seconded by Member Curran. The motion was unanimously approved, and the minutes of the June 17, 2021 special meeting were approved.

The draft minutes of the June 21, 2021 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the June 21, 2021 regular meeting without correction, which motion was seconded by Member Curran. The motion was unanimously approved, and the minutes of the June 21, 2021 regular meeting were approved.

The first item of business on the agenda was an application for area variances submitted by Atlas Renewable Energy for property located on Oakwood Avenue. John Watson, COO of Atlas Renewables, was present to review the application. Mr. Watson reviewed a visual impact report submitted by the applicant in June 2021, which analyzed the visual impact of the project on neighboring properties with leaves on surrounding trees, which would occur most of the year, and

concluded that there would be no visual impact from the project at ground level. Mr. Watson also stated that a visual impact simulation had been done the week prior simulating visual impacts when there are not leaves on surrounding trees, and that his office is currently working on that assessment. Chairperson Clemente asked about the visibility of the project from the side of the project site closest to Farrell Road and asked how far the project is from Farrell Road. Mr. Watson stated that Farrell Road is toward the south end of the project site and that it is about 500 feet from the site. Chairperson Clemente asked why a variance was being requested for the Farrell Road side of the project site. Mr. Watson stated that he was unsure, but that he would look into it. Chairperson Clemente asked what the required setback was from the federal wetlands on the site. Mr. Watson stated the he believed it was 50 feet, but Attorney Gilchrist stated that there is no specific buffer for federal wetlands, but if it is a NYS DEC wetland, then there is a 100-foot buffer requirement. Chairperson Clemente asked what the grading was on the western side of the project site. Mr. Watson stated that he could look into that. Chairperson Clemente stated that the grading on the western side of the project site should be provided, specifically near the High Pointe neighborhood. Chairperson Clemente asked how electric lines and ballast foundations would be installed, given that tree stumps are to be left on-site per the brownfield remediation. Mr. Watson stated that he wasn't certain, but clarified that the applicant is currently working with NYS DEC on the brownfield remediation. Mr. Watson then discussed the status of the NYS DEC brownfield remediation process, stating that the plan is to cut trees on-site, grind the stumps, and place cover material over them. Attorney Gilchrist then reviewed the procedural status of the project for the Planning Board, Zoning Board of Appeals, NYS DEC, and the City of Troy, which will be noticed on the project due to the proximity of the project site to the boundary between the Town of Brunswick and City of Troy. Attorney Gilchrist also stated that Wayne Bonesteel, the Planning

Board's review engineer, was currently in the process of completing a technical review of the application. Chairperson Clemente asked about the visual impact of the project on the Brunswick Meadows condominiums. Mr. Watson stated that Brunswick Meadows is below the project site and separated by trees, and will add this information to the application. Chairperson Clemente asked if the field behind Brunswick Meadows was also owned by the applicant. Mr. Watson stated that it is not. Mr. Watson then reviewed aerial photographs of the project site and Brunswick Meadows. Member Mainello discussed the mapping and asked if the project could be overlaid onto the aerial photography. Mr. Watson stated that he could look into that. Attorney Gilchrist stated that the project's visual impact assessment should assess the impact at the High Pointe neighborhood and Brunswick Meadows and consider the proposed tree cutting. Member Schmidt asked for clarification on the analysis of visual impact of trees while leaves are on the trees. Mr. Watson stated that 80% of the trees were "leaf-on" trees that would lose their leaves in the winter, while 20% were evergreen. Member Schmidt asked about the winter, when 80% of the trees would have no leaves. Mr. Watson stated that he could render a simulation of the project site under those conditions and provide it to the Zoning Board. There were no further questions from the Zoning Board. This matter is placed on the August 16 agenda for further discussion.

The second item of business on the agenda was an area variance application submitted by Lord Avenue Property, LLC for property located on Lord Avenue. Walter Lippmann, Project Manager with M.J. Engineering and Land Surveying, P.C., was present for the applicant. Mr. Lippmann stated that he had been in front of the Planning Board at their last meeting on July 15 where he reviewed the applicant's responses to comments made at the June 17 joint public hearing. Mr. Lippmann first addressed comments about lighting on the site, showing a map of the lighting plan and saying that the latest lighting plan has removed the three light poles at the back of the

project site and that all lights and wall packs on the site will be dark sky friendly and have downlighting. Mr. Lippmann then reviewed a cross-section of the project site, including Hoosick Road, stating that due to the project site having a lower elevation than the surrounding properties, only the top 10 feet of the light poles will be above Hoosick Road and that between 3 and 17 feet of the poles will be visible from various locations on Otsego Avenue. Chairperson Clemente asked Mr. Lippmann to review other public comments. Mr. Lippmann stated that most comments pertaining to the application in front of the Zoning Board concerned lighting and that other comments concerning traffic, stormwater, and construction traffic, had been addressed before the Planning Board at their last meeting. Chairperson Clemente asked about clarification of the berm on the project site. Mr. Lippmann stated that the berm is on the west side of the site and will provide a natural visual buffer to the supermarket building. Furthermore, there is no need to buffer the light in that area since the three light poles at the back of the site have been eliminated. Chairperson Clemente referenced the Rensselaer County comments, specifically about any light cut-offs. Mr. Lippmann stated that in terms of the light cut-offs, there would be strictly dark sky friendly light fixtures on the project site with downlighting only. Mr. Lippmann also stated that photometric analysis has been completed and that no light spillage will extend onto adjacent properties. Member Mainello asked Mr. Lippmann to define “dark sky”. Mr. Lippmann stated that it means lights have covers or shielding placed directly above them, stopping any light from shining upward into the sky and forcing all light downward. Member Curran asked to confirm that according to the application, the Town will measure ambient light currently on the project site, then measure the amount of light on the site after the lights are installed to confirm no light spillage. Mr. Lippmann confirmed that was correct and that the amount of light on the site can be tested in the future for compliance. Attorney Gilchrist clarified that the amount of light on the site will be a

compliance issue to be handled by the Town Building Department in the future. Mr. Lippmann stated that he would submit the most recent photometric analysis and mapping to the Zoning Board as soon as possible. Chairperson Clemente asked why the project requires light poles 21 feet high as opposed to the Town-required 15-foot poles. Mr. Lippmann stated that if the site were to use 15-foot poles, 6 additional light poles would be necessary as there is a certain amount of required lighting for this type of store and taller light poles allow for more space to be covered by light. Member Curran asked if more light poles at a lower height would increase light spillage. Mr. Lippmann stated that more poles at a lower height would not increase light spillage, but would not produce enough light required for the store. Mr. Lippmann also stated that having light poles that were different heights on the site was not being proposed as it is not aesthetically pleasing. Member Mainello noted that there would be wall packs on the side and back of the building, but not at the front, and asked why. Mr. Lippmann stated that this was done to reduce the total number of light poles for the surrounding neighborhood. Member Mainello asked if it was legal to have wall packs on the building under the Town Zoning Code. Mr. Golden stated that having unshielded wall packs is prohibited, but that is not a problem here as shielded wall packs are being proposed. Mr. Lippmann also noted that there are other commercial sites along the Hoosick Road corridor that have light poles that are 21 feet tall or higher. Member Mainello asked if the applicant had done a light study analyzing the effect of light reflecting off snow during the winter. Mr. Lippmann stated that they had not, but that light reflected off snow is not expected to be significant. Member Mainello asked what the hours of operation for the Hannaford supermarket will be. Mr. Lippmann stated that he was not sure and would look it up, but that he did not believe the store would be open 24 hours a day. Member Mainello asked if it would be possible to dim the lights on the site during off hours and still maintain the safety of the site. Mr. Lippmann stated that he would look

into it. Chairperson Clemente asked if the 21 feet proposed included the base or just the light pole. Mr. Lippmann confirmed the 21 feet included the base. Member Schmidt asked if people on Otsego Avenue will only be able to see 3 feet of the light poles on Lord Avenue. Mr. Lippmann stated that was incorrect and that due to the elevation changes, people living on Otsego Avenue will see between 3 and 17 feet of the light poles depending on the location. Member Schmidt stated that if the light poles were decreased to just 15 feet tall, they would still be visible at certain places on Otsego Avenue. Mr. Lippmann confirmed that was correct. Chairperson Clemente asked what the color temperature of the light will be. Mr. Lippmann stated white light is being proposed and explained that the lower the color temperature, the more yellowish the light, and the higher the color temperature, the whiter the light becomes. Chairperson Clemente asked what the CRI rating was of the lighting. Mr. Lippmann stated that he did not know and would confer with the project's lighting consultant. The Planning Board then discussed the foot candle analysis of the light in the parking lot. Mr. Lippmann reviewed the lighting proposal again and said he would review the submission that compared the 15-foot poles with 21-foot poles and the foot candle comparison. Mr. Lippmann also noted that the photometric analysis at 21 feet show zero foot candles of light off the project site. Member Mainello asked if the wall packs on the side and back of the building will be downlighting with shields. Mr. Lippmann confirmed that they would be. Mr. Lippmann stated that there is significant distance from the property line to the first light pole on the site. Member Mainello asked if adding vegetation along the southwest pond on the west side would create any problems with neighbors. Mr. Lippmann stated that it would not as the applicant will only be maintaining the vegetation already there. Member Schmidt asked what the applicant will do if the variance for the light poles is not granted. Mr. Lippmann stated that the applicant would need to do further analysis on the site in order to get the necessary amount of lighting while

balancing the impacts on the surrounding neighborhood. Member Mainello asked if there would be any flag poles on the site and if so, whether the flag pole will be lit. Mr. Lippmann stated that there is going to be a flag pole, but that it will not be lit in any way. Chairperson Clemente asked for details on the applicant's plan to clear vegetation. Mr. Lippmann stated that 15 feet of vegetation will be maintained on the west side of the property and that a stormwater pond will be installed, while vegetation will be added to the site as well as part of the landscaping. Attorney Gilchrist reviewed the status of the Planning Board review and SEQRA review on the project, and that the project is to be discussed at the August 5 Planning Board meeting. Member Mainello asked if there would be lights on the emergency access road. Mr. Lippmann stated that there would not be. Mr. Golden asked what material would be used to construct the access road. Mr. Lippmann said the road would be made of gravel. Mr. Golden asked what would happen in the winter. Mr. Lippmann stated that the access road will be maintained year-round. Member Mainello asked if there would be adequate wall pack lighting in the drive thru pharmacy area. Mr. Lippmann confirmed that there would be. Mr. Golden asked where snow would be plowed to and stored in the winter. Mr. Lippmann pointed out on a project site map where snow would be stored. Member Mainello asked if it was correct that the 15-foot light condition works, but not in front of the building due to having no wall packs there. Mr. Lippmann confirmed that was correct. Member Mainello asked the applicant to confirm that 15-foot light poles throughout the entire project site would work despite not having wall packs on the front of the building, but would require a greater total number of light poles. Mr. Lippmann confirmed that was correct, and that to reduce the total number of poles on the site, the 21-foot pole height is proposed. Chairperson Clemente stated that the Zoning Board has requested more information to be submitted by the applicant. Mr. Lippmann

said he would get that information and submit it to the Zoning Board. This matter is placed on the August 16 agenda for further discussion.

There were no new items of business to discuss.

The index for the July 19, 2021 meeting is as follows:

1. Atlas Renewable Energy – area variances (August 16, 2021).
2. Lord Avenue Property, LLC – area variance (August 16, 2021).

The proposed agenda for the August 16, 2021 meeting is currently as follows:

1. Atlas Renewable Energy – area variances.
2. Lord Avenue Property, LLC – area variance.