

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 AUGUST 19, 2024

PRESENT were PATRICIA CURRAN, ACTING CHAIRPERSON, E. JOHN SCHMIDT, JOHN MAINELLO III and DARYL LOCKROW.

ABSENT was ANN CLEMENTE.

ALSO PRESENT was MICHAEL McDONALD, Brunswick Building Department.

Acting Chairperson Curran reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The draft minutes of the July 15, 2024 regular meeting were reviewed. There were no edits or corrections to be made. Member Mainello made a motion to approve the minutes of the July 15, 2024 regular meeting without correction, which was seconded by Member Schmidt. The motion was unanimously approved, and the minutes of the July 15, 2024 regular meeting were approved.

The first item of business discussed was an area variance application submitted by James Blake for property located at 17 Bott Lane. James Blake was present to review the application. Mr. Blake stated that he was seeking to construct a 40-foot by 72-foot detached garage on his property, that the variance he was seeking was for the square footage of the garage, that the garage would be larger than 1,500 square feet, that it would meet all required setbacks, that it would not be seen from the road, and that it would have the same roofline and color as the house on the property. Acting Chairperson Curran asked what zoning district the parcel was located in. Mr. Blake stated that his parcel was located in an Agricultural Overlay zoning district. Acting Chairperson Curran

asked what the square footage was of the house on the property. Mr. Blake stated that the house was approximately 2,000 square feet, meaning that the garage would be bigger than the house. Acting Chairperson Curran asked what the height of the proposed garage would be. Mr. Blake stated that the garage would be 20 feet in height, the same as the house on the property. Mr. McDonald stated that since the property was in an Agricultural Overlay zoning district, the height of the structure would not be an issue here. Acting Chairperson Curran asked what material would be used for the siding of the garage. Mr. Blake stated that vinyl siding would be used, which was the same siding used for the house. Mr. Blake also reiterated that the garage would not be seen from the road, and that it would be approximately 1,000 feet from the road. Acting Chairperson Curran stated that the application was complete for the purpose of holding a public hearing. Acting Chairperson Curran asked if the Zoning Board members had permission to visit the property. Mr. Blake stated that the Zoning Board members had permission to visit his property. A public hearing on this application is scheduled for September 16, 2024 at 6:00pm.

The second item of business discussed was a sign variance application submitted by Johnston Associates, LLC for property located at 740 Hoosick Road. No one was present for the applicant. Acting Chairperson Curran stated that an amended sign variance application from the applicant had been received since the last Zoning Board meeting on July 15. Acting Chairperson Curran stated that the application was complete for the purpose of holding a public hearing. A public hearing on this application is scheduled for September 16, 2024 at 6:15pm.

The third item of business discussed was an area variance application submitted by CVE North America, Inc. for property located at 511 McChesney Avenue Extension. David Froelich, Director of Development at CVE North America, Inc., was present to review the application. Mr. Froelich stated that the applicant was seeking one variance for four above-ground utility poles, as

the Town Zoning Code requires all electrical utilities to be underground. Mr. Froelich stated that National Grid had informed the applicant that two above-ground utility poles must be put up for each project at the point of interconnection, and the applicant was proposing two solar projects on the site. Acting Chairperson Curran asked if National Grid had required above-ground utility poles on other projects in Brunswick. Attorney Gilchrist confirmed that National Grid had required above-ground utility poles on previous projects before the Zoning Board. Acting Chairperson Curran stated that the application had been updated since being submitted to change the address of the project, noting that the project was at 511 McChesney Avenue Extension. Acting Chairperson Curran noted that the applicant needed other approvals from the Planning Board, and asked if a joint public hearing could be possible. Attorney Gilchrist stated that a joint public hearing was possible, that the Planning Board had expressed interest in a joint public hearing, and that the Planning Board was currently establishing Lead Agency under the State Environmental Quality Review Act (SEQRA), which was among the required procedural items that needed to be completed before a public hearing could be held. Attorney Gilchrist also stated that the Planning Board had not yet deemed the site plan application from the current applicant complete, and that site plan review was ongoing. This matter is placed on the September 16, 2024 agenda for further deliberation.

The fourth item of business discussed was an application for two use variances submitted by Brunswick Solar, LLC and Sycaway Solar, LLC, subsidiaries of Atlas Renewables, LLC for property located on Shippey Lane and Brunswick Road. Lluís Torrent, of Atlas Renewables, and David Brennan, Esq. were present to review the application. Ronald Laberge, P.E., of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Torrent stated that the project had previously been before the Zoning Board of Appeals before the Town passed

a moratorium on commercial solar projects, and that the project had last been presented to the Zoning Board in September 2022 shortly before the moratorium went into effect. Mr. Torrent stated that after the moratorium ended, the applicant approached the Town Supervisor on procedure on how to move forward with the project, and since the project remained before the Zoning Board, the applicant was directed to come back before the Zoning Board. Mr. Torrent then showed a PowerPoint presentation reviewing the project, stating that it was two separate projects, the Sycaway Solar project on McChesney Avenue Extension and the Brunswick Solar project on Shippey Lane, and that the project site was in an R-25 residential zoning district, where commercial solar is not an allowable use. Mr. Torrent stated that the applicant was seeking use variances for the project, that the applicant was pursuing the public utility use variance standard, and that the applicant was looking to the Zoning Board for direction on the next steps of the process. Attorney Gilchrist stated that he would need time to review the procedural status of the application, that Mr. Laberge would need time to review the technical status of the project, and that he and/or Mr. Laberge would reach out to the applicant directly with questions if necessary. Mr. Laberge stated that he needed copies of the application and all supporting documents. Mr. Brennan stated that he would send Mr. Laberge all documents related to the project. Member Mainello asked if the information submitted with the application was the same information the Zoning Board members had back in 2022 before the moratorium. Mr. Torrent confirmed that the information he had sent the Zoning Board members was the same, along with an added chronology of the project. Mr. Brennan stated that the full record had been provided to the Zoning Board members, and that there had been no new information or documents since the moratorium. This matter is placed on the September 16, 2024 agenda for further deliberation.

The index for the August 19, 2024 regular meeting is as follows:

1. Blake – area variance (September 16, 2024).
2. Johnston Associates, LLC – sign variance (September 16, 2024).
3. CVE North America – area variance (September 16, 2024).
4. Atlas Renewables (Brunswick & Sycaway Solar) – use variances (September 16, 2024).

The proposed agenda for the September 16, 2024 regular meeting is as follows:

1. Blake – area variance (public hearing to commence at 6:00pm).
2. Johnston Associates, LLC – sign variance (public hearing to commence at 6:15pm).
3. CVE North America – area variance.
4. Atlas Renewables (Brunswick & Sycaway Solar) – use variances.