

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 DECEMBER 20, 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 November 15, 2021 regular meeting were reviewed. Member Curran noted two corrections: on page 2, line 2, the word “to” should be added after “close,” and on page 3, line 11, the word “be” should be added after “would.” Chairperson Clemente made a motion to approve the minutes of the November 15, 2021 regular meeting subject to the noted corrections, which motion was seconded by Member Mainello. The motion was unanimously approved, and the minutes of the November 15, 2021 regular meeting were approved subject to the noted corrections.

The first item of business on the agenda was two use variance applications submitted by Atlas Renewables, LLC for properties on Shippey Lane and Brunswick Road. This application was adjourned before the meeting at the request of the applicant. This matter is placed on the January 24, 2022 agenda for further discussion.

The second item of business was an area variance application submitted by Borrego Solar for property located at 308 Brick Church Road. This application was adjourned before the meeting at the request of the applicant. This matter is placed on the January 24, 2022 agenda for further discussion.

One item of new business was discussed.

The only item of new business was a request for an extension of the approvals for two area variances submitted by Tamarac Solar, LLC for property located at 126 Brick Church Road. Gillian Black, Director of Project Development from Eden Renewables, was present for the applicant. Mr. Black stated that the applicant had previously applied for two area variances, for setback and utility interconnection, which had been approved at the Zoning Board's May 17 meeting. Mr. Black stated that the applicant had also applied to the Planning Board for an extension on the site plan and special use permit that had been granted, that the extensions were granted at the Planning Board's November 18 meeting, and that the applicant is looking for matching extensions from the Zoning Board. Mr. Black explained that the extensions are being requested due to ongoing supply chain issues, that the applicant will start financing for the project in January 2022, that the financing will likely take 4-6 months, and that the equipment and supply chain issues are anticipated to still be happening at that time. Mr. Black stated that the applicant is seeking a one-year extension on the area variances so that financing and construction, which will likely be delayed, will not be rushed. Chairperson Clemente stated that the record was complete for the two area variances and that no additional information is needed for the extensions. Attorney Gilchrist reviewed the Brunswick Zoning Law, specifically sections 160-128(D), 160-64(J) and 160-61(A), stating that the Brunswick Zoning Law allows for the Planning Board to give a "renewal" on a previously-approved special use permit and site plan, whereas the Brunswick Zoning Law allows the Zoning Board to grant an extension on a variance only upon a "hearing." Attorney Gilchrist then advised the Zoning Board to schedule a public hearing on the extension, and agreed with Chairperson Clemente that the application materials were complete. A public hearing on this application is scheduled for January 24, 2022 at 6:00pm.

Attorney Gilchrist then stated that the Zoning Board must officially make January 24, 2022 the date of the next meeting, moving it back one week from January 17, which is Martin Luther King Jr. Day. Chairperson Clemente made a motion to schedule the next Zoning Board of Appeals meeting for January 24, 2022, which was seconded by Member Curran. The Zoning Board voted unanimously to schedule the next Zoning Board of Appeals meeting for January 24, 2022.

The index for the December 20, 2021 regular meeting is as follows:

1. Atlas Renewables, LLC – use variances (January 24, 2022).
2. Borrego Solar – area variance (January 24, 2022).
3. Tamarac Solar – extension of approvals for area variances (January 24, 2022).

The proposed agenda for the January 24, 2022 regular meeting is as follows:

1. Tamarac Solar – extension of approvals for area variances
(public hearing to commence at 6:00pm).
2. Atlas Renewables, LLC – use variances.
3. Borrego Solar – area variance.