

Zoning Board of Appeals

TOWN OF BRUNSWICK

336 Town Office Road

Troy, New York 12180

MINUTES OF THE BRUNSWICK ZONING BOARD OF APPEALS MEETING HELD MARCH 19, 2018

PRESENT were MARTIN STEINBACH, CHAIRMAN, ANN CLEMENTE, E. JOHN SCHMIDT, and WILLIAM SHOVER.

ABSENT was CANDACE SCLAFANI.

ALSO PRESENT was KAREN GUASTELLA, Brunswick Building Department.

The Zoning Board of Appeals members reviewed the draft minutes of the February 26, 2018 meeting. Upon motion of Member Clemente, seconded by Member Shover, the minutes of the February 26, 2018 meeting were unanimously approved without amendment.

The Zoning Board members reviewed the pending application submitted by High Peaks Solar for area variances in connection with proposed installation of a commercial solar collection system on property located at 566 Brunswick Road. Kevin Bailey of High Peaks Solar was present. The Zoning Board members first discussed participation in the continuation of the joint public hearing with the Brunswick Planning Board on this proposed project. The continuation of the joint public hearing will occur on April 5, at 7:00pm. The Zoning Board members reviewed the updated site plan. Mr. Bailey stated that nothing on the updated site plan changed or affected the requested area variances, which include a variance from the property line setback requirements under the Town Zoning Law, and also an area variance for installation of above-ground utility poles in connection with this project. Mr. Bailey reviewed the updates to the site plan, which show panels being moved further away from the creek, relocation of the perimeter fence, and additional

information on the height of the proposed solar panel tables. Mr. Bailey stated that a map note has been added that the lowest point of the panels will be in an amount not to exceed three feet from finished grade, and that the maximum height of the panels would be at a height not to exceed 14 feet at its highest point above finished grade. Chairman Steinbach inquired as to how far the panels had been relocated adjacent to the creek. Mr. Bailey stated that the panels had been moved further away from the creek up to a distance of 30 feet in certain places. Member Clemente asked whether the existing vegetative buffer along the creek would be maintained. Mr. Bailey stated that a vegetative buffer would be maintained, and that the panels will be at least 100 feet from the property line. Chairman Steinbach asked why the proposed panel location had been moved away from the creek. Mr. Bailey stated that the relocation was due to topographical information, to simply have the panels further away from the creek, and also to improve any impact to visual resources. Mr. Bailey said that the current proposed location is better than the original plan. Chairman Steinbach asked whether the relocation was due in any way to potential impacts to the creek. Mr. Bailey stated that the relocation was not due to creek impacts, and that he did not anticipate any runoff from this proposed project impacting the creek. The Board inquired as to the extent of tree removal on the southern end of the project site. Mr. Bailey explained that there is an existing tree row between two agricultural fields, and that the proposal is to remove this strip of trees between the agricultural fields. The Board inquired whether the area of the proposed tree removal on the southern end of the project site is included within the requested setback variance. Mr. Bailey stated it was within the requested area variance for setback from property lines. The Board inquired whether the project would need the agreement of the adjoining property owner before any tree removal is undertaken. Mr. Bailey confirmed that an agreement with the adjoining property owner is required. The Board wanted to clarify that the request for a setback variance is

to place panels closer to the property line on the southern end of the project site, which in turn would allow more trees to be removed from that area, and that the trees would be removed so that the panels would have full exposure to the sun. The Board members inquired why the proposed panels were so close to the property line in this area of the project site. Mr. Bailey stated that the applicant was looking to maximize the size of the solar collector system on the project site for purposes of economic return, given the large interconnection cost that must be paid to connect to the utility grid. The Board asked whether the changed layout of the solar panels affected the amount of acreage to be disturbed for this project. Mr. Bailey said the total area of disturbance is not changed, and reviewed the proposed plan. Mr. Bailey stated that in terms of tree removal, trees are proposed to be removed along the property lines at the southern end of the project site; approximately 20–25 feet of trees to be removed along the creek, although this will be selective cutting with other vegetation to remain as a vegetative buffer; and tree removal along the old farm road in an area west of the proposed transformer location and south of the proposed road to the transformer. The Board inquired as to the total area of disturbance being proposed. Mr. Bailey stated that about two acres of total disturbance is anticipated. The Board discussed the total number of proposed above-ground utility poles, and Mr. Bailey stated that four above-ground poles are being proposed near the solar panels, and one above-ground utility pole being proposed on Garfield Road where existing above-ground utility poles already exist. The Board asked whether the utility connection between the pole proposed to be installed along Garfield Road and the four above-ground poles internal to the project site would be underground. Mr. Bailey confirmed that utility connection would be underground. The Board sought clarification as to where the single utility pole would be located along Garfield Road. Mr. Bailey stated that there is a peninsula-shaped area near the east side of the entrance to the Hope United Methodist Church along Garfield

Road, and the pole would be located right near the parking lot for the church. The Board reviewed several of the photographs submitted in connection with the application to consider any visual impact from the utility pole proposed along Garfield Road. The Board inquired as to the height and materials of the proposed above-ground utility poles. Mr. Bailey said that the poles would be standard wooden telephone poles, and would be approximately 30–35 feet above ground, and that the four poles internal to the project site would be approximately 25 feet apart from each other. The Board inquired as to how deep the buried utility lines on the project site between the pole along Garfield Road and the four internal poles to the project site would be. Mr. Bailey said the underground utility would be approximately three feet below grade. The Board inquired as to the depth of the proposed solar panel support equipment. Mr. Bailey said the poles would be driven to a minimum of four feet below grade, but to as much as nine feet where the ground allows. Mr. Bailey explained that the poles would be driven until the point of refusal, but that a minimum of four feet is required for pole stability. Mr. Bailey stated that the total number of poles to be installed were around 1,000, and would be pounded into the ground. Mr. Bailey stated that industry standard for pole installation is about 150 per day, and anticipates the full buildout for pole installation to be less than two weeks. The Board inquired how the poles were removed in the future. Mr. Bailey stated that an excavator or backhoe is utilized to remove the equipment. The Board inquired as to whether the inverter boxes were attached to each panel. Mr. Bailey explained that an inverter box is not attached to each panel, but rather the inverter boxes are attached to each row of panels, likely on the eastern end of the project site closer to the transformer location, and that approximately 40 inverter boxes were proposed. The Board requested specifications for the inverter boxes. The Board also inquired as to the sound emitted from the inverter boxes. Mr. Bailey discussed sound generation, stating that the increase in total sound would be the equivalent

of about 12 people speaking. The Board inquired as to whether any lighting was proposed for either the utility poles or transformer pad. Mr. Bailey stated that no lighting was being proposed for this project. The Board inquired as to hours of operation during the buildout of the solar panel equipment. Mr. Bailey stated that the hours identified on the EAF are accurate, and is proposing Monday–Friday 8am–6pm, Saturday 10am–5pm, with no work on Sundays or legal holidays. The Board reviewed the project plans, including issues on the construction entrance, and the plan notes. It is confirmed that the project has been referred to the Rensselaer County Department of Economic Development and Planning, and that the recommendation from the County has been received by the Town. The Board inquired as to any referral to the State Historic Preservation Office. Mr. Bailey stated that an archeological assessment of the property has been completed, and that a report is being prepared and will be forwarded to SHPO. The Board also discussed the jurisdiction of the New York State Department of Environmental Conservation concerning stormwater on the site. The Board also discussed procedure on the applications, including a SEQRA determination as well as determinations by the Planning Board and Zoning Board of Appeals. The Zoning Board members confirmed their determination to continue the joint public hearing with the Brunswick Planning Board on this project, to continue on April 5, 2018 at 7:00pm. The Zoning Board of Appeals members also confirmed that a notice of special meeting for the Zoning Board for the April 5 joint public hearing participation should be prepared, and directed Attorney Gilchrist to complete that notification. The matter is also placed on the April 16 agenda for further discussion.

Two items of new business were discussed.

The first item of new business discussed was an area variance application submitted by Daniel and Janice Proper for property located at 1020 Cloverlawn Road. The applicant is proposing a 10-foot by 14-foot addition to an existing porch, which would result in a side yard

setback of 12.9 feet where a 15-foot side yard setback is required. Daniel and Janice Proper were present, and Mr. Proper reviewed the proposal with the Board members. The Board reviewed the application materials, and deemed them to be complete for purposes of noticing a public hearing on this application. The Board has set the public hearing on this application for the April 16 meeting, to commence at 6:00pm. The Zoning Board members confirmed that the applicant consents to the Board members visiting the property to view the existing porch and yard. Mr. Proper stated that he did consent, and would be available to review the proposal with the Board members at the site.

The second item of new business discussed was a sign variance application submitted by AJ Signs on behalf of ValuSpace for the ValuSpace Self Storage facility being constructed at 850 Hoosick Road. Bridgette Shoemaker of AJ Signs was present for the applicant. Ms. Shoemaker generally reviewed the requested variances. The requested variances include a total of four signs at this location, while the Town Zoning Law allows a total of two signs; a free-standing sign square footage size of 57.33 square feet on each side, while the Town Zoning Law allows 35 square feet per side for a free-standing sign; and a proposed total cumulative wall signage area of 543 square feet, where the Town Zoning Law allows a total of 300 square feet total wall signage. Ms. Shoemaker reviewed the proposed signs, which include the ValuSpace logo, lettered-signs on the wall indicating storage and temperature control, and the elevation of the free-standing, monument-style sign. The Board generally discussed the location of the proposed monument sign, which is proposed to be 17 feet off of the Hoosick Road right of way. The Board inquired as to whether the signs would be illuminated. Ms. Shoemaker stated that the signs would be illuminated during business hours, and the Board requested Ms. Shoemaker to confirm the hours when the signs would be illuminated, given the facility may be available to tenants through a security system based on a

24/7 schedule. The Zoning Board members generally reviewed the application materials, and deemed them complete for purposes of scheduling the public hearing on this application. The Board has set the public hearing on this application for its April 16 meeting, to commence at 6:15pm.

The index for the March 19, 2018 meeting is as follows:

1. High Peaks Solar - Area variances - April 5, 2018 (special meeting with Brunswick Planning Board for continuation of public hearing); April 16, 2018 (regular meeting).
2. Proper - Area variance - April 16, 2018 (public hearing to commence at 6:00pm).
3. AJ Signs/ValuSpace - Sign variance - April 16, 2018 (public hearing to commence at 6:15pm).

The proposed agenda for the special meeting of the Zoning Board of Appeals to be held April 5, 2018 at 7:00pm currently is as follows:

1. High Peaks Solar - Area variance - Joint public hearing with Brunswick Planning Board to continue at 7:00pm.

The proposed agenda for the April 16, 2018 regular meeting of the Zoning Board of Appeals currently is as follows:

1. Proper - Area variance (public hearing to commence at 6:00pm).
2. AJ Signs/ValuSpace - Sign variance (public hearing to commence at 6:15pm).
3. High Peaks Solar - Area variance.