

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD NOVEMBER 2, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, TIMOTHY CASEY, MICHAEL CZORNYJ, FRANK ESSER, KEVIN MAINELLO, LINDA STANCLIFFE, and DAVID TARBOX.

ALSO PRESENT were KAREN GUASTELLA, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the meeting.

The draft minutes of the October 19, 2017 meeting were reviewed. Upon motion of Member Casey, seconded by Member Mainello, the minutes of the October 19, 2017 meeting were unanimously approved without amendment.

The first item of business on the agenda was the Borrego Solar utility-scale solar farm matter, which includes applications for special use permit, site plan, and subdivision. Edward Fitzgerald, Esq., project attorney, was present for the applicant, together with Rob Garrity of Borrego Solar and Dean Smith, P.E. of PV Engineers, PC/Borrego Solar. Chairman Oster reviewed the status of this matter, stating that the public hearing had been held and closed; comments received at the public hearing had been addressed by the applicant; and the Brunswick Planning Board had designated itself lead agency for the SEQRA review of this action at its last meeting. Mr. Smith provided additional information on the proposed staging area for trucks bringing equipment and materials to the site during construction, identifying an existing open

space area of at least one acre along the proposed access road to the facility. Mr. Smith explained that this area would be adequate for purposes of staging equipment during the buildout of the site. The Planning Board members had no questions concerning the proposed staging area. Chairman Oster inquired about installation of the fencing, and whether the fence would be installed before any other site development is started. Mr. Smith stated that Borrego Solar does install the exterior security fencing first, primarily for security reasons and for site safety reasons. Mr. Smith also stated that the fence can act as a barrier to any debris from packaging of materials during the construction at the site, but that packing materials are generally limited to the solar modules, which will be installed after all of the racking system has been installed on the site. Mr. Smith did confirm that the exterior fence will be installed, and again this is primarily for security and safety purposes. Chairman Oster stated that the Planning Board is prepared to review the Environmental Assessment Form and application documents for purposes of making a determination of environmental significance under SEQRA. Chairman Oster noted that a corrected Part 1 of the Environmental Assessment Form had been submitted by the applicant, and that the Planning Board members have had the opportunity to review the Part 1 EAF information. Attorney Gilchrist reviewed the procedural status of the matter under SEQRA, identified the completed EAF Part 1, and stated to the Planning Board that he and Mr. Bonesteel had met to review the application materials and information in Part 1 of the EAF, and have prepared a proposed Part 2 and Part 3 of the EAF for review by the Planning Board. Mr. Bonesteel then proceeded to review the information and responses contained in Part 2 of the EAF, and the Planning Board members concurred in the responses prepared. Attorney Gilchrist then briefly reviewed the information in Part 1 and the consideration of potential environmental impacts in Part 2, and then reviewed a Part 3 proposal to adopt a SEQRA negative declaration, and reviewed with the Board reasons

supporting the adoption of a negative declaration as drafted in an addendum to Part 3 of the EAF. The Planning Board members reviewed Part 3 of the EAF, considered proposed reasons supporting a SEQRA negative declaration, and determined that the adoption of a negative declaration based on the record information is appropriate in this case. Thereupon, Member Czornyj made a motion to adopt a SEQRA negative declaration based upon review of the application documents, review of the information contained in Part 1 of the EAF, and consideration of potential impacts in Part 2 of the EAF. That motion was seconded by Member Tarbox. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, the Planning Board directed Attorney Gilchrist to complete all necessary filing, distribution, and publication requirements under the SEQRA regulations with respect to the adoption of the negative declaration. The completed EAF Parts 1, 2, and 3, including the SEQRA negative declaration, are made part of this record. The Planning Board members had no further questions regarding the information submitted on the application, including the information submitted at this meeting concerning the staging area. The Planning Board members will review that record for purposes of action on the pending applications, including consideration of appropriate conditions in connection with the applications. Attorney Gilchrist noted that information had been forwarded to him from Mr. Fitzgerald in that regard. The Planning Board members scheduled this matter for its November 16 agenda for consideration of action on the pending applications, with consideration of appropriate operating conditions. Member Tarbox inquired whether the Zoning Board of Appeals had acted on the requested variances. Attorney Gilchrist stated that the Zoning Board had not yet acted on the variance applications, pending the completion of the SEQRA determination by the Planning Board, and that the Zoning Board had placed the variance applications on its November agenda for consideration. This matter is placed on the November 16 agenda for further deliberation.

The next item of business on the agenda was the site plan application submitted by Christine Hadsell for property located at 377 Tamarac Road. Ms. Hadsell was not present, but her surveyor, Brian Holbriiter, was present for the applicant. Mr. Holbriiter confirmed that the information concerning sight distances for the commercial driveway had been prepared in accordance with AASHTO standards and guidelines, and also confirmed that the sight distances in the westerly direction did not meet AASHTO standards due to the curve in Tamarac Road proximate to Tambul Lane. Mr. Holbriiter stated that the sight distance from the driveway in the westerly direction is limited to 315 feet due to the curve in Tamarac Road, whereas AASHTO standards for a 35mph road require a minimum of 390 feet. Chairman Oster noted that given this deficiency in sight distance, mitigation will be required, which had been discussed at length during the October 19 meeting. Mr. Holbriiter stated that the option of relocating the driveway in an easterly direction to acquire additional sight distance would require the relocation of the existing electronic speed limit signage on Tamarac Road; that the driveway should not be located directly on the easterly property line; and that such a driveway relocation would gain only approximately 20 feet or so of sight distance, which would still leave a deficiency of approximately 55 feet. Mr. Holbriiter stated that a lot of site work would be required in order to relocate the driveway, and would only gain approximately 20 feet of sight distance and the relocated driveway would still not meet AASHTO standards. Member Stancliffe had a question regarding the driveway relocation and sight distance calculation, which was reviewed by both Mr. Holbriiter and Mr. Bonesteel, who concurred that not much sight distance is gained in relocating the driveway to the east side of the property. Member Tarbox noted that the problem with the sight distance includes both vehicles pulling out of the driveway onto Tamarac Road, as well as vehicles on Tamarac Road traveling in an easterly direction preparing to make a left-hand turn into the driveway. Mr. Bonesteel stated

that the primary AASHTO standard deficiency is vehicles turning out of the driveway onto Tamarac Road. Chairman Oster then asked whether a speed limit reduction on Tamarac Road from 35mph to 30 mph would address the AASHTO deficiency and provide appropriate mitigation. Mr. Bonesteel stated that a reduction in speed limit would address the issue but that, even though Tamarac Road is a County road, the determination to reduce the speed limit is not a County determination. Mr. Bonesteel explained that the procedure for a speed limit reduction includes the Town of Brunswick making a formal request for a speed limit reduction on the County road. The formal request must be sent by the Town to the County, but the County in turn must forward that speed limit reduction request to the New York State Department of Transportation, and NYSDOT then reviews and determines whether the speed limit reduction can occur. Mr. Holbriiter stated that the reduction in the speed limit to 30 mph would address the AASHTO deficiency. Mr. Holbriiter also noted that while he was on-site performing the sight distance calculations, his observation was that cars traveling in a westerly direction on Tamarac Road generally reduce their speed due to the electronic speed sign, and that cars traveling east on Tamarac Road generally keep their speed down in order to navigate the curve proximate to Tambul Lane. Chairman Oster also stated that one of the mitigation measures discussed was signage identifying farm vehicles or farm equipment, and asked whether the County could install that signage. Mr. Bonesteel stated that County could install that signage on its own, but that as a practical matter, there is not much room along this stretch of Tamarac Road between the curve proximate to Tambul Lane and the Hadsell driveway to place farm vehicle signage in order for it to be effective. Chairman Oster stated that this vehicle safety issue, raised during the public hearing, was the most significant public comment and must be addressed by the applicant. Chairman Oster inquired of Attorney Gilchrist as to whether the applicant needed to propose

mitigation for the AASHTO standard deficiency, or whether the Planning Board could impose mitigation. Attorney Gilchrist stated that the Planning Board must address this issue since it was raised during the public hearing, and that the Planning Board did have the jurisdiction to impose reasonable conditions on any action on the site plan, which may include appropriate mitigation to address public safety issues. The Planning Board generally discussed the process for the Town of Brunswick to request a reduction in the speed limit for this section of Tamarac Road. Chairman Oster asked whether a speed limit reduction to 30mph would result in the AASHTO standard being met. Mr. Bonesteel reviewed his data, and stated that a speed limit reduction to 30mph would require a sight distance of 335 feet, and that the sight distance for the proposed driveway to the curve on Tamarac Road is 315 feet, but that the driveway could be moved on the Hadsell property 20 feet in an easterly direction, and would gain the AASHTO standard for sight distance based on a 30mph roadway. Member Stancliffe noted that she did visit the site, and her observations were that the time between a car navigating the curve on Tamarac Road and meeting the Hadsell driveway varied between 4 seconds and 8 seconds, and that a 4-second time frame did create a public safety issue. The Planning Board members concurred. Mr. Holbriter inquired whether there were any other outstanding issues on the proposed site plan, or whether the AASHTO standard was the only outstanding issue. Mr. Bonesteel stated that the site plan did have topography added, and discussed alternative driveway locations, which Mr. Holbriter stated could be addressed in a plan revision. Chairman Oster confirmed that the driveway will need to be 16 feet wide with 3-foot shoulders, given that the driveway length is in excess of 150 feet. Mr. Holbriter stated that he would review the traffic safety issue with his client, including the option of petitioning the Town of Brunswick to seek a speed limit reduction. Attorney Gilchrist requested that Mr. Holbriter also obtain consent from his client to extend the timeframe in which the

Planning Board must act on the site plan after the close of the public hearing, and that such authorization be sent to the Planning Board in writing. Mr. Holbritter will review that matter with his client. This matter is adjourned without date.

The next item of business on the agenda was the waiver of subdivision application submitted by Jennifer Adams for property located at 4277 NY Route 2. Chairman Oster noted that the issue of the septic system to service the structures on this property had been raised at the October 19 meeting, and that the Brunswick Building Department had sent the application information to the Rensselaer County Health Department for initial review and comment. Ms. Guastella reviewed her discussions with the Rensselaer County Health Department, concluding in the receipt of a comment letter from the Rensselaer County Health Department dated November 1. A copy of the November 1 Rensselaer County Health Department comment letter has been provided to the applicant. Ms. Guastella generally reviewed the comments of the Rensselaer County Health Department as set forth in the November 1 comment letter. The Planning Board members generally discussed the proposed lot lines, location of existing leach fields, potential location for an additional leach field, and concluded that the applicant should review this matter with the Rensselaer County Health Department before any action is taken by the Planning Board on the proposed subdivision. The applicant concurred, and stated that she would meet with the Rensselaer County Health Department concerning its comments. The applicant did inquire whether there were any other issues which the Planning Board had on the subdivision proposal, other than the septic issues raised by the Rensselaer County Health Department. Chairman Oster stated that the Planning Board did not see any other significant subdivision issues. Member Stancliffe inquired whether an additional water service would be required if the property was subdivided. Ms. Guastella stated that the applicant was aware of the additional water service

requirement, and will be working with the Brunswick Water Department on that issue. The Planning Board confirmed that the applicant will meet with the Rensselaer County Health Department, and this matter is placed on the November 16 agenda for further discussion.

One item of new business was discussed.

Anthony Valente of Grafton Quarry, LLC made a presentation regarding the application for a zone change which Grafton Quarry, LLC had submitted to the Town of Brunswick Town Board for consideration. Mr. Valente stated that he had presented the petition seeking a zone change to the Brunswick Town Board at its October meeting, that the Town Board had accepted the petition, and that he was simply seeking to present the proposal to the Planning Board. Attorney Gilchrist discussed procedure on the application, and stated that a recommendation from the Planning Board on the proposed zone change will ultimately need to be made and transmitted to the Town Board. Mr. Valente presented an overview of the proposal. Mr. Valente explained that the Valente Quarry is located in the Town of Grafton, but that a portion of the quarry property does cross the municipal boundary and is located in the Town of Brunswick. That portion of the Grafton Quarry property located in Brunswick is zoned A-40, and Grafton Quarry, LLC is proposing to have the zoning classification changed to Heavy Industrial. Mr. Valente noted that the quarry located on the opposite side of Route 2 in the Town of Brunswick is zoned Heavy Industrial, but the property in Brunswick that is part of the Valente Quarry is zoned A-40, and that Grafton Quarry, LLC is seeking to have the property uses made consistent. Mr. Valente did note that the property is classified for real property tax purposes as mining, but that the zoning classification is A-40. The Planning Board reviewed the map of the property, and noted that there was a portion of property owned by the City of Troy adjacent to the Grafton Quarry, LLC property, and inquired whether the requested zone change would cover the City of Troy property. Attorney

Gilchrist stated that the proposal is limited to a zone change of the Grafton Quarry, LLC parcel. The Planning Board generally understood the intent of the petition seeking the zone change, and had no further questions on the proposal. This matter is adjourned without date, pending review of the application materials by the Town engineering and legal consultants, and further presentation by the petitioner.

The index for the November 2, 2017 meeting is as follows:

1. Borrego Solar - Utility-scale solar farm - 11/16/2017;
2. Hadsell - Site plan - Adjourned without date;
3. Adams - Waiver of subdivision - 11/16/2017;
4. Grafton Quarry LLC - Petition seeking zone change/recommendation - Adjourned without date.

The proposed agenda for the November 16, 2017 meeting currently is as follows:

1. Borrego Solar - Utility-scale solar farm;
2. Adams - Waiver of subdivision.