

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD MARCH 4, 2021

PRESENT were RUSSELL OSTER, CHAIRMAN, J. EMIL KRIEGER, LINDA STANCLIFFE, DAVID TARBOX, ANDREW PETERSEN, and KEVIN MAINELLO.

ABSENT was DONALD HENDERSON.

ALSO PRESENT were CHARLES GOLDEN, Brunswick Building Department and WAYNE BONESTEEL, P.E.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the February 18, 2021 meeting were reviewed. Upon motion of Chairman Oster, seconded by Member Kreiger, the draft minutes of the December 3, 2020 meeting were unanimously approved without amendment.

The first item of business on the agenda was a special use permit and site plan review application submitted by Tamarac Solar, LLC for property located at 126 Brick Church Road. Norman Ward, a landscape architect from Environmental Design Partnership, LLP, and Gillian Black, Director of Project Development for Eden Renewables, were present to review the project and provide a site plan update. Mr. Ward stated that EDP had responded to Mr. Bonesteel's engineering comments and updated their plan accordingly, and that they are currently reviewing further engineering review comments and will be responding to them next week. Mr. Ward also stated that since the last Planning Board meeting, EDP had added a hammerhead at the end of the roadway for emergency vehicles, plus a pull-off area. Chairman Oster asked if EDP planned to

include a second pull-off area. Mr. Black stated that EDP had not received any feedback from the Eagle Mills Fire Department on that issue. Chairman Oster asked Mr. Bonesteel if he had any further comments for the applicant at this time. Mr. Bonesteel stated that he had submitted further comments on EDP's response to his initial comments, most of which are on stormwater and are not significant, just for clarification. Mr. Bonesteel also said that other than stormwater comments, the applicant had addressed all of his initial comments. Chairman Oster brought up that the applicant had expressed an interest in holding a joint public hearing with the Zoning Board of Appeals on the application, possibly at the Planning Board's April 1 regular meeting. Mr. Ward confirmed that this had been discussed at the last Zoning Board meeting and the applicant did desire a joint public hearing. He also clarified that the applicant would not be at the Zoning Board's March meeting as the applicant had nothing further to present and the Zoning Board had accepted the applicant's visual assessment. Attorney Gilchrist also confirmed that the Zoning Board had agreed to a joint public hearing on the application to take place at the Planning Board's April 1 regular meeting. Attorney Gilchrist also stated that there is no need for the applicant to be put on the agenda for the Planning Board's March 18 meeting as Mr. Bonesteel and the project's engineer can coordinate on the stormwater issues. Mr. Bonesteel agreed. A joint public hearing with the Zoning Board of Appeals on this application is scheduled for April 1, 2021 at 7:00pm.

The second item of business on the agenda was a special use permit and site plan review application submitted by Blue Sky Towers III/Cellco Verizon Partnership d/b/a Verizon Wireless for property located on Creek Road. Dave Brennan, Esq. was present for the applicant. Ronald Laberge, P.E., the Town-designated review engineer, was also present. Mr. Laberge stated that his office had received a cultural resource sign-off from New York's State Historical Preservation Office. Attorney Gilchrist then reviewed proposed draft conditions that he and Mr. Laberge had

prepared for consideration by the Board. Member Mainello asked if the conditions mentioned arrays located on the interior of the tower's branches. Attorney Gilchrist stated that it was not specifically mentioned, but could be added. Member Stancliffe asked if the applicant plans to have a gate at the entrance to the access road on the site. Attorney Gilchrist said there would be. Mr. Brennan stated that there had been a question on whether the road on the site would be plowed after every snowstorm and he said his office would look into it. Mr. Brennan also stated that the site would be inspected, and that ANSI standards require an inspection to take place every five years. Mr. Brennan stated that he would like to further consider the requirement for an annual inspection, as stated in the Town Zoning Law. Chairman Oster stated that no action would be taken at the current meeting, and that a review of the final conditions on the application would take place at the Planning Board's March 18 meeting. Chairman Oster asked if the Zoning Board had a meeting on March 15, before the Planning Board's next meeting. Attorney Gilchrist confirmed that the Zoning Board did have a meeting on that date and that the Zoning Board is expected to take action on an amended resolution at that meeting. This matter is placed on the March 18 agenda for further deliberation.

The third item of business on the agenda was a site plan application submitted by David Leon for property located at 660 Hoosick Road. The proposed project is building two fast food restaurants with drive-thrus and a grocery store. Jamie Easton, P.E., was present to review the project. Mr. Easton briefly reviewed the history of the project, saying that an Aldi grocery store was originally proposed for the site, and remains part of the current application; that the first fast food restaurant was initially proposed to be a Taco Bell, but will now be a Wendy's; and the second fast food restaurant added to the current application will be a KFC. In December 2020, the applicant began seeking a SEQRA determination on the project, which is currently not done. The

applicant submitted responses to public comments on the project, and the Planning Board has reviewed these responses. The Planning Board had previously identified an issue concerning the proposed use of a paper street on the property, and had requested input from the Town Board on that issue. Mr. Easton reported that the Town Board had researched and deliberated and determined that the proposed use of the paper street was consistent with the prior Town Board acceptance of title to that paper street. The applicant is now back before the Planning Board for SEQRA review, and Mr. Easton clarified that the record is complete for a SEQRA review to be done. Attorney Gilchrist addressed the issue of the paper street on the property, stating that the Town Board deliberated and passed a resolution concerning the paper street at their last meeting. Mr. Bonesteel then reviewed the utilities for the project site, stating that an existing sewer line should be terminated at the fourth manhole. Mr. Easton agreed. Chairman Oster asked if the waterline for the property will loop into the neighborhood. Attorney Gilchrist stated that this loop has been eliminated as the Town Board recommended no loop. Mr. Easton described the basis for including the water loop on the initial application, and that the applicant has no objection to eliminating it per the Town Board resolution. Attorney Gilchrist stated that the Town Water Department had reviewed the elimination of the water loop. Attorney Gilchrist also stated that he would meet with Mr. Bonesteel in the next few days to review the project history and prepare a draft SEQRA determination, to be discussed at the next Planning Board meeting. Member Stancliffe asked if the Environmental Assessment Form for the project, submitted on January 15, 2021, was up to date. Mr. Bonesteel stated that a submission made in August 2020 had included a revised EAF, which was vetted prior to the public hearing and is still the current EAF. This matter is placed on the March 18 agenda for further deliberation.

The fourth item of business on the agenda was a site plan application submitted by Lord Ave Property, LLC for property located on Lord Avenue. Walter Lippmann, a Project Manager with MJ Engineering and Land Surveying, P.C., was present for the applicant. Chairman Oster briefly reviewed the history of the project. On September 17, 2020, a concept plan for the project was submitted to the Town, followed by an updated sketch plan submitted on November 5, 2020. On February 21, 2021, the Planning Board reviewed the full set of plans for the project, and during these preliminary stages of site plan review, it was established that a minor subdivision will also be necessary. At this point, the applicant did not disclose the tenant, only stating that the application was for the construction of a 50,000 square foot grocery store. On March 3, Hannaford sent out a press release stating that they were the applicant for this project. Chairman Oster stated that the Planning Board will go through the process of site plan review, including SEQRA review, and hold a public hearing on the application. Mr. Lippmann stated that at the February 4, 2021 Planning Board meeting, the Planning Board made a comment concerning secondary access to the project site, which has been provided for on the updated plans. Mr. Lippmann said that the applicant has received Mr. Bonesteel's engineer review letter and are currently addressing the comments in the letter. Mr. Lippmann stated that the applicant will submit a minor subdivision application before the Planning Board's March 18 meeting. Mr. Lippmann also stated that the applicant is looking to add a pedestrian walkway from Hoosick Road to the grocery store, that comments have been received from the Town of Brunswick Fire Department, and that the applicant has reached out to the Town Water Department for comments on the application and are waiting to hear back. Mr. Bonesteel noted that he was the one who raised the issue of pedestrian access from Hoosick Road, and stated that he had not yet reviewed the project's grading and stormwater plans as he is waiting for the plans to be resubmitted. Mr. Bonesteel also noted a few minor issues

with the EAF responses. Mr. Bonesteel stated that the project site is not in a sewer district and that a sewer district extension will be necessary. Mr. Lippmann stated that a petition to extend the sewer district will be submitted to the Town Board. Mr. Bonesteel asked if a Hannaford sign would be installed on the property. Mr. Lippmann stated that a proposed signage plan would be submitted along with the updated plans for the March 18 meeting. Mr. Bonesteel asked if a sign variance would be needed. Mr. Lippmann stated that the applicant is looking into it. Mr. Bonesteel stated that the project's utility plan must be reviewed by the Town Water Department and that he has already discussed this with Bill Bradley in the Water Department. Mr. Lippmann stated that the applicant will coordinate with Bill Bradley on this issue. Mr. Bonesteel suggested plantings on the berm to better screen the surrounding neighborhood and that a snow storage plan should be submitted as well. Mr. Bonesteel asked for clarification on the process for bringing fill to the site, such as during the construction phase, addressing how residents on Lord Avenue will be accommodated. Chairman Oster asked if the applicant had coordinated with CDTA in regard to the sidewalk from Hoosick Road to the grocery store, specifically whether a bus stop would be added at the store. Mr. Lippmann stated that the applicant had not contacted CDTA and had not considered a bus stop at the location. Furthermore, a bus stop on Hoosick Road in front of the store may require a pull off for the bus to be built. Chairman Oster asked if the applicant was planning to physically raise the site with fill. Mr. Lippmann stated that the applicant was planning to raise the site by 5-6 feet. Chairman Oster asked how much fill would be needed for that. Mr. Lippmann stated that he did not know, but his office would calculate it. Chairman Oster stated that the truck traffic for bringing in that much fill must be considered in the plans. Mr. Bonesteel stated that truck traffic will be considered during SEQRA review. Mr. Bonesteel stated that he will need geotechnical information for the project site, given the existing soil types and fill requirements.

Mr. Lippmann stated that a geotechnical report has been prepared and will be submitted. Chairman Oster reiterated that he was worried about truck traffic, and Mr. Bonesteel confirmed that it would be addressed during SEQRA review. Chairman Oster commented on stormwater, stating that a field where the project will be built always floods during the spring due to collecting runoff stormwater from the surrounding area. Member Stancliffe stated that there is a large ditch behind the project site and asked if that will be addressed. Mr. Lippmann stated that it will be addressed. Chairman Oster asked if an Agricultural Data Statement was required. Attorney Gilchrist stated that it was since this is agricultural land. Attorney Gilchrist stated that the Planning Board had sent out a lead agency coordination notice on February 19 and that the notified agencies have 30 days to respond, so the lead agency period is ongoing. Chairman Oster asked if there any changes will be made to the application now that it has been announced that the grocery store will be a Hannaford. Mr. Lippmann stated that there will be no changes for that reason. This matter is placed on the March 18 agenda for further deliberation.

The first item of new business was a sketch plan submitted by Changing Visions of Energy for a commercial solar facility on property located at 4 Belair Lane. Carson Weinand, a Solar Developer, Cristina Tapia, a Solar Developer, and Lou Greco, P.E., all with CVE, and Ashley Champion, an attorney with Nixon Peabody LLP, were all present for the applicant. Mr. Weinard briefly introduced CVE, stating that they are an independent power producer with projects that produce power worldwide, that CVE continues to own and operate solar projects, and that they do not flip projects after they are approved by local boards. Mr. Weinard stated that the project site is 59 acres spread over two parcels, a 52-acre parcel and a 7-acre parcel, and that the land will be leased from Chuck McCabe. Mr. Weinard stated that a National Grid interconnection will be necessary and that CVE is currently in the queue to receive one. Mr. Weinard stated that there are

wetlands on the site, but that the project will mostly avoid them. Mr. Weinard stated that this is a community solar project, which will benefit approximately 350 homes. Mr. Weinard reviewed the specifications of the panels and electrical system for the project, including that there will be over 14,000 panels. Mr. Weinard stated that CVE will pursue a PILOT Agreement for this project. Mr. Weinard stated that CVE makes a \$1.00 charitable contribution for each panel on a project to a local environmental group. Mr. Weinard also stated that there will be pollinator-friendly vegetation on the site. Chairman Oster asked if the project site was currently farmland as it is located on an agricultural overlay zone. Mr. Weinard stated that the larger of the two parcels, with the agricultural overlay, is zoned R-40 residential, while the smaller of the two parcels, without the agricultural overlay, is also zoned R-40 residential. There are no current crops. Chairman Oster asked if the project site can be seen from Hoosick Road or North Lake Avenue. Mr. Weinard stated that visual assessment on the project site has not been completed at this time, but is expected to be low. Mr. Weinard stated that the applicant is requesting a re-zoning of the smaller parcel in order to extend the agricultural overlay to the entire 59 acres of both parcels. Attorney Gilchrist stated that that is a Town Board issue, not a Planning Board issue. Attorney Gilchrist then confirmed that site plan, special use permit, area variance, and zone change applications would be necessary and that the Town Board, Planning Board, and Zoning Board of Appeals would all be involved. Member Stancliffe asked to confirm that the applicant would be leasing the land. Mr. Weinard confirmed that the land would be leased. Mr. Greco then stated that the applicant planned to maintain the existing hydrology of the site, which would be done by avoiding steep slopes, selecting panel locations promoting water infiltration over runoff, and that the site's stormwater design was currently being designed. Mr. Golden noted that there is a gas line located through the site and must be avoided. Member Stancliffe asked how much vegetation would be removed from

the site. Mr. Weinard stated that he did not know exactly, but that it wouldn't be much. Ms. Champion then confirmed that there was a zoning issue and that the applicant wanted the agricultural overlay extended across the entire project site. Attorney Gilchrist then described the procedure for the application going forward. Mr. Weinard stated that the applicant would need a few months to prepare documents for submission before the applicant would be ready to come before the Planning Board again. This matter was adjourned without date.

The Planning Board then proceeded to an item of old business that had not been on the agenda, a sketch plan submitted by Atlas Renewable Energy for property located on Oakwood Avenue. The applicant stated that since the project was introduced to the Planning Board at its November 19, 2020 meeting, the applicant had begun working with CT Male Associates, who had helped them with a site plan, Full Environmental Assessment Form, and brownfield cleanup program application, all of which had been submitted to the Planning Board. The applicant is also coordinating with DEC on the brownfield cleanup program application. The applicant said Atlas Renewable hopes to break ground on the project later this year. Chairman Oster confirmed that the application materials had been received by the Planning Board. The applicant discussed the brownfield program and working with DEC. Attorney Gilchrist asked if the brownfield remediation proposed for the project site would be subject to SEQRA. The applicant did not know. Mr. Bonesteel stated that a stormwater pollution prevention plan would be required and that the site plan that had been submitted was incomplete. Attorney Gilchrist asked if the applicant had a contact at DEC they had been working with. The applicant said they had a contact and Attorney Gilchrist said he would need their information so he and Mr. Bonesteel could reach out to them and coordinate on municipal review. Mr. Bonesteel said he would review as much of the site plan as possible based on what information has currently been submitted. Mr. Bonesteel asked what the

size of the project will be. The applicant stated that this project will be 5 megawatts AC and 6.5 megawatts DC. Chairman Oster asked if the applicant would have to go before the Zoning Board for this project as well. Attorney Gilchrist confirmed that they would, specifically that the applicant would need to apply to the Zoning Board for variances for setback and utility pole installation. This matter was adjourned without date.

The index for the March 4, 2021 meeting is as follows:

1. Tamarac Solar, LLC – special use permit and site plan (April 1, 2021; joint public hearing with the Zoning Board of Appeals).
2. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan (March 18, 2021).
3. Leon – site plan (March 18, 2021).
4. Lord Avenue Property, LLC – site plan (March 18, 2021).
5. Changing Visions of Energy – sketch plan (adjourned without date).
6. Atlas Renewable Energy – site plan (adjourned without date).

The proposed agenda for the March 18, 2021 regular meeting is currently as follows:

1. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – special use permit and site plan.
2. Leon – site plan.
3. Lord Avenue Property, LLC – site plan.
4. Cillis – major subdivision.