

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD AUGUST 3, 2017

PRESENT were RUSSELL OSTER, CHAIRMAN, MICHAEL CZORNYJ, FRANK ESSER, and TIMOTHY CASEY.

ABSENT were KEVIN MAINELLO, DAVID TARBOX, and VINCE WETMILLER.

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.

Chairman Oster stated that a public hearing would be held on the Stewart's Shops site plan application for property located at 1001 Hoosick Road, and reviewed the Planning Board's guidelines for the public hearing.

The Planning Board opened the public hearing on the site plan application submitted by Stewart's Shops for property located at 1001 Hoosick Road. The applicant seeks approval to construct a 3,900 square-foot Stewart's convenience store with a 4-pump fuel island at 1001 Hoosick Road. The notice of public hearing was read into the record, with the notice having been published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of properties within 300 feet of the project site. Chad Fowler of Stewart's Shops was present for the applicant, together with consultants from Creighton Manning. Mr. Fowler presented an overview of the proposed project. Mr. Fowler stated that the current Stewart's location at the intersection of Hoosick Road and NYS Route 142 has been there since 1977, and

the store simply needs more space to operate, including more square footage for the store and the ability to have additional gasoline sales. Mr. Fowler stated that Stewart's had investigated options for staying at the current location and acquiring properties around that site, including Elliott and the Grange, but that these options had not been successful. Mr. Fowler stated the current Stewart's store location was constrained due to total area, square footage of the store, available parking, available area for gasoline sales, and septic disposal. Mr. Fowler stated that the property located at 1001 Hoosick Road is zoned commercial, and that location was identified as a viable option to construct the new Stewart's store while still staying in the same general area as the existing store. Mr. Fowler stated that there is an existing home and barn on the property at 1001 Hoosick Road and that, during the project review process, the State Historic Preservation Office stated that the buildings could be eligible for listing in the New York State Registry of Historic Places. Mr. Fowler stated that, because of that statement, additional investigation concerning use of these two buildings was pursued and several options were examined, including relocating the home. Mr. Fowler stated that the State Historic Preservation Office had determined that relocating the home was not a viable option, either economically or with respect to historic character, since there was not an available location in the general vicinity to relocate the house; that, by moving the house elsewhere, the historic character of the area would not be maintained; and that the economics of the building relocation did not support moving the buildings. Mr. Fowler stated that the State Historic Preservation Office had agreed to demolition of the buildings, subject to conditions including incorporating architectural features of the existing building into a new Stewart's store and providing opportunities for people or groups who seek to take pieces of the building for salvage. Mr. Fowler also noted that a donation would be made to the Brunswick Historical Society. Mr. Fowler stated that extension of public water supply to the project site will be needed, and that

Stewart's will extend public water to the site, but that during site investigation a private waterline to the Howe property was identified on the project site and that the Howe waterline will be replaced and a new waterline will be provided to the Howe property. Mr. Fowler noted that the Rensselaer County Health Department has approved the septic plan for the project site, and that the Brunswick Zoning Board of Appeals has issued a special permit for the gasoline storage and pump island area. Mr. Fowler stated that the issue of Hoosick Road and traffic was examined by Stewart's, and that Stewart's does require a full access entrance off Hoosick Road in order to make the store viable, and that the traffic engineering report has proposed adding a two-way turn lane on Hoosick Road in front of the project site. Mr. Fowler stated that the traffic engineering report assessed current traffic conditions and proposed installation of the two-way turn lane to provide full access to the store from Hoosick Road, and that NYSDOT has reviewed that report and given its conceptual approval to the plan. Mr. Fowler stated that Stewart's and NYSDOT are currently working on construction details for the proposed highway improvements. Mr. Fowler did note that all road widening activities will occur within the NYSDOT right-of-way, but that two driveways located on the south side of Hoosick Road will need to be regraded in connection with highway improvements, and that Stewart's has approached the property owners for such approval, but the private property owners have not yet granted that approval for access and regrading of driveways. Mr. Fowler stated that the driveway regrading work remains an open issue. Chairman Oster then opened the floor for receipt of public comment. Rudd Young, 29 Sweetmilk Creek Road, stated that Stewart's does not have any real estate contracts with any property owners for this project; that Stewart's will not build the store it is proposing with the historic architectural detail but rather will build their standard-looking Stewart's similar to the one recently built in Cropseyville; that traffic will end up going down Sweetmilk Creek Road; that Sweetmilk Creek Road already has

too much traffic; that Sweetmilk Creek Road is a residential street and should not have to handle this commercial traffic; that the property owners on Sweetmilk Creek Road will suffer impacts from litter and crime and traffic; that Stewart's should just use the Elliott property at its existing location and clean up the area and do the right thing; that Stewart's plays games and that he does not trust Stewart's. David Little, Esq. stated that he was speaking on behalf of the Center Brunswick United Methodist Church, of which he is a member; that the Methodist Church has 200 families that will be impacted by this project; that he has prepared written comments and handed the written comments to the Planning Board for the record; provided a description of the historic character of the church building and stated that this project will be a disruption to the historic structure; that the church property predates pavement on Route 7 and that traffic is already a significant problem for the church; that the proposed Stewart's traffic plan is dangerous and that adding a two-way turn lane is dangerous and will impact public safety and the church property; that the ingress and egress from the church will be impacted by this proposed traffic plan; that the safety issue is so significant that accidents will occur at the site and people will be injured or people will die as a result of this project; that a viable alternative exists by putting in a traffic circle at the Hoosick Road/NYS Route 142 intersection and that a traffic circle should be a requirement for this project; and that this project will ruin the historic character of the Center Brunswick area. Alicia Saunders, 1002 Hoosick Road, stated that she has lived at her home for her entire life; that the property was first owned by her grandparents and then her parents and that now she owns the property; that she has two children ages 4 and 13; that having her son get on the school bus on Hoosick Road is already a significant safety concern; that this Stewart's Shop and the proposed Hoosick Road improvements will actually increase the risk of accidents and create a safety concern; that large commercial vehicles will likely use the shoulder of Hoosick Road to run into

Stewart's simply to get a cup of coffee and this will create an additional traffic safety issue; that noise will be worse than it is already from the Hoosick Road corridor; that her front yard will be useless; that the property value of her home will be lost; and that this project provides a benefit to Stewart's and no benefit to the existing property owners on Hoosick Road. Madison Hetman, 998 Hoosick Road, stated that the Hetman family owns the property directly across the street on Hoosick Road; that traffic safety is already a significant issue; that there is a blind spot on Route 7 traveling in an easterly direction going around the corner at the intersection of NYS Route 142; that adding a two-way turn lane at this location will be even worse; that properties on the south side of Hoosick Road will now have to cross two lanes of traffic in order to enter onto Hoosick Road in a westerly direction; that a traffic circle at this location would also be dangerous; and that this project creates a significant traffic safety concern. Barbara Conroy, 24 Maplewood Avenue, stated she has been a resident in the Town for five years; that traffic on Route 7 is a significant problem; that pedestrians trying to cross Route 7 already have dangerous conditions and this project will make it worse; and that there are a number of better locations for the new Stewart's store including the former gas station at the Hoosick Road/Route 278 intersection. Laura Conroy, 24 Maplewood Avenue, also added that traffic is a significant safety issue, and that adding a turn lane for the Stewart's Shop will result in a safety concern. Dan Macintyre, 7 Vista Road, stated he is a member of the Center Brunswick United Methodist Church; that he has been a resident of the Town for 50 years; that the trucks on Route 7 are a huge problem; that adding a turn-lane will only create more problems for traffic on Route 7; that a two-way turn lane will be a safety issue for both the traveling public and the church members in particular; and that alternatives should be examined to address the traffic issue rather than adding a turn-lane. Alice DiNova, 210 North Lake Avenue, stated she formerly owned the property at 1002 Hoosick Road; had lived at that

location for 25 years and raised three children at that location; that traffic on Route 7 has always been a concern and a safety issue; that this new proposed Stewart's would depreciate property values; questioned why another Stewart's store was needed; stated that safety issues will result in terms of traffic as well as impact on children stopping for school busses; and felt that the existing home at 1001 Hoosick Road should remain. Ron Schott stated he was a trustee for the Center Brunswick United Methodist Church; that he is also concerned regarding traffic and traffic accidents at this location; that, as a trustee of the church, he had significant concern regarding the structure of the church and the stained glass windows at the church and the church sign; that the church property is already subject to impact from heavy trucks on Route 7; and that moving the travel lane of Route 7 closer to the church property will place a significant additional impact on the church. Larry Bonesteel, 7 Harris Avenue, stated he has been a resident of the Town for 77 years; that NYSDOT has a bigger problem than just a new Stewart's store; that the intersection of Hoosick Road and NYS Route 142 has always been a problem and cars routinely back up on Route 7 at this intersection; proposed a complete intersection realignment including a realignment of Sweetmilk Creek Road; and stated that adding a traffic circle would not do anything to remove the traffic from impacting the church property, and in fact might make it worse. At this point, Chairman Oster stated that the Planning Board intended to keep the public hearing open and continue the public hearing at the August 17 meeting; that land owners who own property to the east of the project site which could be affected by the addition of the two-way turn lane on Hoosick Road would be sent specific notice of the public hearing; that the Planning Board has heard a number of comments concerning traffic safety and impact on the properties along Route 7; and that the people attending this public hearing should know that the public hearing will be continued at the August 17 meeting and there will be the opportunity for comment at the August 17 meeting.

Pastor Joy Lowenthal of the Center Brunswick United Methodist Church stated that she has worked with Stewart's and the Dake Family in the past; that she knows Stewart's has been very supportive of church activities in the past; that she is confident that Stewart's will take these comments into account and adjust the plan to benefit not just Stewart's but the entire area of the Center Brunswick community; and requested Mr. Fowler to take these comments back to Stewart's. Barbara Conroy, 24 Maple Avenue, also commented that the traffic backup on Route 7 is not simply a weekend problem, but that it occurs every day of the week. Chairman Oster thanked the public for its comments on this project, and stated that the public hearing is adjourned and will be continued at the August 17 meeting at 7:00pm.

The Planning Board then opened its regular business meeting.

The draft minutes of the July 20 meeting were reviewed. Upon motion of Member Czornyj, seconded by Member Esser, the draft minutes of the July 20 meeting were unanimously approved without amendment.

The first item of business on the agenda was the site plan application submitted by Stewart's Shop for property located at 1001 Hoosick Road. Chad Fowler of Stewart's Shops was present for the applicant, together with consultants from Creighton Manning. Chairman Oster stated that the Planning Board and the applicant had heard a number of comments on this project, particularly on Hoosick Road traffic impacts. Chairman Oster wanted to confirm that the highway improvements proposed by Stewart's will occur entirely within the existing NYSDOT right-of-way on Hoosick Road. Mr. Fowler confirmed that the physical road widening and addition of the two-way turn lane will occur within the existing NYSDOT right-of-way, but that the two driveways that will need to be regraded are located outside the NYSDOT right-of-way, and that permission of the property owners for the driveway regrading is needed. Mr. Fowler stated that

the road widening work would remove portions of the front lawns of homes along Route 7, but that the lawns that will need to be taken are located within the NYSDOT right-of-way. Mr. Fowler confirmed that it is a 60-foot right-of-way along Route 7 in the area where the work is being proposed. Mr. Bonesteel stated that the NYSDOT right-of-way does increase in width as you move east on Route 7. Chairman Oster wanted to confirm that no property would be taken by NYSDOT to complete the physical improvements to Route 7. Mr. Fowler stated that was correct, but that Stewart's did need to grade the two driveways that are located outside of the NYSDOT right-of-way. Chairman Oster asked about the status of discussions by Stewart's with the affected property owners. Mr. Fowler stated that he had met with three of the owners, and had a telephone discussion with the church property, and that the discussions have not been positive to date and that he will pursue those discussions. Chairman Oster inquired whether Stewart's had considered a traffic circle at the Hoosick Road/NYS Route 142 intersection, and asked whether NYSDOT had ever considered installing a traffic circle at that location. Traffic engineers from Creighton Manning stated that a roundabout was never really considered by NYSDOT at that location, that installing a roundabout requires significant additional area, and could in fact push the travel lanes closer to the church property. Chairman Oster asked whether the existing Stewart's location could be used for construction of a roundabout. The traffic engineer from Creighton Manning stated that the current Stewart's location would not work for roundabout installation due to the current travel lane location of Route 7, and that from an engineering perspective the existing Stewart's location does not line up for construction of a roundabout to service Route 7. Chairman Oster asked whether the proposed exit from the Stewart's shop onto Sweetmilk Creek Road was allowed. Attorney Gilchrist stated that the property is currently zoned commercial, and a commercial driveway onto Sweetmilk Creek Road is allowable. Member Czornyj stated that despite the traffic

engineering data, the morning traffic on Route 7 backs up all the way to the Center Brunswick Firehouse. Member Czornyj also stated that it has been his experience that truckers are now using NYS Route 142 to avoid the traffic on Route 7, and there will be more trucks trying to exit Route 142 at this location. The traffic engineer from Creighton Manning stated that traffic counts were taken in connection with their traffic assessment report, and that he could try to compare that current data with historic data from NYSDOT concerning the number of trucks using Route 142 and whether that number has increased recently. Member Casey stated that there is a sight distance issue for vehicles traveling east on Route 7 that are going through the traffic light and Route 142 intersection. The traffic engineer from Creighton Manning stated that a sight distance assessment had been completed for this location, that NYSDOT had reviewed the traffic engineering data, and that NYSDOT concurs that the installation of the two-way traffic lane is an acceptable mitigation for traffic flow in connection with the Stewart's project. The Creighton Manning engineer also stated that the two-way turn lane would also actually provide a benefit to the church property directly across the street, as the concept of the two-way turn lane allows cars exiting to have to navigate only one travel lane before entering the two-way turn lane and then merge into the other travel lane when it is clear, rather than having to navigate through two travel lanes to exit. Member Czornyj stated that in his experience, people cannot get out of the side streets onto Hoosick Road, including cars not being able to exit from Town Office Road right near Town Hall onto Route 7. The Creighton Manning engineer stated this was the very reason for installing the two-way turn lane, which will aid in cars exiting properties onto Route 7. Chairman Oster asked Mr. Bonesteel whether there were any engineering issues on the project. Mr. Bonesteel stated that he had put together a comment letter on this project in March, that Stewart's had provided responses to his comments on the plans, and that those responses were still being reviewed by him. Mr. Bonesteel

did state that Stewart's had done a good job of addressing technical issues on the site, that NYSDOT had conceptually approved the traffic improvements, that Rensselaer County Health Department has approved the septic plan for the project, and that he has reviewed the stormwater report for the project and the concept to address stormwater management is good. Chairman Oster confirmed for the record that, from an engineering and design perspective, NYSDOT has jurisdiction over Hoosick Road. The Planning Board confirmed that properties located further to the east of the project site on Hoosick Road that could be impacted by the road widening proposal will be sent direct notice of the continuation of the public hearing for the August 17 meeting. Chairman Oster requested Mr. Fowler to pursue conversations with the owners of the four properties on the south side of Route 7 concerning the driveway grading issue, and Mr. Fowler stated he would do so and report the progress of those discussions at the August 17 meeting. This matter is placed on the August 17 agenda for continuation of the public hearing to commence at 7:00pm.

The next item of business on the agenda was a site plan application submitted by Chip Bulson for property located 63 Indian Creek Lane. The applicant seeks to construct a tourist home on property at that location. Chip Bulson was present, together with his attorney, Paul Engster, Esq. Attorney Engster stated that he wanted to review with the Planning Board the lack of progress on this site plan application. Attorney Engster stated that this application had been submitted to the Planning Board under the Brunswick Zoning Ordinance, and that the Town of Brunswick has since adopted a new Zoning Law, and his client has been informed that the new Zoning Law is applicable. Attorney Engster stated that, prior to the adoption by the Town of the new Zoning Law, the Planning Board had required his client to address a highway by use issue on Indian Creek Lane and that the Planning Board had diverted review of the site plan onto the issue of the highway

by use. Attorney Gilchrist stated that the Planning Board did not divert the process from site plan review; that review of the adequacy of Indian Creek Lane to service the proposed tourist home was a site plan issue; that all parties, including the applicant, had discussed and agreed to setting up a meeting on Indian Creek Lane that would include the applicant, the Planning Board Chair, the Planning Board Engineer, the Building Department, and the Highway Department; and that to date that meeting on Indian Creek Lane with all parties present has not yet occurred. Member Esser stated that the fire department was also supposed to be at that site meeting to review Indian Creek Lane. Attorney Engster stated that he was putting his client's position on the record that this application should be continued to be reviewed under the prior Zoning Ordinance. Attorney Engster continued that, under the prior Zoning Ordinance, this property was in the A-40 Zoning District and a tourist home is allowed. Attorney Engster continued that his client conducts a timber operation on the property through a forest management plan that has been approved by DEC, and that his client's proposed use of the tourist home would constitute agritourism under the new Zoning Law. Attorney Gilchrist stated that the issue concerning which law applies to this pending application is a legal issue; that the Planning Board does not have the jurisdiction to determine zoning applicability or zoning interpretation issues; that such issues were within the jurisdiction of the Building Department for determination; and that the applicant should submit his position concerning the applicability of the Town's new Zoning Law to his client's pending application to the Building Department for review and consideration; and that the Building Department will review that information with the Town Attorney and render a determination as to whether the prior Zoning Ordinance or the new Zoning Law applies to this application. Until that is completed, Attorney Gilchrist stated that there is no matter for the Planning Board to consider at this point. Chairman Oster stated on the record that an application for a tourist home has been submitted to

the Planning Board for site plan review; that the issue of the adequacy of Indian Creek Lane to service that proposed use was raised, particularly in light of the fact that Indian Creek Road is a highway by use; that the road adequacy issue was being addressed; that the Town of Brunswick adopted a new Zoning Law; and that a tourist home is not an allowable use under the new Brunswick Zoning Law. Chairman Oster asked Attorney Engster whether his client had made an application for a bed and breakfast, which is an allowable use for that property under the new Zoning Law. Attorney Engster said an application has not been submitted for a bed and breakfast. Chairman Oster stated that there is no application before the Planning Board to consider, and that he needs to submit his position on which law applies to this application to the Building Department for determination. Attorney Engster asked whether the pending site plan application has been denied by the Planning Board. Attorney Gilchrist stated that the Planning Board has not acted to deny any site plan application but rather the legal issue of what law applies to this pending application has arisen, that determination of that legal issue is within the Brunswick Building Department's jurisdiction, and that the applicant should make a submittal to the Brunswick Building Department regarding his position as to which law applies to this pending application, and that the Building Department will make that determination. Attorney Engster continued that it is his client's position that the law regarding highway by use is different than what the Planning Board has been advised by its counsel, and that his applicant would like to have that legal issue addressed by the Planning Board. Attorney Gilchrist stated that if Attorney Engster would like to state on the record that Attorney Gilchrist is incorrect in his legal opinion on the law of highway by use, he can certainly do so, but that the issue regarding the applicability of the Town's new Zoning Law to the pending application must first be determined by the Building Department to allow any further process by the Planning Board on this pending application, and that the issue of

whether the prior Brunswick Zoning Ordinance or the current Brunswick Zoning Law is applicable must first be determined by the Building Department. Attorney Engster continued and asked whether there is still an application pending before the Planning Board. Attorney Gilchrist stated that the Planning Board has not made any decision on the application submitted by Chip Bulson for this project; that the issue regarding the applicable zoning law has arisen regarding this application, given the adoption of the new Brunswick Zoning Law by the Town of Brunswick; and that the applicant should prepare his submission to the Brunswick Building Department, as the Brunswick Building Department has the jurisdiction to make the initial determination as to what law applies to this pending application. This matter is adjourned pending a Building Department determination.

The next item of business on the agenda was the waiver of subdivision application submitted by Melissa Shudt Jeromineck for property located at 194 Bald Mountain Road. Mark Danskin, Licensed Land Surveyor, was present for the applicant. Mr. Danskin reviewed the proposed waiver of subdivision map, where the property owner seeks to divide 5.2 acres off an existing 105-acre lot. Mr. Danskin stated that the proposed property lines would not impact the existing water or septic system. Member Czornyj confirmed that the property located across Bald Mountain Road is part of the same deed, and that only one 5.2-acre lot and the remainder lot would be created. Mr. Danskin confirmed this. The Planning Board members discussed the sight distance issue for the lot access onto Bald Mountain Road, and determined sight distances were more than adequate. Chairman Oster asked whether there were any further questions or comments regarding the application. Hearing none, Member Czornyj made a motion to adopt a negative declaration under SEQRA, which motion was seconded by Member Casey. The motion was unanimously approved, and a SEQRA negative declaration adopted. Thereupon, Member Czornyj made a

motion to approve the waiver of subdivision application, noting that the proposed lot is over 5 acres and this constitutes a non-realty subdivision. Member Esser seconded the motion. The motion was unanimously approved, and the waiver of subdivision application approved without condition.

There were two items of new business discussed.

The first item of new business discussed was a site plan application submitted by Stewart's Shops for its convenience store located at 2 Brick Church Road. Chad Fowler of Stewart's Shops was present for the applicant. Mr. Fowler explained that the application seeks approval to add a kerosene tank to this Stewart's location, and a 1,000 gallon above-ground storage tank is being proposed that will be approximately 9 feet long and 4 feet in diameter and will be placed on a concrete pad located directly off the paved blacktop area on the east side of the store site. Attorney Gilchrist noted that under the new Brunswick Zoning Law, the store site is now located in the Hamlet District, and that to amend the site plan for the "retail establishment-convenience" use, both a special use permit and site plan review are required. The Planning Board reviewed this matter with the applicant, and the applicant will submit a special use permit application as well. The matter will be placed on the August 17 agenda for review of the application materials and scheduling of a public hearing, which will likely occur in September. Chairman Oster asked whether there were any existing Stewart's shops which had an above-ground kerosene tank. Mr. Fowler stated that there are Stewart's shops which have this kerosene tank system, and he will bring pictures of that for the August 17 meeting. The Planning Board generally reviewed the issue of bollards to be installed around the tank, lighting, the concrete base for the tank, and paving for vehicles using the kerosene tank. This matter is placed on the August 17 agenda for receipt of the

special use permit application, review of site plan and special permit application materials, and consideration of scheduling a public hearing.

The second item of new business discussed was a site plan application submitted by Borrego Solar for a proposed utility-scale solar farm for property located at 138 Brick Church Road. Rob Garrity and Dean Smith of Borrego Solar were present for the applicant. Mr. Smith indicated that he is the civil engineer in charge of this project. Mr. Smith indicated that the underlying property is owned by Kirk Gendron. The application materials include written authorization by Kirk Gendron and Stephanie Gendron for submission of the application by Borrego Solar. The Planning Board stated that, under the current Brunswick Zoning Law, the application for the utility-scale solar farm also requires special use permit review, and an application for a special use permit will be required. Mr. Smith presented an overview of the proposal, stating that the area of the proposed solar panels have been agricultural in the past, so that not a lot of land clearing will be involved in connection with the project. The proposal is for installation of solar panels on a 10-acre area on the east side of the property and an 11-acre area on the west side of the property, each installation being approximately 2 megawatt in power generation. Mr. Smith reviewed the proposed location of the panels, and discussed separation distances both to the property line and to surrounding residences. Mr. Smith stated that no buildings are being proposed, but that ground equipment is required for each installation; that the equipment will be placed on a concrete pad area; and that motion-activated pole lighting is included for each equipment area for security purposes. Mr. Smith stated that the equipment does have a humming-type noise, but that noise attenuation over distance will not result in any noise impacts at the property line or to off-site residences. Mr. Smith stated that the use is limited to daylight hours, so that there would be no nighttime noise generated from the facility. Mr. Smith

stated that Borrego Solar visits the site only 2–3 times per year for maintenance purposes. Mr. Smith stated that a security fence will be installed around the perimeter of each installation. Mr. Smith reviewed the site characteristics, which include federal wetlands identified on the project site, and that an Army Corps approval for the project will be required, and that the applicant will be filing a joint application to the Army Corps of Engineers and NYSDEC shortly. The Planning Board members generally reviewed issues concerning the on-site wetlands, installation of the equipment on the site, visibility of panels to neighboring property owners, and the topography of the site. Mr. Smith stated that the applicant also requires subdivision approval, as each of the proposed solar farm installations is required to be on its own separate lot under Public Service Commission regulations, and that the remaining land owned by Gendron would be a third lot, so a three-lot subdivision will be proposed. Member Czornyj inquired why a subdivision of the property is required. Mr. Smith and Mr. Garrity stated that this is required under PSC regulations, and that an explanation for the regulatory requirement will be submitted when the subdivision application is submitted. Mr. Smith did indicate that they are still working on the proposed subdivision, in order to meet the necessary frontage requirements for each lot on Brick Church Road. Mr. Smith stated that the applicant may need an area variance from the Zoning Board of Appeals for the setback of the panels from the property line considering the proposed subdivision of the property for each facility installation. The Planning Board discussed the subdivision issue, noting that the lots would likely be irregular-shaped flag lots, and that the applicant should consider necessary width for a private driveway if the driveways would need to be over 150 feet in length. Mr. Smith stated that they will consider that requirement in the subdivision proposal. Chairman Oster asked about the proposed buildout. Mr. Smith stated that this was a proposed 2018 build, and that while most of the site is cleared due to prior agricultural use, some tree clearing is required

but the trees cannot be cleared until after November due to the limitations resulting from protection of bat populations. Attorney Gilchrist noted that under the Brunswick Zoning Law, the utility connection for the solar farm must be underground. Mr. Smith stated that the National Grid utility will require poles into the project site, but that all of the Borrego facilities will be underground. Mr. Smith stated that they have dealt with this issue in many other municipalities, and the issue of National Grid pole requirements may require a variance. Attorney Gilchrist stated that the issue of utility poles above-ground is not limited to a variance issue, but will be a visual impact issue which will need to be examined by the Planning Board under SEQRA. Chairman Oster discussed signage for the project. Member Casey asked about the design life of the solar panels. Mr. Smith stated that the underlying lease for the site is for 20 years with two 5-year extensions, and that Borrego Solar is considering this to be a 30-year project, and the life of the panels would likely meet that, although with advancing technology it is not clear whether the panels would continue to be economically viable after a period of time. Member Casey asked about decommissioning of the site and returning the site to its current condition. Mr. Smith stated that there were decommissioning requirements under the ground lease. Attorney Gilchrist reviewed the Brunswick Zoning Law requirements for decommissioning, including posting of security with the Town for decommissioning costs in the event the solar company fails to decommission the property. Mr. Smith confirmed that decommissioning security requirements are common in municipalities, and Borrego Solar had submitted an estimate for decommissioning and restoration as part of the application documents. This matter is placed on the August 17 agenda, at which time the special use permit application and subdivision application would be reviewed, as well as the amended environmental assessment form. Mr. Smith also indicated that they would be

preparing a variance application concerning the 100-foot setback from property lines under the Zoning Law. This matter is placed on the August 17 agenda for further discussion.

The index for the August 3, 2017 meeting is as follows:

1. Stewart's Shops (1001 Hoosick) - Site plan - 8/17/2017 (public hearing to continue at 7:00pm);
2. Bulson - Site plan - Adjourned pending Building Department determination;
3. Jeromineck - Waiver of subdivision - Approved;
4. Stewart's Shops - Amendment to site plan - 8/17/2017;
5. Borrego Solar - Utility-scale solar farm - 8/17/2017.

The proposed agenda for the August 17, 2017 meeting currently is as follows:

1. Stewart's Shops (1001 Hoosick) - Site plan (public hearing to continue at 7:00pm);
2. Stewart's Shops (2 Brick Church Road) - Amendment to site plan and special use permit;
3. Borrego Solar - Utility-scale solar farm.