

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 MARCH 15, 2021

PRESENT were ANN CLEMENTE, CHAIRPERSON, E. JOHN SCHMIDT, PATRICIA CURRAN, ADRIAN MORIN, and JOHN MAINELLO III.

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

The draft minutes of the February 22, 2021 regular meeting were reviewed. There were no edits or corrections to be made to the minutes. Chairperson Clemente made a motion to approve the minutes of the February 22, 2021 regular meeting without correction, which motion was seconded by Member Morin. The motion was unanimously approved, and the minutes of the February 22, 2021 regular meeting were approved.

The first item of business on the agenda was a use variance and area variance application submitted by Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless for property located on Creek Road. Dave Brennan, Esq. was present for the applicant. Mr. Brennan stated that since the last Zoning Board meeting, the applicant had received a letter from the New York State Office of Parks, Recreation and Historic Preservation stating that the project will have no adverse effects on any state lands or projects and no impact on historic resources. Mr. Gilchrist then reviewed the amended resolution with the Zoning Board, stating that the resolution had initially been approved at the Board's last meeting and that this amended resolution corrected certain procedural matters that had been recited in the initial resolution. Mr. Gilchrist stated that SEQRA has already been done and this is only a procedural issue. Mr. Gilchrist asked Mr. Brennan if the alterations were accurate and he said that they were. The Zoning Board had no further comments

on the amended resolution. Member Curran made a motion to adopt the amended resolution, which was seconded by Member Morin. The motion was unanimously approved and the amended resolution was adopted.

Two items of new business were discussed.

The first item of new business was an area variance application submitted by Lord Avenue Property, LLC for property located on Lord Avenue. The applicant is proposing to build a Hannaford supermarket on the property. Alison Yovine, PLA, of MJ Engineering and Land Surveying, P.C. was present for the applicant to present the project. Ms. Yovine reviewed the project's lighting plan stating that the height of the light poles on the project site are what require the area variance. Specifically, the applicant is proposing 21-foot tall light poles, but the Town Zoning Code allows a maximum height of 15 feet for light poles. Ms. Yovine stated that the project site currently has sufficient lighting for the front sidewalk and that fewer light poles will be required due to the applicant using a more efficient lighting design. Ms. Yovine then reviewed photometric information about the project and stated that fewer poles will result in more tree areas being available on the site. Ms. Yovine stated that the elevation of Hoosick Road is 440 feet and that the elevation of the project site is 413 feet, meaning that the proposed light poles will be below Hoosick Road and have no impact to Hoosick Road or Lord Avenue. Chairperson Clemente asked if there were any feasible alternatives for this area variance. Ms. Yovine stated that the applicant could use 15-foot poles, but they would have to use more poles, which would be less efficient and cause more of a visual impact. Member Morin asked if fewer poles would mean less energy used. Ms. Yovine said that was correct. Member Morin asked Mr. Golden if there are any commercial projects along Hoosick Road that use 15-foot poles. Mr. Golden said he wasn't sure and would research it. Member Curran asked if the light poles would have an impact on residential areas. Ms.

Yovine stated that it would not as there would be zero off-site foot-candles of light generated by either 15-foot or 21-foot poles. Chairperson Clemente asked what the elevation is of the surrounding residential area. Ms. Yovine stated that the residential area is 3 feet higher than the final parking lot elevation, but that there is significant distance to the residential area. Ms. Yovine also noted that the project site is 120 feet away from Lord Avenue, which is about 12-13 feet above the parking lot's elevation. Member Morin asked if lights along the site's secondary driveway are being proposed. Ms. Yovine stated that no driveway lights are being proposed as the driveway has only been recently added to the plans, but the applicant will look into adding lights along the driveway. Ms. Yovine noted that the driveway will only be used for firetrucks and other emergency vehicles and light poles are proposed to be placed along the front access driveway. Chairperson Clemente asked if the design of the lights was included in the application materials. Ms. Yovine said they were. Chairperson Clemente asked if light shields will be used. Ms. Yovine stated that they will be added to the poles nearest to the residential area. Chairperson Clemente asked if that included the Lord Avenue side of the site as well. Ms. Yovine confirmed it would be. Chairperson Clemente asked if light from the project site will be able to be seen off-site. Ms. Yovine stated that light would be visible, but that there would be no off-site "spillage" of light into the residential area. Mr. Golden stated that light impact is measured with ambient conditions. Chairperson Clemente asked if the project would result in a change in the character of the neighborhood, specifically in terms of impact to residential areas to the west and east of the site. Chairperson Clemente asked why the applicant was going to use these specific lights. Ms. Yovine stated that they are Hannaford's standard lights used at all of their stores. Attorney Gilchrist asked if the heights listed in the application documents used the finished building grade. Ms. Yovine confirmed that the numbers were post-construction. Chairperson Clemente confirmed that the application was

complete. Attorney Gilchrist stated that this project is also currently in front of the Planning Board and that the SEQRA lead agency process is currently ongoing. Attorney Gilchrist stated that the Planning Board could discuss holding a joint public hearing on the application with the Zoning Board. This matter is adjourned without date.

The second item of new business was an area variance application submitted by Atlas Renewable Energy for property located on Oakwood Avenue. Frank Palumbo and Melissa Currier, from C.T. Male Associates, and John Watson, from Atlas Renewable Energy, were present for the applicants. Mr. Palumbo stated that in addition to the area variance in front of the Zoning Board, the applicant also had special use permit and site plan applications in front of the Planning Board. Mr. Palumbo described how the project site has been classified as a Class 3 Inactive Hazardous Waste Disposal Site by NYS DEC, that the project site has been accepted into the DEC's brownfield redevelopment plan, and that DEC wants to see if the Town will approve the project before allowing testing on the project site as a part of the brownfield redevelopment program. Mr. Palumbo stated that the applicant is in front of the Zoning Board for area variances for the poles that will be built on the site as part of the project's above-ground connection. Mr. Palumbo then reviewed the project's requested setback variances, which would be along two lot lines near the project site. Mr. Palumbo stated that an issue DEC has raised is how the solar panel structures will be affixed to the ground, specifically whether the panels will be screwed into the ground or into concrete ballasts sitting on the surface of the site. Mr. Palumbo also asked if a joint public hearing with the Planning Board concerning the applications in front of both boards could be held. Chairperson Clemente asked why there were two application documents in front of the board members, one from March 10 and the other from March 19. Mr. Golden clarified that the application from March 10 was to be used. Mr. Palumbo stated that the project would not have a

substantial impact on the project site as the panels would be very low to the ground. Chairperson Clemente asked that on page 2 of the Full EAF submitted by the applicant, concerning government approvals, if the Zoning Board variances needed to be added. Mr. Palumbo confirmed that the Zoning Board variances needed to be added. Attorney Gilchrist reviewed procedural issues related to the application, specifically that he would need to coordinate the local review process with the DEC's review process. Attorney Gilchrist stated that DEC waiting to hear whether or not the Town will approve the project presents a problem as the Zoning Board currently does not know the environmental status of the site. Attorney Gilchrist also made it clear that the Zoning Board cannot give a preliminary approval for variances. Attorney Gilchrist also stated that a joint public of the Planning Board and Zoning Board in the future on the applications in front of both boards from Atlas Renewable Energy was possible. Chairperson Clemente stated that the application in front of the Zoning Board was complete. This matter is adjourned without date.

The index for the March 15, 2021 meeting is as follows:

1. Blue Sky Towers III, LLC/Cellco Partnership d/b/a Verizon Wireless – use variance and area variance (amended resolution approved).
2. Lord Avenue Property, LLC – area variance (adjourned without date).
3. Atlas Renewable Energy – area variance (adjourned without date).

The proposed agenda for the April 19, 2021 regular meeting is currently as follows:

1. Leon – use variance and area variance.