

## **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 21, 2022**

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

ABSENT was DARYL LOCKROW.

ALSO PRESENT was CHARLES GOLDEN, Brunswick Building Department.

Chairperson Clemente reviewed the agenda for the meeting, as posted on the Town sign board and Town website. The draft minutes of the February 28, 2022 regular meeting were reviewed. There were no edits or corrections to be made. Chairperson Clemente made a motion to approve the minutes of the February 28, 2022 regular meeting without correction, which motion was seconded by Member Curran. The motion was unanimously approved, and the minutes of the February 28, 2022 regular meeting were approved.

The first item of business on the agenda was an application for sign variances submitted by Saxton Sign Co. for property located at 841 Hoosick Road. The applicant sought sign variances to advertise the Harbor Freight Tools store at that location. Terry Miser of Saxton Sign Co. was present to review the application. Chairperson Clemente asked Mr. Miser if there had been any changes made to the application since the last Zoning Board meeting and he said that there had not. Mr. Miser reviewed the application, stating that there were three total proposed signs for the building: one sign above the entrance, one sign on the side of the building, and one monument sign along Hoosick Road. Mr. Miser also stated that due to the orientation of the building, the sign on

the side of the building will be facing Hoosick Road and is considered the “front sign,” while the sign above the entrance to the store is considered the “side sign.” Chairperson Clemente asked if any of the signs would be illuminated, and Mr. Miser stated that he believed all three of them would be. The Notice of Public Hearing was read into the record by Attorney Gilchrist, noting that the Public Hearing Notice was published in the Eastwick Press, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties located within 300 feet of the project site. Chairperson Clemente opened the public hearing on the application. There were no public comments on the application. Chairperson Clemente asked Mr. Golden if there had been any written comments on the application and he stated that there had been none, either by written letter or email. Chairperson Clemente asked the other Zoning Board members if there were any questions or comments on the application and there were none. Chairperson Clemente noted that the total square footage for the three signs is below the allowed amount. Attorney Gilchrist noted for the record that the applicant was seeking two sign variances: one for the total number of signs and the other for having a sign on the side of a building. Chairperson Clemente asked Mr. Miser what the hours of operation for the store would be, and Mr. Miser said he did not know. Mr. Golden stated that the signs will not be illuminated during the hours that the store is not open. Chairperson Clemente stated that the signs being turned off when the store is closed could still be a condition on the application. Chairperson Clemente made a motion to close the public hearing, which was seconded by Member Curran. The motion was unanimously approved, and the public hearing was closed. Attorney Gilchrist stated that the application had been sent to Rensselaer County and asked Mr. Golden if a response had been received. Mr. Golden stated that no response from Rensselaer County had been received yet. Attorney Gilchrist stated that since no response had been received and that 30 days had not elapsed since the application was sent to Rensselaer County, the Zoning

Board could deliberate on the application, but could not act on it. Chairperson Clemente noted that the property was a commercial property, and that a SEQRA review was necessary for this variance application. Chairperson Clemente stated that there was no potential for significant environmental impact due to the proposed sign and made a motion for a negative declaration under SEQRA on the project, which was seconded by Member Mainello. The Zoning Board voted unanimously to declare a negative declaration on the project under SEQRA. Chairperson Clemente asked Attorney Gilchrist if the Zoning Board could discuss the elements for consideration even though it was not able to act on the application. Attorney Gilchrist stated that they could discuss the elements. The Zoning Board then reviewed the elements for consideration on the sign variance application. As to whether the requested variance would result in an undesirable change in the character of the neighborhood or create a detriment to nearby properties, Member Curran stated that Hoosick Road is a commercial area and that other businesses along Hoosick Road have signs. Chairperson Clemente agreed, noting that the application included pictures of other businesses with signs along Hoosick Road. As to whether a feasible alternative is available, Member Curran stated that there is not as there needed to be a sign over the entrance to the store, that the sign on the side of the building is facing Hoosick Road, and that the monument sign is along Hoosick Road. Chairperson Clemente stated that the unique orientation of the building is what is creating the issue. As to whether the requested variance is substantial, Member Schmidt stated that it is not substantial as other businesses along Hoosick Road have requested both bigger signs and more total signs for one building. As to whether the variance would create an adverse environmental or physical impact, Chairperson Clemente stated that it would not as the application documents clearly showed there would not be a significant environmental impact and that the Zoning Board had made a negative declaration under SEQRA on the project. As to whether the difficulty giving rise to the

need for the variance is self-created, Member Curran stated that that it was due to the orientation of the building, which the storeowner chose, but that this would not be determinative. Attorney Gilchrist reiterated that the Zoning Board could not take action on the application since a response had not been received from Rensselaer County. This matter is placed on the April 18, 2022 agenda for further discussion.

The second item of business on the agenda were two area variances submitted by Changing Visions of Energy (CVE North America, Inc.) for property located off Belair Lane. Carson Weinard, Senior Project Developer for Changing Visions of Energy, and Jared Lusk, an attorney from Nixon Peabody, LLP were present to review the application. Chairperson Clemente stated that the Zoning Board had several questions for the project's engineer at the Board's last meeting on February 28. Mr. Lusk stated that while the project's engineer could not be present at the current meeting, he had responded to technical questions in a letter to the Zoning Board and Mr. Lusk offered to review the letter if the Zoning Board had any further questions. Mr. Lusk also stated that a question had been raised the previous meeting about why six utility poles were necessary, and he read the response from the project engineer's letter, stating that it was a requirement from National Grid due to New York State standards for this type of solar project. Chairperson Clemente noted that all application materials had been received and that the Zoning Board members had the materials. Mr. Lusk then reviewed the status of the project, identified the possibility of a joint public hearing with the Planning Board to address all CVE applications before both Boards, stated that the option of a joint public hearing had been raised at the Planning Board's last meeting on March 17, and that the Planning Board was open to a joint public hearing. Regarding a question about transmission lines and connecting to a substation, Mr. Weinard stated that smaller-scale solar projects (5 MW or less) are able to use existing transmission lines to get power to a National Grid

substation and connect into standard three-phase distribution lines. Mr. Weinard, Mr. Lusk, and the Zoning Board discussed the transmission line requirements and costs. Mr. Weinard stated that large-scale solar projects (above 5 MW) qualify as a different type of solar project with different requirements. Mr. Lusk then discussed the difference between utility-scale solar projects and community solar projects. Chairperson Clemente asked why specifically National Grid is requiring six utility poles for this project when other solar projects in Brunswick of approximately the same size have only required two utility poles. Mr. Weinard stated that it was a National Grid requirement, that he was not aware of any other project specifications, and reiterated that the project's engineer had received the requirements directly from National Grid. Mr. Weinard also noted that the utility poles will be out of view of surrounding properties and that removal of the six utility poles would be added to the project's decommissioning plan. Member Schmidt asked if the Zoning Board could ask National Grid directly why six utility poles are needed for this type of solar project so the Board would have that information in front of them for all solar projects going forward. Mr. Golden noted that the need for six utility poles is in the National Grid standard manual. Chairperson Clemente asked if there was any sort of map or illustration in the application showing where the utility poles would be located on the site. Mr. Lusk stated that the location of the utility poles was shown in Tab G of the application documents, specifically page C-107, then reviewed that section of the application. Chairperson Clemente asked what the height of the utility poles would be. Mr. Weinard stated that he did not know, but that it would be provided. Chairperson Clemente asked for clarification on the relief from the setback to the lot lines. Mr. Lusk stated that this information was also in Tab G, page C-107, and that the noted internal lot lines are due to the tax parcel boundary lines, and that if the project complied with the internal lot line setbacks, the project would be more visible to the surrounding properties. Attorney Gilchrist

noted that the Town Board had made a Negative Declaration under SEQRA on the project and adopted a resolution approving a zone change so that the entirety of the project would be in a zoning district where solar facilities are an allowable use. Attorney Gilchrist confirmed that the Planning Board discussed a joint public hearing with the Zoning Board at its last meeting and asked if the Zoning Board would also be interested. The Zoning Board members stated that they also wanted to hold a joint public hearing. A special meeting of the Zoning Board of Appeals will be held on April 7, 2022 and a joint public hearing with the Planning Board will be held on April 7, 2022 at 7:00pm.

One item of new business was discussed.

The one item of new business was an area variance application submitted by Thomas Wagner for property located at 66 Weyrick Road. Thomas Wagner was present to review the application. Member Schmidt recused himself. Mr. Wagner stated that he was seeking to build an accessory structure on his property as a workshop for equipment repair, that the structure would be a 40-foot by 40-foot two-story structure, and that the structure would also have a bedroom and kitchen, plus an office on the second floor. Chairperson Clemente stated that the structure meets all required setbacks for the proposed location on the lot, and that the area variance is being sought for the proposed square footage of the structure, which is 3,452 square feet when only 1,500 square feet is allowed for an accessory structure. Attorney Gilchrist noted that Mr. Wagner would also need to go before the Planning Board for a special use permit due to the accessory structure having a kitchen and bedroom. Mr. Wagner confirmed that he planned to be at the Planning Board's next meeting. Member Curran asked Mr. Wagner if he planned to operate a business in the accessory structure. Mr. Wagner confirmed that he would, as he does engineering work on a consulting basis and planned to use the office in the accessory structure for that work. Mr. Golden added that having

a business in an accessory structure is an allowable use. Chairperson Clemente stated that the application was complete for purposes of holding a public hearing. A public hearing on this application is scheduled for April 18, 2022 at 6:00pm.

Member Schmidt returned to the meeting.

The index for the March 21, 2022 regular meeting is as follows:

1. Saxton Sign Co. – sign variance (April 18, 2022).
2. Changing Visions of Energy – area variances (April 7, 2022).
3. Wagner – area variance (April 18, 2022).

The proposed agenda for the April 7, 2022 special meeting is as follows:

1. Changing Visions of Energy – area variances (public hearing to commence at 7:00pm).

The proposed agenda for the April 18, 2022 regular meeting is as follows:

1. Wagner – area variance (public hearing to commence at 6:00pm).
2. Saxton Sign Co. – sign variance.
3. Atlas Renewables, LLC – use variances.