

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

TRANSCRIPT OF THE PLANNING BOARD MEETING HELD JULY 2, 2020

PRESENT were RUSSELL OSTER, CHAIRMAN, DAVID TARBOX, LINDA STANCLIFFE, J. EMIL KREIGER, DONALD HENDERSON, and KEVIN MAINELLO.

ABSENT was ANDREW PETERSEN.

ALSO PRESENT were ANDREW GILCHRIST, Planning Board Attorney, CHARLES GOLDEN, Brunswick Building Department, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Recording begins.

Chairman Oster: This is Russell Oster, Chairman of the Planning Board. I'd like to bring this meeting to order for the Town of Brunswick Planning Board for July 2, 2020. If everybody would please rise for the Pledge of Allegiance?

[Pledge recited]

Chairman Oster: I know that has a little bit of irony to it of standing up and everything, but I think we should at least do that if we don't have a flag. At this time I'll have Pat, who is the moderator for our meetings, to give the review of the on-line etiquette.

Pat Poletto: Good evening, everybody, this is Pat Poletto. Andrew Cuomo's Executive Order has authorized us to hold our regular meetings over the internet. To facilitate that this runs smoothly, with little technical issue as possible, we're asking the following: when not speaking, please mute your audio. There's a lot of background noise and if there's two or more of you in the room, make sure only one of your audios is on when you speak, otherwise there's a lot of repercussions to it. Before speaking, please state your name. We do a transcript and as you look on the website we have been able to put a few of the meetings up. So please state your name when you start to speak. It sounds silly at first but you'll get used to it. You are encouraged to use your headphones if you have headphones with a microphone so there's no feedback loop, that would be great. And if there's two or more watching in the same room, make sure that only one person has the audio on when speaking. Back to you, Chairman.

Chairman Oster: Thank you. At this time I will have Chuck Golden from the Building Department, do a roll call attendance.

Chuck Golden: For the attendance: Member Henderson?

Member Henderson: Present.

Chuck Golden: Member Krieger?

Member Krieger: Here.

Chuck Golden: Member Mainello?

Member Mainello: Present.

Chuck Golden: Chairman Oster?

Chairman Oster: Here.

Chuck Golden: Member Petersen? Member Peterson absent.

Chuck Golden: Member Stancliffe?

Member Stancliffe: Here.

Chuck Golden: Member Tarbox?

Member Tarbox: Here.

Chuck Golden: Thank you, members.

Chairman Oster: Thank you, Chuck. Our meeting agenda tonight is as follows. Number 1 is the Gallivan minor subdivision which involves a public hearing to start at 7:00pm. Number 2 is Currier which is a special use permit also a public hearing to commence at 7:15pm. And Number 3 Farrell is a special use permit and site plan review. This will involve responses by the applicant to the public hearing at our last meeting. So with that being said, the first thing is to review and approve the transcripts of several meetings that you've all received. We've received the transcript of the meeting on May 7, June 4, and June 18. There is one missing, the May 21 is missing. It is in the mail as we speak. So we can review and approve these three sets of transcripts and I would ask Andy do you want to do these as separate approvals or can we do them all as one?

Attorney Gilchrist: For the record it's better to address them one by one, if anyone has any corrections or additions to each set of transcripts, so if you could handle them separately, Mr. Chairman.

Chairman Oster: Thank you, Andy. OK we will take the first transcript, which is for May 7. Does anyone have any questions on that? Any comments, additions, corrections? OK, hearing none I will make a motion to approve the transcript minutes as they have been submitted. Do I have a second?

Member Mainello: I'll second.

Chairman Oster: Thank you, we'll do a vote. Andy will you please do a roll cate vote?

Attorney Gilchrist: Yes I will. On the motion to approve the May 7, 2020 minutes. Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Member Petersen is absent. Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: Motion carries.

Chairman Oster: Thank you. Moving on to the transcript of June 4. Are there any corrections, additions or any amendments to those? Hearing none, I'll make a motion to approve the transcript of the May 4, 2020 meeting as they are submitted. Do I have a second?

Member Stancliffe: Second.

Chairman Oster: Thank you, Attorney Gilchrist will you do a roll call vote on that please?

Attorney Gilchrist: And we'll clarify the record, this is the June 4 meeting transcript. Chairman Oster?

Chairman Oster: Yes.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Member Petersen is absent. Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: Motion carries.

Chairman Oster: Thank you. Now moving on to the transcript of the Planning Board for June 18. Do I have any corrections, additions or amendments to those minutes?

Member Stancliffe: I had two comments on those minutes. On page 16 at the bottom of the page, the last word Chuck Golden's comment, I believe the word "train" should be changed to "terrain". And then I had a question for Attorney Gilchrist: on page 20 there were several inaudible sentences by the engineer Ron Laberge. I wasn't sure whether we need his corrections on that or if they stand.

Attorney Gilchrist: It's my opinion that we shouldn't supplement. We have to go off the audio of the meeting and unfortunately those portions were not audible so I believe the transcript as written is correct. Thank you.

Member Stancliffe: OK. Those were my only comments. With that correction I offer a motion to approve the meeting transcript minutes from June 18, 2020.

Chairman Oster: Thank you. So we have a motion to approve the minutes with the corrections so indicated. Attorney Gilchrist will you do a roll call vote please?

Attorney Gilchrist: Just for the record to confirm, someone to second the motion?

Member Henderson: I'll second.

Attorney Gilchrist: Thank you. Roll call vote. Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Member Petersen is absent. Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: The motion is carried.

Chairman Oster: Thank you. Moving on to our first item on the agenda. It is a public hearing for the Gallivan project. And at this time, I will...

Member Stancliffe: Excuse me, I'm recusing myself on this project.

Chairman Oster: Thank you, duly noted. The procedure for the public hearing is as follows: I'll just review it very quickly. The purpose of the public hearing is to hear concerns and comments and views from the general public regarding a particular proposal or application. All public hearings in this case are electronically recorded and a transcript is generated. In most cases this written transcript is included with the minutes of the Planning Board regular meeting, which is conducted immediately after the public hearing. The applicant will be required to respond to all concerns and comments made by the public at the public hearing and subsequently the Planning Board will consider all concerns and comments when evaluating the application to ensure that the applicant had addressed all the issues in question. The public hearing will be conducted as follows: notice of public hearing will be read by the Planning Board attorney. Next the applicant will give a brief presentation on the proposal and will provide any updates on the application. Upon completion of the applicant's remarks, the Chairman of the Planning Board will recognize persons from the public and these individuals will be allowed to speak and offer their concerns, comments and views. Since there is a transcript being generated, when you come online to make your comments please give your name and address for the record and then make your comments. At this point, I would like to have Andy Gilchrist read the notice of public hearing.

Attorney Gilchrist: Notice of public hearing. Notice is hereby given that a that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:00 pm on Thursday, July 2, 2020, to review the application for minor subdivision submitted by Sean Gallivan for property located along the northerly and easterly side of Deepkill Road. Applicant seeks approval of a minor subdivision to create three new lots at this location, with lot lines adjusted on two existing lots. Pursuant to the Governor's Executive Orders 202.1 and 202.15, the Town of Brunswick will be holding the July 2, 2020 Planning Board meeting over the internet, accessible to the general public through the Zoom video conferencing platform. Direction on participating in the July 2 remote Planning Board meeting, as well as copies of the minor subdivision application for public inspection, will be available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. This was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of properties located within 300 feet of the project site.

Chairman Oster: Thank you. At this time, I believe it would be Brian Holbriiter representing the applicant, we'll give a brief presentation and any updates.

Brian Holbriiter: Brian Holbriiter, land surveyor. Can everyone hear me? I had to switch devices because the audio wasn't coming through. It was all broken up on my laptop, so I had to switch to my wife's iPad. So tonight I am Susie's iPad. So anyway the project here on Deepkill. We're proposing to put in three new building lots. I believe we've talked about that and there were some questions regarding Army Corps wetlands that are on the parcel across the street. Just to give you an update, we had those delineated and I have added the wetlands to the mapping. The wetland boundary was a little closer to Deepkill than the Federal Inventory Mapping had shown, which kind of makes sense I guess these things grow. And therefore the wetland buffer does come across Deepkill Road and I will be supplying updated mapping that shows it. Nick Costa from Advanced Engineering was doing soil testing this week for the septic systems, and I hope to have plans from him in the next week or so to be able to submit for review by the Town Engineer. That's pretty much the update from what we've talked about last time. I'll be ready to answer any questions.

Chairman Oster: Thank you, Brian. At this time I will open up the microphones to anyone who wishes to make any comments from the public. Pat, is there anyone that has logged on that may be someone who is wishing to make any comments?

Pat Poletto: Not that I can tell at this point.

Chairman Oster: OK. I'll just make another general announcement. Is there anyone who wishes to make any comments, express any concerns, or ask any questions regarding this particular subdivision? This is a public hearing and the public hearing will be closed if I hear no comments.

Bill Godell: Can you hear me? Oh ok, I didn't know. I'm just, I don't really have any comments. We're talking about Gallivan's subdivision here?

Chairman Oster: Yes, you're correct.

Bill Godell: OK, just really representing my mom and dad who live right across the street. And I couldn't answer a couple questions for my mother when she asked me. She was just curious, just had a general question, about the layout of the lots. How does somebody take a look at how the lots are going to be laid out, how the driveways are going to be laid out, and where the septic systems are going to be? I couldn't really find that information.

Chairman Oster: I believe all that information has been downloaded on the Town website under the minutes category and you'll see a 2020 Planning Board file that if you click on you should be able to have access to all the documents that relate to the Gallivan project.

Bill Godell: OK. Thank you. We just couldn't find anything and I had no answers for my parents. So that's why I was asking.

Chairman Oster: Are you online on the Zoom platform right now?

Bill Godell: No, I'm just on the phone. I'm on travel status here.

Chairman Oster: OK. Then I would, if you're interested in that type of information, it is provided for under the minutes category on the Town website.

Bill Godell: OK, in general, it's three lots? Is the driveway for the back lot going up along the creek to the pond?

Chairman Oster: I'm going to have Brian answer some of these questions.

Brian Holbriiter: Yes, the driveway to the third lot, the back lot, does go along a 50-foot right of way which goes up in along next to the creek.

Bill Godell: OK just curious as far as you know the lot layout, where the driveways were.

Brian Holbriiter: OK, we'll take a look at that Chairman.

Chairman Oster: Yes, do that. I mean I'm sure if there's any confusion on it that Brian would be able to help you out.

Bill Godell: Ok thank you. I just wanted to ask that because I couldn't answer the question myself when it was just a general question from my mom and dad and I just couldn't find the information. So thank you very much.

Chairman Oster: You're welcome. It's understandable sometimes, this information is a little bit difficult to track down. So do you have any other questions?

Bill Godell: No not at this time, sir.

Chairman Oster: Thank you. Is there anyone else that has logged on who wishes to make any comments or has any concerns or questions? Hearing none, I am going to close the public hearing and we are going to move on to the second public hearing. Andy will you read the notice of public hearing please?

Attorney Gilchrist: Yes, and I just want to confirm on the record that Member Stancliffe will be participating in this application for Currier, is that correct?

Member Stancliffe: That's correct.

Attorney Gilchrist: Moving to the public hearing. Notice is hereby given that a public hearing will be held by the Planning Board of the Town of Brunswick at 7:15 pm on Thursday, July 2, 2020, to review the applications for special use permit submitted by Lynn Currier for property located at 9 Bleakley Avenue. Applicant seeks approval to construct a two-car garage and carriage house for use as an accessory apartment on property at this location. Pursuant to the Governor's Executive Orders 202.1 and 202.15, the Town of Brunswick will be holding the July 2, 2020 Planning Board meeting over the internet, accessible to the general public through the Zoom video conferencing platform. Direction on participating in the July 2 remote Planning Board meeting, as well as copies of the special use permit application for public inspection, will be available on the Town of Brunswick website. All interested persons will be heard at the Public Hearing. This

was published in the Troy Record, placed on the Town signboard, posted on the Town website, and mailed to owners of all properties located within 300 feet of the project site.

Chairman Oster: Thank you, Andy. At this time I'll have the applicant just give a quick review and any updates on this application. Is Lynn Currier on board here?

Lynn Currier: Yes sir, this is Lynn Currier at 9 Bleakley Avenue.

Chairman Oster: Could you just, for the benefit of the public, just review this quickly for us.

Lynn Currier: Sure. About 4.5 years ago I bought this property at 9 Bleakley. About a year ago we decided that we wanted to build a garage with a carriage house and we have a family member that will be residing in that carriage house. Pending any questions.

Chairman Oster: Just for the record, you had to get some variances on some setbacks on this, is that correct?

Lynn Currier: That's correct.

Chairman Oster: And they've already gone through Zoning, is that correct?

Lynn Currier: That is correct.

Attorney Gilchrist: I'll confirm on the record, as Ms. Currier is aware, I represent the Zoning Board of Appeals and can confirm that the required area variances were granted by the Zoning Board for this proposal.

Chairman Oster: Thank you. OK at this time I will open up the platform for anyone to make any comments from the public. Anyone who wishes to speak have any concerns, comments or questions for the applicant? Pat is there anyone that potentially has logged on that could be a speaker in regard to this public hearing?

Pat Poletto: From the names I see, no. There's a couple phones but one was Bill Godell and I'm not sure who the other phone is. As far as I can tell, no.

Chairman Oster: Thank you. One more time, is there anyone from the public who wishes to make any comments, have any concerns, have any questions for the applicant? This is the public hearing portion. Once the public hearing is closed, there will be no further questions received. Hearing none, I will close the public hearing for the Currier special use permit. OK at this time we will start our regular agenda. The two public hearings have concluded and first on our agenda is the Gallivan minor subdivision. And I will turn the platform over to Brian.

Member Stancliffe: I'll be recusing.

Brian Holbriiter: As I had stated in the public hearing, we continue to progress working on this project. We had North Country Ecological out there this week and delineated the NYSDEC wetland. I have that added to the mapping unfortunately that wasn't able to be done until today so for the next meeting you will have an updated mapping showing the newly delineated wetlands

and the 100-foot buffer for that wetland as well as, I hope to have, more engineering drawings and maybe some erosion/sediment control and whatever SWPPP documents are needed to kind of complete this package. Nick Costa from Advanced Engineering was out there this week with the Rensselaer County Health Department doing soil testings. I'm not sure how they made out with that yet but I'll be able to report on that at the next meeting. So that's kind of the update for this project at this point. Thank you.

Chairman Oster: Thank you, Brian. I believe that this time we're probably going to have to wait for all that material to be completed so there will be no action taken on this tonight. We can reschedule you for our next meeting which is on July 16 I believe. And hopefully we'll be able to move forward on that. Does anybody from the Board have any additional questions for Brian at this time? Hearing none, I guess we're finished with the Gallivan project for this evening.

Attorney Gilchrist: Chairman Oster, we'll just note for the record that the public hearing was closed on the minor subdivision and the Planning Board now under State law has 62 days in which to render a decision, so Brian as soon as you can get that information in to the Board for further review, we'll certainly be within that 62-day timeframe for decision-making. That can be extended if necessary upon consent of the applicant. But we'll hold on that until the additional information is submitted by Mr. Holbriiter.

Brian Holbriiter: Is there any way that this could be looked at for approval pending our Rensselaer County Health Department approval?

Chairman Oster: I'm going to ask Andy to possibly comment on that.

Attorney Gilchrist: And I'm going to also ask the Planning Board review engineer Wayne Bonesteel to weigh in. It would certainly be my advice to have that information in front of the Board because it does go beyond the issue of just the Rensselaer County Health Department approval. Probably appropriate to have the updated maps showing the wetland and the wetland buffer in front of the Board, as well as any additional erosion and sediment control information for stormwater compliance for Mr. Bonesteel's review. Wayne, do you see any further issues?

Wayne Bonesteel: Planning Board Engineer here. Those were the main issues that we brought up before that Brian is working on addressing now. The rest of the map looks good. He shows all the required information for minor subdivisions, I don't have any issues with anything else. I think I need to see the wetland mapping and at least schematically the location of the septic leach fields and the wells. Of course the Health Department does the final approval on those, but it is important to get that information and see how it interacts with the wetland delineation to review and make a determination. We have made that a condition of approval before on Health Department approval. However, there should be enough information for us to adequately review the subdivision plat.

Brian Holbriiter: Understandable and we'll try to have all that to you in time for you to be able to review it, Wayne, prior to the July 16 meeting. Thank you.

Chairman Oster: Just as a note, Brian, if you think there's going to be a problem with making the meeting for the 16th, please let us know and we will put you on for the following meeting which I believe is....

Chuck Golden: It's August 6.

Chairman Oster: There's actually a three-week period then between the July 16th and August 6th, so it would probably be in your best interest if you could get all that information to Wayne at least a week before our next meeting. But we will have you on the agenda for the 16th.

Brian Holbriiter: Understood and thank you very much.

Chairman Oster: Next on our agenda is the Currier special use permit. We just completed for the record the public hearing. There were no comments made at the public hearing. Therefore there is no need for any response from the applicant on anything. So at this point I would just ask Lynn Currier to just review it again one more time for the record and hopefully we can proceed ahead.

Lynn Currier: Again, we purchased a home about 4.5 years ago and there was no garage on the property. About a year ago we decided, my twin sister and I, we wanted to build a garage with a carriage house over it. Pending any of your questions.

Chairman Oster: Are there any questions from the Board members at this point? Hearing none, we can proceed ahead with an approval on this. Just for the record, there were setback variances obtained. They were through the Zoning Board as previously stated at the public hearing. I'm going to ask Andy to review our SEQRA determination at this point.

Attorney Gilchrist: First order of business for the Board to consider is a determination under the State Environmental Quality Review Act. Again to briefly review that, if upon your review of the application materials including environmental assessment form you determine that there is the potential for at least one significant adverse environmental impact you will adopt a positive declaration and require further environmental analysis in the form of an environmental impact statement. Alternatively, based on upon your review of the application materials and environmental assessment form, the Board concludes that there is not the potential for any significant adverse environmental impact from this action, then you will adopt a negative declaration and that will conclude the environmental review under SEQRA.

Chairman Oster: Thank you. Before we entertain a motion for a SEQRA determination, I would like to refer to Engineer Bonesteel just to see if he has any comments or any concerns or any questions.

Wayne Bonesteel: I don't have any additional questions or comments. I believe that if anything comes up during the building permit review and Chuck needs an opinion, I'd be happy to give it. Otherwise I have no comments.

Chairman Oster: Thank you, Wayne. At this time I'll entertain a SEQRA determination. Would anybody like to make that motion please?

Member Henderson: I'd like to make a motion for a negative SEQRA determination.

Chairman Oster: Thank you, do I have a second?

Member Stancliffe: I second.

Chairman Oster: I believe that was Linda who made the second, is that correct? Is there any further discussion on this? I will now ask Attorney Gilchrist to do a roll call vote on that please?

Attorney Gilchrist: To clarify the record, the motion was to adopt a SEQRA negative declaration made by Member Henderson, seconded by Member Stancliffe. Roll call vote.
Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Member Petersen is absent. Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: The motion carries and a SEQRA negative declaration adopted and will also clarify for the record that on this application Member Stancliffe obviously has participated and is no longer recused.

Chairman Oster: Thank you. At this time I'll entertain a motion for approval of the special use permit.

Member Tarbox: I'd like to go ahead with the motion to approve the project.

Chairman Oster: Do I have a second?

Member Mainello: I'll second.

Chairman Oster: Is there any further discussion on this?

Attorney Gilchrist: Just to confirm, and I'll ask this of Mr. Golden, is this public water/public sewer or is it private water/private septic, I can't recall.

Chuck Golden: Ms. Currier will correct me if I'm wrong but I believe it is public water and private sewer.

Lynn Currier: I need to make a correction. No it's our own water, our own well water and our own sewer.

Chuck Golden: Thank you, Lynn.

Attorney Gilchrist: I would suggest a condition to the approval being on any Rensselaer County Health Department approvals required for the carriage home.

Chairman Oster: Thank you. Do you want to have us re-motion that now with the condition?

Attorney Gilchrist: I think the record is clear; the motion at this point has been made to approve the special use permit with the added condition of Rensselaer County Health Department approval for water and septic for the carriage house. And the motion has been seconded by Member Mainello.

Wayne Bonesteel: Can we go back to SEQRA then? We need to amend the form for items 10 and 11; they say "will the proposed action connect an existing public private water supply?" it's checked yes and it should be no. Item 11 is "will the proposed action connect an existing wastewater utility?" which says yes but the answer should be no.

Attorney Gilchrist: I just want to, I guess, clarify and confirm the record both with Mr. Golden and Ms. Currier: is there going to be a new well drilled for the carriage house and a new septic, or is this going to be hooked into any existing systems?

Lynn Currier: Go ahead, Chuck.

Chuck Golden: The well was going to be tested for five gallons per minute and if that was allowed it would be into the second structure. The septic system did have the area for expansion to include the extra bedroom on the carriage house.

Attorney Gilchrist: So, Mr. Bonesteel, do you think it's an appropriate response in the Environmental Assessment Form to indicate that this action would be connecting into existing private water and existing private septic? And that the condition of the approval would be any necessary Rensselaer County Health Department approvals for that proposal?

Wayne Bonesteel: I would agree with that assertion.

Attorney Gilchrist: Given that, I think the motion then properly stands to approve the special use permit subject to any required Rensselaer County Health Department approval for the water and septic connection. And that motion was seconded by Member Mainello.

Chairman Oster: Thank you. Is there any further discussion on this? Then I will have Attorney Gilchrist do a roll call please?

Attorney Gilchrist: On the motion, Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Member Petersen is absent. Member Henderson? Member Henderson?
Moving on.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: The motion is approved.

Chairman Oster: Thank you, Andy. Lynn, your project has been approved. Good luck and if you have any questions, you've obviously been talking to Chuck Golden in the Building Department. He'd be more than happy to help you out.

Lynn Currier: Woo hoo! Thank you so much everybody.

Chairman Oster: Thank you and goodnight. OK next on our agenda is the Farrell special use permit and site plan. And at this time I'm going to turn the floor over to Brian Holbritten, I don't believe Butch Farrell is online, is that correct Brian?

Brian Holbritten: No, I don't believe he is.

Chairman Oster: Could you, Brian, we're at a point where you're probably going to have to review the responses to the public hearing. So if there's any updates on the project right now, give them first and then we'll go into the responses on the public hearing.

Attorney Gilchrist: Not to interrupt, but Brian before you do that, I would like to note for the record that while the public hearing was closed at the last Planning Board meeting, the Board did allow a one-week timeframe for the submission of additional written comments. A total of five submissions were received by the Town. These include a letter from James A. Caruso, Attorney and Counselor at Law dated June 22; a letter from Martha Colangelo, dated June 19; a letter from Gennaro and Kim Daniels dated June 21; a letter from Peter Snyder undated, handwritten; and a letter from Judith C. VanAuken dated June 21. And the Town is in receipt of the response from the applicant to the public comments, Farrell Homes Corp. executed by Charles Farrell, applicant, and that was dated June 29. Thank you, Brian.

Brian Holbriiter: Just a quick recap, this project proposes two duplex units on what was lot 1B and 1C. They are .9 acres and .8 acres in size. We had approval for four bedroom single-family residences on both of these lots and we are going to put in two bedroom duplexes so a total of four bedrooms on each lot. The septic system sizes will remain the same. We're accommodating for four vehicles in the proposed parking lots. We have permits from the State of New York for driveway permits. I think that's about it. Thank you.

Chairman Oster: Thank you, Brian. We did receive the responses and I would like to go through those. Could you just review those with everybody? You can paraphrase if you'd like, but I believe everybody did receive this through the Building Department on an email. Is there anyone on the Board that did not receive this response letter? With that, I'll have Brian just quickly go through your responses on here if you would please.

Brian Holbriiter: OK. Just to kind of quickly go through and kind of shorten this a little bit, as long as everyone does have a written copy. There was a lot of concern regarding the character of the community. We noted that this corner of New York State Route 2 has several different styles and architectural designs. The buildings being built are 1,760 square feet in size, that's not overly large building for what is ultimately the same size as a four-bedroom home. The buildings are going to be one story wood frame construction with a full cellar. The cellar would provide storage for each of the units. There was concern regarding the storage as far as people I guess having stuff all over outside. They will have storage areas. And we feel the buildings on Route 2 are not going to be that far aesthetically different in appearance from what's already there. Single-family wood frame, nice entry door, several windows in the front. Then we spoke a little bit about nationally how there are more people wanting to rent homes. Talked a little bit about the rents that will be charged for these units, and they won't allow what the concerned citizens called "transient renters". We won't have transient renters. The rents that will be charged will warrant having good tenants. We talked a little bit about millennials and their desire to want to rent and not buy single-family homes. Talked about baby boomers looking to downsize and to rent smaller apartments and sell their single-family homes. Concerned residents were talking about us inaccurately describing the area as densely populated. There seems to be about 90 homes within a half mile radius of this site. That's quite a few homes in relation to the overall character of Brunswick. This is an R-15 zone. It seems as though the Town of Brunswick is encouraging development of this area and we think that these units would fit in nicely there. There's four dwelling units proposed on 74,000 square feet. We can have a dwelling unit per 15,000 square feet. We average 18,500 square feet. We've gone through extensive efforts to make sure that these sites are properly engineered to be compliant with all of the existing Town Codes and the Rensselaer County Health Department design standards. Regarding the wells and its effect on neighboring well yield, of course we have no way to accurately predict any proposed impacts, nor do we have the ability to know with any certainty if the failure of the neighboring well was caused by the installation of one of our wells or if it was imminently going to fail. The Town of Brunswick has public water close in this area. We provided an easement for the expansion of that waterline. Hopefully maybe all of these residents will soon have public water. We have checked with Rensselaer County Health Department and provided documentation that says what we will need for water flow requirements to handle each of these duplex units and are going to comply with that. There was concern raised about traffic. According to New York State DOT, the daily count on this highway is 3,250± cars per day between the little hamlet of Eagle Mills and South Lake Avenue. We're proposing eight additional vehicles total here. And four of those vehicles out of the eight were already approved

as part of two single-family units being approved. So we're only adding an additional four vehicles, eight vehicles total. There was a question brought up about the parking area on lot 1C being within the easement area. This will not be an issue. If at some point the Town of Brunswick wishes to exercise their right and expand the waterlines down through that parking area, we will just have to merely find different parking spots temporarily while the waterline is run through and then the parking area can be reestablished. And we understand that it's a risk that we run in this proposal. There was concern about an absentee landlord and their being clutter stored outside. Again, we I talked briefly about the cellar area for storage. There's plenty of room there if someone wanted to put a small shed to put some of their items in. There's room enough on these lots that they could put a small shed to keep the grounds looking good. The applicant and landlord is not absentee and he will be doing a good job of keeping these places looking nice. That's the only way to ensure to get the rents that he's going to be looking to get. There was some talk about the picture of the proposed ranch house not matching the floor plan. Well we just took something offline that kind of looked similar. We didn't have an exact picture of this unit because this floor plan has been designed by Mr. Farrell and so there is no exact existing picture of the front. But it's going to look very similar to that with the slight difference of maybe it being a different porch size. I don't see that being a huge problem. Several of the citizens in the public hearing last week talked about how nice the houses turned out up on Pinewoods and I don't think anyone has any reason to believe that these units won't look just as nice if given approval to move on and complete this project. And that's about it for the responses. Thank you for the opportunity.

Chairman Oster: I'd like to open up the floor for some questions from the Board. Before I do that, I have a couple questions just to start the dialogue going. I realize now after reading the response that these units are basically going to look like ranch houses with one front door with a foyer that will open up to two doors for one on each side for each unit. So I'm a little bit less concerned what these are going to look like as far as having two doors, two porches on the connected buildings, so I was glad to see that was cleared up. As far as the long-term rental, I agree with him but who is to say that Mr. Farrell will not sell these two weeks after they're built. So the idea of having an out-of-town landlord is still a possibility. However, the neighbor could have a house sold next door to him down the street and that could be bought by an out-of-town person and they would be renting it to say an RPI professor. So, the absentee landlord thing is kind of a scary definition. I did notice, and I had some concerns about this, whether I want to vote yes or no on this. And I just want to point out that down the street where the Brunswick Acres project [inaudible] if you all recall we had some dialogue regarding [inaudible] apartments that potentially were [inaudible]....

Attorney Gilchrist: I don't want to interrupt. Brian I wonder if you could mute your microphone because there's a lot of background from the plans that you're shuffling around and we can't hear Chairman Oster. Thank you. Chairman Oster, could you repeat that point?

Chairman Oster: Thank you. I was just trying to relate to certain things that had happened in the past along this Route 2 corridor involving apartments and so forth and so on. And if you recall, the original Brunswick Acres project, they initially came to us with a presentation that they wanted to put apartments up through there. And we basically decided that, no, that was not an acceptable thing because, based on the nature of the area and so forth, that the apartment business so to speak with more or less pushed over toward the Route 7, which had the public utilities to accommodate apartments complexes and so forth. So we do have a history of looking at apartments along Route

2 as it relates to the Comprehensive Plan. The other thing was, on several occasions, the Planning Board has communicated with the Town Board of our concerns about the number of apartments that were in the Town and are proposed that was getting to a critical area of apartments to single-family house ratio that concerned us and that the Town should look at this more closely. So those two things kind of said, here we are allowing apartments to be basically put up in an area that we have tried to not inundate with any type of apartments or duplexes and things like that. We do have a little bit of a history in that respect. There are a lot of other things that concern me, the comments on the water. There was public water down through there at one time and it was taken out. So if you recall, there was a line that came down to the farm buildings that was taken out. I do have a couple questions for Brian though. So just to finish my comment on the water, there is a potential obviously to bring the water down through there if it's an issue. I think the bigger issue is the commercial operation in back of this. And nowhere in the public hearings did anybody bring up mention of that. You know, as far as being in compliance with the zoning and so forth, and everything like that. So I question that. And if anything had an effect on the water, I think along there, it would be that operation, I don't know what they're doing up there. I know they're storing mulch and so forth and so on, and they have equipment up there. I'm not saying that there's any contamination to the groundwater but there's certainly the potential. So the groundwater comments and the well comments I think have been corrected. There were a couple other questions I had. If these are going to be owned by Chuck and he wants to get this high rent for these to maintain at least one year leases with these, is there any provisions for a landscaping plan or anything like that on either of these units?

Brian Holbriiter: We don't have an actual landscaping plan, but I can guarantee that they are going to be landscaped nicely. There will be some bushes planted, small bushes planted in front of each of the buildings. Typical to a residential house. And the rest of it will be mowed nicely, nicely mowed grass. It'll look a lot like a single-family house. Thank you.

Chairman Oster: OK. Thank you Brian. The only other thing I'm going to comment is, and I'm still trying to figure this out, according to Article 8 in the special use permit section of the new Zoning Law there are several criteria that are required or designed to do. And that is "to protect the community from inappropriate design and other matters of scenic and aesthetic significance," and then, "to ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed". This is a gray area for me with these type of units. Is this going to open up a slew of these type of units to be proposed through, for example, R-15 lots in the area? I'm trying to figure out whether we're setting an example here that may come back to bite us, so to speak. And so I'm torn with whether I want to approve this or not based on this and the comprehensive plan of what this neighborhood of single-family homes was supposed to provide for. So that's just an observation on my part, Brian. But I will now open up the floor to any other comments or questions that the Board may have.

Member Henderson: Can everybody hear me? My concern is that this always been a very residential neighborhood and I'm just not convinced that this is the place to put...I mean, they're called duplexes but basically they're apartments. And I'm not comfortable with the idea of having apartments in that area. I just think that's it I guess.

Chairman Oster: Thank you, Don. Is there anyone else who wants to make any comments or have any questions?

Member Mainello: I had a few comments myself. Brian, you had mentioned that, you know this area is 7,400 feet, correct?

Brian Holbriiter: That is correct, Kevin.

Member Mainello: So that gives the ability for an R-15 to have four individual homes, correct?

Brian Holbriiter: That is correct.

Member Mainello: Now is that property conducive to have four independent homes?

Brian Holbriiter: I don't believe so. Four independent homes would have to be only two or maybe three bedroom homes each to meet all the necessary...I don't think we could meet all the necessary separations, Kevin, with four single-family homes. Unless we had public utilities.

Member Mainello: What about three?

Brian Holbriiter: I don't think, with the current utilities not being public, that we could even meet it with three.

Member Mainello: OK. I'll defer to our engineer to comment on that too. My other comment was the issue with the well. One of the residents raised an issue that he's having trouble with this well since the development of the property in the rear. As you stated, you really can't prove or he can't prove whether it has to do with that property or not. But adding this property adjacent to him, and again in our regulations it states that we're not to cause any adverse impacts to adjacent properties, so I guess my question is for you Brian and maybe even for Andy: what's our obligation to assure that this property or these wells with the two duplexes, don't cause any adverse effect to the adjacent wells. I mean, are we obligated to assure that doesn't happen?

Attorney Gilchrist: So, Member Mainello, you're correct: one of the standards for your special use permit review is to determine that this proposed use would not adversely affect surrounding properties. That encompasses a lot of issues. One of which was raised was impact on existing wells. Again I'll defer likewise to Mr. Bonesteel, but I will say that the primary jurisdiction over approvability and compliance for potable water from wells is with the Health Department, and I do believe that review by the Health Department on that issue is relevant for the Board's consideration. Those Health Department regulations to my knowledge are designed to not only make sure there's adequate yield for the proposed use but the separation distances are there to consider impact on the surrounding properties. So, Member Mainello, that information is relevant for you and you should take that into account on whether to approve that. And I'll ask Mr. Bonesteel to add to that.

Wayne Bonesteel: I believe that the issue of the wells came up when we were reviewing subdivision. At that time, there was a different owner of the adjacent property who had a concern about well yield. They were having issues with their well then, even before we approved that five-lot subdivision. I do know that the question was posed to the Health Department at that time, and they saw no reason why adding the wells would create that issue with this neighbor. But, me, I don't know what the actual issue was; whether it was a capacity issue, whether they have a shallow well, I don't know. The new owner did say that when they bought the house they had to drill a

new well. We don't know now whether they still have an issue, I can't tell by the transcript of the neighbors' testimony at the public hearing whether or not they solved their problem. Andy is right. I think we have to defer to the regulatory agency that controls the approval of the individual water supply, and that would be the Health Department. And that goes for the septic systems as well. We really need to defer to the approval agency as far as their opinion on what the impact is to having two wells adjacent to residential properties. As far as any other issues with these lots, I don't really see any. The two duplex units are four bedrooms, about the same size as a four bedroom house. So there shouldn't be any real difference between what they had proposed when it was a subdivision for a residential single-family than it is right now. Because septic systems are governed by the number of bedrooms, as well as the water supply is based on the ability to provide the flow to supply four bedroom homes or four bedroom duplexes.

Member Stancliffe: Engineer Bonesteel, do you have an opinion about the proposed driveway? I think it was mentioned that the driveway permits were applied for with NYSDOT as residential. Making these duplex units, does that turn into a minor commercial and in that case, would they need to be widened so that if you have, say, two residents who are opposing each other and one wants to exit and one wants to enter, there is some issue with the driveway? Just not sure how that would work.

Wayne Bonesteel: From my experience with DOT, they would still consider this a residential driveway with a residential application. They would not consider this a commercial, which would push it to that next threshold of widening the driveways and increasing the radius of the turning into the driveway from the State highway.

Chairman Oster: Are there any other comments or questions from the Board?

Member Tarbox: I'm looking at the plans that Pat Poletto put up but they showed no decks off the back of the structures. Are those planned or are people just going to walk out onto the grass? I assume there's a rear entrance.

Brian Holbriiter: David I don't know the answer to that question. There will be exits out the back of each one of those units. I'm assuming it'll kind of be a field fit, and there probably will be small decks or maybe just some steps, I'm not really sure at this point the answer to that question. Thank you.

Chairman Oster: I have a couple quick questions for you, Brian. When they talk about the storage in the basements, full basements, is this going to be a divided basement and have access from each unit?

Brian Holbriiter: I think there will be a dividing wall down below so that each one of them has a side. I know there will be like a small utility room. I haven't seen an actual floor plan of the basement, Russ, to know the answer to that question for sure. Thank you.

Chairman Oster: One of the reasons I'm asking that is because if they have an access from the inside, you have to put in a staircase obviously and those units already have a small footprint. I'm thinking, you know, would they possibly be accessed from the outside?

Brian Holbritten: There was in the floor plan drawing, it showed some stairs going down. I'm trying to find that drawing here. Just inside the foyer there, where the door to each unit was, it shows a stairwell going down in. I don't know if Pat can bring up that drawing that I submitted. So, Russ, I guess the answer to your question is space has been allotted for a stairwell and I know that the windows that are proposed in the front of the building are large enough to be ingress/egress windows. Chuck would know the proper term for that. But because of the slope of the land, and it's a ranch, to have the back of that ranch floor kind of even with the ground or up just to meeting Code, the front will be slightly more exposed and Butch had planned for some ingress/egress windows out of the cellar in that front section. That will allow some natural light and allow an extra exit. I'm not sure if there was a bilco door planned or not. Thank you.

Chairman Oster: Thank you. Couple final questions I have. Are these the last two parcels of this entire area that Butch owns? And why didn't he go and proceed ahead with single-family units like he has up on Pinewoods Avenue?

Brian Holbritten: Yes, to answer the first part of the question. These are the last two lots he has left with this piece of land. And to answer the second part, he tried to find buyers for single-family homes on these lots ever since the two lots were approved and there just wasn't any interest in having a single-family house right there on New York State Route 2. Thank you.

Chairman Oster: Thank you for that. Are there any other questions from the Board at this point? At this point, we are probably at a point where we have to move forward with this project as far as an approval or whatever. And I had spoken with Andy this afternoon and I'm going to turn the floor over to Andy. He suggested that he put together a written resolution on this. So at this point I'm going to ask Andy to comment please.

Attorney Gilchrist: Yes. I think on this application, something for the Board to consider, certainly given the extent of the public comment both verbal at the public hearing as well as written comments and the written responses and deliberation you've had tonight, is to prepare a resolution that the Board can review, certainly outlining the procedure that's been applied to the application, identifying the record documents and highlighting the deliberation; the points that you've made tonight. It will, in all likelihood have discussion at your next Board meeting as to what direction ultimately the Board would like to take. I'll recall or remind you that the Board has the discretion to approve the special use permit, to approve a special use permit with conditions, or to deny the special use permit based on the record before it. And the decision must be supported by evidence in that record. That's why I do think it's appropriate for the Board to have a proposed resolution for a decision on the application which reviews the procedure and more importantly reviews the record and the deliberation you've had thus far. And we can further discuss that in terms of the direction that the Board wants to take on decision. But I think, as a starting point, that's appropriate for the Board's consideration and I think it will help focus the Board on the issues that were raised and the completeness of the record. What I talked to the Chairman earlier about and what I'll state on the record is I do think it's advisable to have that put together, that the Board can review that. I'll get that out to the Board members prior to the next meeting in draft. And the Board can review that and have further discussion and deliberation on the direction they want to take in terms of a decision. You will see also that the proposed resolution that I'll prepare for you will review the standards that are applicable for the Board to consider under the special use permit jurisdiction in the Brunswick Zoning Law. And again I think that sets the table for your continued deliberation

and decision. And I would just recommend that the Board consider that approach on this application.

Member Stancliffe: I have a question about ownership of the dwelling units. Is there a provision allowing conditioning the ownership?

Attorney Gilchrist: I'm not sure I follow clearly the question.

Member Stancliffe: For example, could one of the conditions be an owner-occupied duplex? Or something similar to a townhouse.

Attorney Gilchrist: What you phrased, if I can use the phrase, kind of opens a can of worms. This raises the issue of tenants and who can be allowed...I quite frankly have not seen a condition on a duplex where it was required to be owner occupied. It seems to run counter to concept of the duplex and the rental portion of it. That's not to say that you couldn't. I'm the first to say, if I don't know the answer I'll tell you that. I have not seen the type of condition before, I'd like the opportunity to look at it and analyze that issue, but admittedly I have not seen a condition for this type of application for a duplex where a condition was one of the units required to be owner occupied. But I'll certainly review that.

Chairman Oster: Any other questions for Andy on that? As you just indicated, Andy and I had talked about this and I'm in favor of him formulating a draft of a resolution so we can have a look at it and decide which was we want to go on that. Brian, are you OK with that?

Brian Holbriiter: I certainly understand. I don't think my client will. But whatever we gotta do to keep this process moving. Thank you.

Chairman Oster: Thank you, Brian. But as far as the Board is concerned, this is the way I would like to proceed. I assume that the Board is all in favor of that. Is that correct?

Member Mainello: I'm fine with that.

Member Stancliffe: I agree.

Member Krieger: I agree.

Member Tarbox: Agreed.

Chairman Oster: OK that's the way we're going to proceed. I see a timeline where possibly we'll have a draft by our next meeting and we'll be able to put you on the agenda for our next meeting on July 16. With that being said, are you on board with that, Brian?

Brian Holbriiter: Will the Board be making a decision that night? I just need to be able to relay this information to my client.

Attorney Gilchrist: And understandable, Brian. You can certainly relay to your client, procedurally after the close of the public hearing which occurred at the last meeting, the Board does have a full 62 days in which to deliberate and make a decision. I think what the Board is

endeavoring to do is to review the record, review the response that was submitted at this point three or four days ago, and to continue the deliberation in two weeks. I think with the intent of moving toward a decision on the application, if I read the Board correctly. But just be aware that the Board does have 62 days after the close of the public hearing which would get us more toward the end of August. I think the Board is looking to move this forward and continue the deliberation and move toward a decision as soon as possible. Is that correct, Chairman?

Chairman Oster: That is correct. My intention is to hopefully move forward at the next meeting and review this resolution and make any amendments or corrections or comments or any additions to it and move forward at our next meeting.

Brian Holbriiter: That's all I can ask, and I thank you very much.

Chairman Oster: Thank you, Brian. So be prepared to be on our agenda with this project on the 16th. You're already on the agenda with the Gallivan minor subdivision. So we will see you then. Wait a second. You have one other thing, I want to conclude our business on the Farrell project right now, but I'm moving forward. You have a waiver at a Gallivan property, is that correct?

Brian Holbriiter: That is correct, Russ.

Chairman Oster: We currently have that under new business but there is some old business but it's kind of old or new business that we have to address. I'd be agreeable to take a look at that waiver right now, if that's alright with Andy.

Attorney Gilchrist: The procedure is within your discretion, Mr. Chairman. I'm just going to note for the record, and I did go over this with the Chairman earlier, that I may shortly need to duck out of this meeting to attend another meeting virtually. But I still will be involved in this meeting for as long as I can. And with that, the procedure is yours Mr. Chairman.

Chairman Oster: The other thing we have under new/old business is an update on the David Leon project. And there's something else, he has a new thing connected with that as minor subdivision. So I'd like to keep all that together so I'm going to proceed ahead with this waiver. I'm going to turn the floor over to Brian, and why don't you just review that with us? It's a lot line adjustment?

Member Stancliffe: I'll recuse myself on any Gallivan applications.

Chairman Oster: Duly noted. Go ahead Brian.

Brian Holbriiter: Thank you. This project proposes to annex .88 acres of land from Sean's parents' house parcel, which is Tax Map Parcel No. 72-9-39.11 and add that into Michael and Sherry Lewis' lot. Just a little bit of history; we did an annexation to Mike Lewis' lot back in 2014 and after that we did divide Sean's parents' property on the west side of Deepkill into two large lots. And that was done in December of 2014. So 5.5 years ago. We're just looking to annex another small chunk, a little less than an acre, onto Michael Lewis' existing lot. A lot line adjustment. Thank you.

Chairman Oster: What you're telling me is that this is within seven years of the first waiver, I would assume? And so you're asking whether this lot line adjustment could be just considered just a lot line adjustment and not a full lot allocation under a normal waiver? Is that correct?

Brian Holbriiter: Yes. We are not looking for a separate lot. We are looking to subtract .88 acres from Sean's lot and add it into Michael Lewis' lot. Thank you.

Chairman Oster: Can we proceed ahead with that, Andy, if it's just a lot line adjustment with no buildable lot? I don't see it as an issue.

Attorney Gilchrist: Procedurally I don't see any issue, I just want Mr. Bonesteel to weigh in with any thoughts he has. But procedurally, you can. I will note that I do have to exit this meeting now. So I'll go over this; it's subject to a SEQRA determination and then if appropriate, the action on the waiver.

Chairman Oster: Thank you, Andy. Alright then, I will turn the floor over to Wayne. Do you have any comments on this?

Wayne Bonesteel: Brian, what is the purpose of moving the lot line?

Brian Holbriiter: The only purpose of moving the lot line is Mr. Lewis wants some additional land. That's it. Thank you.

Wayne Bonesteel: If the sole purpose is just to get Michael Lewis some additional property, if there's no other, like, they're not trying to gain access from anywhere, there's no reason to build a road or build a driveway, I really have no issues with this. There's plenty of separation distance between the new lot line and the Gallivan house. So, I have no issues with his request.

Chairman Oster: Thank you, Wayne. Then, unless there's any other questions from the Board, I think we can....

Member Tarbox: Well and septic are all well within the boundaries of the remaining property?

Chairman Oster: I'm looking at the property...you would probably be talking about the Sean Gallivan as well as indicated way over to the one side and I would assume that the septic system is way over to the other side also. There shouldn't be any issue with the Lewis property. I'm sure you're talking about the Gallivan property.

Member Tarbox: Yeah, the map I'm looking at, I don't see well or septic on it. But yeah it's the Gallivan property. Just wanted to make sure that they're not giving Mr. Lewis Gallivan's septic system.

Chairman Oster: There is a well indicated just to the southwest corner of the house.

Member Tarbox: And the septic field is the field where it says field?

Brian Holbriiter: David, the septic system for the house up on the hill there, the old Gallivan homestead, sits out in front of the house, kind of in front of where we showed that walkway. Because that's slightly downhill from the house in that direction.

Member Tarbox: OK, I have no problem with it, that must be where it says field then.

Brian Holbriiter: That is correct.

Member Tarbox: I'm familiar with the properties and this all made sense.

Chairman Oster: Thank you, Dave. Are there any other questions? Hearing none, we can proceed ahead with a SEQRA determination on this and an approval.

Member Tarbox: I'll make a motion for a negative declaration.

Chairman Oster: We have a motion for a neg dec, do we have a second on that?

Member Kreiger: I'll second that.

Chairman Oster: We have a second. Is there any further discussion on this? Is Chuck Golden still here? Can you do a roll call vote off one of the lists for me?

Chuck Golden: Roll call vote for the motion of the acceptance of the waiver. Chairman Oster?

Chairman Oster: Aye.

Chuck Golden: Member Henderson?

Member Henderson: Aye.

Chuck Golden: Member Kreiger?

Member Krieger: Aye.

Chuck Golden: Member Mainello?

Member Mainello: Aye.

Chuck Golden: Member Tarbox?

Member Tarbox: Aye.

Chuck Golden: I'll note that Member Petersen is absent and Member Stancliffe is recused from this application. Motion carries.

Chairman Oster: Chuck that was on a SEQRA determination.

Chuck Golden: My bad, correct the record for that, I'm sorry. That was a motion for negative SEQRA determination, you're correct.

Chairman Oster: So on the proposal to approve the waiver, do I have a motion on that?

Member Mainello: I'll make the motion.

Member Henderson: I'll second.

Chairman Oster: I don't believe that there is any condition required on that.

Member Tarbox: They have to submit a map showing the new lot after they deliver it to the County.

Chairman Oster: Correct. With that condition, is there any further discussion? Mr. Golden, will do you a roll call vote on the motion to approve the waiver of subdivision?

Chuck Golden: The motion for approval of the waiver. Chairman Oster?

Chairman Oster: Aye.

Chuck Golden: Member Henderson?

Member Henderson: Aye.

Chuck Golden: Member Krieger?

Member Krieger: Aye.

Chuck Golden: Member Mainello?

Member Mainello: Aye.

Chuck Golden: Member Tarbox?

Member Tarbox: Aye.

Chuck Golden: Member Petersen absent, Member Stancliffe abstaining. The motion passes.

Chairman Oster: Thank you for doing that, Chuck. The motion to approve the waiver of subdivision has been taken. So you're all set, Brian.

Brian Holbriiter: Thank you very much. Thank you for moving me up on the agenda. Much appreciated. Thank you.

Chairman Oster: Thank you and we will see you on July 16. Goodnight Brian.

Brian Holbriiter: Yes see you on the 16th. Goodnight.

Chairman Oster: OK that concludes our agenda. It includes some of the new business. We do have several things on the Leon project. Everyone received a very large container of materials on the commercial project at 660 Hoosick Street. Is Jamie Easton here on board to give us an update? I was told that there was going to be an update on this.

Jamie Easton: Good evening. How are you today?

Chairman Oster: Good, how are you?

Jamie Easton: Not too bad.....

Member Stancliffe: I'm sorry to interrupt. Just for the record, Member Stancliffe has rejoined the meeting. Thank you.

Jamie Easton: Easy enough. Basically tonight is just a project update. As the Chairman eluded, there is a large volume of information that has been submitted for the project. The biggest thing is as we were at the ZBA hearing for the project, because we need to obtain a couple area variances for the project, Mr. Gilchrist suggested a joint meeting between the Planning Board and the Town Board for this project. And to make the application complete for the Planning Board, I needed to complete the drawing set and submit all the documentation so you could be as informed as possible during your conversations with the ZBA in regards to some of the area variances that we are requesting. So tonight was really more of an introduction to the project in the sense of you have a lot of information, full construction drawings, the proposed subdivision lines, proposed easements, what's the landscaping going to look like, what the buildings are going to look like, the grading, the drainage, waterline, sewer line, how all this stuff is going to work together, roadway profiles, stormwater reports, water reports, traffic reports, there's a lot of reports and there's a lot of information there. I don't expect you to have digested the roughly 2,000 pages of information in the last two weeks. It's certainly a lot. But really tonight's goal was to just have you start looking at this and talking to Mr. Gilchrist and start thinking about a way or a time that the Planning Board wants to have a joint meeting with the ZBA for this application. And that's really what tonight was about. I will certainly answer anyone's questions as they look at the application and they went through everything, that's great. But at this point I think it's a little premature. I almost want to go back to the ZBA and obtain those area variances, so that the plans that you are looking at and hopefully will approve someday will, those area variances are done beforehand. So that's really where I'm at. I wish Mr. Gilchrist could have stayed on a little longer because obviously he was at the ZBA hearing. But that's where we're at. So I'll turn it over to the Board.

Chairman Oster: Thanks Jamie for that. There is a tremendous amount of material to try and review. I know Engineer Bonesteel is probably pulling his hair out over that. But there are a couple questions I do have. I did have a conversation with Andy today and we were discussing a joint public hearing and so forth. Under this format, that could be possibly improbable to do. And then have a live public hearing, which by the time we schedule this is possible that the Governor could allow us to do that. Still though, with social distancing and stuff like that, there's a lot of logistics that have to be determined just to do the public hearing at this point. So I think it would be fair to the Board and everything to give us a couple weeks to really take a look at some of this material, take a look at some of the plans, I would like tonight though, just to review the additional

thing for the minor subdivision because we would probably handle these together. Because I believe that the subdivision has to do with actually subdividing the parcels for each of the businesses, if I'm not mistaken. Is that correct?

Jamie Easton: You are correct, the subdivision I do expect to occur at the same time. The subdivision really is a...there's four proposed lots. One lot is actually for the existing Planet Fitness. The proposed Aldis site and the proposed Wendy's out there. The proposed KFC actually wants to be on its own parcel. So that would be parcel number 2. Parcel number 3 would be really the remaining rear lands that are undeveloped currently. Four is part of the applicant's land. He actually owns Hillcrest Road. So we would actually want to give that to the Town as part of our subdivision.

Chairman Oster: Thank you for clarifying that. I appreciate that. Does everybody understand that there is now a minor subdivision application included in this whole package? The other question I have, Jamie, is that so indicated on the drawings?

Jamie Easton: Yes, within the construction drawing set, we show the existing four tax parcels, and then there's a subdivision plan after that which shows the proposed easement on it that we propose to give to the Town for egress and utilities, along the proposed roadway corridor, we do show that. And there's a couple other private easements but there is a true subdivision plan showing the lot areas, showing how the setbacks we meet and everything else underneath that. So there is a true subdivision plan as part of your construction drawing set. And getting to you Chairman, I do expect some time to review the box of information that we did anticipate. I do anticipate Wayne taking some time to look through everything and give me a comment response letter to start going through that stuff. So I think when we start getting to the public hearing part, maybe at that point we could have an actual public hearing with everybody together vs. Zoom. I think that time will tell and I think some of that timeframe is Wayne's review time and the Planning Board's review time of this large application.

Chairman Oster: Thank you. Now I'm not trying to lengthen this meeting any more but I just want to make something clear. The variances that you are applying for through Zoning, if I'm not mistaken, has to do with some of the parking is being included into like an R-9 area...is that correct?

Jamie Easton: That is correct. There is a small area that we have parking which goes over the commercial zone into the R-9 zone. It's really approximately about 2,000 square feet. That was the part of the area variance/use variance that we were seeking for the project. Certainly there is, and this is where Andy and myself we talked about it a little bit, was there are ways for me to not need that area variance or regards to that parking. But certainly the Planning Board, I'll still meet the parking requirement globally for the project, but also there would be less parking on the site. And I know some members of the Planning Board were concerned about having less parking than meeting just the minimum parking requirement for the project. So that's how we put that area variance in and I think that's where Mr. Gilchrist wanted some of the Planning Board's input into the Zoning Board action so that they understood that even though I didn't have to do this, this is something that the Planning Board sees as a benefit vs. a negative. And maybe you guys can make up your own mind on that, but you guys can weigh in on that decision. So.

Chairman Oster: Thank you for that. Are there any immediate questions from any of the Board members, or engineer Bonesteel at this point?

Wayne Bonesteel: I just have one question. Jamie, the actual site plans for each site have not changed, is that correct?

Jamie Easton: Say that again, Wayne? Sorry.

Wayne Bonesteel: The layout, the site plan, the infrastructure...none of that has changed since last time you were in front of the Board?

Jamie Easton: The only thing that has changed from the previous concept plan that the Planning Board saw was there's a small area of parking now added behind Planet Fitness that we didn't show before and now provides better circulation around Planet Fitness that we weren't showing before. So that's just the only one change. But otherwise everything else is the same.

Wayne Bonesteel: Thanks, Jamie. That'll make our review a little bit easier.

Jamie Easton: No problem. I expect that you'll have more than one comment on the box.

Member Stancliffe: I had a question about the status of the Town Board and the paper street situation. I'm not sure where that stands.

Jamie Easton: I know the applicant's attorney Rob was speaking to Andy about that and whether it actually had to go to the Town Board or not. But I have not heard any which way it was going to go. I think that's something that needs to be addressed, whether we have to go to the Town Board to build a Town road within a paper street or not. I think that decision needs to be made, but I think it's something that we need to cross off and I think it's between the two attorneys to figure out. I do have that on Rob's agenda to keep following up with Andy about.

Member Stancliffe: Thank you. I have no further questions at this time.

Chairman Oster: I have one question. At this point, obviously there's a lot of material to review here. And there's going to be a lot of meetings with attorneys and so forth and so on. What is your timeline as far as moving forward with our meetings and Planning Board? Do you plan on coming before or want to come before our Board for an update at our next meeting or do you want to move that out to the following meeting?

Jamie Easton: Realistically, I think due to the volume of material, I think that the next Planning Board meeting, I don't think anybody could do a full review. I think we need to digest it. We're on vacation right now, basically, so I'm ok by pushing it out to the August 6 Planning Board meeting. And really at that point maybe we have a better decision on which direction we want to go in the sense of a joint Planning Board meeting to talk about some of these issues. And I think by then that would really give Wayne about 5-6 weeks to start drafting comments. Maybe I'll have a comment response letter at that point and then he could also inform the Planning Board that these are some technical issues that are of concern to him. Or there's not many technical issues. I would at least say that we need to go to August 6 or whatever the next Planning Board meeting, skip this coming up one and go minimally to the next one. And I think I'll follow up

with Chuck and everybody and see where the Board is next month or within 3–4 weeks, and see if I'm warranted to be on the next Planning Board meeting in August. So.

Chairman Oster: That sounds reasonable to me and I think it would be reasonable to the Board. So thank you for that. OK if there are no other questions, I think, unless you have some questions or more information you want to give us Jamie, I think we're pretty much done for the evening.

Jamie Easton: I think we're done for the evening too. Have a good fourth of July weekend everybody, and goodnight.

Chairman Oster: Thank you. At this point I'm just going to review our agenda and then we can entertain a motion to adjourn. I believe the only two items we have at our next meeting at this point are the Gallivan minor subdivision and the Farrell special use permit and site plan. Is that correct by everybody else's notes? I guess that's correct then.

Member Stancliffe: Do we have Blue Sky Towers back on?

Chairman Oster: I'm not sure where that is to be honest with you. They probably would be considered on there, so I would tentatively put them on there also. I think they're supposed to get us some simulation type photos of what the tower would look like from different locations that they're proposing. So I think you're correct on that Linda.

Chuck Golden: That is correct. They did not have the simulations ready for this meeting, but they expected them to be ready for the next one.

Chairman Oster: Thank you, Chuck. I think that two hours is a long enough meeting. Can I have a motion to adjourn?

Pat Poletto: Before you adjourn, Andy just texted me and said again to send his regards to you guys finishing up here and he apologizes again that he had to leave the meeting early.

Chairman Oster: Well it was understandable, we had talked about it. He has another Planning Board meeting down in Goshen I think. At this point, I wish everybody a happy 4th of July. I hope everybody has a great weekend, stay safe and now I'll entertain a motion to adjourn.

Member Stancliffe: I'll make a motion to adjourn the meeting.

Chairman Oster: Do I have a second? That was Member Stancliffe.

Member Mainello: I'll second.

Chairman Oster: There's a second. I have to do a roll call vote on this Chuck.

Chuck Golden: Motion to adjourn. Chairman Oster?

Chairman Oster: Aye.

Chuck Golden: Member Henderson?

Member Henderson: Aye.

Chuck Golden: Member Krieger?

Member Krieger: Aye.

Chuck Golden: Member Mainello?

Member Mainello: Aye.

Chuck Golden: Member Tarbox?

Member Tarbox: Aye.

Chuck Golden: Member Petersen absent. Member Stancliffe?

Member Stancliffe: Aye.

Chuck Golden: Motion carries. Have a great weekend.

Chairman Oster: Thank you, everyone and thank you Pat once again for being our moderator and everybody stay safe.