

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

TRANSCRIPT OF THE PLANNING BOARD MEETING HELD MAY 7, 2020

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

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: OK I hear none so at this point I will entertain a motion to accept the minutes as they have been submitted. I'll make that motion.

Member Henderson: I'll second.

Chairman Oster: OK I'm going to turn it over to Andy right now. Andy, as far as the minutes are concerned and everything like that, are we all set with just making a notation of the cancellation of the other three meetings?

Attorney Gilchrist: Yes, that will be noted in the minutes. It will be noted in this transcript.

Chairman Oster: OK, first item on our agenda is the Mainello...

Attorney Gilchrist: Well before we jump to that, there was a motion and a second to approve the March 5 minutes, so we'll have to run through and in order to make the record clear we'll have to run through and do each vote with a roll call vote. So I'll run through that. Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: And Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: OK, Russ. Thank you.

Chairman Oster: Thank you Andy. Our first item on the agenda is the Mainello waiver of subdivision. That's for you Mark. You can make your comments now.

Mark Danskin: My name is Mark Danskin, local land surveyor. Can everyone hear me ok? And I assume everyone has the map out? OK. Very good. I'm honored to be the first one in your inaugural meeting here. Again my name is Mark Danskin, I'm here representing Robert and Randy Mainello, the owners of 23 and 21 Genessee Ave. Subject property is located on the west side of Genessee Ave. Its rear adjoining area is a paper street, Skylar Street. Its northerly adjoiner is a paper street as well, Seneca Street. The parcel is in one deed, however has two Tax ID numbers because a while ago there were two houses here and they were on separate deeds and when they were merged the ID number did not get eliminated. On my map you can see a tax map line to be extinguished which runs through the carport of the house located at #23. It is our intention to extinguish that Tax Map line and create a proposed property line ten feet to the north of the existing carport creating a lot that is 79 feet with frontage on Genessee Ave. Within the regulations, it needs a 10-foot setback. It's over 30 feet in the front, 18 on the other side and we would get a building lot on #21 which is currently vacant at this time. The property is located in an R-9 Zoning District. We've established over 10,000 square feet and you can see the building envelope that's been accepted by the Building Department to this date. So I'm really just looking for a tax map line adjustment or a lot line adjustment or a waiver of subdivision, whichever way you like to classify it. I'm good.

Chairman Oster: Thank you, Mark. Andy, is there any comment you have on this?

Attorney Gilchrist: No, I don't Russ. Straightforward waiver application and it's within the Board's discretion.

Chairman Oster: I will ask whether the Board has any comments. OK, hearing none we can proceed ahead with an approval on this. We do have to do a SEQRA declaration, and I'm going to ask Andy to once again run us through that procedure as far as how we're going to have to do that with the Zoom platform.

Attorney Gilchrist: Thank you. As the Board is aware of the SEQRA process, we'll call this just a little bit of review. So the first thing in front of you will be consideration of the potential significant adverse environmental impacts from this action and based upon a review of the application materials, the proposed waiver map, Environmental Assessment Form, you need to determine whether there is a potential for any significant adverse environmental impacts. As you know, that means that the potential impact needs to be deemed to be significant, not merely any impact. The Board will have to consider whether the potential impact is significant. If, based upon your review of those application documents and the Environmental Assessment Form, you determine that there is the potential for at least one significant adverse environmental impact you would adopt a positive declaration which would then require the preparation of a full Environmental Impact Statement. Alternatively, based upon your review of the record and the Environmental Assessment Form, if you determine that there are no potential significant adverse environmental impacts from the action, then you would adopt a negative declaration. So, Chairman Oster, that's in front of the Board to make the SEQRA determination on this action.

Chairman Oster: Would somebody like to make a proposal on the SEQRA determination? This is your opportunity to start this whole process here. Who wants to be first?

Member Stancliffe: I propose a negative declaration on the application.

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

Member Petersen: I would like to second that.

Chairman Oster: Andy, can you do a roll call vote on that please?

Attorney Gilchrist: I can. The motion is to adopt a negative declaration on the application, Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Krieger?

Member Krieger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: I'm going to abstain, Andy. He's a relative of mine.

Attorney Gilchrist: Thank you. Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Peterson?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Chairman Oster: OK now on the proposal to approve the waiver of subdivision. Do I have a motion for that?

Member Henderson: I'll make that motion.

Chairman Oster: Do I have a second?

Member Krieger: I'll second that.

Chairman Oster: Is there any more discussion on this? OK I will now turn a roll call vote over to Andy.

Attorney Gilchrist: OK, Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Krieger?

Member Kreiger: Aye.

Attorney Gilchrist: Member Mainello abstaining. Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Chairman Oster: Thank you. You're all set there, Mark. Thank you.

Mark Danskin: I'd like to thank the Board, I think that went well. I hope the rest of your night goes as smooth. That was a good one.

Chairman Oster: Thank you. Goodnight.

Mark Danskin: Take care. Goodnight.

Chairman Oster: Next on our agenda is the Macy waiver of subdivision lot line adjustment. What's going on here? Hold on a minute. Just to explain the process here, I think Pat Poletto is trying to bring up the information on that but as he's doing that if you want to comment on your application and give us some background on it, that would be great.

George Macy: Yeah I own both properties here on Russell Court, 11 and 15, and we would be moving into 15 and selling 11 and I wanted that extra space on the south side of the garage property.

Pat Poletto: Can everybody see the map?

Chairman Oster: Yes it's up now and I believe according to the discussion we just got I'm going to call the lot on the bottom of the drawing is going to be...there's going to be a line cut towards that, you can see the proposed boundary line. Parcel A will be increased by approximately half an acre maybe?

George Macy: Probably close on the 15 side. Yeah, that'll be about right.

Chairman Oster: Mr. Macy, you're staying in parcel A, is that correct?

George Macy: Yes, yep.

Chairman Oster: OK, you're moving to there?

George Macy: Yes.

Chairman Oster: OK. I would assume that both these parcels have to have the buildings on them? They're not construction sites, are they?

George Macy: No.

Chairman Oster: OK. Beautiful. I will now ask Attorney Gilchrist, is there any issue or anything that you'd like to comment on that?

Attorney Gilchrist: I don't see any, all these are existing structures. I just want to confirm on the record with the Building Department that the proposed boundary line with the existing structures does not pose any setback issues.

Debbie Macy: On 11, which is parcel B, the setback from the new property line to the house is approximately 25 feet.

Chairman Oster: Is that the front setback?

Debbie Macy: It's the side.

George Macy: It would be the north side of the house on 11. Thank you.

Attorney Gilchrist: Just ask the Building Department just to confirm that there's no setback issues with the proposed lot line for any of the existing structures.

Chairman Oster: Alright. Chuck Golden, are those all set?

Chuck Golden: I'll have to see what zoning district they're actually in. So in the waiver of subdivision form there's nothing put down for the current zoning. That's surprising. Let me find out. I'll be right back.

Attorney Gilchrist: Thank you.

Chairman Oster: In the meantime, I'm going to ask the Board is there any comment or questions from any of the Board members please? Hearing none, are there any comments from Wayne Bonesteel, the engineer?

Engineer Bonesteel: I have a question about the water supply and sewer. Are you connected to water and sewer?

George Macy: No we have wells and a septic system.

Engineer Bonesteel: What is the location of the well and septic for the lot that's getting smaller?

George Macy: The well is in front of the house. Probably six-foot in front of the house right near the sidewalk and the septic is the rear of the house toward the southern side of the rear of the house.

Engineer Bonesteel: Is it closer to the southern property or the northern property line? The septic.

George Macy: No the septic on 11 is not in the center of the house, it's more to the south side of the house.

Engineer Bonesteel: So it's away from the lot line being adjusted?

George Macy: Yes.

Engineer Bonesteel: I have no more questions.

Chairman Oster: Thank you. Are we still waiting on a determination of the setbacks on this? Chuck, are you there?

Chuck Golden: R-15 Zone, front setback 35 foot, side setbacks 15 foot. Total two sides of 30 and a rear setback of 35 feet. I am looking with the scale what the drawing shows for setbacks.

Attorney Gilchrist: Chuck, what I think we're really interested in is the new proposed boundary line with respect to the side yard setback with the existing house on parcel B and then the setback for what looks like the carport, the accessory structure that would be on parcel A.

Chuck Golden: Right, which is ahead of the primaries in both cases...[inaudible]

Attorney Gilchrist: I believe all of these structures, Chuck, are existing so there's no proposed new structures. We're really interested in the setback of those existing structures, both primary on parcel B and accessory on parcel A from the new proposed boundary line for side yard setback.

Chuck Golden: The side setback for the carport in relationship to the proposed boundary line will be 15 feet, approximately 12–13 feet.

George Macy: I'm going to be taking that carport down eventually. I got a variance for that from the Town three or four years ago. They have that there. But when I'm breaking up the property I'm taking that out.

Attorney Gilchrist: What the Board has done in the past when proposed boundary line adjustments present a setback issue with an existing structure is if the Board is inclined to approve the new lot line, you give a certain frame of time to move that structure which causes the problem. So in this case, you may want to consider a specific time within which the carport would need to be removed.

George Macy: I hope within a year I can get it down. Or sooner.

Chairman Oster: I don't see a year being an unreasonable time considering the situation with what's going on around us. I don't know how everybody else feels about that. I'll welcome any comments from anyone else.

Chuck Golden: Question for Mr. Macy. The variance that you got was for the front setback, right? On the carport?

George Macy: Yes, because I had the driveway there. But right now, the hill, um...**[inaudible]**...my neighbor owned 11 here, Joe Sickles, had that backfilled and it's starting to sink in some places so eventually I'm going to take that hill right out of there.

Chuck Golden: Again, as it stands for the proposed line that is a 13-foot setback which is not compliant. If a time wants to be allotted to gain compliance, the Building Department doesn't have a problem with that.

Chairman Oster: Do I have any other comments or opinions from members of the Board? Are you OK with a time of, say, a year to remove that?

Member Henderson: Now we're up to two years?

Chairman Oster: One year.

Member Henderson: One year.

Member Mainello: I'm fine with that.

Member Kreiger: One year.

Chairman Oster: Is there anyone else that wants to...[inaudible]...I assume everybody is OK with a one-year time limit on removing the carport, which would be a condition of the approval. Andy, we can now go through the SEQRA process on this?

Attorney Gilchrist: That's correct, Russ. So if the Board is ready to proceed, the first order of business would be to make a determination of environmental significance under SEQRA and again, briefly as stated earlier, if based upon a review of the application documents and the EAF you determine that there is the potential for a significant adverse environmental impact, you will adopt a positive declaration which requires the preparation of an Environmental Impact Statement. Alternatively, based upon your review of those application documents and EAF, if you determine that there is no potential significant adverse environmental impact, you adopt a negative declaration and the SEQRA process is completed.

Chairman Oster: Would anybody like to make a declaration at this point?

Member Henderson: I would make a motion to recommend a negative declaration.

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

Member Mainello: Second.

Chairman Oster: Thank you, Member Mainello. Do I have any further discussion on that? Hearing none, I'll have Andy do a roll call vote.

Attorney Gilchrist: Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Kreiger?

Member Kreiger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Chairman Oster: Thank you. Now on a motion to approve the waiver and lot line adjustment with the condition that the carport which would be located on the new parcel A be removed within one year. Do I have anyone that would like to make that motion?

Member Stancliffe: Do we have a condition for a driveway permit? [inaudible]

Chairman Oster: Could you repeat that again please?

Member Stancliffe: Does the house need a driveway permit?

Chairman Oster: No, both those houses are existing structures. I don't think, well, whatever the person does with parcel B house, I don't know because I can't see if there's something down at the other end of the parcel, but I don't believe that there's a driveway there is there?

George Macy: There was a driveway down the side, I'm going to put that back where it was. The owner before me, he built that hill where the carport is so I'll be putting the driveway back where it originally was.

Chairman Oster: Thank you. Linda, could you please repeat the motion?

Member Stancliffe: I'll make a motion to approve the application with the condition of one year removal of the carport. June 1, 2021.

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

Member Petersen: I will second.

Chairman Oster: Thank you.

Attorney Gilchrist: Could you do a roll call vote please?

Attorney Gilchrist: Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Kreiger?

Member Kreiger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Chairman Oster: The motion has been approved. You're all set, Mr. Macy, and good luck.

George Macy: I thank you very much.

Chairman Oster: Sorry about the process here but we're getting our feet wet, thank you for your patience.

George Macy: Thank you.

Chuck Golden: You can get the demo permit anytime, George.

George Macy: OK, thank you.

Chairman Oster: Next on our agenda, this is number three, which is the Saxby special use permit accessory apartment. I know there is somebody representing it.

Brenda Saxby: Yes it's me, Brenda Saxby.

Chairman Oster: Thank you for your patience. OK would you give us a little bit of a brief description and idea of what you want to do here.

Brenda Saxby: Yes. I originally bought this house back in 1987 and we had put an addition on one side of it because it was a small ranch and now we are looking to move my mother who is 81 years old and is starting to have mobility issues and I wanted to have her close to me and she wants to live with me as well. But she does want to have her own ability to come and go and have her privacy so in order to make my husband happy, who has been wonderful about this, and to make her happy, we came up with a plan to put the 16 by 28 foot addition which is on the map in front of us right now with the broken lines and that would have a kitchen for her and a living area and then we would utilize a bedroom and a bathroom which are already in the existing home.

Chairman Oster: Are there any questions on this? This is a special use permit just to give you a little background here. This does require a public hearing. So keep that in mind we probably will not be able to act on this obviously tonight but let's get all the particulars done here. I'm going to ask any members of the Board if they have any comments or questions please.

Brenda Saxby: I think you also have a copy of the prints there as well.

Chairman Oster: Yes, you're correct. While I am speaking here, have you approached any of the neighbors on this or anything like that? Are there any issues?

Brenda Saxby: No, I'm actually fortunate enough that I have good relationships with all my neighbors so John Clinton who is probably the closest, he had also bought the old Friendly house, which is the closest to me but hasn't had anybody living in it in about eight or ten years. But everybody in the area is pretty familiar with what we're looking to do because this process has taken far longer than I really thought it was going to just to come up with a design that was going to not make the house look dumpy and make my mother happy and make my husband happy so everybody's known we've been talking about this for a while. So my neighbors are aware. And I don't anticipate any problems whatsoever.

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

Chairman Oster: Are there any questions from engineering? Mr. Bonesteel?

Engineer Bonesteel: I'm looking at the site plan with the septic system. It doesn't appear that you'll be encroaching on the laterals for the septic system from this addition.

Brenda Saxby: That is correct. We just had that septic system put in last fall and we put it in knowing that were going to put this addition on, so those lines that you're seeing, the squiggly lines, those are I think just to denote the shape of the land. All the laterals are well behind the house. There's nothing up in that area.

Engineer Bonesteel: There doesn't appear to be any issue with the setback to the septic system or the [inaudible]. I have no additional comments or questions.

Chairman Oster: Thank you. I do have one question. Is this apartment going to have its own egress? Is there going to be a separate door that could go into this apartment from the outside?

Brenda Saxby: Yes. That was one of my mother's stipulations. She wanted to not have to walk through our house to go and get into her apartment. So, yes, in the front of the house she is going to have her own entryway as well. She'd have entry from the house from her apartment going into our house and then she'd also have her own exterior entrance. As you can see on the picture right there which shows the front of the existing house and the addition to the left, there is a doorway right there that is a new door.

Chairman Oster: Thank you. She does not drive, there is not going to additional parking or anything like that. Is that correct?

Brenda Saxby: No, she does still have a car. She is still driving. She doesn't drive a lot. But I do have a big driveway in front of the house so there's no issue with parking.

Chairman Oster: I have a question on accessory apartments for Chuck Golden. Does there have to be a designated additional parking spot according to code or for an accessory apartment.

Chuck Golden: There will be parking in the front of the building. I haven't done the site visit yet but according to Ms. Saxby, the extra parking would be available. Ms. Saxby are you going to be using the garage down below for parking?

Brenda Saxby: No because I'd be driving over my septic tank. No because my mom has a home that she's lived in for many years so she's got a lot of stuff and she's going to have a hard time parting with her stuff so her stuff will be going in her garage. She has a lot of big old oak stuff.

Chairman Oster: Been there done that. Thank you for those comments, I think we all share those same situations. Are there any other questions?

Chuck Golden: You're adding covered porches to the existing house.

Brenda Saxby: We're going to remove the roof that's over it right now because back when I bought this house, I thought hip roofs looked great so I put a hip roof over that front porch and I have since decided that that was probably not a great decision so we are going to remove that hip roof and put a gable in. So just replacing an existing roof, or a portion I should say.

Chairman Oster: Did I hear somebody had a question? No? OK, this is Chairman Oster again. Attorney Gilchrist, is there any issue here with proceeding ahead with scheduling a public hearing on this?

Attorney Gilchrist: I don't see any, Russ. Certainly the members have had a chance to review and have no outstanding questions. We've had review by Mr. Bonesteel, the review engineer. [inaudible] Procedurally, this will require a public hearing. Is this within 500 feet of any State or County roadway, Wayne?

Brenda Saxby: Well the closest road to me, I'm on Bott, and the next closest road is Garfield. I don't know if that...

Engineer Bonesteel: Garfield Road is a County road. How far back are you on Bott Lane from Garfield?

Brenda Saxby: I don't know how many feet that is. I'm probably the halfway point on the road before it terminates down at Jack and Patty's, if that helps. That's a dead end.

Attorney Gilchrist: So, we just need to determine that because if you're within 500 feet of a County highway the application would need to be sent down to the County Planning Department for review and recommendation. So we will just have to confirm that, but that doesn't mean that we can't proceed with scheduling a public hearing. I will also note for the Board that this is for an accessory apartment and while right now it would appear to be an in-law type apartment, the Zoning Law would not limit that and you have to review this for purposes of any accessory apartment whether it's for a person related or not, and that's what you have generally done in the past. So your earlier question about adequate parking, you will have to take a look at number of bedrooms, potential occupants within the apartment area. What the off-street parking would be, things like that. What the Board generally looks at is while the current proposal is certainly for what appears to be a fairly minimal impact, the use in the future needs to be considered with

successive owners, so that the accessory apartment should be viewed as the maximum occupancy, potential cars, things of that nature. So, there's no further comments and it would appear that it's complete for purposes of scheduling a public hearing.

Chairman Oster: Thank you, Andy. As of approximately when they put the new code laws through, our time period for notification has been changed from 7 days notification to 10 days. This has created a problem with us as far as having meetings basically every two weeks. We have found that several times that they weren't properly noticed because they weren't entered in the paper and so forth and so on. So we have been adding an extra meeting in scheduling the public hearings, so at this point we would be able to schedule the public hearing for our first meeting in June, which is June 4. I know that's a little bit further away and probably you're anxious to start this project, but there's not too much we can do about that so we can schedule you for a public hearing on June 4 and it would be at 7:00pm which would be at the beginning of our meeting for that day.

Brenda Saxby: OK sounds good.

Chairman Oster: We would send out the notification, and Attorney Gilchrist do you want to expand out on that notification at all?

Attorney Gilchrist: In the ordinary course, the notice was just in the newspaper, on the Town signboard, on the Town website and mailed to owners of properties within 300 feet. We're not sure what the Governor is going to do in terms of extending the Executive Order suspending the Open Meetings Law requirements. It was that suspension of the Open Meetings Law that allows these remote or virtual meetings. That Executive Order technically expires today and we're not sure how or if the Governor is going to extend that. We presume that will be extended. That will impact how the meeting has to be noticed, whether it would be an in-person meeting or whether it would be a remote meeting. That's another reason for not scheduling the public hearing until June 4. Once we know that, and we should know that by tomorrow, from the Governor, then we can draft the public hearing notice properly and everyone will understand how that meeting on June 4 is going to be conducted. We presume it's going to be another remote meeting but we just don't know yet.

Chuck Golden: The Saxby property is 1,009 feet away from Garfield Road so it will not have to go down to the County.

Brenda Saxby: Thank you. I was trying to figure that out in my head, like, if I had a 100-foot tape measure how many times would I have to go from my house to the road but thank you for figuring that out.

Chairman Oster: Thank you, Chuck for that information. I think we're all set here as far as the scheduling. If there's any change to this, please notify us immediately and we will see you on June 4, 2020 at 7:00pm for your public hearing as of right now.

Member Stancliffe: Does this fall within an agricultural district and need an agricultural data statement?

Chairman Oster: I must have looked at the wrong application and I thought there was one with this but there isn't. I don't know, does it? Who would know that?

Chuck Golden: I do not see one in the package.

Chairman Oster: Are they in an agricultural district? We can check that out and if it needs one we can send that one out and they usually come back without any problem and well within the time that the public hearing will be.

Brenda Saxby: What did you say that document was again?

Chairman Oster: The official name for that is an Agricultural Data Statement. And they're available at the Town.

Brenda Saxby: OK and what is that?

Chuck Golden: It is called an Agricultural Data Statement. The Bott properties are in R-15, surrounded by A-40, or ag, I should say.

Chairman Oster: But I'm not sure whether that, even though it's zoned agricultural, whether it's actually designated as an agricultural zone. Is it? Maybe I can ask Dave Tarbox that.

Member Tarbox: I didn't know if the addition would require an agricultural data statement but I think the property is within 500 feet of agricultural land. But we can look it up. It's not really a problem from where that is. Something we just have to go through.

Chairman Oster: Thank you. So we'll take care of that, and make sure that's submitted if it has to be and so forth and so on.

Brenda Saxby: OK. Thank you.

Chairman Oster: OK then we're all set. You're on for a public hearing June 4 at 7:00. Thank you for your patience, take care. OK, fourth on the agenda is the Mickel Hill Properties minor subdivision. Is Brian Holbriter on our site tonight?

Pat Poletto: I haven't see him sign in as Brian Holbriter.

Chairman Oster: Is there anyone here online that would represent the Mickel Hill Properties minor subdivision?

Member Tarbox: I'm a member of the Mickel Hill Property, LLC and I have to recuse myself but I can represent Mickel Hill.

Attorney Gilchrist: Member Tarbox, I wouldn't advise that. You have to recuse yourself from the Board and should not present the project to the Board. If Brian Holbriter is not online, my suggestion would be that the Planning Board members review the proposed minor subdivision plat together with review engineer Bonesteel and if the application materials are deemed complete

enough for a public hearing to move forward and simply schedule the public hearing. Member Tarbox, I would not suggest for the record that you represent the applicant before the Board.

Chairman Oster: If everybody remembers, this originally was submitted as a waiver of subdivision and then there was an indication on it that there was a subdivision on this property in 2018 which will put it within the 7-year period so it then determined that it has to be submitted as a minor subdivision. Am I correct on that, Dave?

Member Tarbox: It had to be brought up as a minor subdivision.

Attorney Gilchrist: I'll jump in here. That's correct and for purposes of full disclosure, if you look on the subdivision map you'll see a lot that has been divided off and is now indicated as lands now or formerly of Matthew Grab and Kellie Bailey. Subject to being corrected by Member Tarbox, that lot was the lot that was divided off of Mickel Hill Properties, LLC within the past seven years. Full disclosure: when that property was sold to Matt Grab and Kellie Bailey, I represented them on the purchase of that lot so I had a little familiarity with that. When this new proposed lot directly off of Lockrow Road came in, that gave rise to the issue of an additional lot being broken out of the same parent parcel, giving rise to the need for the minor subdivision.

Brian Holbriiter: Can you hear me?

Attorney Gilchrist: Good evening, Brian.

Brian Holbriiter: Good evening. I am on my phone, I was unable to log into the Zoom for some reason but I am here. I was trying to chime in but I was muted and didn't realize it.

Chairman Oster: Did you hear those comments from Attorney Gilchrist?

Brian Holbriiter: I absolutely did and he's spot on.

Chairman Oster: OK. Now is there any...I think we reviewed this pretty extensively as a waiver and then it was brought up that, wait a second, um, because there was a subdivision in 2018 I believe, it didn't qualify for the waiver and it had to go to a minor subdivision. Are there any particulars on this that have changed over that application that we should know about for example?

Brian Holbriiter: All I did to the plat that we reviewed previously was I added the contours as are required on a minor subdivision plat as well as show the proposed lot improvement layout which is also required on a minor subdivision plat. Other than that it's the same lot, everything else is the same. I filed a minor subdivision application, I filed an agricultural data statement and a short form SEQRA.

Chairman Oster: Wayne, have you any comments on this as far as where we can proceed with this?

Wayne Bonesteel: The subdivision plat is complete and the application is complete and Brian has added all the required elements of a minor subdivision on the previous application. It all looks good to me.

Chairman Oster: Thank you, Wayne. Minor subdivision require a public hearing. So if we have determined that this is complete enough to proceed with a public hearing, which I think we have, then we can schedule a public hearing for this. Are there any comments from the members of the Board or any additional information that's required?

Member Stancliffe: Just for the record, I am a neighbor and relative of the applicant. But I have no financial interest in the property or project.

Chairman Oster: So are you telling us that you don't think you need to recuse yourself from this application, is that correct?

Member Stancliffe: Correct.

Chairman Oster: I also understand that Emil Kreiger may also be in that same situation. Do you agree with Linda?

Member Kreiger: Yes this is Emil Kreiger. I am a neighbor and I will not recuse myself, I'll be able to vote on this.

Chairman Oster: Attorney Gilchrist, do you concur with that?

Attorney Gilchrist: I do concur, both members have indicated that they have no financial interest, direct or indirect, on the application, and the fact that they are nearby the property owners in and of itself does not require recusal, and each member has indicated that they can review the application objectively, so I believe they can act on the application.

Chairman Oster: Just for the record, David Tarbox has recused himself officially from this application. Is that correct?

Member Tarbox: That's correct. The driveway is a Town-approved driveway.

Chairman Oster: Thank you. At this point I don't know, Brian, whether you heard our explanation of the public hearings previous to coming on board here. We have one scheduled for June 4, which is the second meeting from now at 7:00pm. We can schedule the public hearing for this one at 7:15. At this point I would just like to review the public hearing situation we have right now, if Attorney Gilchrist could do that one more time please.

Attorney Gilchrist: We have a public hearing scheduled for the June 4 meeting at 7:00. This would be a public hearing June 4 at 7:15. There is a ten-day public hearing notice requirement for public hearings now under the Brunswick Zoning Law, and it's a tight two weeks between meetings. It is complicated now, Brian, because these remote meetings are being held pursuant to a Governor's Executive Order which suspended the Open Meetings Law and that current Executive Order actually expires today. There has not been an extension of that Executive Order although we all believe that it will be extended. Without the extension of the Executive Order suspending the Open Meetings Law, the only legal meeting would be in person with the public, that's not likely to happen in the near future so we need to know how the Governor is going to act in terms of extending the Open Meetings Law suspension and if any additional requirements will be included. That will have to be incorporated into the public hearing notice, giving the public

adequate notice of how to participate in the meeting. We have to play this one a bit by ear until we hear from the Governor.

Brian Holbriiter: I fully understand.

Chairman Oster: Thank you, Brian. We will schedule you for the second public hearing on June 4, 2020 at 7:15pm.

Brian Holbriiter: OK, thank you.

Chairman Oster: That concludes Mickel Hill Properties for this evening. Number five on our agenda is the Knight waiver of subdivision lot line adjustment and I believe Brian that you are also involved with that one, is that correct?

Brian Holbriiter: Yes, that is correct.

Chairman Oster: While this map is up on our screen, could you give us a brief description of what the applicant wants to do?

Brian Holbriiter: Yes, I'd be glad to. This project is a survey of a portion of the Frances and Gladys McKnight Farm. I surveyed the easterly 23.69 acres and that 23.69 acres we are looking to annex onto lands of Ray and Antoinette McKnight, which is a 16.5-acre parcel just east of this 23.69 acres. And Ray McKnight's property actually borders outward on Bell View Road. And so we're looking to annex the 23.69 acres onto Ray McKnight's property leaving the remainder parcel of about 32 acres on the Frances and Gladys McKnight parcel to be sold at some point.

Chairman Oster: Thank you, Brian. Are there any questions from the Board? Are there any questions from Engineer Bonesteel?

Engineer Bonesteel: No questions.

Chairman Oster: Thank you. Are there any questions from Attorney Gilchrist?

Attorney Gilchrist: No questions.

Chairman Oster: If there are no questions and there are no problems anyone can see on this, we can proceed ahead with a SEQRA determination on this.

Attorney Gilchrist: That's correct.

Chairman Oster: Would anyone like to make a SEQRA determination motion?

Member Stancliffe: I'll make a negative declaration under SEQRA motion.

Chairman Oster: Thank you. Do I have a second?

Member Henderson: I'll second.

Chairman Oster: Thank you. Is there any further discussion? OK, hearing none I will ask Attorney Gilchrist to do a roll call vote please.

Attorney Gilchrist: Thank you. Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Kreiger?

Member Kreiger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Chairman Oster: Thank you. Now on the motion to approve the waiver of subdivision lot line adjustment, would somebody like to make a motion to approve that?

Member Mainello: I'll make the motion.

Chairman Oster: Thank you. Do I have a second?

Attorney Gilchrist: Before it's seconded, Kevin if you could consider adding the condition that the 23.69-acre area be merged into the existing parcel of Ray and Antoinette McKnight.

Member Mainello: Yes.

Chairman Oster: Is there a second to that motion?

Member Petersen: I'll second the motion.

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

Attorney Gilchrist: Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Kreiger?

Member Kreiger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Chairman Oster: Thank you, Attorney Gilchrist. And, Brian, that has been approved so you're all set.

Brian Holbritter: Thank you to everyone on the Board.

Chairman Oster: Thank you for your patience too.

Chuck Golden: If it's inclement weather, let us know when you're coming to the Town Hall, Brian, because our mailbox is not going to fit your prints for stamping.

Brian Holbritter: OK, Chuck, thank you. I will contact you and let you know when I'm going to drop them off.

Chuck Golden: Thank you.

Chairman Oster: That concludes our agenda items. I don't believe we have any new business at this point. Old business I will say that we have several big projects that everybody knows about on the docket we haven't quite figured out how we're going to use this venue to get all the documents on and so forth and so on, but we're working on it. Just to review some of the outstanding applications and site plans that we have: we have the Farrell site plan, Ace Hardware site plan, we have the Verizon tower special use permit and site plan, and Brunswick Road

Development LLC which is the Brunswick Acres PDD, we of course have the Leon site plan and I believe that there's a Gallivan minor subdivision still out there also. So there's some big things coming onto our agenda. We do not have an official agenda for our next meeting scheduled for May 21, however, stay tuned to the Town website for that information which will be on there and also will have, with the help of Pat Poletto, who has been very good at downloading all the documents for tonight's agenda. He probably has his work cut out for him on downloading some of the larger packages for the site plans that are potentially coming up so at this point, that would probably be a review of old business. Is there any other old business that anybody wishes to bring up at this time?

Chuck Golden: I did hear from the Ace Hardware folks and he believes he will get his application back from the DEC in time for our next meeting.

Chairman Oster: OK so that's tentative at this point. So there is potentially at least one item on there. Just to review, we do have two public hearings scheduled for our first meeting in June on June 4, one at 7:00pm and one at 7:15pm. We will have to see how that goes. Just a couple comments on the meeting. I think we had a little bit of struggle with getting everyone online but I think those can be corrected. I thought it went pretty well, everybody got sort of into the groove of trying to speak and so forth and putting their name and so forth and so on. The roll call voting has a tendency to be a little bit cumbersome at this point but I think once we start to get into a groove and everybody is alert and on board we can run through those roll call votes rather quickly and it won't be a problem. Andy do you have any comments that you'd like to make or any suggestions on our next meeting?

Attorney Gilchrist: Russ I don't think at this point. It was a good first remote meeting and look forward to more because I do think there are going to be more. It would be my opinion that the governor will extend the suspension of the Open Meetings Law to try to avoid congregating in a municipal hall at a public meeting. So I do think we'll be having these meetings at least for the foreseeable future.

Chairman Oster: I think you're correct on that. This might be the new normal to be honest with you. At this point I'd like to thank Pat Poletto for all his hard work.

Pat Poletto: I think part of the problem that we had tonight was not knowing what settings I needed to set the meeting up with. Seeing what has happened in other municipalities in the area, specifically Berne, where people have tried to take over the meeting, I restricted this to people who had Zoom accounts. I think at the next meeting I won't have it restricted.

Chairman Oster: OK. All right, thank you. Once again, thanks for all your hard work on everything like that and I'm sure things will start to move along a little bit better at our next meetings. At this point I will entertain a motion to adjourn.

Member Henderson: I'll make the motion.

Chairman Oster: Do I have a second please?

Member Mainello: Second.

Chairman Oster: Thank you. Going to have to do a roll call vote on this. Attorney Gilchrist, would you please do a roll call vote?

Attorney Gilchrist: Member Henderson?

Member Henderson: Aye.

Attorney Gilchrist: Member Kreiger?

Member Kreiger: Aye.

Attorney Gilchrist: Member Mainello?

Member Mainello: Aye.

Attorney Gilchrist: Chairman Oster?

Chairman Oster: Aye.

Attorney Gilchrist: Member Petersen?

Member Petersen: Aye.

Attorney Gilchrist: Member Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye

Chairman Oster: Thank you everyone. Stay safe. Our next meeting is scheduled for May 21, 2020 at 7:00pm. Please keep good contact with the website to make sure that the agenda and everything is reviewed and any materials that come up. At this point the meeting is over and it is 8:44pm. Thank you everyone. Stay safe.