

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

TRANSCRIPT OF THE PLANNING BOARD MEETING HELD MAY 21, 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 May 21, 2020. If everybody would please rise for the Pledge of Allegiance?

[Pledge recited]

Pat Poletto: Alright Russ, we'll do what we said last meeting, that when everybody talks please state your name first because we have to do a transcript. When you're not speaking, please mute your audio so we don't hear everything in the background. You're encouraged to use headphones with the microphones so there's no feedback to create a loop. And if there's two or more of you watching in the same room, make sure to have only one person's audio on. Here's your agenda.

Chairman Oster: First of all I'd like to thank Pat for being our moderator for the second meeting in a row. I don't know how long this is going to go on, Pat, but thank you for your time and your effort.

Pat Poletto: You're welcome.

Chairman Oster: Our agenda is on the screen, pretty straightforward. Ace Hardware site plan, Farrell special use permit and site plan, Gallivan minor subdivision, Blue Sky Towers III special use permit and site plan update. In regard to the cell tower agenda item, I just want to make sure that everybody knows that this is not a public hearing. The public hearing has been completed on the site plan, we have not received as a Planning Board any written response yet from the cell tower people regarding the comments made at the public hearing. So this is an update on some of the items that were brought up. So, just so you know, this is not a public hearing, we are not taking any public responses or any type of comments. So with that being said, the first thing on our

agenda is the approval of the minutes of the last meeting on May 7. However, those have not been submitted yet, so we'll have to wait until our upcoming meeting to review and approve those.

Chuck Golden: Russ, can I do the attendance please?

Chairman Oster: Yes, OK, roll call attendance.

Chuck Golden: Member Henderson? I see you, Don, you don't have to unmute. Member Krieger?

Member Krieger: Here.

Chuck Golden: Member Mainello?

Member Mainello: Present.

Chuck Golden: Chairman Oster?

Chairman Oster: Present.

Chuck Golden: Member Petersen is absent. Member Stancliffe?

Member Stancliffe: Here.

Chuck Golden: Member Tarbox?

Member Tarbox: Here.

Chuck Golden: Thank you, members.

Chairman Oster: Thank you, Chuck. Now the first item on our agenda is the Ace Hardware site plan. Is there a representative for the applicant here tonight?

Bo Michael: I'm the architect working with Ace Hardware.

Chairman Oster: Thank you for joining us tonight. Could you just go over a couple things with this? I got an email, just to clarify something, from the Building Department, that there's actually a change of address and a change on the name of the applicant for this? Is that correct?

Bo Michael: As I understand it, yes. I didn't implement any of those but I believe that's true.

Chairman Oster: The way I understand it the address is actually 825 Hoosick Road, not 831. And the applicant is actually 825-835 Hoosick Road LLC. They own the parcel that the new building is going to be on plus they own the parcel for the Ace Hardware so it's all basically under one ownership.

Bo Michael: I believe that's all correct, yes.

Attorney Gilchrist: I'm just going to, again, post for the record that I do have a conflict on this particular application so I'll recuse myself. I do represent the owner of this facility at other locations and in light of that I'm going to recuse myself from participation in the review of this application.

Chairman Oster: Thank you, Andy, for reminding me of that. I forgot about that, thank you. OK, Bo, would you like to give us a little rundown. We have the drawing up on the screen if you could just give us a presentation on that please.

Bo Michael: Just to go back a little bit, we were approved a couple years ago to tear the existing building down and put up a new two-story building with the parking and everything that supported it. They found they couldn't find prospective tenants to cover the cost of that building. Things like professional offices, medical offices and the like. But the hardware has a need for more storage and they found people interested in renting space for a café and for a gym in the existing building being better suited for that. We've decided to retain the existing building with an addition off to the east of the building. A couple months ago we presented basically the same scheme that sits before you except the parking in the rear of the addition was twisted so that stayed further away from the wetlands. DEC has reviewed the plans and we sent the email from DEC saying they would approve this plan to Charles a day ago. And that's pretty much where we are. Our parking is at the minimum of what's required. Those calculations are based on the parking you demanded for the hardware, plus applying the Town criteria for a gym and a café.

Chairman Oster: Thank you, Bo. I have a couple questions. Just to confirm one thing, the existing building is going to be used and there is no change to the footprint of that, just an addition on the east side?

Bo Michael: Yes, we are removing a portion of that existing building which is the wood frame portion, also on the east side, and replacing it with the addition. The addition is slightly larger than the piece we're removing.

Chairman Oster: Thank you. There is a question, and I'm going to address this to maybe Chuck, this is 500 feet from a State highway. Did we have to send something to the State on that?

Chuck Golden: We have to send to the County within 500 foot of a State or County roadway and I am not certain if we have gotten that back yet. The access to the County, at one point they were working just one day a week. So I will have to check on that, Chairman Oster. I can do that right now. Just one other thing I would like to clarify regarding the parking. I was never really able to fully do the calculations on the parking because I did not get a layout to the café. That layout varies on whether it's fixed seating or movable seating, so I couldn't get an occupancy of that. Thereby I couldn't really derive the parking numbers.

Bo Michael: I think we've already determined it's not fixed seating and what we did is we figured a quarter of the space to be kitchen and so that drove part of the load and the rest of the space being the café and that's how we came up with I think an appropriate number of spaces.

Chuck Golden: OK, I'll verify.

Chairman Oster: Attorney Gilchrist, just as a technical question, can I ask you?

Attorney Gilchrist: Unrelated to the particular application, yes.

Chairman Oster: This is a procedural thing. I'm correct that a public hearing if we were to move forward on this, a public hearing would be at the discretion of the Board. Is that correct?

Attorney Gilchrist: Yes, under the Brunswick Zoning Law site plan regulations, the need to hold a public hearing is discretionary with the Board. So you're correct on that point.

Chairman Oster: Thank you. With that being said, I'm going to open up the floor to any members that wish to make any comments or have any questions. I guess there are no questions on this. I will make a comment that, since they're using basically the footprint of the existing building, and replacing a part of the older section with a new section up front, the impact on this site plan is probably minimal and the configuration of the parking appears to be at this point correct. DEC has approved this plan as far as wetlands and so forth. And the fact that this was originally supposed to be a two-story structure, so moving forward they're actually minimizing more or less the impact of construction on this site I would have to assume. So my question now to the members is, how do you want to proceed? Do you think a public hearing is required? Can I hear from some of the members please?

Chuck Golden: Just to back up a little bit, we have not received that back from the County yet. I will check on it tomorrow.

Chairman Oster: Do I have any opinions on whether we need to have a public hearing? My suggestion would be that probably not. If that's the case, we could move forward however we have not received a letter from the County as far as being 500 feet from a County road.

Member Mainello: I don't feel we need to do a public hearing for this as well.

Chairman Oster: Unfortunately I think we may have to wait until the next meeting to approve this if we don't have any word from the County at this point. I'm assuming that letter was sent out, is that correct Chuck?

Chuck Golden: That is correct.

Chairman Oster: OK.

Wayne Bonesteel: I have a couple questions. Bo, are you providing all the utilities to this building from the existing entrances? Are you changing anything as far as utilities?

Bo Michael: The water service needs to be increased because we're sprinklering the building. The building is not currently sprinkled. And we are abandoning the septic and I'm not sure that's active or not but we'll be public sewer and the water will be public. We're increasing the gas service, but that's from the same location.

Wayne Bonesteel: Drainage on the back side where you're adding that parking - can you describe how you're draining that parking lot, where the runoff is going?

Bo Michael: Well there is a drainage plan on S1.1 but basically the sight is pretty flat and we're providing a slight bit of pitch from the parking to that area of lawn between the parking and the wetlands. The wetlands are shown in the dashed red lines with the little red dots up there.

Wayne Bonesteel: You're not adding any catch basins or any stormwater pipes or anything? It's all going to be sheet flow back to that swale, is that correct?

Bo Michael: That's correct, our existing catch basins and pipes kind of back in that area that are shown in a light yellow. Near the keynote 5 there's an existing catch basin, for instance.

Wayne Bonesteel: Also, Bo, can you briefly just describe what the landscaping is going to be because you've changed it significantly from the last application. You've actually made the circulation better. It seems to flow a little bit better with parking and traveling vehicles. Because you've switched things around a little bit, I just want to understand what you're doing for landscaping now.

Bo Michael: Well the plantings are shown on the detail plan on that same sheet. And the schedule is within the legend. So the L1, L2 and L3 are all different plant types. They're all basically in lawn areas and as I referred to between the parking and the wetlands there's a lawn area as well.

Wayne Bonesteel: Can you just real quickly show how pedestrian circulation is from the parking areas into the building?

Bo Michael: Do you see my cursor on the screen or not?

Wayne Bonesteel: Yes.

Bo Michael: So parking is located here. There's a two-way drive here which continues to the back of the building. Parking here, parking, parking. The two main entrances for the tenants are here and here. So we've got lawn area, lawn area, lawn area again, lawn area, and access for the storage portion is through the parking lot. And there's a rear door that all the tenants can use for exits or their own entrances to free up parking for the public out here. And that entrance door is here.

Wayne Bonesteel: OK, thank you.

Chairman Oster: Bo, did you do a recalculation on the greenspace on this site?

Bo Michael: Yes, I believe that's shown on the first drawing S1. Greenspace is at 26.7%. Building area 23.8%, and the paved area is at 36.5%.

Chairman Oster: Is this an increase in greenspace or decrease in greenspace from the plan that was approved two years ago? With the one you're working with now, you have modified it. Has the greenspace increased or decreased?

Bo Michael: Increased but not by much.

Chairman Oster: OK.

Member Stancliffe: Does the café require a grease trap?

Bo Michael: Yes it will.

Member Stancliffe: And is that located inside the building or....?

Bo Michael: Yes, inside the building.

Member Stancliffe: OK.

Chairman Oster: Are there any other questions?

Member Tarbox: Each business will have its own restrooms?

Bo Michael: Yes. We didn't spread it out that way originally but that's what they've requested, yes.

Chairman Oster: Are there any other questions?

Member Henderson: I'm struggling to understand what the circles are next to the addition. And my question regarding this is wondering if there is adequate space between the Ace Hardware building and this new addition for firetrucks?

Bo Michael: I guess I'm not clear about the round things, but there's a 24-foot drive that goes around the back of the Ace Hardware along the side of the addition and connects to Hoosick Street.

Member Henderson: So you don't know what these round things are?

Bo Michael: Is there some way to can point to them on the drawing?

Member Henderson: Right there. There's 6 of them, along the east side of the building of the addition.

Bo Michael: Are they dark black diamonds?

Member Henderson: No, they're circles.

Bo Michael: Oh, those are plantings.

Member Henderson: Planters. Well that was my question. Between the planters and what appears to be an overhang or some sort of structure next to the hardware store.

Bo Michael: The plantings are not very significant in height.

Member Henderson: It's not the height I'm concerned about, it's the distance between the planters and whatever this is over here on the left side of the hardware store. It has an angled line at the northern side.

Bo Michael: That's the existing fence. They have an outdoor patio center.

Member Henderson: OK is there sufficient distance for a fire apparatus to get through there? That's my question.

Bo Michael: I'm struggling a little bit understanding the question. The access would be this roadway through here.

Member Henderson: Yes, right through there, right. Is there significant.....

Bo Michael: There's 24 feet of clear width.

Member Henderson: OK thank you. That was my question.

Chairman Oster: Bo, have these plans been reviewed by the local fire company?

Bo Michael: We were supposed to initiate that? Not to the best of my knowledge. Is that something you want us to do?

Chairman Oster: Usually, in the past, a set of plans, I think in this case it's Brunswick 1, will look at these plans and so forth and so on. I think obviously we can't act on this tonight if we wanted to anyway because we don't have a letter from the County. But I think it would be worthwhile for a copy of these plans to be sent over to the fire company just to make sure that all the turning radiuses and everything...I don't think there's an issue but you never know. So I think that would be in the best interest if we did that.

Bo Michael: I'm happy to do that if you can give me some contact information, and email maybe where to send them.

Chairman Oster: I believe Chuck probably can furnish you with that information.

Chuck Golden: I will get that to you, Bo.

Bo Michael: Thank you.

Chairman Oster: Are there any other questions on the plan? Is everybody agreeable that a public hearing is not required? Hearing no comments or negative responses on that, I would have to say that if we get our letter by the next meeting we can probably move forward with some type of approval. I would like to see the fire company hopefully be able to evaluate this before that. So why don't we put you on the agenda for the next meeting which is scheduled for June 4. We do have two public hearings scheduled for that, so it could be a little bit of a long meeting. I'm just going to give you fair warning on that. Is there anything else that you need from us or wish to make any comments on this?

Bo Michael: The only thing we need is the contact for the fire department.

Chairman Oster: OK, we'll get you that.

Chuck Golden: Sending it now, Bo.

Bo Michael: Thank you.

Member Stancliffe: I did have one further question. The parking along the east side of the building and that concrete sidewalk, those two elevations are flush with the building finish floor, is that correct?

Bo Michael: No, they're slightly lower.

Member Stancliffe: OK so there would be a curb and a ramp at the northernmost handicap stall.

Bo Michael: Yes, if you refer to the detailed site plan, it's probably a little clearer. The elevations are marked and I think it's clear to see the handicap ramp.

Member Stancliffe: So I believe that each handicap stall would need a ramp if there's a curb in front of it.

Bo Michael: If we're insufficient, we'll add another one. I mean you're right. Certainly we have one here, there should be one here if it's not shown and it doesn't look like it's shown.

Member Stancliffe: And then, again, on the face of the building, do those indicate curb ramps?

Bo Michael: There's no handicap parking, per se.

Member Stancliffe: But the scoring pattern in the concrete sidewalk?

Bo Michael: Yes these indicate ramps that take you to flat landing.

Member Stancliffe: OK so in those cases the door is elevated at above.

Bo Michael: Slightly, yes just to get water to move away from the doors.

Member Stancliffe: Ok very good. Thank you.

Chairman Oster: Are there any other questions for Bo tonight? Is everybody clear on how this is going to be put on our agenda for our next meeting? OK I guess there are no other comments, Bo. Thank you very much for your patience and walking us through this. I appreciate it.

Bo Michael: Thank you for accommodating me. We'll see you on the 4th.

Chairman Oster: OK next is the Farrell special use permit and site plan. I would have to assume at this point that Attorney Gilchrist will now join us again.

Attorney Gilchrist: You're correct, Russ.

Pat Poletto: Chairman Oster, I just want to mention one thing. The cursor everybody sees on the screen is my cursor, it wasn't Bo's. It's mine that's on the screen. So I'll try to keep up with you guys moving to what you're talking about.

Member Stancliffe: You could also share the screen, correct?

Pat Poletto: I don't know, can I?

Chairman Oster: Why don't we try that when we have another blue print up there? Brian Holbriiter is going to be representing the Farrell special use permit and site plan, so why don't we try that. Why don't we have this letter up here?

Pat Poletto: I'm just waiting to go to the next one. I'm sorry. Farrell.

Chairman Oster: OK. Linda, the shared screen here is that green arrow there...how do we do that? Just press it and see what happens?

Member Stancliffe: Well the person who started the meeting needs to allow it...I believe it's on the pull-down view options. Do you have that on the top?

Pat Poletto: I'm working on it, just bear with me. Would it be remote control?

Member Stancliffe: Yes, I think you can allow remote control, is that correct?

Chairman Oster: Brian, do you have any experience with this?

Brian Holbriiter: Um, no.

Pat Poletto: On the remote control just now I put it on auto accept all requests.

Member Stancliffe: OK let me try it from mine. It says that you disabled the participant screen sharing.

Pat Poletto: Oh, did I? What I just pulled up is that I can give remote control to specific people.

Member Stancliffe: Yes, that should work.

Pat Poletto: So I'll give it to Brian at this point.

Brian Holbriiter: I'm taking my mouse and moving it over top of the drawing that Pat has up. I have it over the top of the building on 1C and now I'm moving it over the top of the building on lot 1B, can you folks see that?

Pat Poletto: On my screen it says waiting for Brian. There you go I think you got it now, Brian.

Chairman Oster: That you Brian, bouncing it around?

Brian Holbriiter: Yes that's me doing circles.

Chairman Oster: Now that we have control of the meeting a little bit, Brian would you like to give you presentation on the Farrell special use permit and site plan?

Brian Holbriiter: Yes, this project I originally brought before the Board back in February before we had our halt to having meetings. At that time, the Board members had requested some additional information. That additional information has been submitted and one of the items was a question regarding the well water supply and how the Health Department felt about a well servicing the duplex building and I submitted a letter from Rensselaer County Health Department engineer Garrett Gardner dated March 12, 2020. That should be one of the items recently submitted. I also submitted New York State DOT driveway permits for both lots 1B and 1C. And then Member Mainello had asked about having engineer Carl Aiken's drawings updated to reflect the layout of the duplexes and the driveways and the septics to more match my site plan, which Mr. Aiken had provided me and I submitted those documents. So, with all of that information and the information originally provided, I'm hoping we're working toward having a complete application.

Chairman Oster: This requires a special use permit and consequently a special use permit requires a public hearing on this. So in preparation for a public hearing I think I reviewed some of the documents that you had mentioned. You seem to have the water supply comments made from the County that were OK for the duplexes. I saw the other documentation so forth and so on. At this point I would like to ask the Board whether they have any questions regarding the site plan or the special use permit for that matter. OK, does engineer Bonesteel have any questions as he had an opportunity to take a look at this plus the documents that were submitted with it.

Wayne Bonesteel: I did have an opportunity to review all the documentation and based on that, I feel that the site plan and special use permit application are complete and I really don't have any comments.

Chairman Oster: Attorney Gilchrist, is there anything that you would like to add?

Attorney Gilchrist: Just a couple of things. First, we want to confirm that the applications have been forwarded to Rensselaer County Planning Department for review and recommendation. Because it is on a State highway. Second, I do want to review the language of the 30-foot easement on the west side of lot 1C. Just to confirm that having those parking spaces within that 30-foot easement right of way is not in conflict with the terms of that easement. So we should just confirm that. But, other than that, no comments at this point.

Chairman Oster: Just as a clarification, that's the easement that goes up through the whole original parcel all the way to Pinewoods Avenue, is that correct?

Attorney Gilchrist: That's my understanding. Brian, is that correct?

Brian Holbriiter: You are correct, that 30-foot easement was given to the Town of Brunswick to, at some point, loop the water line and I think even with some parking spaces there that it's still able to be accommodated.

Chairman Oster: Any comments from Board members at this point?

Member Stancliffe: The lots on Pinewoods Avenue that are also on this former large lot, they're significantly far away from these lots...is that correct?

Brian Holbriiter: They're probably 900 feet, 1,000 feet from these two lots.

Member Stancliffe: OK thank you. I have no further questions.

Chairman Oster: Based on the comments from engineer Bonesteel and the completeness of this application, we do have to get a letter out to the County, however based on that I think it would appropriate to schedule a public hearing for this which is required. We are usually going for two meetings away. So, at this point, the next available date for a public hearing would be June 18. Is that an acceptable conclusion, Attorney Gilchrist?

Attorney Gilchrist: Yes it is, that gives us adequate time to get the public hearing notices published. I'm presuming, Russ, that would be right at 7:00pm?

Chairman Oster: Correct. Brian, are you all set with that?

Brian Holbriiter: Yes. That sounds good. If there's anything else needed from me, just please let me know.

Chairman Oster: Well one of the things with it being basically two meetings out is the fact that we should get a response back from the County by then, I would assume. So that would work out probably to your advantage.

Brian Holbriiter: OK, thank you.

Chairman Oster: That concludes the Farrell agenda item. Next is the Gallivan minor subdivision. I believe Brian Holbriiter is also representing them.

Member Stancliffe: I'll be recusing myself on this application.

Chairman Oster: Thank you, Linda.

Brian Holbriiter: Yes, I am representing this project. We also looked at I believe in February, there were some questions as to whether we were going to let this be a minor subdivision or if we were going to have to make it a major subdivision. We really haven't had any further conversation about that, but there were some questions raised I believe it was by Member Tarbox regarding the DEC wetland that is on the parcel on the south side of Deepkill Road and on the easterly side of Smith Hill Road. And we had that looked at by North Country Ecological Services and they've provided a letter which I submitted to be added to this application that is dated April 3, 2020. It would appear as though all of the wetland is on that 3-acre parcel, which we are proposing to annex

into that existing lot and the 100-foot buffer from that DEC wetland comes out into the road but does not cross over and interfere with our proposed improvements on those two lots right on Deepkill Road. So I guess I would like to kind of just brush the dust off this, figure out where we're at with it, and get the Board's input as to what we need to do to move toward having this as a complete application.

Chairman Oster: I guess there has to be a determination whether this is a minor or major subdivision. I'm going to ask Attorney Gilchrist to possibly fill us in on where we stand with this.

Attorney Gilchrist: I do apologize to the Board and to Brian, quite frankly, I'm not sure where we are on that. This does need to be dusted off, I think. I'd like the opportunity to get back up to speed on the application and review that with engineer Bonesteel as well. So that we can make a determination of minor or major subdivision and if the Board is inclined to give us that time, we should have that determined by the next Board meeting on June 4.

Chairman Oster: Thank you. Brian, are you OK with that?

Brian Holbriiter: Absolutely. And if there's any information I can supplement to help with that determination, please feel free to reach out to me.

Attorney Gilchrist: Thank you, Brian.

Chairman Oster: OK I'm going to just quickly open up the floor to the members. Are there any questions on this right now? Obviously you see the problem, this has been an ongoing project for quite a few years and it has been divided so forth and so on, so we're trying to figure out exactly at this point whether it should be treated as a major. But are there any questions from anyone on this? OK, Brian we'll put you on the agenda for our next meeting scheduled for June 4, 2020 and hopefully we'll be able to determine that. Once again this is going to require a public hearing even if it's a minor subdivision so this may be one of those things that's going to go on for a few months here.

Brian Holbriiter: That's understood and we just want to chug along and keep working towards a final goal here.

Chairman Oster: Thank you, Brian. We will put you on the agenda for the 4th of June and hopefully we will have a determination on the subdivision status.

Brian Holbriiter: OK, thank you.

Chairman Oster: You're welcome. That concludes the Gallivan minor subdivision. The next item on our agenda is the Blue Sky Towers III, LLC cell tower on the Zouky property. I'm going to, at this point, welcome back Linda....assume she's back. Attorney Gilchrist, would you like to just review the shot clock thing we had with this.

Attorney Gilchrist: Certainly, the applicant's attorney David Brennan can fill in where I omit anything but, in general, this is an application governed by the Federal Telecommunications Act and in conjunction with that there are Federal guidelines on timeframes within which determinations on the application need to be made. Generally referred to as the "shot clock"

period. That period is capable of being extended upon agreement between the municipality and the applicant. In this case, the shot clock has previously been extended. We are coming up on the time of that extension and we're now in discussions with the applicant on extending that shot clock timeframe. I'll let Attorney Brennan fill that in. Just as a matter of procedure, Chairman Oster indicated earlier that this is not a public hearing tonight. There is a site plan and special use permit application pending before the Planning Board as well as a use variance application pending before the Zoning Board of Appeals. The Boards have held the public hearing and the public hearing was closed on those applications. Public comments have been received and the applicant continues to prepare formal written responses to those comments to submit to those Boards. And I'll also note for the record that the Town has retained Laberge Engineers, Ronald LaBerge, P.E., as the review engineer assisting both the Zoning Board and the Planning Board on the review of these applications and he's in attendance tonight as well.

Chairman Oster: I'm going to turn this over to David Brennan to give us an update on this, if you would please.

Dave Brennan: I'm with the law firm of Young Sommer, can everyone hear me ok? OK thank you Mr. Chairman. Again, Dave Brennan on behalf of the applicants in this matter. So by way of background, certainly Attorney Gilchrist covered the majority if not all of the background facts which is that we did have our joint public hearing back in January with both Boards, held on the 16th of January. The Boards held those public hearings open for the receipt of written comments and those were supplied to me by the Town. We're in the process of finalizing a response to that. I was hopeful to have it out by today but honestly I didn't want to drop that on your desks because this is one of those applications where we've had a little bit of passage of time due to world events and so this is, to borrow someone's phrase, a little bit of a dust off as well. But I do have my letter in response mostly done. I'm waiting for some technical materials and hopefully I can get that out in everyone's hands at the end of next week and respond to the public comments. I have my portions drafted, I'm just waiting for some additional information. Coming forward in time, we took this time and some of the comments that we had received from the Boards and the public and what we did submit on May 5, which was distributed to the Boards, was taking a look at whether there were any alternative locations. And so before I get into that, I do want to circle back before I move on and forget it. On the shot clock issues, Andy was entirely correct. The shot clock on the Federal level for a new tower is 150 days and that is subject to certain tolling of the running of that clock. And it was certainly tolled for a long period of time between when Mr. Laberge issued his initial review letter (I'm going to say it was June 6 or so of 2019) and when we did our balloon fly and submitted a written response in November. So that 150 sounds like it should have been over a long time ago but it was not over until into 2020. And, as Andy indicated, the parties have agreed to extend that time period through essentially the end of May. Which, at one time, would have been plenty of time but certainly we were intending to probably see you in March and that wasn't going to happen and then certainly April no one was having meetings and so, in light of that, we have requested and are asking for both the Planning Board and Zoning Board to extend the shot clock through the end of June and that's what I have agreement from my clients to extend until. I do think as a practical matter, we're going to have some meetings I would hope in June and we'll see where we are but I don't know necessarily that we will get through this in June. So I would certainly think we'll probably be looking at another extension. But I need to take that in bite sized portions with my client. So the reality is, Andy would tell you privately that we don't want to be in a shot clock fight. We would like to extend it. The Boards have all been

working very nicely with us in reviewing this and at some point everyone will have enough information to make a decision one way or the other. That's really what the shot clock is about, getting to a determination by the Boards. My expectation right now is certainly that I've not seen anything that anyone of the Town of Brunswick is abusing the time period in reviewing it. To the contrary, you've been looking at things and responding. So, it always sounds ominous, I don't like talking about the shot clock because it sounds like a bit of a veiled threat but that's not where we want to go. I just need to make sure that I don't let it lapse. So I'm asking for the Board to extend that. So what we have done in the meantime is we submitted this letter dated May 5, 2020. Our technical folks went out and I would note, if you can see them on your screen, we have Sarah Coleman from Airosmith Development and Rick Andrews our RF engineer on the screen listening in right now and available if we have something in particular. But we did look at whether there were any alternative locations. As you recall, and Mr. Poletto if you don't mind scrolling down there's a map on page two that you had. Thank you. So can everyone see my mouse?

Chairman Oster: I do not. OK now I see one. You're circling option 2?

Dave Brennan: Yes, that's me. OK thank you. This is the same map that the Boards have previously seen that has three alternatives on it. Option 3, which is closest to Creek Road, that's the one that required a 240-foot tower. Option 2 which is the primary emphasis of the application right here, which required a 150-foot tower. Option 1 at what would be the top of the hill going up from Creek Road requires an 80-foot tower. We did take the intervening time to look...some of the public had asked about, why can't you do it on the other side of the National Grid right of way, and we did investigate that property. One lot is for sale, however the folks in that subdivision have been putting deed restrictions limiting the use to residential as part of that subdivision. So that's not something that we're able to advance. They also offered to sell it to us and I don't believe we could get around that deed restriction but they also said we could buy it now and own it but we're not going to give you any sort of timeframe to go through a review process, which is another problem. But the bigger problem is the deed restrictions limiting lots in that subdivision to residential uses only. What we also did do in the letter that was presented to the Boards is we did go out and fly a drone. We did not fly it at the 240-foot location because from the best I can tell that with a light on top of it was not anyone's preference but they flew a drone at location 1 here, the primary location 2, and then another location I'll show you on the next map which is basically down in this area where the text is. And that's up at the top of the hill and would require a 90-foot tower. I'll try to play the videos if you want, or Chairman I'll defer to you if you want to look. But basically the videos show you a bird's eye view of the drone at the various heights in the air, what you can and can't see. The idea was to provide some additional information to allow the Boards to evaluate the relative strengths or weaknesses of the different locations.

Chairman Oster: Do you think we could get one of those videos up?

Pat Poletto: Which one would you like to see?

Dave Brennan: If you don't mind going through them in order from location 1, 2 and then 3. If we can get them to work let's try it out. If not, we'll take it up separately. The other option would be to have me put it up on my screen, using the share screen.

Pat Poletto: Yeah it doesn't appear to be running.

Dave Brennan: I see you've got host disabled participant screen sharing.

Pat Poletto: I'm new at this. Where along the bottom can I change that?

Dave Brennan: I think you have to do it, and I might defer to Member Stancliffe, it's probably in the options across the top where you can allow someone to do that. And the other thing is it may be a setting when you set up the Zoom meeting to prevent shenanigans and I don't know if you can turn it off from the screen or not.

Pat Poletto: I can't find it. It shows that you have control of the screen but....

Dave Brennan: Well we did submit a link so everyone can look at the videos on their own. Basically what I was going to try to do is go through those videos with you and basically I think the one that I would say to focus on is, and the point of this is to see if the Board, and I'll take this up again with the Zoning Board, to move toward if there is a preferred location or not. Certainly we've heard at the 150-foot tall location, which is the one we have the plans developed for, certainly Mr. Collins who is roughly to the north and the O'Brien family roughly to the south, basically look directly out of their backyards and across their backyards at that tower. And I think what you see is when you look at the drone fly for the 150-foot location when that drone is circling around and doing a 360, you can see directly into those two yards which is what certainly, amongst their other issues, they were complaining about. What I do think is the option at the top of the hill, whether it be 80 or 90 feet, we're proposing those as stealth monopine trees and each of them is in a stand of trees. And I think when you look at those you'll see that it takes the location out of the direct line of sight of a number of homes, particularly location video 2 at 90 feet. What I'd like to do is ask the Board to look at those videos sometime after the meeting and before the next and see if we can explore those to see whether there's some consensus. And then at that height of 80 or 90 feet, we can propose a stealth tree that would be less visually obstructive than I would expect a 150-foot monopole in the middle of the field. So that's primarily what the point of those videos is, to give the Board some additional information as to the relative visibility from the different locations and when you put them in a small stand of trees there's some screening at the base and it also moved it out of the direct line of sight of a number of homes including I would also think it moves it off center from the McDonald residence which is another husband and wife who spoke that were concerned about looking directly out the backyard at the 150-foot monopole. I think at this point I don't wish to monopolize the meeting or belabor this. I would ask that the Board agree to extend the shot clock and put this on for the next agenda and then we would get our response to the public comments in to the Boards as well as Mr. Laberge for review and if we could just get back on the agenda now that we've dusted this off a little bit and we'll see where the Governor's Executive Orders and the reopening of the Capital Region takes us, whether we get to meet at Town Hall or not in June.

Chairman Oster: I had a conversation with Attorney Gilchrist today and I think maybe for the benefit of the Board I asked whether this would require, if you're going to go with an option 4, would we need to have a public hearing on this. And if I had this correct, and Attorney Gilchrist can jump in here at any time, this may be a response to more comments than it is a change of plans. Am I correct, that a public hearing would not be required for this?

Attorney Gilchrist: Russ I think you reviewed that correctly, that...well this is interesting, I'm just looking at my screen and we do now have the drone video...so as we're watching this now that it's on the screen, Dave, maybe you can explain to the Board and we'll get back to the public hearing issue.

Dave Brennan: Mr. Poletto, do you mind if you could grab your screen and back it up because it's going to end in about 20 seconds, it looks like it's almost done in that video. There we go. So this is the second location at 90 feet and it's looking essentially due west now and as you come around, you're looking now at these houses coming into the screen are the top of Sand Cherry. And what you'll see is the view from them is largely through the trees, that house that's now coming into view is the O'Brien house. You can see the opening that looks out down the hill a little bit further. We're now panning, headed towards roughly southeast. If you look at the compass in the upper right corner, you can see where we're looking on the compass. But we're looking out now over the fields roughly toward Creek Road. And then we're coming back around and coming onto the screen in a moment will be the Collins homes and barns and outbuildings with the red and again now we're looking more through the trees. In the foreground you're seeing the tops of the trees and now we're coming back around and we're going to be seeing some of the homes behind some of the trees, Eagle Crest, so this puts it into a stand of trees behind some trees that could be done as a stealth monopine. And I believe that at 90 feet would have been the second location, which is what the Chairman was referring to as the new alternative. So it does say on the top it, Mr. Poletto put up location 2. If it's possible, do you have the others queued up?

Pat Poletto: It takes a few minutes for them to load because the files are so big.

Dave Brennan: So in response I believe the Chairman was asking a question about whether this was in response to comments and it certainly was in response to comments where we were seeking to propose an alternative that was more palatable, that was the shortest height possible and also one that could be camouflaged as a stealth monopine tree. And I do think in particular it hopefully addresses some of the concerns particularly if you were to view the video that Mr. Poletto's queueing up now. This one is location 1 at the top of the hill. It's 80 feet above grade. Again it's in the stand of trees so this is one of the original locations at the top of the hill. And as you see we'd be proposing to put it in the stand of trees. You see this is a leaf off condition but there's a fair amount of screening behind a number of the homes. So this is was the top of the tower would be at. And there would be some visibility of it as a monopine but that house that just went through the screen was the McDonald house with the pool where it's now no longer front and center out the back. As you come around here and you look, you'll see the top of Sand Cherry and those houses. And again, as it comes around, you'll see that this location like location 2 takes it out of the backyard visibility of the O'Brien's who have the opening in their backyard that looks directly across at Mr. Collins house. Those pines that you just saw in the foreground are where the 150-foot tower would go. So basically it pulls it up to the top of the hill and gets it out of the crossfire of the viewsheds out of the back of Mr. Collins and Mr. O'Brien from our perspective.

Pat Poletto: The third one hasn't loaded yet.

Dave Brennan: This is still the first one, yes.

Attorney Gilchrist: Responding again to the Chairman. The information that's been submitted I think is properly reviewed as part of the response to the public comments, particularly with respect to visual impacts and one way to address that is to propose a location still on the project site that tries to address comments concerning visual impact. So we can review that, Russ. But I do see it in the nature of a response to public comments.

Dave Brennan: So Mr. Poletto has the third one. This is the 150-foot location. As we're coming around looking at the top of Sand Cherry, as you see right coming into the screen, that's the backyard of Mr. and Mrs. O'Brien and so we've got photosimulations of this as well. But you can see that looks directly out their backyard across their pool at this location and then further into the viewshed toward Mr. Collins and he looks correspondingly back. Leave it to what people believe, but I think it was highlighting that they've got a direct view and as you move it further up the hill, decrease the height in stealth that it goes a long way towards mitigating, I'll let them obviously speak for themselves, but I heard them loud and clear that they didn't like the fact that it was directly out their backyard like that at 150 feet tall. We're coming across the hayfields, eventually it'll be at the bottom of the, excuse me the cornfields, the bottom would be Creek Road. We're coming back across and Mr. Collins' property will come back into the frame momentarily. There's his outbuildings and the home as you can see they're looking directly across at it too. As you rotate eventually a little bit further you'll see coming into the frame the ground elevation goes up and there's the stand of trees where, and it looks very close but it's a decent bit away, so behind that stand of trees in the middle of the frame would be where a stealth monopine, that would be location 1 a little bit to the left of there but Pat you had your cursor right about there would be where the stealth monopine could go. And if it rotates a little bit further you'll see that there's a little hook before you get to the top of the cornfield, there's a little bit of pasture or grass coming up and behind the....

Pat Poletto: Want me to go backwards?

Dave Brennan: I'm sorry it must have been at the beginning we missed it because it's just out of the frame at the beginning of the video. I apologize. So this is again the house directly in front of is the McDonald house, they were unhappy looking across their pool at this. But as you look coming into the center of the frame if you could pause right about now, there's a little bit where the cursor is to the left of that is where it would be the other potential for a stealth monopine would be back in there hidden in that tree that puts it tucked away from the majority of the direct views that were giving rise to some of the criticism and concerns. And at that location where the cursor is would be a 90-foot tree. At that height, there's always this tension of you can only have so many sets of antennas on it and have them work. So at an 80 or 90 foot tall antenna center line with the 15-foot cap on top of it, it would be AT&T and Verizon Wireless antennas. It was be not expected that you could put additional antennas because they would be getting so close to the ground it would be unlikely that Sprint and T-Mobile would be interested in that height. So there's always a tension between going low and doing a stealth tree and the number of carriers you can put on it. That is a trade-off that Blue Sky is willing to make and make this work and do it and the best case that we have is to do a stealth monopine tree.

Chairman Oster: Thank you, Dave, for the presentation. Thank Pat for figuring out how to put the videos on, I thought they were very helpful. But I think everybody can go online, look up the minutes of the Planning Board on the Town website and those connections to those videos are

available on the Town website if you want to take a look at them again. I have a question for Attorney Gilchrist at this point. Do we have to make a motion on the shot clock?

Attorney Gilchrist: No, that's not necessary. That's something that we've extended previously just on a letter. And I think what I'd like to do is have the opportunity to review that again and discuss it with you and the Zoning Board Chairman and I'll follow up with Mr. Brennan prior to the expiration of the current shot clock.

Chairman Oster: Thank you. So I got the impression Dave that you will be forwarding your final written comments shortly, is that correct?

Dave Brennan: Yes, Chairman. I do have my letter largely done. We were waiting for a couple attachments so we'll get that out. And, again, if I could with the Board's indulgence, if we could be held on the agenda and if it makes sense we would come back in and review those with you and again if after people have a chance to study the drone fly videos, maybe it would be a time to have an additional discussion about the various thoughts from the Board members as to the relative strengths or weaknesses of the options.

Chairman Oster: I agree that would be great if we could get those comments by our next meeting so we can discuss them and move forward on this a little bit. So our next meeting is scheduled for June 4. We do have two public hearings, just so you know that. And we already have one item on the agenda right now for the 4th. So I don't see it as a problem to put you on our main agenda for that date.

Dave Brennan: Thank you.

Member Tarbox: I was up in Halfmoon last week and they were putting up one of those monopine stealth trees at the corner where Salty's used to be, behind the pizza shop there now. I don't know if you're familiar with that or not, Dave.

Dave Brennan: That one my office did the permitting for that. I didn't do it, one of my predecessors, Mike Cusack, that some of you may have met did that one. And that was originally built in about 2010. It's been there for about roughly a decade. And what you did see though is that they recently extended it, I believe another carrier went on, and so they took some branches off and reconfigured it and added 10 or 20 feet. So there is one there. A newer one is actually if you leave Salty's and go on Groom's Road and cross the Northway there's one that was built in the last 12 month. I can email the address to that. And then there's one up behind Catholic Central Highschool on top of Gurley Avenue, which I'm not sure I've ever seen. That's, again, about ten years old. And there's one at the top of, if you go up Route 40 into Schaghticoke right as you come into the hamlet of Melrose there's one at the top where the Town used to have a water tank. There's a very large hill just as you come into Melrose where Valley Falls Road splits off and there's one there you can look at that's probably the closest one I know of to the Town of Brunswick.

Chairman Oster: Thank you. Any other comments from the members?

Member Tarbox: How tall is the one at Salty's?

Dave Brennan: I would have to look it up, I didn't do the zoning on it originally so I don't have the best sense. I do know the planner up there pretty well. His name is Rich Harris. I could send him an email and he could probably tell me fairly quickly what it was extended to. And I do have the plans for the other one in the Town of Clifton Park that was just built, I'd have to just look that up. I want to say that one was in the vicinity of 90 or 100 feet tall. But I can look that up and send an email to the Board.

Chairman Oster: Thank you. Is there someone that wanted to say something? I thought I heard somebody try to come in on the conversation? Ok so we will put you on the agenda for our meeting scheduled for June 4.

Attorney Gilchrist: Dave, if you could try to get that in as early as you could next week, that would give Ron Laberge time to review that as well and be able to discuss at least initial review of the response to comments on the June 4 meeting.

Dave Brennan: Understood, I will see what I can do to get the thing out the door as early as possible next week. And while I'm signing off, thank you for putting this on. I've hosted a couple of these and it's quite a change to our way of doing things. Mr. Poleto thank you for running the controls. Goodnight.

Chairman Oster: Goodnight, thank you. OK that concludes our agenda. I do not believe there is any new business at this point. Just to review our upcoming meetings. I would assume at this point that we would have Zoom meetings until further notice. So at our next meeting I have two public hearings, one is for the Grab waiver of subdivision that was part of the Mickel Hill.

Chuck Golden: That is correct, and the other one is the special use permit for 46 Bott Lane.

Chairman Oster: Correct, and then on that agenda also for tonight we're adding the Gallivan minor subdivision, the cell tower application that we just concluded, and Farrell has got a public hearing scheduled for the 18th and Ace is also June 4th.

Chuck Golden: We are just waiting on the County for the 825 Hoosick Ace.

Chairman Oster: And just as a reminder you have to get one out for the Farrell project.

Chuck Golden: That is correct. I'll check the status of both of them tomorrow morning.

Chairman Oster: I have no other business. At this point we'll do a roll call adjournment. Do I have a motion to adjourn? I'll make the motion to adjourn, do I have a second?

Member Stancliffe: I'll second.

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

Attorney Gilchrist: 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 Stancliffe?

Member Stancliffe: Aye.

Attorney Gilchrist: Member Tarbox?

Member Tarbox: Aye.

Attorney Gilchrist: I note that Member Petersen is absent.

Chairman Oster: OK that concludes our meeting. Goodnight everyone and I thought we did alright for our second meeting out. I'd like to thank Pat for once again being our moderator. I don't know how long that's going to....are you going to be our permanent moderator at this point?

Pat Poletto: I don't know, we'll see.

Chairman Oster: Wish everybody a good night. Stay safe, and we'll see you all on the 4th.