

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

TRANSCRIPT OF THE PLANNING BOARD MEETING HELD AUGUST 6, 2020

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

ABSENT were LINDA STANCLIFFE 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: This is the Town of Brunswick regular meeting of the Planning Board for Thursday, August 6, 2020. If everybody could please rise for the Pledge of Allegiance.

[Pledge recited]

Chairman Oster: Thank you. Chuck Golden will now take the attendance roll call.

Chuck Golden: Attendance for the Planning Board meeting on August 6, 2020. Member Henderson?

Member Henderson: Present.

Chuck Golden: Member Krieger?

Member Krieger: Present.

Chuck Golden: Member Mainello? We expect to hear from him, hopefully later. Chairman Oster?

Chairman Oster: Here.

Chuck Golden: Member Petersen?

Member Petersen: Here.

Chuck Golden: Member Stancliffe? We expect to hear from her later. Member Tarbox?

Member Tarbox: Here.

Chuck Golden: Back to you, Chairman.

Chairman Oster: Thank you, Chuck. Our agenda this evening is as follows, or do you want to go through the protocol first?

Pat Poletto: We're doing the Zoom meeting as per Governor Andrew Cuomo's Executive Orders, which have authorized us to hold our regular meetings over the internet. To facilitate this runs smoothly and with as little technological issues as possible, we're asking the following: when not speaking, please mute your audio; when speaking, please state your name because we have to do a transcript of this so it makes it easier when you start to talk if you please tell us your name; you're encouraged to use headphones, in particular headphones with a microphone so there's no feedback or loop created; if there are two or more of you watching the meeting in the same room and you're on two different units, please mute one unit if one is talking because there's a terrible feedback when that happens. If you don't, I'll mute you. Those are the ground rules. Again, you must state your name prior to speaking. Back to you, Chairman Oster.

Chairman Oster: Thanks, Pat. Once again, our meeting agenda is as follows: Farrell special use permit and site plan, Blue Sky Towers III, LLC and Cellco Partnership d/b/a Verizon Wireless special use permit and site plan update, Leon site plan, and two items of new business which are AC Property Development LLC special use permit and site plan, and Patton waiver of subdivision. So with that being said, our first item of business for our meeting is to review the transcript of the Board meeting on July 2. Everybody should have received that. I realize that corrections and changes are probably limited to what is on the transcript but as a matter of course we should approve this and have it as a record. So I would like to make a motion that it be approved as submitted. Do I have a second?

Member Krieger: Second.

Chairman Oster: Is there any further discussion? OK all those in favor? Wait a minute, I guess I have to do the roll call vote with Chuck again, is that correct?

Attorney Gilchrist: Yes, any action should be taken by roll call so the record is clear. Thanks.

Chuck Golden: Attorney Gilchrist would you like to do this or do you want me to do it?

Attorney Gilchrist: Please do it, Mr. Golden. You're doing a fine job.

Chuck Golden: Thank you for that. Member Henderson, how do you vote on the acceptance of the transcript for July 2?

Member Henderson: Aye.

Chuck Golden: Member Krieger?

Member Krieger: Aye.

Chuck Golden: Member Mainello, are you here yet? Not yet. Member Petersen?

Member Petersen: Aye.

Chuck Golden: Member Tarbox?

Member Tarbox: Aye.

Chuck Golden: And Chairman Oster?

Chairman Oster: Aye.

Chuck Golden: The motion passes.

Chairman Oster: Thank you. OK first on our agenda is the Farrell special use permit and site plan. At our last meeting a motion was made by Chairman Oster and seconded by Donald Henderson then it was tabled until we had a draft resolution composed by our attorney Andy Gilchrist. And he has submitted that for our review at this meeting. So I'm going to turn the meeting over to Attorney Gilchrist to run us through the draft of the new motion on the floor.

Attorney Gilchrist: Well the resolution that is currently in front of you is in fact the same resolution that was reviewed at your most recent prior meeting. You get into the body of the resolution, which would be at item B under the body of the resolution. Just for the record, note that item A under the resolution are the Board's findings which you did review at your last meeting and letter B was the determination of the Board based on the review of the record and those findings. Now based on the deliberation at the last meeting, there was a text to section B of the resolution read into the record that's now been added in text to the proposed resolution. For clarity of the record, I will read item B under the body of the resolution. Based on these findings, the Planning Board hereby determines that the proposed project as described in the special use permit application is inconsistent with the general character and appearance of the surrounding neighborhood, which is predominantly characterized by single-family detached residences; that the Brunswick Comprehensive Plan emphasizes the availability of public water and/or public sewer for medium density residential development; that the Brunswick Zoning Law further emphasizes that the R-15 zoning district is generally characterized by land uses serviced by public water and/or public sewer, and generally encompasses smaller lot residential neighborhoods; that the proposed project site, while located in the R-15 zoning district, fails to provide for public water and/or public sewer, and further that the proposed project is not in harmony with the general character of the existing surrounding neighborhood; that concern about the adequacy of parking exists on this record, which raises concern over public safety in light of the project location adjacent to NYS Route 2; and that the special use permit application therefore fails to comply with the standards set forth at Brunswick Zoning Law Sections 160-65(A), (B), (G), (I), and (L), and, therefore, the Planning Board hereby DENIES the special use permit application. I think for purposes of the record while this resolution had previously been introduced by Chairman Oster and seconded by Member Henderson, they should confirm on the record this evening based upon the text that I just read in section B of the resolution that they are affirming their introduction and seconding of the proposed resolution. One last thing that I'll go over with the Board is that in terms of SEQRA compliance, the handbook that the New York State Department of Environmental Conservation issues in conjunction with its SEQRA regulation supports the conclusion that in the event an agency, in this case the Planning Board, is not going to approve an action that a SEQRA

determination does not need to be made. The handbook advises that in light of a denial of a project and that the project will not go forward, there will not be consequently any adverse environmental impact and a SEQRA determination does not need to be made. The handbook does discuss that point and we make an acknowledgement of that on the record. So right now the resolution in front of you, which has been drafted based upon the Planning Board's deliberation, does propose denial of the special use permit and if the Board is inclined to move forward with action on this resolution, a prior SEQRA determination does not need to be made. And with that, I will pass it back to Chairman Oster.

Chairman Oster: Thank you, Attorney Gilchrist for reviewing that. At this point I would...as making the motion for this resolution, I will re-state that I am making this resolution and I offer it to a second which was seconded by Member Henderson, if you could re-confirm that please.

Member Henderson: I do affirm that second.

Chairman Oster: At this point I will open up the floor for members to comment and if there's any problems or issues that have to be addressed, any additional things that have to be included in the resolution or general discussion, I'm now opening up the floor to the Board. I would assume that there is not further discussion on this. I will point out that we will now vote on this. A vote of yay means that you agree with the resolution and that the Planning Board denies the special use permit application. A nay means that you do not agree with that and obviously there could be an abstention. But I just want to make sure that the voting is properly done in the fact that a yay means that you agree with the resolution and moving forward. So at this time I believe Attorney Gilchrist will do the roll call vote on this.

Attorney Gilchrist: I think we'll continue with our protocol and have Mr. Golden do the roll call vote.

Chuck Golden: Roll call vote for the resolution presented in front of you as Chairman Oster noted that a positive vote or yes vote would be for the denial in the current resolution. Member Henderson?

Member Henderson: Chuck I think you misspoke there. We want to approve this motion with a positive vote.

Chuck Golden: Yes you approve it with a positive vote in that the resolution carries as not allowing the....

Member Henderson: Yay.

Chuck Golden: OK, Member Krieger?

Member Krieger: Yay.

Chuck Golden: Member Mainello? If he's here yet. No Member Mainello. Member Petersen?

Member Petersen: Yay.

Chuck Golden: Member Stancliffe? Are you here? No. Member Tarbox?

Member Tarbox: I abstain.

Chuck Golden: Chairman Oster?

Chairman Oster: Yay.

Chuck Golden: Then the resolution passes.

Chairman Oster: Thank you, Chuck, for taking the roll call vote. Attorney Gilchrist, do you have any other comments to make on this before we move on to our next agenda item?

Attorney Gilchrist: I do not. The vote was four votes in favor of passing the resolution, two absences, one abstention. The resolution is adopted, which means that the special use permit for this application has been denied, and that decision will be noted in the transcript of the meeting and the decision will likewise be forwarded to the Town Clerk for filing.

Chairman Oster: Thank you. This concludes business on the Farrell special use permit and site plan. I'm going to move on now to the next item on our agenda, which is the Blue Sky Towers III, LLC. So I will now turn this over to the applicant, which I believe is here.

Dave Brennan: Dave Brennan for the applicant, Blue Sky Towers III, LLC, Verizon Wireless and AT&T.

Chairman Oster: Dave, could you speak again? You were pretty low volume for me. I don't know whether that's....

Dave Brennan: Sure, testing the volume again.

Chairman Oster: OK still a little low but acceptable. Go ahead.

Dave Brennan: Good evening, members of the Planning Board. At our last meeting, we reviewed some additional photosims with the Board and we had also advised that a market study was being prepared. That was submitted by letter dated July 21. We had submitted previously a market study from the central part of New York and we were asked for one that was more geographically centered on the Capital District and we have prepared that. Similar to the prior study, it's showing that the addition of a telecommunications facility is not going to adversely impact resale values of homes. I think when we also last left off, we were also discussing and focusing on the two towers that we had submitted. One being 80 foot and another proposal being 90 feet as the two alternatives that could be set up as stealth monopine towers. Chairman Oster, from my notes, said his unofficial or singular or his own position was he thought that the 80-foot tower was preferred but we didn't get into an extended discussion with the remaining members of the Board. While I certainly defer to the Board, my position is that we're getting to a point where we're out of additional information to submit and we would be asking the Board to consider if there's a preference. I think I've heard loud and clear that the 150 and certainly 240-foot options were not acceptable, but we'd like to focus on the two different options for the stealth monopine

and advance the discussion to see if either of those are acceptable and then also talk about the next steps in the proceeding.

Chairman Oster: Can everybody hear me? Could you just kind of quickly review on a map exactly the location of the two monopines? I think one may be more preferable over another because it's more in a position to incorporate the surrounding vegetation. Am I correct on that?

Dave Brennan: Yes, we do think that there's a slight difference between the two where one has better visibility characteristics and Mr. Poletto has turned over control of his screen. I'm going to try and scroll forward here. Actually, Mr. Poletto if I could share my screen, I've got that set up to...I'm going to give up remote control, if I could share my screen...oops it's disabled.

Pat Poletto: I don't allow that.

Dave Brennan: I thought we had done that last time.

Pat Poletto: When I set up these meetings, because of people taking over the meetings in other municipalities, I don't allow it.

Dave Brennan: OK. Let me just see if I can find the...possibly I can just email Mr. Poletto the file that I'm looking at that has that on it.

Attorney Gilchrist: My recollection Pat, if you go to the cover letter that was attached to the initial photosimulation submission, not the more recent one but the original one. The cover letter itself had a map attachment.

Pat Poletto: May 5?

Attorney Gilchrist: Yeah scroll down, keep scrolling. There it is.

Dave Brennan: That's what I had on my screen that I was going to send. So the two locations are, well there's 3 locations shown on that particular photo labeled 1, 2, and 3. So location 1 is the location where an 80-foot regular monopole or an 85 stealth monopine could be situated. Location 2, the topography drops a bit, about ten feet, so the location there requires ten additional feet of height or regular monopole of 90 feet or 95 feet as a stealth monopine. The location 3 further to the east going down the hill is the original location that was proposed at 150 feet. And then off the screen even further east down the hill was where we had shown another alternative that would have been 240 feet and required a light. So when we spoke at the last meeting, we were focusing on primarily options 1 and 2, which could be set up as a stealth monopine with respect to the existing height of the trees. And then there was a little discussion about whether location 1 could possibly slide a little bit to the northeast and tuck it further into the corner as probably the last opportunity to improve anything beyond where we are. So we went through the various photos showing the visibility of the balloons and then the simulations of those balloons turned into stealth monopine trees.

Chairman Oster: Dave, from a resident's point of view, meaning the one house well both houses I believe are on the top of Eagle Ridge right there, is there a less conspicuous location as far as one or two concerns in relation to those two houses there? One is obviously closer to the

one that has the pool, and then the other one is the closer to the one that's further up on the top of the hill. Do you have any like photosimulation, I'm sure you do, from those particular locations in regard to what they would look like on either one or two?

Dave Brennan: Certainly we do, if we could bring up the letter dated July 13, we can go through those simulations and I can show you those particular views.

Pat Poletto: Dave you have control of the screen?

Dave Brennan: Thank you. So the photos that show visibility from both Golden Eagle Court and Eagle Ridge Drive are numbers 12 through 19 and I'll scroll down and get to those. So this particular photo is labeled photo P12 or photo 12 and this is on front of numbers 1 and 3 Golden Eagle Court. So kind of due north of the site, and there was no visibility of the balloon from this location. As you go along Golden Eagle Court closer to Eagle Ridge Drive, this next photo, P13 shows this is the red balloon so this is the 80-foot or location 1, this is visible below the tree line in that particular opening they were able to find a spot where you could see it in the background. Next will be a simulation of what that tree will look like through the background trees. The next photo will be P14 and 15, these are coming around the corner on Eagle Ridge Drive and this is the orange balloon which is the 80-foot option. Let me scroll back, I misspoke a moment ago, I apologize. So this option on photo 13 from Golden Eagle Court, I apologize, is actually the 90-foot balloon that is visible in that particular through that opening in the trees. The orange balloon is actually not open, which is the one that's closer and labeled as option 1. I apologize for that. So coming around the corner to Eagle Ridge Drive, this is the 80-foot balloon that we're referring to as option 1, the 80-foot location furthest north. And it does show some visibility below the tree line in the distance and then if we go to S14, this is what the simulation looks like. I believe this house is the one that is...can you see my cursor?

Chairman Oster: Yes. I can see your cursor.

Dave Brennan: OK thank you. So I'm circling my cursor right above where it says S14. That fence right there is the fence of the house with the pool which I believe is the McDonald residence. So this house on this side is the first one around the corner, or second one around the corner, on Eagle Ridge Drive. And so this would be the house that you were asking about with the pool. And so there is visibility of the balloon through this stand of trees and then this is what the simulation would look like. Photo 15...

Chairman Oster: Dave, could you go back to 14? Just as a comment on here, you can see that there's a large pine tree right to the left of the arrow and then there's like a ridge of pine trees that go towards like about 4:00 down to the other side. And then when you put the tree on there, could you go to the next one? They kind of blend in with the pine tree, so I thought that was a plus because we're looking at photos obviously with vegetation on them and I would assume that in the winter time, this would still blend in with the pine trees around it. Is that correct?

Dave Brennan: Yes, actually Member Stancliffe asked that question at the last meeting about what sort of screening would be afforded in the leave off condition, although I think she might have been speaking primarily from Sandcherry Hill. But there will be some screening

afforded even in the leaf off condition by the branching of trees without the leaves on. I did ask the engineer for an opinion of that and there will be some blending with the stealth monopine.

Chairman Oster: Thank you.

Dave Brennan: Moving down to....this is photo 15, which is showing the red balloon so I believe this is the McDonald residence with the pool behind. So now we've slid up the street a little bit. This red balloon showing up behind the house is the 90-foot location. And in this particular vantage point you can see it and then the simulation shows up looking like this. You know, when we were speaking previously, my belief was that the trees got a little but more sparse as we went to location 2 at the 90-foot tower. The trees in the foreground are, this particular one, is clearly deciduous although there's some additional screening in the foreground. Photo 16 is the house south, or as you face the McDonald house to the right so it's the one that's higher up on the hill, it's the second to last home. This is photo 16 so this is showing the 90-foot balloon directly behind the house and the simulation will peak over. My expectation is that it would obviously be more visible if the house was not directly in front of it but that was where they can find the balloon. So it peeks over but it's a function of what would be behind the house. Photo 17 that I've just scrolled down, this is orange balloon, the 80-foot proposed location. Down here you'll see the wrought iron fence and the pool ladder, so this is the McDonald residence with the pool in it which at least on Google Earth is the third home at the top of the cul de sac and so the orange balloon is the 80-foot location which is the lower one showing again peeking over some of the vegetation. And then simulated as a stealth monopine. As you can see there's several trees in the foreground that are taller than that but it's certainly not forest all the way around but there are trees that would be taller but the majority of it is below the thick tree line in the front. This photo 18 is again I believe this is the McDonald residence, this PVC fencing I believe is on the corner of the pool, so this is another view of that tree showing again the orange balloon above the tree line in the front. And then this is how the stealth monopine would look against that tree line. This particular view, photo 19, shows...I'm sorry...it looks like I've lost control of the screen. Sorry about that. This photo 19 is showing one of the last homes at the top of Eagle Ridge Drive. This is the orange balloon at 90 feet showing up. It's behind these two rather large deciduous trees and so when it's simmed it's a tough thing to sim behind those trees and it shows up looking like this. But again I think as between the two locations, this location particularly in leaf off conditions is going to be more visible than option 1. These two photos that I'm getting to, this is photo 20 and was taken in the fall. This was taken actually from the top of Sandcherry Hill and this orange balloon is location 1. So this is behind the O'Brien house standing at the edge of their property. They have, if you look at it on Google Earth, there's an opening right through here and so this is the tower in the distance and kind of beyond it would be the Collins' property. So this is what the tree would look like looking from the O'Brien property. At one point the Planning Board had asked for additional branching because we had one of the previous iterations that showed a significant amount of what would be the trunk or the steel painted brown. And in this case the branching goes down, it's about 65 feet of branching so it's about 20 feet of steel underneath that. This last photo 21 is looking out south from the Collins residence off of Colehamer. This green balloon is the 150-foot location, this orange one is the 80-foot tall location on the ridge. And so in a stealth configuration it looks like this. And what I was suggesting was if there was any room for movement it would be to move this slightly to the north to try to get it around the corner a little bit and also out of the O'Brien and McDonald's viewshed and basically tuck it into that spot behind

Golden Eagle Court where there was a little less visibility than we saw on the original set of photos from Golden Eagle Court.

Chairman Oster: Thank you, Dave. It seems to be by what you're concluding with your remarks, pretty much it would be something that I would kind of favor a little bit more to get that on that last photo, 21, possibly to get it over a little bit further into the other pines that are over that way. And I don't think it would be much more of an impact over on Eagle Ridge, it would probably be better off Sand Creek Hill or I think I got the name wrong. But from the O'Brien house it would push it out over a little bit more too. My initial option would be to take that option and move it just a little bit if you could. That's my opinion. I open the floor to any other comments that Board members may have.

Member Henderson: I have several questions for Dave. If you could go back to photo 16, P16 please. That's good right there. This is the view if you were standing in front of this house, correct?

Dave Brennan: Yes correct.

Member Henderson: OK so how close is this tower if you were standing in the back of the house looking at it? Is there a view, if there was I missed it and I apologize. I mean these people are going to have this thing right in their backyard.

Dave Brennan: It's approximately 450 feet back from their house.

Member Henderson: Is there a photosimulation or a picture of that?

Dave Brennan: From their backyard? No there's not.

Member Henderson: OK. If you could go to picture 19 please. Do you know roughly the distance between this house and the proposed location where this balloon is?

Dave Brennan: So this is the option 2 balloon, the 90-foot, and this location is my belief about 450 feet or it's slightly further on this house. I would say that's the same house actually so it's 450 feet in this location.

Member Henderson: And if I remember correctly, you said it was about 450 feet from the back of the other house that we just talked about?

Dave Brennan: Yes correct.

Member Henderson: So I know we've covered this in the past, but where is the next closest cell tower? Are there more than one in the area? I think there's one out in the Grafton line? And there..

Dave Brennan: I'm sorry to cut you off, so the existing locations—and Rick Anders, our RF Engineer and Sarah Coleman, our site acquisition specialist are also on with us as well—there is one site up in Grafton in the vicinity of the quarry. There's one on Bald Mountain at the top. There's one on Hoosick Street behind I forget which collision center it is but just past Walmart on

the north side of 7 there's a tower. There's service being provided from a little bit off one of the water tanks in the City of Troy and then there's a tower due south in the Town of Averill Park, so basically this is I would say somewhat centrally located to all those sites that are serving it from a distance.

Member Henderson: I apologize, I know this has been covered in the past, there's no feasibility to you increasing the height of any of those towers to create the same amount of service that this new tower would give?

Dave Brennan: No, all of those towers have been optimized and adding height is not going to change the signal characteristics, if anything adding height typically introduces interference. It's a matter of the existing topography and the number of users within the area that need to be covered. So the idea of serving it at a distance from a mile or more away and shooting into it is not going to provide a solution.

Member Henderson: Well I'll go back to what I said many meetings ago, we've been running this thing around the bush. I mean I've lived out here for a long time and I've never experienced a cell phone drop going over Creek Road or Menemsha Lane or any of those. I still question the need for this.

Dave Brennan: I guess my response is we did provide the RF plot so we did provide drive tests where cars are equipped with receptors where they drive the roads and we've submitted those for technical analysis to Mr. Laberge to document the need for the facility. But if nothing else, beyond the hard data and the plots would be that it's an awful business model for Verizon and AT&T to go around building sites if we don't really need them because we've got plenty of other areas elsewhere in the state and across the country to spend what capital dollars we have and so I will say that if it was not needed we would not be putting in the effort. While people may have individually different experiences with coverage and dropped calls, the data, the RF plots and the drive test data do support that we need a site in this location.

Member Henderson: Well I understand what you're saying. That's all I have.

Chairman Oster: I'm going to throw a question out there and I know some people are going to cringe. Between options 1 and 2, what is the optimal one for Verizon? Or are they both the same?

Dave Brennan: Were you addressing that to me or the Board, I apologize.

Chairman Oster: I'm addressing it to you, Dave. The question I have is between 1 and 2, the original 80-foot tower and then the 90-foot tower, even they had to move one a little bit further northeast, what is the opinion of Verizon as far as what one would they have preferred? Of those two?

Dave Brennan: Thank you. I would say that Verizon would prefer option 1, the orange balloon at 80 feet and I would give several reasons for that. That was one of the original lease locations that was proposed. We did after going out and doing some additional field study, come up with the option which is the red balloon at 90 feet. That certainly works, they both work from a RF perspective and we would be satisfied with either of them. I do think the road becomes longer

at option 2 as it puts it further up on top of the hill behind the houses more so there's definitely less construction costs associated with that location. I do think it has a little bit more topography challenges in that particular location. And so as between the two, and again I have tried to be candid all along with the Board and what I see. And I do think that the option 1 at 80 feet is both lower and is better screened. So for all of those reasons, I would suggest that the best location is option 1 at 80 feet.

Chairman Oster: Thank you, Dave. I would like to just add one thing to that. I think an 80-foot pine tree is probably more realistic than a 90-foot pine tree in that area. So from just a general aesthetic natural landscape, I would have to probably lean toward the 80-foot tower as my choice of what I would prefer. Are there any other comments from Board members on that?

Member Tarbox: Can you put the map up again, where 1 and 2 are both on it?

Dave Brennan: 1 would be the 80-foot tower that's shorter and 2 would require 90 feet because we lose some terrain and what I'm suggesting is we could attempt to get a small lease amendment and slide 1 a little to the northeast and tuck it further into that stand of trees. And I think that is what we can do with the site to maximize addressing the visibility concerns along with building it as a stealth monopine.

Member Tarbox: So your towers, neither one of them are in the cornfields?

Dave Brennan: No, neither of them are in the cornfield. There will be an access road that runs up roughly along the edge of the trees to get back there, but no they're not in the middle of the cornfield.

Member Tarbox: Along the trees, along the top of the picture?

Dave Brennan: Yes correct along the northerly side of the picture would be the roughly 12-foot wide gravel road with the utilities underground.

Member Tarbox: What kind of grade is that?

Dave Brennan: That I will have to see if I can open up the Zoning drives and give you a quick approximation. It's...

Member Tarbox: It's pretty reasonable though?

Dave Brennan: Yes, when I've been out there, it definitely had some spots to it where there's a little bit of grade to it but it's rather gradual going from Creek Road rising as you go due west.

Member Tarbox: OK thank you.

Chairman Oster: Any other comments or questions for Dave? Thank you, Dave. At this point I'm going to ask Andy to comment on where we are with this whole process here as far as...I know there's two boards involved, they have to have a...or no they don't, I misspoke. There's a use variance that has to be approved, is that correct?

Attorney Gilchrist: That is correct. There's a use variance pending in front of the Zoning Board. And I'm going to ask Mr. Brennan is there also an additional variance? I'm not sure there is. In terms of the distance from the home?

Dave Brennan: You are correct. So the history on this, if you omit the map that's on the screen, if you omit location 2 which came into the discussion later on, there's location 1 and location 3 shown there. The reason why there were two locations shown is before the Town updated its zoning, location 1 was in a zoning district that allowed towers but was too close to the homes because there's a 750-foot setback from homes. And so as a result we showed option 3 which was at the 750-foot setback from any residential structure, but then it pushed it into a zone that didn't allow towers. So that was going back in time, the original application. In I'll call it 2018, the Town Board amended the zoning and what happened is now on either side of what used to be a zoning district line, a use variance is now required. Basically in your agricultural protection overlay and the underlying districts, towers are not allowed which basically puts the majority of the eastern part of the Town out of touch for towers without a use variance. What did remain in place though is the 750-foot setback requirement, so it would require both a use variance and an area variance for the setback. The tension being that we could do it without the area variance for the 750 feet at location 3 but that tower needs to be 150 feet tall and can't be built as a tree. And I think having heard from people that the preference wasn't to go 150 feet tall. So that's the tension between the locations.

Attorney Gilchrist: Thank you, so Chairman Oster you're correct; there's the variance applications in front of the Zoning Board and the special use permit and site plan applications in front of this Board. Both boards did hold the joint public hearing so they could hear the public comments together. And since that time the Boards have been working independently on this having reviewed the same information that's being reviewed by the Planning Board has likewise been reviewed by the Zoning Board and we will note for the record that Laberge Engineers has been the technical consultant for both the Planning Board and the Zoning Board and they've been reviewing all the submissions and providing comments to the Boards. This Board, the Planning Board, does serve as SEQRA lead agency on the application. So one of the first things that this Board will need to do is once the final preferred location is identified, and obviously one of the significant issues would be any potential visual or aesthetic impact, you'll then need to make you SEQRA determination and then both Boards would proceed to act on their respective applications. Now you've clearly had discussions tonight and some Board members have weighed in as and between locations 1 and 2, the 85-foot monopine versus 95-foot monopine locations. The Zoning Board clearly has to go through that process as well. It's pretty clear I think, from this deliberation, which location would be preferred by the Planning Board but understand the Zoning Board likewise has to go through this deliberation in connection with the use variance and the area variance applications, it would be certainly helpful to understand what the Zoning Board's preference is as well because quite frankly to be fair to all parties—the Boards, the neighbors and the applicant—we don't want a situation where there is the whipsaw between the two boards with one board leaning in one direction and another leaning in a different direction. There certainly needs to be some coordination. One option would be to relay this Board's preference, identified preference, and let the Zoning Board know that. Another option would be to actually join in a Zoning Board meeting and listen and participate in the discussion with the Zoning Board on these locations. That's really up to the Board's discretion on how it wants to proceed, but we really do need to have each Board focus in on what its preferred location may be on the application. See if

they're consistent and if they're different we will need to deal with that. So, again, procedurally, you could simply relay to the Zoning Board what the Planning Board's preferred location is. You could hold a joint meeting with them so that all the Board members could collaborate on the application. It's really up to the Board's preference.

Chairman Oster: Thank you, Andy. Andy and I had talked about this earlier today, and we are sort of leaning towards having a joint meeting so we can iron out any differences without going back and forth over several meetings. Especially in the fact that the Planning Board meets twice a month where the Zoning Board meets once a month. So I would not be opposed to having a joint meeting with the Zoning Board. How we go about organizing that is something that we have to deal with as far as when and where. But, Andy, do you have any suggestions on that? Would it be incorporated in one of our meeting since we're the lead agency on the SEQRA, or would it be a separate meeting of the two boards together, or what?

Attorney Gilchrist: To try to cut through it and to be fairly direct and practical, the next Zoning Board meeting is August 17. I do believe this Cellco Blue Sky Verizon matter is on the agenda for discussion at the August 17 meeting. It will be held on this platform, on the Zoom platform. One option would be to reach out to the Zoning Board Chair to see if during that time of the Zoning Board meeting when this application is being discussed if the Zoning Board Chair would entertain a joint meeting during that period of time. We could notice a special meeting for this Planning Board to occur on August 17 and you could simply participate as you're doing tonight by logging in and being available to have that discussion. That way, by August 17, I think the boards could understand each as far as what their ideas are on these various locations and it would kind of direct both boards to continue on completing their reviews and making their determinations. That's one option, and I think if the Board is comfortable with that, Russ you and I could reach out to the Zoning Board Chair and see if that was acceptable to her.

Chairman Oster: I think that would be a viable option. I think we should reach out to the Chairperson of the Zoning Board but first let me just hear any comments yays or nays from the Board members. Is that something that we want to pursue?

Member Krieger: I agree with meeting at the Zoning Board on that date.

Chairman Oster: Anybody else? Don?

Member Henderson: I agree. A joint meeting would be good.

Chairman Oster: Member Tarbox, do you have a comment?

Member Tarbox: I agree.

Chairman Oster: Member Petersen?

Member Petersen: I agree.

Chairman Oster: Are either Linda Stancliffe or Kevin Mainello on the Zoom platform yet?

Pat Poleto: No they're not.

Chuck Golden: Member Mainello called and he is just leaving Whitehall so he will not be in attendance at tonight's meeting.

Chairman Oster: Thank you, Chuck. It seems that we do have a consensus of opinion that if we could arrange for a joint meeting that would coincide with the Zoning Board meeting on the 17th would probably work for everybody. So with that being said, I will get with Andy in the next day or two and we will try to reach out to Ann Clemente, the Chairperson of the Zoning Board, to coordinate that.

Dave Brennan: We appreciate that concept. From my last meeting in front of the Zoning Board we are on the agenda for that meeting on the 17th so we're prepared to proceed and I do agree that it would be helpful to have everybody on the Zoom platform at once, where it seems to work very seamlessly with the way the Town has it set up to encourage these discussions. So we're certainly in favor of that and thank the Board for that.

Chairman Oster: You're welcome on that matter. I would like to keep you on the agenda for our meeting scheduled for August 20 to keep this thing moving. We can discuss what is discussed at the meeting on the 17th, if there's any problems or anything like that, we can hopefully move forward and finalize this.

Dave Brennan: Yes, I've got that in my calendar already blocked out for the the 20th so that's no problem. I appreciate that, thank you.

Chairman Oster: If there are no other questions for Dave, we will close the cell tower business at this point and move on. If there are any questions please state them now. OK this is Chairman Oster speaking, then we will probably first see you on the 17th and then see you on the 20th. Thank you for being part of the meeting tonight, Dave.

Dave Brennan: Thank you very much for your time this evening, we'll talk to you in a couple weeks. Goodnight.

Chairman Oster: Next on our agenda is the Leon site plan. Are they here tonight?

Chuck Golden: I sent them both the e-mails, showed the link, Mr. Jamie Easton's email came back that he was on vacation from the 6th until the 12th and I then sent Allison Yovine an invite and did not hear anything from her. But they were on the schedule.

Chairman Oster: OK then, we will...

Rob Panasci: I don't know if you guys can hear me. I'm Rob Panasci, the applicant's attorney. Jamie Easton was on the Zoom call. I saw his name as a participant. I don't see it anymore. Does it show up on the list of participants?

Pat Poletto: I think he's on by cell phone, an iPhone? I just got a thing. Let me know find him and we'll unmute him.

Jamie Easton: Good evening, do you hear me?

Pat Poletto: Yes we hear you now.

Jamie Easton: Sorry about that, I called in and then I got disconnected and called back in. I think that was the problem with Mr. Brennan's glitch there for a little bit. I'm here tonight to talk about 660 Hoosick Street. There's really two things that are the goal for tonight. One is that the Planning Board make a motion to declare themselves lead agency so that they can send out notice to all involved agencies a letter seeking lead agency status. Two is just, it's obviously been a month since we've been on and back on July 3 our last meeting and our submission is mid-June. There was a lot of paperwork there and the goal was for the Planning Board and the Town designated engineer to review that information for tonight's meeting. At this current time, I have no technical comments received yet. So at this point I'll just hope that the Planning Board has reviewed some of the information and if you have any questions about it, certainly I'll answer them to the best of my ability or we can go through the TDE process and wait for those comments so I can start revising the plan based upon those and that way the Planning Board can make a more informed decision about the application itself.

Chairman Oster: Thank you, Jamie. Obviously everybody did receive the container of materials that you had. I don't know how many pages you had there, but a lot of that was probably more or less reviewed by the Planning Board engineer, Wayne Bonesteel. Initially, you're correct. We have to establish who is going to be lead agency and in this case there's a lot of different agencies that are involved in this, not to mention DOT, the Town with the paper streets, Zoning, they have an issue with part of the parking lot. So there are a lot of agencies involved here and you are correct that we as a Board should determine whether we want to be lead agency on this. Obviously we do have the basic of the site plan review so it would make sense for us to do that. I will hear any comments right now from any Board members if they have a problem with that. Does anyone on our Board that's on the meeting tonight have any comments initially on the site plan and whether they have any objection to us being listed as lead agency? I haven't heard anything so I'm going to just turn this over to Attorney Gilchrist to just briefly go over the procedure for declaring lead agency and the correspondence that has to be generated.

Attorney Gilchrist: So if the Board is inclined to say that it would like to be declared lead agency, the next step because of the number of agencies involved on the action, would be to the distribute a request to coordinate lead agency designation and in that would indicate that the Planning Board seeks to assume SEQRA lead agency and once that is sent out, all the other involved agencies have thirty days to review. We'll have to determine specifically what application materials go with that lead agency coordination notice. Obviously not the entire box but we'll certainly send around the application documents, the EAF most likely and the site plan. And the other involved agencies have up to thirty days to respond to that lead agency coordination. Once that period ends, or all the responses have been received, then the Planning Board could move forward and declare itself lead agency and continue its review. One thing I did want to go over and I'll ask the Planning Board engineer Mr. Bonesteel and the applicant's counsel, I just want to make sure that we have all of the involved agencies identified. Obviously we have the Brunswick Planning Board and the Brunswick Zoning Board you've already identified. In the full EAF that was submitted, the Town Board section of any government approvals was not completed. I do think there will need to be Town Board action in some respect on this project as there is proposed improvement of a Town-owned paper street. So I think we ought to include the Town Board as an involved agency and coordinate with the Town Board and make sure we get an updated

EAF page two that indicates Town Board approval on use of paper street. We've got the County Department of Health, we've got New York State DEC and New York State DOT and certainly Army Corps of Engineers is listed although they cannot legally be SEQRA lead agency. Mr. Bonesteel, are we missing any agencies? I think that's the universe of the agencies that would be involved on this review.

Wayne Bonesteel: Andy, I think that you've got them all covered. I can't think of any other local or state agency that would be included that you haven't mentioned.

Attorney Gilchrist: Then I'll ask Mr. Bonesteel, have you had a chance to review the content of the full EAF and is it in a form that's appropriate to distribute to the other involved agencies?

Wayne Bonesteel: I did review the entire long form EAF and it is complete. They've also given quite a bit of backup information in support of the contents of that long form EAF. So I would say certainly, it is comprehensive enough to send out.

Attorney Gilchrist: In light of that, I would just ask the applicant, we certainly don't need the whole document, if you just submit a revised page two that would be in section B, which is on the government approvals. Just indicate that we will need Town Board approval for construction on Town-owned property.

Jamie Easton: We'll take care of that.

Attorney Gilchrist: Good. Once that's received, I'll coordinate with the Planning Board engineer on getting the lead agency coordination materials together, what should go with that, and get that out to the involved agencies and start the lead agency coordination and designation process.

Chairman Oster: I would assume that we probably should have some type of motion declaring us lead agency and notify the appropriate agencies about that, is that correct? Do we need a motion for that?

Attorney Gilchrist: You can certainly make a motion to indicate that it would be your intent to be declared lead agency and indicate that in the lead agency coordination notice, that would be fine.

Chairman Oster: I will make that motion. Do I have a second?

Member Tarbox: I second that.

Chairman Oster: OK, we have a second. Is there any further discussion on this or any opposition to this? OK, hearing none we'll do a roll call vote on this.

Chuck Golden: This is a roll call vote for the lead agency for this project. Member Henderson?

Member Henderson: Aye.

Chuck Golden: Member Krieger?

Member Krieger: Aye.

Chuck Golden: Member Mainello is absent. Member Petersen?

Member Petersen: Aye.

Chuck Golden: Member Stancliffe, are you here yet? Not yet. Member Tarbox?

Member Tarbox: Aye.

Chuck Golden: And Chairman Oster?

Chairman Oster: Aye.

Chuck Golden: The resolution passes.

Chairman Oster: Thank you. At this point though, if there's a thirty-day notice, what is the time table for putting it back on the agenda? Would it be not at our next meeting but probably meeting after that? Is that 30 days?

Attorney Gilchrist: Certainly the Board can move forward with the engineering review comments as well as Board member comments on the proposed site plan while the lead agency coordination process is going on, so that's within your discretion and certainly you should coordinate with Mr. Bonesteel on the status of his review, but there's nothing to indicate that you have to wait the thirty days before you put them back on the agenda. You can entertain discussion on the site plan while that process is going on.

Chairman Oster: Thank you. Then I would suggest that we keep this project moving along and that you be placed on the agenda for August 20. Jamie are you OK with that?

Jamie Easton: Yeah I'm OK with August 20.

Chairman Oster: Then if there's no further immediate questions on the project...

Chuck Golden: I just had a question for Jamie. Is it normal for you to put out blasting bids prior to even receiving any permits or knowing that blasting is even allowed? I've been receiving quite a few companies that are asking me about the blasting regulations in Town.

Jamie Easton: So certainly part of the SEQRA form we did note that blasting was a potential on the site. This was discussed a little bit. So do we intend to blast on the site, because I feel it's much more efficient than having a rock hammer try to take all the stuff away and the duration for the neighbors a longer time period than blasting. I don't know who's reaching out to you, I'll be honest with you, because the only person that I know that I've given a copy of the plans to is the applicant. The applicant may have sent out information to some people to get some bids on it for bidding purposes, but the blasting question will certainly come up during, I'm assuming, the public hearing portion in which the Planning Board will need to weigh in on whether blasting will even be allowed on this site. So that's my position on that right now even though we

are proposing it, I think the final determination will be made by the Planning Board based upon public input.

Chairman Oster: Thank you. Is there another question or comment at this point? Wayne, do you have any?

Wayne Bonesteel: I do have a couple of questions. Were these plans sent to Bill Bradley so he could review the water and sewer?

Jamie Easton: Over at Rensselaer County Department of Health?

Wayne Bonesteel: No, Town of Brunswick Director of Utilities. Bill Bradley, was there a copy sent to him?

Jamie Easton: That's the Town? I don't believe we sent a copy directly to Mr. Bradley yet. We can certainly do that.

Wayne Bonesteel: Chuck is there a set lying around that Bill could take and look through the utility portion of these plans?

Chuck Golden: I will make sure he gets a set of plans to review.

Wayne Bonesteel: Another question I had is will the Planet Fitness remain open during construction if it does open again?

Jamie Easton: The ultimate plan originally was to build a portion of the site basically next to Planet Fitness first and then as the utility work went on then build I'll say on the north side basically the Aldi's and use the Aldi's and Wendy's as a pad site as they're constructing everything next to Planet Fitness for the KFC. That was the original intent. Currently right now with Covid, and gyms being really shut down, it doesn't matter right now...I don't know when they're going to open back up, but for example if that starts in the fall, you know or this winter, the applicant would love that because he can do everything on the site because the business is not in operation.

Wayne Bonesteel: The reason I ask is in your soil erosion and sediment control plan, you show construction entrances at both accesses to the site. I'm wondering if any patrons of the Planet Fitness are going to have to go through the construction entrance to get to parking for that building.

Jamie Easton: Yes we certainly show a construction entrance on Hoosick Street but certainly there is pavement there too, so it depends on when the construction firm starts operation because the existing pavement can remain in place and that construction entrance may need to be moved and shifted over the site. The existing pavement can be used to keep patrons coming in and out, but once we start getting into curb line and things like that, they'll probably be realistically be running on subbase or on a construction entrance for a small time period. Or they'll do the work onto Hillcrest first, make that connection and shut down basically Hoosick Road intersection so they can do all that work and have the patrons come in and out. Some of this has to do with construction means and methods to keep the business open and operational, if it's operational. But that's really up to the contractor and Dave Leon to coordinate and make sure that those two occur at the same time.

Wayne Bonesteel: I'm about 80% through these plans. I was going to wait until I was finished with my review to provide anything in writing. I need a little bit more time on this stormwater, it is...I won't say complex but it is involved. So just wanted to make sure that I did a thorough enough review where I could provide adequate comments and do a complete review.

Jamie Easton: I'm glad to hear that you're 85% through it, that's a pleasure to hear. I know there's a lot of new information there, but at least I can let the applicant know that the TDE is progressing with the plans and we will anticipate comments shortly from you.

Chairman Oster: Do you have any other further questions, Wayne, and are you OK with them being on the agenda for the 20th, or do you feel that it's premature?

Wayne Bonesteel: I'm pretty comfortable with them being on the next agenda and that they'll have the set of comments in their hands prior to that.

Chairman Oster: Thank you, Wayne. Are there any other questions for the applicant tonight?

Member Tarbox: This has to go to the County, I'm assuming, I'm not sure if it's ready. And my other question is somewhere down the road they'll be a public hearing for this?

Chairman Oster: There will be a public hearing for this. There will probably be multiple public hearings involving possibly the Zoning Board also. And I don't know whether we would coordinate those, but to answer your question yes there will be public hearings. Your other question, could you repeat the first part of that? I'm sorry.

Member Tarbox: About sending it to the County.

Chairman Oster: Yes, that's probably procedurally something we have to do. And I don't know at what point we'll be doing that unless there's enough information now to send to them.

Chuck Golden: And we normally wait until a public hearing is announced, that way the plans are finalized prior to going to the County but to answer Dave Tarbox's question, yes it is within 500 feet of a State or County roadway, so yes it will be going to the County.

Chairman Oster: Did we answer your questions, Dave?

Member Tarbox: Yes.

Chairman Oster: Are there any other comments for the applicant at this point, or questions? Hearing none, Jamie we'll see you on the 20th then.

Jamie Easton: Thank you very much. See you then.

Chairman Oster: Have a nice vacation. That concludes our regular agenda. Now we're going to go to new business where there are two applications. The first one is AC Property Development LLC, this is a special use permit and site plan. Is there a representative of the applicant on our platform tonight?

Nick Costa: Yes, Chairman. This is Nick Costa with Advanced Engineering and I'm here to represent AC Property & Development LLC, the applicant proposing development of the parcel located at 4048 NYS Route 2, which also intersects with Route 278. This is a parcel that is currently vacant. It's located in the Hamlet Zoning District. It's about 10.7 acres in size and the parcel, one of the parcel's challenges is that it has about 50 feet of elevation difference between the westerly side of NYS Route 32 as it goes toward the west rising about 52 feet. So, as you can see, the proposal is to develop the site with two buildings, each building would have about 8,100 square feet of retail space and one apartment down on the first floor and the second floor would have eight apartment units. So there would be a total of 18 apartment units being developed and about 16,250 square feet of retail space. As the concept plan shows, there would be an entrance from 278 that would come in to the site, and then as it gets closer to the two proposed buildings, it would have parking and eventually on both side. There are about 93 parking spaces proposed. About 27 of those would be utilized by the apartments and 66 spaces would be remaining for the retail establishments. As far as site coverage, there is a little more than almost 13% would be covered in impervious area between the buildings and the pavement and sidewalks. And about 87% would remain green. There is municipal water available at the site. If we can scroll down towards the middle of the sheet, yes thank you. Right down at the bottom here is the waterline that we would propose to connect to. And just below that, south of that, we're proposing to build an on-site septic system. As far as stormwater, what we were proposing and have been looking into is doing some underground detention system along with some open detention that would be discharge through the existing drainage system that already exists at the site. There is drainage swales that are located along the intersection of Route 2 and 278 that has infrastructure for the stormwater to run into the easterly side of Route 2, which has a good sized swale that forms part of the Quacken Kill as it makes its way down towards the Poesten Kill and eventually into the Hudson River. So the retail use is allowed by the Hamlet Zoning. The apartments require a special use permit and the application has been made for the site plan and special use permit. As far as impacts that the site would have, it is estimated that there would be a little more than 65 trips that would be generated by the proposed development. The sanitary sewer volume that would be generated would be about 5,600 gallons per day with a similar amount or volume of water that would be required by the proposal. Again this is allowed by the Hamlet Zone with a special use permit for the apartments. So if there are any questions, I'd be more than happy to try to answer those. Along with me, I think that on the Zoom call is also Jim Kehrer and Anthony Casale, who are part of the AC Property and Development LLC. If I can't answer, I'm sure that Jim or Anthony would be more than happy to answer the question. Thank you.

Chairman Oster: Thank you, Mr. Costa. I have a couple questions. I noticed that this project calls for, and you made mention of the rise in elevation of 52 feet, a retaining wall in the front of the proposal and then a retaining wall in the back. Could you kind of give us an idea of how high these walls would be?

Nick Costa: Yeah, in response to your questions, what we're trying to create is a level area due to development. So you know we haven't done a detailed grading plan, but the walls would vary in height probably at the highest point they may be about ten feet high for both of them. The one in the front and the one at the rear. But again they would also transition as you move along the site, they would also transition to meet the existing grade. So they would not be a continuous height for their entire length. But the reason why we need these walls is because of the 50 some odd feet of elevation difference and we're trying to create a flat area to do the

development. As we work our way through the process and we generate some detailed drawings, we'll have a better handle on the height of those walls. But that's a very good question. Thank you.

Member Henderson: What would your plan be to protect that leading edge when it's over 6 feet?

Nick Costa: I think that we would try to do it with some landscaping unless it's a high traffic area, we may need to put in some fencing. We also would have to adhere to whether it would warrant some guiderails.

Member Henderson: I think it absolutely would.

Nick Costa: Yes in areas it would.

Chairman Oster: Any other questions at this point?

Member Tarbox: There's only one way into this project? And is it opposite the Stewart's entrance onto 278?

Nick Costa: There is only one entrance, that's correct. And we're about halfway between the Stewart's entrance and the street that goes to the north. I can't remember, is it a street or a drive? It's next one west of Stewart's. Buck Road? I think that's correct. We're about halfway between the driveway for Stewart's and Buck Road.

Chairman Oster: Do you have any other questions, Dave?

Member Tarbox: The backs of these buildings are going to be in the backyards of the houses above them. That should be taken into consideration.

Nick Costa: Unfortunately, we weren't aware that we wouldn't be able to share our screen. We do have some elevations of the buildings and when we met with Chuck we did have the elevations of the buildings. I think that once we show you what the buildings look like, you'll agree that they're nice looking very aesthetically pleasing buildings. We'll take into account the storefronts and the entrances for the residents of the facility. But I apologize for not being able to show you the renderings of the buildings and also of the site plan. My mistake in that I wasn't aware that I couldn't use the share screen feature and I didn't get a chance to send those to Chuck or to Mr. Poletto. Next time we'll have the renderings for everyone to see.

Chairman Oster: I have a couple questions. You're talking about retail areas approximately 16,000 square feet. What type of businesses are you trying to attract?

Nick Costa: They've been working on it and it's something that I'm not as involved in as Jim and Anthony are, but they've been working on trying to attract some neighborhood type of businesses. You know, ice cream store, the type that the area lacks. It's a long stretch from Hoosick Street to this area and there's not a good variety of retail. I think that's what they're focusing on. But I think that to have the specifics I would defer to Anthony or Jim if they could chime in on that response.

Jim Kehrer: Nick touched on it, I mean maybe professional office buildings, some minor retail, something that fits into the neighborhood character of what we have at that intersection. Maybe a food delivery, some type of take out, a small little restaurant, something that would supplement the apartments also.

Chairman Oster: One of the concerns I have is possibly having a full-scale restaurant there which would certainly change the dynamics of that area, but it would also create some other issues as far as waste disposal, parking and so forth and so on. You don't have any intentions of trying to appeal to a full sit-down restaurant, do you?

Jim Kehrer: No, at this time no. The thought never came across. Plus, we have a septic system that we're dealing with so we have to be really careful about the amount of food type of services that we have on-site. So we'd like to focus on the neighborhood business, minor retail, some professional offices in there or something more along those lines.

Chairman Oster: Thank you. I appreciate those comments. Just as a sort of a flashback on this property, some of the Board members remember this was Henry Reiser's property, it may still be his property, but he proposed to have a minimart, something to almost like compete with Stewart's across the street. I think there was initially a gas station or gas pumps also proposed on here. So this is a little bit different and it probably would lend itself to the surrounding areas a little bit better than another gas station. That's just my comment. But I just wanted to say that this property was previously attempted to be developed, there was very extensive plans for that property. The only question I have is, do you think you need a second entrance on Route 2 strictly for public safety? Fire, emergencies where the one exit is blocked or something like that? Is that something you're considering or not at this time?

Nick Costa: Not at this time. As the site is very long and parallel to Route 2, if there was to be some additional development in the southerly portion beyond where the water main is located where earlier I showed you that the water main runs through there through an easement, that may need to be considered yes with the septic system. But for the proposed development we're proposing one access point.

Chairman Oster: The only reason I'm saying that is obviously these plans are going to have to be run by the local fire companies and they might have some issues with that long paved area and not having another entrance to come into. They might even recommend putting an emergency gated area at the other end. It doesn't necessarily have to be an active driveway but they might suggest that.

Nick Costa: Yes and we will certainly take a look at that. The emergency gated access makes some sense and we'll look at that and discuss it with the fire officials.

Chairman Oster: Thank you. Are there any other questions?

Chuck Golden: Wayne might be able to answer this one, either that or Mr. Costa. The crossing of the sewer lines across the water lines, what's the normal separation for those two lines?

Nick Costa: It normally is 18 inches of separation when it's a vertical crossing. And it's ten feet if it's in the horizontal dimension when you're paralleling systems there's a ten foot

requirement or in a vertical it's 18 inches. There are options when you can't get those separation distances vertically and horizontally to change the pipe material so that you're allowed to go down to six inches of separation in the vertical and less than ten feet in the horizontal. But the normal requirement or rule is that it's ten feet in horizontal and 18 inches in the vertical distance.

Chuck Golden: Thank you, Mr. Costa.

Wayne Bonesteel: What are you conceptually thinking about for this septic system? I mean as far as technical investigation. I know the soils aren't the greatest there.

Nick Costa: You're correct, the soils are not the greatest and it'll most likely be a partial fill if not a full fill system that would be required but we certainly as we move forward will be doing additional investigations and we'll get the Health Department involved with that too.

Chairman Oster: Are there any other questions? Obviously this is under new business. And the intent of tonight's presentation was just a preliminary presentation to get us moving on this project. So I would have to assume that you're working on this and you'll be able to supply us with more information in the near future. Do we have to, I'm going to ask this for Attorney Gilchrist, are there other agencies involved in this that we need to coordinate with on lead agency?

Attorney Gilchrist: There will be a number of agencies involved in this. And I'm not certain, I don't have the materials in front of me, but I think the plans should be advanced a little bit more and we'll let me Mr. Bonesteel review the environmental assessment form but yes, minimally, there will be NYSDOT, DEC, I don't think there's any other Town involvement but the Planning Board, County Health Department. Yes, you're correct, there will be a number of other involved agencies that we will need to coordinate.

Chairman Oster: And also additionally there obviously is going to be public hearings involved in this project. So with that being said, we have a chance to take a look at the material you've submitted already. Hopefully as we move along here, I'd be more than happy to put you on our agenda for our next meeting if you think you have updates coming on that type of two-week basis. Mr. Costa, would you like to be included on our next agenda?

Nick Costa: Chairman, I appreciate the offer but I think that we need to meet with the fire company, we also need to do some geotechnical investigations. So I would rather say that maybe for the following meeting. We'll stay in touch with Chuck, but two weeks I don't think will be enough to have a lot more detail in the plans.

Chairman Oster: Mr. Costa, our next meeting after that in September is the 3rd. Why don't I put you on the agenda tentatively for that? If something comes up before then, please notify Chuck Golden in the Building Department and we can move you to the next meeting or whatever.

Nick Costa: That's perfect, I appreciate that. Thank you.

Chairman Oster: So if there are no other questions for Mr. Costa, I believe we will see you on September 3rd then. Have a good night.

Nick Costa: You too, thank you.

Chairman Oster: The final item under new business is the Patton waiver of subdivision. Is there a representative of the applicant here tonight?

Richard Patton: Yes, Richard Patton speaking, the property owner with my wife Lynne Patton.

Chairman Oster: Welcome to our meeting. Why don't you give us a brief outline of what you want to do here and we have the map, we have received the application and so forth and so on. Generally speaking, under waivers, we introduce them at one meeting and then on the following meeting we take action. However there are certain cases where everything is pretty obvious and we can move forward. Why don't you give us a brief rundown of exactly what you want to do here and we can open up the floor for some questions and see where we go from there.

Rick Patton: Basically what we're doing is eventually we're going to be selling the house so we are looking to subdivide basically just to give us another lot either to sell later on in the future or if things don't work out maybe we'll end up building a house or something there. Right now it would really be just subdivided for resale.

Chairman Oster: Give me an idea of where this is in relation to Pinewoods Avenue. I notice that the Country Club property is on one side. Whereabouts is this?

Rick Patton: We are directly across from Eagle Ridge.

Chairman Oster: OK, I see that now, I'm sorry. That was a dumb question I guess. It's right there.

Rick Patton: No that's fine. It's basically what our plan was, to just subdivide it and get another building lot possibly or whoever buys our house now also may be interested in it. So it would be just a little more revenue for us. It was just more of a smart move on our part.

Chairman Oster: At this point are there any questions from the members?

Member Tarbox: You're on public water?

Rick Patton: Yes, you're correct.

Member Tarbox: And the location of your septic system?

Rick Patton: A septic system is directly in the back.

Chairman Oster: Did I lose audio? Is everybody here?

Voices in Unison: Yeah, we're all here.

Chairman Oster: Oh ok, the silence was deafening. I noticed that there's a creek in the back there, a ditch? That's an active stream I would assume because it probably goes down to the Country Club.

Rick Patton: Yes, that is runoff, it actually comes up above up by Pollock's and it also comes across the street when it rains. It does dry up but really only during the really dry season. There's water running down through there now but pretty much a trickle. It'll be running pretty good after this past rain.

Chairman Oster: Is there any delineated wetlands there?

Rick Patton: No, as a matter of fact I had entertained possibly putting a pond back there years ago and did some research and found out it's not even a regulated stream through DEC or anything.

Chairman Oster: I would assume that Bill Darling would have put those on there. Now this is zoned is it R-40?

Chuck Golden: I believe it's R-25.

Member Tarbox: The map says zoned R-40. Right above the Pinewoods in Pinewoods Avenue.

Chairman Oster: OK, yup.

Chuck Golden: I'll confirm that.

Member Tarbox: Could you repeat where the septic is?

Rick Patton: Directly behind in the back of the house. A little bit closer to the house. The tank is probably only maybe ten feet away from the house.

Chairman Oster: What is this well that's off the corner there of the parcel?

Rick Patton: That is the original well that fed the house itself. It's still there. Still intact. I have it covered up with a steel plate. It's no longer being used but I couldn't see filling in a perfectly good shallow well.

Member Krieger: Where is the well for the house?

Chairman Oster: I think there's public water through there.

Chuck Golden: Member Tarbox as well as the application as well as the application that the Pattons filled in is correct, it is R-40. I was incorrect in saying it was R-25.

Chairman Oster: Engineer Bonesteel, do you see any issues here, any red flags?

Wayne Bonesteel: I'm a little concerned about how close that lot line is to the septic system. It's only 50 feet from that line to the house. Would you happen to have any plans on the septic system, or did Bill Darling locate any of that for you and not show it on the map?

Rick Patton: No. I didn't indicate anything like that to him. I could relay that and have that added.

Wayne Bonesteel: Which way do the laterals run? Do they run east-west?

Rick Patton: They run, yes, parallel with the back of the house.

Wayne Bonesteel: I can check the DEC wetland maps too and see what shows up, to see if there is any mapped wetland. I would like to know where the laterals are for that septic system. There are requirements as far as the distance to property lines. I can't remember exactly, it's not a lot, but 50 feet doesn't seem like that much of an area to fit a whole septic field and still have lateral clearance to the property line. But I can check and see what that requirement is as well. The stone driveway that's off Powers Ave, that's existing, what was that originally for?

Rick Patton: That was basically gravel filled and that stone driveway is basically just access to pulling in and unhooking equipment.

Wayne Bonesteel: What is the topography like there? Is it relatively flat coming off Pinewoods Avenue or does it drop down to that pitch or swale?

Rick Patton: Yes it's flat for the most part until it gets back to about where the well is and then it starts dropping off to the stream back there.

Wayne Bonesteel: I just want to make sure it's a buildable lot, that there's still enough room to put a house and septic system in the back without getting to that area where it drops off. The topography has to be such that it's a buildable lot and you're able to put a septic system in because there is no sewer.

Chairman Oster: I have the same concerns. I think we have to know where the existing septic system is in relation to the proposed boundary lines of the waiver here. The other thing is, Engineer Bonesteel brings up a good point about the wetlands. I seem to recall that when the project to put townhouses and everything along that easterly side of the country club all the way over to Route 2, that when they entered from Pinewoods Avenue, there were some wetland issues involved with that property and they had to do some mitigation type things there. I'm going to refer to Andy on this. Do you recall that, Andy?

Attorney Gilchrist: I do recall that the project site, I'm not exactly sure where, but I know that project in its entirety had some fairly significant DEC wetland issues and that's principally what held up the construction because of some wetland issues and some stormwater compliance issues. So it's good for Mr. Bonesteel to review the existing mapped DEC wetlands for the proposed lot. I would think this is somewhat removed from that proposed project site, but nonetheless it's good to make sure on the DEC mapped wetlands.

Chairman Oster: This ditch or like stream though there is the one that goes all the way over to the golf course and it is the one, if I'm correct on where this is located, also where Rifenburg put that crusher run too to start that project and that's where they had the issues as far as crossing that stream. But I may be wrong. Don't hold me to that. But I think what Wayne is suggesting is let's take a look and find out exactly where the wetlands are so they can be properly designated on this map. And Bill Darling can coordinate with him if he has to put it on there. Is that true, Wayne?

Wayne Bonesteel: Yeah, Bill can coordinate with me or give me a call and find out what I need to see. I also, Rick, would it be ok if I could drive in there? Stop in, drive in that driveway to take a look?

Rick Patton: Could you repeat that?

Wayne Bonesteel: I'm wondering if you object to me stopping by and looking at the lot.

Rick Patton: No, not at all, we would prefer to make sure that this is done right. We don't want to really invest anything or be disruptive to the Town, so not at all. That would be fine and I will give Mr. Darling a call also to have him come and put the septic system on the map here.

Wayne Bonesteel: Thank you.

Chairman Oster: I think we want to make sure everything is proper on this and I think that we ought to have Bill Darling do that with the septic system and we will take a look at the wetlands delineation and we will get with Mr. Darling on that also. We'll make sure that this is complete before we proceed. If that's find with you. I don't know what the time table would be on doing this. You certainly can have as much time as you want but our next meeting is on the 20th. I don't know if that could all be done by the 20th or whatever. And I don't know how much of a hurry you're in either.

Rick Patton: No we're not necessarily in a big hurry. But we don't want to take up too much of your time either.

Chairman Oster: How about we try to make sure it's right and make sure that down the line you don't run into problems selling the lot if there's some issues with?

Rick Patton: We agree with that, yes. Because we don't want to go through all this to find that we're just selling someone a headache, you know?

Chairman Oster: Why don't you go ahead and do this stuff and Wayne and maybe even myself will come out and take a look at the property and whenever you're ready to come back let us know. And if you get it done by the 20th, we can certainly include you on the agenda. However, I tentatively put you on the agenda for the first meeting in September, which is September 3. Just as a fallback.

Rick Patton: Ok, I appreciate that. Thank you.

Member Tarbox: Can you put stakes out on Pinewoods where the corner of the proposed lots are?

Lynn Patton: There are already stakes there currently. Surveyor Darling did that.

Member Tarbox: Thank you.

Lynn Patton: You're welcome.

Chairman Oster: If there are no other questions, we'll let you go at this point. Possibly see you on either the next meeting or the one after when you get everything all set.

Rick Patton: Thank you very much. Have a good evening.

Chairman Oster: Thank you and have a good evening. That concludes the new business. I would like to discuss something quickly under old business. And that is we have an option, we were talking about this and I was talking to Phil Herrington and Andy Gilchrist today, about the idea of possibly eliminating the Zoom meeting and go back to open meetings at our next meeting. We can do that. There would be some logistical problems involved in that. Obviously we have to do a little planning. But what I'd like to do right now is just have Andy make a comment on what restrictions we have and so forth and so on. You know, if there's any problems with doing that. So Andy could you just briefly go through the open meetings situation at this point?

Attorney Gilchrist: So right now the Governor did extend his Executive Order which allows these remote meetings over the Zoom platform to legally continue until September 4. But that is simply an option. It's really up to the discretion of the Planning Board but you still also have the ability to meet in person. There are a couple of rules that are applicable here. First, you should know that the Town Office is open. They have implemented some protocols and guidelines including mask wearing, temperature checks, and filling out information for contact tracing if required, if there's any subsequent testing showing that someone is positive for Covid. Those would likely be required for any in-person meeting at Town Hall. The Governor also allows now gatherings of up to 50 people but also for these meetings there would be the requirement for social distancing. It's my understanding that the Town Board in Brunswick has been meeting in person but they are complying with these guidelines maintaining 6-foot separation. For the Planning Board, it's a little more logistically difficult but doable because of the number of members as well as Wayne and me being present. But that's a doable situation. So some things to consider are, if an in-person meeting is pursued, and I will tell you that there are a number of municipalities now that are meeting in person, some allowing the public into the meeting, some being in person but not allowing the public into the meeting but videoing it so it's available online for people to watch. But if the Board is inclined to meet in person, the requirements should be mask wearing, social distancing within the meeting, we're going to have to limit the total number of people in the meeting hall. There are some guidelines on that. Attendees will be required to fill out some information on contract tracing and be prepared for a temperature check. But that is an option for the Board to consider at this point, to hold in person meetings. What the Chairman and I discussed earlier was with some larger projects coming in front of the Board, you discussed a couple of them tonight; the Leon site plan, the project proposed along Route 2 and 278, and also recall the Brunswick Acres PDD, the subdivision plats in front of this Board and that will be coming in for further discussion at your August 20 meeting, it becomes a little logistically difficult to deal with those large projects online. It can be done, but having plans in front of you on a table is probably preferable. But you just have to consider the limitations of the in-person meeting under the current Executive Order issued by the Governor. So those are kind of the things to think about, Russ. I'll hand it back to you.

Chairman Oster: Thank you Andy. Just a couple other additions to that. During my conversations with Supervisor Herrington, he said that they have figured out that probably with social distancing and separation of chairs, you can fit an audience of approximately 35 people. We

talked about possibly staging applicants that all wouldn't be in the room at the same time. However, they would be called in and maybe held in a hallway with proper social distances and so forth. Then they can be brought in when they're on the agenda. There's different ways of doing this. I have heard a lot of comments from different Board members or heard second hand that the Zoom meetings are functional but it's really an awful lot of material loaded on here that would be better served presented in person and to be able to move through the material more readily than trying to navigate a screen with a cursor and so on. There's just a tremendous....for example, the Leon project. I think there's a total of almost 2,000 pages involved with all those reports and everything like that. So to download all this stuff on our website in order to access it is a chore and I'm sure Pat Poletto would be more than happy to comment on that. But it is an opportunity to possibly try it. And we're suggesting even maybe try it at the August 20 meeting. Maybe I can open up the floor quickly to any comments that anybody has on this? No comments?

Chuck Golden: It'll probably be me that will be sitting at the door taking peoples' temperatures and I don't know we might be able to stage in the conference room. I'm not quite sure with the separation distance how large a group we can stage. We're lucky that the outdoors is still, you know, nice. So if people have to stay outside and wait for one group to clear, we can certainly do that. The seating will probably, if we want to be spaced with the six-foot separation, we'll have to break some of the members down on to tables down on the floor. We probably will not have enough microphone lead to get a mic in front of everyone, which may be a problem for those that speak softly. But I can see it being doable. Not that Pat hasn't done a great job with these Zoom meetings, but to meet in person I think we can get it done.

Pat Poletto: For the Town Board meeting what we've done is we've brought Hal, the Court Officer, in and he sets up shop right at the main door so that as everyone walks through the door he's the one who does the contact tracing, takes your temperature and guides you to where to go. For the Board meetings, we've set up the Board room and also for the courts, because they meet in the same room, we've put blue tape on every chair that cannot be sat in. We spread everything out so you can be socially distanced. We have tape on the wall where if we go to standing along the outside walls, you can fit about 35 people actually in the room. The Board members for the Town Board meeting, the mic cords are long enough. We sit them down in front. We have two of them sitting at the tables in front spread out and everybody also is up spread out on the dais and we pull the microphone cords over and they do reach for those sitting at the tables to be talking to. What we've also done is this last meeting we also had somebody come into the Town Board meeting to speak and we used wipes to wipe off the microphone and the podium after he got done speaking and no one else got up to speak. That's how we handled the Town Board meeting. I'm sure we could get the court officer in to do the same contact tracing for the Planning Board meeting.

Chairman Oster: Thanks, Pat, for your comments. Just want to express our thanks for doing the moderating of our Zoom meetings. You're doing a great job and this is no reflection on you by any means. But I think there is a desire to try to get back to some type of normal or new normal. I'm not so sure I'm a big fan of the Zoom meetings, but I'm willing to work with them. I would like to get maybe a comment from each of the members to say yeah we should try this or maybe we ought to wait until September or whatever. Obviously we're trying to maybe go for the 20th, which is only two weeks. The good part about it is there's no public hearings, so we haven't dealt with a public hearing yet. That's another issue. We have talked about my conversation with

Supervisor Herrington, which was that we have to find a different venue. It was suggested and I ran this by Andy today, that maybe we could move the public hearings into a larger venue like across the street at the banquet facility of the firehouse. We want to stay away from the schools because I think that's a problem just trying to keep that sanitized and so forth and so on for the school use. We don't have to add the Planning Board. There might be some potential for doing public hearings at the community center on Keyes Lane too. There was also a suggestion maybe we could do it out in the open. So there are different things that we have to take a look at with public hearings. But we don't have any public hearings scheduled for the next couple meetings anyway. So just a straw vote here, is this something that people are interested in pursuing now or at all? What are your feelings on it? I'm going to open up the floor to the Board.

Member Henderson: What's your reason for waiting until the 20th instead of doing it on the 4th?

Chairman Oster: The 20th?

Member Henderson: Well, whatever you said.

Chairman Oster: The 20th is our next meeting. In other words, I'm suggesting that we switch over immediately at our next meeting scheduled for August 20.

Member Henderson: Alright, well I'm in favor of that. Let's give it a try.

Member Krieger: I think we should give it a try at the next meeting, see how it works.

Chairman Oster: Dave or Andy, do you have any comments?

Member Tarbox: I'm in favor of in-person at the next meeting.

Member Petersen: I'm in favor as well.

Chairman Oster: Alright, I'm not saying this is going to definitely happen, but we'll try working on some of the logistics and keep you posted as far as where we're progressing with this. Do you have any other comments on that, Andy?

Attorney Gilchrist: I don't at this point. I think we should follow-up with the Town and just make sure we coordinate that. And, as Pat indicated, the Town Board has been meeting in person for a few meetings now and given that there's no public hearings for your August 20 meeting and a relatively lighter agenda, Russ, the only thing I have right now is the Verizon cell tower, the Leon project and I think Brunswick Acres is proposing to come in with an update on that subdivision. I think those are the only three currently scheduled.

Chairman Oster: I think also Brian Holbriiter said that Gallivan minor subdivision could probably be ready by the 20th.

Attorney Gilchrist: Yes, you're correct on that. So we do have four applicants. It's not a really extensive agenda. It's probably a good opportunity to at least give it a run and see how it works in person.

Chairman Oster: With that being said, we will keep everybody posted on that and where we're headed. Obviously we have to coordinate this with the Town and so forth and so on. We'll keep everybody posted as far as what's going on and whether we're going to be able to proceed on the 20th. Well we just went over the agenda. We have basically four items on the agenda and I'll repeat those. That's the Blue Sky Towers cell tower, we have the Leon site plan, we have the Brunswick Acres and the Gallivan minor subdivision. Those are relatively more or less probably going to be ongoing reports on some of the bigger projects. We might be able to do some action on the Gallivan minor subdivision. What was the hangup with that? He didn't submit something, Andy, could you rattle my cage here as far as what's going on.

Attorney Gilchrist: I'm going to pass the buck and ask Wayne. Do you recall what they needed to submit? I think it had something to do possibly with stormwater.

Wayne Bonesteel: I think it was both stormwater and the septic systems I think. We would always ask them to submit their septic design. But yeah stormwater was one that they haven't given me yet. So I haven't reviewed that yet.

Chairman Oster: Thank you. So we have basically four things potentially on our agenda. Like it was said, there is no public hearing so we don't have to worry about that. And we'll work out the logistics on staging and so forth and so on. So we don't have a full 35 people. I don't know at this point because there's no public hearing if there's going to any public participation or observation I should say at these meetings. But we will work on having our meeting live on August 20. If there's no other further business....

Chuck Golden: I just wanted to say that there has been quite a bit of interest over the Casale site plan and that will be scheduled for the September 3 meeting. But quite a few folks from Brook Hill are interested in that. But like I said that's not at the next meeting, it's September 3.

Chairman Oster: Which one are you talking about?

Chuck Golden: What was just previewed today.

Chairman Oster: Ohhh OK Casale, Mr. Costa. I'm sorry. OK if there's no other business, I will entertain a motion to adjourn.

Member Tarbox: Motion to adjourn.

Member Henderson: I'll second.

Chairman Oster: OK with a motion to adjourn and a second, I need a roll call vote on that Chuck.

Chuck Golden: Member Henderson?

Member Henderson: Aye.

Chuck Golden: Member Krieger?

Member Krieger: Aye.

Chuck Golden: Member Petersen?

Member Petersen: Aye.

Chuck Golden: Member Tarbox?

Member Tarbox: Aye.

Chuck Golden: And Chairman Oster?

Chairman Oster: Aye. OK that concludes our meeting. Thank you Pat for being our moderator again. And everybody have a good night. Take care.

Pat Poleto: You're welcome and goodnight.