

**TOWN OF BRUNSWICK  
SPECIAL MEETING  
JUNE 20, 2011, 7:00 P.M.  
TOWN HALL**

**Board Members Present:** Supervisor Herrington, Councilman Poletto, Councilman Salvi, Councilman Casale and Councilman Sullivan.

**Board Members Absent:** None.

**Also Present:** Town Attorney, Thomas Cioffi, and Town Clerk, Susan Quest-Sherman.

The Supervisor called the meeting to order at 6:02 p.m.

All joined in with the salute to the flag.

The Supervisor directed the Town Clerk to read the Notice of Special Meeting.

The Special Meeting was called to discuss matters pertaining to Oakwood Property Management LLC.

Mr. Gilchrist gave an overview of the numerous applications filed by Oakwood Properties to the Town Board, the Planning Board and the Zoning Board of Appeals. He further explained that Oakwood Properties terminated the MOA and requested the Town to further consider the previously submitted PDD application. They also asked that the Zoning Board further consider the appeal of the zoning violation. The Zoning Board has scheduled the appeal for the July ZBA meeting. Now before the Town Board is the original PDD application which is a legislative act. One option available to the Board is to consider the full application, continue the review, complete the record and then make a determination of whether to approve, deny or approve with conditions. Any legislative action is purely discretionary. This means that the Town can choose not to entertain the proposal in front of them. The Board should consider its options. Previous litigation with Smart Growth dealt with the nature of the PDD action. The appeals were confirmed by the Third Department which confirmed that the PDD process is a legislative action at the discretion of the Town Board.

Supervisor Herrington stated that after further consideration and on the advice of counsel he is recusing himself from any further discussion of this PDD application.

Councilman Poletto made a motion that the Town Board discontinue any further review or consideration of the Oakwood Properties PDD application in the Town Board's legislative discretion and further direct Oakwood Properties to the Zoning Board of Appeals for consideration of its appeal of the Notice of Violation issued on June 10, 2010, the motion was seconded by Councilman Salvi and put to a roll call vote as follows: Councilman Salvi, Voting Aye; Councilman Casale, Voting Aye; Councilman Sullivan, Voting Aye; Councilman Poletto, Voting Aye; Supervisor Herrington, Recused. The motion thereupon carried.

Oakwood Properties is scheduled to appear on July 18, 2011 in from of the Zoning Board of Appeals.

Councilman Poleto made a motion to adjourn the Special Meeting, seconded by Councilman Salvi.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Susan Quest-Sherman  
Town Clerk

Note: An audio compact disc of this meeting is available in the Town Clerk's Office.