

**TOWN OF BRUNSWICK  
SPECIAL MEETING  
MARCH 24, 2011, 6:00 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 Special Meeting was called to discuss the Berkshire Properties PDD application.

Mr. Gilchrist explained the PDD process. The Town Board assumed Lead Agency Status. The application has been reviewed by the Planning Board, Zoning Board, Army Corps of Engineers, DEC, Rensselaer County Department of Planning and Economic Development, and New State DOT. Wetland areas were delineated. Revisions were made to the plan to avoid any impact to the Wetlands and Wetland Buffers. Buildings were relocated. There are no Buffers with Federal Wetlands. New York State DEC wetlands have a 100 feet buffer.

A Public Hearing was held and written comments were received. Recommendations were received from the Planning Board and the Zoning Board of Appeals, both Boards issued a positive recommendation both on the concept plans and after the revisions. Rensselaer County Department of Planning and Economic Development found that the Plan does not conflict with any County plans and local consideration should prevail.

The Plan is for a Planned Development District as it is over 10 acres. The majority of the Plan is currently in a B-15 Zone with the remainder in an A-40. The project complies with the underlying zoning except for the parking area. The Commercial Buildings are in the B-15 Zone.

Mr. Kestner concurred with the zoning compliance.

The Board needs to review the Environmental Assessment Form to make a Determination of Environmental Significance under SEQRA before the Board can act on the underlying application.

Mr. Gilchrist explained that this is to determine if there are any significant adverse environmental impacts.

Mr. Gilchrist and Mr. Kestner read a draft Part 2 Environmental Impact Statement and a Supplicant Review. *The Statement and Draft Declaration will be annexed to these minutes.*

Mr. Doyle, attorney for Berkshire Properties wanted to publicly respond to comments received about the project. Because of the comments about parking proximity to the Robinson Property, parking was pulled back and a berm will be added to shield the residence. They will work with the Fire Department and Planning Board on access and traffic pattern. A Wetland mitigation area will be added and smart construction practices will be utilized for storm water. The Town has had very little commercial growth in the Brittonkill School District. This will be a positive impact for the School District. Mr. Stratton made a conscience decision to keep the residential area small with large lots as opposed to Condos. This will generate sales tax, jobs and increase the tax base. Mr. Stratton tried to buy the Robinson property but terms could not be reached. This is a 30 acre property.

Councilman Poletto asked about the relocation of parking to the BMW site.

Mr. Doyle explained that the BMW site will be examined along with this project at the Planning Board.

The BMW dealership has told customers not to test drive on Betts Road. There are other motorcycle and ATV dealers in Town. Mr. Stratton will investigate if someone will call with a plate number.

Supervisor Herrington asked Mr. Stratton about the BMW Dealership.

Mr. Stratton explained that his oldest son now owns three distribution stores. The dealerships are in Portsmouth New Hampshire which is the largest dealership in the United States, the Brunswick store is number 2 and they have just acquired another dealership in Danbury Ct.

Mr. Gilchrist explained that SEQRA requires the Board to assess the potential significant environmental impacts of the project. After revisions to the project all the impacts were found to be small to moderate. If a negative declaration is adopted the SEQRA process is at an end.

**RESOLUTIONS:**

**Resolution No. 29** Resolution Approving Adoption of Negative Declaration Pursuant to State Environmental Quality Review Act for Berkshire Properties Planned Development District Application to the Town of Brunswick. The foregoing Resolution offered by Councilman Poletto and seconded by Councilman Salvi was duly 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, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Mr. Gilchrist explained that the SEQRA process is at an end, all requirements have been met, and the Board may vote on the application itself.

Mr. Gilchrist explained the proposed conditions of the project which are included in Resolution No. 30. There will still be Planning Board review.

Supervisor Herrington complimented the Town's consultants.

**Resolution No. 30** Resolution Approving the Berkshire Properties Planned Development District Application.

Ms. Cindy Robinson stated that no one offered to buy her house. She wanted to know about an appeals process. She wanted to know if an Article 78 was her next step.

Councilman Salvi likes the project with the exception of Ms. Robinson's problem. This is a benefit for the Town. The School will receive tax money, the Town will be able to enlarge the Little League field.

Councilman Poletto agreed with Councilman Salvi and the majority of the project fits the current zoning. The Town needs this to move forward. Sales tax revenue has been down.

The foregoing Resolution offered by Councilman Poletto and seconded by Councilman Salvi was 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, Voting Aye. The foregoing Resolution was thereupon declared duly adopted.

Supervisor Herrington was concerned when the property was up for sale. Mr. Stratton came to Supervisor Herrington and asked what the Town would like to see on the property. He suggested residential homes, a restaurant and professional building. A plus to the Town was the additional land for the Little League.

Ms. Robinson asked about an Article 78 and could she rezone her property commercial.

Supervisor Herrington explained that the Comprehensive Plan is going to be looked at.

Ms. Robinson asked if there was a form to request a zoning change.

Mr. Cioffi explained that a petition or document is prepared and sent to the Town Board. Zoning changes are a legislative process.

**ADJOURNMENT:**

Councilman Poletto made a motion to adjourn the meeting, seconded by Councilman Salvi. Approved. The meeting adjourned at 7:50 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.