

**TOWN OF BRUNSWICK  
SPECIAL MEETING  
SEPTEMBER 30, 2010, 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.

Supervisor Herrington called the meeting to order at 6:01 p.m.

The Town Clerk took the opportunity to distribute to the Board the 2011 Tentative Budget and then read the notice of Special Meeting which was published in the Troy Record.

**VISITORS WHO WISH TO SPEAK:**

Ms. Tersea Bakner representing the Gallivan Corporation LLC, brought a conceptual proposal from the Corporation. The proposal was to address a frame work of an alternative to the PDD being sought. They seek a goal which would be to the benefit of all parties. They propose to move their operation to another property which was recently purchased. This is a smaller site. They would need site plan approval. They would also request re zoning of the other parcels to B-6. This would be a light commercial zone.

Mr. Gilchrist was asked to explain the procedure. The PDD application is still pending and an appeal challenging the notice of violation is before the Zoning Board of Appeals. It is important to note that is a procedural option. If this is put forth there would be site plan review by the Planning Board and the Town Board would consider the change of zoning. This is not a question of weather the plans are approval but weather the Board would like to investigate this option.

Supervisor Herrington stated that this is not a Public Hearing but opened the meeting for comments from the Public.

Mr. Donald Zee, attorney for neighboring property owners, disagreed about the process. He noted that there is a 101 foot buffer proposed and this is so objections to a rezone are usually sought from land owners within 100 feet of the boundaries. He has concerns as it has been 112 days since the cease and desists order was issued. This has been going on for three years. There are access questions. He thinks there should be a full environmental impact study. This is just another delay.

Mrs. Jennifer Darling lives directly across the street from the Hasslinger Property and has concerns with the noise. She has a very old home which has been restored. She was informed that the Hasslinger property would no longer be zoned industrial after the death of Mr. Hasslinger. She is concerns with hours of operation and enforcement. She has a small child who cannot sleep through the night.

Mrs. Beth Randall complained that there is noise at 5:30 a.m.

Mr. Edward Cavello, Oakwood Ave., was concerned with the impact on the nearby school.

Mr. Chris Sullivan, Northstar Drive, felt that the site is too small for the operation. He is concerned with the blending of Top Soil and is concerned about where they are getting the dirt from.

Mrs. Teresa Bakner, explained that the property is 9.67 acres and that the Gallivans will have to scale back operations. She explained that the property is zoned industrial. They are looking for site plan review. This has been a costly process and they have been trying to do this in a timely fashion. Wetlands have been delineated. The hours of operation have been set regarding the grinder. They have been using 11-13 acres on the other site.

Mrs. Despina Brosnihan, Northstar Dr., stated that she was told that if an industrial zone is not used it would revert to residential zoning after a year of inactivity. She asked when the Zoning Board would take action.

Mr. Cioffi explained that the matter was adjourned. The next meeting will be October 18<sup>th</sup>. It was adjourned because of this special meeting.

Mrs. Brosnihan would have liked the Gallivans to withdrawal the PDD application and then submit this proposal.

Mrs. Maureen Sullivan, Northstar Dr., arrived late to the meeting and asked about the hours of operation.

Supervisor Herrington explained that this is a proposal which the Town Board must decide if the concept should be examined.

Mrs. Sullivan is upset that this has been going on too long and is tired of the postponements. This is has been going on for 5 years.

Mr. Mike Schongar, gave the Gallivans credit for offering this alternative but feels that this is just pushing the problem North. He is concerned about buffering for the other neighbors. He doesn't want to go through another summer under these conditions.

Mr. Tom Meyers, Northstar Dr., appreciates the effort but the neighbors have been forced to retain counsel. He thinks the plan is not realistic.

Mrs. Bakner, explained that they believe they will prevail in the ZBA hearing and in the courts. This would lead to many years of litigation. The Gallivans are proposing to relocate and reduce the scale of their operation.

Supervisor Herrington mentioned that everyone is tired of the situation but would like to see this resolve.

Mr. Harry Efstathiadis, Hickory Ct., sees some positives to this but feel the Gallivan's are holding a gun to our heads by asking for a change of zoning. It will take them 3 or 4 years to move the operation and who will enforce the hours of operation. Mr. Efstathiadis showed pictures of the operation from google, and asked about the fire on the site. He has been unable to get a copy of the fire report.

Mr. Phillip Nicholas read a statement from Kathy Betzinger, who had to leave the meeting. The statement included a chronology of events from the Town Board minutes. June 2008 Town Board Meeting minutes, September 2008 Town Board Meeting minutes, January 2009 Planning Board Minutes, June 2009 Town Board minutes, June 2010 Town Board minutes and July 2010 Town Board minutes were quoted. Resolution No. 39 for the year 2009 and Local Law No. 4 for the year 2009 were also quoted. She stated that the people who built in the North 40 development researched the properties and surrounding areas which were zoned Cemeteries and Schools or agricultural. She questioned whether someone was lying or just incompetent. She stated that perhaps the reason this is being addressed now is because this is not an election year. She warned the North 40 residents that they may become the next Brunswick Smart Growth.

Mr. Tim Meyer suggested that the Town Board enforce the Cease and Desist Order and reject the PDD application.

Supervisor Herrington mentioned that this will just end up in court.

Mr. Frank Brenenstuhl, Duesenberry Ln., suggested that the mulch be contained in buildings to deal with the noise and smells.

Supervisor Herrington would like to come to some kind of resolution.

**ADJOURNMENT:**

Councilman Poletto made a motion to adjourn the meeting, seconded by Councilman Sullivan. Approved. 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.