

Planning Board

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

MINUTES OF THE PLANNING BOARD MEETING HELD APRIL 16, 2026

PRESENT were RUSSELL OSTER, CHAIRMAN, DONALD HENDERSON, J. EMIL KREIGER, LINDA STANCLIFFE, DAVID TARBOX, MICHAEL CZORNYJ and JOHN MAINELLO III.

ALSO PRESENT were KEVIN MAINELLO, Brunswick Building Department, CHRISTOPHER LANGLOIS, ESQ., Attorney to the Planning Board, and WAYNE BONESTEEL, P.E., Review Engineer to the Planning Board.

Chairman Oster reviewed the agenda for the meeting, as posted on the Town sign board and Town website.

The first item of business on the agenda was a public hearing concerning applications for amendments to two previously-approved site plan and special use permits submitted by AT&T for property located at 227 Bald Mountain Road and 88-90 Palitsch Road. Brenda Blask-Lewis, of Centerline Communications, LLC, was present to review the applications. Chairman Oster read the procedure for a public hearing held by the Planning Board. Attorney Langlois read the Notice of Public Hearing into the record, with the Notice having been published in the Troy Record, placed on the Town sign board, posted on the Town website, and mailed to the owners of all properties within 300 feet of the project site. Chairman Oster asked the applicant to briefly review the project for the public. Ms. Blask-Lewis stated that the applicant was proposing to remove nine antennas, 18 radios, and all tower mount amplifiers and diplexers, and install nine antennas and

six radios on the cell tower at 227 Bald Mountain Road. Ms. Blask-Lewis stated that that the applicant was also proposing to remove three radios, three tower mount antennas, one surge arrester, and one coax cable, and install three antennas, three radios, one surge arrester, one power cable, and one two-inch conduit on the cell tower at 88-90 Palitsch Road. Ms. Blask-Lewis also stated that the replacement of the equipment would not affect the height or ground space for either cell tower. Chairman Oster opened the public hearing on the application. There were no public comments on the application. There were no questions or comments from the Planning Board members. Chairman Oster made a motion to close the public hearing, which was seconded by Member Henderson. The motion was unanimously approved and the public hearing was closed.

The first item of business on the agenda was applications for amendments to two previously-approved site plan and special use permits submitted by AT&T for property located at 227 Bald Mountain Road and 88-90 Palitsch Road. Brenda Blask-Lewis was present to review the applications. Chairman Oster stated that there had been no public comments made at the public hearing, so there was no need for the submission of written responses. There were no further questions or comments from the Planning Board members. The Planning Board determined to vote on the two applications separately. Member Tarbox made a motion to adopt a negative declaration on the application for 227 Bald Mountain Road under SEQRA, which was seconded by Member Stancliffe. The Planning Board voted unanimously to declare a negative declaration on the application for 227 Bald Mountain Road under SEQRA. Member Czornyj made a motion to approve the amendments to the site plan and special use permit for 227 Bald Mountain Road, which was seconded by Member John Mainello. The Planning Board voted unanimously to approve the amendments to the site plan and special use permit for 227 Bald Mountain Road. Member Stancliffe made a motion to adopt a negative declaration on the application for 88-90

Palitsch Road under SEQRA, which was seconded by Member Kreiger. The Planning Board voted unanimously to declare a negative declaration on the application for 88-90 Palitsch Road under SEQRA. Member John Mainello made a motion to approve the amendments to the site plan and special use permit for 88-90 Palitsch Road, which was seconded by Member Tarbox. The Planning Board voted unanimously to approve the amendments to the site plan and special use permit for 88-90 Palitsch Road.

The second item of business on the agenda was the minor subdivision application submitted by Rebecca Fischer for property located at 842 Tamarac Road. This matter was tabled prior to the meeting, and was placed on the May 7, 2026 agenda for further deliberation.

The third item of business on the agenda was the Colton Ridge major subdivision application submitted by Paramount Building Group of NY for property located at the northeast corner of Spring Avenue and Creek Road. Matt Bond, P.E., of Hart Engineering, and T.J. Ruane, Esq. were present to review the application. Chairman Oster stated that the Planning Board had received a letter from Mr. Ruane concerning the draft conditions for approval of the project. Attorney Langlois briefly reviewed the history of the project, stating that a public hearing on the application had been opened and closed at the February 5 Planning Board meeting, that the Planning Board had 45 days from February 5 to make a determination on the application, that the date to make a determination on the application had been extended to April 16 with the consent of the applicant, and that a determination needed to be made at the current meeting, unless another extension was granted by the applicant. Attorney Langlois stated that he had drafted a Resolution for the conditional approval of the application, which included 27 conditions that the applicant must meet, that Mr. Ruane's letter pertained to those 27 conditions, and that Mr. Ruane had made comments on 13 of the 27 proposed conditions. Mr. Ruane clarified that his letter addressed all 27

conditions and that his responses to the conditions fell into three categories: no objection to the condition; no objection to the condition, but requesting a change to certain language within the condition; and an outright objection to the condition. Chairman Oster asked Mr. Ruane to review his letter for the Planning Board. Mr. Ruane stated that he objected outright to Condition 1, which concerned the requirement of written confirmation from NYS Department of Environmental Conservation (DEC) that the project was not a mining operation under DEC regulations; Condition 2, which concerned limiting the use of the project site to uses allowed under the Town Zoning Code or any uses allowed under a variance granted by the Brunswick Zoning Board of Appeals; and Condition 7, which required the monthly reporting of truck traffic and excavation progress to the Town Building Department. Member Henderson questioned Mr. Ruane's objection to Condition 7, asking why the applicant would be against regular progress reports. Mr. Ruane continued reviewing his letter, stating that he also objected to Condition 12, which concerned overweight vehicle permits; Condition 13, which concerned the submission of a bond security agreement and surety bond; Condition 15, which concerned the establishment of an escrow for a full-time site inspector; and Condition 27, which concerned the requirement that all waterworks materials purchased by the applicant be manufactured in North America. Mr. Ruane also stated that he did not object to Conditions 6, 8, 10, and 14, but did ask that some of the language in those conditions be modified. Member Henderson returned to Mr. Ruane's object to Condition 7, asking how the Town could possibly gage the progress of a two-year excavation period without regular progress reports. Attorney Langlois stated that concerns about the project potentially falling behind schedule were valid, as were concerns about the project potentially progressing too quickly, which would also cause problems. Member Tarbox noted that the applicant was proposing 16 trucks per hour, and asked if that meant 16 trucks leaving the site per hour. Mr. Bond confirmed that it did.

Chairman Oster stated that he was certain that there would be members of the public living near the project site counting the number of trucks leaving the site as well. Member Stancliffe asked about Condition 7, specifically if that was a condition that Mr. Ruane believed the Planning Board did not have the authority to implement. Member John Mainello interjected, believing that it was Condition 12 that Mr. Ruane believed the Planning Board did not have the authority to implement, and asked Mr. Ruane why he believed that. Mr. Ruane clarified that Condition 12 stated that the applicant must apply for and receive a permit from Rensselaer County for any overweight vehicles, but that it would be the trucking company contracted by the applicant who would need to apply for such a permit, not the applicant. Member Stancliffe suggested that Condition 12 could be rewritten to state that the applicant shall ensure that any required overweight vehicle permits be obtained. Member Tarbox asked about Condition 1, specifically relating to the amount of material removed from the site and the involvement of NYS DEC. Member Tarbox also stated that it was his understanding that DEC would not review the project until the Planning Board had approved it, noting that DEC likely did not want to review projects that would never move forward. Mr. Ruane stated that that was his understanding about DEC as well. Attorney Langlois stated that the Town had received a letter from the new regional director of NYS DEC Region 4 in February stating that DEC would be taking another look at the project, that the Town had not heard from DEC since participating in a virtual meeting with DEC officials in late February, that he could not advise that the Planning Board approve the project if there was a chance that DEC could later determine that the project was a mine according to DEC regulations, and that a lack of response from DEC on the issue of mining led to the inclusion of Conditions 1-2. Chairman Oster stated that he was part of that virtual meeting, that the DEC officials at that meeting were very concerned with the project, that those DEC officials stated that they would be reviewing the project again and

inform the Town of its determination, that the Town had not heard from those DEC officials since, and that he was in favor of keeping Conditions 1-2 for that reason. Chairman Oster asked Mr. Ruane if he or the applicant had had any discussions with DEC officials recently concerning the project. Mr. Ruane reiterated that he had met with DEC officials the previous summer for a site visit, but did not indicate if he had met or communicated with DEC officials since. Member Tarbox stated that he was in favor of requiring a bond from the applicant for excavation and infrastructure. Mr. Ruane stated that he had no problem with the requirement for a bond for excavation, but stated that the Planning Board had no authority to require a bond for the infrastructure. Member Tarbox stated that his concerns over the project stemmed from a development that was approved back in the 1970s, where the applicant had fully excavated the site, then stopped work, leaving an empty site and no subdivision. Member John Mainello asked how much material was proposed to be removed from the site, noting that that amount had changed over several meetings. Attorney Langlois clarified that the amount of material proposed to be removed had changed due to the applicant finalizing that number, and that the final proposed amount of material to be removed was approximately 425,000 cubic yards. Member Tarbox asked what would happen if the amount of material removed exceeded 425,000 cubic yards. Mr. Bond stated that he stood by his analysis that 425,00 cubic yards would be removed. Member John Mainello asked what would happen if he was wrong and the amount of material was less than 425,000 cubic yards. Attorney Langlois agreed that that was an important question and reiterated Member Tarbox's question as to what would happen if more than 425,000 cubic yards needed to be removed. Mr. Ruane stated that he did not know. Member Henderson asked Mr. Ruane why he objected to Condition 27. Mr. Ruane stated that the Planning Board does not have the authority to require the applicant to purchase materials of a certain origin, such as being produced in North America. Mr. Bonesteel stated that there are

certain requirements for materials used in the construction of waterlines, that the applicant would need to go before the Town Board for the establishment of a water district, and that the Town Board did have the authority to require materials of a certain origin. Mr. Bonesteel also stated that the Planning Board had not included a condition like Condition 27 in a Resolution approving a project before now to his recollection. Attorney Langlois reviewed the procedure for drafting, reviewing and adopting a Resolution by a Planning Board. Chairman Oster noted that the date to approve or deny the project could be extended again with the consent of the applicant. Mr. Ruane stated that he would like the Planning Board to make a decision at the current meeting rather than extend that date again. Attorney Langlois stated that he would review the Conditions that the applicant had objections to in order and ask if the Planning Board wanted to strike, revise, or keep the condition as is. Attorney Langlois asked about Condition 1, which concerned the requirement of written confirmation from NYS DEC that the project was not a mining operation under DEC regulations. The Planning Board determined to keep Condition 1 as is. Attorney Langlois asked about Condition 2, which concerned limiting the use of the project site to uses allowed under the Town Zoning Code or any uses allowed under a variance granted by the Brunswick Zoning Board of Appeals. The Planning Board determined to keep Condition 2 as is. Attorney Langlois asked about Condition 6, which concerned complying with the project's stormwater pollution prevention plan (SWPPP), excavation plan, and written responses to comments made at the public hearing. Mr. Ruane stated that he had requested clarification to Condition 6 as "impact mitigation measure" had not been previously defined. Mr. Ruane also stated that requiring a written copy of the written responses to comments made at the public hearing to be kept on-site was excessive. Mr. Bonesteel noted that "impact mitigation measure" referred to complying with both the stormwater pollution prevention plan (SWPPP) and the excavation plan. Attorney Langlois suggested removing the

phrase “impact mitigation measure” and replacing it with “comply with the stormwater pollution prevention plan and excavation plan”. The Planning Board agreed to that modification. Attorney Langlois asked about Condition 7, which required the monthly reporting of truck traffic and excavation progress to the Town Building Department. Kevin Mainello asked how the Building Department, which was already extremely busy, could possibly monitor all the material being removed from the site in addition to all its other duties. Member Henderson stated that monitoring the excavation progress was very important and that Condition 7 should stay as is, and the other Planning Board members agreed. Attorney Langlois asked about Condition 8, which concerned operating hours for excavation. Mr. Ruane stated that he would like it clarified which national or state holidays that the applicant would not be allowed to work. Attorney Langlois suggested listing out all national and state holidays that the applicant was not allowed to work on the site. Chairman Oster stated that he had no issue with that change, and the other Planning Board members agreed. Member Stancliffe asked if the word “excavation” should be changed to “construction”. Attorney Langlois stated that Condition 8 was meant to pertain to the excavation period only, but the language could be modified to include the construction phase as well. Attorney Langlois asked if hours of operation, which were 7:00 AM to 5:00 PM Monday through Friday, 8:00 AM to 5:00 PM on Saturday, and no work Sunday, should also be clarified. Mr. Bond stated that the applicant did not want to be limited on when interior work on houses could be done. Kevin Mainello clarified that Condition 8 would only apply to exterior work. Attorney Langlois suggested the beginning of Condition 8 be changed to “Excavation and construction activity”. Mr. Bond asked if work on the waterline could be done overnight outside of the approved hours of operation. Attorney Langlois stated that language could be added allowing overnight work, such as work on the waterline, if given approval by the Town Building Department. The Planning Board agreed with those changes.

Attorney Langlois asked about Condition 10, which concerned the direction of truck traffic. Member Henderson stated that he had serious concerns about trucks traffic routes, that trucks traveling south on Creek Road and turning onto Spring Avenue was the only route that made sense, that trucks traveling north on Creek Road would not be safe, that serious safety measures needed to be taken with truck traffic, and that Condition 10 should not be changed. The other Planning Board members agreed and determined to keep Condition 10 as is. Attorney Langlois asked about Condition 12, which concerned overweight vehicle permits. Chairman Oster stated that the contractor should be responsible for obtaining all necessary permits. Mr. Ruane suggested that the language of Condition 12 be changed to read “applicant shall require contractors” to obtain all required overweight vehicle permits. The Planning Board members agreed to that change. Attorney Langlois asked about Conditions 13-14, both of which concerned financial security, and advised keeping them the same, with the ability to modify only those two conditions later. Member Stancliffe noted that “reclamation” was not used in Condition 13. Attorney Langlois confirmed that “reclamation” was not used in Condition 13, but the description of the action “to secure the costs of restoring the parcels in the event that the Applicant commences but fails to complete the proposed excavation and final grading of the project site” was describing reclamation without using the word. The Planning Board agreed to keep Conditions 13-14 as is, with the possibility of modifying only those two conditions later. Attorney Langlois asked about Condition 15, which concerned the establishment of an escrow for a full-time site inspector. Member Tarbox stated that Condition 15 should be left as is. Chairman Oster asked if certain Building Department requirements were allowed to be conditions. Kevin Mainello stated that it was not uncommon to do so, and the Planning Board had done so before. The Planning Board determined to keep Condition 15 as is. Attorney Langlois asked about Condition 27, which concerned the requirement

that all waterworks materials purchased by the applicant be manufactured in North America. The Planning Board determined to strike Condition 27 entirely. There were no further questions from the Planning Board members. Member Czornyj made a motion to adopt the Resolution as amended, which was seconded by Member Henderson. Chairman Oster and Members Henderson, Kreiger, Stancliffe, Tarbox, and Czornyj voted in favor of adopting the Resolution as amended, while Member John Mainello voted against it. The Resolution as amended was adopted. A copy of the amended and approved Resolution is attached hereto, and made a part of these minutes.

The fourth item of business on the agenda was an application for a major subdivision approval extension submitted by Brunswick Road Development, LLC for property located along NYS Route 2. Andrew Brick, Esq. was present to review the application. Mr. Brick stated that the project had been approved by the Planning Board in August 2024, and that previous extensions had been granted as there were many conditions to meet. Mr. Brick stated that the last extension granted was in April 2025. Mr. Brick asserted that the applicant was told not to come back to the Planning Board until all conditions had been met. Mr. Brick stated that two conditions, the creation of a drainage district and the extension of a waterline, had both been approved, and that approval from National Grid concerning the project was close to being granted. Mr. Brick stated that the Planned Development District (PDD) approval did not need an extension. Mr. Brick stated that the applicant was seeking a retroactive extension on the project approval, and that New York State law stated that there was no limit on 90-day extensions that a Planning Board could grant. Chairman Oster asked if the Planning Board was allowed to grant retroactive extensions. Attorney Langlois stated that he did not know, that the NYS Town Law stated that 90-day extensions could be granted, but that there were no regulations concerning retroactive extensions. Mr. Brick stated that NYS Town Law had previously only allowed two 90-day extensions, but that the law had been

changed within the last few years to there being no maximum number of 90-day extensions that could be granted. Member Czornyj asked how many extensions had already been granted. Mr. Brick stated that two extensions had already been granted, and that the applicant was seeking three retroactive extensions and one current extension. Attorney Langlois asked who at the Town said not to come back before the Planning Board until all conditions had been met, and that the Planning Board could grant retroactive extensions. Mr. Brick stated the former Planning Board attorney Andrew Gilchrist, Esq. had told him, and that he had talked to Town Supervisor Phil Herrington and Town Attorney Dave Gruenberg about it also. Attorney Langlois asked Mr. Brick to submit a memo to the Planning Board as to why retroactive extensions can be legally granted, and to include who specifically told him not to come back before the Planning Board for another extension until all conditions had been met, with any letters and/or emails concerning those conversations. Chairman Oster asked if all conditions for the project had actually been met. Kevin Mainello reviewed the history of the project, including the initial approval and extensions. Member John Mainello asked if former Town Attorney, and current Deputy Town Attorney, Tom Cioffi had also been one of the people who told Mr. Brick not to come back before the Planning Board for another extension until all conditions had been met. Mr. Brick stated that he did not believe so. Attorney Langlois stated that as it stood, the project was expired, and the question was if the Planning Board could grant a retroactive extension on the project, which he currently did not know. Member Henderson asked Mr. Brick how the conversations he claimed occurred concerning not coming before the Planning Board until all conditions had been met occurred. Mr. Brick stated that those conversations had been by phone and email, and that he would provide those emails in his memo. This matter was tentatively placed on the May 7, 2026 agenda for further deliberation.

There were no items of new business to discuss.

Chairman Oster asked if there were any items of old business to discuss. Kevin Mainello stated that there was an issue with the color of the retaining wall at 731 Hoosick Road in front of the QuickChek convenience store. Mr. Mainello stated that the Planning Board had approved an “earth tone” color for the wall, that the wall had turned out to be much lighter, that the applicant had submitted new color options, and asked if the Planning Board wanted to consider these options.

The index for the April 16, 2026 regular meeting is as follows:

1. AT&T – amendments to site plans and special use permits (approved).
2. Paramount Building Group – major subdivision (approved with conditions).
3. Brunswick Acres – major subdivision approval extension (May 7, 2026).

The proposed agenda for the May 7, 2026 regular meeting is currently as follows:

1. Fischer – minor subdivision.
2. Mavis Tire – site plan.
3. Cillis – major subdivision.
4. Brunswick Acres – major subdivision approval extension (tentative).

BRUNSWICK PLANNING BOARD REGULAR MEETING

APRIL 16, 2026

RESOLUTION GRANTING CONDITIONAL FINAL SUBDIVISION APPROVAL FOR PARAMOUNT BUILDING GROUP OF NEW YORK, INC.

WHEREAS, on April 17, 2024, a major subdivision application was submitted to the Town of Brunswick Planning Board (“Planning Board”) by Paramount Building Group of New York, Inc. (“Applicant” or “Paramount Group”) with respect to two parcels of property, designated as Tax Map Nos. 113.-6-6.112 and 113.-6-26, consisting of a combined +/- 33.57 acres and located at the northeast corner of Spring Avenue Extension and Creek Road; and

WHEREAS, such application proposed an eighteen (18) lot subdivision, the buildout of seventeen (17) single-family dwellings thereon, together with the construction of a new road with a cul-de-sac and a water line extension; and

WHEREAS, the application was first presented to the Planning Board at its meeting held on May 16, 2024; and

WHEREAS, at the May 16, 2024 meeting, it was noted among other things that the Applicant would need to apply for and receive from the Town of Brunswick Town Board (“Town Board”) a waiver of the standards set forth in Article VIII, Section 2(A)(5)(c) of the Town Subdivision Regulations, which provides that “[n]o cul-de-sac shall service more than twelve (12) residences”; and

WHEREAS, the Planning Board further reviewed and discussed the application at its meetings held on June 6, September 19, October 3, and October 17, 2024; and

WHEREAS, at its meeting held on November 7, 2024, the Planning Board adopted a Resolution expressing no objection on the part of the Planning Board to the Town Board approving a waiver of the 12-lot limitation with respect to the Paramount Group subdivision application, based upon and as limited by the lot layout and driveway locations then-proposed; and

WHEREAS, at a meeting held on December 12, 2024, the Town Board adopted a Resolution granting the Applicant a variance from the 12-lot limitation so as to allow the proposed cul-de-sac to service up to seventeen (17) residences; and

WHEREAS, the Planning Board further reviewed and considered the Application at its December 19, 2024 meeting, and discussed with the Applicant’s engineer, among other things, updates made to the submitted plans, the referral of the plans to the Rensselaer County Department of Health and local fire department, wetlands areas on the site, the stormwater basin area and access road, site grading and the scope of the proposed excavation, percolation testing, the need to form a drainage district, and necessary updates to the Environmental Assessment Form (EAF); and

WHEREAS, at the December 19, 2024 meeting, the Applicant was further advised that it needed to coordinate with the New York Department of Environmental Conservation (NYSDEC) on the need for a mining permit and/or construction exemption pursuant to the Mined Land Reclamation Law (MLRL), ECL § 23-2701 et seq., and the regulations thereunder; and

WHEREAS, the Planning Board further reviewed and considered the Application at its January 16, 2025 and February 6, 2025 meetings, at which the Applicant's engineer generally advised, among other things, that the Applicant was finalizing a proposed Stormwater Pollution Prevention Plan (SWPPP), was preparing an updated EAF to reference formation of the proposed drainage district; and was working with NYSDEC on obtaining a mining construction exemption; and

WHEREAS, the Planning Board further reviewed and considered the Application at its February 20, 2025 meeting, at which the Applicant's engineer advised that the SWPPP and an updated plan set had been submitted and were being reviewed by the Planning Board's reviewing engineer; that the local fire department had reviewed the application and plans and had requested certain changes, including with respect to the location of fire hydrants; that the Applicant continued to be engaged in discussions with NYSDEC concerning the construction exemption for mining; and a discussion was had regarding the creation of a water district and drainage district for the project, as well as the proposed dedication of the cul-de-sac road to the Town; and

WHEREAS, at the February 20, 2025 meeting, the Planning Board expressed its desire to act as Lead Agency for purposes of issuing a determination of significance under the State Environmental Quality Review Act (SEQRA), and directed that Lead Agency coordination notices be circulated to all involved and interested agencies; and

WHEREAS, on February 21, 2025, Lead Agency coordination notices and a copy of Part 1 of the EAF were circulated to all involved and interested agencies on behalf of the Planning Board; and

WHEREAS, the Planning Board further reviewed and considered the Application at its March 20, 2025 meeting, including engaging in discussions with the Applicant's engineer regarding, among other things, comments received from the Rensselaer County Department of Health pertaining to the proposed septic system; the Applicant's ongoing review of comments offered by the Planning Board's reviewing engineer; and the Planning Board's reviewing engineer's review and comments on the proposed waterline extension, drainage district, SWPPP, and stormwater design; and

WHEREAS, at the March 20, 2025 meeting, the Planning Board and the Applicant also discussed the status of the Applicant's communications with NYSDEC regarding a mining construction exemption for the project, with the Applicant's engineer advising that NYSDEC had indicated that it would be deferring any determination as to the exemption until after the Planning Board had taken action on the major subdivision application; the Applicant's engineer stated that although the grading plan had not yet been finalized, the preliminary estimate was that approximately 400,000 cubic yards of material would be removed from the site; the Applicant was

advised that it would need to develop and submit a plan for scheduling, truck traffic, truck routes and destinations, and days and hours of operation, among other things; and

WHEREAS, the Planning Board further reviewed and considered the Application at its May 1, 2025 meeting, at which the Applicant's engineer advised that a revised Full EAF had been submitted which included reference to the Applicant's request to NYSDEC for a mining construction exemption and information as to the estimated 400,000 cubic yards of material to be excavated from the site; the Planning Board's reviewing engineer provided an update as to ongoing review and revisions to the proposed septic plan, the proposed water district and drainage district, the proposed SWPPP and subdivision plat; and further discussion was had regarding, among other things, the proposed grading of the subdivision road, the proposed route(s) trucks would take to and from the project site, the proposed destination of excavated materials, and the need for the Applicant to apply for and obtain an overweight vehicle permit from Rensselaer County, as may be required, for trucks traveling on Creek Road; and

WHEREAS, at the May 1, 2025 meeting, the Planning Board also directed that a new Lead Agency coordination notices be re-circulated to all involved and interested agencies, including NYSDEC, based on the updated EAF submitted; and

WHEREAS, on May 2, 2025, new Lead Agency coordination notices and a copy of Part 1 of the updated EAF were re-circulated to all involved and interested agencies on behalf of the Planning Board; and

WHEREAS, the Planning Board further reviewed and considered the Application at its June 5, 2025 meeting, at which it was noted that the Town Building Department had in the interim received correspondence via e-mail from NYSDEC regarding the re-circulated Lead Agency coordination notice and the question of whether – given the scope of the material proposed to be excavated -- the project was or might be subject to Mined Land Reclamation (MLR) permit requirement, or alternatively was or might be exempt from such requirement; it was further noted that a site visit had been scheduled for the following week, and that the Planning Board intended to defer proceeding with any declaration of Lead Agency status pending further input from NYSDEC; and

WHEREAS, a site visit at the proposed project site was conducted on June 13, 2025, at which representatives from NYSDEC, representative from the Planning Board's reviewing engineering firm, representatives from the Town's Building and Water Departments, and the Applicant's engineer and attorney were present and participated; and

WHEREAS, the Planning Board further reviewed and considered the Application at its June 24, 2025 meeting, at which it was noted that during the course of the June 13, 2025 site visit and to date, NYSDEC had declined to issue any formal determination as to whether the proposed project was subject to, or exempt from, MRL mining permit requirements, and that NYSDEC had not formally objected to the Planning Board acting as Lead Agency in response to the re-circulated Lead Agency coordination notices sent on May 2, 2025; whereupon a motion was duly made and approved to declare the Planning Board as Lead Agency under SEQRA for purposes of the environmental review of the project; and

WHEREAS, the Planning Board further reviewed and considered the Application at its October 2, 2025 meeting, at which discussion took place regarding, among other things, an updated SWPPP that had been submitted; comments pertaining to ongoing SEQRA matters; an Excavation Routing Feasibility Assessment that had been submitted, including data with respect to truck trips and routes associated with the removal of material (now estimated to be between 420,000 and 425,000 cubic yards); site grading plans, including phasing and projected timelines for completion; and the Applicant's plans for constructing houses while excavation activities were ongoing; and

WHEREAS, the Planning Board further reviewed and considered the Application at its October 16, 2025 meeting, at which discussion took place regarding, among other things, updated data submitted by the Applicant analyzing the excavation of material from the site based on alternative 1-year, 1.5-year, and 2-year schedules, which the Applicant represented was achievable based on consultation with area contractors; and the Applicant's plan relative to the completion of both earthwork and infrastructure work, with the Applicant's engineer confirming that the Applicant's plan was to first complete the earthwork within 1-2 years, and then proceed with the installation of project infrastructure; and

WHEREAS, the Planning Board further reviewed and considered the Application at its November 6, 2025 meeting, at which it was acknowledged that the Applicant had submitted an Acoustic Analysis for Planning Board review and comment; the Planning Board further reviewed a draft Part 2 of the EAF prepared by the Planning Board's reviewing engineer, and engaged in a discussion regarding the relative significance of potential impacts associated with the project, including but not limited to those associated with the proposed excavation; and

WHEREAS, the Planning Board further reviewed and considered the Application at its November 6, 2025 meeting, at which discussion took place regarding changes and updates to the EAF; the Applicant's attorney advised that Part 1 of the EAF had been updated (Section D(2)) to modify the period of proposed excavation to one (1) year; the Planning Board's reviewing engineer updated the Planning Board as to changes made to the draft Part 2 of the EAF; and the Planning Board, Planning Board's reviewing engineer, and the Applicant engaged in an extended discussion as to whether certain potential impacts should be characterized as "small" versus "moderate to large"; and

WHEREAS, the Planning Board further reviewed and considered the Application at its December 18, 2025 meeting, at which it was acknowledged that the Applicant had submitted an Proposed Excavation Plan for Planning Board review and comment; and the Planning Board, Planning Board's reviewing engineer, and the Applicant engaged in further discussion regarding the draft Part 2 of the EAF and the characterization of potential impacts; and

WHEREAS, the Planning Board further reviewed and considered the Application at its January 15, 2026 meeting, at which the Planning Board reviewed and discussed the updated draft Part 2 of the EAF prepared by the Planning Board's reviewing engineer, as well as a draft Part 3 of the EAF; whereupon a motion was duly made and adopted by the Planning Board to issue a negative declaration with respect to the project under SEQRA; and

WHEREAS, at the January 15, 2026 meeting, the Planning Board further determined that the application was complete for purposes of opening a public hearing, and scheduled a public hearing on the major subdivision application to be held on February 5, 2026 at 7:00 p.m.; and

WHEREAS, the Planning Board, upon due notice, opened and held a public hearing with respect to the Paramount Group major subdivision application on February 5, 2026, and received public comment; and

WHEREAS, after affording all interested persons the opportunity to be heard, the Planning Board adopted a motion to close the February 5, 2026 public hearing but to hold the record open for a period of seven (7) days for the submission of any additional written comment from the public; and

WHEREAS, by letter dated February 17, 2026, the Regional Director of NYSDEC Region 4 indicated with respect to the Application, in pertinent part, that the “[i]n general, DEC is apprehensive about whether the Article 23 Mined Land Reclamation (MRL) permitting exemption can be met in the required two-year time frame given the scope of the proposed project... Based on the experience of our staff, the proposal to remove over 400,000 cubic yards of material from the site and construct the proposed development project within two years is extremely ambitious, especially when considering the amount of truck traffic that will be required to remove this volume of material”, and requested that copies of certain documents be submitted “[i]n order to assist DEC in determining MRL permitting jurisdiction regarding this project...” and

WHEREAS, the requested documents were provided to NYSDEC by the Town Building Department on February 18, 2026; and

WHEREAS, the Planning Board further reviewed and considered the Application at its February 19, 2026 meeting, at which the Applicant submitted written responses both to the comments made at the February 5, 2026 public hearing and to the written comment submitted during the seven (7) day additional written comment period, which responses were discussed in detail by the Planning Board and the Applicant’s representatives; further discussion was also had regarding the February 17, 2026 letter received from NYSDEC and the question of potential MLR permitting jurisdiction regarding the project; and

WHEREAS, the Planning Board further reviewed and considered the Application at its March 5, 2026 meeting, at which the Applicant consented to extend to April 16, 2026 the time for the Planning Board to take action on the Application pursuant to Article VI, Section 3(F) of the Town Subdivision Regulations; and

WHEREAS, the Planning Board has reviewed all application materials; public comments, agency comments, the Applicant’s responses to comments; the public water supply and private septic systems proposals; and proposed subdivision road specifications; and finds that all subdivision review standards and substantive comments have been considered; and

WHEREAS, the Planning Board, serving as Lead Agency, has completed its environmental impact review under SEQRA through the adoption of a negative declaration for this action on January 15, 2026; and

WHEREAS, the Planning Board, having duly considered all record information and upon due deliberation, is prepared to act on the major subdivision application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Brunswick that conditional final subdivision approval is hereby **GRANTED** with respect to the application submitted by Applicant Paramount Building Group of New York, Inc., for the proposed subdivision commonly referred to as the “Colton Ridge Subdivision”, subject to the following conditions:

1. No building or other permit shall be issued, and no site development or excavation work shall be commenced, until the Town Building Department receives from NYSDEC confirmation in writing that either (i) NYSDEC is not asserting Article 23 Mined Land Reclamation jurisdiction over the project, or (2) that the Applicant has applied for and received an Article 23 Mined Land Reclamation Permit from NYSDEC.

2. The use of the subject parcels is and shall remain limited to those uses which are either (i) uses expressly permitted in the applicable Zoning District(s) in which the parcels are located, as set forth in the Schedule of Use Regulations, or (ii) uses which are allowed pursuant to any use variance granted by the Town Zoning Board of Appeals. Nothing in this conditional approval shall be deemed to authorize or permit use of the subject property as a “mine” as that term is defined by the Town of Brunswick Zoning Law.

3. The filing of a petition with the Town Board for the creation of a Drainage District for this subdivision pursuant to Article 12 of the New York Town Law, and Town Board approval of a Drainage District for this subdivision.

4. The filing of a petition with the Town Board for the creation or extension of a public water district for this subdivision pursuant to Article 12 of the New York Town Law, and Town Board approval of such water district creation or extension.

5. Review and approval of a final SWPPP by the Planning Board reviewing engineer and/or the Town Water Department/Stormwater Officer on the SWPPP, and compliance with NYSDEC Stormwater regulations. SWPPP review requires submission of a copy of the Hydrodynamic Model Files for review. A final electronic file and bound paper copy of the SWPPP is required.

6. Applicant shall comply with the SWPPP and the Excavation Plan.

7. Beginning on the first business day of each month following the commencement of site development and continuing on the first business day of each month until excavation activities are completed, the Applicant shall file with the Town Building Department a report detailing, as

to each day in the preceding month, the amount of material excavated and exported from the project site and the number of trucks entering and exiting the project site.

8. Unless otherwise approved in advance by the Building Department, excavation and construction activity shall be limited to between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays, and no excavation or construction activity shall be undertaken on Sundays, or on New Year's Day, MLK, Jr.'s Birthday, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, or Christmas.

9. No screening or other processing of excavated material is to be performed on-site.

10. All trucks leaving the site shall only travel south on Creek Road and east on Spring Avenue Extension, and shall not travel north on Creek Road nor west on Spring Avenue Extension. Appropriate work zone traffic control measures shall be implemented on Creek Road and Spring Avenue Extension, including but not limited to placement of construction signs, cones, and barrels and use of flaggers if necessary, and as approved by the Town Engineer and the Rensselaer County Highway Department.

11. No marshalling, parking, or standing of trucks or other vehicles is permitted on Creek Road. All marshalling, parking, or standing of trucks or other vehicles is to be performed entirely on-site.

12. Applicant shall require all contractors to apply for and receive from Rensselaer County any required overweight vehicle permit(s) for trucks traveling on Creek Road or any other County road(s).

13. Submission of a bond security agreement and surety bond, in such form and in such amount as deemed acceptable to the Town Board, to secure the costs of restoring the parcels in the event that the Applicant commences but fails to complete the proposed excavation and final grading of the project site.

14. Submission of a bond security agreement and surety bond, in such form and in such amount as deemed acceptable to the Town Board, to secure the costs of completing all public infrastructure, water, storm, and road improvements proposed to be constructed for this subdivision.

15. The establishment and funding of an escrow account in an amount to be determined by the Town of Brunswick to cover full-time inspection of all construction related to water main installation, stormwater infrastructure, and roadways.

16. Execution of an irrevocable offer of dedication to the Town of Brunswick for the proposed subdivision road, public water infrastructure, and stormwater infrastructure.

17. All infrastructure improvements to be guaranteed for two (2) years after dedication to the Town of Brunswick.

18. Execution of a Stormwater Maintenance Agreement prior to any construction permit being issued.
19. All driveways must include a 2% negative pitch for ten (10) feet from the public roadway.
20. Submission of a proposed private shared driveway maintenance agreement for lots 11 and 12.
21. No further subdivision or re-subdivision of any lot in this subdivision.
22. Rensselaer County Department of Health approval for all septic systems for each subdivision lot.
23. Rensselaer County Department of Health approval for extension of a public water supply.
24. Rensselaer County Highway Department approval and work permit for curb cuts and work within the County right-of-way on Creek Road.
25. Installation of fire hydrants as directed by the applicable Fire Department.
26. Payment of park and recreation fee.

The foregoing Resolution, offered by Member Czornyj and seconded by Member Henderson, was duly put to a roll call vote as follows:

CHAIRMAN OSTER	VOTING: AYE
MEMBER HENDERSON	VOTING: AYE
MEMBER KRIEGER	VOTING: AYE
MEMBER STANCLIFFE	VOTING: AYE
MEMBER TARBOX	VOTING: AYE
MEMBER CZORNYJ	VOTING: AYE
MEMBER MAINELLO	VOTING: NAY

The foregoing Resolution was thereupon declared duly adopted.

April 16, 2026