

**SEQR RESOLUTION  
PARK EAST VENTURES, INC. PROJECT**

A regular meeting of Rensselaer County Industrial Development Agency (the "Agency") was convened in public session in the 3<sup>rd</sup> Floor Conference Room at the Quackenbush Building located at 333 Broadway in the City of Troy, Rensselaer County, New York on December 17, 2024 at 4:00 o'clock p.m., local time.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Justin Law, Esq.	Chairman
Matthew Polsinello	Vice Chairman
Cory Jones	Secretary/Treasurer
Justin Buchanan	Assistant Secretary/Treasurer
Frank Lewandusky	Member

ABSENT:

Alyssa Otis	Member
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Robert L. Pasinella, Jr.	Executive Director
Robin LaBrake	Assistant
Peter Kehoe, Esq.	Special Agency Counsel
John E. Sweeney, Esq.	Agency Counsel
Christopher C. Canada, Esq.	Special Counsel

The following resolution was offered by Matthew Polsinello, seconded by Cory Jones, to wit:

Resolution No. 1224-06

RESOLUTION ACCEPTING THE DETERMINATION BY THE TOWN OF BRUNSWICK PLANNING BOARD (THE "PLANNING BOARD") TO ACT AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE PARK EAST VENTURES, INC. PROJECT AND ACKNOWLEDGING RECEIPT OF THE PLANNING BOARD'S DETERMINATION ISSUED WITH RESPECT THERETO.

WHEREAS, Rensselaer County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 128 of the 1974 Laws of New York, as amended, constituting Section 903-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to

improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “ projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Park East Ventures, Inc., a New York business corporation (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in a portion of two (2) parcels of land containing in the aggregate approximately 28.75 acres located at 1153 Hoosick Road (tax map no. 92.-1-9) and 1173 Hoosick Road (tax map no. 92.-1-10) in the Town of Brunswick, Rensselaer County, New York (collectively, the “Land”), together with existing buildings located thereon, (collectively, the “Existing Facility”), (2) the construction on the Land of an approximately 6,000 square foot building (the “New Facility”) and the renovation of the Existing Facility (the New Facility and the renovated Existing Facility being collectively referred to as the “Facility”) and (3) the acquisition and installation of related fixtures, machinery, equipment and other tangible personal property (the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and leased to Park East Sales, LLC (the “Tenant”) as a repair and maintenance of construction equipment facility and any other directly or indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on November 14, 2024 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on November 21, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on November 22, 2024 on a public bulletin board located at the Brunswick Town Hall located at 336 Town Office Road in the Town of Brunswick, Rensselaer County, New York, and on the Agency’s website on November 21, 2024, (C) caused notice of the Public Hearing to be published on November 23, 2024 in The Record, a newspaper of general circulation available to the residents of Rensselaer County, New York, (D) conducted the Public Hearing on December 10, 2024 at 10:00 o’clock a.m., local time at the Brunswick Town Hall located at 336 Town Office Road in the Town of Brunswick, Rensselaer County, New York, (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency and (F) caused a copy of the Certified Public Hearing Resolution to be sent via certified mail, return receipt requested on November 21, 2024 to the chief executive officers of the County and of each city, town, village, and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the Agency has been informed that (A) the Town of Brunswick Planning Board (the "Planning Board") was designated to act as the "lead agency" with respect to the Project, and (B) on June 20, 2024, the Planning Board unanimously declared a negative declaration with respect to the Project, which determination (the "Planning Board Determination") is attached hereto as Exhibit A; and

WHEREAS, at the time that the Planning Board determined itself to be the "lead agency" with respect to the Project, it was not known that the Agency was an "involved agency" with respect to the Project, and, now that the Agency has become an "involved agency" with respect to the Project, the Agency desires to concur in the designation of the Planning Board as "lead agency" with respect to the Project, to acknowledge receipt of copies of the Planning Board Determination and to indicate that the Agency has no information to suggest that the Planning Board was incorrect in making the Planning Board Determination;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF RENSSELAER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. (A) The Agency has received copies of, and has reviewed, the Application, an environmental assessment form prepared by the Company and the Planning Board Determination (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents and the representations made by the Company to the Agency at this meeting, the Agency hereby ratifies and concurs in the designation of the Planning Board as "lead agency" with respect to the Project (as such quoted term is defined in SEQRA).

(B) The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in making the Planning Board Determination.

Section 2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Justin Law, Esq.	VOTING	YES
Matthew Polsinello	VOTING	YES
Cory Jones	VOTING	YES
Justin Buchanan	VOTING	YES
Frank Lewandusky	VOTING	YES
Alyssa Otis	VOTING	ABSENT

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF RENSSELAER )

I, the undersigned (~~Assistant~~) Secretary of Rensselaer County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on December 17, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 17<sup>th</sup> day of December, 2024.

(SEAL)

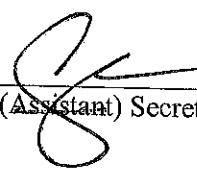
  
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(~~Assistant~~) Secretary

EXHIBIT A  
PLANNING BOARD DETERMINATION

- SEE ATTACHED -

## **Planning Board**

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

### **MINUTES OF THE PLANNING BOARD MEETING HELD JUNE 20, 2024**

PRESENT were RUSSELL OSTER, CHAIRMAN, LINDA STANCLIFFE, DAVID TARBOX, KEVIN MAINELLO and ANDREW PETERSEN.

ABSENT were DONALD HENDERSON and J. EMIL KREIGER.

ALSO PRESENT were MICHAEL McDONALD, Brunswick Building Department, 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 draft minutes of the June 6, 2024 regular meeting were reviewed. Chairman Oster noted one correction: "Rosencranz" should be spelled "Roseneranse" throughout the first six pages of the minutes. Upon motion of Chairman Oster, seconded by Member Stancliffe, the draft minutes of the June 6, 2024 regular meeting were unanimously approved subject to the noted correction.

The Planning Board began by addressing the fifth item of business on the agenda, an application for a special use permit amendment submitted by Zachary Froio for property located at 502 Pinewoods Avenue. Zachary Froio was present to review the application. Chairman Oster stated that the Planning Board requested a zoning determination from the Town Building Department concerning whether the use proposed in the amendment is consistent with the uses allowed in the zoning district under the Brunswick Zoning Law. Chairman Oster stated that the final determination had not been received from the Building Department yet, and that the matter

would need to be adjourned until the following meeting. Attorney Gilchrist stated that the Planning Board needed the determination from the Building Department, as the issue was raised during the public hearing. This matter is placed on the July 18, 2024 agenda for further deliberation.

The Planning Board then returned to its scheduled agenda.

The first item of business on the agenda was an application for a site plan amendment submitted by Park East Ventures, Inc. for property located at 1173 Hoosick Road, at the intersection with Brick Church Road. Travis Rosencranse, P.E., from Creighton Manning Engineering, was present to review the project. Ronald Laberge, of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Bonesteel recused himself. Chairman Oster stated that written responses to public comments made at the public hearing on the application held June 6 had been received by the Planning Board in a letter dated June 14, and asked Mr. Rosencranse to review those responses. Mr. Rosencranse reviewed the submitted written responses, stating that a comment was made by adjacent property owner Jonathan Mann concerning fill from the site and that while the comment was not relevant to the application, the property owner met with Mr. Mann that following day and addressed the issue directly. Mr. Rosencranse stated that a comment was made on lighting on the site, and that lighting was confirmed to be downward facing with minimal footcandles of light produced. Mr. Rosencranse stated that no vehicles would be stored at the gravel staging area, and that only materials and equipment would be stored there. Mr. Rosencranse also stated that the site was no longer classified as a "hot spot" under NYS Department of Conservation (DEC) regulations for stormwater analysis, but that the project's stormwater pollution prevention plan (SWPPP) was still being designed as if it were a "hot spot" site. Mr. Rosencranse stated that stormwater would be reduced off-site, which would improve conditions for off-site properties. Mr. Rosencranse also stated that there would be

no impact to groundwater or the supply well on another adjacent property, reviewing geotechnical data for the site. Chairman Oster asked Mr. Laberge if he thought that the all public comments had been sufficiently addressed. Mr. Laberge stated that he had received the responses earlier that day, and that he agreed in general with the responses submitted by the applicant. Mr. Laberge agreed that there would not be any significant impact to the adjacent well based on the geotechnical data submitted by the applicant, even if it was a shallow supply well. Mr. Laberge also stated that there being no vehicle storage in the gravel staging area should be noted on the site plan. Chairman Oster asked if any equipment would be stored on the site that could lead to contamination, such as equipment that handled or stored hazardous materials. A representative from Rifenberg Construction stated that nothing being stored on-site would cause contamination, and that no oils or lubricants would be stored in any areas where they could cause contamination. The Planning Board agreed that the written responses submitted by the applicant adequately addressed all public comments. Mr. Laberge then reviewed Part 2 of the project's Environmental Assessment Form (EAF), stating that all environmental impacts that were noted were small and that there were no large or moderate impacts. Mr. Laberge then reviewed Part 3 of the EAF and recommended a negative declaration under SEQRA on the project. There were no further questions or comments from the Planning Board. There were no further questions from the applicant. Member Tarbox made a motion for a negative declaration on the project under SEQRA, which was seconded by Member Mainello. ~~The Planning Board voted unanimously to declare a negative declaration on the project under SEQRA.~~ Chairman Oster asked if there should be any conditions to consider for action on the application. Mr. Laberge cited his letter to the Planning Board dated June 6, which suggested the following conditions be included for approval of the project:

- (1) Prior to final approval, the applicant should submit signed and sealed plans, and include a copy of those plans in the SWPPP document;
- (2) Prior to soil disturbance and issuance of a building permit, the applicant must provide proof of coverage under DEC GP-0-20-001;
- (3) The applicant must verify that the excess cut material can be distributed throughout the areas to be disturbed without significantly modifying the grading plan. If significant modification is required, a revised plan should be submitted for approval to the Planning Board. Significant modification includes items such as modification to the drainage plans, increase in slopes to greater than 2:1 or an increase in the elevation of the proposed gravel yard area.

Attorney Gilchrist added that Mr. Laberge's comment that no equipment, including equipment containing petroleum and hydraulic fluids, being stored on the new proposed gravel staging area should be added as a note on the plat, should be a fourth condition on the action. Member Petersen made a motion to approve the site plan amendment subject to the four (4) stated conditions, which was seconded by Member Mainello. The Planning Board voted unanimously to approve the site plan amendment subject to the stated conditions.

Mr. Bonesteel returned to the meeting.

The second item of business on the agenda was the Brunswick Acres Planned Development District major subdivision application submitted by Brunswick Road Development, LLC for property located along NYS Route 2. Anthony Casale was present to review the application. Ronald Laberge, of Laberge Group, the Town-designated review engineer for this project, was also present. Mr. Casale stated that the project had previously been before the Planning Board, that it had been given conditional final subdivision approval in August 2022, that the project had not