

# Appendix A

## Transcripts of Public Hearing

PUBLIC HEARING

TOWN OF BRUNSWICK

In the matter of:

---

The application submitted by J.P.J. Partnership, for the proposed Brunswick Meadows condominium project, pursuant to Section 10 of the Zoning Code of the Town of Brunswick, for a proposed Planned Development District (PDD).

---

DATE: Tuesday, May 15, 2007 at 6:30 p.m.

PLACE: BRUNSWICK TOWN HALL  
336 Town Office Road  
Troy, New York 12180

PRESENT:

TOWN BOARD:

Philip Herrington, Town Supervisor  
Susan Quest-Sherman, Town Clerk  
Thomas Cioffi, Town Attorney  
Patrick Poletto, Councilman  
Sam Salvi, Councilman  
Dan Casale, Councilman

CONSULTANTS:

Andrew W. Gilchrist, Esq.  
Mark L. Kestner, Engineer

FOR THE DEVELOPER:

Joseph W. Zappone, Esq.  
Linda T. Stancliffe, RLA

1 SUPERVISOR HERRINGTON: And at this point I'd like  
2 to call the meeting to order. If you would please rise.

3 (The Pledge of Allegiance was said by all.)

4 SUPERVISOR HERRINGTON: At this point I'd like to  
5 ask the Town Clerk to read the Notice of the public hearing,  
6 please.

7 MS. QUEST-SHERMAN: "Public Notice. Notice is  
8 hereby given, that a public hearing will be held by the Town  
9 Board of the Town of Brunswick on Tuesday, May 15th, 2007 at  
10 6:30 p.m. at the Brunswick Town Hall, 336 Town Office Road,  
11 Troy, New York, 12180, pursuant to Section 10 of the Zoning Code  
12 of the Town of Brunswick and also pursuant to the State  
13 Environmental Quality Review Act (SEQRA) and its implementing  
14 regulations at 6 NYCRR, Part 617, to allow public comment on the  
15 application submitted by J.P.J. Partnership for the proposed  
16 Brunswick Meadows Planned Development District (PDD), which is a  
17 proposed condominium project consisting of 124 condominium units  
18 to be located in 31 buildings on 18.3 acres of land situated on  
19 NYS Route 142 approximately 130 feet east of the Town of  
20 Brunswick and City of Troy municipal boundary.

21 "A portion of the site is currently zoned R-15  
22 Residential, totalling 3.5 acres, and the remaining part of the  
23 site is currently zoned A-40 Agricultural.

24 "The application has been submitted pursuant to

1 Section 10 of the Zoning Code of the Town of Brunswick for a  
2 Planned Development District. A Draft Environmental Impact  
3 Statement (DEIS) has been prepared by J.P.J. Partnership for  
4 this action pursuant to SEQRA. The Town Board of the Town of  
5 Brunswick, as SEQRA Lead Agency, has accepted the DEIS as  
6 adequate for public review, and a Notice of Completion has been  
7 filed.

8 "The public hearing will allow comment on the PDD  
9 application and the DEIS. The Brunswick Meadows DEIS is  
10 available both in hard copy and electronic format. Hard copies  
11 of the Brunswick Meadows DEIS are available for public review  
12 and inspection at the following locations: Town of Brunswick  
13 Town Office, 336 Town Office Road, Troy, New York 12180;  
14 Brunswick Community Library, 605 Brunswick Road, Eagle Mills,  
15 New York 12180.

16 "An electronic format of the Brunswick Meadows DEIS is  
17 also available for review on the Town of Brunswick web site at  
18 [www.townofbrunswick.org](http://www.townofbrunswick.org). All interested persons will be heard  
19 at the public hearing." Dated April 18th, 2007, Brunswick, New  
20 York, by Order of the Town Board, Town of Brunswick, Philip H.  
21 Herrington, Supervisor, and that was in the newspaper April  
22 20th.

23 SUPERVISOR HERRINGTON: Thank you, Sue. At this  
24 point I'll call on Attorney Gilchrist, one of our consultants on

1 the project, to explain where we're at in this procedure. Andy.

2 MR. GILCHRIST: Yes. Thank you. As you can see,  
3 there's a stenographer that's present at tonight's public  
4 hearing, and a stenographic transcript of the comments received  
5 tonight will be made. I think it's appropriate now to let the  
6 record reflect on procedure that has brought us to the public  
7 hearing this evening. For everyone's benefit, the PDD  
8 application and Environmental Assessment Form were initially  
9 filed with the Town Board in January of 2005. The original  
10 proposal included 136 proposed condominium units.

11 Upon receipt of that, the Town Board referred the  
12 applications to the Town Planning Board, the Town Zoning Board  
13 of Appeals and to the Rensselaer County Department of Economic  
14 Development and Planning for review and recommendation. That  
15 referral was made in March of 2005.

16 The Town Board determined to undertake a  
17 coordinated review under SEQRA, the State Environmental Quality  
18 Review Act, and in that regard went through the coordination of  
19 Lead Agency designation. That effort was undertaken in March of  
20 2005. The involved agencies on this application include this  
21 Town Board, the Town Planning Board, the City of Troy concerning  
22 water and sewer facilities, Rensselaer County Health Department,  
23 the Rensselaer County Sewer District, the New York State  
24 Department of Environmental Conservation, the New York State

1 Department of Transportation, the New York State Department of  
2 Health and the Army Corps of Engineers concerning wetland  
3 issues. These are involved agencies.

4 There are also a series of what are called  
5 interested agencies which do not necessarily have permit  
6 approval authority over the project but are nonetheless  
7 interested in commenting on the project. Only an involved  
8 agency under SEQRA can serve as Lead Agency. So the Notices  
9 were sent to those agencies I listed. No other agency objected  
10 to this Town Board serving as Lead Agency, and this Board  
11 declared itself SEQRA Lead Agency in April of 2005. At the same  
12 meeting, the Town Board adopted a positive declaration under  
13 SEQRA, which is a determination that there may be at least one  
14 potentially significant adverse environmental impact from this  
15 action. Now, that was adopted in April of 2005. It was  
16 published in the Environmental Notice Bulletin on May 4th, 2005.

17 This Town Board as SEQRA Lead Agency then undertook  
18 a public scoping to identify those issues which needed to be  
19 addressed by the applicant in the Environmental Impact  
20 Statement. The applicant submitted a draft scope to this Board  
21 in May of 2005. As is the practice of this Board, a public  
22 notice of receipt of the draft scope was published on the Town  
23 web site and the Town Notice Board and also published in The  
24 Record newspaper in May of 2005. The draft scope was sent to

1 all involved and interested agencies in May of 2005. Likewise,  
2 the draft scope was sent to all property owners within 500 feet  
3 of the project site within the Town, but given the proximity of  
4 this project to residents in the City of Troy, the draft scope  
5 was also sent to all property owners on Hialeah Drive. Those  
6 activities occurred in May of 2005. Written comments were  
7 received by this Board on the draft scope through June 17th,  
8 2005. The Board reviewed those comments and ultimately adopted  
9 the final SEQRA scope for this action in September of 2005 and  
10 thereupon served the final scope on all involved and interested  
11 agencies. And again, for the record, that occurred in September  
12 of 2005.

13 It was not until November of 2006 that the DEIS was  
14 submitted to the Town by the applicant for review as to its  
15 completeness. At that point the project was modified down to  
16 124 units in 31 proposed building locations. That draft DEIS  
17 was reviewed by the Town's consultants on this project and  
18 determined to be incomplete in January of 2007. The applicant  
19 then resubmitted a revised DEIS in March of 2007, which was  
20 likewise reviewed by the Town's consultants. Upon  
21 recommendation of the Town's consultants, this Town Board  
22 determined that the DEIS was complete, meaning it was adequate  
23 for public review and comment, and the Town Board determined  
24 that it was appropriate at this time to allow members of the

1 public as well as the other involved and interested agencies to  
2 submit written comments on both the PDD application as well as  
3 the information contained in the Draft Environmental Impact  
4 Statement. The Board made that determination by resolution  
5 dated April 12th, 2007.

6 That Notice of Acceptance of the DEIS and SEQRA  
7 public hearing was published in the Environmental Notice  
8 Bulletin April 25th, 2007. Likewise, the Notice of Public  
9 Hearing was served on all involved and interested agencies and  
10 adjacent -- or strike that -- property owners within 500 feet of  
11 the project site, plus property owners on Hialeah Drive. The  
12 Notice of Public Hearing was posted on the Town web site and the  
13 Notice Board and published in The Record newspaper as the Town  
14 Clerk just read.

15 That brought us to this evening. The purpose of  
16 this evening's meeting is to receive public comment on the  
17 Planned Development District application as well as the  
18 information contained in the DEIS. It is noted for the record  
19 that the Town Board accepted the DEIS as complete, meaning it  
20 determined it adequate for public review, inspection and  
21 comment. It does not mean that the Board has made any  
22 determination concerning the application, but rather, it is  
23 adequate for receipt of public comment, and that's the purpose  
24 for this evening's meeting.

1           A stenographic transcript is being prepared tonight  
2 to transcribe all comments received. According to the SEQRA  
3 regulations, the applicant then must address all comments  
4 received and respond to them. The document in which those  
5 responses are submitted to the Town is called the Final  
6 Environmental Impact Statement. That will likewise need to be  
7 reviewed for completeness by the Town Board, but that will  
8 follow the receipt of comment. It has been the practice of this  
9 Board not only to entertain comments at the public hearing but  
10 also establish a period by which written comments need to be  
11 submitted to the Town Board for review. The Town Board has  
12 conducted the public hearings by way of having the applicants  
13 present the project and then open the floor for the receipt of  
14 public comment. The Board has indicated that this is not a  
15 question and answer session or debate, but rather, an  
16 opportunity for the Board to listen to comments of the public,  
17 have the applicant listen to those comments and ultimately have  
18 the applicant respond to those comments in terms of their  
19 project application.

20           Now, I must advise everyone before the opening of  
21 the public hearing for receipt of comments that on April 12th  
22 the Town Board did accept the DEIS as complete and scheduled the  
23 public hearing. In conjunction with the current SEQRA  
24 regulations, not only a hard copy needs to be submitted to the

1 Lead Agency, but an electronic copy needs to be submitted as  
2 well. The electronic copy is prepared by the applicant and  
3 submitted to the Lead Agency for posting on a publically  
4 available web site. The Town has utilized its own web site for  
5 that purpose.

6 The applicant does prepare in this case a CD Rom  
7 with the PDF files of the DEIS, meaning the entire document has  
8 been scanned and presented to the Town so it can be posted on  
9 the Town web site. When preparing for the public hearing, it  
10 was discovered that there had been an error in scanning one of  
11 the appendencies to the DEIS, particularly Appendix N. In point  
12 of fact, the Appendix was a two-sided report, and unfortunately  
13 as I understand it, when that was scanned, only one side of that  
14 page was scanned in. So unfortunately, not the complete report  
15 was included in Appendix N. As I say, that was discovered  
16 yesterday preparing for the public hearing. It's been my advice  
17 to this Board for their consideration that because of the error,  
18 this public hearing should be left open and renoticed and  
19 continued once the public has had an opportunity to review the  
20 entire Appendix N to the DEIS, and that will be corrected both  
21 in terms of hard copy at the Town Office, the Town Clerk, as  
22 well as the Community Library and will be corrected on the Town  
23 web site. The web site is updated weekly on Thursdays. So this  
24 cannot be corrected until this Thursday, and so the Board should

1 consider that in timing out the continuation of the public  
2 hearing, if you desire. It's my counsel to the Board that you  
3 do so to allow the public an opportunity to review the entire  
4 document in an electronic format so that comments can be  
5 received on the complete document. The Board determined to open  
6 the public hearing tonight and receive comment on the document  
7 as submitted, which is complete aside for Appendix N.

8 SUPERVISOR HERRINGTON: Thank you. As Counsel  
9 noted, the public hearing will be left open. We are not going  
10 to close it tonight. Before the evening is over, we'll set  
11 another date for the continuation of the public hearing.

12 At this point, I believe I would like to have the  
13 applicant make a presentation on the project. Grab a microphone  
14 there if you would.

15 MR. ZAPPONE: Good evening, folks. I'm Joseph  
16 Zappone, and I'm a partner of J.P.J. Partnership, the applicant.  
17 Our engineer present tonight is Linda Stancliffe. I'd like to  
18 apologize for what Mr. Gilchrist just brought forward. It  
19 wasn't intentional; things happen. The PDF didn't copy over  
20 correctly.

21 Folks, anything that I say that may appear to be an  
22 assumption of we're going in the right direction or when we  
23 start building these possible condos, don't take that out of  
24 context. I'm here on behalf of the applicant. I am part of the

1 applicant, and in no way, shape or form are we assuming that  
2 this is just a process that we have to go through. This is a  
3 very serious process, and we take it very serious.

4 Now, as Mr. Gilchrist had pointed out, we received  
5 a positive declaration on our project, and as a result of the  
6 same, we are advised by the SEQRA regulations in doing a full  
7 environmental impact study on our project.

8 The project is located on Grange Road in Brunswick  
9 on the border of the City of Troy near Hialeah Drive. It  
10 consists of 31 buildings, 4 condominium units to a building.

11 A picture speaks a thousand words. I'll get to the  
12 quick points. The proposed builder is Amedore Builders. Some  
13 of you folks may have seen the builder on TV recently as a  
14 nationally recognized builder.

15 The important SEQRA issues that we addressed in our  
16 Draft Environmental Impact Statement are along the model. The  
17 School District, which will service the project, again based on  
18 everything if we have success, will be the Lansingburgh School  
19 District. We have received a positive letter of recommendation  
20 of the project from the School District.

21 We have requested from the City of Troy the ability  
22 to tap into City water and City sewer, and Mayor Tutunjian has  
23 in fact granted us that right. So this project will be  
24 serviced, if successful, by the City of Troy at the developer's

1 expense. We will look into the sewer water line and bring it  
2 into the project.

3 The other interesting point to this project is it's  
4 approximately 18 acres. The green space is in excess of 50  
5 percent. It will be controlled by a homeowners' association.  
6 We will maintain our roads. We will maintain the retention  
7 ponds. There will not be a significant impact, if at all, on  
8 the Brunswick Department of Public Works to maintaining these  
9 facilities. It will be something that the community itself has  
10 to maintain.

11 The reason I point out the School District issue is  
12 that, again it's just an interesting concept, and I have to say  
13 that at one point we were all children, and I understand that  
14 it's always a concern. There's a balancing act that we have to  
15 put into place, whether it's apartments or a retail operation or  
16 condensed housing. You know, how is this going to impact our  
17 School District? You know, how is it going to impact the tax  
18 base? And I just want to highlight that one issue, that this  
19 time the project is going to be serviced by Lansingburgh.  
20 They've actually written to us that they are in support of it,  
21 and we won't be involved with the Brunswick School District.

22 Now, some of the things that we analyzed, we  
23 submitted our draft scoping document. We received comments back  
24 working along with Mr. Gilchrist and Mr. Kestner for the Town.

1 We then finalized our final scoping document encompassing and  
2 responding that we would put everything into our Draft Impact  
3 Statement. We felt comfortable we could address all issues of  
4 all parties that were concerned.

5 At that point we endeavored to analyze the traffic  
6 impact, and that was performed by Erdman Anthony, our engineers.  
7 We analyzed and submitted archeological studies. We have  
8 submitted an erosion control plan for during the construction  
9 and the impacts of storm water runoff of retention ponds and the  
10 capabilities of the system that would be put in. We have done a  
11 Phase 1 environmental audit on the property, the surrounding  
12 properties and the impact, if any, on this site. We have  
13 studied whether or not there would be any endangered species on  
14 the site.

15 Now, we believe that we have completely responded  
16 to all of the issues that were in our Draft Environmental Impact  
17 Statement, subject obviously to the public comments. We take  
18 them very serious, and as the law provides, under the guidance  
19 of Mr. Gilchrist and Mr. Kestner and the review of the Town  
20 Board, we fully anticipate that any comments that are made,  
21 whether they are here tonight or in written form or at a  
22 subsequent meeting in June, that we will do our best to respond  
23 completely and fully to any of the concerns that anyone here has  
24 or anyone has that happened to miss the meeting here tonight.

1 Thank you very much.

2 SUPERVISOR HERRINGTON: Okay. At this point, Andy,  
3 should I open it up to the public?

4 MR. GILCHRIST: Yes.

5 SUPERVISOR HERRINGTON: All right. At this point I  
6 would like to open it up to the public. If you have any  
7 questions, comments, concerns, I'd like to ask you to please  
8 come forward and use the mic because we're getting everything on  
9 tape here. I've got to have your name and your address, please.  
10 And I will add, your comments will be answered.

11 MR. AMBUHL: Thank you. My name is Richard Ambuhl.  
12 I live on 18 Hialeah Drive, which is on the east side of  
13 Hialeah, pretty much the lowest point on Hialeah Drive on the  
14 east side. One of the concerns I had I think was perhaps  
15 answered over by this gentleman. Back in June of 2005, I sent a  
16 letter to Mr. Herrington listing my concerns, and it was never  
17 acknowledged, but I guess you did.

18 SUPERVISOR HERRINGTON: Yes.

19 MR. AMBUHL: It did go into your package  
20 or whatever.

21 SUPERVISOR HERRINGTON: Every letter I had received  
22 I pass it on to the consultants.

23 MR. AMBUHL: Okay. I went through the Draft DEIS,  
24 and I was concerned about -- my main issue is the wetlands in

1 the middle of the project. I know you talk a lot about the  
2 wetlands down at the other end which are going to be preserved  
3 and picnics and walking trails and everything, and you're going  
4 to protect the plant life and the wildlife. But the one that's  
5 directly in back of my property is sort of like, in the Draft  
6 DEIS and in the actual DEIS it's like insignificant, and it is  
7 going to be disturbed. I was wondering, did the Army Corps of  
8 Engineers approve this? Or how can they -- I think it said up  
9 to one-tenth of an acre was going to be disturbed. Now, my  
10 concern with it is that it partially controls the storm water  
11 drainage. Now, 85 percent of the storm water drainage currently  
12 comes down through the middle of the project site. It then goes  
13 into this wetland. Now, in the documents that are in that book,  
14 it says that there's an excavated ditch that it goes into, and  
15 then it goes under the -- that it goes into a -- oh, there's a  
16 word for it, the head on the drainage pipe.

17 MR. KESTNER: Head wall.

18 MR. AMBUHL: Head wall, right. Thank you. It goes  
19 under the Niagara Mohawk corridor, and then it goes under  
20 Hialeah Drive into the reservoir. Now, nowhere in anything that  
21 I've read -- and I browsed through that whole thing, believe it  
22 or not. I didn't understand most of it. But nowhere did I see  
23 anything mentioned that it -- first of all, there's no pipe  
24 under Niagara Mohawk corridor. It's a stream. It's been there

1 since I've been there, since 1978. It's just a little stream  
2 that goes through the entire Niagara Mohawk corridor. Then at  
3 the beginning of my property there is a 24-inch pipe. There's  
4 no head wall or anything. It just goes through, approximately  
5 101 feet through my property. Then it goes under Hialeah Drive.  
6 Then it goes to some private property on the other side and then  
7 into the reservoir. But nowhere, I have not seen it mentioned  
8 in anything. It's just like it miraculously goes to the  
9 reservoir. So my concern is, as a property owner, I just want  
10 to make sure that it is adequately controlled.

11 In the Draft DEIS, it said that there was going to  
12 be storm water on site and two retention sites. When I looked  
13 on the map, I only saw one retention pond, and then I went  
14 through the actual DEIS. It seems to be one retention pond  
15 which is going to have some kind of an 18- to 24-inch pipe  
16 that's just going to go in the same direction as the other 85  
17 percent did before. And in the DEIS it also said that  
18 completion of the project, the drain, the runoff would be equal  
19 to or less than what it is currently. But in the actual DEIS  
20 that seems to have been like wiped away from what I could see  
21 anyway, and it just says that there will be increased runoff,  
22 and it talked about somewhere in one of the documents about to  
23 prevent extreme flooding. So that's what my concern is. I  
24 mean, common sense tells us that, sure, when the land is

1 undeveloped, you've got all these trees and roots that are going  
2 to absorb the water, and now there's going to be a tremendous  
3 amount more water, and I'm concerned about how it's going to  
4 affect my property. Now, maybe this has all been addressed  
5 somewhere, but I just didn't realize where.

6 My other concern that I had was, when this project  
7 is completed, are the developers or is someone going to have  
8 like an insurance policy or a reserve fund or a bond for any  
9 potential damage to the property owners on Hialeah Drive?

10 The City of Troy I think, like I said, they have  
11 approved your storage hookups and all of that. I talked to  
12 someone at the water department. I talked to someone in the  
13 engineers' department, and it seems like they were not involved.  
14 And I'm wondering, is there anyone from the City of Troy that's  
15 monitoring this project for the potential impact on the,  
16 negative impact on the citizens of Troy? I didn't see that  
17 addressed anywhere. I have not been able to get any answers out  
18 of anyone at the water department or anyone in the engineers'  
19 department either, but I just want someone to look out for the  
20 residents that might be affected. Hopefully they won't.

21 The other area besides -- the storm water was my  
22 biggest concern and why it wasn't mentioned. I believe when I  
23 bought the property in '78, the map that I had showed that there  
24 was an easement through the property for maintenance of that

1 24-inch pipe. A few years back I went over to a meeting at, I  
2 believe it was at the water plant, and I was told that there was  
3 no easement. I was shown a map, a water department map, and it  
4 showed there was no easement. So I have no idea what currently  
5 is in effect. I don't know.

6 MR. POLETO: Is there anything on your deed?

7 MR. AMBUHL: On the map that I had when I bought  
8 the property, in the deed, I actually don't know. On the map  
9 that I got from the builder, Caldwell Builders back in 1972, it  
10 showed an easement on the property on the map that he gave us.  
11 But the water map that I was shown when I went to the meeting  
12 showed there was no easement. I was told there is no easement.

13 MR. POLETO: But if there was an easement, wouldn't  
14 it be on the deed?

15 MR. CIOFFI: Yes, normally.

16 MR. AMBUHL: In the deed?

17 MR. POLETO: In your deed.

18 MR. AMBUHL: Okay. I should look that up.

19 MR. POLETO: Yes.

20 MR. AMBUHL: Okay. And the other question I had  
21 was on sewage. I understand the sewage is going to come down  
22 Route 142 by an eight-inch pipe, hook into an existing  
23 eight-inch pipe down the center of Hialeah Drive. My question  
24 was -- that pipe was installed in 1968 -- not necessarily the

1 size. I was told by someone that their computer figured out  
2 that, yes, it can handle the capacity, and I think in the  
3 engineer's report that Mr. Murley sent, it said that with his  
4 knowledge of the City, it more than adequately could handle it.  
5 And somewhere in the documents it said that the Public Works,  
6 the Department of Public Utilities said that the capacity is  
7 sufficient to be able to handle it. Nowhere does it say who in  
8 the City of Troy. My concern was the conditions of the pipe. I  
9 asked if there was any testing of the pipe to make sure that it  
10 is in good condition to be able to handle this, and were there  
11 any tests, and there were not. As far as from the City of Troy,  
12 there were not.

13 And I think that probably -- although a couple  
14 questions I had was, who or what agency from the City of Troy is  
15 monitoring the project to ensure it does not adversely affect  
16 the residents on Hialeah Drive? If information is incorrect,  
17 like I said, there's no pipe under Niagara Mohawk property.  
18 It's under my property, and that's been probably submitted to  
19 all the regulatory agencies, federal, state and local. Should  
20 that be corrected, or does that negate any approvals that  
21 perhaps information is actually not correct? And my question,  
22 and this may be unfair. I don't know, but I had, is it prudent,  
23 responsible and legal for the City of Troy to grant approvals  
24 for a project based on professional engineer's report prepared

1 by a professional engineer who owns the property and who is a  
2 partner in the development? Doesn't this present some type of a  
3 conflict of interest? As far as I know, a City engineer from  
4 Troy has not done anything. Everything is being reviewed based  
5 on Mr. Murley's, but maybe that's okay. But as an ordinary  
6 citizen, I would say, Wow, that would raise a red flag to me.

7 MR. POLETO: That's why we have our consultants on  
8 everything.

9 MR. AMBUHL: Good. I think that's it.

10 SUPERVISOR HERRINGTON: In there were a lot of good  
11 questions on good concerns, and Mark Kestner from Kestner  
12 Engineers is our other consultant that we have hired at the  
13 developer's expense, not the taxpayers'. We will look into all  
14 these questions.

15 MR. KESTNER: Yes, we did ask the applicant to get  
16 a letter from the City because you're quite correct, it does  
17 reference that the Department of Public Utilities says there is  
18 capacity here. We asked for a letter from the applicant as to  
19 who that would be.

20 MR. AMBUHL: All right. And also you'll address  
21 that part about the, all of a sudden, the one retention pond  
22 which is going to have the pipe going to right where all the  
23 water goes.

24 MR. KESTNER: Right, there is a pipe between the

1 two ponds the applicant has shown on the drawings, and that is a  
2 storm water pollution prevention plan, and we are reviewing  
3 that. We are aware that the two ponds are interconnected.

4 MR. AMBUHL: Okay. So what it said in the Draft  
5 DEIS that at the completion of the project, the flow -- is that  
6 a true statement I guess? Is it going to be equal to or less  
7 than what it currently is?

8 MR. KESTNER: Yes, I think that the confusion  
9 sometimes comes in. There's actually more storm water  
10 generated, but the applicant is required to control the rate at  
11 which it leaves the site to the pre-development condition.

12 MR. AMBUHL: Right. That makes sense.

13 MR. KESTNER: So that if the pipe takes it now, we  
14 do not let them exceed the rate. You do have more water per se  
15 but not at a faster rate.

16 MR. AMBUHL: Right.

17 MR. KESTNER: That's the issue.

18 MR. AMBUHL: Thank you very much.

19 SUPERVISOR HERRINGTON: Thank you. Andy, just a  
20 fair question, if this project gets approved, it then goes to  
21 our Planning Board?

22 MR. GILCHRIST: Correct.

23 SUPERVISOR HERRINGTON: The Chair is with us  
24 tonight. You want to explain that to us in terms of the site

1 plan?

2 MR. GILCHRIST: What's in front of the Town Board  
3 is the Planned Development District application. If acted upon  
4 and approved by the Town Board, that from a zoning prospective  
5 allows the project to proceed. The project will then need to go  
6 through detailed site plan review in front of the Town Planning  
7 Board. That will also entail an additional, at the discretion  
8 of the Planning Board, an additional public hearing, and the  
9 detail on the plans and specifications is for actual site  
10 development and is reviewed by the Planning Board in the Town.  
11 So what has been presented, while there is detailed plans, for  
12 instance, as you just raised regarding storm water generation  
13 and runoff, those details are already prepared, but the actual  
14 site development is at this point a conceptual layout on the  
15 property. If approved by this Board, then detailed site plan  
16 review will happen at the Town Planning Board.

17 SUPERVISOR HERRINGTON: Okay. At this point does  
18 anybody, any other person have comments, questions? Come on up,  
19 sir. Can I have your name and address.

20 MR. KEELS: My name is O'Neil Keels. I live at Six  
21 Hialeah Drive, and my concern is, I'm really not sure where this,  
22 road is going into this new development. Is it in between my  
23 property and the gentleman over there in the blue shirt? I'm  
24 really not sure. I just think that we're in the City of Troy,

1 and then we're right on the borderline of the City of Troy and  
2 Brunswick, and I just don't -- I really don't understand the  
3 whole thing, because right now as it is with the situation, I  
4 have a lot of runoff from the hill right now with water coming  
5 into my back yard, and there's nothing there. I'm just  
6 concerned about what's going to happen when they start building,  
7 more water coming into my yard. I'll be flooded out. So --

8 SUPERVISOR HERRINGTON: One thing I'd like to ask  
9 the applicants if they would, after we adjourn tonight, if you  
10 would stay a little bit, leave the maps up, maybe a question  
11 like that in terms of the exact location of the road if you  
12 could -- John, are you okay with that?

13 MR. MAINELLO: No problem.

14 SUPERVISOR HERRINGTON: That might be able to help  
15 you.

16 MR. KEELS: I mean, I didn't buy the house to live  
17 in a swamp, so we couldn't go out in the back yard, and I want  
18 to be able to use the property that I'm paying taxes and  
19 everything for; and personally I think somebody from the City of  
20 Troy should be representing the citizens of Troy for this  
21 project, and I don't feel as though that's being done right now.  
22 So I really need some more information on this project, because  
23 I don't want to live in a little swamp, I don't.

24 SUPERVISOR HERRINGTON: Again, I'll ask these

1 people to stay after, and then after the meeting adjourns, maybe  
2 you can get that road exactly located.

3 MR. KEELS: Okay.

4 MS. STANCLIFFE: I'm sorry. Can I take your  
5 address?

6 MR. KEELS: Six Hialeah Drive.

7 SUPERVISOR HERRINGTON: Thank you, sir. Anybody  
8 else at this point? Jim.

9 MR. TKACIK: My name is Jim Tkacik, 387 Brunswick  
10 Road, and I have just a few general comments. I think, you  
11 know, we have systems in place to assure proper usage for  
12 property developments, mainly in the way of zoning and a  
13 comprehensive plan. And I think when we introduce these PDDs, I  
14 think we're introducing somewhat of a dysfunctional process here  
15 in that, for example, I could understand why the PDDs might be  
16 useful for unique situations, you know, something if you need to  
17 meet an urgent need or if you have to provide some compelling  
18 benefit or if you're showing a huge benefit for the Town, but I  
19 haven't seen anything like that out of this project.

20 It seems to me that there's just 120 more condos  
21 coming to the Town. I don't know if they are aimed for empty  
22 nesters or who. But I think, you know, as these PDDs have been  
23 -- I think this is probably like the fourth or fifth that's been  
24 running through the Town here. They tend to develop sort of a

1 momentum of their own. I think the onus should be on developer  
2 to show there's a benefit from these, and I don't see it. In  
3 any of these, I don't see a compelling benefit. It's not just  
4 this project.

5 As I said, there's this momentum that these  
6 projects have picked up, and this momentum is fueled by the  
7 money, of course. That's what's driving all of this. The onus  
8 is shifted on to the private citizens to say, Oh, wait a minute.  
9 We don't think this is working right. For example, the  
10 gentleman who was talking about the storm water, the water, the  
11 drainage and all of that. This is going to be on his lap to  
12 come up with a technical description of hydrology, which is  
13 probably beyond his technical competence. All right. He has to  
14 prove that this is really going to be a problem, and it  
15 shouldn't be that way. I think you need to shift the onus back  
16 on the developers to show the benefit of this and to make sure  
17 that there aren't going to be any problems from this, not to  
18 have the residents have to prove that there's an adverse effect  
19 of this project.

20 I know -- you know, also as these projects get  
21 going and there's like the possibility of a technical  
22 difficulty, what happens, the developer will then go up and hire  
23 another engineer and generate another report. All right. And  
24 this just buries the people, and I'm sure there's not one member

1 of the Town Board who has read all of this stuff. You can't  
2 read it. You just can't make any sense of it, and people just  
3 get buried under the weight of it, and it's the weight of this  
4 and this momentum that picks up and keeps pushing things along.

5 I think we need a lot more sense in planning in  
6 future prospective for the Town of Brunswick. I think these  
7 PDDs to a large extent are sort of like the tail wagging the  
8 dog. The development and the planning that we're getting is  
9 sort of like a reaction. It's a reaction to these PDDs.  
10 Somebody comes in with a PDD to build condos for -- I've  
11 forgotten the name of Mr. Herrington's development here. They  
12 build these condos. All right. Well, you have to get approval.  
13 You get a big chunk of development here. All right. Another  
14 developer comes in with a PDD for another chunk. You get this,  
15 and you end up with these projects here which five years ago you  
16 would have thought, if you had to sit down, you know, five years  
17 ago, Do we want this, or do we expect this? And the answer for  
18 both of those probably would have been no, but you end up with  
19 this. There's no planning here. There's no proactive planning.  
20 This is all reaction to things.

21 And I also think the PDDs are becoming a way to  
22 circumvent the existing zoning and the comprehensive plan.  
23 Just the number of them -- how many PDDs were approved in  
24 the previous 15 years? I think maybe two. Is that right?

1 Mr. Gilchrist, do you have a handle on that?

2 MR. GILCHRIST: I don't, sir. I didn't represent  
3 the Board for the past 15 years.

4 MR. TKACIK: Okay. Maybe someone else does. All  
5 right. But right now, there are five or so in front of the  
6 Board within the last two years, but I think there are just too  
7 many. I think there should be course screens to string these  
8 things out before they get to the PDD situation. Okay. What do  
9 you do? Well, I think what we need to do as a Town is to hire a  
10 planner. Okay. You think, Oh, God, where are we going to get  
11 the money? Well, I can come up with the PDD process has paid  
12 Mr. Gilchrist's firm about \$180,000 dollars for his actions as a  
13 manager of the PDDs.

14 SUPERVISOR HERRINGTON: Who paid? The developers  
15 paid.

16 MR. TKACIK: The Town paid him, and we assumedly  
17 were paid by the developers. It's around \$180,000.

18 SUPERVISOR HERRINGTON: We retained Mr. Gilchrist's  
19 firm and Mr. Kestner's, and the developers are completely paying  
20 that. The Town is not paying anything, so --

21 MR. TKACIK: My point is, instead of having Mr.  
22 Gilchrist be the manager for the PDDs, you hire a developer.  
23 The developer, as for example in the Town of Bethlehem, the Town  
24 developer manages the PDDs. All right. Therefore, if you do

1 that, you bring a competent professional in there who has some  
2 insight into the planning process, not just, excuse me, not just  
3 a lawyer. Which I'm sure he's the first to admit that he  
4 doesn't have the insight that a professional planner would have,  
5 no more than a professional planner would have insight into the  
6 law. I'm not saying you can eliminate a lawyer from that  
7 situation.

8 SUPERVISOR HERRINGTON: We'd like to comment on  
9 some of this stuff, but I don't know -- do you have any other  
10 points here, Jim?

11 MR. TKACIK: Sure. Yes, I do. And I think the  
12 other thing that we could do and to eliminate this, eliminate  
13 the -- everyone is seeing these engineering and technical  
14 reports done by -- the developers commission their engineers.  
15 They do these reports, and some of these things are just absurd,  
16 especially the traffic reports. What we could do is take that  
17 money -- once again, they are going to have to fund it. The  
18 Town could commission these reports. In other words, the  
19 engineer would work for the Town. The traffic engineers could  
20 work for the Town. You're much more likely to get an unbiased,  
21 objective report out of this.

22 SUPERVISOR HERRINGTON: One thing that's happening  
23 here is, the point that you're making, I'd love to have you  
24 entertain this at a regular Town -- I mean, you're talking

1 policy here. I'd kind of like to talk about this project, the  
2 specifics about this project tonight. I know you have concerns  
3 with the way the Town is being handled.

4 MR. TKACIK: Well, this is just another PDD that's  
5 come out in front.

6 SUPERVISOR HERRINGTON: Well, if people are here  
7 that -- like these gentlemen are neighbors that have specific  
8 concerns, and I'd like to give them an opportunity.

9 MR. TKACIK: Okay. That's fine. I'll sit. I'll  
10 tell you what, I'll sit down, and these people can tell me the  
11 benefits of this project, okay?

12 SUPERVISOR HERRINGTON: Pat, do you want to comment  
13 on any of this stuff? The one thing I just want to make clear  
14 for the record for the people, PDDs as Jim mentioned, they are  
15 part of our zoning. Planned Development Districts are part of  
16 our comprehensive plan, which I might add is only five years  
17 old. PDDs, people have a right, developers, builders, citizens  
18 have a right to come to this Board and make applications under  
19 law. That's what's happening. We, as Board members, can't be  
20 like Jim and say, Hey, we don't see the benefit. Go away.  
21 Because there's a lot of gentlemen who wear suits here that are  
22 very, very good attorneys that would cost a lot of money to get  
23 this legal.

24 So I want you people to understand, people have a

1 right to put an application in if they own the land. PDDs are  
2 part of our zoning. I personally think they are good tools.

3 Two PDDs that were approved, one ended up being a  
4 200-acre parcel. Seventy-four percent is going to be left  
5 untouched, green space, open. The alternative here is, one  
6 house per acre under zoning on that parcel. Personally, I don't  
7 like to see all these driveways. I like to see 74 percent  
8 green. This was another PDD -- and I'm getting off of the  
9 subject, too -- clustered sidewalks, communities, smart growth,  
10 that's what's known as smart growth I think. So PDD is not this  
11 big, big bad thing. It's a way for the Town Board to say, Okay,  
12 guys -- and if you read, and I promise you, I'll get back on the  
13 subject. But on Betts Road down here off of Route 7, three  
14 chunks of land -- I know some of you people live on North Lake,  
15 toward North Lake. They came in with 1,160 units, apartments  
16 they wanted to put under that. They have a right to do that, a  
17 PDD. As a PDD, we said, "Too many." It came back in 668. This  
18 has been going on for three years. We said, "Hey, it's too  
19 many." I don't know what they're going to come back in with,  
20 but I suggested getting that number way down, taking some other  
21 land and maybe putting in single family homes. PDDs are  
22 something -- this is a tool that the Board can use. So I don't  
23 want to make it look like a bad, bad thing.

24 All right. I'm sorry. I know you people -- as you

1 can tell, we have some concerns in Brunswick on growth because  
2 we have been discovered, but what I want to concentrate on is  
3 this project, the people that live next to it, the people that  
4 are concerned, and then we can get into Brunswick politics and  
5 the concerns after that.

6 Anybody else? Could I have your name and address.

7 MR. GAUTHIER: Jim Gauthier, 489 Grange Road. Now,  
8 this property runs right alongside mine. There are going to be  
9 two houses there. Last summer, some fellow come to me from this  
10 company. Nobody was able to use their driveway. He had to do  
11 something out there. I don't know what it was. I told him to  
12 go ahead and park. So I says to him, "How far is the house  
13 going to be from my house?" He says, "A hundred and fifty feet  
14 from your basement wall." So I measured out 150 feet. Last  
15 fall, they come and put some blue and orange flags in. No way  
16 are they 150 feet from my house.

17 SUPERVISOR HERRINGTON: The flags are the location  
18 of the buildings, do you think, Jim?

19 MR. GAUTHIER: I don't know. That's what I'm  
20 concerned about.

21 SUPERVISOR HERRINGTON: Okay.

22 MR. GAUTHIER: And secondly, what are we going to  
23 do with all this traffic? Right now in the morning at the  
24 stoplight at Route 40, they are backed almost to Hialeah Drive

1 some mornings, and now you're going to add another 300 cars to  
2 that stoplight. It's -- well, my main concern is, they told me  
3 150 feet, and I don't know what these flags are.

4 SUPERVISOR HERRINGTON: We'll figure it out; won't  
5 we?

6 MR. GAUTHIER: That's my main concern.

7 SUPERVISOR HERRINGTON: It's a good concern, Jim.  
8 Anybody else? Frank.

9 MR. BRENNSTUHL: Frank Brennstuhl, 27 Dusenberry  
10 Lane. And if you want the spelling, it's B-R-E-N-E-N-S-T-U-H-L.  
11 And Dusenberry Lane is off of Route 142, and first, I guess it's  
12 kind of a slammer back to the applicant or whatever. But when  
13 he was talking, he kind of made it sound like, seeing as how  
14 it's in the Lansingburgh School District, nobody cares. Hello!  
15 A lot of us care. A lot of us are in the Lansingburgh School  
16 District. It won't make any difference though. I'm sure of  
17 that. Our taxes go up every year. So if you put five in there,  
18 which is what is forecast, versus there maybe -- I forgot what  
19 the other higher number is, 45 students or whatever. It makes  
20 no difference. If a development goes in in the City of Troy,  
21 they'll make up that difference. So that was just a -- to get  
22 it out there that is a concern though that some of us do live in  
23 the Lansingburgh School District.

24 Phil, you mentioned the one idea about the PDDs and

1 how they are a good tool or whatever and that on Highland Creek  
2 we may have had 200 and some odd houses all on one-acre lots.  
3 In the executive summary here it mentions that with the present  
4 zoning for Brunswick Meadows they could have 25 houses.  
5 Twenty-five doesn't -- four doesn't divide into twenty-five. So  
6 make it 28, and then cluster them together. So now you have  
7 condos, townhouses, whatever you want to call them. So I think  
8 that's what the PDD is for, is to leave more green space, take  
9 the number that the zoning says you can have in the area, add a  
10 few to it, compromise around it, and that's the size the project  
11 should be.

12 Now, there's also, according to the information and  
13 executive summary, apparently there's a total of 97 acres  
14 someplace here. I don't know exactly the extent of it. I  
15 really couldn't get the maps off the Internet, and that's my  
16 fault on my end. Okay. I'm not saying they are not on there,  
17 that they're not complete and that they're not accessible, but I  
18 couldn't do it.

19 I don't know if it goes out to Oakwood Avenue, if  
20 the land extends to Oakwood Avenue or not, and that will bring  
21 me to my next deal, which is underneath the transportation  
22 issue. In the executive summary it says most of the traffic is  
23 going to come and go to the west. If you look in the traffic  
24 study though, it says half the traffic in the morning is going

1 to go to the left when they come out, and half of it's going to  
2 go to the right. I personally believe that most of it is going  
3 to go west or go to the left down past Hialeah Drive, down onto  
4 the junction of Plank Road, Route 40, Gurley Avenue, Oil Mill  
5 Hill, Oakwood Avenue where they all come together, and one  
6 resident mentioned that it backs up almost to Hialeah. What he  
7 ought to do is go down and turn right on Route 40. On a mild  
8 day it bottle-necks up to LaPosta's, or whatever the name of  
9 that grocery store is. On a little bit more horrendous days, it  
10 goes up to old Speigletown, and on stormy days, I have seen  
11 traffic all the way up past Melrose when it's just a little bit  
12 greasy, no accidents.

13 Now, if anybody was down there this morning, and I  
14 was not, apparently Route 40 was closed near Leverage Road. I  
15 hate to think what the traffic was like this morning for the  
16 people trying to get to work. That's a bad intersection. It's  
17 in the City of Troy. There's nothing we can do about it. It's  
18 also a state highway system. But as you are coming down Route  
19 40 or Route 142 to go straight ahead, you have one lane. One  
20 lane turns to the right to go up Route 40. One lane goes  
21 further ahead to go to Oakwood, Gurley and/or Stewarts if you're  
22 going to turn in there or down the hill, and everybody blocks  
23 the intersection, and the ones coming from 40 are so upset, they  
24 pull out their cars and they've got the two lanes blocked.

1 Therefore, the people coming from 142 are slow. Now, they block  
2 the lane. So going to Oakwood Avenue, people from Route 40  
3 can't come down, and you can't blame any of them. They are all  
4 trying to get to work and they are all frustrated.

5 I think if they're going to put a road in here  
6 going out on 142, if you're going to put a development in of any  
7 master size, I think that ought to go all the way out to Oakwood  
8 Avenue, and make it a new road. Take the traffic off of 142.  
9 It would alleviate it. What they're going to have happen though  
10 is people like me are going to come down, and if Farrell Road is  
11 going to be busy, I'm going to go down and go through theirs  
12 instead of going down to the bank down at the corner.

13 Another thing that was brought up is, in the  
14 executive summary it said -- I forgot what it was to the left.  
15 But as you're pulling out of their new road, to the right their  
16 site distance exceeds the requirements by 127 feet, and that may  
17 be true, but if indeed there are going to be senior citizens as  
18 a lot of us are getting to that stage and we're in there, maybe  
19 that 127 feet isn't enough. Or maybe I should go to the state  
20 and get the speed reduced right after that bad curve or just  
21 past Calhoun's down to 30 miles an hour, because it's kind of a  
22 high speed zone there, and even then they're going to exceed it  
23 by 10. And there's no more Grand Union trucks going down the  
24 road, but there are tractor trailers who have found that route

1 since Route 7 has all it's issues, and they are still using the  
2 route.

3 So transportation and the numbers that were quoted  
4 in the transportation study, traffic study I can't understand.  
5 I don't understand them from any of the reports though, because  
6 it says at peak times 50 cars, and out of 124 condos, I don't  
7 understand that. They'd all have to be retired pretty much. If  
8 they are working people, there's going to be more cars than that  
9 coming out. So I'm not sure if that's really the right number  
10 or not.

11 Also they mention a number of times about the  
12 comprehensive plan, and I'm not completely familiar with that.  
13 I have reviewed parts of it. I thought the majority was  
14 supposed to be in the Route 7 corridor. This is not. That  
15 doesn't mean it should be exempt from it. I mean, we've got  
16 them on Route 2. Developments are going to be on 142. I  
17 understand that.

18 But also in the executive summary it mentions that  
19 they are going to do great things in extending the sewer and the  
20 water district or lines anyway. They are going to extend them  
21 to their project, and maybe for houses -- I don't know exactly  
22 how many houses are in the Town of Brunswick, but it's not like  
23 they were having a development where they were running water and  
24 sewer lines two or three miles up the road. So back to maybe we

1 can't say what's in it for me. It's kind of, What's in it for  
2 me? What's in it for the Town? They are not putting in the  
3 water and sewer for the Town. It's just going to be a short  
4 tap-off and into their development.

5 To go back to the traffic study though, in the  
6 executive summary it says, "The project did not meet federal  
7 highway administration 100-vehicle trip intersection impact  
8 assessment guideline. Therefore, no additional intersections  
9 were evaluated." However -- and that's where I say Route 142  
10 and Route 40 intersections and Oakwood Avenue and all of those  
11 is great congestion in the morning, and one time Route 142 was  
12 listed as one of the most traveled roads in Rensselaer County,  
13 and I don't know what number it was, but it was a busy road.  
14 Obviously it's not Route 7.

15 And it was mentioned -- and this may be another  
16 shot, but they are the ones that put it in the executive  
17 summary. It says, "Brunswick Meadows project is borne of a  
18 demand of Town residents and others." I guess I want to know  
19 who they are.

20 MS. YOUNG: I'm one of them right here.

21 MR. BRENENSTUHL: Okay. That's fair, and maybe we  
22 do need it. I don't know if we need that many or not, and she  
23 can come up and speak in favor of it. I just never saw that we  
24 needed that many in this Town, plus we're already getting some

1 other ones. They aren't condominiums though, and if all these  
2 residents are going to be in there, if it's going to be empty  
3 nesters and retirees or whatever, has the developer looked into  
4 any public transportation for this site and for others? I don't  
5 think there's any public transportation on Hialeah Drive. The  
6 residents from there would know. I just go by it, but if there  
7 is, that may help some of the congestion and some of the  
8 vehicles if public transportation is available, because it's  
9 only outside of the City limits by that far. Thank you.

10 SUPERVISOR HERRINGTON: Thanks.

11 MR. POLETO: Frank, on the condos --

12 MR. BRENNSTUHL: Who?

13 MR. POLETO: On the condominium issue.

14 MR. BRENNSTUHL: Yes, sir.

15 MR. POLETO: Okay. The two PDDs that were already  
16 approved over the past year, none of them have condominiums in  
17 them.

18 MR. BRENNSTUHL: Right.

19 MR. POLETO: They were single family homes. There  
20 was an application that came before us for condominiums off of  
21 Brick Church Road, 278 and to there up on the hill across from  
22 Stewarts, and we told them no, and they left. Now, you can see  
23 over that way they are doing construction up there.

24 MR. BRENNSTUHL: And there may be indeed a need

1 for condominiums in the Town of Brunswick, and the way I do the  
2 calculations of one building per acre, more or less -- I mean,  
3 they said 25 because part of it's an R-15 district. I'm saying,  
4 Okay. Make it 28 residents or condominiums. That means seven  
5 buildings, and that to me -- I thought that's what our  
6 clustering was all about, not to pack a lot of them in but to  
7 take what would normally fit in that area with the zoning,  
8 shrink it down so they're closer together and leave a lot of  
9 green space.

10 SUPERVISOR HERRINGTON: Thank you. Anybody else at  
11 this point?

12 MS. YOUNG: I think I better come up.

13 SUPERVISOR HERRINGTON: Come on up and grab the  
14 mic.

15 MS. YOUNG: I didn't plan on coming up. I didn't  
16 plan on going up by a microphone. I didn't come with papers and  
17 notes like everybody else.

18 SUPERVISOR HERRINGTON: Well, we've got to get you  
19 on mic. We have to have your name.

20 MS. YOUNG: Linda Young, Y-O-U-N-G, and I live at  
21 27 Black Cherry Lane, Troy, 12180 and it's part of Bald Mountain  
22 area, and we've lived there for 44 years, but I've lived in the  
23 Town of Brunswick for at least 50 years. When Frank back there  
24 was talking, you didn't hear how many people or whatever, but it

1 was just funny because two weeks ago, I met three of my friends  
2 from school and talking about living where we do and when we're  
3 getting ready to maybe downsize. They both have their homes up  
4 for sale, and they are both looking for smaller homes or  
5 apartment living or condo living. Nothing against that other  
6 place out here in back of Wal-Mart's. I don't know if you have  
7 to be a certain whatever to get in. They're looking. My  
8 husband and I are thinking seriously to downsizing, and I do not  
9 want to leave Brunswick. We go to our church, our drug store,  
10 the market, I mean every place, and I don't want to go to East  
11 Greenbush. I don't want to go to North Greenbush.

12 Okay. I live just up the road from there on Black  
13 Cherry Lane with 142 and with that, and I like the idea, Frank,  
14 of having the condo bit, maybe having our roads and our driveway  
15 done and mowing the lawns, you know, our husbands are getting  
16 older, and things like that. You have to have people do it with  
17 your homes. So we do want to have that. I said today -- in  
18 fact I was out with this woman. She's 90. She's lived on  
19 Garfield Road for sixty some years, and she said, "If I could  
20 come over with you tonight, Linda, I would," because she said,  
21 "They'll have to carry me out. I don't want to leave the Town  
22 of Brunswick but there's just" -- I don't know. If somebody  
23 could tell me here right now if there is another project that  
24 they are going to build. If there is one here, I don't know of

1 it, and the only one I know of would be the one down there in  
2 back of Wal-Mart's, and that is a different situation and this is  
3 ideal. This is perfect. It was like a godsend I thought.

4 And I don't understand about the water drainage and  
5 this and that. I would think that it couldn't pass through  
6 unless everything was perfect, and I understand the people that  
7 don't -- I stopped and talked to Mr. Gauthier. He was the first  
8 one I talked to. I said, "I just want your opinion about it."  
9 I said, "You're the one that has the most to lose or whatever."  
10 But you know, things have to change, and as far as a lot of the  
11 people, they don't want this and they don't want that. Listen,  
12 if they tried that years and years ago when we all lived out  
13 there, you wouldn't be out here now. So I mean, it's just that  
14 we have to move a little bit, and for the people in Brunswick as  
15 far as -- like I said, that day there were four of us, and three  
16 actually were from the Town and we're trying to find -- and this  
17 is perfect. I can't think of anything that wouldn't be any  
18 better than this.

19 And like Frank did again say about maybe putting in  
20 a smaller amount of family homes, but we don't want that. We  
21 don't want to get the lawn and the driveway and everything. But  
22 that's all. I just didn't want to come up at first because --

23 SUPERVISOR HERRINGTON: But it's so important. We  
24 appreciate it. It's very different to come up and grab a mic

1 and say something.

2 MS. YOUNG: Well, I guess I didn't even need the  
3 mic, but I understand everybody's feelings. I mean, I lived  
4 right out in Eagle Mills in the village. I go out now and  
5 there's the sidewalks. I mean, you look and I say, "Gee, we  
6 used to have to get over quick, a couple cars would come too  
7 close." I mean, I thought the sidewalks were nice and  
8 everything.

9 SUPERVISOR HERRINGTON: You're struggling with what  
10 I struggle with and what the Board struggles with. I mean, you  
11 know, I've been here my whole life.

12 MS. YOUNG: I know.

13 SUPERVISOR HERRINGTON: And people I went to school  
14 with, mothers and fathers and many people in the room, they  
15 don't want to leave Brunswick. It's very, very difficult.

16 MS. YOUNG: And this is why I thought this idea  
17 when I heard about it, I said, "I can't believe it." I talked  
18 to a couple more of my friends, and it's like it was for us. I  
19 mean, there's a lot of people out there, and I know that more  
20 people come to these meetings that are against things for some  
21 reason. I guess the only ones that come are like the project  
22 people that want this and that, and we can count on them to try  
23 to get it passed through or whatever. But I just wanted to let  
24 you know that I do want to stay in Brunswick, and I don't want

1 to go anyplace else, and that was ideal for us.

2 SUPERVISOR HERRINGTON: I appreciate it, because  
3 Jim, he didn't see any benefits at all, and I'm not saying  
4 there's benefits for this project, but the different types of  
5 homes are very important.

6 MS. YOUNG: Well, that's what I mean. I have to be  
7 honest. I know the area down there by Betts and all those  
8 apartments, you know.

9 SUPERVISOR HERRINGTON: It's a challenge.

10 MS. YOUNG: Even if this wasn't that big,  
11 it's necessary I feel for some of us people.

12 SUPERVISOR HERRINGTON: Thanks, Linda.

13 MS. YOUNG: Thank you.

14 SUPERVISOR HERRINGTON: Is there anybody else at  
15 this point?

16 MR. POLETO: Linda, for Rouse you've got to be 55  
17 years of age minimum to get in, and there's certain income  
18 eligibilities for getting in there.

19 MS. YOUNG: Yeah, 55, we could make it, both of us.

20 MR. POLETO: Phil could, too.

21 SUPERVISOR HERRINGTON: Three years ago I could  
22 have made it. I've been hearing about that.

23 MS. FORRESTER: My name is Donna Forrester. I live  
24 on McChesney Avenue, 547 McChesney Avenue Extension. I'll cut

1 it down the middle, so don't worry. I do think that the  
2 affordability of this project is very good, and I do think -- I  
3 know seniors who live in Highway Point, which is very close by.  
4 So I do think it appeals to the same spectrum of people. It  
5 gives you independence. It's under 200,000. So it matches the  
6 existing prices of Brunswick homes much better than some other  
7 projects.

8 I looked at -- I went by. Of course, I've driven  
9 Grange Road. Today, I did go by just to get a better feel of  
10 the neighborhood, and finally, I actually located Hialeah Drive,  
11 and I was struck. So I got a picture of it, and then I went to  
12 the library to really see the layout, and I was surprised  
13 looking at the plan that there's no setback in the project.  
14 You've got an older house here (indicating), two smaller houses  
15 here (indicating) with a small area where the access road will  
16 come out, and there's four condominiums all the way to Grange  
17 Road, and I really felt sorry for the homeowners who live on  
18 Grange Road. I would think that an appropriate setback is good.

19 Obviously storm water, people who live there know  
20 better. I deal with storm water myself. This is a general  
21 question. Obviously there's a lot of green space behind the  
22 project. That's all green space, but there's little dots, and  
23 this came up in a Town Board meeting also when that lot that  
24 Laurie Schindler is trying to sell right by Price Chopper --

1 SUPERVISOR HERRINGTON: One point nine acres?

2 MS. FORRESTER: Yeah, and there's a little  
3 green dot on the map, and they call it green space, And I'm just  
4 wondering if the Town of Brunswick has a uniform evaluation for  
5 green space like that. This obviously had more in the back, but  
6 you know, when you get a little green ridge around the house, is  
7 that really green space? And I'm only asking the question. I  
8 don't have an answer.

9 Oh, and the answer about the PDDs that Jim brought  
10 up, there were four passed between 1958 -- no, there were five  
11 passed and four built between 1958 and this recent batch, and  
12 there's four on the map, the Rouse. I've got them written down,  
13 Sugar hill, the golf course and North 40 that Mark Kestner  
14 built, and then of course, Carriage Hill was passed.

15 MR. POLETO: You're talking about the Wal-Mart  
16 project. You've got --

17 MS. FORRESTER: That was zoned commercial.

18 MR. POLETO: No, no, that's a PDD. The Price  
19 Chopper project is a PDD. The Brunswick Woods project is a PDD.

20 MS. FORRESTER: Right.

21 MR. CASALE: Evergreen.

22 MS. FORRESTER: There was four on the map. That's  
23 what I used. I'll get the list from you some other time, but  
24 that's all that's on the zoning map.

1 SUPERVISOR HERRINGTON: Talk about green space, we  
2 have 35 percent green space -- I just want to mention, some  
3 people think this Board is a rubber stamp. I don't think we  
4 are. They wanted to put a three-story hotel on McChesney Avenue  
5 at the entrance to the plaza, you know, across from Price  
6 Chopper on McChesney Avenue, 1.9 acres, and I told the developer  
7 -- he claimed he had 60 rooms, which tells me you've got to have  
8 60 parking spaces. He tells me he had 45 percent green. I  
9 said, "We're not counting the plants inside the rooms here.  
10 It's definitely outside." And he quickly smiled and said,  
11 "Well, maybe we won't pave the parking lot. That'll be green."  
12 Well, what this Board did was we, with the attorneys, we said,  
13 "Rezoning is a legislative act." So we told the hotel that we  
14 were not interested in putting a hotel on McChesney Avenue.  
15 They were not happy campers.

16 MR. POLETO: We gave them their money back.

17 SUPERVISOR HERRINGTON: And Laurie Schindler called  
18 me up, and she told me she had been in Brunswick for a long  
19 time, and she was not happy because she just lost a sale. So we  
20 don't rubber stamp everything, people. We do take a look at  
21 things.

22 MS. FORRESTER: No, my question was more to see if  
23 there was a uniform, because sometimes you see somebody and you  
24 go (indicating).

1 SUPERVISOR HERRINGTON: But that's what I did. How  
2 do you get 45 percent green if you don't plant green?

3 MS. FORRESTER: No, I realize the amazement at the  
4 time.

5 SUPERVISOR HERRINGTON: All right. Thanks, Donna.

6 MS. FORRESTER: Okay. Thank you.

7 SUPERVISOR HERRINGTON: Anybody else at this point?

8 MR. VALLEY: Al Valley, 487 Grange Road. This  
9 green space you're talking about is my backyard. I object to it  
10 on every level, the traffic just getting out, the noise I might  
11 have to listen to the rest of my life probably in the building.  
12 I don't know how you can stand the traffic that's already there.  
13 There's a truck route. It's a route to connect to 67. That's  
14 made it much worse than it used to be. So it used to be just a  
15 Town road. So I can't see any good of this whole thing really.  
16 Thank you.

17 SUPERVISOR HERRINGTON: Thank you. Anybody else at  
18 this point? Janette.

19 MS. CHAMBERS: Janette Chambers, 60 Farrell Road.

20 SUPERVISOR HERRINGTON: You have to say it in the  
21 mic.

22 MS. CHAMBERS: Oh, I'm sorry. Janette Chambers, 60  
23 Farrell Road. I just have a question about the traffic. I  
24 don't know. I'm speaking from ignorance here because I haven't

1 looked at the entire plan, but I don't know when the traffic  
2 study was done, and I would ask that that be looked at very  
3 carefully, because the traffic on Farrell and Liberty has  
4 increased so much over the last year and a half. I'm seeing at  
5 least six to seven school buses that come through there every  
6 day, and I've seen some that have almost had to go off the road  
7 because someone is speeding down the center. So I want to make  
8 sure that whatever -- this is going to affect traffic obviously.  
9 So I want to make sure that whatever figures you have that they  
10 are pretty accurate because we're getting all kinds of traffic  
11 there, and I'd hate to see anybody get hit, especially a school  
12 bus and the kids that are down there.

13 SUPERVISOR HERRINGTON: Thank you. Anybody else at  
14 this point? Any other comments? I think I remember -- a quick  
15 question, Joe or John. When you mention a builder, you  
16 mentioned a proposed builder, Amedore?

17 MR. ZAPPONE: Amedore, correct.

18 SUPERVISOR HERRINGTON: Are they going to be the  
19 builder of this development, or you're not sure yet?

20 MR. ZAPPONE: Oh, no, they are. When I said,  
21 "proposed," I guess I was trying to buttress my beginning  
22 statement by saying proposed if we have some success.

23 SUPERVISOR HERRINGTON: The reason I'm asking, I  
24 had two people come and say they are excellent builders, and

1 they weren't quite so concerned when they knew they were going  
2 to build. I wanted to make sure that all of a sudden it wasn't  
3 going to be somebody else.

4 MR. ZAPPONE: No, Amedore is 100 percent committed  
5 to the project.

6 MR. SALVI: My son lives in an Amedore development  
7 in Colonie, and they built Valley Homes. I was most impressed  
8 at the closing, and he gave my son a guide. He said, "He's  
9 yours for a week." And a lot of the developers don't do that.  
10 They build it and then try to catch up, try to catch people.  
11 But Amedore impressed me because I have personal impact with it.  
12 So that is a quality builder. I just wanted to clear that.

13 SUPERVISOR HERRINGTON: Anybody else at this point?  
14 Any other comments or questions? As mentioned, we will keep  
15 this public hearing open. I'd like to set a date with the Board  
16 to continue it.

17 MR. SALVI: Andy, when is that information going to  
18 be available to the public, Thursday?

19 MR. GILCHRIST: Yes, it will be on the web site on  
20 Thursday, and I believe a hard copy may already be here, but it  
21 will certainly be here by tomorrow. So it should be available  
22 by Thursday of this week from the applicant.

23 MR. POLETO: How many days notice do we need for a  
24 public hearing?

1 MR. GILCHRIST: I believe it's a minimum of ten  
2 that we have been doing.

3 SUPERVISOR HERRINGTON: The 14th.

4 MR. POLETO: We'll do it on June 14th, 6:00. Is  
5 that good with everybody?

6 MR. CASALE: Is that our next meeting?

7 MR. POLETO: Yes.

8 MS. STANCLIFFE: Six p.m.?

9 MR. POLETO: Six p.m. on the 14th.

10 SUPERVISOR HERRINGTON: Are we still receiving  
11 written comments, Andy?

12 MR. GILCHRIST: Well, what the Board has done is,  
13 you can always submit written comments while the public hearing  
14 is open, and then at the close of the public hearing, you set a  
15 date by which all written comments must be received. So that  
16 written comment period will remain open through the 14th, and  
17 then on that date, you will set a date for the close of the  
18 written comments.

19 MR. POLETO: And that's at least ten days.

20 MR. GILCHRIST: Right.

21 MR. POLETO: Unless we hold it open longer than  
22 that.

23 MR. GILCHRIST: Correct.

24 SUPERVISOR HERRINGTON: Okay. Again, I'm going to

1 ask the applicants to stay, Matt, and you people who have  
2 specific questions. I make a motion to close the public  
3 hearing. I'm sorry.

4 MR. POLETO: I make a motion to leave the public  
5 hearing open and adjourn it.

6 MR. SALVI: I'll second it.

7 SUPERVISOR HERRINGTON: All in favor?

8 (Aye, was said by all.)

9 (Whereupon, the matter was adjourned until June 14,  
10 2007 at 6:00 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24