

COPY

1 TOWN BOARD
2 TOWN OF BRUNSWICK, NEW YORK

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4 In the Matter of the Application Submitted by J.P.J.
5 Partnership for the Proposed Brunswick Meadows Planned
6 Development District (PDD).

7 -----

8 STENOGRAPHIC MINUTES OF CONTINUED PUBLIC HEARING
9 conducted in the above-entitled matter on the 14th day
10 of June, 2007, at the Brunswick Town Hall, 336 Town
11 Office Road, Troy, New York, commencing at 6:05 p.m.

12
13 BEFORE THE TOWN OF BRUNSWICK TOWN BOARD:

14 SUPERVISOR PHILIP H. HERRINGTON
15 COUNCILMEN DANIEL CASALE
16 PATRICK E. POLETO
17 SAM SALVI

18 CARL CLEMENTE (absent)

19 TOWN CLERK SUSAN QUEST-SHERMAN

20 TOWN ATTORNEY THOMAS R. CIOFFI

21 TOWN ENGINEER MARK L. KESTNER, P.E.

22 ALSO PRESENT: DANIEL J. TUCZINSKI, ESQ.

23
24

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P R O C E E D I N G S

1
2 SUPERVISOR HERRINGTON: This is the
3 continuation of a public hearing.

4 Susan, would you read that notice, please?

5 MS. QUEST-SHERMAN: "Notice is hereby given
6 that a public hearing will be held by the Town
7 Board of the Town of Brunswick on Thursday, June
8 14, 2007 at 6:00 p.m. at the Brunswick Town Hall,
9 336 Town Office Road, Troy, New York, 12180,
10 pursuant to Section 10 of the Zoning Code of the
11 Town of Brunswick and also pursuant to the State
12 Environmental Quality Review Act, SEQRA, and its
13 implementing regulations at 6 N.Y.C.R.R., part
14 617, to allow public comment on the application
15 submitted by J.P.J. Partnership for the proposed
16 Brunswick Meadows Planned Development District,
17 PDD, which is a proposed condominium project
18 consisting of 124 condominium units to be located
19 in 31 buildings on 18.3 acres of land situated on
20 NYS Route 142 approximately 130 feet east of the
21 Town of Brunswick and City of Troy municipal
22 boundary. A portion of the site is currently
23 zoned R-15 Residential totaling 3.5 acres, and
24 the remaining part of the site is currently zoned

1 A-40 Agricultural. The application has been
2 submitted pursuant to Section 10 of the Zoning
3 Code of the Town of Brunswick for a Planned
4 Development District. A Draft Environmental
5 Impact Statement, DEIS, has been prepared by
6 J.P.J. Partnership for this action pursuant to
7 SEQRA. The Town Board of the Town of Brunswick,
8 as SEQRA Lead Agency, has accepted the DEIS as
9 adequate for public review, and a Notice of
10 Completion has been filed. The public hearing
11 will allow comment on the PDD application and the
12 DEIS. The Brunswick Meadows DEIS is available
13 both in hard copy and electronic format. Hard
14 copies of the Brunswick Meadows DEIS are
15 available for public review and inspection at the
16 following locations: Town of Brunswick Town
17 Office, 336 Town Office Road, Troy, New York,
18 12180; and the Brunswick Community Library, 605
19 Brunswick Road, Eagle Mills, New York, 12180. An
20 electronic format of the Brunswick Meadows DEIS
21 is also available for review on the Town of
22 Brunswick website at www.townofbrunswick.org.

23 "Notice is hereby further given that a
24 ministerial error had occurred in the production

1 of the hard copies of the DEIS and electronic
2 format of the DEIS placed on the Town of
3 Brunswick website. Corrected versions of the
4 DEIS, both hard copy and electronic format, are
5 now available for public review and inspection.
6 Public comment on the corrected and filed DEIS
7 will be received at the public hearing. All
8 interested persons will be heard at the public
9 hearing."

10 That's dated May 15, 2007, Brunswick, New
11 York; by order of the Town Board of the Town of
12 Brunswick, Philip H. Herrington, Supervisor.

13 SUPERVISOR HERRINGTON: Thank you. I think
14 at this time, Mr. Mainello, if you want to make a
15 short presentation in case there's people here
16 tonight that weren't at the public hearing.

17 MR. MAINELLO: John Mainello, J.P.J.
18 Partnership. We're just here keeping the public
19 meeting open again for comments. This is our
20 condominium project that we had; we started over
21 two years ago, just over two years ago. We had
22 136 units. Now, we have 124. We've cut back on
23 the units for mitigation for water, wetlands. So
24 this is the new plan and we've got -- right now,

1 we've got a project consisting of 124
2 condominiums. That's 31 buildings. That's 18.3
3 acres of land. That is, as most of you know, Dr.
4 Ripp's old property and that would be coming
5 out on 142. And as Susan said, it's currently
6 zoned R-15 Residential for part of it and A-40
7 Agricultural.

8 So we kept the public meeting open for
9 comments, PDD application again tonight also. So
10 we're just here to take the comments and answer
11 everybody back.

12 SUPERVISOR HERRINGTON: Tonight is not
13 really question and answer, if Mr. Mainello
14 wants to respond to something, but tonight's idea
15 is just for comments -- Dan, correct me if I'm
16 wrong -- for your comments to be heard and put on
17 record and they will be addressed. Correct, Dan?

18 MR. TUCZINSKI: That's correct. I
19 understand the applicant is going to marshal the
20 comments and then respond to them in connection
21 with the SEQRA process.

22 SUPERVISOR HERRINGTON: Thank you. So at
23 this point, I'd like to ask anyone that would
24 like to comment to please come up and state your

1 name, please, and use the mike so we can get you
2 recorded, your address.

3 MR. MORAN: Thank you. My name is Dan
4 Moran. I live at 519 Grange Road with my wife
5 Vicki. Our property is immediately adjacent --
6 in fact, on this map, that's my barn and that's
7 my garage. It's immediately adjacent to the
8 project and that's why I'm here this evening.

9 Now, we do thank the Board for the careful
10 consideration. I know this is a hard situation.
11 We do appreciate it. I hope you do take into
12 account the significant impact on the adjacent
13 property owners and the community at large, I
14 mean, the traffic and everything that goes with
15 that.

16 Now, my wife and I are lifelong residents of
17 the county. We moved to Brunswick from Troy by
18 way of Boston for a couple years. When we went
19 to Boston, of course, everybody went to Boston
20 at the same time. It was the place to go. But
21 they didn't have Dunkins, didn't have Stewart's.
22 We just didn't like it. We came home. And we
23 decided that we wanted to move to Brunswick and
24 we found this home at 519 Grange Road in 2001.

1 We closed, I think, about six weeks after 9/11,
2 as I recall.

3 When we bought the home, we knew that next
4 to us was a zoning of R-15 and behind us was
5 zoning that was agricultural, I believe, total of
6 97 acres, if I'm not mistaken. You know, we were
7 attracted to that piece of property and to the
8 Town of Brunswick, because this is a beautiful
9 place. It's a country setting. The neighbors.
10 I mean, it's just so close to everything. You
11 can't really beat the community at all.

12 I'm not afraid to say this, but we paid
13 \$162,000 for the home and since being in the
14 home, we've put over \$170,000 into that home.
15 When I found the number last night, my wife
16 picked me up off the floor and put me back in the
17 chair.

18 Over the five years we've been there, we've
19 put in a brand-new pool. We restored the barn.
20 We have a restored barn on the property which is
21 shown on the map. It was built in 1938 and I'm
22 sure Mr. Herrington knows old barns, what happens
23 to them. I had to bring a barn consultant from
24 Ithaca, New York in to help us figure out how to

1 save the barn and it cost us a small fortune to
2 do that, but it was worth it.

3 We gutted the house. The house is about 170
4 years old. It was owned by Dr. Ripp. Dr. Ripp
5 had done some miraculous things inside that
6 house. He had built a passive solar system. I
7 think it was one of three in the northeast. It
8 was the house in Better Homes and Gardens back in
9 the early '70s, I believe, late '60s.

10 You know, we maintained the property so we
11 didn't damage anything that was there. We have a
12 350-year-old silver maple tree. The deck is
13 built around it. The thing is a pain. It cost a
14 lot of money to keep, but we never took it down,
15 because we really want to preserve our property
16 because it is a very, very nice piece of
17 property.

18 It had fallen into disrepair after Dr. Ripp
19 passed and we took it back to its grandeur, I
20 think. I think the bills show it, too. And I'm
21 so amazed by the number of people that just stop
22 us and say, "Gee, I can't believe what you did to
23 that place."

24 I'll admit that when we first saw the house,

1 I didn't want it. My wife said, "You're gonna
2 buy it." You know what happens with that.

3 We were approached by Mr. Mainello and Mr.
4 Murray two years ago and we were appalled by the
5 scope of this project and what they proposed.
6 And I do appreciate them coming to see us, but
7 again, we were appalled. Their proposal at the
8 time was 134 units, if I'm not mistaken, and with
9 six units right outside our windows, which would
10 be these units right there. Essentially, this is
11 where our house is and I think it's -- is it
12 still six? -- still six units right outside of
13 our windows of our house. You know, we would
14 essentially be looking into the back of someone's
15 bathroom window. That's the way it would happen.

16 I did take some pictures of the lawn. I
17 think some of you know our property, but I just
18 want to give you an orientation of what we're
19 looking at and why we're so opposed to this
20 project. I don't know the best way to do this,
21 but this is the front of our house right now.
22 I'll just stick these up here. And if you
23 look -- if you were standing on the corner right
24 here of our house, there's eight windows that go

1 around the front of the house. Those eight
2 windows, that's what you see right now and it's
3 all wide open space.

4 The units as proposed would be right where
5 this grass line is, and it's within spitting
6 distance of our house. The impact would be
7 devastating. In the back of our house, which is
8 behind where the barn is right in this area right
9 in here, what we see right today is a nice open
10 area. We have deer as well. This would be all
11 houses in the back of our house. And as well,
12 you know, between our house, the barn, the
13 garage, there would be houses behind there as
14 well.

15 So what it would really do is take away any
16 view at all. Everything would be gone. It would
17 be destroyed. Now, when we found out about the
18 project, and I think we were very clear to Mr.
19 Mainello and Mr. Murray, we told them straight
20 out we are opposed to this project, and we have
21 been since day one, because of the devastating
22 not only personal impact but financial impact it
23 would have on Vicki and I.

24 As you look at the pictures, I ask you to

1 consider how you would handle that type of
2 situation when you have a beautiful country
3 setting, a beautiful country neighborhood that
4 would have 134 or 120 -- I'm not sure --
5 apartments behind you.

6 The impact is just not -- is not consistent
7 with the community. It's not consistent with
8 what we -- any notion we had when we moved into
9 that house. You know, there's only one road
10 coming into the property and the number of cars,
11 the FedEx trucks and the delivery trucks and
12 everything else that would go up and down that
13 road, which really would be probably a hundred,
14 maybe 150 feet from our house. Right in between
15 these buildings, I believe, is the access road.

16 I ask you to give our concerns, you know,
17 very serious thought. You know, we probably --
18 myself and Gauthiers and a couple other families,
19 we are going to take the brunt of this project
20 financially, personally and it's going to change
21 what was Brunswick to us when we first came here.

22 Again, thank you for your consideration and
23 your concern and I'm going to ask our attorney,
24 Mr. Dan Tyson, to talk to you a little bit about

1 some of the comments he would like to make.

2 SUPERVISOR HERRINGTON: Do you want these
3 back?

4 MR. MORAN: No. You can have them. I'll
5 pass this on to the Town Clerk, the pictures.

6 MR. TUCZINSKI: Mr. Tyson, I note the photos
7 that have been handed up have exhibit tabs on the
8 end. Are you asking they be included as part of
9 the record?

10 MR. TYSON: That's one of the reasons I came
11 up here. There are four of them. They're
12 labeled one through four. We may submit some
13 more after today, because I assume there will be
14 a written period. There are some more
15 photographs we could submit. We'll submit them
16 with logs on them of what they depict. Anybody
17 could just drive by Grange Road and see for
18 themselves, because it's very apparent.

19 I have some submitted a memorandum of law to
20 Mr. Tuczinski and one for each member of the
21 Board; I can furnish more if you want. I'm not
22 going to repeat what's in here, but one of the
23 things I think is very significant is we, as
24 Mr. and Mrs. Moran's lawyers -- as Mr. Moran

1 said, when they moved in in 2001, they bought a
2 house on a certain amount of acres with an R-15
3 zone right next to them where they want to put
4 these four-unit dwellings and they had an A-40
5 zone behind them where they want to put 27 of
6 these units. And in those zones, if it was a
7 single-family residence which would be
8 permitted -- Mr. and Mrs. Moran recognize that.
9 They bought the house. They knew the zoning. It
10 wasn't going to remain green forever. They're
11 realistic about that.

12 But in the PDD application of Brunswick
13 Meadows, they say right on their application that
14 if it was in this kind -- if we built in this
15 kind of zone, we could build maybe 25 houses on
16 the 18 acres that they're talking about. And
17 this is something that seems to me to be totally
18 contrary to the Comprehensive Plan and the zoning
19 ordinance in the Town of Brunswick section of
20 town, both of them. The Comprehensive Plan is
21 saying take into account what this is going to do
22 to the people that are there.

23 When I was at the Morans' house before we
24 came here -- I've been there many times and the

1 drive from Grange Road -- their house starts
2 right at the line for the Town of Brunswick. As
3 soon as you cross over from Troy at Route 40 and
4 142 and you cross that line into Brunswick, it
5 changes from black and white to color. That
6 landscape just changes. And that same landscape
7 continues on Grange Road from the Morans' house
8 all the way down to Route 7.

9 I happened to pull out a copy of the town
10 tax map which, of course, everybody has and it's
11 part of your own record but when you look at the
12 tax map for the Town of Brunswick, next to where
13 the Morans are and where this property is, all
14 the lots are two acres and more along Grange
15 Road. The Morans' is much more than that. Most
16 of the others right there are more than two
17 acres.

18 When you go on to the other side of this
19 project, you're talking about two- and four- and
20 eight-acre parcels, and the same thing on the
21 other side of the road. So I think that -- right
22 on the records of the town, if you look at the
23 character of the neighborhood, under Section 10
24 of your zoning code, what are you doing? Are you

1 creating something that's going to change the
2 character? Yes.

3 You just have to go out and look and you'll
4 see. And on your own tax maps, you've got an
5 awful lot of larger parcels and we think that
6 this would be a drastic departure from the
7 existing neighborhood.

8 The second criteria under your Section 10 is
9 existing character. That was really the first
10 thing I mentioned, so I'm out of order. But the
11 first thing that's listed in numerical order is
12 the need for the proposed location. I've read
13 just about all -- the EIS, the DEIS and I've read
14 the PDD application and I'm still trying to find
15 out where is the data that says the Town of
16 Brunswick or the people need this PDD for this
17 density in this location?

18 I think the only thing that's been offered
19 for the benefit of the town is to say, well, if
20 we build this many units, yeah, we'll build 124
21 units on 18 acres, which is -- I don't know what
22 the mathematics are if you compare that density
23 to everything around it. Yeah, you're going to
24 generate some taxes, but the way the PDD has been

1 submitted and the EIS is submitted, it's like,
2 oh, there's no cost with it, because we're going
3 to take care of our own roads and we'll have the
4 water, things like that, but I think experience
5 of the towns have shown that it just doesn't work
6 like that.

7 I mean, if you're going to add 124 homes in
8 one location, I suspect that the volunteer fire
9 department may have some more costs. They may
10 need -- who knows what they need, but I think
11 it's rosy-colored for this submission that's been
12 made to say that there aren't any other costs.

13 And they talk about, oh, it's going to
14 provide this much money for the Lansingburg
15 School District, which is not in the town, but
16 it's a consideration that it's going to add this
17 money to their tax rolls. And the implication is
18 there aren't going to be any children that are
19 going to go there. Well, I don't think there's
20 anything legal in any of the papers that have
21 been submitted by the applicant that will say
22 there aren't going to be any children in these
23 units.

24 They're going to say, oh, from a marketing

1 standpoint, we think we're going to sell it to
2 somebody with no children. I'd be hard-pressed
3 to find a developer/owner who can build a project
4 that's not going to sell it to whoever will buy
5 it.

6 There are no legal restrictions that people
7 with children can't have it and somebody who buys
8 it and who's a young professional and they decide
9 they're going to stay there and they're going to
10 have kids, they're going to have kids. It's
11 speculative to say how many are going to be
12 there or are not going to be there, but I think
13 it's wholly optimistic in what they've said that
14 there aren't going to be any costs to the school
15 district.

16 We all know the cost of each student is many
17 times the tax that's attributable to one housing
18 unit. Everybody says the costs are \$9,000 or
19 \$10,000 or \$11,000 per student. They show it in
20 the newspapers around here every year and
21 somebody's taxes may be \$2,000 for school and if
22 they have one kid in there one year, it costs the
23 school district \$10,000. So I think that's
24 overly optimistic.

1 The third criteria that's in Section 10 when
2 you look at this as part of the PDD approval is
3 what safeguards are there? We say there aren't
4 any. There aren't any safeguards here to protect
5 the Morans, the Gauthiers and LaValleys on Grange
6 Road. There's nothing there.

7 In their plans, they talk about substantial
8 separations. Well, you see the pictures there
9 and anybody can ride by Grange Road and see this
10 was a farm. Yeah, there are a few trees between
11 the Morans' house and back there, and there are
12 none in the project. You just look out the side
13 of their house as it's shown here -- the side of
14 their house has eight picture windows here
15 looking at where they want to put four units,
16 right in their face. The back of the house is
17 the same kind of setting. Right around the
18 corner of the house, it's wide open. There's a
19 barn on the right. One of the pictures shows the
20 barn. But other than the barn blocking some of
21 the view, everything behind there -- there's 27
22 of them -- it's hard to count without them
23 actually being there because you can't do all the
24 sight lines. But wherever there's an open view

1 that they have, they'd be looking at these.

2 And Mr. Moran referred to them as
3 apartments, and I know that they're proposed to
4 be condominiums but that's a legal phrase and
5 that implies that they're going to be
6 owner-occupied and the developer has said the
7 intent is for them to be owner-occupied and
8 they're going to file a condominium offering and
9 they're going to do it. And they also said
10 they're going to build the whole project at the
11 same time.

12 Well, if they're going to build the whole
13 project at the same time, depending on the
14 market, who says that they're all going to sell
15 at the same time? I mean, I personally as a
16 lawyer had to handle condominiums in Albany
17 County 20 years ago and nobody wanted
18 condominiums. If the bank foreclosed, it took us
19 five years to sell them. Of course, what did the
20 bank do? They leased them out and there's
21 nothing illegal about that. A developer-owner of
22 a property, if they're allowed to build it,
23 they're gonna do it. I think to assume they're
24 going to be all owner-occupied, it doesn't have .

1 to be. And I think that those are some issues
2 that they can address.

3 The bottom line is I think that this PDD is
4 so out of scope. Mr. Moran has alluded to it
5 from his personal perspective. It's so out of
6 scope with the surrounding area that I think one
7 of the things that has got to be looked at is
8 there's nothing wrong with making a profit.
9 People are allowed to have land and make a
10 profit. But how much is too much?

11 And our sense is here that the amount of
12 development that's being asked to be done in this
13 area is drastic. It's way out of proportion to
14 what it should be. And we would request that
15 when the PDD vote is made, whenever that's made
16 in the future, that the application be denied.
17 Thank you.

18 SUPERVISOR HERRINGTON: Thank you, counsel.
19 Anybody else at this point?

20 State your name and address, please.

21 MR. DEMERS: My name is Rollin Demers. This
22 is my wife, Deborah, and my six-year-old son,
23 Aaron. We purchased a home on 516 Grange Road,
24 which is directly across from Dan and Vicki Moran.

1 in 2000. Me and my wife were looking for about
2 two years for a home, wanted to be in a country
3 setting. I grew up in Lansingburg all my life
4 and we looked for probably two, two and a half
5 years. Finally, we found some place with a field
6 on each side, a beautiful field across the street
7 which they were farming at the time. And, like,
8 my son is an animal lover, which you can see he
9 has animal books with him now. And there's deer,
10 turkey, fox, everything through that property and
11 he looks forward in the morning -- every
12 morning -- we have two picture windows in the
13 front which look straight directly into that
14 field which now will be condominiums if this
15 proposal goes through.

16 The other thing is there is one entrance and
17 exit which will be directly across from my
18 driveway. I have a lot of concerns about
19 traffic. And I have a picture here that is every
20 morning, if you go down 142 now without this
21 traffic that's going to be added, this is what it
22 looks like where you can't get through the light.
23 As you can see, the light is green and you still
24 can't get through it from all the traffic that

1 comes down Route 40 and 142, which there is
2 another way to go, over Liberty, but right now,
3 other people are all reverting there and they
4 can't handle the traffic there now. So I'd like
5 to know where all this traffic's going to go.

6 And, also, you can see my son carries a
7 medical bag with him everywhere he goes. He has
8 allergies, severe allergies, life-threatening
9 allergies, and he has asthma. So he has to have
10 Epivents and inhalers. I'm really concerned
11 about what this project will do.

12 They also have something on here which
13 they're gonna put four sewage down both sides of
14 my house on my property and I don't know how
15 they're gonna do that because my septic --

16 SUPERVISOR HERRINGTON: Four sewage on 142,
17 you're saying?

18 MR. DEMERS: No. Off my property down.
19 There is my house right here. This is my
20 property. This here and this here are four
21 sewage and they're coming down on my property.

22 SUPERVISOR HERRINGTON: I'll give this back
23 to you.

24 MR. DEMERS: And also my septic and

1 everything is right on that side of my house, so
2 I don't know how they're gonna do that. Are they
3 gonna put me out of my house?

4 COUNCILMAN POLETO: It looks like the sewage
5 on the road south is the line that brings it down
6 to where it is.

7 MR. DEMERS: It's gravity sewage.

8 COUNCILMAN POLETO: Right. So what I'm
9 saying these aren't the lines that you're looking
10 at.

11 COUNCILMAN SALVI: Mark, can you weigh in on
12 that?

13 MR. TUCZINSKI: Not to interrupt but can we
14 identify the document that everybody's talking
15 about so we have it on the record?

16 MR. KESTNER: A drawing MPI titled "Proposed
17 Brunswick Meadows, Town of Brunswick, New York."

18 MR. TUCZINSKI: Mark, is that part of the
19 applicant's submission?

20 MR. KESTNER: Yes. Where is your home?

21 MR. DEMERS: My home is right here.

22 MR. KESTNER: They're looking at coming up
23 this road and then going down 142 and then down
24 Hialeah Drive. This is an arrow that -- this is

1 where it refers to that line. They're not sewage
2 lines. All right?

3 MR. DEMERS: All right.

4 SUPERVISOR HERRINGTON: We just wanted to
5 take a second and clarify it.

6 MR. DEMERS: Again, we're not sure how many
7 years this project is going to take and what it's
8 going to stir up down in there. That's one of my
9 concerns about my son. And I don't know how
10 they're going to handle the traffic through
11 there.

12 SUPERVISOR HERRINGTON: So traffic's one of
13 your main concerns.

14 MR. DEMERS: Traffic and my son's health.

15 SUPERVISOR HERRINGTON: Right.

16 MR. DEMERS: And the reason that we
17 purchased the house actually is because of the
18 country setting. When we purchased the house
19 from Wade and Laura Beck, they told us that there
20 was farmland across the street that they farmed
21 that, which they were. And so this is what we
22 were purchasing and, now, this would be
23 devastating to me, my family and the whole
24 community around there. I mean, I'm sure you've

1 been down there.

2 SUPERVISOR HERRINGTON: Oh, yes.

3 MR. DEMERS: You're five seconds to the
4 city, but you're in a country setting and that's
5 why I waited all these years to finally buy a
6 house. I wanted to get into the Town of
7 Brunswick, because it was a dream of mine as a
8 child. And, now, we'll have an apartment complex
9 across the street. If I wanted that, I would
10 have purchased a house down across from the park.

11 SUPERVISOR HERRINGTON: Thank you, sir.

12 MR. TUCZINSKI: Sir, you submitted a
13 photograph. Do you want that included in the
14 record?

15 MR. DEMERS: Yes.

16 MR. TUCZINSKI: Why don't we mark that as
17 Exhibit 5? The other four photos were 1 through
18 4.

19 SUPERVISOR HERRINGTON: All right.

20 MR. TUCZINSKI: So this will be marked
21 Exhibit 5 on the back of it to keep track of what
22 people are talking about so we have a record.

23 SUPERVISOR HERRINGTON: Anybody else at this
24 point?

1 MR. GAUTHIER: My name is Jim Gauthier.
2 That's my wife Dot back there. We live at 489
3 Grange Road, Troy, New York. We're also
4 concerned about down my property line, there's
5 going to be two; behind me, there's going to be
6 two. Any way you look out the window, there's
7 going to be a house. We're concerned about
8 safety with all this. And if you remember at the
9 last meeting, I said about the little flags out
10 there 140 feet from my house. Well, today, a
11 surveyor stopped. He said, oh, no, I didn't do
12 it yet, but we're going to be 80 feet from your
13 house.

14 Now, I own 40 of that 80 and they're
15 supposed to have a green space between me and
16 this property. There is no green space. It's
17 going to be their backyard running through my
18 garden looking right in my bedroom window. But
19 the main concern is safety. Thank you.

20 SUPERVISOR HERRINGTON: Thank you, Jim.
21 Anybody else at this point?

22 MR. CASEY: My name is Dick Casey. I live
23 at 15 Hialeah Drive. According to Attorney Weis,
24 I'm on the back side of the line between

1 Brunswick and Troy. I've been there for 38
2 years. My concern with this project is the
3 discharge of the sanitary sewage.

4 As I said, I've lived on Hialeah Drive for
5 38 years. In my capacity when I was working, I
6 was commissioner of water and sewer for the City
7 of Troy. I know the sewer system and the water
8 system like the back of my hand. And I was
9 involved in 1968 when Miami (phonetic) Beach was
10 built, the sewers were put in and I was one of
11 the inspectors on the job.

12 The design of that sewer system is minimal
13 grade, minimal slope. It does not have a lot of
14 capacity. And to dump this volume of sewage at
15 the top of the hill, it's gonna find its way down
16 past my house. Over the years, I've had a couple
17 backups in my cellar. As it goes across in the
18 Miami (phonetic) Beach on Biscayne Boulevard,
19 there's many backups over there over the years.
20 If anybody researched the records, they'd find
21 how many lawsuits were involved, et cetera, et
22 cetera.

23 It's my concern that if you dump all this
24 sewage in Hialeah Drive, it is going to be a

1 problem. There is an alternative: Run it down
2 to the Diamond Spring water table, connect it in
3 there, and bypass Miami (phonetic) Beach. I
4 brought that to the Town's attention a year ago,
5 brought it to Mark's attention a year ago and
6 brought it to Phil Herrington's attention a year
7 ago. Nobody seems to be of the mind to have a
8 change. That's why I'm here tonight speaking on
9 that behalf.

10 The storm sewage, I was led to believe that
11 there was a letter from the City of Troy that
12 addressed the sewage issue. Mark was kind enough
13 to let me read the letter tonight from Neil
14 Bonesteel. It only addresses the stormwater
15 system. It does not address the sanitary system.
16 That needs to be addressed.

17 If you're going to connect in on Hialeah
18 Drive, the sewer needs to have a full hydraulic
19 study done. It needs to be TV'd so they know
20 there's no problems. And as it goes down
21 Northern Drive, there's problems down there. The
22 slope is so steep down there that it's probably
23 not a volume problem, but the sewer plugs up
24 occasionally. Whether there's roots in the

1 system or not, I don't know.

2 But to discharge this into Hialeah Drive, I
3 think the Town of Brunswick, the City of Troy and
4 everybody else is opening themselves to lawsuits
5 from that aspect. And that's what I wanted to
6 bring to everybody's attention tonight.

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

9 MR. AMBUHL: My name is Richard Ambuhl, 18
10 Hialeah Drive. I don't want to rehash everything
11 I went over on May 15, but I am just concerned as
12 to how the written responses to all the comments
13 that are made at this meeting are going to be
14 handled. Will they be comments to the actual --
15 will they be responsive to the actual comments
16 made at the last meeting and this meeting or to
17 the written minutes? Because there's a dramatic
18 difference between the two.

19 SUPERVISOR HERRINGTON: Counsel.

20 MR. TUCZINSKI: Their obligation is to
21 respond to the comments that are here. There has
22 been a DEIS which identified a number of concerns
23 and issues. We're having a series of public
24 hearings on this. As I understand it, the Board

1 is going to set a written comment period at the
2 conclusion of this. The applicants will marshal
3 all those comments, take a look at them and
4 address them to the satisfaction of the Board.

5 MR. AMBUHL: Okay. So it's not going to be
6 just from the written minutes that I got a copy
7 of?

8 MR. TUCZINSKI: No. There's also going to
9 be a written comment period and the Board will
10 establish that at the conclusion of the public
11 hearing.

12 MR. KESTNER: There's also a transcript
13 being made of this.

14 MR. TUCZINSKI: Yes, there is. I have a
15 copy of the transcript here. There is a
16 transcript of the public comments that have been
17 received, I think, on May 15th and then tonight.

18 MR. AMBUHL: The only other thing I have is
19 I have some photos that I'd like to hand it in.
20 This is -- the developers have said in their DEIS
21 about the pipe under the Niagara Mohawk Corridor.
22 This is the Niagara Mohawk Corridor. There are
23 no pipes. It's a little stream that's been
24 there, I think -- well, I've been there since '72

1 and that stream has been there that long.

2 Now, here's the pipe that -- the stream goes
3 from the pipe. That pipe starts exactly where my
4 property begins. My property is nonexistent in
5 any of that one and a half thick volume of
6 exhibits and DEIS and PDD, whatever you have. My
7 property like doesn't exist. Somehow,
8 miraculously, all the stormwater goes from
9 Niagara Mohawk into that pipe under Niagara
10 Mohawk that doesn't exist under the road to the
11 reservoir.

12 MR. TUCZINSKI: We should probably mark
13 those also. What's going to be difficult is
14 reading this record and looking at these photos
15 detached. I'd like to have you mark on the back
16 of them -- we have four photographs plus one
17 other one, so we have five exhibits. If you
18 could mark on the back Exhibits 6, 7 and tell us
19 what they are, sir. If you can tell us what each
20 picture is that you're submitting to the Board.
21 If you just put Exhibit starting with 6, maybe
22 put your name, your initials, 7, 8, and just tell
23 us what they are and we'll submit them as part of
24 the record.

1 MR. AMBUHL: Thank you.

2 SUPERVISOR HERRINGTON: Anybody else at this
3 point? Any other comments? Frank.

4 MR. BRENESTHUL: I guess I will rehash a
5 little bit from the last time, although there's a
6 lot of comments here tonight about it. I got two
7 major impacts. One is the traffic and,
8 apparently, you've got a nice picture, I hope. I
9 don't want -- and from my perspective, I don't
10 want a traffic study done, because apparently,
11 they didn't do one at that intersection. But it
12 would be nice if all the board members could sit
13 there between 7:30 and 8:30 on a school day and
14 just -- I didn't look at the picture. I don't
15 know what it is, but I know what it looks like in
16 real life and I assume it's close to the same.
17 It is a nightmare at that intersection.

18 And the other thing is --

19 SUPERVISOR HERRINGTON: The intersection
20 being Route 40 and 142?

21 MR. BRENESTHUL: 40 and 142.

22 SUPERVISOR HERRINGTON: Plank Road.

23 MR. BRENESTHUL: Plank Road, Northern
24 Drive. And then, of course, you got Gurley

1 Avenue coming up the other side of Stewart's.
2 And there's no place to go. I realize they're
3 all -- well, they're either state or city
4 highways, but you got the impact in that
5 intersection so it impacts the residences, trying
6 to get to work and things like that. And I don't
7 want them going over Liberty Road and down to
8 Farrell Road, because that's the way I go. So I
9 don't want any competition down that way.

10 And the other thing is on the number of
11 units, and I guess maybe I don't really
12 understand the idea of a PDD. I thought the idea
13 of a PDD and one of the things behind it and the
14 master plan was to try to cluster buildings and
15 leave a lot of open space, and not open space
16 around the building, but it's similar to Highland
17 Creek where when it gets built, as far as I know,
18 you're going to see very little from the road.
19 You may have the traffic. I'm not going against
20 the other complaints that people had about that,
21 but from a view, you're not gonna see much, I
22 don't believe.

23 Here especially, and the residents -- it
24 bothers them more than it does me. Oh, I didn't

1 give my name. Frank Brenenstul, 27 Dusenberry
2 Lane, which is off Route 142. So I do have to go
3 by it. I don't have to look at it except once or
4 twice a day, I'm going to have to glance over.

5 I think if they're gonna have something
6 there, my idea of the PDD, I thought you were
7 supposed to take roughly the number that would
8 fit on there in the zoning, cluster it together,
9 leave a lot of green space so it makes it look
10 presentable to people who are used to seeing open
11 fields and green grass and trees and things like
12 that.

13 If you run those numbers, and they came up
14 with 25 or 27 or whatever it was, it's gonna be
15 less than that in an R-40 zone, because you gotta
16 get roadways in. So if you gotta have an acre of
17 land, then you lose stuff there, so maybe it's
18 20. I don't know the number of real houses that
19 could be built. But if you figure seven
20 buildings -- and I know some people here don't
21 want any buildings, but seven buildings is
22 twenty-eight residences.

23 So I think if it is going to go forward, a
24 reasonable compromise from my standpoint, and

1 maybe not from the neighbors' standpoint -- they
2 should take priority, because they're the ones
3 that have to put up with it more than I do -- but
4 to cut down on traffic, if you cut this project
5 by two-thirds and have like ten, maybe they could
6 conceal them, none in the front field so they're
7 all out in back and then have them shielded by
8 trees or something. If there's going to be a
9 project, it's gotta be a lot less than what it is
10 would be my standpoint. Thank you.

11 SUPERVISOR HERRINGTON: Thank you, Frank.
12 Anybody else with any comments at this point?

13 MR. CIOFFI: My name is Joseph Cioffi, Jr.,
14 23 Norfolk Street. I used to know Dr. Ripp. I
15 knew him fairly well. When he bought this
16 property, he had no intention to develop it. One
17 of the reasons why he bought it was not to
18 develop it. This is a big change of events. The
19 whole thing, I think, is just too large. It's
20 too large for that area. It does not fit the
21 character of the area. It would have to be a lot
22 less.

23 I read through the big binder with the DEIS
24 and the other documents and the traffic

1 statements that they have submitted, I think, are
2 on the low side. If you watch the traffic during
3 rush hour from 8:00 a.m. and 9:00 a.m., it's
4 around 1,800 or over per hour just for an hour.
5 And if you add 300 more cars from this project,
6 it's going to push it way into the limit. And
7 this is on a clear day. On snow days, it's just
8 a hopeless situation to try and get around this
9 area anymore. So it's just too large.

10 The second thing is that there really is no
11 sewer. They submitted documents that say that
12 they're near the water plant and, therefore, they
13 got all the water in the world they could need
14 for such a thing, but the sewer, they just don't
15 have. They state a five percent grade on Hughley
16 (phonetic) Avenue there and that five percent is
17 a steep grade. You cannot use that for the full
18 capacity. The steeper the grade, you have to
19 reduce the capacity or else you have an erosion
20 problem. So the five percent does not apply to
21 the sewers there. The steeper grade, the more
22 capacity. In this case, the eight inch would
23 provide -- it's probably good for less than one
24 quarter of the maximum capacity of two percent.

1 So if it's good for 150 DPM at two percent,
2 you're probably looking at down to 50 DPM at the
3 five percent grade. So the sewer's not there.

4 And it was mentioned before that they should
5 consider routing the sewer to a different
6 location and all that, but the whole project is
7 just too large.

8 So what I'm saying is do not rezone the A-40
9 to a PDD and do not expand the R-15. And I think
10 these neighbors there, Mr. Moran and the rest of
11 them, have a substantial amount of money to lose
12 because they just won't get anything for their
13 properties. At this point, instead of getting
14 like possibly \$300,000, you're talking a lot
15 less.

16 So the three points is the traffic, the
17 sewer and the character and that it's probably a
18 bad idea for the Town to get on the binge of
19 approving Planned Development Districts, because
20 I think, like I mentioned before, the costs
21 accumulate. It's going to become too much in the
22 future. One day, it looks fine with the numbers
23 on paper if you exclude inflation, but when you
24 add inflation into these projects, no matter what

1 it is, a house, a bridge, an industrial plant,
2 the inflation just in the future, if you add that
3 in, it just wipes out the whole picture, the
4 whole payback, break-even, whatever. That's all.

5 SUPERVISOR HERRINGTON: Thank you. Anybody
6 else at this point? Any other comments?

7 MR. OPAR: My name is Paul Opar. My wife
8 and I are at 22 Hialeah Drive and we're at the
9 lowest point on Hialeah Drive where the storm
10 sewer comes down through our property. And if
11 the holding tanks or whatever they're gonna be
12 overflow, we're going to get all that water from
13 this project. We're at this property 35 years
14 tomorrow so, hopefully, you deny it. Thank you.

15 SUPERVISOR HERRINGTON: Thank you, sir.
16 Anybody else at this point?

17 (No affirmative response.)

18 MR. TUCZINSKI: One gentleman has some
19 photos. He might as well submit them right now
20 and we can move to close the public hearing.

21 Can you just tell us what these are, sir?

22 MR. AMBUHL: Yes. The first one is the
23 stream going across the Niagara Mohawk Corridor.

24 MR. TUCZINSKI: That's Exhibit 6.

1 MR. AMBUHL: Number 7 is the continuation of
2 the stream. Number 8 is a continuation as is
3 Number 9. And Number 10 is the stream on NIMO
4 corridor, here is the 24-inch pipe which is
5 exactly where my property begins and goes 100.8
6 feet, then it goes under Hialeah Drive. And this
7 is Exhibit Number 10.

8 MR. TUCZINSKI: Thank you very much.

9 SUPERVISOR HERRINGTON: All right. Once
10 again, anybody else at this point? Any other
11 comments?

12 (No affirmative response.)

13 SUPERVISOR HERRINGTON: I'd like to
14 establish a written comment period. Counsel, I'm
15 going to suggest that we keep the comment period
16 open til Friday, June 29th.

17 MR. TUCZINSKI: We can do that or if you
18 want, because we have a holiday falling in there,
19 Andy and I were talking about the possibility of
20 maybe July 6th to give a little bit more time
21 with the holiday and, that way, there's plenty of
22 time to submit comments.

23 SUPERVISOR HERRINGTON: July 6th.

24 MR. TUCZINSKI: July 6th would be a Friday.

1 SUPERVISOR HERRINGTON: Okay. Is that okay
2 with the Board?

3 (Affirmative responses.)

4 MR. TUCZINSKI: That will be fine. Are you
5 going to move to close the public hearing?

6 SUPERVISOR HERRINGTON: I'm going to make a
7 motion to close the public hearing.

8 COUNCILMAN POLETO: I'll second that motion.

9 SUPERVISOR HERRINGTON: All in favor?

10 (Affirmative responses.)

11 SUPERVISOR HERRINGTON: Opposed?

12 (No affirmative response.)

13 SUPERVISOR HERRINGTON: Thank you.

14 (WHEREUPON, at 6:53 o'clock, p.m., the
15 public hearing was closed.)

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C E R T I F I C A T I O N

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I, THERESA L. KLOS, Shorthand Reporter and Notary Public within and for the State of New York, do hereby CERTIFY that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

THERESA L. KLOS

Dated: July 10, 2007.