Final Environmental Impact Statement

Brunswick Meadows
Residential Condominium Community
Planned Development District

NYS Route 142
Town of Brunswick
Rensselaer County, New York

Dated: September 15, 2007

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List of Abbreviations

BMP	Best Management Practices
DEIS	Draft Environmental Impact Statement
EAF	Environmental Impact Statement
EPM	NYS DOT Environmental Procedures Manual
GPM	Gallons Per Minute
GSF	Gross Square Feet
HOA	Home Owners Association
MGD	Million Gallons Per Day
NAAQS	National Ambient Air Quality Standards
NWI	National Wetlands Inventory
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NYSOPRHP	New York State Office of Parks Recreation and Historic Preservation
PDD	Planned Development District
PSI	Pounds Per Square Inch
PUD	Planned Unit Development
ROW	Right of Way
SEQRA	State Environmental Quality Review Act
TPD	Trips Per Day
USACOE	United States Army Corp of Engineers

1 Introduction

1.1 Project Description

The proposed Brunswick Meadows PDD project includes the development of an 18.3 acre parcel in the Town of Brunswick in Rensselaer County, New York, as a residential condominium community. The 18.3 acre parcel is a portion of a larger 97.6 acres parcel and is currently under contract with J.P.J. Partnership, 6 Century Hill Drive, Latham, NY 12110. No further development is planned for the remaining 79.3+ acres of land.

The project will include roads, infrastructure, and stormwater management systems to accommodate 28 buildings, containing 112 residential units this is 3 buildings (12 units) fewer than the number referenced in the DEIS. Formerly the project contained 31 buildings, an avoidance plan recently submitted to the New York State Office of Historic Preservation and accepted on September 11, 2007 will result in the removal of three buildings at the south western corner of the property (Appendix D). The area will be designated as a no-build area with associated deed restrictions.

The existing project site is a vacant field surrounded by hedge rows on the north and south and a wooded area that slopes to the west toward the existing stream corridor. The land along Route 142 is mostly clear. The wooded areas are mostly made of maple, elm and apple trees with some succession growth wooded areas along the hedgerows. The land slopes to the west from New York State Route 142 toward the stream that leads to the old Lansingburgh Water Works Storage Reservoir near Biscayne Boulevard. A small wetland area that exists along the north property line and outlets via, a small stream, proceeds through the National Grid Right of Way, enters a 24" corrugated metal pipe with flared end section then flows underground, and under Hialeah Drive (north) (ultimately reaches the old Lansingburgh Water Works Storage Reservoir to the north of the project site).

The Brunswick Meadows Community will be served by a single access point off of NYS Route 142 (Grange Road). The community will be served by municipal water and sewer. A network of trails will be developed along the existing stream corridor at the western edge of the property, and will provide for active and passive recreation venues for the residents.

Each of the 28 proposed buildings will contain four dwelling units, two on the first floor and two on the second floor. Each unit will be provided with two off street parking spaces, one in an enclosed garage, the other in a paved driveway. Some units will contain additional parking in their respective driveways. In addition, there are a number of undesignated parking spaces for visitors located throughout the site.

In accordance with the New York State Real Property Law a homeowners association will be formed to operate and maintain the common areas of the project including the roads, parking lots, storm water management and recreation area. Right of way will be granted to the Town of Brunswick for maintenance and operation of the constructed water, sewer and storm water management facilities.

2 Purpose of the FEIS

The Town of Brunswick has acted as Lead Agency under the State Environmental Quality Review Act (SEQRA) since The Town Board adopted a Positive Declaration on April 14, 2005 thereby requiring the preparation of an Environmental Impact Statement (EIS) be prepared by the applicant. A final written scope was adopted September 8, 2005. The Applicant subsequently prepared a Draft Environmental Impact Statement that was deemed complete and adequate for public review a legal notice was published regarding the action on April 18, 2007. A public hearing was held on May 10, 2007. A transcript of the public hearing is found in Appendix A. The public hearing was held open until June 14, 2007. The transcript from the June public hearing is attached in Appendix A.

The Town held the public comment written period open until July 6, 2007. The written comments received during the Public Comment period are found in Appendix B.
On behalf of the Applicant, JPJ Partnership, Erdman Anthony and Associates prepared a Draft Environmental Impact Statement (DEIS) to address the comments associated with the DEIS project.

Pursuant to the requirements of the SEQRA and regulation (6 NYCRR 617), this document, in conjunction with the DEIS constitutes the Final Environmental Impact Statement (FEIS).

This document contains the substantive oral and written comments on the DEIS received by the Town of Brunswick Town Board (Lead Agent) and the responses to those comments. The responses may include additional information not found in the original DEIS and supplement, revise, and update the DEIS.

3 DEIS Comments and Responses

3.1 Natural Resources

3.1.1 Water Resources

3.1.1.1 Surface Water

C3.1.1.1.1 Comment:

The report (DEIS) is not correct there is no pipe running under the (Nimo) National Grid right of way, no headwall or anything, my property is not mentioned (Mr. Ambuhl 5-15-07).

Response:
The water that currently leaves the wetland area (located on the lands of TOPATOMA, LLC) flows into a channelized stream located in the National Grid right of way then enters a 24" culvert at the north property line of the National Grid right of way. The culvert has a flare end section (often referred to as the headwall) which aids in directing the flow into the pipe and stabilizes the ground around the pipe end. From the flared end section (headwall) the pipe flows under private property, Hialeah Drive, private property again and discharges into the water body.

C3.1.1.1.2 Comment:

Existing drainage issues as #6 Hialeah Drive. I have a lot of runoff from the adjacent hill, how will this (Development) impact me? (Mr. Keels 5-15-07)

Response:
An on-site observation was made of Mr. Keels' property by John Mainello and Linda Stancliffe in May, 2007. The Keels' property is located directly north of the Moran's property across the National Grid Right of Way. The back yard is down gradient from the Moran's and the adjacent owner to the east. It appears the soils do not have a high rate of permeability and that the low point is at Mr. Keels' rear fence gate. The Brunswick Meadows development will be constructed to the southwest of the Keels' property. The existing contours in the area of the proposed construction pitch toward the existing wetlands and away from Mr. Keels' property and the National Grid Right of Way. All surface runoff will be directed to remain on the Brunswick Meadows site as indicated in the storm water analysis and the grading plan (DEIS).

C3.1.1.1.3 Comment:

Is there an insurance policy (developer's) to cover liability damages? (Mr. Ambuhl 5-15-07, 7-10-07)

Response:
The developer JPJ Partnership does not have an insurance policy specific to the Brunswick Meadows project.

C3.1.1.1.4 Comment:
My property is at the lowest point on Hialeah Drive, where will all the water go? (Mr. Opar 6-14-07)

Response: All storm water generated as a result of the proposed construction will be directed to a series of storm water management basins that treat the water and detain it on site. The design point for the water leaving the site is the same in the pre-development and post-development condition. As stated in the storm water section (Appendix J) of the DEIS the peak flow rates of the post development water flows will be at or below the pre-development levels.

3.1.1.2 Wetlands

C3.1.1.2.1 Comment:
Make wetlands seem insignificant and they are going to be disturbed (Mr. Ambuhl 5-15)
Did Army Corps approve? How can they? (Mr. Ambuhl 5-15)

Response:
Any disturbance of the Army Corp of Engineers Jurisdictional wetlands will be in accordance with and the conditions of 2007 Nationwide Permit 39 that pertains to the proposed a minimal disturbance. The wetlands identified on Sheet 11 of the plan set, entitled " Wetland Delineation Map" is located in the DEIS documents and were established in accordance with the US Army Corps of Engineers Regulatory National Standards Operating Procedures

3.1.1.3 Stormwater

C3.1.1.3.1 Comment:
Questionable Stormwater and drainage management... potential dangerous flooding, flow equal to or less than what it currently is. (Mr. Ambuhl 7-10-07)

Response:
The Stormwater Management Report contained in Appendix of the DEIS was developed to comply with the *New York State Storm Water Design Manual.* As stated in Appendix J – Storm Water Pollution Prevention Plan of the DEIS the storm water and erosion control management practices proposed for the project will mitigate water quality and quantity prior to it leaving the project.

3.1.2 Climate and Air Resources

3.1.2.1 Air Quality

C3.1.2.1.1 Comment:

Asthma – what will the project do? (Mr. Demers 6-14)

Response:
Section 4.1.5.2 Air Quality of the DEIS addresses the mitigation practices for reduction in air quality as a result of the projects construction. No new contaminants are proposed that do not currently occur at the site, on the existing road or on adjacent parcels to the project site.

3.2 Human Resources

3.2.1 Transportation

C3.2.1.1.1 Comment:

Where is the road going into the development? (Mr. Keels 5-15)

Response: Reference shall be made to Section 4.2.1 of the DEIS. The site's main entry will be via a single point along New York State Route 142 this intersection will be a one-way controlled intersection. It will not be signalized. The access road enters off the state road followed by a main loop road through the site with two small spurs. The plans show the location of the project's entrance as well.

C3.2.1.1.2 Comment:

Half going right and half going left? Peak time 50 cars? (120 condos), all retired? (Brenenstuhl 5-15)

Response: The evaluation of the existing traffic on NYS Route 142 indicated that approximately 50% of the traffic travels eastbound and 50% travels westbound during the AM Peak Hour. The AM Peak Hour was determined to be the time of day when the traffic is heaviest in a given direction. Projected traffic generation was predicted to be the same distribution as is currently on NYS Route 142. Reference shall be made to Section 4.2.1 of the DEIS. Data obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* indicates that the peak AM trips is projected to increase by 50 trips leaving and 11 trips entering and the peak PM is expected to increase by 49 entering and 27 leaving the site.

C3.2.1.1.3 Comment:

Traffic backs up almost to Hialeah? (Brenenstuhl 5-15) (Gauthier 5-15)

Response: The City of Troy has implemented some changes to the intersection of Route 142 (Northern Drive) and NYS Route 40 (Oakwood Avenue) to relieve the backups on NYS Route 142. An additional turning lane was added to reduce the cue lengths at the traffic signal for this intersection. Reference shall be made to Section 4.2.1. of the DEIS which states that "Consistent with the Federal Highway Administration's 100 vehicle trip intersection impact assessment guidelines, no additional intersections where evaluated because the project is not anticipated to increase vehicle trips at nearby intersections by more than twenty-five vehicle trips in either direction in the peak hour."

C3.2.1.1.4 Comment:

What are they going to do with all the new traffic? (Gauthier 5-15)

Response: As indicated in Section 4.2.1 of the DEIS, the traffic generated from the Brunswick Meadows PDD will have no adverse impact on NYS Route 142 (Grange Road). The Level of Service (LOS) on Route 142 remains the same as the existing LOS for the peak AM at LOS (A) and the Peak PM LOS (B) based on the analysis after full build out of the project.

C3.2.1.1.5 Comment:

Traffic will add to the existing congestion (Mr. Demers 6-14)

Response: As indicated in Section 4.2.1 of the DEIS, the traffic generated from the Brunswick Meadows PDD will have no adverse impact on NYS Route 142 (Grange Road). The Level of Service (LOS) on Route 142 remains the same as the existing LOS for the peak AM at LOS (A) and the Peak PM LOS (B) based on the analysis after full build out of the project.

C3.2.1.1.6 Comment:

The road ought to go all the way out to Oakwood... take the traffic off Route 142 (Brenenstuhl 5-15)

Response: The impacts to the environment that would result from the construction of a road approximately 1500 ft long from the project to Oakwood Avenue would be significant and could not be justified as part of this project. The developer does not have any vested interest nor does he have control over the property necessary to extend a road to Oakwood Avenue.

C3.2.1.1.7 Comment:

Have they looked into public transportation? (Brenenstuhl 5-15)

Response: Bus service is not currently provided by the local transit company (CDTA) on NYS Route 142. It is largely the responsibility of CDTA to provide public transportation to areas where there is a demand such has heavily populated

areas and shopping centers. CDTA's current rural Rensselaer County Route 96 (see Appendix C) is within 4,000 ft of the Route.

C3.2.1.1.8 Comment:

Adding 300 new cars (Gautheir 5-15)(Mr. Ambuhl 7-10) (Cioffi 6-14) (Mr. Demers 6-14)

Response: Reference shall be made to Section 4.2.1 of the DEIS. Data obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* indicates that the peak AM trips is projected to increase by 50 trips leaving and 11 trips entering and the peak PM is expected to increase by 49 entering and 27 leaving the site.

C3.2.1.1.9 Comment:

Can't stand traffic that is already there and this will be more (Mr. Valley 5-15)

Response: The comment is noted

C3.2.1.1.10 Comment:

Numbers on the low side (Mr. Cioffi 6-14)

Response: Reference shall be made to Section 4.2.1 of the DEIS. Data obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* indicates that the peak AM trips is projected to increase by 50 trips leaving and 11 trips entering and the peak PM is expected to increase by 49 entering and 27 leaving the site.

C3.2.1.1.11 Comment:

It will impact residents (Brenesthul 6-14)

Response: Comment noted

C3.2.1.1.12 Comment:

One entry and exit directly across from my house (Mr. Demers 6-14)

Response: Comment noted

C3.2.1.1.13 Comment:

Liberty can't handle the traffic now (Mr. Demers 6-14)

Response: Reference shall be made to Section 4.2.1. of the DEIS which states that "Consistent with the Federal Highway Administration's 100 vehicle trip intersection impact assessment guidelines, no additional intersections where evaluated because the project is not anticipated to increase vehicle trips at nearby

intersections by more than twenty-five vehicle trips in either direction in the peak hour." Therefore, Liberty Road was not studied as part of this project.

C3.2.1.1.14 Comment:
New road 150' from house (Moran 6-14)

Response: The proposed road is approximately 220' from the Moran residence.

C3.2.1.1.15 Comment:
When was traffic study done? (MS. Chambers 5-15)

Response: The traffic study which is included in Appendix F was last revised in March 2007.

C3.2.1.1.16 Comment:
Make sure numbers are accurate (MS. Chambers 5-15)

Response: Comment noted.

C3.2.1.1.17 Comment:
Traffic has increased in last year and a half (MS. Chambers 5-15)

Response: According to the latest version of the NYSDOT Traffic Volume Report, the volume of traffic has increased on NYS Route 142 since 2003.

C3.2.1.1.18 Comment:
Sight distance exceed by 127' maybe that's not enough, Maybe the state should reduce the speed limit to 30 mph after the bad curve, (Brenenstuhl 5-15)

Response: The sight distance at the entrance to the proposed Brunswick Meadows PDD along NYS Route 142 exceeds the requirements of New York State Department of Transportation. NYSDOT is responsible for changing the posted speed on NYS Route 142, this comment is noted.

C3.2.1.1.19 Comment:
Tractor trailers use the route (Brenenstuhl 5-15) (Mr. Valley 5-15)

Response: Comment noted.

C3.2.1.1.20 Comment:
It is already a nightmare at that intersection (Brenensthul 6-14)

Response: The City of Troy has implemented some changes to the intersection of Route 142 (Northern Drive) and NYS Route 40 (Oakwood Avenue) to relieve the

backups on NYS Route 142. An additional turning lane was added to reduce the cue lengths at the traffic signal for this intersection.

3.3 Land Use and Zoning

3.3.1 Zoning

C3.3.1.1.1 Comment:

Bought house (Moran) with R-15 and A-40 zoning, possible 27 single family lots not 120 condos (Tyson 6-14)

Response:
The Town of Brunswick Zone regulation allow for Planned Development District on parcels larger than 10 acres as per Section 10 of the Town of Brunswick Zoning Code. The proposed project has been reduced in scope and currently includes 28 units totaling 112 condominium units.

The Planning Development District regulations are as follows:
The Planned Development Districts, land and buildings may be used for any lawful purpose as authorized by the Town Board, in accordance with the following procedure:

1. *Planned Development Districts shall comprise as least ten (10) acres.*
2. *Application for the establishment of a Planned Development District shall be made to the Town Board. The Town Board shall refer the application to the Board of Appeals.*
3. *The Board of Appeals may require the applicant to furnish such preliminary plans, drawings and specifications as may be required for an understanding of the proposed development, the Board of Appeals shall consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.*
4. *The Board of Appeals shall approve, approve with modification, or disapprove such application and shall report its decision to the Town Board.*
5. *The Town Board shall hold a public hearing on the proposal, with public notice as provided by law in the case of an amendment to the Zoning Ordinance.*

The Brunswick Meadows proposed PDD complies with those requirements.

C3.3.1.1.2 Comment:

Plan is contrary to comprehensive plan and zoning (Tyson 6-14) Circumvent existing zoning and the comprehensive plan (Tkacik 5-15)

Response:
As stated in Section 4.2.2 Land Use Zoning and Compliance with the Comprehensive Plan of the DEIS, the proposed project is in keeping with the Comprehensive Plan. The Comprehensive Plan calls for multi-family housing where the infrastructure can support. The multi-family housing is requested in the comprehensive plan to "fulfill a critical need which now exists" (p.51). The project will broaden the tax base by changing the tax assessment use from vacant land to residential. The project extends sewer and water to areas that are not already served.

C3.3.1.1.3 Comment:
Cluster houses for a lot of open space, too many units should mirror the existing allowed under current zoning, cut project by two-thirds, less traffic more green space (Mr. Brenensthul 5-15, 6-14)

Response:
The Comprehensive Plan as noted in Section 4.2.2 of the DEIS states that various development tools should be encouraged, including Planned Development Districts (PDD)… These include homes clustered to minimize development/purchase costs… have public water and sewer facilities. The Town of Brunswick Zoning regulation and the Comprehensive Plan do not require that the PDD mirror the existing underlying zoning.

C3.3.1.1.4 Comment:
This development is not along Route 7 {comprehensive plan} (Mr. Brenensthul 5-15)
PDD is out of scope (Mr. Tyson 6-14)

Response:
The Comprehensive Plan refers to the need for multi-family housing to "fulfill a critical need which now exists" (p. 51) and for promoting multi-family housing where the infrastructure can support it (p.6, 8). The proposed Brunswick Meadow PDD is located in an area of the Town of Brunswick that is within 500' of the necessary infrastructure and is in close proximity to retail, medical, banking and transportation services desired by many residents.

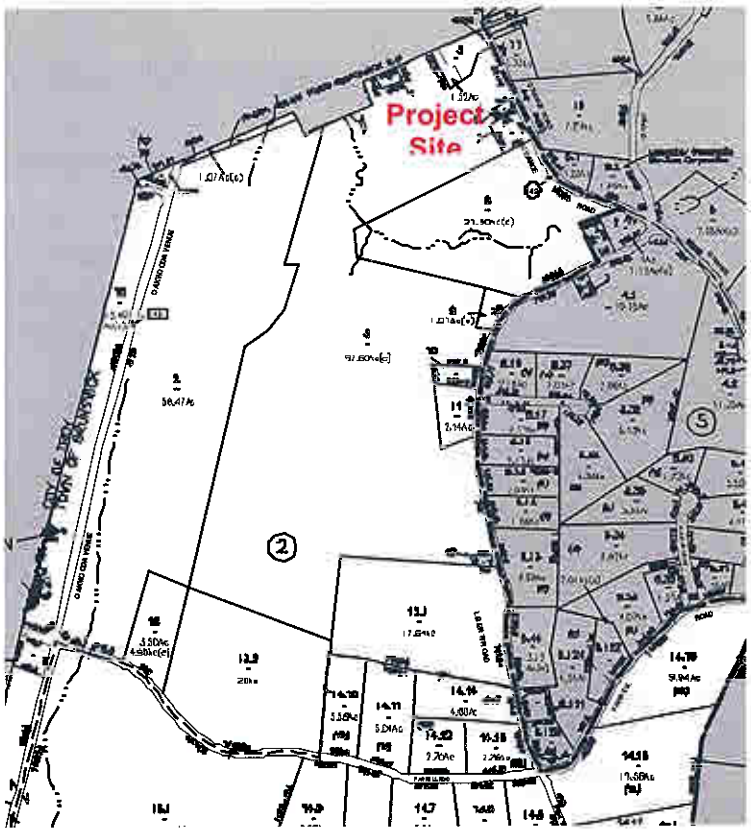
3.3.1.2 Land Use Permits

C3.3.1.2.1 Comment:
Appalled by the scope of the project (Moran 6-14) (Tyson 6-14)

Response:
Noted

C3.3.1.2.2 Comment:

Apparently part of 97 acres, what is the exact extent of it? (Brenenstuhl 5-15)



Response:
As stated in the DEIS Section 2.5 Site Description and Property Boundaries the total parcel currently owned by TOPATOMA, LLC is 97.6 acres being tax map parcel 80-00-2-3.1. The proposed Planned Development District, under contract with J.P.J. Partnership is 18.3 acres, a legal description of the 18.3 acre parcel is contained on page 13 of the DEIS.

A portion of the Town of Brunswick Tax Map 80.00 illustrates the extent of the 97.6 acre parcel that extends to the south from the proposed 18.3 acre parcel under contract as Brunswick Meadows PDD.

There are no future plans for the remaining 70 acres of lands which extend to Farrell Road.

C3.3.1.2.3 Comment:

See lots of little dots on the plan, but all the green space is in the rear yard, is there a uniform evaluation of green space, a little around a house, is it really green? (Mrs. Forrester 5-15)

Response:
As stated in Section 4.1.4.2 of the DEIS, the proposed green space for the 18 acre parcel is approximately 60%. Walking trails along the existing stream corridor on the western edge of the project are proposed. The wetland area in north-central portion of the property will remain undisturbed.

C3.3.1.2.4 Comment:

40' from property line it will be in my backyard (Gauthier 6-14)
Their house is 15' from Grange Road, existing (house) is 35' (Gauthier 6-14)

How far is it from my house (Gauthier, 5-15)

Response:
An on-site visit was made to the Gauthier residence by John Mainello and Linda Stancliffe to discuss the layout of the proposed development in relation to the Gauthier property. A plan was also prepared by the project surveyor and is included in Appendix E.

C3.3.1.2.5 Comment:
Six units outside our window (Moran 6-14)

Response:
The proposed residential dwellings of the Brunswick Meadows Planned Development District will be approximately 150' from the existing Moran Residence.

C3.3.1.2.6 Comment:
No substantial separation (Tyson 6-14) (MS. Forrester 5-15)

Response:
The Town of Brunswick Zoning regulations allow for a 35' front yard and 15' side yard setback in R-15 zone. Although the existing adjacent homes face Route 142 the proposed development includes the construction of a new private road which the proposed multi-family units will face onto. The front yard setback proposed inside the proposed development is 15' as depicted on the plans which are an attachment to the DEIS.

C3.3.1.2.7 Comment:
No safeguard to be owner occupied

Response:
The proposed project is intended to be owner occupied condominium project not a rental style apartment project.

3.4 Community Services

3.4.1 General Government

C3.4.1.1.1 Comment:
Nothing compelling in project just 120 more condos (Tkzcik 5-15)

Response:
The Brunswick Meadows Planned Development District addresses many of the desires of the Town of Brunswick Comprehensive Plan by supporting the need for

multi-family housing, proposing a development that extends existing infrastructure and clusters housing to reduce development costs.

3.4.2 Educational Facilities

C3.4.2.1.1 Comment:

There will be an impact to the Lansingburgh School, tax increase (Brenenstuhl 5-15) cost of children in school vs. taxes are not equal. (Tyson 6-14)

Section 4.3.4 of the DEIS addresses the projected tax generated as a result of this project. Section 4.2.4.2 addresses the interest of the School District (Lansingburgh). The correspondence from the Lansingburgh Central School District, Superintendent of Schools welcoming the project is found in DEIS (Appendix C). The project is anticipated to increase the tax revenue of the School District.

According to the *New York State School Report Card Fiscal Accountability Supplement* the approximate general education expenditure per student in the Lansingburgh School District is $6,398.00. The tax revenue calculations for the Brunswick Meadows project are contained in Appendix L of the DEIS and project that the school tax revenue generated will be approximately $356,900.00. Based on a conservative number of school age children (43), it is anticipated that the tax revenue generated will exceed that expended by $81,786.00.

Expenditure: $6,398.00 x 43 students = $ 275,114.00 + 81,786.00 = 356,900.00

C3.4.2.1.2 Comment:

Provide money to Lansingburgh which is not in our Town, (Tyson 6-14)

Response:

The Lansingburgh School buildings may not be located within the Town of Brunswick limits but the northeastern portion of the Town of Brunswick is located within the Lansingburgh school district. Refer to Appendix E. See also comment 2.5.2.C3 below.

C3.4.2.1.3 Comment:

Imply that aren't going to be any children there (Tyson 6-14)

Response:

The DEIS Section 4.2.4.2 addresses the projected number of school age persons living in the proposed Brunswick Meadows PDD. The report states that "…the project would result in as many as 43 students… as few as 5 students". Information was obtained from the 2005 American Housing Survey and from the records of similar projects constructed and operated by the anticipated builder (Amedore

Homes). The Capital District Regional Planning Commission (CDRPC) projects that household sizes will continue to decline over the next thirty years to an average of 2.25 persons per household in the year 2040 under the status quo scenario.

3.4.3 Police Protection

C3.4.3.1.1 Comment:

Worried about safety, new homes along side and behind me. (Gauthier 6-14)

Response:

As stated in Section 4.2.4.3 Police Protection of the DEIS the project will be served by the Rensselaer County Sherriff's Department and the New York State Police. Data from the New York State Office of Corrections and the Census Bureau show that the crime rate in Rensselaer County has remained essentially unchanged since 1997 while the population has grown slightly in the past 20 years.

3.4.4 Fire Protection

C3.4.4.1.1 Comment:

Volunteer fire – some cost is involved (Tyson 6-14)

Response:

Section 4.2.4.4 of the DEIS addresses the projected tax revenue generated for the Speigletown Fire Department. As stated in Section 4.2.4.4 the building units are designed as two-story structures that do not require additional specialized fire fighting apparatus to be purchased by the Fire Department. None of the Fire Departments who received a copy of the DEIS provided written or verbal comments to DEIS with regard to this project.

3.4.5 Sewage Treatment

C3.4.5.1.1 Comment:

Existing line does not have a lot of capacity? Sewer needs a full hydraulic study? needs to be TV'd is there a potential for massive sewage backup into even homes on Hialeah (Casey 6-14) Really no sewer is available, line is small, grade... reroute to a different location. (Cioffi 6-14) Any testing of the pipe to see if it is in good condition (Ambuhl 5-15)

Response:

On April 3, 2007, the City of Troy Mayor Harry Tutunjian signed an agreement for the extension of the City of Troy Water and Sewer Lines to J.P.J. Partnership, the developers of the Brunswick Meadows PDD permission to tie into the existing lines. A copy of the agreement is located in Appendix F.

C3.4.5.1.2 Comment:

Existing record of law suits (Mr. Casey 6-14), Discharging this into Hialeah Drive system is opening up to more lawsuits (Mr. Casey 6-14-07)

Response:
City of Troy signed an Agreement for the Extension from the City of Troy Water and Sewer Lines. See response to comment c3.4.5.1.1.

C3.4.5.1.3 Comment:

City of Troy approved the hookup… is there anyone from water or engineering department, gotten no answers… Who in the City of Troy (only says the Department of Public Utilities)? (Mr. Ambuhl 5-15-07)

Response:
A copy of the correspondence from the City of Troy regarding the sewer is included in Appendix F.

C3.4.5.1.4 Comment:

Conflict of interest (Ambuhl 5-15, 7-10)

Response:
The project engineer, Mr. Murley, is a licensed professional engineer in the State of New York (license number 053341) and is working under the rules and regulations of the State Education Department.

C3.4.5.1.5 Comment:

Will developer accept responsibility? (Mr. Ambuhl 7-10)

Response:
Comment noted.

3.5 Socioeconomic Conditions

3.5.1 Housing

C3.5.1.1.1 Comment:

Do people of Brunswick need this density in this location?

Response:
The Comprehensive Plan calls for multi-family housing where the infrastructure can support. The multi-family housing is requested in the comprehensive plan to "fulfill a critical need which now exists" (p.51). A comment was received from Ms Linda Young (Page 39, May 15, 2007) during the public hearing speaking favorably about the project and expressing the desire to reside at the project. "This is perfect. It was like a godsend I thought"

3.6 Cultural Resources

3.6.1 Historic and Archeological Resources

C3.6.1.1.1 Comment:

New York State Office of Parks, Recreation and Historic Preservation request regarding a the *Precontact Site (A08302.000229)* (letter dated 12-13-06), see Appendix D.

Response:
In response to the New York State Office of Parks, Recreation and Historic Preservation request regarding the *Precontact Site (A08302.000229)* (letter dated 12-13-06) an avoidance plan has been submitted to the SHPO which reserves an area as no-build and restricts the area by deed. Supporting documentation is found in Appendix D.

3.6.2 Noise

C3.6.2.1.1 Comment:

I'll have to listen (to this) the rest of my life probably (Mr. Valley 5-15)

Response:
Section 4.4.3 of the DEIS addresses noise at the proposed project. As addressed in the DEIS sounds affecting adjacent properties following construction are anticipated to be within the range of currently occurring noise levels at the current site. Mitigation efforts are outline in the DEIS that pertain to the construction period of the project and would include establishing a work schedule (limited hours of operation) and the following Best Management Practices:

- Use of mufflers on engines and machinery
- Use of strobe lights in place of back up beepers (meet OSHA requirements)
- Phasing operations to minimize the duration of the impact
- Erecting sound screens near the reception points
- Ensuring equipment maintenance

3.6.3 Community Character

C3.6.3.1.1 Comment:

The character changes at the Town line to 1 and 2 acre lots (Tyson, 6-14), this would change that character (Mr. Cioffi 6-14, Mr. Tyson 6-14), by not fitting into the community. (Mr. Moran 6-14) Changing the country setting (Mr. Demers 6-14)

Response:
As addressed in Section 4.2.2 Land Use Zoning and Compliance with the Comprehensive Plan of the DEIS many attributes of the proposed Brunswick

Meadows project are identified in the Comprehensive Plan. Including *extending sewer, potable water and natural gas to areas not currently served... encouraging development tools including Planned Development Districts ... include homes clustered to minimize development / purchase costs, have public water and sewer facilities.*

The area north and west of the project site are developed at a similar density as evident in the Figure 10 of the DEIS.

C3.6.3.1.2 Comment:

The project is too large (Mr. Cioffi 6-14)

Response:

The developer has proposed buildings that are 2 story, 4 unit buildings that occupy a foot print similar to that of a single family home in the nearby area. Garages are attached to the dwelling rather than isolated to banks of garages that offer less of a residential style. It would be less expensive for the developer and or builder to construct three story tall or eight unit buildings. The developer, JPJ Partnership, does not wish to depart from the current housing style existing in the surrounding neighborhoods.

3.6.4 Property Values

C3.6.4.1.1 Comment:

Personal financial impact (Moran 6-14)

Response:

Studies by the US General Accounting Office, UC Berkeley's Institute for Urban and Regional Development and the Woodrow Wilson School of Public and International Affairs have shown that well maintained compact housing does not lower the value of nearby homes.

C3.6.4.1.2 Comment:

Put me out of my house (Demers 6-14)

Response:

Comment noted.

C3.6.4.1.3 Comment:

Costs accumulate (Cioffi 6-14)

Response:

A tax revenue analysis has been prepared for the project and is included in Appendix L – Tax Data of the DEIS.

3.6.5 Cumulative Impacts

C3.6.5.1.1 Comment:

Will developers be required to set up a reserve fund, post bond, insurance policy, potential damage to your property (Mr. Ambuhl 7-10)

Response:
The developer does not intend to establish a reserve fund for the project.

C3.6.5.1.2 Comment:

Submitted like there is no cost associated with it (Tyson 6-14)

Response:
The project site development cost will be borne by the developer and or builder. The Town of Brunswick will not fund any portion of the infrastructure improvements. The proposed road will be privately owned and maintained therefore the Town of Brunswick forces will not be providing snow removal, maintenance or cleaning services on the road.

The Town of Brunswick will take over the maintenance of the water and sanitary sewer system once it is constructed. Taxes are applied following development for the proposed district that serves to offset costs associated with the system.

C3.6.5.1.3 Comment:

What are the safe guards? What protects the neighbors? (Tyson 6-14)
What will it do to the people who are already there? (Tyson 6-14)

Response:
The project will be reviewed and approved by the authorities having jurisdiction (AHJ). The plans will be developed in accordance with all applicable laws and regulations that pertain to this type of development project.

C3.6.5.1.4 Comment:

How much profit is too much? (Tyson 6-14)

Response:
The potential size of the developer's profit is dictated by many forces. The project has been on the drawing boards since 2005 and at this point the developer is only spending money. They are paying for all the design, engineering, studies, review by Town appointed engineers and attorneys, and taxes. If the project is approved there will be additional costs involved with agencies approval fees, construction, and fit up of the project. The return of the investment might not be realized for many years to come.

C3.6.5.1.5 Comment:

Show the benefit (Tkacik 5-15)

Response:

The Comprehensive Plan for the Town of Brunswick has identified the need the multifamily housing, the use of Planned Development Districts to increase clustering and reduce development costs and the projected change in demographics from large to smaller households. The Brunswick Meadows PDD addresses all those requests. It also provides a development to the Town of Brunswick that once constructed will, with the exception of utilities be operated and maintained by the owners.